Senate Bill 563

Sponsored by Senator GELSER BLOUIN; Senator STEINER, Representative GRAYBER (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.

Expands crime of assault in the third degree to include causing physical injury to person working in hospital while worker is performing official duties. Specifies when person may not be charged with crime. Punishes by maximum of five years' imprisonment, $125,000 fine, or both.

A BILL FOR AN ACT

Relating to assault of persons working in hospitals; creating new provisions; and amending ORS 163.165.

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

SECTION 1.

ORS 163.165 is amended to read:

163.165. (1) A person commits the crime of assault in the third degree if the person:

(a) Recklessly causes serious physical injury to another by means of a deadly or dangerous weapon;

(b) Recklessly causes serious physical injury to another under circumstances manifesting extreme indifference to the value of human life;

(c) Recklessly causes physical injury to another by means of a deadly or dangerous weapon under circumstances manifesting extreme indifference to the value of human life;

(d) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical injury to the operator of a public transit vehicle while the operator is in control of or operating the vehicle. As used in this paragraph, “public transit vehicle” has the meaning given that term in ORS 166.116;

(e) While being aided by another person actually present, intentionally or knowingly causes physical injury to another;

(f) While committed to a youth correction facility, intentionally or knowingly causes physical injury to another knowing the other person is a staff member while the other person is acting in the course of official duty;

(g) Intentionally, knowingly or recklessly causes physical injury to an emergency medical services provider, as defined in ORS 682.025, while the emergency medical services provider is performing official duties;

(h) Being at least 18 years of age, intentionally or knowingly causes physical injury to a child 10 years of age or younger;

(i) Intentionally causes physical injury to a person working in a hospital while the worker is performing official duties;

(ii) (j) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical injury to the operator of a taxi while the operator is in control of the taxi; or

(jj) (k) Intentionally, knowingly or recklessly causes physical injury to a flagger or a highway

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.

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worker while the flagger or highway worker is performing official duties.

(2)(a) Assault in the third degree is a Class C felony.

(b) Notwithstanding paragraph (a) of this subsection, assault in the third degree under subsection (1)(a) or (b) of this section is a Class B felony if:

(A) The assault resulted from the operation of a motor vehicle; and

(B) The defendant was the driver of the motor vehicle and was driving while under the influence of intoxicants.

(3) A person may not be charged under subsection (1)(i) of this section if the person, at the time of the alleged offense:

(a)(A) Is seeking or receiving medical or mental health care at the hospital; and

(B) Is experiencing an intellectual disability, developmental disability, delirium, dementia, traumatic brain injury, severe and persistent mental illness or other condition that significantly impairs the person's judgment or behavior;

(b) Is an individual for whom a guardian has been appointed under ORS chapter 125;

(c) Is being evaluated for involuntary commitment;

(d) Is subject to an involuntary commitment order;

(e) Is hospitalized voluntarily pursuant to ORS 426.220; or

(f) Is subject to a commitment order under ORS 161.370.

(4) As used in this section:

(a) “Flagger” has the meaning given that term in ORS 811.230.

(b) “Highway worker” has the meaning given that term in ORS 811.230.

(c) “Hospital” has the meaning given that term in ORS 442.015.

(d) “Staff member” means:

(A) A corrections officer as defined in ORS 181A.355, a youth correction officer, a youth correction facility staff member, a Department of Corrections or Oregon Youth Authority staff member or a person employed pursuant to a contract with the department or youth authority to work with, or in the vicinity of, adults in custody, youths or adjudicated youths; and

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

(e) “Youth correction facility” has the meaning given that term in ORS 162.135.

SECTION 2. The amendments to ORS 163.165 by section 1 of this 2023 Act apply to conduct occurring on or after the effective date of this 2023 Act.