

House Bill 2677

Sponsored by Representative GORSEK (Pre-session 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 **as introduced**.

Modifies manner of committing crime of assault in the third degree against certain public transportation employees. Expands class of persons against whom crime may be committed, from public transportation vehicle operators in control of or operating vehicle, to any employee of certain transportation districts while employee is acting within scope of employment. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

A BILL FOR AN ACT

1
2 Relating to assault in the third degree; creating new provisions; and amending ORS 163.165.

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 treme 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] an employee of a mass transit district established under ORS 267.010 to 267.390 or**
16 **an employee of a transportation district established under ORS 267.510 to 267.650, while the**
17 **employee is acting within the scope of employment;**

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

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

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

26 (h) Being at least 18 years of age, intentionally or knowingly causes physical injury to a child
27 10 years of age or younger;

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

30 (j) Intentionally, knowingly or recklessly causes physical injury to a flagger or a highway

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 worker while the flagger or highway worker is performing official duties.

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

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

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

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

8 (3) As used in this section:

9 (a) "Flagger" has the meaning given that term in ORS 811.230.

10 (b) "Highway worker" has the meaning given that term in ORS 811.230.

11 (c) "Staff member" means:

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

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

18 (d) "Youth correction facility" has the meaning given that term in ORS 162.135.

19 **SECTION 2. The amendments to ORS 163.165 by section 1 of this 2019 Act apply to con-**
20 **duct occurring on or after the effective date of this 2019 Act.**

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