

House Bill 2830

Sponsored by COMMITTEE ON JUDICIARY

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**.

Removes presumption that sentences are deemed concurrent unless court expressly provides that sentences are consecutive.

A BILL FOR AN ACT

1
2 Relating to presumptions in sentencing; amending ORS 137.123.

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

4 **SECTION 1.** ORS 137.123 is amended to read:

5 137.123. (1) A sentence imposed by the court may be made concurrent or consecutive to any
6 other sentence which has been previously imposed or is simultaneously imposed upon the same de-
7 fendant. The court may provide for consecutive sentences only in accordance with the provisions
8 of this section. [*A sentence shall be deemed to be a concurrent term unless the judgment expressly*
9 *provides for consecutive sentences.*]

10 (2) If a defendant is simultaneously sentenced for criminal offenses that do not arise from the
11 same continuous and uninterrupted course of conduct, or if the defendant previously was sentenced
12 by any other court within the United States to a sentence which the defendant has not yet com-
13 pleted, the court may impose a sentence concurrent with or consecutive to the other sentence or
14 sentences.

15 (3) When a defendant is sentenced for a crime committed while the defendant was incarcerated
16 after sentencing for the commission of a previous crime, the court shall provide that the sentence
17 for the new crime be consecutive to the sentence for the previous crime.

18 (4) When a defendant has been found guilty of more than one criminal offense arising out of a
19 continuous and uninterrupted course of conduct, the sentences imposed for each resulting conviction
20 shall be concurrent unless the court complies with the procedures set forth in subsection (5) of this
21 section.

22 (5) The court has discretion to impose consecutive terms of imprisonment for separate con-
23 victions arising out of a continuous and uninterrupted course of conduct only if the court finds:

24 (a) That the criminal offense for which a consecutive sentence is contemplated was not merely
25 an incidental violation of a separate statutory provision in the course of the commission of a more
26 serious crime but rather was an indication of defendant's willingness to commit more than one
27 criminal offense; or

28 (b) The criminal offense for which a consecutive sentence is contemplated caused or created a
29 risk of causing greater or qualitatively different loss, injury or harm to the victim or caused or
30 created a risk of causing loss, injury or harm to a different victim than was caused or threatened
31 by the other offense or offenses committed during a continuous and uninterrupted course of conduct.

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.

