

D R A F T

SUMMARY

Authorizes court, when imposing sentence, to consider whether defendant committed crime while being commanded or urged by, or under pressure or influence from, person who has committed domestic violence against defendant.

A BILL FOR AN ACT

Relating to sentence mitigation; amending ORS 137.090.

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

SECTION 1. ORS 137.090 is amended to read:

137.090. (1) In determining aggravation or mitigation, the court shall consider:

(a) Any evidence received during the proceeding;

(b) The presentence report, where one is available; and

(c) Any other evidence relevant to aggravation or mitigation that the court finds trustworthy and reliable.

(2) In determining mitigation, the court may consider:

(a) Evidence regarding the defendant's status as a servicemember as defined in ORS 135.881.

(b) Whether the defendant committed the crime while being commanded or urged by, or under pressure or influence from, another person who has committed acts of domestic violence, as defined in ORS 135.230, against the defendant.

(3) When a witness is so sick or infirm as to be unable to attend, the deposition of the witness may be taken out of court at such time and place, and upon such notice to the adverse party, and before such person authorized

1 to take depositions, as the court directs.

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