

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 170**

1 In line 2 of the printed bill, after “workplace” insert “; amending ORS
2 163.160”.

3 Delete lines 4 through 9 and insert:

4 **“SECTION 1.** ORS 163.160 is amended to read:

5 “163.160. (1) A person commits the crime of assault in the fourth degree
6 if the person:

7 “(a) Intentionally, knowingly or recklessly causes physical injury to an-
8 other;

9 “(b) With criminal negligence causes physical injury to another by means
10 of a deadly weapon; or

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

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

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

18 “(a) The assault is committed in the immediate presence of, or is wit-
19 nessed by, the person’s or the victim’s minor child or stepchild or a minor
20 child residing within the household of the person or victim;

21 “(b) The person has been previously convicted of violating this section

1 or ORS 163.165, 163.175, 163.185, 163.187 or 163.190, or of committing an
2 equivalent crime in another jurisdiction, and the victim in the previous
3 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
5 section or ORS 163.165, 163.175, 163.185, 163.187 or 163.190 or for committing
6 an equivalent crime in another jurisdiction, in any combination; [or]

7 “(d) The person commits the assault knowing that the victim is
8 pregnant[.]; or

9 **“(e)(A) The assault is committed against a victim who is performing
10 official duties as part of the victim’s employment; and**

11 **“(B) The person has two or more previous convictions for violating
12 this section or ORS 163.165, 163.175 or 163.185, or for committing an
13 equivalent crime in another jurisdiction, in any combination, and at
14 least two of the previous assaults were committed against a victim
15 who was performing official duties as part of the victim’s employment.**

16 “(4) If a person is convicted of misdemeanor assault in the fourth degree
17 constituting domestic violence as an element of the crime as described ORS
18 132.586, the court shall ensure that the judgment document reflects that the
19 conviction constitutes domestic violence.

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

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