

SENATE AMENDMENTS TO SENATE BILL 3

By COMMITTEE ON JUDICIARY

April 27

1 Delete lines 6 through 16 of the printed bill and insert:

2 **“SECTION 2. (1) A person commits the crime of endangering a person protected by a**
3 **Family Abuse Prevention Act restraining order if the person:**

4 **“(a) Has been served with the order as provided in ORS 107.718, unless service was waived**
5 **under ORS 107.720 because the person appeared before the court;**

6 **“(b) Intentionally engages in conduct prohibited by the order against a person protected**
7 **by the order while the order is in effect; and**

8 **“(c)(A) At the time of the prohibited conduct, has previously been found by a court to**
9 **be in violation of the order for engaging in conduct prohibited by the order against the same**
10 **person protected by the order; or**

11 **“(B) By engaging in the prohibited conduct, recklessly creates a substantial risk of seri-**
12 **ous physical injury to the person protected by the order or intentionally attempts to place**
13 **the person protected by the order in fear of imminent physical injury.**

14 **“(2)(a) Except as provided in paragraph (b) of this subsection, endangering a person pro-**
15 **TECTED BY A FAMILY ABUSE PREVENTION ACT RESTRAINING ORDER AS DESCRIBED IN SUBSECTION**
16 **(1)(c)(A) OF THIS SECTION IS A CLASS A MISDEMEANOR.**

17 **“(b) Endangering a person protected by a Family Abuse Prevention Act restraining order**
18 **as described in subsection (1)(c)(A) of this section is a Class C felony if the person has a**
19 **previous conviction under this section.**

20 **“(c) Endangering a person protected by a Family Abuse Prevention Act restraining order**
21 **as described in subsection (1)(c)(B) of this section is a Class C felony.**

22 **“(3) The Oregon Criminal Justice Commission shall classify the crime of endangering a**
23 **person protected by a Family Abuse Prevention Act restraining order as a person Class A**
24 **misdemeanor or a person felony, as applicable, under the rules of the commission.**

25 **“(4) As used in this section, ‘previous conviction’ means a conviction that was entered**
26 **prior to imposing sentence on the current crime provided that the prior conviction is based**
27 **on a crime committed in a separate criminal episode.”.**

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