

Senate Bill 526

Sponsored by COMMITTEE ON JUDICIARY (at the request of Senator Peter Courtney for Beth Jackson)

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**.

Imposes mandatory minimum term of imprisonment for manufacture and delivery of controlled or counterfeit substances that result in death or serious physical injury.

A BILL FOR AN ACT

1
2 Relating to criminal penalties.

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

4 **SECTION 1. (1) A person who violates ORS 475.840, 475.846 to 475.894, 475.904 or 475.906**
5 **shall be sentenced to a term of imprisonment of 120 months if:**

6 (a) **The violation constitutes manufacture or delivery of a controlled or counterfeit sub-**
7 **stance; and**

8 (b) **The use of the substance results in death or serious physical injury, as that term is**
9 **defined in ORS 161.015.**

10 (2) **A person who is sentenced under subsection (1) of this section shall serve at least the**
11 **entire term of imprisonment specified in subsection (1) of this section. The person is not,**
12 **during the service of the term of imprisonment, eligible for release on post-prison super-**
13 **vision, reduction in the term of incarceration under ORS 421.121 or any form of temporary**
14 **leave from custody under any other statute. The court may impose a greater sentence if**
15 **otherwise permitted by law but may not impose a lower sentence than the sentence specified**
16 **in subsection (1) of this section.**

17 (3) **The state shall plead the resulting death or serious physical injury in the accusatory**
18 **instrument and shall have the burden of proving it beyond a reasonable doubt.**
19

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.