

A-Engrossed
Senate Bill 1527

Ordered by the Senate February 9
Including Senate Amendments dated February 9

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

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.

[Decreases penalty for crime of cheating to maximum of one year's imprisonment, \$6,250 fine, or both.]

Makes technical correction to provision that makes strangulation Class C felony under certain circumstances.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to crime; amending ORS 163.187; and declaring an emergency.

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

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

5 163.187. (1) A person commits the crime of strangulation if the person knowingly impedes the
6 normal breathing or circulation of the blood of another person by:

7 (a) Applying pressure on the throat or neck of the other person; or

8 (b) Blocking the nose or mouth of the other person.

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

11 (3) Strangulation is a Class A misdemeanor.

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

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

16 (b) The victim is under 10 years of age;

17 (c) During the commission of the crime, the person used, attempted to use or threatened to use
18 a dangerous or deadly weapon, as those terms are defined in ORS 161.015, unlawfully against an-
19 other;

20 (d) The person has been previously convicted of violating this section or of committing an
21 equivalent crime in another jurisdiction;

22 (e) The person has been previously convicted of violating ORS 163.160, 163.165, 163.175, 163.185
23 or 163.190 or of committing an equivalent crime in another jurisdiction, and the victim in the pre-
24 vious conviction is the same person who is the victim of the current *[conviction]* **crime**; or

25 (f) The person has at least three previous convictions of any combination of ORS 163.160,

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.

1 163.165, 163.175, 163.185 or 163.190 or of equivalent crimes in other jurisdictions.

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

4 **SECTION 2. This 2012 Act being necessary for the immediate preservation of the public**
5 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
6 **on its passage.**

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