

Senate Bill 638

Sponsored by Senator HANSELL (Presession 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**.

Establishes mandatory minimum sentence of 48 months' imprisonment for assault committed by correctional facility inmate against corrections officer.

A BILL FOR AN ACT

Relating to assaults committed against corrections officers; amending ORS 163.208 and 421.121.

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

SECTION 1. ORS 163.208 is amended to read:

163.208. (1) A person commits the crime of assaulting a public safety officer if the person intentionally or knowingly causes physical injury to the other person, knowing the other person to be a peace officer, corrections officer, youth correction officer, parole and probation officer, animal control officer, firefighter or staff member, and while the other person is acting in the course of official duty.

(2) Assaulting a public safety officer is a Class C felony.

(3)(a) Except as otherwise provided in [*paragraph (b)*] **paragraphs (b) and (c)** of this subsection, a person convicted under this section shall be sentenced to not less than seven days of imprisonment and shall not be granted bench parole or suspension of sentence nor released on a sentence of probation before serving at least seven days of the sentence of confinement.

(b) A person convicted under this section shall be sentenced to not less than 14 days of imprisonment and shall not be granted bench parole or suspension of sentence nor released on a sentence of probation before serving at least 14 days of the sentence of confinement if the victim is a peace officer.

(c) If, at the time of the offense, the person was an adult in custody at a correctional facility and the victim was a corrections officer as defined in ORS 181A.355, the court shall sentence a person convicted under this section to a mandatory minimum sentence of 48 months of imprisonment. The court may not sentence the person to probation or to a lesser term of imprisonment. The person shall serve the entire sentence imposed by the court and is not, during the term of the sentence, eligible for release on post-prison supervision, any form of temporary leave from custody or any reduction in the term of incarceration in accordance with ORS 421.121 or any other statute.

(4) As used in this section:

(a) "Animal control officer" has the meaning given that term in ORS 609.500; and

(b) "Staff member" means:

(A) A corrections officer as defined in ORS 181A.355, a youth correction officer, a Department of Corrections or Oregon Youth Authority staff member or a person employed pursuant to a con-

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 tract with the department or youth authority to work with, or in the vicinity of, adults in custody
2 or youth offenders; and

3 (B) A volunteer authorized by the department, youth authority or other entity in charge of a
4 corrections facility to work with, or in the vicinity of, adults in custody or youth offenders.

5 **SECTION 2.** ORS 421.121 is amended to read:

6 421.121. (1) Except as provided in ORS 137.635, 137.700, 137.707, 163.105, 163.107, [and] 163.115
7 **and 163.208**, each adult in custody sentenced to the custody of the Department of Corrections for
8 felonies committed on or after November 1, 1989, is eligible for a reduction in the term of
9 incarceration for:

10 (a) Appropriate institutional behavior, as defined by rule of the Department of Corrections; and

11 (b) Participation in the adult basic skills development program described in ORS 421.084.

12 (2) The maximum amount of time credits earned for appropriate institutional behavior or for
13 participation in the adult basic skills development program described in ORS 421.084 may not exceed
14 20 percent of the total term of incarceration in a Department of Corrections institution.

15 (3) The time credits may not be used to shorten the term of actual prison confinement to less
16 than six months.

17 (4) The department shall adopt rules pursuant to the rulemaking provisions of ORS chapter 183
18 to establish a process for granting, retracting and restoring the time credits earned by the offender
19 as allowed in subsections (1) to (3) of this section.

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