

HB 2988 STAFF MEASURE SUMMARY

Carrier: Rep. Gorsek

House Committee On Judiciary

Action Date: 03/30/17

Action: Do Pass.

Vote: 11-0-0-0

Yeas: 11 - Barker, Gorsek, Greenlick, Lininger, Olson, Post, Sanchez, Sprenger, Stark, Vial, Williamson

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Classifies crime of harassment involving offensive physical contact as Class A misdemeanor and person crime, when committed in presence of minor child or stepchild of, or minor child residing with, defendant or victim.

ISSUES DISCUSSED:

- Uses enhancement factor that exists in other criminal statutes
- Harassment is frequently charged in domestic violence situations
- Long term detrimental effect on children who are exposed to domestic violence
- Potential immigration consequence from conviction for Class A misdemeanor

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under ORS 166.065 (1)(a)(A), the crime of harassment is committed when a person intentionally harasses or annoys another person by subjecting the other person to offensive physical contact. Ordinarily a Class B misdemeanor, punishable by a maximum of six months' imprisonment and a \$2,500 fine, House Bill 2988 elevates the offense to a Class A misdemeanor, punishable by a maximum of one year's imprisonment and a \$6,250 fine, when the crime is committed in the immediate presence of a minor child or stepchild of, or a minor child residing with, the defendant or the victim. Under current law, the crimes of Assault in the Fourth Degree and Strangulation can be elevated from a Class A misdemeanor to a Class C felony under identical circumstances. House Bill 2988 also classifies this elevated form of harassment as a person Class A misdemeanor for purposes of the defendant's criminal history under the felony sentencing guidelines.