

**SB 1060 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Gelser Blouin

**Senate Committee On Judiciary**

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**Action Date:** 04/04/23

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 5-0-0-0

**Yeas:** 5 - Gelser Blouin, Linthicum, Manning Jr, Prozanski, Thatcher

**Fiscal:** Has minimal fiscal impact

**Revenue:** Has minimal revenue impact

**Prepared By:** Amie Fender-Sosa, LPRO Analyst

**Meeting Dates:** 3/21, 4/4

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**WHAT THE MEASURE DOES:**

Modifies the evidence that can be considered to substantiate a "physical injury" under the Oregon Criminal Code to include: 1) testimony from alleged injured person; 2) evidence of physical trauma; 3) testimony from a witness indicating that the victim experienced substantial pain or impairment of physical condition; or 4) expert testimony. States that "physical trauma" includes, but is not limited to fractures, cuts, punctures, bruises, burns or other observable effects.

**ISSUES DISCUSSED:**

- People with disabilities are up to 10 times more likely to experience violent crimes, but the offenders are less likely to be convicted
- Victim must verbally articulate physical injury for assault four
- Allows consideration of physical trauma
- Violent physical acts against person with disabilities
- Child abuse definition
- Disparate outcomes: the most vulnerable victims are the least protected under the law

**EFFECT OF AMENDMENT:**

Replaces the measure.

**BACKGROUND:**

"Physical injury" under the criminal code means impairment of physical condition or substantial pain. Under current law it can be a challenge to prosecute cases that involve victims who are unable to speak, who may not be able to verbalize substantial pain. This includes infants, toddlers, those with severe disabilities and elderly people who are nonverbal.

Senate Bill 1060 A modifies the evidence that can be considered to substantiate a "physical injury" under the Oregon Criminal Code, and specifies types of physical injuries that constitute "physical trauma." The measure would apply to conduct occurring on or after the effective date of the measure.