

House Bill 2475

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House 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 **as introduced**.

Expands definition of "physical injury" in Oregon Criminal Code to include certain physical conditions when injured person is 10 years of age or younger or 65 years of age or older.

A BILL FOR AN ACT

1
2 Relating to physical injury; amending ORS 161.015.

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

4 **SECTION 1.** ORS 161.015 is amended to read:

5 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context requires
6 otherwise:

7 (1) "Dangerous weapon" means any weapon, device, instrument, material or substance which
8 under the circumstances in which it is used, attempted to be used or threatened to be used, is
9 readily capable of causing death or serious physical injury.

10 (2) "Deadly weapon" means any instrument, article or substance specifically designed for and
11 presently capable of causing death or serious physical injury.

12 (3) "Deadly physical force" means physical force that under the circumstances in which it is
13 used is readily capable of causing death or serious physical injury.

14 (4) "Peace officer" means:

15 (a) A member of the Oregon State Police;

16 (b) A sheriff, constable, marshal, municipal police officer or reserve officer as defined in ORS
17 133.005, or a police officer commissioned by a university under ORS 352.121 or 353.125;

18 (c) An investigator of the Criminal Justice Division of the Department of Justice or investigator
19 of a district attorney's office;

20 (d) A humane special agent as defined in ORS 181A.345;

21 (e) A regulatory specialist exercising authority described in ORS 471.775 (2);

22 (f) An authorized tribal police officer as defined in ORS 181A.680; and

23 (g) Any other person designated by law as a peace officer.

24 (5) "Person" means a human being and, where appropriate, a public or private corporation, an
25 unincorporated association, a partnership, a government or a governmental instrumentality.

26 (6) "Physical force" includes, but is not limited to, the use of an electrical stun gun, tear gas
27 or mace.

28 (7) "Physical injury" means:

29 (a) Impairment of physical condition; [*or*]

30 (b) Substantial pain; **or**

31 (c) **For a person 10 years of age or younger or 65 years of age or older, a fracture, burn,**

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 **cut, bruise or any other physical condition that would reasonably cause a person substantial**
2 **pain.**

3 (8) "Serious physical injury" means physical injury which creates a substantial risk of death or
4 which causes serious and protracted disfigurement, protracted impairment of health or protracted
5 loss or impairment of the function of any bodily organ.

6 (9) "Possess" means to have physical possession or otherwise to exercise dominion or control
7 over property.

8 (10) "Public place" means a place to which the general public has access and includes, but is
9 not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting
10 rooms or apartments designed for actual residence, and highways, streets, schools, places of
11 amusement, parks, playgrounds and premises used in connection with public passenger transporta-
12 tion.

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