



Oregon

John A. Kitzhaber, MD, Governor

Criminal Justice Commission
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March 14, 2013

Craig Prins
Executive Director

Chair Prozanski and members of the Senate Judiciary Committee:

Senate Bill 638 is the measure that allows the legislature to approve new sentencing guidelines rules and amendments to the rules made after the 2011 legislative session.

The Oregon Criminal Justice Commission (CJC) has administered the guidelines since 1995. Under ORS 137.667(1) the CJC is required to review all new legislation that either create crimes or modify existing ones. Then, the CJC amends any rules necessary because of those legislative changes. Usually, this means ranking the crime seriousness of any new or amended crimes, and determining whether or not they should be considered "person" crimes under the guidelines. I'm asking your approval of the commission's decisions outlined below.

In addition to responding to legislative actions, the commission may make amendments to the guidelines under ORS 137.667(2). Such amendments do not become effective unless approved by the subsequent Legislative Assembly.

The rule amendments are as follows:

Adoption of OAR 213-018-0037:

- Classifies DUII as a level 4 or 6 after the passage of Measure 73 and Senate Bill 395 in 2011.

Amendments of OAR 213-003-0001:

- Classified felony strangulation and new SB 395 felony DUII as person felonies.

Amendment of OAR 213-004-0001:

- Clarifies on the grid that the 3rd DUII carries a 90 day jail sentence.

Amendment of OAR 213-005-0001:

- Clarifies that the 90 day jail sentence must served in local jail without reduction for any reason.

Amendment of OAR 213-005-0011:

- Clarifies that for the 3rd DUII felony (SB 395) Court may still use 180 sanction units after imposition of 90 mandatory jail sentence.

COMMISSIONERS:

Darryl Larson
Chairman
Lee Ayers-Preboski
Walter Beglau
Mark Eddy
Greg Hazarabedian
Mary Stern
Rep. Andy Olson*
Sen. Floyd Prozanski*
*Non-Voting

Amendment of OAR 213-005-0013:

- Clarifies that the “1/3” rule does not apply to SB 395 DUII and the 90 days jail is to be imposed at sentencing on these cases.

Amendment of OAR 213-008-0003:

- Updated statutory reference to ORS 166.070.

Amendment of OAR 213-008-0005:

- Updated statutory reference to ORS 166.070, aggravated harassment.

Amendment of OAR 213-012-0020:

- Updated statutory reference to ORS 166.070, aggravated harassment.

Amendment of OAR 213-012-0030:

- Updated statutory reference to ORS 166.070, aggravated harassment.

Amendment of OAR 213-017-0006

- Classifies 4th DUII within 10 year period a crime seriousness level 6.
- Classifies Felony Strangulation a crime seriousness level 6.

Amendment of OAR 213-017-0007

- Deletes erroneous classification of Failure to Register as a Sex Offender a crime seriousness level 6.

Amendment of OAR 213-017-0008

- Classifies 3rd DUII as a crime seriousness level 4 felony

Thank you for your consideration,



Craig Prins
Executive Director
Oregon Criminal Justice Commission