

# Senate Bill 403

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## 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 definition of "previous conviction" for purposes of Ballot Measure 73 (2010).  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to crime; creating new provisions; amending section 2, chapter 1, Oregon Laws 2011; de-  
3 claring an emergency; and providing for criminal sentence reduction that requires approval by  
4 a two-thirds majority.

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

6 **SECTION 1.** Section 2, chapter 1, Oregon Laws 2011, is amended to read:

7 **Sec. 2.** [a.] (1) Any person who is convicted of a major felony sex crime, who has one [*or more*]  
8 *previous conviction of* **or more previous convictions for** a major felony sex crime, shall be  
9 imprisoned for a mandatory minimum term of 25 years.

10 **(2) As used in this section:**

11 [b.] (a) "Major felony sex crime" means rape in the first degree (ORS 163.375), sodomy in the  
12 first degree (ORS 163.405), unlawful sexual penetration in the first degree (ORS 163.411), or using  
13 a child in a display of sexually explicit conduct (ORS 163.670).

14 [c.] (b) "Previous conviction":

15 **(A) Means a conviction entered before the defendant is sentenced for the current crime**  
16 **of conviction, if the current or previous crime of conviction is defined in ORS 163.375 (1)(a),**  
17 **163.405 (1)(a) or 163.411 (1)(a) and the convictions arise out of separate criminal episodes as**  
18 **defined in ORS 131.505;**

19 **(B) Means a conviction entered before the commission of the current crime of conviction,**  
20 **if the current and previous crime of conviction are for major felony sex crimes other than**  
21 **those defined in ORS 163.375 (1)(a), 163.405 (1)(a) or 163.411 (1)(a); and**

22 **(C) Includes a conviction for the statutory counterpart of a major felony sex crime in any**  
23 **jurisdiction[, and includes a conviction in the same sentencing proceeding if the conviction is for a**  
24 **separate criminal episode as defined in ORS 131.505].**

25 **SECTION 2.** The amendments to section 2, chapter 1, Oregon Laws 2011, by section 1 of  
26 **this 2011 Act apply to:**

27 **(1) Persons sentenced for a crime committed on or after the effective date of this 2011**  
28 **Act; and**

29 **(2) Previous convictions entered before, on or after the effective date of this 2011 Act.**

30 **SECTION 3.** This 2011 Act being necessary for the immediate preservation of the public

**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 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
2 **on its passage.**

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