

# As to Count 1

Strangulation constituting Domestic Violence, a class C Felony

To meet the requirements of Class C felony, one of these standards must be met

- The crime is committed in the **\*\*immediate presence of, or is witnessed by\*\***, the person's or the victim's **%% %\*\*minor child or stepchild\*\***, or a **\*\*minor child residing in the household\*\*** of either party.
- Victim is under age 10
- Victim is family member or household member as defined in ORS 135.230
- During commission, person used, attempted to use, or threatened to use a dangerous or deadly weapon.
- The person has a **\*\*prior conviction\*\*** for this section or related assault offenses (ORS 163.160, 163.165, 163.175, 163.185, 163.190), and the **\*\*same victim\*\*** is involved.
- The person has **\*\*at least three previous convictions\*\*** for this section or equivalent assault crimes
- The person **\*\*commits the strangulation knowing the victim is pregnant\*\***.

Oregon defines family or household member as:

1. Spouse
2. Former Spouse
3. Adult related by blood or marriage
4. Person cohabitating with each other (living together in a relationship similar to a spousal relationship)
5. Persons who have cohabitated or been in a sexually intimate relationship
6. Unmarried parents of a minor child

How Oregon defines as Cohabitating.

1. Key factors courts consider include:
2. Nature of the relationship\*\*, not just duration
3. Whether the living arrangement resembled a **marriage-like partnership**
4. Shared residence **and** mutual responsibilities\*\*
5. Presentation as a couple\*\* to others

If the arrangement was **non-sexual, lacked shared finances**, and was structured as **temporary help for a friend**, it likely **does not meet** the legal definition of cohabitation under Oregon law—even if you lived together three years ago.

Definitions:

OAR 735-064-0005 [Family Member](#)

OAR 813-205-0005 [Household](#)

ORS 135.230 [Cohabiting](#)

Additional info on adjacent law

ORS 107.700–107.735 [Family Abuse Prevention Act \(FAPA\)](#)