

**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 the department, or for the**
22 **department, constitutes 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 after arrest for a criminal**
27 **episode and before the person is delivered to the custody of an officer**
28 **of the department constitutes time served by the person if the court**
29 **indicates in the judgment that the period of confinement is for an of-**
30 **fense that arose out of the criminal episode.**

1 “(4) Notwithstanding subsection (1) of this section, for the purpose
2 of determining when a person has completed a term of imprisonment
3 in the custody of the Department of Corrections, any period of unin-
4 terrupted time that the person is confined in any corrections facility
5 immediately before the person is delivered to the custody of an officer
6 of the department, including periods of confinement for criminal epi-
7 sodes other than the criminal episode giving rise to the sentence,
8 constitutes time served by the person.

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

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

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

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

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

3 “(b) Whether the previous sentence is served in a different cor-
4 rections facility.

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

8 On page 2, delete lines 1 through 11.

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

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

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