

House Bill 3022

Sponsored by Representative KRUMMEL (at the request of Washington County Bicycle Transportation Coalition Chairman Hal Ballard)

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**.

Requires court to sentence person convicted of criminally negligent homicide to entire presumptive sentence if homicide results from operation of motor vehicle.

A BILL FOR AN ACT

1
2 Relating to criminally negligent homicide; amending ORS 163.147.

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

4 **SECTION 1.** ORS 163.147 is amended to read:

5 163.147. (1) The Oregon Criminal Justice Commission shall classify manslaughter in the second
6 degree as described in ORS 163.125 and criminally negligent homicide as described in ORS 163.145
7 as crime category 9 of the sentencing guidelines grid of the commission if:

8 *[(1)]* (a) The manslaughter or criminally negligent homicide resulted from the operation of a
9 motor vehicle; and

10 *[(2)]* (b) The driver of the motor vehicle was driving while under the influence of intoxicants.

11 **(2) If a person is convicted of criminally negligent homicide that results from the opera-**
12 **tion of a motor vehicle:**

13 **(a) The court may not impose a probationary sentence. The court shall impose, and the**
14 **person shall serve, at least the presumptive term of imprisonment provided for in the sen-**
15 **tencing guidelines grid of the commission.**

16 **(b) The person is not, during the term of imprisonment, eligible for release on post-prison**
17 **supervision or any form of temporary leave from custody. The person is not eligible for any**
18 **reduction in the presumptive sentence for any reason.**

19 **(3) The facts required to be found to sentence a defendant under this section are en-**
20 **hancement facts, as defined in section 1, chapter 463, Oregon Laws 2005, and sections 2 to**
21 **7, chapter 463, Oregon Laws 2005, apply to making a determination of the facts.**

22 **SECTION 2.** If sections 1 to 7, chapter 463, Oregon Laws 2005, are repealed on January
23 **2, 2008, section 1 of this 2007 Act (amending ORS 163.147) is repealed and ORS 163.147 is**
24 **amended to read:**

25 163.147. (1) The Oregon Criminal Justice Commission shall classify manslaughter in the second
26 degree as described in ORS 163.125 and criminally negligent homicide as described in ORS 163.145
27 as crime category 9 of the sentencing guidelines grid of the commission if:

28 *[(1)]* (a) The manslaughter or criminally negligent homicide resulted from the operation of a
29 motor vehicle; and

30 *[(2)]* (b) The driver of the motor vehicle was driving while under the influence of intoxicants.

31 **(2) If a person is convicted of criminally negligent homicide that results from the opera-**

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.

1 **tion of a motor vehicle:**

2 **(a) The court may not impose a probationary sentence. The court shall impose, and the**
3 **person shall serve, at least the presumptive term of imprisonment provided for in the sen-**
4 **tencing guidelines grid of the commission.**

5 **(b) The person is not, during the term of imprisonment, eligible for release on post-prison**
6 **supervision or any form of temporary leave from custody. The person is not eligible for any**
7 **reduction in the presumptive sentence for any reason.**

8 **(3) Unless the parties stipulate otherwise, the state has the burden of proving beyond a**
9 **reasonable doubt the facts required to be found to sentence a defendant under this section.**

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