

**A-Engrossed**  
**House Bill 2721**

Ordered by the House June 20  
Including House Amendments dated June 20

Sponsored by Representatives MCLAIN, GORSEK, Senator THOMSEN, Representative SPRENGER; Representatives BARKER, HOLVEY, POWER, Senators DEMBROW, FREDERICK (Presession filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Increases penalties for assault committed against flagger or highway worker who is performing official duties. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

*[Establishes Task Force on Road Worker Safety to study methods to increase safety of highway workers and flaggers.]*

*[Sunsets task force on December 31, 2018.]*

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to road worker safety; amending ORS 163.165; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 163.165 is amended to read:

5 163.165. (1) A person commits the crime of assault in the third degree if the person:

6 (a) Recklessly causes serious physical injury to another by means of a deadly or dangerous  
7 weapon;

8 (b) Recklessly causes serious physical injury to another under circumstances manifesting ex-  
9 tremeness of indifference to the value of human life;

10 (c) Recklessly causes physical injury to another by means of a deadly or dangerous weapon un-  
11 der circumstances manifesting extreme indifference to the value of human life;

12 (d) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical  
13 injury to the operator of a public transit vehicle while the operator is in control of or operating the  
14 vehicle. As used in this paragraph, "public transit vehicle" has the meaning given that term in ORS  
15 166.116;

16 (e) While being aided by another person actually present, intentionally or knowingly causes  
17 physical injury to another;

18 (f) While committed to a youth correction facility, intentionally or knowingly causes physical  
19 injury to another knowing the other person is a staff member while the other person is acting in the  
20 course of official duty;

21 (g) Intentionally, knowingly or recklessly causes physical injury to an emergency medical ser-  
22 vices provider, as defined in ORS 682.025, while the emergency medical services provider is per-  
23 forming official duties;

24 (h) Being at least 18 years of age, intentionally or knowingly causes physical injury to a child  
25 10 years of age or younger; *[or]*

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (i) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical  
2 injury to the operator of a taxi while the operator is in control of the taxi[.]; or

3 **(j) Intentionally, knowingly or recklessly causes physical injury to a flagger or a highway  
4 worker while the flagger or highway worker is performing official duties.**

5 (2)(a) Assault in the third degree is a Class C felony.

6 (b) Notwithstanding paragraph (a) of this subsection, assault in the third degree under sub-  
7 section (1)(a) or (b) of this section is a Class B felony if:

8 (A) The assault resulted from the operation of a motor vehicle; and

9 (B) The defendant was the driver of the motor vehicle and was driving while under the influence  
10 of intoxicants.

11 (3) As used in this section:

12 **(a) “Flagger” has the meaning given that term in ORS 811.230.**

13 **(b) “Highway worker” has the meaning given that term in ORS 811.230.**

14 [(a)] (c) “Staff member” means:

15 (A) A corrections officer as defined in ORS 181A.355, a youth correction officer, a youth cor-  
16 rection facility staff member, a Department of Corrections or Oregon Youth Authority staff member  
17 or a person employed pursuant to a contract with the department or youth authority to work with,  
18 or in the vicinity of, inmates, youth or youth offenders; and

19 (B) A volunteer authorized by the department, youth authority or other entity in charge of a  
20 corrections facility to work with, or in the vicinity of, inmates, youth or youth offenders.

21 [(b)] (d) “Youth correction facility” has the meaning given that term in ORS 162.135.

22 **SECTION 2. This 2017 Act being necessary for the immediate preservation of the public  
23 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect  
24 on its passage.**