

House Bill 3422

Sponsored by Representatives WEIDNER, BARTON; Representatives BARKER, CAMERON, FREEMAN, GILLIAM, HICKS, MATTHEWS, MCLANE, THOMPSON, WHISNANT, WITT, Senator KNOPP

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**.

Creates crimes of drug-induced homicide and drug-induced assault. Punishes by maximum of 20 years' imprisonment, \$375,000 fine, or both. Establishes mandatory minimum sentences.

A BILL FOR AN ACT

1
2 Relating to drug-induced crime.

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

4 **SECTION 1. (1) A person commits the crime of drug-induced homicide if:**

5 **(a) The person violates ORS 475.752 or 475.806 to 475.894;**

6 **(b) The violation constitutes manufacture or delivery of a controlled substance in**
7 **Schedule I, II or III, as defined in ORS 475.005; and**

8 **(c) The use of the controlled substance causes death to any person.**

9 **(2) Drug-induced homicide is a Class A felony.**

10 **(3) For the purposes of this section, causation is established when the controlled sub-**
11 **stance plays a substantial role in the death of any person.**

12 **(4) When a person is convicted of drug-induced homicide, the court shall impose, and the**
13 **person shall serve, at least the entire term of imprisonment specified in subsection (5) of this**
14 **section. The person is not, during the term of imprisonment, eligible for release on post-**
15 **prison supervision or any form of temporary leave from custody. The person is not eligible**
16 **for any reduction in the minimum sentence under ORS 421.121 or any other statute. The**
17 **court may impose a greater sentence if otherwise permitted by law but may not impose a**
18 **lower sentence than the sentence specified in subsection (5) of this section.**

19 **(5) The presumptive sentence for a person convicted of drug-induced homicide shall be:**

20 **(a) 240 months of incarceration if controlled or counterfeit substance causing death was**
21 **delivered for consideration; or**

22 **(b) 144 months of incarceration if the controlled or counterfeit substance causing death**
23 **was delivered for no consideration.**

24 **SECTION 2. (1) A person commits the crime of drug-induced assault if:**

25 **(a) The person violates ORS 475.752 or 475.806 to 475.894;**

26 **(b) The violation constitutes manufacture or delivery of a controlled substance in**
27 **Schedule I, II or III, as defined in ORS 475.005; and**

28 **(c) The use of the controlled substance causes serious physical injury, as that term is**
29 **defined in ORS 161.015, to any person.**

30 **(2) Drug-induced assault is a Class B felony.**

31 **(3) For the purposes of this section, causation is established when the controlled sub-**

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 **stance plays a substantial role in the serious physical injury of any person.**

2 **(4) When a person is convicted of drug-induced assault, the court shall impose, and the**
3 **person shall serve, at least the entire term of imprisonment specified in subsection (5) of this**
4 **section. The person is not, during the term of imprisonment, eligible for release on post-**
5 **prison supervision or any form of temporary leave from custody. The person is not eligible**
6 **for any reduction in the minimum sentence under ORS 421.121 or any other statute. The**
7 **court may impose a greater sentence if otherwise permitted by law but may not impose a**
8 **lower sentence than the sentence specified in subsection (5) of this section.**

9 **(5) Notwithstanding ORS 161.605, the presumptive sentence for a person convicted of**
10 **drug-induced assault shall be 144 months of incarceration.**

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