

## HB 2717 A STAFF MEASURE SUMMARY

### House Committee On Judiciary

---

**Action Date:** 04/06/17

**Action:** Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

**Vote:** 8-2-1-0

**Yeas:** 8 - Barker, Lininger, Olson, Post, Sanchez, Sprenger, Vial, Williamson

**Nays:** 2 - Greenlick, Stark

**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 public transit employee while employee is acting within scope of employment. Defines key terms.

#### ISSUES DISCUSSED:

- Possible deterrent effect of increased penalty for this offense
- Need to educate public
- Examples of past assaults of transit employees
- Who should be included within this offense

#### EFFECT OF AMENDMENT:

Clarifies who is considered a public transit employee within this provision.

#### 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, including intentionally, knowingly or recklessly causing physical injury, by means other than a motor vehicle, to a public transit vehicle operator while operating the vehicle. House Bill 2717-A expands Assault in the Third Degree to cover intentionally, knowingly or recklessly causing, by means other than a motor vehicle, physical injury to a public transit employee while the employee is acting within the scope of employment. The public transit employee must work for a public transportation entity, wear a uniform with a visible badge or patch that identifies the employer, and have regular contact with the public.