

House Bill 2344

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**.

Expands types of previous convictions that elevate crime of assault in the fourth degree to Class C felony to include other degrees of assault, strangulation and menacing.

A BILL FOR AN ACT

1
2 Relating to crime; amending ORS 163.160.

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

4 **SECTION 1.** ORS 163.160 is amended to read:

5 163.160. (1) A person commits the crime of assault in the fourth degree if the person:

6 (a) Intentionally, knowingly or recklessly causes physical injury to another; or

7 (b) With criminal negligence causes physical injury to another by means of a deadly weapon.

8 (2) Assault in the fourth degree is a Class A misdemeanor.

9 (3) Notwithstanding subsection (2) of this section, assault in the fourth degree is a Class C felony if the person commits the crime of assault in the fourth degree and:

10 [(a) *The person has previously been convicted of assaulting the same victim;*]

11 [(b) *The person has previously been convicted at least three times under this section or under*
12 *equivalent laws of another jurisdiction and all of the assaults involved domestic violence, as defined*
13 *in ORS 135.230;*]

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

17 (b) **The person has been previously convicted of violating this section or ORS 163.165,**
18 **163.175, 163.185, 163.187 or 163.190, or of committing an equivalent crime in another jurisdic-**
19 **tion, and the victim in the previous conviction is the same person who is the victim of the**
20 **current crime;**

21 (c) **The person has at least three previous convictions for violating this section or ORS**
22 **163.165, 163.175, 163.185, 163.187 or 163.190 or for committing an equivalent crime in another**
23 **jurisdiction, in any combination; or**

24 (d) The person commits the assault knowing that the victim is pregnant.

25 (4) For the purposes of subsection (3) of this section, an assault is witnessed if the assault is
26 seen or directly perceived in any other manner by the child.
27
28

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.