

## HOUSE AMENDMENTS TO HOUSE BILL 2607

By COMMITTEE ON JUDICIARY

April 26

1 On page 1 of the printed bill, delete lines 5 through 30 and insert:

2 “**SECTION 1.** ORS 137.370 is amended to read:

3 “137.370. *[(1) When a person is sentenced to imprisonment in the custody of the Department of*  
4 *Corrections, the term of confinement therein commences from the day the person is delivered to the*  
5 *custody of an officer of the Department of Corrections for the purpose of serving the sentence executed,*  
6 *regardless of whether the sentence is to be served in a state or federal institution.]*

7 “*[(2) Except as provided in subsections (3) and (4) of this section, when a person is sentenced to*  
8 *imprisonment in the custody of the Department of Corrections, for the purpose of computing the amount*  
9 *of sentence served the term of confinement includes only:]*

10 “*[(a) The time that the person is confined by any authority after the arrest for the crime for which*  
11 *sentence is imposed; and]*

12 “*[(b) The time that the person is authorized by the Department of Corrections to spend outside a*  
13 *confinement facility, in a program conducted by or for the Department of Corrections.]*

14 “*[(3) When a judgment of conviction is vacated and a new sentence is thereafter imposed upon the*  
15 *defendant for the same crime, the period of detention and imprisonment theretofore served shall be de-*  
16 *ducted from the maximum term, and from the minimum, if any, of the new sentence.]*

17 “*[(4) A person who is confined as the result of a sentence for a crime or conduct that is not directly*  
18 *related to the crime for which the sentence is imposed, or for violation of the conditions of probation,*  
19 *parole or post-prison supervision, shall not receive presentence incarceration credit for the time served*  
20 *in jail toward service of the term of confinement.]*

21 “*[(5) Unless the court expressly orders otherwise, a term of imprisonment shall be concurrent with*  
22 *that portion of any sentence previously imposed that remains unexpired at the time the court imposes*  
23 *sentence. This subsection applies regardless of whether the earlier sentence was imposed by the same*  
24 *or any other court, and regardless of whether the earlier sentence is being or is to be served in the*  
25 *same penal institution or under the same correctional authority as will be the later sentence.]*

26 “**(1) For the purpose of determining when a person has completed a term of**  
27 **imprisonment in the custody of the Department of Corrections, the person begins serving the**  
28 **term on the day the person is delivered to the custody of an officer of the department, re-**  
29 **gardless of whether the sentence is to be served in a state or federal corrections facility.**

30 “**(2) For the purpose of determining when a person has completed a term of**  
31 **imprisonment in the custody of the Department of Corrections, the time that the person**  
32 **spends outside of a corrections facility in a program conducted by the department, or for the**  
33 **department, constitutes time served by the person.**

34 “**(3) Notwithstanding subsection (1) of this section, for the purpose of determining when**  
35 **a person has completed a term of imprisonment in the custody of the Department of Cor-**

1 rections, the time that the person is confined in a corrections facility after arrest for a  
2 criminal episode and before the person is delivered to the custody of an officer of the de-  
3 partment constitutes time served by the person if the court indicates in the judgment that  
4 the period of confinement is for an offense that arose out of the criminal episode.

5 “(4) Notwithstanding subsection (1) of this section, for the purpose of determining when  
6 a person has completed a term of imprisonment in the custody of the Department of Cor-  
7 rections, any period of uninterrupted time that the person is confined in any corrections  
8 facility immediately before the person is delivered to the custody of an officer of the de-  
9 partment, including periods of confinement for criminal episodes other than the criminal  
10 episode giving rise to the sentence, constitutes time served by the person.

11 “(5) Unless the court expressly orders otherwise, a person shall not be credited with a  
12 period of time served under subsection (3) or (4) of this section if the person is also confined  
13 during that period by reason of violation of the conditions of probation, parole or post-prison  
14 supervision.

15 “(6) In no event may a person receive credit for time served under this section against  
16 one or more terms of imprisonment in excess of the actual time served. If a person is con-  
17 fined in a corrections facility for more than one criminal episode, and terms of imprisonment  
18 are imposed for more than one of the criminal episodes, the time that the person is confined  
19 constitutes time served under subsection (3) or (4) of this section only for the purposes of  
20 the first judgment of conviction entered by the court.

21 “(7) If a judgment of conviction is vacated and a new sentence is imposed on the de-  
22 fendant for the same crime, the time served by the defendant on the previous sentence shall  
23 be deducted from the maximum term, and from any minimum term, of the new sentence.

24 “(8) Unless the court expressly orders otherwise, a term of imprisonment is concurrent  
25 with any portion of a sentence that was previously imposed under a different judgment of  
26 conviction and that has not been served when the court imposes the new sentence, without  
27 regard to:

28 “(a) Whether the previous sentence was imposed by a different court; or

29 “(b) Whether the previous sentence is served in a different corrections facility.

30 “(9) As used in this section, ‘corrections facility’ means a state or federal prison, a jail,  
31 or any other place used for the confinement of persons charged with or convicted of a  
32 crime.”.

33 On page 2, delete lines 1 through 11.

34 In line 13, delete the boldfaced material and insert “(3)”.

35 On page 3, line 10, delete the boldfaced material and insert “(3)”.