

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 1013**

1 On page 1 of the printed bill, line 3, after “161.005,” insert “161.405,”.

2 Delete lines 7 through 28.

3 On page 2, delete lines 1 through 20 and insert:

4 **“SECTION 1.** ORS 163.095 is amended to read:

5 “163.095. As used in ORS 163.105 and this section, ‘aggravated murder’
6 means [*murder as defined in ORS 163.115 which*]:

7 **“(1) Criminal homicide of two or more persons that is premeditated**
8 **and committed intentionally** [*under, or accompanied by, any of the following*
9 *circumstances*] **and with the intent to:**

10 **“(a) Intimidate, injure or coerce a civilian population;**

11 **“(b) Influence the policy of a government by intimidation or**
12 **coercion; or**

13 **“(c) Affect the conduct of a government through destruction of**
14 **property, murder, kidnapping or aircraft piracy; or**

15 **“(2) Murder in the second degree, as defined in ORS 163.115, that is:**

16 **“(a)(A) Committed while the defendant was confined in a state,**
17 **county or municipal penal or correctional facility or was otherwise in**
18 **custody; and**

19 **“(B) Committed after the defendant was previously convicted in any**
20 **jurisdiction of any homicide, the elements of which constitute the**
21 **crime of aggravated murder under this section or murder in the first**

1 **degree under section 3 of this 2019 Act; or**

2 **“(b) Premeditated and committed intentionally against a person**
3 **under 14 years of age.**

4 *“[(1)(a) The defendant committed the murder pursuant to an agreement that*
5 *the defendant receive money or other thing of value for committing the*
6 *murder.]*

7 *“[(b) The defendant solicited another to commit the murder and paid or*
8 *agreed to pay the person money or other thing of value for committing the*
9 *murder.]*

10 *“[(c) The defendant committed murder after having been convicted previ-*
11 *ously in any jurisdiction of any homicide, the elements of which constitute the*
12 *crime of murder as defined in ORS 163.115 or manslaughter in the first degree*
13 *as defined in ORS 163.118.]*

14 *“[(d) There was more than one murder victim in the same criminal episode*
15 *as defined in ORS 131.505.]*

16 *“[(e) The homicide occurred in the course of or as a result of intentional*
17 *maiming or torture of the victim.]*

18 *“[(f) The victim of the intentional homicide was a person under the age of*
19 *14 years.]*

20 *“[(2)(a) The victim was one of the following and the murder was related to*
21 *the performance of the victim’s official duties in the justice system:]*

22 *“[(A) A police officer as defined in ORS 181A.355;]*

23 *“[(B) A correctional, parole and probation officer or other person charged*
24 *with the duty of custody, control or supervision of convicted persons;]*

25 *“[(C) A member of the Oregon State Police;]*

26 *“[(D) A judicial officer as defined in ORS 1.210;]*

27 *“[(E) A juror or witness in a criminal proceeding;]*

28 *“[(F) An employee or officer of a court of justice;]*

29 *“[(G) A member of the State Board of Parole and Post-Prison Supervision;*

30 *or]*

1 *“(H) A regulatory specialist.”*

2 *“(b) The defendant was confined in a state, county or municipal penal or*
3 *correctional facility or was otherwise in custody when the murder occurred.”*

4 *“(c) The defendant committed murder by means of an explosive as defined*
5 *in ORS 164.055.”*

6 *“(d) Notwithstanding ORS 163.115 (1)(b), the defendant personally and*
7 *intentionally committed the homicide under the circumstances set forth in ORS*
8 *163.115 (1)(b).”*

9 *“(e) The murder was committed in an effort to conceal the commission of*
10 *a crime, or to conceal the identity of the perpetrator of a crime.”*

11 *“(f) The murder was committed after the defendant had escaped from a*
12 *state, county or municipal penal or correctional facility and before the de-*
13 *fendant had been returned to the custody of the facility.”*

14 On page 20, after line 5, insert:

15 **“SECTION 15a.** ORS 161.405 is amended to read:

16 “161.405. (1) A person is guilty of an attempt to commit a crime when the
17 person intentionally engages in conduct which constitutes a substantial step
18 toward commission of the crime.

19 “(2) An attempt is a:

20 “(a) Class A felony if the offense attempted is **any degree of murder,**
21 **aggravated murder** or treason.

22 “(b) Class B felony if the offense attempted is a Class A felony.

23 “(c) Class C felony if the offense attempted is a Class B felony.

24 “(d) Class A misdemeanor if the offense attempted is a Class C felony or
25 an unclassified felony.

26 “(e) Class B misdemeanor if the offense attempted is a Class A
27 misdemeanor.

28 “(f) Class C misdemeanor if the offense attempted is a Class B
29 misdemeanor.

30 “(g) Violation if the offense attempted is a Class C misdemeanor or an

1 unclassified misdemeanor.”.

2 On page 31, line 28, after “161.005,” insert “161.405,”.

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