

Requested by Representative BONHAM

**PROPOSED AMENDMENTS TO
HOUSE BILL 2002**

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest
2 of the line and delete lines 3 through 7 and insert “and amending ORS
3 161.005.”.

4 Delete lines 9 through 18 and delete pages 2 through 47 and insert:

5 **“SECTION 1. Section 2 of this 2021 Act shall be known and may be
6 cited as Ezra’s Law.**

7 **“SECTION 2. (1)(a) An allegation that a defendant caused perma-
8 nent physical injury to a victim during the commission of a crime
9 described in paragraph (b) of this subsection may be pleaded in the
10 accusatory instrument, and proved at trial as an element in aggra-
11 vation of the crime, as provided in this section. The aggravated nature
12 of the crime may be indicated by adding the words ‘resulting in per-
13 manent physical injury’ to the title of the offense. The unaggravated
14 crime shall be considered a lesser included offense.**

15 **“(b) This section applies to the following crimes committed inten-
16 tionally or knowingly by a person at least 18 years of age:**

17 **“(A) Assault in the first degree;**

18 **“(B) Assault in the second degree;**

19 **“(C) Attempted murder in any degree; or**

20 **“(D) Attempted aggravated murder.**

21 **“(2)(a) Notwithstanding the provisions of ORS 161.605, and except**

1 as otherwise provided in subsection (3) of this section, if a defendant
2 is convicted of a crime described in subsection (1)(b) of this section
3 having as an element that the defendant caused permanent physical
4 injury to the victim during the commission of the crime, the court
5 shall impose as a sentence a term of imprisonment of 300 months.

6 “(b) A defendant sentenced under this subsection is not, during the
7 service of the term of imprisonment, eligible for release on post-prison
8 supervision, work release or any form of temporary leave from cus-
9 tody, or any reduction in the imposed sentence under ORS 421.121 or
10 any other statute.

11 “(3)(a) If, at the time of commission of the offense, the defendant
12 has not previously been sentenced under this section, the court may
13 impose a sentence of less than 300 months of imprisonment if the
14 court expressly finds substantial and compelling circumstances justi-
15 fying the lesser sentence, and sets forth those circumstances on the
16 record at sentencing.

17 “(b) If the court sentences a defendant to a term of less than 300
18 months of imprisonment under this subsection, the court:

19 “(A) May indicate in the judgment that the defendant is eligible for
20 a reduction in a term of imprisonment under ORS 421.121.

21 “(B) May not impose a sentence that is less than a mandatory
22 sentence required by ORS 137.635 or 137.700 or any other statute.

23 “(4) As used in this section, ‘permanent physical injury’ means
24 physical injury that directly results in:

25 “(a) Permanent loss of a person’s vision or hearing;

26 “(b) Permanent loss of a person’s ability to walk, breathe, eat or
27 move the person’s limbs; or

28 “(c) Permanent impairment of a person’s cognitive functioning.

29 “**SECTION 3.** ORS 161.005 is amended to read:

30 “161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175,

1 161.190 to 161.275, 161.290 to 161.373, 161.405 to 161.485, 161.505 to 161.585,
2 161.605, 161.615 to 161.685, 161.705 to 161.737, 162.005, 162.015 to 162.035,
3 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to 162.425,
4 162.465, 163.005, 163.095, 163.107, 163.115, 163.125 to 163.145, 163.149, 163.160
5 to 163.208, 163.196, 163.215 to 163.257, 163.261, 163.263, 163.264, 163.266,
6 163.275, 163.285, 163.305 to 163.467, 163.432, 163.433, 163.472, 163.505 to 163.575,
7 163.665 to 163.693, 163.700, 163.701, 163.715, 164.005, 164.015 to 164.135, 164.138,
8 164.140, 164.205 to 164.270, 164.305 to 164.377, 164.395 to 164.415, 164.805,
9 164.857, 164.886, 165.002 to 165.102, 165.109, 165.118, 165.805, 165.815, 166.005
10 to 166.095, 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027, 167.057, 167.060
11 to 167.100, 167.117, 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340,
12 167.350, 167.810 and 167.820 **and section 2 of this 2021 Act** shall be known
13 and may be cited as Oregon Criminal Code of 1971.”.

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