

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	10 - 0 - 0
<b>Yeas:</b>	Garrett, Hicks, Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Bill Taylor, Counsel
<b>Meeting Dates:</b>	2/16, 2/20, 2/22

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**WHAT THE MEASURE DOES:** Provides technical fix to statute defining strangulation. Replaces “conviction” with “crime” in statute. Specifies crime of strangulation is Class C felony if person committing crime of strangulation was previously convicted of: (1) assault in the third degree, (2) assault in the second degree, (3) assault in the first degree, or (4) menacing, and victim in previous conviction is same individual as victim of current crime. Sets at \$2,000 the maximum fine for someone charged with a misdemeanor that a district attorney reduces to a violation as the maximum fine association with an A violation.

**ISSUES DISCUSSED:**

- Violations do not carry even the possibility of jail time or other loss of liberty
- Potential impact of the Multnomah County circuit court decision

**EFFECT OF COMMITTEE AMENDMENT:** Sets at \$2,000 the maximum fine for someone charged with a misdemeanor that a district attorney reduces to a violation as the maximum fine association with an A violation.

**BACKGROUND:** Under current Oregon law, a person may be convicted of a Class C felony if the person has previously been convicted of assault in the first, second, or third degree, or menacing, and the victim in the previous conviction is the same person as in the present crime. Senate Bill 1527A provides a technical fix, changing “conviction” to “crime” to better aid prosecution of the crime of strangulation.

A recent Multnomah County circuit decision found that persons charged with a violation were entitled to, among other things, jury trials and appointed counsel. Originally, these persons were charged with a misdemeanor. The Multnomah County District Attorney’s Office decided to reduce the charges to violations. The penalty associated with a misdemeanor conviction includes up to a year in jail and a fine. The penalty for a violation is a fine only. Those charged with a crime are entitled to an attorney at state expense if the person cannot afford to retain an attorney. A person charged with a violation is not entitled to an attorney. Since the charges started out as misdemeanors, the maximum fine that could be imposed was based on the original misdemeanor charge. The fines associated with a misdemeanor conviction can be as high as \$6,250 (A misdemeanor). As a practical matter, no one has ever received a \$6,250 fine for a violation. Nonetheless, the circuit court pointed to the possible \$6,250 fine as one factor in determining that those charged with a “misdemeanor” later reduced to a violation were entitled to jury trials and appointed counsel. This bill states that the maximum fine associated with a charge reduced from a misdemeanor to a violation is that for an A violation, \$2000.