

HB 2339 Ezra's Law (2021)

- Applies to **ADULTS** convicted of:
 - Assault in the First Degree
 - Assault in the Second Degree
 - Attempted Murder (*First or Second)
 - Attempted Aggravated Murder

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- State must prove that the defendant *intentionally* or *knowingly* caused **PERMANENT PHYSICAL INJURY** during the commission of one of the above serious felony crimes
- Does not create a new crime – *allows discretion to enhance sentence*

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- Defines **PERMANENT PHYSICAL INJURY** as
 - Permanent Loss of Vision or Hearing
 - Permanent Loss of Ability to Walk, Breathe, Eat, or Move the Person's Limbs
 - Permanent Impairment of Cognitive Functioning

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- Presumptive sentence of 300 months in prison, similar to ***Jessica's Law***
- Provides sentencing judge discretion to sentence *less than 300 months* based on significant mitigating circumstances
- ***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***, *Ezra's 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

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

- *Tina Jorgensen, Ezra's grandmother* – Ezra suffered permanent impairment of cognitive functioning and permanent loss of the ability to walk, breathe and eat
 - State v. Josue Mendoza-Melo, Jefferson County, 17CR76744
- *Elizabeth Crouch, Roy's grandmother* – Roy suffered permanent impairment of cognitive functioning
 - State v. Robert Pinsky, Marion County, 13C42259
- *Nick Ricks* – paralyzed after being shot 3 times
 - State v. Omar Araim, Crook County, 18CR00426