

# House Bill 2843

Sponsored by COMMITTEE ON RULES

## 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**.

Increases personal income tax rate for persons having annual taxable income in excess of \$10,000. Directs Department of Revenue to deposit amounts attributable to increase in fund that is continuously appropriated to Department of Corrections for purposes of Act.

Increases term of imprisonment for persons convicted of specified drug and property crimes under certain circumstances. Prohibits court from imposing less than presumptive sentence for persons convicted of specified drug and property crimes under certain circumstances. Requires Department of Corrections to provide treatment to offenders and to administer grant program to provide supplemental funding to local governments for certain purposes.

Refers Act to people for their approval or rejection at next regular general election.

## A BILL FOR AN ACT

Relating to crime; creating new provisions; amending ORS 137.717, 164.162 and 316.037; appropriating money; providing for revenue raising that requires approval by a three-fifths majority; and providing that this Act shall be referred to the people for their approval or rejection.

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

**SECTION 1.** ORS 316.037 is amended to read:

316.037. (1)(a) A tax is imposed for each taxable year on the entire taxable income of every resident of this state. The amount of the tax shall be determined in accordance with the following table:

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If taxable income is:	The tax is:
Not over \$2,000	5% of taxable income
Over \$2,000 but not over \$5,000	\$100 plus 7% of the excess over \$2,000
Over \$5,000 <b>but not over \$10,000</b>	\$310 plus 9% of the excess over \$5,000
<b>Over \$10,000</b>	<b>\$760 plus __%</b>

**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.

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**of the excess  
over \$10,000**

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(b) For tax years beginning in each calendar year, the Department of Revenue shall adopt a table that shall apply in lieu of the table contained in paragraph (a) of this subsection, as follows:

(A) The minimum and maximum dollar amounts for each rate bracket for which a tax is imposed shall be increased by the cost-of-living adjustment for the calendar year.

(B) The rate applicable to any rate bracket as adjusted under subparagraph (A) of this paragraph shall not be changed.

(C) The amounts setting forth the tax, to the extent necessary to reflect the adjustments in the rate brackets, shall be adjusted.

(c) For purposes of paragraph (b) of this subsection, the cost-of-living adjustment for any calendar year is the percentage (if any) by which the monthly averaged U.S. City Average Consumer Price Index for the 12 consecutive months ending August 31 of the prior calendar year exceeds the monthly averaged index for the second quarter of the calendar year 1992.

(d) As used in this subsection, "U.S. City Average Consumer Price Index" means the U.S. City Average Consumer Price Index for All Urban Consumers (All Items) as published by the Bureau of Labor Statistics of the United States Department of Labor.

(e) If any increase determined under paragraph (b) of this subsection is not a multiple of \$50, the increase shall be rounded to the next lower multiple of \$50.

(2) A tax is imposed for each taxable year upon the entire taxable income of every part-year resident of this state. The amount of the tax shall be computed under subsection (1) of this section as if the part-year resident were a full-year resident and shall be multiplied by the ratio provided under ORS 316.117 to determine the tax on income derived from sources within this state.

(3) A tax is imposed for each taxable year on the taxable income of every full-year nonresident that is derived from sources within this state. The amount of the tax shall be determined in accordance with the table set forth in subsection (1) of this section.

**SECTION 2. The Legislative Assembly finds and declares that:**

**(1) The manufacturing and dealing of methamphetamine, heroin, cocaine and ecstasy are especially damaging to our community.**

**(2) Many Oregonians are addicted to these drugs. Some of these drug-addicted persons present a danger to public safety by committing crimes to feed their addictions.**

**(3) In order to reduce the risk of future criminal activity, these drug-addicted offenders need the opportunity to change their behavior through effective drug treatment.**

**(4) Sections 3 to 6 and 7 of this 2009 Act and the amendments to ORS 137.717 and 164.162 by sections 8 and 9 of this 2009 Act increase the punishment for offenders who commit high-level or repeat drug and property crimes.**

**(5) Section 10 of this 2009 Act increases the availability of treatment for drug-addicted offenders.**

**(6) Section 11 of this 2009 Act requires swift and certain punishment for offenders who refuse or fail to successfully complete treatment as a condition of probation, parole or post-prison supervision.**

**SECTION 3. When a person is convicted of the unlawful delivery or manufacture of a controlled substance, the court shall sentence the person to a term of incarceration ranging**

1 from:

2 (1) 58 months to 130 months, depending on the person's criminal history, if the delivery  
3 or manufacture involves:

4 (a) 500 grams or more of a mixture or substance containing a detectable amount of  
5 cocaine;

6 (b) 500 grams or more of a mixture or substance containing a detectable amount of  
7 methamphetamine, its salts, isomers or salts of its isomers;

8 (c) 100 grams or more of a mixture or substance containing a detectable amount of  
9 heroin; or

10 (d) 100 grams or more or 500 or more pills, tablets or capsules of a mixture or substance  
11 containing a detectable amount of ecstasy.

12 (2) 34 months to 72 months, depending on the person's criminal history, if the delivery  
13 or manufacture involves:

14 (a) 100 grams or more of a mixture or substance containing a detectable amount of  
15 cocaine;

16 (b) 100 grams or more of a mixture or substance containing a detectable amount of  
17 methamphetamine, its salts, isomers or salts of its isomers;

18 (c) 50 grams or more of a mixture or substance containing a detectable amount of heroin;  
19 or

20 (d) 50 grams or more or 250 or more pills, tablets or capsules of a mixture or substance  
21 containing a detectable amount of ecstasy.

22 **SECTION 4.** (1) When a person is convicted of the unlawful delivery of cocaine, meth-  
23 amphetamine, heroin or ecstasy to a person under 18 years of age, the court shall sentence  
24 the person to a term of incarceration ranging from 34 months to 72 months, depending on  
25 the person's criminal history.

26 (2) The sentence described in subsection (1) of this section does not apply to a person  
27 who is less than three years older than the person under 18 years of age to whom the con-  
28 trolled substance was delivered, unless the person has a previous conviction for delivery of  
29 cocaine, methamphetamine, heroin or ecstasy to a person under 18 years of age.

30 **SECTION 5.** When a person is convicted of aggravated theft in the first degree under  
31 ORS 164.057, the court shall sentence the person to a term of incarceration ranging from 16  
32 months to 45 months, depending on the person's criminal history, if:

33 (1) The victim of the theft was 65 years of age or older at the time of the commission  
34 of the offense; and

35 (2) The value of the property stolen from the victim described in subsection (1) of this  
36 section, in a single or aggregate transaction, is \$10,000 or more.

37 **SECTION 6.** As used in sections 3 to 6 of this 2009 Act:

38 (1) "Controlled substance" means:

39 (a) Cocaine;

40 (b) Methamphetamine;

41 (c) Heroin; or

42 (d) Ecstasy.

43 (2) "Ecstasy" means:

44 (a) 3,4-methylenedioxymethamphetamine;

45 (b) 3,4-methylenedioxyamphetamine; or

1 (c) 3,4-methylenedioxy-N-ethylamphetamine.

2 (3) "Mixture or substance" means any mixture or substance, whether or not the mixture  
3 or substance is in an ingestible or marketable form at the time of the offense.

4 **SECTION 7.** (1) When a court sentences a person convicted of a crime listed in sub-  
5 section (2) of this section, the court may not impose a sentence of optional probation or  
6 grant a downward dispositional departure or a downward durational departure under the  
7 rules of the Oregon Criminal Justice Commission if the person has a previous conviction for  
8 any of the crimes listed in subsection (2) of this section.

9 (2) The crimes to which subsection (1) of this section applies are:

10 (a) Manufacture or delivery of a controlled substance, other than marijuana, under ORS  
11 475.840 (1);

12 (b) Creation or delivery of a counterfeit substance, other than marijuana, under ORS  
13 475.840 (2);

14 (c) Manufacture or delivery of heroin under ORS 475.846, 475.848, 475.850 or 475.852;

15 (d) Manufacture or delivery of 3,4-methylenedioxymethamphetamine under ORS 475.866,  
16 475.868, 475.870 or 475.872;

17 (e) Manufacture or delivery of cocaine under ORS 475.876, 475.878, 475.880 or 475.882;

18 (f) Manufacture or delivery of methamphetamine under ORS 475.886, 475.888, 475.890 or  
19 475.892;

20 (g) Manufacture or delivery of a controlled substance within 1,000 feet of a school under  
21 ORS 475.904;

22 (h) Delivery of a controlled substance to a person under 18 years of age under ORS  
23 475.906; and

24 (i) Possession of a precursor substance with intent to manufacture a controlled sub-  
25 stance under ORS 475.967.

26 (3)(a) For a crime committed on or after November 1, 1989, a conviction is considered to  
27 have occurred upon the pronouncement in open court of sentence. However, when sentences  
28 are imposed for two or more convictions arising out of the same conduct or criminal episode,  
29 none of the convictions is considered to have occurred prior to any of the other convictions  
30 arising out of the same conduct or criminal episode.

31 (b) For a crime committed prior to November 1, 1989, a conviction is considered to have  
32 occurred upon the pronouncement in open court of a sentence or upon the pronouncement  
33 in open court of the suspended imposition of a sentence.

34 (4) For purposes of this section, previous convictions must be proven pursuant to ORS  
35 137.079.

36 (5) As used in this section, "previous conviction" means:

37 (a) Convictions occurring before, on or after the effective date of this 2009 Act; and

38 (b) Convictions entered in any other state or federal court for comparable offenses.

39 **SECTION 8.** ORS 137.717, as amended by section 7, chapter 14, Oregon Laws 2008, and section  
40 1, chapter \_\_\_\_\_, Oregon Laws 2009 (Enrolled House Bill 2842), is amended to read:

41 137.717. (1) When a court sentences a person convicted of:

42 (a) Aggravated theft in the first degree under ORS 164.057, burglary in the first degree under  
43 ORS 164.225, robbery in the third degree under ORS 164.395, identity theft under ORS 165.800  
44 or aggravated identity theft under ORS 165.803, the presumptive sentence is [19] 24 months of  
45 incarceration, unless the rules of the Oregon Criminal Justice Commission prescribe a longer

1 presumptive sentence, if the person has:

2 (A) A previous conviction for aggravated theft in the first degree under ORS 164.057, burglary  
3 in the first degree under ORS 164.225, **robbery in the third degree under ORS 164.395**, robbery  
4 in the second degree under ORS 164.405, robbery in the first degree under ORS 164.415 or aggra-  
5 vated identity theft under ORS 165.803; [or]

6 (B) [Four] **Two** or more previous convictions for any combination of the crimes listed in sub-  
7 section (2) of this section[.]; **or**

8 (C) **A previous conviction for a crime listed in subsection (2) of this section if the current**  
9 **crime of conviction was committed while the defendant was on supervision for the previous**  
10 **conviction or less than three years after the date the defendant completed the period of**  
11 **supervision for the previous conviction.**

12 (b) Theft in the first degree under ORS 164.055, unauthorized use of a vehicle under ORS  
13 164.135, **mail theft or receipt of stolen mail under ORS 164.162**, burglary in the second degree  
14 under ORS 164.215, criminal mischief in the first degree under ORS 164.365, computer crime under  
15 ORS 164.377, forgery in the first degree under ORS 165.013, **criminal possession of a forged in-**  
16 **strument in the first degree under ORS 165.022, fraudulent use of a credit card under ORS**  
17 **165.055 (4)(b)**, [identity theft under ORS 165.800,] possession of a stolen vehicle under ORS 819.300  
18 or trafficking in stolen vehicles under ORS 819.310, the presumptive sentence is [13] **18** months of  
19 incarceration, unless the rules of the Oregon Criminal Justice Commission prescribe a longer  
20 presumptive sentence, if the person has:

21 (A) A previous conviction for aggravated theft in the first degree under ORS 164.057, unau-  
22 thorized use of a vehicle under ORS 164.135, burglary in the first degree under ORS 164.225, **rob-**  
23 **bery in the third degree under ORS 164.395**, robbery in the second degree under ORS 164.405,  
24 robbery in the first degree under ORS 164.415, possession of a stolen vehicle under ORS 819.300,  
25 trafficking in stolen vehicles under ORS 819.310 or aggravated identity theft under ORS 165.803;  
26 [or]

27 (B) [Four] **Two** or more previous convictions for any combination of the crimes listed in sub-  
28 section (2) of this section[.]; **or**

29 (C) **A previous conviction for a crime listed in subsection (2) of this section if the current**  
30 **crime of conviction was committed while the defendant was on supervision for the previous**  
31 **conviction or less than three years after the date the defendant completed the period of**  
32 **supervision for the previous conviction.**

33 (2) The crimes to which subsection (1) of this section applies are:

34 (a) Theft in the second degree under ORS 164.045;

35 (b) Theft in the first degree under ORS 164.055;

36 (c) Aggravated theft in the first degree under ORS 164.057;

37 (d) Unauthorized use of a vehicle under ORS 164.135;

38 (e) **Mail theft or receipt of stolen mail under ORS 164.162;**

39 [(e)] (f) Burglary in the second degree under ORS 164.215;

40 [(f)] (g) Burglary in the first degree under ORS 164.225;

41 [(g)] (h) Criminal mischief in the second degree under ORS 164.354;

42 [(h)] (i) Criminal mischief in the first degree under ORS 164.365;

43 [(i)] (j) Computer crime under ORS 164.377;

44 [(j)] (k) Forgery in the second degree under ORS 165.007;

45 [(k)] (L) Forgery in the first degree under ORS 165.013;

1        *[(L)]* **(m)** Criminal possession of a forged instrument in the second degree under ORS 165.017;

2        *[(m)]* **(n)** Criminal possession of a forged instrument in the first degree under ORS 165.022;

3        *[(n)]* **(o)** Fraudulent use of a credit card under ORS 165.055;

4        *[(o)]* **(p)** Identity theft under ORS 165.800;

5        *[(p)]* **(q)** Possession of a stolen vehicle under ORS 819.300; *[and]*

6        *[(q)]* **(r)** Trafficking in stolen vehicles under ORS 819.310[.]; **and**

7        **(s) Any attempt to commit a crime listed in this subsection.**

8        **(3)(a) A presumptive sentence described in subsection (1) of this section shall be in-**  
 9 **creased by two months for each previous conviction the person has that:**

10        **(A) Was for any of the crimes listed in subsection (1) or (2) of this section; and**

11        **(B) Was not used as a predicate for the presumptive sentence under subsection (1) of this**  
 12 **section.**

13        **(b) Previous convictions may not increase a presumptive sentence described in subsection**  
 14 **(1) of this section by more than 12 months under this subsection.**

15        *[(3)]* **(4)** The court may impose a sentence other than the sentence provided by subsection (1)  
 16 **or (3) of this section if the court imposes:**

17        (a) A longer term of incarceration that is otherwise required or authorized by law; or

18        (b) A departure sentence authorized by the rules of the Oregon Criminal Justice Commission  
 19 based upon findings of substantial and compelling reasons. Unless the law or the rules of the Oregon  
 20 Criminal Justice Commission allow for imposition of a longer sentence, the maximum departure al-  
 21 lowed for a person sentenced under this subsection is double the presumptive sentence provided in  
 22 subsection (1) **or (3)** of this section.

23        **(5) Notwithstanding subsection (4)(b) of this section, the court may not sentence a person**  
 24 **under subsection (4) of this section to a term of incarceration that exceeds the period of time**  
 25 **described in ORS 161.605.**

26        **(6) The court shall sentence a person under this section to at least the presumptive**  
 27 **sentence described in subsection (1) or (3) of this section, unless the parties stipulate oth-**  
 28 **erwise or the court finds that:**

29        **(a) The person was not on probation, parole or post-prison supervision for a crime listed**  
 30 **in subsection (1) of this section at the time of the commission of the current crime of con-**  
 31 **viction;**

32        **(b) The person has not previously received a downward departure from a presumptive**  
 33 **sentence for a crime listed in subsection (1) of this section;**

34        **(c) The harm or loss caused by the crime is not greater than usual for that type of crime;**  
 35 **and**

36        **(d) In consideration of the nature of the offense and the harm to the victim, a downward**  
 37 **departure will:**

38        **(A) Increase public safety;**

39        **(B) Enhance the likelihood that the person will be rehabilitated; and**

40        **(C) Not unduly reduce the appropriate punishment.**

41        *[(4)(a)]* **(7)(a)** For a crime committed on or after November 1, 1989, a conviction is considered  
 42 to have occurred upon the pronouncement of sentence in open court. However, when sentences are  
 43 imposed for two or more convictions arising out of the same conduct or criminal episode, none of  
 44 the convictions is considered to have occurred prior to any of the other convictions arising out of  
 45 the same conduct or criminal episode.

1 (b) For a crime committed prior to November 1, 1989, a conviction is considered to have oc-  
 2 curred upon the pronouncement in open court of a sentence or upon the pronouncement in open  
 3 court of the suspended imposition of a sentence.

4 [(5)] (8) For purposes of this section, previous convictions must be proven pursuant to ORS  
 5 137.079.

6 [(6)] (9) As used in this section[,]:

7 (a) **“Downward departure” means a downward dispositional departure or a downward**  
 8 **durational departure under the rules of the Oregon Criminal Justice Commission.**

9 (b) “Previous conviction” includes:

10 [(a)] (A) Convictions occurring before, on or after July 1, 2003; and

11 [(b)] (B) Convictions entered in any other state or federal court for comparable offenses.

12 **SECTION 9.** ORS 164.162, as amended by section 10, chapter 14, Oregon Laws 2008, and section  
 13 2, chapter \_\_\_\_\_, Oregon Laws 2009 (Enrolled House Bill 2842), is amended to read:

14 164.162. (1) A person commits the crime of mail theft or receipt of stolen mail if the person in-  
 15 tentionally:

16 (a) Takes or, by fraud or deception, obtains mail from a post office, postal station, mail recep-  
 17 tacle, authorized depository or mail carrier;

18 (b) Takes from mail any article contained therein;

19 (c) Secretes, embezzles or destroys mail or any article contained therein;

20 (d) Takes or, by fraud or deception, obtains mail that has been delivered to or left for collection  
 21 on or adjacent to a mail receptacle or authorized depository; or

22 (e) Buys, receives, conceals or possesses mail or any article contained therein knowing that the  
 23 mail or article has been unlawfully taken or obtained.

24 (2) Mail theft or receipt of stolen mail is a Class [A *misdemeanor*] C felony.

25 **SECTION 10.** (1) **The Department of Corrections shall:**

26 (a) **Provide appropriate treatment services to drug-addicted persons in the custody of the**  
 27 **department who are at a high or medium risk of reoffending and who have moderate to se-**  
 28 **vere treatment needs; and**

29 (b) **Make grants to counties in order to provide supplemental funding for:**

30 (A) **The operation of local jails;**

31 (B) **Appropriate treatment services for drug-addicted persons on probation, parole or**  
 32 **post-prison supervision; or**

33 (C) **The intensive supervision of drug-addicted persons on probation, parole or post-prison**  
 34 **supervision, including the incarceration of drug-addicted persons who have violated the**  
 35 **terms and conditions of probation, parole or post-prison supervision.**

36 (2) **The Oregon Criminal Justice Commission shall make grants to counties in order to**  
 37 **provide supplemental funding for drug courts for drug-addicted persons, including the costs**  
 38 **of appropriate treatment services and the incarceration of persons who have violated the**  
 39 **terms and conditions of a drug court.**

40 (3)(a) **The appropriate legislative committee shall periodically conduct oversight hearings**  
 41 **on the effectiveness of this section.**

42 (b) **The Oregon Criminal Justice Commission shall periodically conduct independent**  
 43 **evaluations of the programs funded by this section for their effectiveness in reducing crimi-**  
 44 **nal behavior in a cost-effective manner.**

45 **SECTION 11.** **If a person on probation, parole or post-prison supervision is required to**

1 successfully complete a drug or alcohol treatment program as a condition of supervision and  
 2 the person refuses or otherwise fails to successfully complete the treatment program, the  
 3 court or the supervising authority shall impose swift and certain punishment, including  
 4 incarceration in jail.

5 **SECTION 12.** (1) When a court sentences a person under sections 3 to 6 of this 2009 Act:

6 (a) The court shall use the criminal history scale of the sentencing guidelines grid of the  
 7 Oregon Criminal Justice Commission to determine the sentence to impose. The sentence  
 8 described in:

9 (A) Section 3 (1) of this 2009 Act shall be determined utilizing crime category 10 of the  
 10 sentencing guidelines grid.

11 (B) Sections 3 (2) and 4 (1) of this 2009 Act shall be determined utilizing crime category  
 12 9 of the sentencing guidelines grid.

13 (C) Section 5 of this 2009 Act shall be determined utilizing crime category 8 of the sen-  
 14 tencing guidelines grid.

15 (b)(A) Notwithstanding ORS 161.605, the court shall impose the sentence described in  
 16 sections 3 to 6 of this 2009 Act and may not impose a sentence of optional probation or grant  
 17 a downward dispositional departure or a downward durational departure under the rules of  
 18 the commission.

19 (B) The court may impose a sentence other than the sentence described in sections 3 to  
 20 6 of this 2009 Act if the court imposes a longer term of incarceration that is otherwise re-  
 21 quired or authorized by law.

22 (2) A person sentenced under sections 3 to 6 of this 2009 Act may not receive a reduction  
 23 in the term of incarceration for appropriate institutional behavior that exceeds 20 percent  
 24 of the sentence imposed.

25 **SECTION 13.** As used in section 10 of this 2009 Act:

26 (1) “Drug-addicted person” means a person who has lost the ability to control the per-  
 27 sonal use of controlled substances or alcohol, or who uses controlled substances or alcohol  
 28 to the extent that the health of the person or that of others is substantially impaired or  
 29 endangered or the social or economic function of the person is substantially disrupted. A  
 30 drug-addicted person may be physically dependent, a condition in which the body requires a  
 31 continuing supply of a controlled substance or alcohol to avoid characteristic withdrawal  
 32 symptoms, or psychologically dependent, a condition characterized by an overwhelming  
 33 mental desire for continued use of a controlled substance or alcohol.

34 (2) “Intensive supervision” means the active monitoring of a person’s performance in a  
 35 treatment program by a parole and probation officer and the imposition of sanctions, or re-  
 36 quest to a court for sanctions, if the person fails to abide by the terms and conditions of a  
 37 treatment program.

38 **SECTION 14.** (1) The Department of Corrections shall determine which persons are eli-  
 39 gible for treatment under section 10 of this 2009 Act, using an actuarial risk assessment tool.

40 (2) The department shall adopt rules to administer the grant program described in sec-  
 41 tion 10 (1) of this 2009 Act.

42 (3) Prior to adopting the rules described in subsection (2) of this section, the department  
 43 shall consult with a broad-based committee that includes representatives of:

- 44 (a) County boards of commissioners;
- 45 (b) County sheriffs;



- 1 (c) District attorneys;
- 2 (d) County community corrections;
- 3 (e) The Oregon Criminal Justice Commission;
- 4 (f) Presiding judges of the judicial districts of this state;
- 5 (g) Public defenders; and
- 6 (h) Treatment providers.

7 (4) In determining which grant proposals to fund within each county, the department  
8 shall:

- 9 (a) Consult with the committee described in subsection (3) of this section;
- 10 (b) Give priority to those proposals that are best designed to reduce crime and drug ad-  
11 diction; and
- 12 (c) Be guided by evidence-based practices, risk assessment tools or other research based  
13 considerations.

14 **SECTION 15.** Nothing in section 2, 3 to 6, 7, 10, 11, 12, 13 or 14 of this 2009 Act or the  
15 amendments to ORS 137.717 or 164.162 by sections 8 and 9 of this 2009 Act:

- 16 (1) Creates any claim, right of action or civil liability; or
- 17 (2) Requires a supervisory authority or the Department of Corrections to provide treat-  
18 ment to any individual under the authority's supervision or in the custody of the department.

19 **SECTION 16.** (1) The Incarceration and Treatment Fund is established in the State  
20 Treasury, separate and distinct from the General Fund. Interest earned by the Incarceration  
21 and Treatment Fund shall be credited to the fund. Moneys in the fund are continuously ap-  
22 propriated to the Department of Corrections for the purpose of carrying out the provisions  
23 of sections 3 to 6, 7, 10, 11, 12, 13 and 14 of this 2009 Act.

24 (2) Not later than July 1 of each year, the Department of Revenue shall deposit in the  
25 fund all additional revenues generated by the operation of the amendments to ORS 316.037  
26 by section 1 of this 2009 Act for tax years beginning on or after January 1 of the preceding  
27 year and before January 1 of the current year.

28 **SECTION 17.** (1) The amendments to ORS 316.037 by section 1 of this 2009 Act apply to  
29 tax years beginning on or after January 1 of the year immediately following the effective date  
30 of this 2009 Act.

31 (2) Sections 3 to 7 and 12 and the amendments to ORS 137.717 and 164.162 by sections 8  
32 and 9 of this 2009 Act apply to sentences imposed for crimes committed on or after the ef-  
33 fective date of this 2009 Act.

34 **SECTION 18.** If any part of sections 2 to 7 and 10 to 15 of this 2009 Act and the amend-  
35 ments to ORS 137.717 and 164.162 by sections 8 and 9 of this 2009 Act is held to be unconsti-  
36 tutional or otherwise invalid, all remaining parts of sections 2 to 7 and 10 to 15 of this 2009  
37 Act and the amendments to ORS 137.717 and 164.162 by sections 8 and 9 of this 2009 Act shall  
38 not be affected by the holding and shall remain in full force and effect.

39 **SECTION 19.** This 2009 Act shall be submitted to the people for their approval or re-  
40 jection at the next regular general election held throughout this state.