

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2607**

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*  
4 *of the Department of Corrections, the term of confinement therein commences*  
5 *from the day the person is delivered to the custody of an officer of the De-*  
6 *partment of Corrections for the purpose of serving the sentence executed, re-*  
7 *gardless of whether the sentence is to be served in a state or federal*  
8 *institution.]*

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

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

15 *“[(b) The time that the person is authorized by the Department of Cor-*  
16 *rections to spend outside a confinement facility, in a program conducted by or*  
17 *for the Department of Corrections.]*

18 *“[(3) When a judgment of conviction is vacated and a new sentence is*  
19 *thereafter imposed upon the defendant for the same crime, the period of de-*  
20 *tention and imprisonment theretofore served shall be deducted from the maxi-*  
21 *imum term, and from the minimum, if any, of the new sentence.]*

22 *“[(4) A person who is confined as the result of a sentence for a crime or*

1 *conduct that is not directly related to the crime for which the sentence is im-*  
2 *posed, or for violation of the conditions of probation, parole or post-prison*  
3 *supervision, shall not receive presentence incarceration credit for the time*  
4 *served in jail toward service of the term of confinement.]*

5 *“(5) Unless the court expressly orders otherwise, a term of imprisonment*  
6 *shall be concurrent with that portion of any sentence previously imposed that*  
7 *remains unexpired at the time the court imposes sentence. This subsection ap-*  
8 *plies regardless of whether the earlier sentence was imposed by the same or*  
9 *any other court, and regardless of whether the earlier sentence is being or is*  
10 *to be served in the same penal institution or under the same correctional au-*  
11 *thority as will be the later sentence.]*

12 **“(1) For the purpose of determining when a person has completed**  
13 **a term of imprisonment in the custody of the Department of Cor-**  
14 **rections, the person begins serving the term on the day the person is**  
15 **delivered to the custody of an officer of the department, regardless of**  
16 **whether the sentence is to be served in a state or federal corrections**  
17 **facility.**

18 **“(2) For the purpose of determining when a person has completed**  
19 **a term of imprisonment in the custody of the Department of Cor-**  
20 **rections, the time that the person spends outside of a corrections fa-**  
21 **cility in a program conducted by or for the department constitutes**  
22 **time served by the person.**

23 **“(3) Notwithstanding subsection (1) of this section, for the purpose**  
24 **of determining when a person has completed a term of imprisonment**  
25 **in the custody of the Department of Corrections, the time that the**  
26 **person is confined in a corrections facility before the person is deliv-**  
27 **ered to the custody of an officer of the department constitutes time**  
28 **served by the person if:**

29 **“(a) The confinement is for the criminal episode giving rise to the**  
30 **sentence; and**

1       **“(b) The confinement is for a period of more than \_\_\_\_ hours.**

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

7       **“(5) If a person is confined in a corrections facility for more than**  
8 **one criminal episode, and a judgment of conviction is entered for more**  
9 **than one of the criminal episodes, the time that the person is confined**  
10 **constitutes time served under subsection (3) of this section only for**  
11 **the purposes of the first judgment of conviction entered by the court.**

12       **“(6) If a judgment of conviction is vacated and a new sentence is**  
13 **imposed on the defendant for the same crime, the time served by the**  
14 **defendant on the previous sentence shall be deducted from the maxi-**  
15 **imum term, and from any minimum term, of the new sentence.**

16       **“(7) Unless the court expressly orders otherwise, a term of**  
17 **imprisonment is concurrent with any portion of a sentence that was**  
18 **previously imposed under a different judgment of conviction and that**  
19 **has not been served when the court imposes the new sentence, without**  
20 **regard to:**

21       **“(a) Whether the previous sentence was imposed by a different**  
22 **court; or**

23       **“(b) Whether the previous sentence is served in a different cor-**  
24 **rections facility.**

25       **“(8) As used in this section, ‘corrections facility’ means a state or**  
26 **federal prison, a jail, or any other place used for the confinement of**  
27 **persons charged with or convicted of a crime.”.**

28       On page 2, delete lines 1 through 11.

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

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

