

Enrolled Senate Bill 1562

Sponsored by Senator TAYLOR, Representatives STARK, SALINAS, Senators HANSELL, PROZANSKI, Representative PILUSO; Senators BENTZ, BEYER, BOQUIST, BURDICK, COURTNEY, DEBOER, DEMBROW, FREDERICK, GELSER, GIROD, HASS, JOHNSON, KNOPP, LINTHICUM, MANNING JR, MONNES ANDERSON, MONROE, OLSEN, ROBLAN, STEINER HAYWARD, THATCHER, THOMSEN, WAGNER, Representatives ALONSO LEON, BARKER, BARRETO, BONHAM, BUEHLER, BYNUM, FAHEY, GOMBERG, HAYDEN, HELFRICH, HOLVEY, KENY-GUYER, LEWIS, LIVELY, MALSTROM, MARSH, MCKEOWN, MCLAIN, NOSSE, OLSON, PARRISH, POST, POWER, REARDON, SANCHEZ, SMITH DB, SMITH WARNER, SOLLMAN, WHISNANT, WILLIAMSON (Presession filed.)

CHAPTER

AN ACT

Relating to strangulation; creating new provisions; and amending ORS 163.187.

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

SECTION 1. ORS 163.187 is amended to read:

163.187. (1) A person commits the crime of strangulation if the person knowingly impedes the normal breathing or circulation of the blood of another person by:

- (a) Applying pressure on the throat, [or] neck **or chest** of the other person; or
- (b) Blocking the nose or mouth of the other person.

(2) Subsection (1) of this section does not apply to legitimate medical or dental procedures or good faith practices of a religious belief.

(3) Strangulation is a Class A misdemeanor.

(4) Notwithstanding subsection (3) of this section, strangulation is a Class C felony if:

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

(b) The victim is under 10 years of age;

(c) The victim is a family or household member, as defined in ORS 135.230, of the person;

[(c)] **(d)** During the commission of the crime, the person used, attempted to use or threatened to use a dangerous or deadly weapon, as those terms are defined in ORS 161.015, unlawfully against another;

[(d)] **(e)** The person has been previously convicted of violating this section or ORS 163.160, 163.165, 163.175, 163.185 or 163.190, or of committing an equivalent crime in another jurisdiction, and the victim in the previous conviction is the same person who is the victim of the current crime;

[(e)] **(f)** The person has at least three previous convictions for violating this section or ORS 163.160, 163.165, 163.175, 163.185 or 163.190 or for committing an equivalent crime in another jurisdiction, in any combination; or

[(f)] **(g)** The person commits the strangulation knowing that the victim is pregnant.

(5) For purposes of subsection (4)(a) of this section, a strangulation is witnessed if the strangulation is seen or directly perceived in any other manner by the child.

(6) The Oregon Criminal Justice Commission shall classify strangulation committed under the circumstances described in subsection (4)(c) of this section as crime category 5 of the sentencing guidelines grid of the commission.

SECTION 2. The amendments to ORS 163.187 by section 1 of this 2018 Act apply to offenses committed on or after the effective date of this 2018 Act.

Passed by Senate February 20, 2018

Received by Governor:

Repassed by Senate March 3, 2018

.....M.,....., 2018

Approved:

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Lori L. Brocker, Secretary of Senate

.....M.,....., 2018

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Peter Courtney, President of Senate

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Kate Brown, Governor

Passed by House March 2, 2018

Filed in Office of Secretary of State:

.....M.,....., 2018

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Tina Kotek, Speaker of House

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Dennis Richardson, Secretary of State