

Senate Bill 407

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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 assaulting law enforcement animal when person causes death of animal. Punishes by maximum of 10 years' imprisonment, \$250,000 fine, or both. Directs Oregon Criminal Justice Commission to classify crime as crime category 8 on sentencing guidelines grid. Prohibits convicted person from receiving probation or reduction in sentence.

A BILL FOR AN ACT

1
2 Relating to assaulting a law enforcement animal; creating new provisions; and amending ORS
3 167.339 and 421.121.

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

5 **SECTION 1.** ORS 167.339 is amended to read:

6 167.339. (1) A person commits the crime of assaulting a law enforcement animal if:

7 (a) The person knowingly causes serious physical injury to [*or the death of*] a law enforcement
8 animal, knowing that the animal is a law enforcement animal[; *and*]

9 [*(b)*], **and** the injury [*or death*] occurs while the law enforcement animal is being used in the
10 lawful discharge of the animal's duties[.]; **or**

11 **(b) The person knowingly causes the death of a law enforcement animal, knowing that**
12 **the animal is a law enforcement animal, and the death occurs while the law enforcement**
13 **animal is being used in the lawful discharge of the animal's duties.**

14 (2)(a) Assaulting a law enforcement animal **as described in subsection (1)(a) of this section**
15 is a Class C felony.

16 **(b) Assaulting a law enforcement animal as described in subsection (1)(b) of this section**
17 **is a Class B felony, and the Oregon Criminal Justice Commission shall classify the offense**
18 **as crime category 8 of the sentencing guidelines grid of the commission. A person convicted**
19 **of assaulting a law enforcement animal as described in subsection (1)(b) of this section shall**
20 **not be eligible for probation or any reduction in the term of incarceration pursuant to ORS**
21 **421.121.**

22 **SECTION 2.** ORS 421.121 is amended to read:

23 421.121. (1) Except as provided [*in ORS 137.635*] **by law**, each inmate sentenced to the custody
24 of the Department of Corrections for felonies committed on or after November 1, 1989, is eligible for
25 a reduction in the term of incarceration for:

26 (a) Appropriate institutional behavior, as defined by rule of the Department of Corrections; and

27 (b)(A) Participation in the adult basic skills development program described in ORS 421.084; or

28 (B) Obtaining a high school diploma, a General Educational Development (GED) certificate, a
29 certificate or degree from a post-secondary education institution as defined in ORS 337.511 or a

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 journey level certification from a registered apprenticeship program as defined in ORS 660.010. The
2 reduction described in this subparagraph may not exceed a period of 60 days.

3 (2) The maximum amount of time credits earned for appropriate institutional behavior, for par-
4 ticipation in the adult basic skills development program described in ORS 421.084 or for obtaining
5 a diploma, certificate or degree described in subsection (1)(b)(B) of this section may not exceed 20
6 percent of the total term of incarceration in a Department of Corrections institution.

7 (3) The time credits may not be used to shorten the term of actual prison confinement to less
8 than six months.

9 (4) The department shall adopt rules pursuant to the rulemaking provisions of ORS chapter 183
10 to establish a process for granting, retracting and restoring the time credits earned by the offender
11 as allowed in subsections (1) to (3) of this section.

12 **SECTION 3. The amendments to ORS 167.339 and 421.121 by sections 1 and 2 of this 2015**
13 **Act apply to crimes committed on or after the effective date of this 2015 Act.**

14