

House Bill 2335

Sponsored by Representative TOMEI; Representatives BAILEY, DOHERTY, FREDERICK, GELSER, KENY-GUYER, KOMP, MATTHEWS, OLSON, Senator MONNES ANDERSON (Presession filed.)

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**.

Increases period of supervision required when person is convicted of promoting prostitution or compelling prostitution.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to supervision of persons convicted of promoting or compelling prostitution; creating new
3 provisions; amending ORS 137.012, 144.085 and 144.103; and declaring an emergency.

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

5 **SECTION 1.** ORS 137.012 is amended to read:

6 137.012. If the court suspends the imposition or execution of a part of a sentence of, or imposes
7 a sentence of probation on, any person convicted of violating or attempting to violate ORS 163.365,
8 163.375, 163.395, 163.405, 163.408, 163.411, 163.425, [*or*] 163.427, **167.012 or 167.017**, the court shall
9 sentence the defendant to probation for a period of at least five years and no more than the maxi-
10 mum statutory indeterminate sentence for the offense.

11 **SECTION 2.** ORS 144.103 is amended to read:

12 144.103. (1) Except as otherwise provided in ORS 137.765 and subsection (2) of this section, any
13 person sentenced to a term of imprisonment for violating or attempting to violate ORS 163.365,
14 163.375, 163.395, 163.405, 163.408, 163.411, 163.425, [*or*] 163.427, **167.012 or 167.017** shall serve a term
15 of post-prison supervision that continues until the term of the post-prison supervision, when added
16 to the term of imprisonment served, equals the maximum statutory indeterminate sentence for the
17 violation.

18 (2)(a) A person sentenced to a term of imprisonment for violating one of the offenses listed in
19 paragraph (b) of this subsection shall serve a term of post-prison supervision that continues for the
20 rest of the person's life if the person was at least 18 years of age at the time the person committed
21 the crime.

22 (b) The offenses to which paragraph (a) of this subsection applies are:

23 (A) ORS 163.375 (1)(b);

24 (B) ORS 163.405 (1)(b);

25 (C) ORS 163.411 (1)(b); and

26 (D) ORS 163.235 when the offense is committed in furtherance of the commission or attempted
27 commission of rape in the first degree, sodomy in the first degree or unlawful sexual penetration in
28 the first degree if the victim is under 12 years of age.

29 (c) When a person is sentenced to a term of post-prison supervision described in paragraph (a)
30 of this subsection, the person must be actively supervised for at least the first 10 years of the

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 post-prison supervision and actively tracked for the remainder of the term. Active tracking may be
 2 done by means of an electronic device attached to the person.

3 (3) A person sentenced to a term of imprisonment for violating ORS 163.185 (1)(b) shall serve a
 4 term of post-prison supervision that continues until the term of the post-prison supervision, when
 5 added to the term of imprisonment served, equals the maximum statutory indeterminate sentence for
 6 the violation.

7 (4) Any costs incurred as a result of this section shall be paid by increased post-prison super-
 8 vision fees under ORS 423.570.

9 **SECTION 3.** ORS 144.085 is amended to read:

10 144.085. (1) All prisoners sentenced to prison for more than 12 months shall serve active periods
 11 of parole or post-prison supervision as follows:

12 (a) Six months of active parole or post-prison supervision for crimes in crime categories one to
 13 three;

14 (b) Twelve months of active parole or post-prison supervision for crimes in crime categories four
 15 to 10;

16 (c) Prisoners sentenced as dangerous offenders under ORS 161.725 and 161.735, for aggravated
 17 murder under ORS 163.105 or for murder under ORS 163.115 shall serve at least three years of ac-
 18 tive parole or post-prison supervision;

19 (d) Prisoners sentenced for violating or attempting to violate ORS 163.365, 163.375, 163.395,
 20 163.405, 163.408, 163.411, 163.425, [or] 163.427, **167.012 or 167.017** shall serve a term of parole that
 21 extends for the entire term of the offender's sentence or a term of post-prison supervision as pro-
 22 vided in ORS 144.103; and

23 (e) Prisoners sentenced for robbery in the first degree under ORS 164.415 or for arson in the
 24 first degree under ORS 164.325 shall serve three years of active parole or post-prison supervision.

25 (2) Except as authorized in subsections (3) and (4) of this section, when an offender has served
 26 the active period of parole or post-prison supervision established under subsection (1)(a) or (b) of this
 27 section, the supervisory authority shall place the offender on inactive supervision status.

28 (3) No sooner than 30 days prior to the expiration of an offender's active parole or post-prison
 29 supervision period as provided in subsection (1) of this section, the supervisory authority may send
 30 to the State Board of Parole and Post-Prison Supervision a report requesting the board to extend
 31 the active supervision period or to return the offender to active supervision status, not to exceed
 32 the supervision term imposed by the sentencing court under the rules of the Oregon Criminal Justice
 33 Commission and applicable laws, if the offender has not substantially fulfilled the supervision con-
 34 ditions or has failed to complete payment of restitution. The report shall include:

35 (a) An evaluation of the offender's compliance with supervision conditions;

36 (b) The status of the offender's court-ordered monetary obligations, including fines and
 37 restitution, if any;

38 (c) The offender's employment status;

39 (d) The offender's address;

40 (e) Treatment program outcome;

41 (f) Any new criminal activity; and

42 (g) A recommendation that the board extend the supervision period or return the offender to
 43 active supervision status.

44 (4) After reviewing the report submitted under subsection (3) of this section, the board may ex-
 45 tend the active supervision period or return the offender to active supervision status, not to exceed

1 the supervision term imposed by the sentencing court under the rules of the Oregon Criminal Justice
2 Commission and applicable laws, if it finds the offender has not substantially fulfilled the supervision
3 conditions or has failed to complete payment of restitution.

4 (5) During the pendency of any violation proceedings, the running of the supervision period and
5 the sentence is stayed, and the board has jurisdiction over the offender until the proceedings are
6 resolved.

7 (6) The board shall send written notification to the supervised offender of the expiration of the
8 sentence.

9 **SECTION 4. The amendments to ORS 137.012, 144.085 and 144.103 by sections 1 to 3 of this**
10 **2013 Act apply to crimes committed on or after the effective date of this 2013 Act.**

11 **SECTION 5. This 2013 Act being necessary for the immediate preservation of the public**
12 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
13 **on its passage.**

14