

House Bill 4006

Sponsored by Representative SMITH (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**.

Specifies that for purposes of presumptive sentence of life imprisonment for third felony sex crime conviction, sentences for prior convictions that are imposed in same proceeding constitute separate sentences when there are two or more victims or separate criminal episodes.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to sentencing; creating new provisions; amending ORS 137.719; and declaring an emergency.

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

4 **SECTION 1.** ORS 137.719 is amended to read:

5 137.719. (1) The presumptive sentence for a sex crime that is a felony is life imprisonment
6 without the possibility of release or parole if the defendant has been sentenced for sex crimes that
7 are felonies at least two times prior to the current sentence.

8 (2) The court may impose a sentence other than the presumptive sentence provided by sub-
9 section (1) of this section if the court imposes a departure sentence authorized by the rules of the
10 Oregon Criminal Justice Commission based upon findings of substantial and compelling reasons.

11 (3) For purposes of this section:

12 (a) Sentences for two or more convictions that are imposed in the same sentencing proceeding
13 are considered to be one sentence, **except that:**

14 **(A) If the prior convictions involved two or more victims, there are as many prior sen-**
15 **tences as there are victims; and**

16 **(B) If the prior convictions resulted from two or more separate criminal episodes as de-**
17 **defined in ORS 131.505, there are as many prior sentences as there are separate criminal epi-**
18 **sodes; and**

19 (b) A prior sentence includes[:]

20 [*(A) Sentences imposed before, on or after July 31, 2001; and*]

21 [*(B)*] sentences imposed by any other state or federal court for comparable offenses.

22 (4) As used in this section, "sex crime" has the meaning given that term in ORS 181.805.

23 **SECTION 2. The amendments to ORS 137.719 by section 1 of this 2014 Act apply to sen-**
24 **tences imposed for third felony sex crime convictions committed on or after the effective**
25 **date of this 2014 Act.**

26 **SECTION 3. This 2014 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect**
28 **on its passage.**

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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.