

HB 2988 A STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary

Action Date: 05/31/17

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 3-2-0-0

Yeas: 3 - Dembrow, Prozanski, Thatcher

Nays: 2 - Linthicum, Manning Jr

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 against a family or household member and in presence of minor child or stepchild of, or minor child residing with, defendant or victim.

ISSUES DISCUSSED:

- Offensive physical contact vs. physical injury
- Domestic violence
- Criminal history
- Commission "in presence" of minor

EFFECT OF AMENDMENT:

Limits enhancement to situations involving domestic violence.

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-A 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 constitutes domestic violence and is committed in the immediate presence of, or is witnessed by, a minor child or stepchild of, or a minor child residing with, the defendant or the victim. House Bill 2988-A 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.