

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2310

By COMMITTEE ON JUDICIARY

June 4

1 On page 2 of the printed A-engrossed bill, delete lines 12 through 20 and insert:

2 “(4) Unless the court expressly orders otherwise and the prosecuting attorney agrees, a person
3 who is confined as the result of a sentence for a crime or conduct that is not directly related to the
4 crime for which the sentence is imposed, or for violation of the conditions of probation, parole or
5 post-prison supervision, shall not receive presentence incarceration credit for the time served in jail
6 toward service of the term of confinement.”.

7 On page 3, delete lines 17 through 20 and insert:

8 “**SECTION 3.** (1) **The amendments to ORS 137.370 by section 1 of this 2015 Act apply to**
9 **sentencing proceedings occurring on or after August 1, 2015.**

10 “(2) **The amendments to ORS 137.372 by section 2 of this 2015 Act apply to probation vi-**
11 **olation proceedings occurring on or after August 1, 2015.**

12 “**SECTION 4.** ORS 137.370, as amended by section 1 of this 2015 Act, is amended to read:

13 “137.370. (1) When a person is sentenced to imprisonment in the custody of the Department of
14 Corrections, the term of confinement therein commences from the day the person is delivered to the
15 custody of an officer of the Department of Corrections for the purpose of serving the sentence exe-
16 cuted, regardless of whether the sentence is to be served in a state or federal institution.

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

20 “(a) The time that the person is confined by any authority after the arrest for:

21 “(A) The crime for which sentence is imposed;

22 “(B) A lesser included or greater inclusive offense of the crime for which sentence was imposed;
23 and

24 “(C) Any other crime constituting a violation of Oregon law within the same county designated
25 by the sentencing court in the judgment as having been committed as part of the same criminal
26 episode as the crime for which sentence was imposed; and

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

29 “(3) When a judgment of conviction is vacated and a new sentence is thereafter imposed upon
30 the defendant for the same crime, a lesser included or greater inclusive offense of the crime, or any
31 crime constituting a violation of Oregon law within the same county designated by the sentencing
32 court in the judgment as having been committed as part of the same criminal episode as the crime,
33 the period of detention and imprisonment theretofore served shall be deducted from the maximum
34 term, and from the minimum, if any, of the new sentence.

35 “(4) Unless the court expressly orders otherwise [*and the prosecuting attorney agrees*], a person

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

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

11 “(6) As used in this section, ‘criminal episode’ has the meaning given that term in ORS 131.505.

12 **“SECTION 5. The amendments to ORS 137.370 by section 4 of this 2015 Act become op-**
13 **erative on July 1, 2017.”**

14 In line 21, delete “4” and insert “6”.