

Chapter 265

Division 10

Discipline Standards for Misconduct

265-010-0010

Assault

**(1)** A disciplining body shall impose upon a law enforcement officer **the** disciplinary action [~~within the following disciplinary range~~] **of termination** upon a finding that the officer engaged in misconduct constituting an act of intentional **or knowing** assault without justification.

~~[(1) The presumptive sanction shall be termination.~~

~~[(2) The mitigated sanction shall be suspension without pay, salary reduction, demotion, or a written reprimand.]~~

**(2)** A disciplining body shall impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the officer engaged in misconduct constituting an act of reckless assault without justification:

**(a)** The presumptive sanction shall be termination.

**(b)** The mitigated sanction shall be demotion, salary reduction, suspension without pay, or a written reprimand.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [~~italic and bracketed~~] is existing law to be omitted. New sections are **boldfaced** type.

Proposed Rule definitions

(10) [~~"Intentional" has the meaning given that term in ORS 161.085.~~] **"Intentionally" or "with intent," when used with respect to misconduct described by a rule ~~a result or to conduct described by a statute defining an offense~~, means that a person acts with a conscious objective to cause the result or to engage in the conduct so described.**

(8) **"Knowingly" or "with knowledge," when used with respect to misconduct or to a circumstance described by a rule ~~statute defining an offense~~, means that a person acts with an awareness that the conduct of the person is of a nature so described or that a circumstance so described exists.**

(9) **"Recklessly," when used with respect to a result or to a circumstance described by a rule ~~statute defining an offense~~, means that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.**

Note: This uses the statutory definitions in ORS 161.085. They will be renumbered when included in the definitions.