

House Bill 4126

Sponsored by Representative SPRENGER; Representative BARRETO (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**.

Increases penalties for crime of riot if, during commission of riot, person conceals person's face with intent to facilitate commission of riot. Punishes by maximum of 10 years' imprisonment, \$250,000 fine, or both.

Requires court to consider defendant having partially or fully concealed defendant's face during commission of crime, with intent to avoid arrest or facilitate commission of crime, as aggravation.

A BILL FOR AN ACT

1
2 Relating to the concealment of a person's face during criminal activity; amending ORS 137.090 and
3 166.015.

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

5 **SECTION 1.** ORS 166.015 is amended to read:

6 166.015. (1) A person commits the crime of riot if while participating with five or more other
7 persons the person engages in tumultuous and violent conduct and thereby intentionally or
8 recklessly creates a grave risk of causing public alarm.

9 (2)(a) Riot is a Class C felony.

10 **(b) Notwithstanding paragraph (a) of this subsection, riot is a Class B felony if, during**
11 **commission of the crime, the person partially or fully conceals the person's face with the**
12 **intent to facilitate commission of the crime.**

13 **SECTION 2.** ORS 137.090 is amended to read:

14 137.090. (1) In determining aggravation or mitigation, the court shall consider:

15 (a) Any evidence received during the proceeding;

16 (b) The presentence report, where one is available; and

17 (c) Any other evidence relevant to aggravation or mitigation that the court finds trustworthy
18 and reliable.

19 (2) In determining mitigation, the court may consider:

20 (a) Evidence regarding the defendant's status as a servicemember as defined in ORS 135.881.

21 (b) Whether the defendant committed the crime while under duress, compulsion, direction or
22 pressure from another person who has:

23 (A) Committed acts of domestic violence, as defined in ORS 135.230, against the defendant;

24 (B) Committed acts of abuse as a family or household member of the defendant, as those terms
25 are defined in ORS 107.705, against the defendant; or

26 (C) Used force, intimidation, fraud or coercion to cause the defendant to engage, or attempt to
27 engage, in a commercial sex act.

28 **(3) The court shall consider the defendant having partially or fully concealed the**
29 **defendant's face during commission of the crime, with the intent to avoid arrest or facilitate**
30 **the commission of the crime, as aggravation.**

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 [(3)] (4) When a witness is so sick or infirm as to be unable to attend, the deposition of the
2 witness may be taken out of court at such time and place, and upon such notice to the adverse
3 party, and before such person authorized to take depositions, as the court directs.

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