

**SB 1050 STAFF MEASURE SUMMARY**

**Carrier:** Sen. Courtney

**Senate Committee On Judiciary**

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**Action Date:** 04/18/17  
**Action:** Do pass.  
**Vote:** 4-1-0-0  
**Yeas:** 4 - Dembrow, Manning Jr, Prozanski, Thatcher  
**Nays:** 1 - Linthicum  
**Fiscal:** Fiscal impact issued  
**Revenue:** No revenue impact  
**Prepared By:** Josh Nasbe, Counsel

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**WHAT THE MEASURE DOES:**

Provides presumptive sentence of life imprisonment without possibility of release or parole for defendant sentenced for rape in the first degree, sodomy in the first degree or unlawful sexual penetration in the first degree if, at time crime is committed, defendant has prior conviction for same crime or equivalent crime in another jurisdiction.

**ISSUES DISCUSSED:**

- Prevention of future sex offenses
- Presumptive sentences
- Previous convictions
- Constitutionality

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

ORS 137.179 provides a presumptive sentence of life imprisonment without the possibility of parole for a defendant sentenced for any felony sex crime if, at the time the crime is committed, the defendant has two prior convictions for any felony sex crime. In addition, ORS 137.690 provides a 25-year sentence for persons convicted of rape in the first degree, sodomy in the first degree, unlawful sexual penetration in the first degree or using a child in a display of sexually explicit conduct, if the person has a previous conviction for one of those crimes. This statute, however, does not require that the prior conviction be entered before the commission of the second offense. Finally, ORS 137.700 provides mandatory minimum sentences for persons convicted of a number of crimes, including rape in the first degree, sodomy in the first degree or unlawful sexual penetration in the first degree.