

House Bill 3211

Sponsored by Representative HUFFMAN; Representatives BARKER, COWAN, HICKS, KRIEGER, LINDSAY, MATTHEWS, OLSON, SPRENGER, WHISNANT

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**.

Adds murder of certified reserve officer and murder of reserve officer to definition of aggravated murder.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to murder of reserve officers; creating new provisions; amending ORS 163.095; and declar-
3 ing an emergency.

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

5 **SECTION 1.** ORS 163.095 is amended to read:

6 163.095. As used in ORS 163.105 and this section, "aggravated murder" means murder as defined
7 in ORS 163.115 [*which is*] committed under, or accompanied by, any of the following circumstances:

8 (1)(a) The defendant committed the murder pursuant to an agreement that the defendant receive
9 money or other thing of value for committing the murder.

10 (b) The defendant solicited another to commit the murder and paid or agreed to pay the person
11 money or other thing of value for committing the murder.

12 (c) The defendant committed murder after having been convicted previously in any jurisdiction
13 of any homicide, the elements of which constitute the crime of murder as defined in ORS 163.115
14 or manslaughter in the first degree as defined in ORS 163.118.

15 (d) There was more than one murder victim in the same criminal episode as defined in ORS
16 131.505.

17 (e) The homicide occurred in the course of or as a result of intentional maiming or torture of
18 the victim.

19 (f) The victim of the intentional homicide was a person under the age of 14 years.

20 (2)(a) The victim was one of the following and the murder was related to the performance of the
21 victim's official duties in the justice system:

22 (A) A police officer as defined in ORS 181.610;

23 (B) A correctional, parole and probation officer or other person charged with the duty of cus-
24 tody, control or supervision of convicted persons;

25 (C) A member of the Oregon State Police;

26 (D) A judicial officer as defined in ORS 1.210;

27 (E) A juror or witness in a criminal proceeding;

28 (F) An employee or officer of a court of justice; [*or*]

29 (G) A member of the State Board of Parole and Post-Prison Supervision[.];

30 **(H) A certified reserve officer as defined in ORS 181.610; or**

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 **(I) A reserve officer as defined in ORS 181.610.**

2 (b) The defendant was confined in a state, county or municipal penal or correctional facility or
3 was otherwise in custody when the murder occurred.

4 (c) The defendant committed murder by means of an explosive as defined in ORS 164.055.

5 (d) Notwithstanding ORS 163.115 (1)(b), the defendant personally and intentionally committed the
6 homicide under the circumstances set forth in ORS 163.115 (1)(b).

7 (e) The murder was committed in an effort to conceal the commission of a crime, or to conceal
8 the identity of the perpetrator of a crime.

9 (f) The murder was committed after the defendant had escaped from a state, county or municipal
10 penal or correctional facility and before the defendant had been returned to the custody of the fa-
11 cility.

12 **SECTION 2. The amendments to ORS 163.095 by section 1 of this 2011 Act apply to of-**
13 **fenses committed on or after the effective date of this 2011 Act.**

14 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**
15 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
16 **on its passage.**

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