

# House Bill 2971

Sponsored by Representative JENSON (Presession filed.)

## 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**.

Elevates crime of strangulation to Class C felony under certain circumstances. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

### A BILL FOR AN ACT

Relating to crime; creating new provisions; and amending ORS 163.187.

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

**SECTION 1.** ORS 163.187 is amended to read:

163.187. (1) A person commits the crime of strangulation if the person knowingly impedes the normal breathing or circulation of the blood of another person by:

- (a) Applying pressure on the throat or neck of the other person; or
- (b) Blocking the nose or mouth of the other person.

(2) Subsection (1) of this section does not apply to legitimate medical or dental procedures or good faith practices of a religious belief.

(3) Strangulation is a Class A misdemeanor.

**(4) Notwithstanding subsection (3) of this section, strangulation is a Class C felony if:**

**(a) The crime is committed in the immediate presence of, or is witnessed by, the person's or the victim's minor child or stepchild or a minor child residing within the household of the person or victim;**

**(b) The person used, attempted to use or threatened to use a dangerous weapon during the commission of the crime;**

**(c) The person caused physical injury to the victim during the commission of the crime;**

**(d) The person has a previous conviction for violating this section or for an equivalent crime in another jurisdiction;**

**(e) The person has a previous conviction for violating ORS 163.160, 163.165, 163.175 or 163.190, or for an equivalent crime in another jurisdiction, and the victim in the previous conviction is the same person who is the victim of the current conviction; or**

**(f) The person has at least three previous convictions, in any combination, for violating ORS 163.160, 163.165, 163.175 or 163.190 or for equivalent crimes in another jurisdiction.**

**(5) For the purposes of subsection (4)(a) of this section, the crime is witnessed if the crime is seen or directly perceived in any other manner by the child.**

**SECTION 2.** The amendments to ORS 163.187 by section 1 of this 2011 Act apply to conduct occurring on or after the effective date of this 2011 Act.

**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.