

Senate Bill 936

Sponsored by Senator HEARD, Representatives SCHOUTEN, SMITH DB; Senators RILEY, STEINER HAYWARD, Representatives CLEM, DOHERTY, EVANS, GORSEK, LEIF, WITT

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 physical injury to health care worker performing official duties. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both, if defendant has certain previous diagnoses.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to assault of health care workers; creating new provisions; amending ORS 163.165; and
3 prescribing an effective date.

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,*] **a health care worker** while the [*emergency medical ser-*
24 *vices provider*] **health care worker** is performing 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 **(c) Notwithstanding paragraph (a) of this subsection, assault in the third degree under**
9 **subsection (1)(g) of this section is a Class A misdemeanor if the defendant, prior to the of-**
10 **fense, had been diagnosed by a psychiatrist or a licensed clinical psychologist with dementia,**
11 **schizophrenia or autism spectrum disorder.**

12 (3) As used in this section:

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

14 **(b) “Health care worker” includes a licensed health care provider as defined in ORS**
15 **433.060 and any other person providing direct or indirect care to patients in a medical facil-**
16 **ity.**

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

18 [(c)] (d) “Staff member” means:

19 (A) A corrections officer as defined in ORS 181A.355, a youth correction officer, a youth cor-
20 rection facility staff member, a Department of Corrections or Oregon Youth Authority staff member
21 or a person employed pursuant to a contract with the department or youth authority to work with,
22 or in the vicinity of, inmates, youth or youth offenders; and

23 (B) A volunteer authorized by the department, youth authority or other entity in charge of a
24 corrections facility to work with, or in the vicinity of, inmates, youth or youth offenders.

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

26 **SECTION 2. The amendments to ORS 163.165 by section 1 of this 2019 Act apply to con-**
27 **duct occurring on or after the effective date of this 2019 Act.**

28 **SECTION 3. This 2019 Act takes effect on the 91st day after the date on which the 2019**
29 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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