

House Bill 3171

Sponsored by Representative NELSON

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**.

Establishes presumptive life sentence for person convicted of certain sex offenses and found by jury to be sexually violent dangerous offender.

A BILL FOR AN ACT

1
2 Relating to sentencing of sex offenders.

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

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 137.**

5 **SECTION 2. (1) Notwithstanding ORS 161.605, the presumptive sentence shall be life**
6 **imprisonment without the possibility of release or parole when a court sentences a person:**

7 (a) **Convicted of a sex crime listed in ORS 181.594 (4)(a) to (d); and**

8 (b) **Found by the jury to be a sexually violent dangerous offender as that term is defined**
9 **in ORS 137.765 (1).**

10 (2) **The facts required to be found to sentence a defendant under this section are en-**
11 **hancement facts, as defined in section 1, chapter 463, Oregon Laws 2005, and sections 2 to**
12 **7, chapter 463, Oregon Laws 2005, apply to making a determination of the facts.**

13 **SECTION 3. If sections 1 to 7, chapter 463, Oregon Laws 2005, are repealed on January 2, 2008,**
14 **section 2 of this 2007 Act is amended to read:**

15 **Sec. 2.** (1) **Notwithstanding ORS 161.605, the presumptive sentence shall be life imprisonment**
16 **without the possibility of release or parole when a court sentences a person:**

17 (a) **Convicted of a sex crime listed in ORS 181.594 (4)(a) to (d); and**

18 (b) **Found by the jury to be a sexually violent dangerous offender as that term is defined in ORS**
19 **137.765 (1).**

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

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

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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.