

Senate Bill 617

Sponsored by Senator BONHAM (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that a finding that a crime constitutes DV is not an element of the crime, and changes when a person is GEI. The Act also changes the meaning of a term and enhances a sentence for some crimes involving children. (Flesch Readability Score: 70.9).

Provides that an admission or a finding that a crime constitutes domestic violence is not an element of the crime for merger purposes.

Modifies when a person is guilty except for insanity.

Modifies the meaning of "sexually explicit conduct" for certain crimes involving children.

Directs the Oregon Criminal Justice Commission to classify invasion of personal privacy in the first degree as a crime category 8 on the sentencing guidelines grid when the victim is a minor.

A BILL FOR AN ACT

1
2 Relating to crime; creating new provisions; and amending ORS 132.586, 161.295, 163.160, 163.190 and
3 163.701.

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

5 **SECTION 1.** ORS 132.586 is amended to read:

6 132.586. (1) As used in this section, "domestic violence" has the meaning given that term in ORS
7 135.230.

8 (2) When a crime involves domestic violence, the accusatory instrument may plead, and the
9 prosecution may prove at trial, **that the crime involved** domestic violence [*as an element of the*
10 *crime*]. When a crime is so pleaded, the words "constituting domestic violence" may be added to the
11 title of the crime.

12 **(3) An admission or finding that a crime involved domestic violence is not an additional**
13 **element of the offense for purposes of ORS 161.067 (1).**

14 **SECTION 2.** ORS 163.160 is amended to read:

15 163.160. (1) A person commits the crime of assault in the fourth degree if the person:

16 (a) Intentionally, knowingly or recklessly causes physical injury to another;

17 (b) With criminal negligence causes physical injury to another by means of a deadly weapon;

18 or

19 (c) With criminal negligence causes serious physical injury to another who is a vulnerable user
20 of a public way, as defined in ORS 801.608, by means of a motor vehicle.

21 (2) Assault in the fourth degree is a Class A misdemeanor.

22 (3) Notwithstanding subsection (2) of this section, assault in the fourth degree under subsection
23 (1)(a) or (b) of this section is a Class C felony if the person commits the crime of assault in the
24 fourth degree and:

25 (a) The assault is committed in the immediate presence of, or is witnessed by, the person's or
26 the victim's minor child or stepchild or a minor child residing within the household of the person
27 or victim;

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 (b) The person has been previously convicted of violating this section or ORS 163.165, 163.175,
2 163.185, 163.187 or 163.190, or of committing an equivalent crime in another jurisdiction, and the
3 victim in the previous conviction is the same person who is the victim of the current crime;

4 (c) The person has at least three previous convictions for violating this section or ORS 163.165,
5 163.175, 163.185, 163.187 or 163.190 or for committing an equivalent crime in another jurisdiction, in
6 any combination; or

7 (d) The person commits the assault knowing that the victim is pregnant.

8 (4) If a person is convicted of misdemeanor assault in the fourth degree constituting domestic
9 violence [*as an element of the crime*] as described ORS 132.586, the court shall ensure that the
10 judgment document reflects that the conviction constitutes domestic violence.

11 (5) For purposes of subsection (3) of this section, an assault is witnessed if the assault is seen
12 or directly perceived in any other manner by the child.

13 **SECTION 3.** ORS 163.190 is amended to read:

14 163.190. (1) A person commits the crime of menacing if by word or conduct the person inten-
15 tionally attempts to place another person in fear of imminent serious physical injury.

16 (2) Menacing is a Class A misdemeanor.

17 (3) If a person is convicted of menacing constituting domestic violence [*as an element of the*
18 *crime*] as described ORS 132.586, the court shall ensure that the judgment document reflects that the
19 conviction constitutes domestic violence.

20 **SECTION 4.** ORS 161.295 is amended to read:

21 161.295. (1) A person is guilty except for insanity if, [*as a result of a qualifying mental*
22 *disorder*] at the time of engaging in criminal conduct, the person lacks substantial capacity either
23 to appreciate the criminality of the conduct or to conform the conduct to the requirements of law,
24 **and the incapacity is primarily the result of a qualifying mental disorder.**

25 (2) As used in chapter 743, Oregon Laws 1971, the term “qualifying mental disorder” does not
26 include an abnormality manifested only by repeated criminal or otherwise antisocial conduct, nor
27 does the term include any abnormality constituting solely a personality disorder.

28 **SECTION 5. Section 6 of this 2025 Act is added to and made a part of ORS 163.665 to**
29 **163.693.**

30 **SECTION 6. Notwithstanding ORS 163.665, as used in ORS 163.670, 163.684, 163.686 and**
31 **163.687, “sexually explicit conduct” includes the exhibition or display of the sexual or other**
32 **intimate parts of a child when the child is being observed or recorded for the specific intent**
33 **of arousing the sexual desire of the observer or recorder, regardless of whether the child**
34 **knows that the child is being observed or recorded.**

35 **SECTION 7.** ORS 163.701 is amended to read:

36 163.701. (1) Except as provided in ORS 163.702, a person commits the crime of invasion of per-
37 sonal privacy in the first degree if:

38 (a)(A) The person knowingly makes or records a photograph, motion picture, videotape or other
39 visual recording of another person in a state of nudity without the consent of the other person; and

40 (B) At the time the visual recording is made or recorded the person being recorded is in a place
41 and circumstances where the person has a reasonable expectation of personal privacy; or

42 (b) The person violates ORS 163.700 and, at the time of the offense, has a prior conviction for:

43 (A) Invasion of personal privacy in any degree, public indecency, private indecency or a sex
44 crime as defined in ORS 163A.005; or

45 (B) The statutory counterpart of an offense described in subparagraph (A) of this paragraph in

1 another jurisdiction.

2 (2)(a) Invasion of personal privacy in the first degree is a Class C felony.

3 (b) The Oregon Criminal Justice Commission shall classify invasion of personal privacy in the
4 first degree as:

5 (A) Crime category 6 of the sentencing guidelines grid of the commission.

6 (B) **Crime category 8 of the sentencing guidelines grid of the commission, if the person**
7 **whose privacy is invaded is under 18 years of age.**

8 (3) The court may designate invasion of personal privacy in the first degree as a sex crime under
9 ORS 163A.005 if the court finds that the circumstances of the offense require the defendant to reg-
10 ister and report as a sex offender for the safety of the community.

11 **SECTION 8. Section 6 of this 2025 Act and the amendments to ORS 132.586, 161.295,**
12 **163.160, 163.190 and 163.701 by sections 1 to 4 and 7 of this 2025 Act apply to conduct occur-**
13 **ring on or after the effective date of this 2025 Act.**

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