

SB 493 A STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary

Action Date: 03/28/17

Action: Do pass with amendments and requesting subsequent referral to Ways and Means be rescinded. (Printed A-Eng.)

Vote: 3-2-0-0

Yeas: 3 - Dembrow, Manning Jr, Prozanski

Nays: 2 - Linthicum, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Whitney Perez, Counsel

WHAT THE MEASURE DOES:

Expands crime of assault in the fourth degree to cover criminally negligent conduct that causes serious physical injury to a vulnerable user of public way by means of a motor vehicle.

ISSUES DISCUSSED:

- Applicable mental state
- Intent is for this offense to be a Class A misdemeanor, although certain types of assault in the fourth degree are Class C felonies
- Victim services

EFFECT OF AMENDMENT:

Clarifies that offense is a Class A misdemeanor.

BACKGROUND:

In Oregon, a person commits the crime of assault in the fourth degree when he or she intentionally, knowingly or recklessly causes physical injury to another person or causes physical injury to another person by means of a deadly weapon when the person acts with criminal negligence. Criminal negligence is when a person fails to be aware of a substantial and unjustifiable risk that the result will occur or that the circumstance exists. This risk must be of such a nature and degree that the failure to be aware of it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

Senate Bill 493-A includes within this crime, causing serious physical injury to another person who is a vulnerable user of a public way by means of a motor vehicle while acting with criminal negligence. This offense would be a Class A misdemeanor. SB 493-A defines a vulnerable user of a public way as a pedestrian, highway worker, a person riding an animal, or a person operating a bicycle, scooter, in-line skates, roller skates, farm tractor or implement of husbandry on a public way, crosswalk or shoulder of the highway.