

Senate Bill 868

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**.

Prohibits application of certain criminal sentences to person who is tried as adult for crime committed before person was 15 years of age. Applies to crimes committed on or after effective date of Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to crime; creating new provisions; amending ORS 137.700; declaring an emergency; and providing for criminal sentence reduction that requires approval by a two-thirds majority.

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

SECTION 1. ORS 137.700 is amended to read:

137.700. (1)(a) Notwithstanding ORS 161.605, when a person is convicted of one of the offenses listed in subsection (2)(a) of this section and the offense was committed on or after April 1, 1995, or of one of the offenses listed in subsection (2)(b) of this section and the offense was committed on or after October 4, 1997, or of the offense described in subsection (2)(c) of this section and the offense was committed on or after January 1, 2008, the court shall impose, and the person shall serve, at least the entire term of imprisonment listed in subsection (2) of this section. The person is not, during the service of the term of imprisonment, eligible for release on post-prison supervision or any form of temporary leave from custody. The person is not eligible for any reduction in, or based on, the minimum sentence for any reason whatsoever under ORS 421.121 or any other statute. The court may impose a greater sentence if otherwise permitted by law, but may not impose a lower sentence than the sentence specified in subsection (2) of this section.

(b) This section applies only to a person who is at least 18 years of age at the time the offense is committed.

(2) The offenses to which subsection (1) of this section applies and the applicable mandatory minimum sentences are:

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- (a)(A) Murder, as defined in
ORS 163.115300 months
 - (B) Attempt or conspiracy
to commit aggravated
murder, as defined
in ORS 163.095120 months
 - (C) Attempt or conspiracy
to commit murder, as

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 defined in ORS 163.115.90 months
- 2 (D) Manslaughter in the
- 3 first degree, as defined
- 4 in ORS 163.118.120 months
- 5 (E) Manslaughter in the
- 6 second degree, as defined
- 7 in ORS 163.125.75 months
- 8 (F) Assault in the first
- 9 degree, as defined in
- 10 ORS 163.185.90 months
- 11 (G) Assault in the second
- 12 degree, as defined in
- 13 ORS 163.175.70 months
- 14 (H) Except as provided in
- 15 paragraph (b)(G) of
- 16 this subsection,
- 17 kidnapping in the first
- 18 degree, as defined
- 19 in ORS 163.235.90 months
- 20 (I) Kidnapping in the second
- 21 degree, as defined in
- 22 ORS 163.225.70 months
- 23 (J) Rape in the first degree,
- 24 as defined in ORS 163.375
- 25 (1)(a), (c) or (d).100 months
- 26 (K) Rape in the second degree,
- 27 as defined in ORS 163.365.75 months
- 28 (L) Sodomy in the first degree,
- 29 as defined in ORS 163.405
- 30 (1)(a), (c) or (d).100 months
- 31 (M) Sodomy in the second
- 32 degree, as defined in
- 33 ORS 163.395.75 months
- 34 (N) Unlawful sexual penetration
- 35 in the first degree, as
- 36 defined in ORS 163.411
- 37 (1)(a) or (c).100 months
- 38 (O) Unlawful sexual penetration
- 39 in the second degree, as
- 40 defined in ORS 163.408.75 months
- 41 (P) Sexual abuse in the first
- 42 degree, as defined in
- 43 ORS 163.427.75 months
- 44 (Q) Robbery in the first degree,
- 45 as defined in ORS 164.415.90 months

- 1 (R) Robbery in the second
- 2 degree, as defined in
- 3 ORS 164.40570 months
- 4 (b)(A) Arson in the first degree,
- 5 as defined in ORS 164.325,
- 6 when the offense represented
- 7 a threat of serious
- 8 physical injury.90 months
- 9 (B) Using a child in a display
- 10 of sexually explicit
- 11 conduct, as defined in
- 12 ORS 163.67070 months
- 13 (C) Compelling prostitution,
- 14 as defined in ORS 167.01770 months
- 15 (D) Rape in the first degree,
- 16 as defined in
- 17 ORS 163.375 (1)(b).300 months
- 18 (E) Sodomy in the first degree,
- 19 as defined in
- 20 ORS 163.405 (1)(b).300 months
- 21 (F) Unlawful sexual penetration
- 22 in the first degree, as
- 23 defined in
- 24 ORS 163.411 (1)(b).300 months
- 25 (G) Kidnapping in the first
- 26 degree, as defined in
- 27 ORS 163.235, when the
- 28 offense is committed in
- 29 furtherance of the commission
- 30 or attempted commission of an
- 31 offense listed in subparagraph
- 32 (D), (E) or (F) of
- 33 this paragraph300 months
- 34 (c) Aggravated vehicular
- 35 homicide, as defined in
- 36 ORS 163.149240 months

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39 **SECTION 2. The amendments to ORS 137.700 by section 1 of this 2011 Act apply to crimes**

40 **committed on or after the effective date of this 2011 Act.**

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

42 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**

43 **on its passage.**

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