

D R A F T

SUMMARY

Increases penalty for crime of assaulting law enforcement animal when person causes death of animal. Punishes by maximum of 10 years' imprisonment, \$250,000 fine or both. Directs Oregon Criminal Justice Commission to classify crime as crime category 8 on sentencing guidelines grid. Prohibits convicted person from receiving probation or reduction in sentence.

A BILL FOR AN ACT

1
2 Relating to assaulting a law enforcement animal; creating new provisions;
3 and amending ORS 167.339 and 421.121.

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

5 **SECTION 1.** ORS 167.339 is amended to read:

6 167.339. (1) A person commits the crime of assaulting a law enforcement
7 animal if:

8 (a) The person knowingly causes serious physical injury to [*or the death*
9 *of*] a law enforcement animal, knowing that the animal is a law enforcement
10 animal[; *and*]

11 [*(b)*], **and** the injury [*or death*] occurs while the law enforcement animal
12 is being used in the lawful discharge of the animal's duties[.]; **or**

13 **(b) The person knowingly causes the death of a law enforcement**
14 **animal, knowing that the animal is a law enforcement animal, and the**
15 **death occurs while the law enforcement animal is being used in the**
16 **lawful discharge of the animal's duties.**

17 (2)(a) Assaulting a law enforcement animal **as described in subsection**
18 **(1)(a) of this section** is a Class C felony.

19 **(b) Assaulting a law enforcement animal as described in subsection**

1 **(1)(b) of this section is a Class B felony, and the Oregon Criminal**
2 **Justice Commission shall classify the offense as crime category 8 of**
3 **the sentencing guidelines grid of the commission. A person convicted**
4 **of assaulting a law enforcement animal as described in subsection**
5 **(1)(b) of this section shall not be eligible for probation or any reduction**
6 **in the term of incarceration pursuant to ORS 421.121.**

7 **SECTION 2.** ORS 421.121 is amended to read:

8 421.121. (1) Except as provided [*in ORS 137.635*] **by law**, each inmate
9 sentenced to the custody of the Department of Corrections for felonies com-
10 mitted on or after November 1, 1989, is eligible for a reduction in the term
11 of incarceration for:

12 (a) Appropriate institutional behavior, as defined by rule of the Depart-
13 ment of Corrections; and

14 (b)(A) Participation in the adult basic skills development program de-
15 scribed in ORS 421.084; or

16 (B) Obtaining a high school diploma, a General Educational Development
17 (GED) certificate, a certificate or degree from a post-secondary education
18 institution as defined in ORS 337.511 or a journey level certification from a
19 registered apprenticeship program as defined in ORS 660.010. The reduction
20 described in this subparagraph may not exceed a period of 60 days.

21 (2) The maximum amount of time credits earned for appropriate institu-
22 tional behavior, for participation in the adult basic skills development pro-
23 gram described in ORS 421.084 or for obtaining a diploma, certificate or
24 degree described in subsection (1)(b)(B) of this section may not exceed 20
25 percent of the total term of incarceration in a Department of Corrections
26 institution.

27 (3) The time credits may not be used to shorten the term of actual prison
28 confinement to less than six months.

29 (4) The department shall adopt rules pursuant to the rulemaking pro-
30 visions of ORS chapter 183 to establish a process for granting, retracting and
31 restoring the time credits earned by the offender as allowed in subsections

1 (1) to (3) of this section.

2 **SECTION 3. The amendments to ORS 167.339 and 421.121 by sections**
3 **1 and 2 of this 2015 Act apply to crimes committed on or after the ef-**
4 **fective date of this 2015 Act.**

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