

House Bill 2342

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House 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 **as introduced**.

Increases penalty for crime of strangulation when defendant knows victim is pregnant. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both. Modifies types of previous convictions that elevate crime of strangulation to Class C felony.

A BILL FOR AN ACT

1
2 Relating to crime; amending ORS 163.187.

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 equiv-*
21 *alent crime in another jurisdiction;]*

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

26 *[(f)]* **(e)** The person has at least three previous convictions *[of any combination of]* **for violating**
27 **this section or** ORS 163.160, 163.165, 163.175, 163.185 or 163.190 or *[of equivalent crimes in other*
28 *jurisdictions.]* **for committing an equivalent crime in another jurisdiction, in any combination;**
29 **or**

30 **(f) The person commits the strangulation knowing that the victim is pregnant.**

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