

Senate Bill 697

Sponsored by COMMITTEE ON JUDICIARY

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 determining applicability 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
8 more)] previous [*conviction of*] **convictions for** a major felony sex crime, shall be imprisoned for a
9 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 **as defined in** [(ORS
12 163.375)], sodomy in the first degree **as defined in** [(ORS 163.405)], unlawful sexual penetration in
13 the first degree **as defined in** [(ORS 163.411)], or using a child in a display of sexually explicit
14 conduct **as defined in** [(ORS 163.670)].

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

16 **(A) Means a conviction entered before the commission of the current crime of conviction;**
17 **and**

18 **(B) Includes a conviction for the statutory counterpart of a major felony sex crime in any**
19 **jurisdiction**, *and includes a conviction in the same sentencing proceeding if the conviction is for a*
20 *separate criminal episode as defined in ORS 131.505*.

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

23 **(1) Persons convicted of committing a major felony sex crime on or after the effective**
24 **date of this 2011 Act; and**

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

26 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
28 **on its passage.**

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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.