

House Bill 2349

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Governor Theodore R. Kulongoski)

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 for presumptive life sentence without possibility of release or parole for sex crime involving forcible compulsion if defendant has received prior adult sentence for sex crime involving forcible compulsion.

A BILL FOR AN ACT

1
2 Relating to sentences for violent sex offenses; amending ORS 137.719.

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

4 **SECTION 1.** ORS 137.719 is amended to read:

5 137.719. (1) The presumptive sentence for a sex crime that is a felony is life imprisonment
6 without the possibility of release or parole if the defendant has been sentenced for sex crimes that
7 are felonies at least two times prior to the current sentence.

8 **(2) The presumptive sentence for a sex crime that involves forcible compulsion is life**
9 **imprisonment without the possibility of release or parole if the defendant has received an**
10 **adult sentence, including a sentence under ORS 137.707 (4), for any sex crime involving**
11 **forcible compulsion prior to the current sentence. This subsection applies only to the fol-**
12 **lowing offenses:**

13 **(a) Rape in the first degree, as defined in ORS 163.375 (1)(a).**

14 **(b) Sodomy in the first degree, as defined in ORS 163.405 (1)(a).**

15 **(c) Unlawful sexual penetration in the first degree, as defined in ORS 163.411 (1)(a).**

16 **(d) Sexual abuse in the first degree, as defined in ORS 163.427 (1)(a)(B).**

17 **(3) Subsection (2) of this section does not apply to a defendant who was under 18 years**
18 **of age at the time the current offense was committed.**

19 [(2)] (4) The court may impose a sentence other than the presumptive sentence provided by
20 subsection (1) **or (2)** of this section if the court imposes a departure sentence authorized by the rules
21 of the Oregon Criminal Justice Commission based upon findings of substantial and compelling rea-
22 sons.

23 [(3)] (5) For purposes of this section:

24 (a) Sentences for two or more convictions that are imposed in the same sentencing proceeding
25 are considered to be one sentence; and

26 (b) A prior sentence includes:

27 (A) Sentences imposed before, on or after July 31, 2001; and

28 (B) Sentences imposed by any other state or federal court for comparable offenses.

29 [(4)] (6) As used in this section, "sex crime" has the meaning given that term in ORS 181.594.
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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.