

A-Engrossed
House Bill 4036

Ordered by the House February 14
Including House Amendments dated February 14

Sponsored by Representatives BARKER, CLEM; Representatives CAMERON, FAGAN (at the request of Oregon AFSCME Council 75) (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.

Expands crime of assault in the third degree to include, under certain circumstances, causing physical injury to person employed at state mental hospital **or person who is patient of state mental hospital**.

A BILL FOR AN ACT

1
2 Relating to crime; creating new provisions; and amending ORS 163.165.

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

4 **SECTION 1.** ORS 163.165 is amended to read:

5 163.165. (1) A person commits the crime of assault in the third degree if the person:

6 (a) Recklessly causes serious physical injury to another by means of a deadly or dangerous
7 weapon;

8 (b) Recklessly causes serious physical injury to another under circumstances manifesting ex-
9 tremeness of indifference to the value of human life;

10 (c) Recklessly causes physical injury to another by means of a deadly or dangerous weapon un-
11 der circumstances manifesting extreme indifference to the value of human life;

12 (d) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical
13 injury to the operator of a public transit vehicle while the operator is in control of or operating the
14 vehicle. As used in this paragraph, "public transit vehicle" has the meaning given that term in ORS
15 166.116;

16 (e) While being aided by another person actually present, intentionally or knowingly causes
17 physical injury to another;

18 (f) While committed to a youth correction facility, intentionally or knowingly causes physical
19 injury to another knowing the other person is a staff member while the other person is acting in the
20 course of official duty;

21 **(g) Intentionally or knowingly causes physical injury to:**

22 **(A) Another person, knowing that the other person is employed at a state hospital and**
23 **is acting in the course of official duty; or**

24 **(B) Another person within a state hospital, knowing that the other person is a patient**
25 **of a state hospital;**

26 [(g)] **(h) Intentionally, knowingly or recklessly causes physical injury to an emergency medical**
27 **services provider, as defined in ORS 682.025, while the emergency medical services provider is per-**

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 forming official duties;

2 [(h)] (i) Being at least 18 years of age, intentionally or knowingly causes physical injury to a
3 child 10 years of age or younger; or

4 [(i)] (j) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle,
5 physical injury to the operator of a taxi while the operator is in control of the taxi.

6 (2)(a) Assault in the third degree is a Class C felony.

7 (b) Notwithstanding paragraph (a) of this subsection, assault in the third degree under sub-
8 section (1)(a) or (b) of this section is a Class B felony if:

9 (A) The assault resulted from the operation of a motor vehicle; and

10 (B) The defendant was the driver of the motor vehicle and was driving while under the influence
11 of intoxicants.

12 (3) As used in this section:

13 (a) "Staff member" means:

14 (A) A corrections officer as defined in ORS 181.610, a youth correction officer, a youth cor-
15 rection facility staff member, a Department of Corrections or Oregon Youth Authority staff member
16 or a person employed pursuant to a contract with the department or youth authority to work with,
17 or in the vicinity of, inmates, youth or youth offenders; and

18 (B) A volunteer authorized by the department, youth authority or other entity in charge of a
19 corrections facility to work with, or in the vicinity of, inmates, youth or youth offenders.

20 (b) "State hospital" has the meaning given that term in ORS 162.135.

21 [(b)] (c) "Youth correction facility" has the meaning given that term in ORS 162.135.

22 **SECTION 2. The amendments to ORS 163.165 by section 1 of this 2014 Act apply to con-**
23 **duct occurring on or after the effective date of this 2014 Act.**

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