

House Bill 3469

Sponsored by Representative WILLIAMSON

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 committed knowing victim was pregnant. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

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

A BILL FOR AN ACT

1
2 Relating to crime; amending ORS 163.160 and 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] **for committing an** equiv-*
28 *alent [crimes in other jurisdictions.] **crime in another jurisdiction, in any combination; or***

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

30 (5) For purposes of subsection (4)(a) of this section, a strangulation is witnessed if the

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 strangulation is seen or directly perceived in any other manner by the child.

2 **SECTION 2.** ORS 163.160 is amended to read:

3 163.160. (1) A person commits the crime of assault in the fourth degree if the person:

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

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

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

7 (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:

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

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

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

15 (b) **The person has been previously convicted of violating this section or ORS 163.165,**
16 **163.175, 163.185, 163.187 or 163.190, or of committing an equivalent crime in another jurisdiction,**
17 **and the victim in the previous conviction is the same person who is the victim of the**
18 **current crime;**

19 (c) **The person has at least three previous convictions for violating this section or ORS**
20 **163.165, 163.175, 163.185, 163.187 or 163.190 or for committing an equivalent crime in another**
21 **jurisdiction, in any combination; or**

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

23 (4) For [*the*] purposes of subsection (3) of this section, an assault is witnessed if the assault is
24 seen or directly perceived in any other manner by the child.
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