

## Necessary Commission Action (2015 Legislation)

### Crime Category Classification

Bill #	Crime Title	ORS	Crime Classification	Emergency Clause Effective Date	Notes
SB 3	Endangering Person Protected by FAPA Order	<i>Not codified yet; part of 163.160 to 163.208</i>	C Felony	No; 1/1/16	
SB 188	Unlawful Dissemination of Intimate Image	<i>Not codified yet</i>	C Felony if prior conviction for same offense	Yes; 6/11/15	
SB 377	Computer Crime—Theft of an Intimate Image	164.377(2)(c)	C Felony	Yes; 6/10/15	Adds theft of an intimate image to pre-existing crime of computer crime in ORS 164.377; violation of 164.377(2) already classified as a property crime dependent on value of stolen property CC 2-5.
SB 385	Possession of Firearm or Dangerous Weapon in Public Building or Court Facility	166.370(2)(a)(C)	C Felony	No; 1/1/16	Adds local court facilities where presiding judge has entered order prohibiting firearms; violation of 166.370(1) currently CC 6 [violation of (2) not currently categorized].
SB 919	Disorderly Conduct (first degree)	166.023(2)(b)	C Felony if at least one prior conviction for same offense	No; 1/1/16	Formerly applied only to schools; now expanded to court facilities and public buildings; DisCon I currently CC 4.
SB 941	Unlawful Transfer of a Firearm Without Background Check	<i>Not codified yet</i>	B Felony if prior conviction for same offense	Yes; operative 8/9/15 (90 days after effective date of 5/11/15)	
HB 2356	Invasion of Privacy (first degree)	<i>Not codified yet</i>	C Felony	No; 1/1/16	Commission “shall classify” as CC 6, per HB 2356 § 2 (2)(b).

	HB 2385	Luring a Minor	167.057	C Felony	No; 1/1/16	Adds police officer posing as minor; luring a minor currently CC 6.
		Purchasing Sex with a Minor	163.413(2)(a)	C Felony if no prior conviction for same offense		Adds police officer posing as minor; crime of purchasing sex with a minor not currently categorized.
			163.413(2)(b)	B Felony if one or more prior convictions for same offense		Adds police officer posing as minor; crime of purchasing sex with a minor not currently categorized.
	HB 2693	Sexual Assault of an Animal	167.333	C Felony	No; 1/1/16	Formerly Class A misd.; now elevated to felony.
	HB 3400	Various changes to offenses involving marijuana items and regulatory specialists	To be discussed at meeting	A, B, and C Felonies	Yes; 6/30/15, but some not operative until 1/1/16	
	HB 3468	Coercion	163.275	C Felony	No; 1/1/16	Adds unlawfully causing physical injury to animal; coercion currently CC 7 “If threat of physical injury,” CC 6 if “No threat of physical injury.”
	HB 3469	Felony Strangulation	163.187(1)(e)	C Felony	No; 1/1/16	(1)(e): Adds strangulation to list of offenses that count for “at least three previous convictions” to make strangulation a felony (previously Assault I, II, III, IV & Menacing only); currently violation of ORS 163.187(4) classified as CC 6.

			163.187(1)(f)	C Felony		(1)(f): Makes strangulation “knowing that the victim is pregnant” a felony; currently violation of ORS 163.187(4) classified as CC 6.
		Felony Assault IV	163.160(3)(b)	C Felony		(3)(b): Previously one way misd. Assault IV could become a felony was if the person had been previously convicted of assaulting the same victim; now convictions for strangulation and menacing also count; currently “Domestic Assault—Felony” is CC 6; remove “Domestic”?
			163.160(3)(c)	C Felony		(3)(c): Previously one way misd. Assault IV could become a felony was if the person had three prior convictions for assault with all assaults involving domestic violence; now convictions for strangulation and menacing also count and domestic violence restriction is removed; currently “Domestic Assault—Felony” is CC 6; remove “Domestic”?
<b>Person Felony/Person Misdemeanor Designation</b>						
	SB 3	Endangering Person Protected by FAPA Order	<i>Not codified yet; part of 163.160 to 163.208</i>	C Felony	No; 1/1/16	
	SB 188	Unlawful Dissemination of Intimate Image	<i>Not codified yet</i>	A Misd. C Felony if prior conviction	Yes; 6/11/15	

				for same offense		
	SB 377	Computer Crime—Theft of an Intimate Image	164.377(2)(c)	C Felony	Yes; 6/10/15	Adds theft of an intimate image to pre-existing crime of computer crime in ORS 164.377; violation of 164.377 <u>not</u> currently a person crime and was in property crime categories.
	SB 385	Possession of Firearm or Dangerous Weapon in Public Building or Court Facility	166.370(2)(a)(C)	C Felony	No; 1/1/16	Adds local court facilities where presiding judge has entered order prohibiting firearms; 166.370 not currently person crime.
	SB 525	Unlawful Possession of Firearm or Ammunition by Certain Persons	<i>Not codified yet; part of 166.250 to 166.270</i>	A Misd. (for firearm per ORS 166.250; for ammunition per ORS 161.555)	No; 1/1/16	New prohibition is for persons subject to restraining order with regard to intimate partner or child, or convicted of “qualifying misdemeanor” (defined term) pertaining to family member; other crimes listed in ORS 166.250 are <u>not</u> classified as person misdemeanors.
	SB 919	Disorderly Conduct (first degree)	166.023(2)(a)	A Misd.	No; 1/1/16	Formerly applied only to schools; now expanded to court facilities and public buildings; DisCon I not currently person misd.
166.023(2)(b)			Class C Felony if at least one prior conviction for same offense	Formerly applied only to schools; now expanded to court facilities and public buildings; DisCon I not currently person felony.		
	SB 941	Unlawful Transfer of a Firearm Without Background Check	<i>Not codified yet</i>	Class B Felony if prior conviction for same offense	Yes; operative 8/9/15 (90 days after effective date of 5/11/15)	
Otherwise Class A Misd.						

	Unlawful Possession of a Firearm	166.250(c)(F)	A Misd.	Yes; 5/11/15	Adds person subject to court order for assisted outpatient treatment if specified in order; violation of ORS 166.250 not currently person misdemeanor.
	Unlawful Transfer of A Firearm	166.470(1)(h)	A Misd.	Yes; 5/11/15	Adds transfer to person subject to court order for assisted outpatient treatment if specified in order; violation of ORS 166.470 not currently person misdemeanor.
HB 2356	Invasion of Privacy (second degree)	163.700	A Misd.	No; 1/1/16	ORS 163.700 currently a person misdemeanor; does Commission want to continue that classification now that scope of crime has been changed ?
	Invasion of Privacy (first degree)	<i>Not codified yet</i>	C Felony	No; 1/1/16	First way to commit crime taken from old ORS 163.700 and was a person misdemeanor; second way to commit is new; does Commission want to classify either or both as person felony?
HB 2385	Luring a Minor	167.057	C Felony	No; 1/1/16	Adds police officer posing as minor; luring a minor currently person felony. "SB 673 Purchasing Sex with a Minor" currently person felony.
	Purchasing Sex with a Minor	163.413(2)(a)	C Felony if no prior conviction for same offense		
		163.413(2)(b)	B Felony if one or more prior convictions for same offense		
HB 2693	Encouraging Sexual Abuse of an Animal	<i>Not codified yet; part of 167.310 to 167.351</i>	A Misd.	No; 1/1/16	

		Sexual Assault of an Animal	167.333	C Felony		Formerly a Class A misd.; not currently person misd.; should it be a person felony?
HB 3400		Various changes to offenses involving marijuana items and regulatory specialists	To be discussed at meeting	A, B, and C Felonies; also misds.	Yes; 6/30/15, but some not operative until 1/1/16	
HB 3468		Coercion	163.275	C Felony	No; 1/1/16	Adds unlawfully causing physical injury to animal; "Coercion as defined in Crime Category 7" currently person felony.
HB 3469		Felony Strangulation	163.187(1)(e)	C Felony	No; 1/1/16	(1)(e): Adds strangulation to list of offenses that count for "at least three previous convictions" to make strangulation a felony (previously Assault I, II, III, IV & Menacing only); currently violation of ORS 163.187(4) categorized as person felony.
			163.187(1)(f)	C Felony		(1)(f): Makes strangulation "knowing that the victim is pregnant" a felony; currently violation of ORS 163.187(4) categorized as person felony.

		Felony Assault IV	163.160(3)(b)	C Felony		(3)(b): Previously one way misd. Assault IV could become a felony was if the person had been previously convicted of assaulting the same victim; now convictions for strangulation and menacing also count; currently "ORS 163.160 Felony Domestic Assault" is person felony; should "Domestic" be removed?
			163.160(3)(c)	C Felony		(3)(c): Previously one way misd. Assault IV could become a felony was if the person had three prior convictions for assault with all assaults involving domestic violence; now convictions for strangulation and menacing also count and domestic violence restriction is removed; currently "ORS 163.160 Felony Domestic Assault" is person felony; should "Domestic" be removed?