

Senate Bill 252

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary for Oregon Criminal Defense Lawyers 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 **as introduced**.

Modifies method of calculating criminal history and imposing consecutive sentences.

A BILL FOR AN ACT

1
2 Relating to sentencing.

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

4 **SECTION 1. (1) When an offender is sentenced for a crime, the offender's criminal his-**
5 **tory may not include crimes that were, or could have been, joined for trial under ORS 132.560**
6 **(1)(b) with the crime or crimes of conviction for which the offender is sentenced.**

7 **(2) Multiple previous convictions shall be considered a single conviction for the purposes**
8 **of determining an offender's criminal history if the previous convictions were, or could have**
9 **been, joined for trial under ORS 132.560 (1)(b). The offender's criminal history shall be cal-**
10 **culated using the crime of conviction that has the highest crime seriousness ranking of the**
11 **crimes that were, or could have been, joined for trial under ORS 132.560 (1)(b).**

12 **(3) Any limitations established by the Oregon Criminal Justice Commission by rule on the**
13 **length of sentences imposed consecutively apply to crimes that were, or could have been,**
14 **joined for trial under ORS 132.560 (1)(b).**

15 **(4) The state shall have the burden of proving, by a preponderance of the evidence, that**
16 **the previous convictions could not have been joined for trial under ORS 132.560 (1)(b).**

17 **SECTION 2. Section 1 of this 2009 Act applies to sentencing proceedings conducted on**
18 **or after the effective date of this 2009 Act.**

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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.