

HB 2721 STAFF MEASURE SUMMARY

House Committee On Judiciary

Action Date: 04/06/17

Action: Do pass and be referred to Ways and Means by prior reference

Vote: 9-1-1-0

Yeas: 9 - Barker, Lininger, Olson, Post, Sanchez, Sprenger, Stark, Vial, Williamson

Nays: 1 - Greenlick

Exc: 1 - Gorsek

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Whitney Perez, Counsel

WHAT THE MEASURE DOES:

Expands Assault in Third Degree to include intentionally, knowingly or recklessly causing physical injury to highway worker or flagger who is performing official duties. Creates Task Force on Road Worker Safety (task force). Sunsets task force on December 31, 2018. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Task force component of bill
- Reason to elevate offense to a felony
- Collateral consequences for a felony conviction

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

There are four levels of assault in Oregon: Assault in the Fourth Degree, usually an A misdemeanor; Assault in the Third Degree, usually a C felony; Assault in the Second Degree, a B felony; and Assault in the First Degree, an A felony. Assault in the Fourth Degree is committed when a person intentionally, knowingly or recklessly causes physical injury to another.

There are a variety of acts included in Assault in the Third Degree, such as intentionally, knowingly or recklessly causing physical injury, by means other than a motor vehicle, to the operator of a taxi while the operator is in control of the taxi. House Bill 2721 expands Assault in the Third Degree to include intentionally, knowingly or recklessly causing physical injury to a flagger or highway worker who is performing official duties. It also defines flagger and highway worker.

Finally, HB 2721 creates a seven member Task Force on Road Worker Safety (task force). The task force must study ways to increase the safety of highway workers and flaggers and report to the legislature by September 15, 2018. The task force sunsets on December 31, 2018.