

SB 493 A STAFF MEASURE SUMMARY

Carrier: Rep. Olson

House Committee On Judiciary

Action Date: 05/18/17

Action: Do Pass the A-Eng bill.

Vote: 8-3-0-0

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

Nays: 3 - Greenlick, Stark, Vial

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:

- What constitutes serious physical injury
- The measure is needed to protect victims
- Criminal negligence definition and applicable conduct

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In Oregon, a person commits the crime of assault in the fourth degree when he or she (1) intentionally, knowingly or recklessly causes physical injury to another person or (2) 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.