

Senate Bill 1562

Sponsored by Senator TAYLOR, Representatives STARK, SALINAS, PILUSO; Senators GELSER, KNOPP, STEINER HAYWARD, Representatives BARKER, OLSON (Presession 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**.

Provides that person commits crime of strangulation if person knowingly impedes normal breathing or circulation of another person by applying pressure to chest of other person.

Increases penalty for crime of strangulation when victim is family or household member. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both. Directs Oregon Criminal Justice Commission to classify strangulation as crime category 4 if committed against family or household member.

A BILL FOR AN ACT

1
2 Relating to strangulation; creating new provisions; and amending ORS 163.187.

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

4 **SECTION 1.** ORS 163.187 is amended to read:

5 163.187. (1) A person commits the crime of strangulation if the person knowingly impedes the
6 normal breathing or circulation of the blood of another person by:

7 (a) Applying pressure on the throat, [*or*] neck **or chest** of the other person; or

8 (b) Blocking the nose or mouth of the other person.

9 (2) Subsection (1) of this section does not apply to legitimate medical or dental procedures or
10 good faith practices of a religious belief.

11 (3) Strangulation is a Class A misdemeanor.

12 (4) Notwithstanding subsection (3) of this section, strangulation is a Class C felony if:

13 (a) The crime is committed in the immediate presence of, or is witnessed by, the person's or the
14 victim's minor child or stepchild or a minor child residing within the household of the person or the
15 victim;

16 (b) The victim is under 10 years of age;

17 (c) **The victim is a family or household member, as defined in ORS 135.230, of the person;**

18 [*c*] (d) During the commission of the crime, the person used, attempted to use or threatened
19 to use a dangerous or deadly weapon, as those terms are defined in ORS 161.015, unlawfully against
20 another;

21 [*d*] (e) The person has been previously convicted of violating this section or ORS 163.160,
22 163.165, 163.175, 163.185 or 163.190, or of committing an equivalent crime in another jurisdiction, and
23 the victim in the previous conviction is the same person who is the victim of the current crime;

24 [*e*] (f) The person has at least three previous convictions for violating this section or ORS
25 163.160, 163.165, 163.175, 163.185 or 163.190 or for committing an equivalent crime in another juris-
26 diction, in any combination; or

27 [*f*] (g) The person commits the strangulation knowing that the victim is pregnant.

28 (5) For purposes of subsection (4)(a) of this section, a strangulation is witnessed if the

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 strangulation is seen or directly perceived in any other manner by the child.

2 **(6) The Oregon Criminal Justice Commission shall classify strangulation committed un-**
3 **der the circumstances described in subsection (4)(c) of this section as crime category 4 of**
4 **the sentencing guidelines grid of the commission.**

5 **SECTION 2. The amendments to ORS 163.187 by section 1 of this 2018 Act apply to of-**
6 **fenses committed on or after the effective date of this 2018 Act.**

7
