

Senate Bill 787

Sponsored by Senator PROZANSKI (at the request of Amalgamated Transit Union Local 757)

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 assault of public transit vehicle operator acting in course of official duty. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

Expands crime of aggravated harassment to include knowing propulsion of bodily fluids at public transit vehicle operator acting in course of official duty. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

A BILL FOR AN ACT

1
2 Relating to public transit vehicle operators; creating new provisions; and amending ORS 163.165 and
3 166.070.

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*] **acting in the course of official duty**. As used in this paragraph, "public transit vehicle"
16 has the meaning given that term in ORS 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, knowingly or recklessly causes, by means other than a motor vehicle, physical
28 injury to the operator of a taxi while the operator is in control of the taxi; or

29 (j) 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) As used in this section:

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

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

11 (c) “Staff member” means:

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

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

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

20 **SECTION 2.** ORS 166.070 is amended to read:

21 166.070. (1) A person commits the crime of aggravated harassment if the person, knowing that
22 the other person is [a]:

23 (a) **A** staff member, knowingly propels saliva, blood, urine, semen, feces or other dangerous
24 substance at the staff member while the staff member is acting in the course of official duty or as
25 a result of the staff member’s official duties;

26 (b) **A** public safety officer, knowingly propels blood, urine, semen or feces at the public safety
27 officer while the public safety officer is acting in the course of official duty or as a result of the
28 public safety officer’s official duties; [or]

29 (c) **A** public safety officer, intentionally propels saliva at the public safety officer, and the saliva
30 comes into physical contact with the public safety officer, while the public safety officer is acting
31 in the course of official duty or as a result of the public safety officer’s official duties[.]; **or**

32 **(d) An operator of a public transit vehicle, knowingly propels saliva, blood, urine, semen,**
33 **feces or other dangerous substance at the operator while the operator is acting in the course**
34 **of official duty.**

35 (2) Aggravated harassment is a Class C felony. When a person is convicted of violating sub-
36 section (1)(a) of this section, in addition to any other sentence it may impose, the court shall impose
37 a term of incarceration in a state correctional facility.

38 (3) As used in this section:

39 (a) “Public safety officer” means an emergency medical services provider as defined in ORS
40 682.025, a regulatory specialist as defined in ORS 471.001 or a fire service professional, a parole and
41 probation officer or a police officer as those terms are defined in ORS 181A.355.

42 **(b) “Public transit vehicle” has the meaning given that term in ORS 166.116.**

43 [(b)] (c) “Staff member” has the meaning given that term in ORS 163.165.

44 **SECTION 3. The amendments to ORS 163.165 and 166.070 by sections 1 and 2 of this 2023**
45 **Act apply to conduct occurring on or after the effective date of this 2023 Act.**

