

A-Engrossed
Senate Bill 493

Ordered by the Senate April 28
Including Senate Amendments dated April 28

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

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.

Creates new manner of committing crime of assault in the fourth degree when person with criminal negligence causes serious physical injury to vulnerable user of public way by means of motor vehicle. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both[, *or in certain circumstances, five years' imprisonment, \$125,000 fine, or both*].

A BILL FOR AN ACT

1
2 Relating to assault; amending ORS 163.160.

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

4 **SECTION 1.** ORS 163.160 is amended to read:

5 163.160. (1) A person commits the crime of assault in the fourth degree if the person:

6 (a) Intentionally, knowingly or recklessly causes physical injury to another; [*or*]

7 (b) With criminal negligence causes physical injury to another by means of a deadly weapon[.];

8 **or**

9 **(c) With criminal negligence causes serious physical injury to another who is a vulner-**
10 **able user of a public way, as defined in ORS 801.608, by means of a motor vehicle.**

11 (2) Assault in the fourth degree is a Class A misdemeanor.

12 (3) Notwithstanding subsection (2) of this section, assault in the fourth degree **under subsection**
13 **(1)(a) or (b) of this section** is a Class C felony if the person commits the crime of assault in the
14 fourth degree and:

15 (a) The assault is committed in the immediate presence of, or is witnessed by, the person's or
16 the victim's minor child or stepchild or a minor child residing within the household of the person
17 or victim;

18 (b) The person has been previously convicted of violating this section or ORS 163.165, 163.175,
19 163.185, 163.187 or 163.190, or of committing an equivalent crime in another jurisdiction, and the
20 victim in the previous conviction is the same person who is the victim of the current crime;

21 (c) The person has at least three previous convictions for violating this section or ORS 163.165,
22 163.175, 163.185, 163.187 or 163.190 or for committing an equivalent crime in another jurisdiction, in
23 any combination; or

24 (d) The person commits the assault knowing that the victim is pregnant.

25 (4) For purposes of subsection (3) of this section, an assault is witnessed if the assault is seen
26 or directly perceived in any other manner by the child.

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.

