

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
SENATE BILL 1556**

1 On page 1 of the printed bill, line 2, after “161.015” insert “, 163.160,  
2 163.165 and 166.165”.

3 In line 30, after “If” insert “the statute defining the offense specifies  
4 that”.

5 On page 2, delete lines 14 and 15 and insert:

6 “(12) ‘Vulnerable victim’ means a dependent person as that term is defined  
7 in ORS 163.205.

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

9 “163.160. (1) A person commits the crime of assault in the fourth degree  
10 if the person:

11 “(a) Intentionally, knowingly or recklessly causes physical injury to an-  
12 other; [or]

13 **“(b) Intentionally or knowingly causes physical injury to a vulner-  
14 able victim; or**

15 “[*(b)*] (c) With criminal negligence causes physical injury to another by  
16 means of a deadly weapon.

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

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

21 “(a) The assault is committed in the immediate presence of, or is wit-

1 nessed by, the person's or the victim's minor child or stepchild or a minor  
2 child residing within the household of the person or victim;

3 “(b) The person has been previously convicted of violating this section  
4 or ORS 163.165, 163.175, 163.185, 163.187 or 163.190, or of committing an  
5 equivalent crime in another jurisdiction, and the victim in the previous  
6 conviction is the same person who is the victim of the current crime;

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

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

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

13 **“SECTION 3.** ORS 163.165 is amended to read:

14 “163.165. (1) A person commits the crime of assault in the third degree if  
15 the person:

16 “(a) Recklessly causes serious physical injury to another by means of a  
17 deadly or dangerous weapon;

18 “(b) Recklessly causes serious physical injury to another under circum-  
19 stances manifesting extreme indifference to the value of human life;

20 “(c) Recklessly causes physical injury to another by means of a deadly  
21 or dangerous weapon under circumstances manifesting extreme indifference  
22 to the value of human life;

23 “(d) Intentionally, knowingly or recklessly causes, by means other than  
24 a motor vehicle, physical injury to the operator of a public transit vehicle  
25 while the operator is in control of or operating the vehicle. As used in this  
26 paragraph, ‘public transit vehicle’ has the meaning given that term in ORS  
27 166.116;

28 “(e) While being aided by another person actually present, intentionally  
29 or knowingly causes physical injury to another;

30 “(f) While committed to a youth correction facility, intentionally or

1 knowingly causes physical injury to another knowing the other person is a  
2 staff member while the other person is acting in the course of official duty;

3 “(g) Intentionally, knowingly or recklessly causes physical injury to an  
4 emergency medical services provider, as defined in ORS 682.025, while the  
5 emergency medical services provider is performing official duties;

6 “(h) Being at least 18 years of age, intentionally or knowingly causes  
7 physical injury to a child 10 years of age or younger; [*or*]

8 “(i) Intentionally, knowingly or recklessly causes, by means other than a  
9 motor vehicle, physical injury to the operator of a taxi while the operator  
10 is in control of the taxi[.]; **or**

11 **“(j) Intentionally or knowingly causes physical injury to a vulner-**  
12 **able victim under circumstances manifesting extreme indifference to**  
13 **the value of human life by means of a deadly or dangerous weapon.**

14 “(2)(a) Assault in the third degree is a Class C felony.

15 “(b) Notwithstanding paragraph (a) of this subsection, assault in the third  
16 degree under subsection (1)(a) or (b) of this section is a Class B felony if:

17 “(A) The assault resulted from the operation of a motor vehicle; and

18 “(B) The defendant was the driver of the motor vehicle and was driving  
19 while under the influence of intoxicants.

20 “(3) As used in this section:

21 “(a) ‘Staff member’ means:

22 “(A) A corrections officer as defined in ORS 181A.355, a youth correction  
23 officer, a youth correction facility staff member, a Department of Corrections  
24 or Oregon Youth Authority staff member or a person employed pursuant to  
25 a contract with the department or youth authority to work with, or in the  
26 vicinity of, inmates, youth or youth offenders; and

27 “(B) A volunteer authorized by the department, youth authority or other  
28 entity in charge of a corrections facility to work with, or in the vicinity of,  
29 inmates, youth or youth offenders.

30 “(b) ‘Youth correction facility’ has the meaning given that term in ORS

1 162.135.

2 **“SECTION 4.** ORS 166.165 is amended to read:

3 “166.165. (1) Two or more persons acting together commit the crime of  
4 intimidation in the first degree, if the persons:

5 “(a)(A) Intentionally, knowingly or recklessly cause physical injury to  
6 another person because of the actors’ perception of that person’s race, color,  
7 religion, sexual orientation, disability or national origin; [*or*]

8 **“(B) Intentionally or knowingly cause physical injury to a vulner-**  
9 **able victim, as those terms are defined in ORS 161.015, because of the**  
10 **actors’ perception of the vulnerable victim’s race, color, religion, sex-**  
11 **ual orientation, disability or national origin; or**

12 “[*B*] (C) With criminal negligence cause physical injury to another  
13 person by means of a deadly weapon because of the actors’ perception of that  
14 person’s race, color, religion, sexual orientation, disability or national origin;

15 “(b) Intentionally, because of the actors’ perception of another person’s  
16 race, color, religion, sexual orientation, disability or national origin, place  
17 another person in fear of imminent serious physical injury; or

18 “(c) Commit such acts as would constitute the crime of intimidation in  
19 the second degree, if undertaken by one person acting alone.

20 “(2) Intimidation in the first degree is a Class C felony.”

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