

# Senate Bill 992

Sponsored by Senator SHIELDS

## 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**.

Directs Oregon Criminal Justice Commission to amend sentencing guidelines grid of commission. Applies amendments to persons sentenced after effective date of rules for crime committed before July 1, 2013.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to sentence reductions; creating new provisions; amending ORS 164.061; declaring an  
3 emergency; and providing for criminal sentence reduction that requires approval by a two-thirds  
4 majority.

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

6 **SECTION 1. (1) The Oregon Criminal Justice Commission shall amend the sentencing**  
7 **guidelines grid of the commission in accordance with this section. The amendments shall**  
8 **provide for the following presumptive sentences in the following grid blocks:**

9 (a) Grid block 8A shall provide for a presumptive sentence of not less than 33 months  
10 of imprisonment and not more than 36 months of imprisonment.

11 (b) Grid block 8B shall provide for a presumptive sentence of not less than 28 months of  
12 imprisonment and not more than 32 months of imprisonment.

13 (c) Grid block 8C shall provide for a presumptive sentence of not less than 23 months of  
14 imprisonment and not more than 27 months of imprisonment.

15 (d) Grid block 8D shall provide for a presumptive sentence of 22 months of imprisonment.

16 (e) Grid block 8E shall provide for a presumptive sentence of not less than 20 months of  
17 imprisonment and not more than 21 months of imprisonment.

18 (f) Grid block 8F shall provide for a presumptive sentence of not less than 18 months of  
19 imprisonment and not more than 19 months of imprisonment.

20 (g) Grid block 8G shall provide for a presumptive sentence of not less than 17 months  
21 of imprisonment and not more than 18 months of imprisonment.

22 (h) Grid block 8H shall provide for a presumptive sentence of not less than 15 months  
23 of imprisonment and not more than 16 months of imprisonment.

24 (i) Grid block 8I shall provide for a presumptive sentence of not less than 13 months of  
25 imprisonment and not more than 14 months of imprisonment.

26 (j) Grid block 7A shall provide for a presumptive sentence of not less than 25 months of  
27 imprisonment and not more than 29 months of imprisonment.

28 (k) Grid block 7B shall provide for a presumptive sentence of not less than 20 months  
29 of imprisonment and not more than 24 months of imprisonment.

30 (L) Grid block 7C shall provide for a presumptive sentence of not less than 17 months

**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 of imprisonment and not more than 19 months of imprisonment.

2 (m) Grid block 7D shall provide for a presumptive sentence of not less than 15 months  
3 of imprisonment and not more than 16 months of imprisonment.

4 (n) Grid block 7E shall provide for a presumptive sentence of not less than 13 months  
5 of imprisonment and not more than 14 months of imprisonment.

6 (o) Grid block 6A shall provide for a presumptive sentence of not less than 20 months  
7 of imprisonment and not more than 24 months of imprisonment.

8 (p) Grid block 6B shall provide for a presumptive sentence of not less than 15 months of  
9 imprisonment and not more than 19 months of imprisonment.

10 (q) Grid block 6C shall provide for a presumptive sentence of not less than 12 months of  
11 imprisonment and not more than 14 months of imprisonment.

12 (r) Grid block 6D shall provide for a presumptive sentence of not less than 10 months of  
13 imprisonment and not more than 11 months of imprisonment.

14 (s) Grid block 5A shall provide for a presumptive sentence of not less than 12 months of  
15 imprisonment and not more than 13 months of imprisonment.

16 (t) Grid block 5B shall provide for a presumptive sentence of not less than 10 months of  
17 imprisonment and not more than 11 months of imprisonment.

18 (2) Nothing in subsection (1)(g) to (i) of this section affects the rules of the commission  
19 applicable to optional probationary sentences.

20 (3) The amendments to the sentencing guidelines grid of the commission that are adopted  
21 pursuant subsection (1) of this section:

22 (a) Become effective without approval by the Legislative Assembly; and

23 (b) Apply to persons sentenced:

24 (A) On or after the effective date of the rules adopted by the commission pursuant sub-  
25 section (1) of this section; and

26 (B) For a crime committed before July 1, 2013.

27 (4) No later than July 1, 2013, the commission shall amend the sentencing guidelines grid  
28 so that the grid blocks described in subsection (1) of this section provide for a presumptive  
29 sentence of imprisonment that is equal to the presumptive sentence of imprisonment pro-  
30 vided in those grid blocks on the date immediately preceding the effective date of the rules  
31 adopted pursuant to subsection (1) of this section. The amendments described in this sub-  
32 section:

33 (a) Become effective without approval by the Legislative Assembly; and

34 (b) Apply to crimes committed on or after July 1, 2013.

35 (5) As used in this section, "grid block" has the meaning given that term in the rules of  
36 the Oregon Criminal Justice Commission.

37 **SECTION 2.** ORS 164.061 is amended to read:

38 164.061. When a person is convicted of aggravated theft in the first degree under ORS 164.057,  
39 the court shall sentence the person to a term of incarceration ranging from [16 months to 45] 13  
40 months to 36 months, depending on the person's criminal history, if:

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

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

45 **SECTION 3.** (1) The amendments to ORS 164.061 by section 2 of this 2011 Act become

1 **operative on the effective date of the rules adopted by the Oregon Criminal Justice Com-**  
2 **mission pursuant to section 1 (1) of this 2011 Act.**

3 **(2) The amendments to ORS 164.061 by section 2 of this 2011 Act apply to persons sen-**  
4 **tenced:**

5 **(a) On or after the effective date of the rules adopted by the commission pursuant to**  
6 **section 1 (1) of this 2011 Act; and**

7 **(b) For a crime committed before July 1, 2013.**

8 **SECTION 4.** ORS 164.061, as amended by section 2 of this 2011 Act, is amended to read:

9 164.061. When a person is convicted of aggravated theft in the first degree under ORS 164.057,  
10 the court shall sentence the person to a term of incarceration ranging from [*13 months to 36*] **16**  
11 **months to 45** months, depending on the person's criminal history, if:

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

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

16 **SECTION 5.** (1) **The amendments to ORS 164.061 by section 4 of this 2011 Act become**  
17 **operative on July 1, 2013.**

18 **(2) The amendments to ORS 164.061 by section 4 of this 2011 Act apply to crimes com-**  
19 **mitted on or after July 1, 2013.**

20 **SECTION 6.** **This 2011 Act being necessary for the immediate preservation of the public**  
21 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
22 **on its passage.**

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