

"Ezra's Law" HB 4122

DDA Katie Suver, Marion County District Attorneys Office On behalf of ODAA

Applies to **ADULTS** convicted of:

- Assault in the First Degree
- Assault in the Second Degree
- Attempted Murder (*First or Second)
- Attempted Aggravated Murder

State must prove at trial that the defendant *intentionally* or *knowingly* caused **PERMANENT INJURY** during the commission of one of the above serious felony crimes

Defines **PERMANENT INJURY** as injury that significantly impairs

- ☐ Cognitive Functioning
- □ Vision or hearing
- ☐ Ability to walk, breathe, eat or move the person's limbs

- Requires sentence of 300 months in prison, similar to *Jessica's Law*
- Jessica's Law was passed in a special session of the Oregon Legislature in 2006. The vote in the House was 54-6 and in the Senate it was 30-0.
- Jessica's Law requires a 25 year mandatory minimum sentence for adults convicted of raping, sodomizing or sexually penetrating a child under 12 years of age.

• Like *Jessica's Law*, this law would protect our state's most vulnerable

Oregon Law – Physical Injury and Serious Physical Injury

- Physical Injury: an injury that causes substantial pain or impairment of physical condition
- •Serious Physical Injury: a physical injury that creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ
- Permanent Injury: currently no definition under Oregon law

The Oregon
Sentencing
Guidelines
Grid

Crime Seriousness	Α	В	С	D	E	F	G	Н	ı	Prob Term	Max Depart	PPS
11	225- 269	196- 224	178- 194	164- 177	149- 163	135- 148	129- 134	122- 128	120- 121			
10	121- 130	116- 120	111- 115	91- 110	81- 90	71- 80	66- 70	61- 65	58- 60	5 Years		
9	66- 72	61- 65	56- 60	51- 55	46- 50	41- 45	39- 40	37- 38	34- 36			3 Years
8	41- 45	35- 40	29- 34	27- 28	25- 26	23- 24	21- 22	19- 20	16- 18			
7	31- 36	25- 30	21- 24	19- 20	16- 18	180 90	180 90	180 90	180 90	3 Years	10 Мас	
6	25- 30	19- 24	15- 18	13- 14	10- 12	180 90	180 90	180 90	180 90		18 Mos.	
5	15- 16	13- 14	11- 12	9-10	6-8	180 90	120 60	120 60	120 60		12 Mos.	2 Years
4	10- 11	8-9	120 60	2 Years	12 IVIOS.							
3	120 60	120 60	120 60	120 60	120 60	120 60	90 30	90 30	90 30			
2	90 30	1 1/2	6 Mos.	1 Year								
1	90 30	Years										