

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2310**

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

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

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

10 **“SECTION 3. (1) The amendments to ORS 137.370 by section 1 of this**
11 **2015 Act apply to sentencing proceedings occurring on or after August**
12 **1, 2015.**

13 **“(2) The amendments to ORS 137.372 by section 2 of this 2015 Act**
14 **apply to probation violation proceedings occurring on or after August**
15 **1, 2015.**

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

18 “137.370. (1) When a person is sentenced to imprisonment in the custody
19 of the Department of Corrections, the term of confinement therein com-
20 mences from the day the person is delivered to the custody of an officer of
21 the Department of Corrections for the purpose of serving the sentence exe-
22 cuted, regardless of whether the sentence is to be served in a state or federal

1 institution.

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

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

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

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

11 “(C) Any other crime constituting a violation of Oregon law within the
12 same county designated by the sentencing court in the judgment as having
13 been committed as part of the same criminal episode as the crime for which
14 sentence was 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
17 or 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, a lesser included
20 or greater inclusive offense of the crime, or any crime constituting a vio-
21 lation of Oregon law within the same county designated by the sentencing
22 court in the judgment as having been committed as part of the same criminal
23 episode as the crime, the period of detention and imprisonment theretofore
24 served shall be deducted from the maximum term, and from the minimum, if
25 any, of the new sentence.

26 “(4) Unless the court expressly orders otherwise [*and the prosecuting at-*
27 *torney agrees*], a person who is confined as the result of a sentence for a
28 crime or conduct that is not directly related to the crime for which the
29 sentence is imposed, or for violation of the conditions of probation, parole
30 or post-prison supervision, shall not receive presentence incarceration credit

1 for the time served in jail toward service of the term of confinement.

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

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

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

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

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