

House Bill 2705

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for American Federation of State, County and Municipal Employees)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies crime of assaulting a public safety officer and aggravated harassment to include conduct committed against persons authorized to issue citations for violations of parking laws.

A BILL FOR AN ACT

1
2 Relating to crime; creating new provisions; and amending ORS 163.208 and 166.070.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 163.208 is amended to read:

5 163.208. (1) A person commits the crime of assaulting a public safety officer if the person in-
6 tentiously or knowingly causes physical injury to the other person, knowing the other person to
7 be a peace officer, corrections officer, youth correction officer, parole and probation officer, animal
8 control officer, **parking enforcement officer**, firefighter or staff member, and while the other per-
9 son is acting in the course of official duty.

10 (2) Assaulting a public safety officer is a Class C felony.

11 (3)(a) Except as otherwise provided in paragraph (b) of this subsection, a person convicted under
12 this section shall be sentenced to not less than seven days of imprisonment and shall not be granted
13 bench parole or suspension of sentence nor released on a sentence of probation before serving at
14 least seven days of the sentence of confinement.

15 (b) A person convicted under this section shall be sentenced to not less than 14 days of
16 imprisonment and shall not be granted bench parole or suspension of sentence nor released on a
17 sentence of probation before serving at least 14 days of the sentence of confinement if the victim is
18 a peace officer.

19 (4) As used in this section:

20 (a) "Animal control officer" has the meaning given that term in ORS 609.500;

21 **(b) "Parking enforcement officer" means a person who is authorized to issue citations**
22 **for the violation of state or local laws governing the parking of vehicles; and**

23 *[(b)]* (c) "Staff member" means:

24 (A) A corrections officer as defined in ORS 181.610, a youth correction officer, a Department
25 of Corrections or Oregon Youth Authority staff member or a person employed pursuant to a con-
26 tract with the department or youth authority to work with, or in the vicinity of, inmates or youth
27 offenders; and

28 (B) A volunteer authorized by the department, youth authority or other entity in charge of a
29 corrections facility to work with, or in the vicinity of, inmates or youth offenders.

30 **SECTION 2.** ORS 166.070 is amended to read:

31 166.070. (1) A person commits the crime of aggravated harassment if the person, knowing that

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 the other person is a:

2 (a) Staff member, knowingly propels saliva, blood, urine, semen, feces or other dangerous sub-
3 stance at the staff member while the staff member is acting in the course of official duty or as a
4 result of the staff member's official duties; or

5 (b) Public safety officer, knowingly propels blood, urine, semen or feces at the public safety of-
6 ficer while the public safety officer is acting in the course of official duty or as a result of the public
7 safety officer's official duties.

8 (2) Aggravated harassment is a Class C felony. When a person is convicted of violating sub-
9 section (1)(a) of this section, in addition to any other sentence it may impose, the court shall impose
10 a term of incarceration in a state correctional facility.

11 (3) As used in this section:

12 (a) "Public safety officer" means:

13 (A) An emergency medical technician as defined in ORS 682.025;

14 (B) **A person who is authorized to issue citations for the violation of state or local laws**
15 **governing the parking of vehicles;** or

16 (C) A fire service professional, a parole and probation officer or a police officer as those terms
17 are defined in ORS 181.610.

18 (b) "Staff member" has the meaning given that term in ORS 163.165.

19 **SECTION 3. The amendments to ORS 163.208 and 166.070 by sections 1 and 2 of this 2011**
20 **Act apply to conduct occurring on or after the effective date of this 2011 Act.**

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