

**A-Engrossed**  
**House Bill 2335**

Ordered by the House May 6  
Including House Amendments dated May 6

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 Oregon District Attorneys' Association)

**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.

*[Prohibits State Board of Parole and Post-Prison Supervision from considering release of certain prisoners on parole less than five years from previous denial of release or postponement of release date. Authorizes reduction of five-year period under certain circumstances.]*

**Prohibits State Board of Parole and Post-Prison Supervision, after board denies petition for change in terms of confinement of prisoner convicted of aggravated murder or murder, from granting prisoner subsequent hearing that is less than two years, or more than 10 years, from date petition is denied. Specifies procedures for granting hearing after period of two years and issuing final order on hearing.**

**Prohibits board from considering release of certain prisoners on parole less than two years, or more than 10 years, from date on which parole is denied. Specifies procedures for granting hearing after period of two years and issuing final order on hearing.**

**A BILL FOR AN ACT**

1  
2 Relating to crime; creating new provisions; and amending ORS 144.125, 144.228, 144.232, 163.105 and  
3 163.115.

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

5 **SECTION 1. (1)(a) If the State Board of Parole and Post-Prison Supervision denies a pe-**  
6 **tion for a change in the terms of confinement filed by a prisoner convicted of aggravated**  
7 **murder or murder, the board may not grant the prisoner a subsequent hearing that is less**  
8 **than two years, or more than 10 years, from the date the petition is denied.**

9 **(b) The board may not grant the prisoner a hearing that is more than two years from**  
10 **the date a petition is denied unless the board finds that it is not reasonable to expect that**  
11 **the prisoner would be granted a change in the terms of confinement before the date of the**  
12 **subsequent hearing.**

13 **(c) The board shall determine the date of the subsequent hearing in accordance with**  
14 **rules adopted by the board. Rules adopted under this paragraph must be based on the foun-**  
15 **dition principles of criminal law described in section 15, Article I of the Oregon Constitution.**

16 **(2) If the board grants the prisoner a hearing that is more than two years from the date**  
17 **a petition is denied, the prisoner may submit a request for an interim hearing not earlier**  
18 **than the date that is two years from the date the petition is denied and at intervals of not**  
19 **less than two years thereafter. If the board finds, based upon a request for an interim**  
20 **hearing, that there is reasonable cause to believe that the prisoner may be granted a change**  
21 **in the terms of confinement, the board shall conduct a hearing as soon as is reasonably**  
22 **convenient.**

**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           **(3) When the board grants a prisoner a hearing that is more than two years from the**  
 2 **date a petition is denied and when the board denies a petition for an interim hearing, the**  
 3 **board shall issue a final order. The order shall be accompanied by findings of fact and con-**  
 4 **clusions of law. The findings of fact shall consist of a concise statement of the underlying**  
 5 **facts supporting the findings as to each contested issue of fact and as to each ultimate fact**  
 6 **required to support the board's order. Unless the prisoner bears the burden of persuasion,**  
 7 **the order shall include findings necessary to deny the prisoner a change in the terms of**  
 8 **confinement for any period of time when the prisoner would be presumed to be eligible for**  
 9 **a change in the terms of confinement.**

10           **SECTION 2. (1)(a) If the State Board of Parole and Post-Prison Supervision denies parole**  
 11 **to a prisoner sentenced for a crime committed prior to November 1, 1989, the board may not**  
 12 **grant the prisoner a subsequent hearing that is less than two years, or more than 10 years,**  
 13 **from the date parole is denied, unless the two-year period would exceed the maximum sen-**  
 14 **tence imposed by the court.**

15           **(b) The board may not grant the prisoner a hearing that is more than two years from**  
 16 **the date parole is denied unless the board finds that it is not reasonable to expect that the**  
 17 **prisoner would be granted parole before the date of the subsequent hearing.**

18           **(c) The board shall determine the date of the subsequent hearing pursuant to rules**  
 19 **adopted by the board. Rules adopted under this paragraph must be based on the foundation**  
 20 **principles of criminal law described in section 15, Article I of the Oregon Constitution.**

21           **(2) If the board grants a prisoner a hearing that is more than two years from the date**  
 22 **parole is denied, the prisoner may submit a request for an interim hearing not earlier than**  
 23 **the date that is two years from the date parole is denied and at intervals of not less than**  
 24 **two years thereafter. If the board finds, based upon a request for an interim hearing, that**  
 25 **there is reasonable cause to believe that the prisoner may be granted parole, the board shall**  
 26 **conduct a hearing as soon as is reasonably convenient.**

27           **(3) When the board grants a prisoner a hearing that is more than two years from the**  
 28 **date parole is denied and when the board denies a petition for an interim hearing, the board**  
 29 **shall issue a final order. The order shall be accompanied by findings of fact and conclusions**  
 30 **of law. The findings of fact shall consist of a concise statement of the underlying facts sup-**  
 31 **porting the findings as to each contested issue of fact and as to each ultimate fact required**  
 32 **to support the board's order. Unless the prisoner bears the burden of persuasion, the order**  
 33 **shall include findings necessary to deny the prisoner parole for any period of time when the**  
 34 **prisoner would be presumed to be eligible for parole.**

35           **SECTION 3. ORS 144.125 is amended to read:**

36           **144.125. (1) Prior to the scheduled release of any prisoner on parole and prior to release re-**  
 37 **scheduled under this section, the State Board of Parole and Post-Prison Supervision may upon re-**  
 38 **quest of the Department of Corrections or on its own initiative interview the prisoner to review the**  
 39 **prisoner's parole plan and psychiatric or psychological report, if any, and the record of the prison-**  
 40 **er's conduct during confinement. To accommodate such review by the board, the Department of**  
 41 **Corrections shall provide to the board any psychiatric or psychological reports held by the depart-**  
 42 **ment regarding the prisoner. However, if the psychiatrist or psychologist who prepared any report**  
 43 **or any treating psychiatrist or psychologist determines that disclosure to the prisoner of the con-**  
 44 **tents of the report would be detrimental to the prisoner's mental or emotional health, the psychia-**  
 45 **trist or psychologist may indorse upon the report a recommendation that it not be disclosed to the**

1 prisoner. The department may withhold from the board any report so indorsed.

2 (2) The board shall postpone a prisoner's scheduled release date if it finds, after a hearing, that  
3 the prisoner engaged in serious misconduct during confinement. The board shall adopt rules defining  
4 serious misconduct and specifying periods of postponement for such misconduct.

5 (3)(a) If the board finds the prisoner has a present severe emotional disturbance such as to  
6 constitute a danger to the health or safety of the community, the board may order the postponement  
7 of the scheduled parole release until a specified future date. **The board may not postpone a pris-  
8 oner's scheduled release date to a date that is less than two years, or more than 10 years,  
9 from the date of the hearing, unless the prisoner would be held beyond the maximum sen-  
10 tence. The board shall determine the scheduled release date, and the prisoner may petition  
11 for interim review, in accordance with section 2 of this 2009 Act.**

12 (b) If the board finds the prisoner has a present severe emotional disturbance such as to con-  
13 stitute a danger to the health or safety of the community, but also finds that the prisoner can be  
14 adequately controlled with supervision and mental health treatment and that the necessary super-  
15 vision and treatment are available, the board may order the prisoner released on parole subject to  
16 conditions that are in the best interests of community safety and the prisoner's welfare.

17 (4) Each prisoner shall furnish the board with a parole plan prior to the scheduled release of  
18 the prisoner on parole. The board shall adopt rules specifying the elements of an adequate parole  
19 plan and may defer release of the prisoner for not more than three months if it finds that the parole  
20 plan is inadequate. The Department of Corrections shall assist prisoners in preparing parole plans.

21 **SECTION 4.** ORS 144.228 is amended to read:

22 144.228. (1)(a) Within six months after commitment to the custody of the Department of Cor-  
23 rections of any person sentenced under ORS 161.725 and 161.735 as a dangerous offender, the State  
24 Board of Parole and Post-Prison Supervision shall set a date for a parole consideration hearing in-  
25 stead of an initial release date as otherwise required under ORS 144.120 and 144.125. The parole  
26 consideration hearing date shall be the time the prisoner would otherwise be eligible for parole  
27 under the board's rules.

28 (b)(A) At the parole consideration hearing, the prisoner shall be given a release date in ac-  
29 cordance with the rules of the board if the board finds the prisoner no longer dangerous or finds  
30 that the prisoner remains dangerous but can be adequately controlled with supervision and mental  
31 health treatment and that the necessary resources for supervision and treatment are available to the  
32 prisoner. If the board is unable to make such findings, *[reviews]* **a review** will be conducted *[at least  
33 once every two years]* **no less than two years, and no more than 10 years, from the date of the  
34 previous review,** until the board is able to make such findings, at which time release on parole  
35 shall be ordered if the prisoner is otherwise eligible under the rules.

36 **(B) The board may not grant the prisoner a review hearing that is more than two years  
37 from the date of the previous hearing unless the board finds that it is not reasonable to ex-  
38 pect that the prisoner would be granted a release date before the date of the subsequent  
39 hearing.**

40 **(C) The board shall determine the date of the review hearing in accordance with rules  
41 adopted by the board. Rules adopted under this subparagraph must be based on the founda-  
42 tion principles of criminal law described in section 15, Article I of the Oregon Constitution.**

43 **(D)** In no event shall the prisoner be held beyond the maximum sentence less good time credits  
44 imposed by the court.

45 (c) Nothing in this section *[shall preclude]* **precludes** a prisoner from submitting a request for

1 a parole consideration hearing prior to the earliest time the prisoner is eligible for parole [*or a*  
 2 *two-year review*]. **If the board grants a prisoner a review hearing that is more than two years**  
 3 **from the date of the previous hearing, the prisoner may submit a request for an interim**  
 4 **review hearing not earlier than the date that is two years from the date of the previous**  
 5 **hearing and at intervals of not less than two years thereafter.** Should the board find, based  
 6 upon [*the*] a request **described in this paragraph**, that there is a reasonable cause to believe that  
 7 the prisoner is no longer dangerous or that necessary supervision and treatment are available based  
 8 upon the information provided in the request, it shall conduct a review as soon as is reasonably  
 9 convenient.

10 **(d) When the board grants a prisoner a review hearing that is more than two years from**  
 11 **the date of the previous hearing and when the board denies a petition for an interim hearing,**  
 12 **the board shall issue a final order. The order shall be accompanied by findings of fact and**  
 13 **conclusions of law. The findings of fact shall consist of a concise statement of the underlying**  
 14 **facts supporting the findings as to each contested issue of fact and as to each ultimate fact**  
 15 **required to support the board's order. Unless the prisoner bears the burden of persuasion,**  
 16 **the order shall include findings necessary to deny the prisoner a release date for any period**  
 17 **of time when the prisoner would be presumed to be eligible for a release date.**

18 (2) For the parole consideration hearing, the board shall cause to be brought before it and  
 19 consider all information regarding such person. The information shall include:

20 (a) The written report of the examining psychiatrist or psychologist which shall contain all the  
 21 facts necessary to assist the State Board of Parole and Post-Prison Supervision in making its de-  
 22 termination. The report of the examining psychiatrist or psychologist shall be made within two  
 23 months of the date of its consideration; and

24 (b) A written report to be made by the executive officer of the Department of Corrections in-  
 25 stitution in which the person has been confined. The executive officer's report shall contain:

26 (A) A detailed account of the person's conduct while confined, all infractions of rules and dis-  
 27 cipline, all punishment meted out to the person and the circumstances connected therewith, as well  
 28 as the extent to which the person has responded to the efforts made in the institution to improve  
 29 the person's mental and moral condition.

30 (B) A statement as to the person's present attitude towards society, towards the sentencing  
 31 judge, towards the prosecuting district attorney, towards the arresting police officer and towards the  
 32 person's previous criminal career.

33 (C) The work and program record of the person while in or under the supervision of the De-  
 34 partment of Corrections. The program history shall include a summary of any psychological or sub-  
 35 stance abuse treatment and other activities that will assist the board in understanding the  
 36 psychological adjustment and social skills and habits of the person and that will assist the board in  
 37 determining the likelihood for successful community reentry.

38 **SECTION 5.** ORS 144.232 is amended to read:

39 144.232. (1) A person sentenced under ORS 161.725 and 161.735 as a dangerous offender for fel-  
 40 onies committed on or after November 1, 1989, shall be considered for release to post-prison super-  
 41 vision. The offender is eligible for release to post-prison supervision after having served the required  
 42 incarceration term established under ORS 161.737.

43 (2) The State Board of Parole and Post-Prison Supervision shall hold a release hearing no later  
 44 than 10 days prior to the date on which the offender becomes eligible for release on post-prison  
 45 supervision as provided in subsection (1) of this section.

1 (3) The dangerous offender's eligibility for and release to post-prison supervision shall be deter-  
2 mined in a manner consistent with the procedures and criteria required by ORS 144.228 for the  
3 parole determination process applicable to dangerous offenders sentenced for crimes committed prior  
4 to November 1, 1989.

5 (4) An offender released under this section shall serve the remainder of the sentence term im-  
6 posed under ORS 161.725, 161.735 and 161.737 on post-prison supervision, however:

7 (a) Notwithstanding ORS 137.010 or the rules of the Oregon Criminal Justice Commission, the  
8 State Board of Parole and Post-Prison Supervision may sanction an offender to the supervision of  
9 the local authority for a maximum period of 180 days for any supervision violation. The sanction  
10 may be imposed repeatedly during the term of post-prison supervision for subsequent supervision  
11 violations.

12 (b) After release under this section, the board may at any time return the offender to prison and  
13 require the offender to submit to a psychiatric or psychological examination as provided for in ORS  
14 144.226. If the board finds that the offender's dangerousness has returned and cannot be adequately  
15 controlled with supervision and mental and physical health treatment, or that resources for super-  
16 vision and treatment are not available to the offender, the board may defer the offender's release  
17 from prison for an indefinite period of time. An offender returned to prison under this paragraph is  
18 entitled to periodic reviews [*once every two years*] for possible release to post-prison supervision as  
19 provided by subsection (3) of this section.

20 **SECTION 6.** ORS 163.105 is amended to read:

21 163.105. Notwithstanding the provisions of ORS chapter 144 and ORS 421.450 to 421.490:

22 (1)(a) Except as otherwise provided in ORS 137.700, when a defendant is convicted of aggravated  
23 murder as defined by ORS 163.095, the defendant shall be sentenced, pursuant to ORS 163.150, to  
24 death, life imprisonment without the possibility of release or parole or life imprisonment.

25 (b) A person sentenced to life imprisonment without the possibility of release or parole under  
26 this section shall not have that sentence suspended, deferred or commuted by any judicial officer,  
27 and the State Board of Parole and Post-Prison Supervision may not parole the prisoner nor reduce  
28 the period of confinement in any manner whatsoever. The Department of Corrections or any execu-  
29 tive official may not permit the prisoner to participate in any sort of release or furlough program.

30 (c) If sentenced to life imprisonment, the court shall order that the defendant shall be confined  
31 for a minimum of 30 years without possibility of parole, release to post-prison supervision, release  
32 on work release or any form of temporary leave or employment at a forest or work camp.

33 (2) At any time after completion of a minimum period of confinement pursuant to subsection  
34 (1)(c) of this section, the State Board of Parole and Post-Prison Supervision, upon the petition of a  
35 prisoner so confined, shall hold a hearing to determine if the prisoner is likely to be rehabilitated  
36 within a reasonable period of time. The sole issue is whether or not the prisoner is likely to be re-  
37 habilitated within a reasonable period of time. At the hearing, the prisoner has:

38 (a) The burden of proving by a preponderance of the evidence the likelihood of rehabilitation  
39 within a reasonable period of time;

40 (b) The right, if the prisoner is without sufficient funds to employ an attorney, to be represented  
41 by legal counsel, appointed by the board, at board expense; and

42 (c) The right to a subpoena upon a showing of the general relevance and reasonable scope of  
43 the evidence sought, provided that any subpoena issued on behalf of the prisoner must be issued by  
44 the State Board of Parole and Post-Prison Supervision pursuant to rules adopted by the board.

45 (3) If, upon hearing all of the evidence, the board, upon a unanimous vote of all of its members,

1 finds that the prisoner is capable of rehabilitation and that the terms of the prisoner's confinement  
2 should be changed to life imprisonment with the possibility of parole, release to post-prison super-  
3 vision or work release, it shall enter an order to that effect and the order shall convert the terms  
4 of the prisoner's confinement to life imprisonment with the possibility of parole, release to post-  
5 prison supervision or work release and may set a release date. Otherwise the board shall deny the  
6 relief sought in the petition.

7 **(4) If the board denies the relief sought in the petition, the board shall determine the date**  
8 **of the subsequent hearing, and the prisoner may petition for an interim hearing, in accord-**  
9 **ance with section 1 of this 2009 Act.**

10 [(4)] (5) The board's final order shall be accompanied by findings of fact and conclusions of law.  
11 The findings of fact shall consist of a concise statement of the underlying facts supporting the  
12 findings as to each contested issue of fact and as to each ultimate fact required to support the  
13 board's order.

14 [(5) *Not less than two years after the denial of the relief sought in a petition under this section, the*  
15 *prisoner may petition again for a change in the terms of confinement. Further petitions for a change*  
16 *may be filed at intervals of not less than two years thereafter.*]

17 **SECTION 7.** ORS 163.115 is amended to read:

18 163.115. (1) Except as provided in ORS 163.118 and 163.125, criminal homicide constitutes mur-  
19 der:

20 (a) When it is committed intentionally, except that it is an affirmative defense that, at the time  
21 of the homicide, the defendant was under the influence of an extreme emotional disturbance;

22 (b) When it is committed by a person, acting either alone or with one or more persons, who  
23 commits or attempts to commit any of the following crimes and in the course of and in furtherance  
24 of the crime the person is committing or attempting to commit, or during the immediate flight  
25 therefrom, the person, or another participant if there be any, causes the death of a person other  
26 than one of the participants:

27 (A) Arson in the first degree as defined in ORS 164.325;

28 (B) Criminal mischief in the first degree by means of an explosive as defined in ORS 164.365;

29 (C) Burglary in the first degree as defined in ORS 164.225;

30 (D) Escape in the first degree as defined in ORS 162.165;

31 (E) Kidnapping in the second degree as defined in ORS 163.225;

32 (F) Kidnapping in the first degree as defined in ORS 163.235;

33 (G) Robbery in the first degree as defined in ORS 164.415;

34 (H) Any felony sexual offense in the first degree defined in this chapter;

35 (I) Compelling prostitution as defined in ORS 167.017; or

36 (J) Assault in the first degree, as defined in ORS 163.185, and the victim is under 14 years of  
37 age, or assault in the second degree, as defined in ORS 163.175 (1)(a) or (b), and the victim is under  
38 14 years of age; or

39 (c) By abuse when a person, recklessly under circumstances manifesting extreme indifference to  
40 the value of human life, causes the death of a child under 14 years of age or a dependent person,  
41 as defined in ORS 163.205, and:

42 (A) The person has previously engaged in a pattern or practice of assault or torture of the vic-  
43 tim or another child under 14 years of age or a dependent person; or

44 (B) The person causes the death by neglect or maltreatment.

45 (2) An accusatory instrument alleging murder by abuse under subsection (1)(c) of this section

1 need not allege specific incidents of assault or torture.

2 (3) It is an affirmative defense to a charge of violating subsection (1)(b) of this section that the  
3 defendant:

4 (a) Was not the only participant in the underlying crime;

5 (b) Did not commit the homicidal act or in any way solicit, request, command, importune, cause  
6 or aid in the commission thereof;

7 (c) Was not armed with a dangerous or deadly weapon;

8 (d) Had no reasonable ground to believe that any other participant was armed with a dangerous  
9 or deadly weapon; and

10 (e) Had no reasonable ground to believe that any other participant intended to engage in con-  
11 duct likely to result in death.

12 (4) It is an affirmative defense to a charge of violating subsection (1)(c)(B) of this section that  
13 the child or dependent person was under care or treatment solely by spiritual means pursuant to the  
14 religious beliefs or practices of the child or person or the parent or guardian of the child or person.

15 (5)(a) A person convicted of murder, who was at least 15 years of age at the time of committing  
16 the murder, shall be punished by imprisonment for life.

17 (b) When a defendant is convicted of murder under this section, the court shall order that the  
18 defendant shall be confined for a minimum of 25 years without possibility of parole, release to  
19 post-prison supervision, release on work release or any form of temporary leave or employment at  
20 a forest or work camp.

21 (c) At any time after completion of a minimum period of confinement pursuant to paragraph (b)  
22 of this subsection, the State Board of Parole and Post-Prison Supervision, upon the petition of a  
23 prisoner so confined, shall hold a hearing to determine if the prisoner is likely to be rehabilitated  
24 within a reasonable period of time. The sole issue is whether or not the prisoner is likely to be re-  
25 habilitated within a reasonable period of time. At the hearing the prisoner has:

26 (A) The burden of proving by a preponderance of the evidence the likelihood of rehabilitation  
27 within a reasonable period of time; and

28 (B) The right, if the prisoner is without sufficient funds to employ an attorney, to be represented  
29 by legal counsel, appointed by the board, at board expense; and

30 (C) The right to a subpoena upon a showing of the general relevance and reasonable scope of  
31 the evidence sought, provided that any subpoena issued on behalf of the prisoner must be issued by  
32 the State Board of Parole and Post-Prison Supervision pursuant to rules adopted by the board.

33 (d) If, upon hearing all of the evidence, the board, upon a unanimous vote of all of its members,  
34 finds that the prisoner is capable of rehabilitation and that the terms of the prisoner's confinement  
35 should be changed to life imprisonment with the possibility of parole, release to post-prison super-  
36 vision or work release, it shall enter an order to that effect and the order shall convert the terms  
37 of the prisoner's confinement to life imprisonment with the possibility of parole, release to post-  
38 prison supervision or work release and may set a release date. Otherwise, the board shall deny the  
39 relief sought in the petition.

40 (e) **If the board denies the relief sought in the petition, the board shall determine the**  
41 **date of the subsequent hearing, and the prisoner may petition for an interim hearing, in ac-**  
42 **cordance with section 1 of this 2009 Act.**

43 [(e)] (f) The board's final order shall be accompanied by findings of fact and conclusions of law.  
44 The findings of fact shall consist of a concise statement of the underlying facts supporting the  
45 findings as to each contested issue of fact and as to each ultimate fact required to support the

1 board's order.

2 *[(f) Not less than two years after the denial of the relief sought in a petition under paragraph (c)*  
3 *of this subsection, the prisoner may petition again for a change in the terms of confinement. Further*  
4 *petitions for a change may be filed at intervals of not less than two years thereafter.]*

5 (6) As used in this section:

6 (a) "Assault" means to intentionally, knowingly or recklessly cause physical injury to another  
7 person. "Assault" does not include the causing of physical injury in a motor vehicle accident that  
8 occurs by reason of the reckless conduct of a defendant.

9 (b) "Neglect or maltreatment" means a violation of ORS 163.535, 163.545 or 163.547 or a failure  
10 to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or  
11 welfare of a child under 14 years of age or a dependent person. This paragraph is not intended to  
12 replace or affect the duty or standard of care required under ORS chapter 677.

13 (c) "Pattern or practice" means one or more previous episodes.

14 (d) "Torture" means to intentionally inflict intense physical pain upon an unwilling victim as a  
15 separate objective apart from any other purpose.

16 **SECTION 8. (1) Section 1 of this 2009 Act applies to prisoners convicted of aggravated**  
17 **murder or murder that was committed before, on or after the effective date of this 2009 Act**  
18 **and whose petition for a change in the terms of confinement is denied on or after the effec-**  
19 **tive date of this 2009 Act.**

20 **(2) Section 2 of this 2009 Act applies to prisoners sentenced for a crime committed prior**  
21 **to November 1, 1989, and who are denied parole on or after the effective date of this 2009**  
22 **Act.**

23 **(3) The amendments to ORS 144.125, 144.228 and 144.232 by sections 3 to 5 of this 2009**  
24 **Act apply to prisoners:**

25 **(a) Whose release date is postponed under ORS 144.125 on or after the effective date of**  
26 **this 2009 Act.**

27 **(b) For whom the State Board of Parole and Post-Prison Supervision is unable to set a**  
28 **release date under ORS 144.228 or 144.232 on or after the effective date of this 2009 Act.**

29