

HB 2975 A STAFF MEASURE SUMMARY

Carrier: Sen. Gelser Blouin

Senate Committee On Judiciary

Action Date: 05/12/25

Action: Do pass the A-Eng bill.

Vote: 6-0-0-0

Yeas: 6 - Broadman, Gelser Blouin, Manning Jr, McLane, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Gillian Fischer, LPRO Analyst

Meeting Dates: 5/7, 5/12

WHAT THE MEASURE DOES:

The measure amends ORS 132.586 and provides that an admission or a finding that a crime constitutes domestic violence is not an element of the crime for merger purposes. The measure takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

- *State v. Miles* case ruling
- Classifying crimes as constituting Domestic Violence
- Merger of convictions generally

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

When a crime involves domestic violence, the accusatory instrument may plead, and the prosecution may prove at trial, that the crime involved domestic violence as an element of the crime. In a recent decision, the Oregon Court of Appeals found in *State v. Miles*, 330 Or App 1 (2024), that it was reversible error when the lower court failed to merge defendant's convictions for strangulation constituting domestic violence and fourth-degree assault into one conviction because the elements alleged to establish the definition of strangulation constituting domestic violence overlap with those of assault in the fourth degree.

House Bill 2975 A amends ORS 132.586 by clarifying that the state must prove at trial that the crime involved domestic violence but that it is not an element of the crime alleged.