

Enrolled
Senate Bill 124

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Veterans' and Military Affairs for Oregon State Bar)

CHAPTER

AN ACT

Relating to servicemembers; creating new provisions; amending ORS 137.090; and declaring an emergency.

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

SECTION 1. ORS 137.090 is amended to read:

137.090. (1) In determining aggravation or mitigation, the court shall consider:

- (a) Any evidence received during the proceeding;
- (b) The presentence report, where one is available; and
- (c) Any other evidence relevant to aggravation or mitigation that the court finds trustworthy and reliable.

(2) In determining mitigation, the court may consider evidence regarding the defendant's status as a servicemember as defined in ORS 135.881.

[2] (3) When a witness is so sick or infirm as to be unable to attend, the deposition of the witness may be taken out of court at such time and place, and upon such notice to the adverse party, and before such person authorized to take depositions, as the court directs.

SECTION 2. The amendments to ORS 137.090 by section 1 of this 2013 Act apply to sentences imposed on or after the effective date of this 2013 Act for crimes committed before, on or after the effective date of this 2013 Act.

SECTION 3. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by Senate March 11, 2013

Repassed by Senate May 29, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 22, 2013

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2013

Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State