

# Senate Bill 563

Sponsored by Senator GELSER BLOUIN; Senator STEINER, Representative GRAYBER (Pre-session 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

1  
2 Relating to assault of persons working in hospitals; creating new provisions; and amending ORS  
3 163.165.

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

5 **SECTION 1.** ORS 163.165 is amended to read:

6 163.165. (1) A person commits the crime of assault in the third degree if the person:

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

9 (b) Recklessly causes serious physical injury to another under circumstances manifesting ex-  
10 treme indifference to the value of human life;

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

13 (d) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical  
14 injury to the operator of a public transit vehicle while the operator is in control of or operating the  
15 vehicle. As used in this paragraph, "public transit vehicle" has the meaning given that term in ORS  
16 166.116;

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

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

22 (g) Intentionally, knowingly or recklessly causes physical injury to an emergency medical ser-  
23 vices provider, as defined in ORS 682.025, while the emergency medical services provider is per-  
24 forming official duties;

25 (h) Being at least 18 years of age, intentionally or knowingly causes physical injury to a child  
26 10 years of age or younger;

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

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

31 *[(j)]* **(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.

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

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

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

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

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

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

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

11 **(B) Is experiencing an intellectual disability, developmental disability, delirium, dementia,**  
12 **traumatic brain injury, severe and persistent mental illness or other condition that signif-**  
13 **icantly impairs the person’s judgment or behavior;**

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

15 **(c) Is being evaluated for involuntary commitment;**

16 **(d) Is subject to an involuntary commitment order;**

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

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

19 [(3)] (4) As used in this section:

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

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

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

23 [(c)] (d) “Staff member” means:

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

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

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

32 **SECTION 2. The amendments to ORS 163.165 by section 1 of this 2023 Act apply to con-**  
33 **duct occurring on or after the effective date of this 2023 Act.**