

SB 716 A STAFF MEASURE SUMMARY

Carrier: Sen. Manning Jr

Senate Committee On Judiciary

Action Date: 04/18/17

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Reduces maximum penalty for Class A misdemeanor from 365 days' imprisonment to 364 days' imprisonment.

ISSUES DISCUSSED:

- Federal immigration law
- No effect on state-county relationship and corresponding responsibility to supervise offenders

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Under Oregon law, a felony is defined as a crime for which a person may be sentenced to a maximum term of imprisonment of "more than one year" and a misdemeanor is defined as a crime for which a person may be sentenced to a maximum term of imprisonment of "not more than one year." ORS 161.525; 161.545. Under the federal Immigration and Nationality Act, certain crimes are defined as "aggravated felon[ies]" and are deportable offenses only if they are punishable by "at least one year" or "one year or longer." See, e.g. 8 U.S.C. 1101 (43) and 8 U.S.C. 1227 (2). Senate Bill 716-A reduces the maximum imprisonment for a Class A misdemeanor from 365 to 364 days, excluding these misdemeanors from the federal definition of aggravated felonies.