

# Senate Bill 217

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Defines "statutory counterpart" for purposes of Oregon Criminal Code and Oregon Vehicle Code.

Provides that for criminal statutes in which prior criminal conviction in other jurisdiction may be used as element of offense or to increase offense classification or sentence, statutory counterpart to Oregon crime qualifies as prior conviction.

## A BILL FOR AN ACT

1  
2 Relating to statutory counterparts of Oregon crimes; creating new provisions; and amending ORS  
3 137.690, 137.712, 137.717, 137.719, 137.725, 161.005, 161.015, 163.107, 163.160, 163.187, 163.465,  
4 163.732, 163.750, 165.803 and 813.011.

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

6 **SECTION 1.** ORS 161.015 is amended to read:

7 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context requires  
8 otherwise:

9 (1) "Dangerous weapon" means any weapon, device, instrument, material or substance which  
10 under the circumstances in which it is used, attempted to be used or threatened to be used, is  
11 readily capable of causing death or serious physical injury.

12 (2) "Deadly weapon" means any instrument, article or substance specifically designed for and  
13 presently capable of causing death or serious physical injury.

14 (3) "Deadly physical force" means physical force that under the circumstances in which it is  
15 used is readily capable of causing death or serious physical injury.

16 (4) "Peace officer" means:

17 (a) A member of the Oregon State Police;

18 (b) A sheriff, constable, marshal, municipal police officer or reserve officer as defined in ORS  
19 133.005, or a police officer commissioned by a university under ORS 352.121 or 353.125;

20 (c) An investigator of the Criminal Justice Division of the Department of Justice or investigator  
21 of a district attorney's office;

22 (d) A humane special agent as defined in ORS 181A.345;

23 (e) A regulatory specialist exercising authority described in ORS 471.775 (2);

24 (f) An authorized tribal police officer as defined in ORS 181A.680; and

25 (g) Any other person designated by law as a peace officer.

26 (5) "Person" means a human being and, where appropriate, a public or private corporation, an  
27 unincorporated association, a partnership, a government or a governmental instrumentality.

28 (6) "Physical force" includes, but is not limited to, the use of an electrical stun gun, tear gas

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 or mace.

2 (7) “Physical injury” means impairment of physical condition or substantial pain.

3 (8) “Serious physical injury” means physical injury which creates a substantial risk of death or  
 4 which causes serious and protracted disfigurement, protracted impairment of health or protracted  
 5 loss or impairment of the function of any bodily organ.

6 (9) “Possess” means to have physical possession or otherwise to exercise dominion or control  
 7 over property.

8 (10) “Public place” means a place to which the general public has access and includes, but is  
 9 not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting  
 10 rooms or apartments designed for actual residence, and highways, streets, schools, places of  
 11 amusement, parks, playgrounds and premises used in connection with public passenger transporta-  
 12 tion.

13 (11) **“Statutory counterpart” means a statute establishing a crime in another jurisdiction**  
 14 **that has the same use, role or characteristics as an identified Oregon statute,**  
 15 **notwithstanding differences in substantive scope between the statutes. The other**  
 16 **jurisdiction’s statute need not be the same or nearly the same as the identified Oregon**  
 17 **statute to be considered a statutory counterpart.**

18 **SECTION 2. Section 3 of this 2021 Act is added to and made a part of the Oregon Vehicle**  
 19 **Code.**

20 **SECTION 3. “Statutory counterpart” means a statute establishing an offense in another**  
 21 **jurisdiction that has the same use, role or characteristics as an identified Oregon statute,**  
 22 **notwithstanding differences in substantive scope between the statutes. The other**  
 23 **jurisdiction’s statute need not be the same or nearly the same as the identified Oregon**  
 24 **statute to be considered a statutory counterpart.**

25 **SECTION 4.** ORS 137.690 is amended to read:

26 137.690. [a.] (1) Any person who is convicted of a major felony sex crime, who has one [(or  
 27 more)] **or more** previous [*conviction of*] **convictions for** a major felony sex crime, shall be  
 28 imprisoned for a mandatory minimum term of 25 years.

29 [b.] (2) **As used in this section:**

30 (a) “Major felony sex crime” means rape in the first degree [(ORS 163.375)] **under ORS**  
 31 **163.375**, sodomy in the first degree [(ORS 163.405)] **under ORS 163.405**, unlawful sexual penetration  
 32 in the first degree [(ORS 163.411),] **under ORS 163.411** or using a child in a display of sexually ex-  
 33 plicit conduct [(ORS 163.670)] **under ORS 163.670**.

34 [c.] (b) “Previous conviction” includes a conviction for the statutory counterpart of a major  
 35 felony sex crime in any jurisdiction, and includes a conviction in the same sentencing proceeding  
 36 if the conviction is for a separate criminal episode as defined in ORS 131.505.

37 (c) **“Statutory counterpart” has the meaning given that term in ORS 161.015.**

38 **SECTION 5.** ORS 137.712 is amended to read:

39 137.712. (1)(a) Notwithstanding ORS 137.700 and 137.707, when a person is convicted of  
 40 manslaughter in the second degree as defined in ORS 163.125, assault in the second degree as de-  
 41 fined in ORS 163.175 (1)(b), kidnapping in the second degree as defined in ORS 163.225, rape in the  
 42 second degree as defined in ORS 163.365, sodomy in the second degree as defined in ORS 163.395,  
 43 unlawful sexual penetration in the second degree as defined in ORS 163.408, sexual abuse in the first  
 44 degree as defined in ORS 163.427 (1)(a)(A) or robbery in the second degree as defined in ORS  
 45 164.405, the court may impose a sentence according to the rules of the Oregon Criminal Justice

1 Commission that is less than the minimum sentence that otherwise may be required by ORS 137.700  
2 or 137.707 if the court, on the record at sentencing, makes the findings set forth in subsection (2)  
3 of this section and finds that a substantial and compelling reason under the rules of the Oregon  
4 Criminal Justice Commission justifies the lesser sentence. When the court imposes a sentence under  
5 this subsection, the person is eligible for a reduction in the sentence as provided in ORS 421.121 and  
6 any other statute and is eligible for a hearing and conditional release under ORS 420A.203 and  
7 420A.206.

8 (b) In order to make a dispositional departure under this section, the court must make the fol-  
9 lowing additional findings on the record:

10 (A) There exists a substantial and compelling reason not relied upon in paragraph (a) of this  
11 subsection;

12 (B) A sentence of probation will be more effective than a prison term in reducing the risk of  
13 offender recidivism; and

14 (C) A sentence of probation will better serve to protect society.

15 (2) A conviction is subject to subsection (1) of this section only if the sentencing court finds on  
16 the record by a preponderance of the evidence:

17 (a) If the conviction is for manslaughter in the second degree:

18 (A) That the victim was a dependent person as defined in ORS 163.205 who was at least 18 years  
19 of age;

20 (B) That the defendant is the mother or father of the victim;

21 (C) That the death of the victim was the result of an injury or illness that was not caused by  
22 the defendant;

23 (D) That the defendant treated the injury or illness solely by spiritual treatment in accordance  
24 with the religious beliefs or practices of the defendant and based on a good faith belief that spiritual  
25 treatment would bring about the victim's recovery from the injury or illness;

26 (E) That no other person previously under the defendant's care has died or sustained significant  
27 physical injury as a result of or despite the use of spiritual treatment, regardless of whether the  
28 spiritual treatment was used alone or in conjunction with medical care; and

29 (F) That the defendant does not have a previous conviction for a crime listed in subsection (4)  
30 of this section or for criminal mistreatment in the second degree.

31 (b) If the conviction is for assault in the second degree:

32 (A) That the victim was not physically injured by means of a deadly weapon;

33 (B) That the victim did not suffer a significant physical injury; and

34 (C) That the defendant does not have a previous conviction for a crime listed in subsection (4)  
35 of this section.

36 (c) If the conviction is for kidnapping in the second degree:

37 (A) That the victim was at least 12 years of age at the time the crime was committed; and

38 (B) That the defendant does not have a previous conviction for a crime listed in subsection (4)  
39 of this section.

40 (d) If the conviction is for robbery in the second degree:

41 (A) That the victim did not suffer a significant physical injury;

42 (B) That, if the defendant represented by words or conduct that the defendant was armed with  
43 a dangerous weapon, the representation did not reasonably put the victim in fear of imminent sig-  
44 nificant physical injury;

45 (C) That, if the defendant represented by words or conduct that the defendant was armed with

1 a deadly weapon, the representation did not reasonably put the victim in fear of imminent physical  
 2 injury; and

3 (D) That the defendant does not have a previous conviction for a crime listed in subsection (4)  
 4 of this section.

5 (e) If the conviction is for rape in the second degree, sodomy in the second degree or sexual  
 6 abuse in the first degree:

7 (A) That the victim was at least 12 years of age, but under 14 years of age, at the time of the  
 8 offense;

9 (B) That the defendant does not have a prior conviction for a crime listed in subsection (4) of  
 10 this section;

11 (C) That the defendant has not been previously found to be within the jurisdiction of a juvenile  
 12 court for an act that would have been a felony sexual offense if the act had been committed by an  
 13 adult;

14 (D) That the defendant was no more than five years older than the victim at the time of the  
 15 offense;

16 (E) That the offense did not involve sexual contact with any minor other than the victim; and

17 (F) That the victim's lack of consent was due solely to incapacity to consent by reason of being  
 18 under 18 years of age at the time of the offense.

19 (f) If the conviction is for unlawful sexual penetration in the second degree:

20 (A) That the victim was 12 years of age or older at the time of the offense;

21 (B) That the defendant does not have a prior conviction for a crime listed in subsection (4) of  
 22 this section;

23 (C) That the defendant has not been previously found to be within the jurisdiction of a juvenile  
 24 court for an act that would have been a felony sexual offense if the act had been committed by an  
 25 adult;

26 (D) That the defendant was no more than five years older than the victim at the time of the  
 27 offense;

28 (E) That the offense did not involve sexual contact with any minor other than the victim;

29 (F) That the victim's lack of consent was due solely to incapacity to consent by reason of being  
 30 under 18 years of age at the time of the offense; and

31 (G) That the object used to commit the unlawful sexual penetration was the hand or any part  
 32 thereof of the defendant.

33 (3) In making the findings required by subsections (1) and (2) of this section, the court may  
 34 consider any evidence presented at trial and may receive and consider any additional relevant in-  
 35 formation offered by either party at sentencing.

36 (4) The crimes to which subsection (2)(a)(F), (b)(C), (c)(B), (d)(D), (e)(B) and (f)(B) of this section  
 37 refer are:

38 (a) A crime listed in ORS 137.700 (2) or 137.707 (4);

39 (b) Escape in the first degree, as defined in ORS 162.165;

40 (c) Aggravated murder, as defined in ORS 163.095;

41 (d) Criminally negligent homicide, as defined in ORS 163.145;

42 (e) Assault in the third degree, as defined in ORS 163.165;

43 (f) Criminal mistreatment in the first degree, as defined in ORS 163.205 (1)(b)(A);

44 (g) Rape in the third degree, as defined in ORS 163.355;

45 (h) Sodomy in the third degree, as defined in ORS 163.385;

- 1 (i) Sexual abuse in the second degree, as defined in ORS 163.425;
- 2 (j) Stalking, as defined in ORS 163.732;
- 3 (k) Burglary in the first degree, as defined in ORS 164.225, when it is classified as a person
- 4 felony under the rules of the Oregon Criminal Justice Commission;
- 5 (L) Arson in the first degree, as defined in ORS 164.325;
- 6 (m) Robbery in the third degree, as defined in ORS 164.395;
- 7 (n) A bias crime in the first degree, as defined in ORS 166.165;
- 8 (o) Promoting prostitution, as defined in ORS 167.012; and
- 9 (p) An attempt or solicitation to commit any Class A or B felony listed in paragraphs (a) to (L)
- 10 of this subsection.

11 (5) Notwithstanding ORS 137.545 (5)(b), if a person sentenced to probation under this section  
 12 violates a condition of probation by committing a new crime, the court shall revoke the probation  
 13 and impose the presumptive sentence of imprisonment under the rules of the Oregon Criminal Jus-  
 14 tice Commission.

15 (6) As used in this section:

16 (a) “Conviction” includes, but is not limited to:

17 (A) A juvenile court adjudication finding a person within the court’s jurisdiction under ORS  
 18 419C.005, if the person was at least 15 years of age at the time the person committed the offense  
 19 that brought the person within the jurisdiction of the juvenile court. “Conviction” does not include  
 20 a juvenile court adjudication described in this subparagraph if the person successfully asserted the  
 21 defense set forth in ORS 419C.522.

22 (B) A conviction [*in another jurisdiction for a crime that if committed in this state would*  
 23 *constitute*] **for the statutory counterpart** to a crime listed in subsection (4) of this section **in an-**  
 24 **other jurisdiction.**

25 (b) “Previous conviction” means a conviction that was entered prior to imposing sentence on the  
 26 current crime provided that the prior conviction is based on a crime committed in a separate crim-  
 27 inal episode. “Previous conviction” does not include a conviction for a Class C felony, including an  
 28 attempt or solicitation to commit a Class B felony, or a misdemeanor, unless the conviction was  
 29 entered within the 10-year period immediately preceding the date on which the current crime was  
 30 committed.

31 (c) “Significant physical injury” means a physical injury that:

- 32 (A) Creates a risk of death that is not a remote risk;
- 33 (B) Causes a serious and temporary disfigurement;
- 34 (C) Causes a protracted disfigurement; or
- 35 (D) Causes a prolonged impairment of health or the function of any bodily organ.

36 (d) **“Statutory counterpart” has the meaning given that term in ORS 161.015.**

37 **SECTION 6.** ORS 137.717 is amended to read:

38 137.717. (1) When a court sentences a person convicted of:

39 (a) Aggravated theft in the first degree under ORS 164.057, burglary in the first degree under  
 40 ORS 164.225 or aggravated identity theft under ORS 165.803, the presumptive sentence is 24 months  
 41 of incarceration, unless the rules of the Oregon Criminal Justice Commission prescribe a longer  
 42 presumptive sentence, if the person has:

43 (A) A previous conviction for aggravated theft in the first degree under ORS 164.057, burglary  
 44 in the first degree under ORS 164.225, robbery in the third degree under ORS 164.395, robbery in  
 45 the second degree under ORS 164.405, robbery in the first degree under ORS 164.415 or aggravated

1 identity theft under ORS 165.803;

2 (B) Two or more previous convictions for any combination of the crimes listed in subsection (2)  
3 of this section; or

4 (C) A previous conviction for a crime listed in subsection (2) of this section, if the current crime  
5 of conviction was committed while the defendant was on supervision for the previous conviction or  
6 less than three years after the date the defendant completed the period of supervision for the pre-  
7 vious conviction.

8 (b) Unauthorized use of a vehicle under ORS 164.135, mail theft or receipt of stolen mail under  
9 ORS 164.162, burglary in the second degree under ORS 164.215, criminal mischief in the first degree  
10 under ORS 164.365, computer crime under ORS 164.377, robbery in the third degree under ORS  
11 164.395, forgery in the first degree under ORS 165.013, criminal possession of a forged instrument  
12 in the first degree under ORS 165.022, fraudulent use of a credit card under ORS 165.055 (4)(b),  
13 possession of a stolen vehicle under ORS 819.300 or trafficking in stolen vehicles under ORS 819.310,  
14 the presumptive sentence is 18 months of incarceration, unless the rules of the Oregon Criminal  
15 Justice Commission prescribe a longer presumptive sentence, if the person has:

16 (A) A previous conviction for aggravated theft in the first degree under ORS 164.057, unau-  
17 thorized use of a vehicle under ORS 164.135, burglary in the first degree under ORS 164.225, robbery  
18 in the third degree under ORS 164.395, robbery in the second degree under ORS 164.405, robbery in  
19 the first degree under ORS 164.415, possession of a stolen vehicle under ORS 819.300, trafficking in  
20 stolen vehicles under ORS 819.310 or aggravated identity theft under ORS 165.803;

21 (B) Two or more previous convictions for any combination of the crimes listed in subsection (2)  
22 of this section; or

23 (C) A previous conviction for a crime listed in subsection (2) of this section, if the current crime  
24 of conviction was committed while the defendant was on supervision for the previous conviction or  
25 less than three years after the date the defendant completed the period of supervision for the pre-  
26 vious conviction.

27 (c) Theft in the first degree under ORS 164.055 or identity theft under ORS 165.800, the  
28 presumptive sentence is 13 months of incarceration, unless the rules of the Oregon Criminal Justice  
29 Commission prescribe a longer presumptive sentence, if the person has:

30 (A) A previous conviction for aggravated theft in the first degree under ORS 164.057, unau-  
31 thorized use of a vehicle under ORS 164.135, burglary in the first degree under ORS 164.225, robbery  
32 in the second degree under ORS 164.405, robbery in the first degree under ORS 164.415, possession  
33 of a stolen vehicle under ORS 819.300, trafficking in stolen vehicles under ORS 819.310 or aggra-  
34 vated identity theft under ORS 165.803; or

35 (B) Four or more previous convictions for any combination of crimes listed in subsection (2) of  
36 this section.

37 (2) The crimes to which subsection (1) of this section applies are:

38 (a) Theft in the second degree under ORS 164.045;

39 (b) Theft in the first degree under ORS 164.055;

40 (c) Aggravated theft in the first degree under ORS 164.057;

41 (d) Unauthorized use of a vehicle under ORS 164.135;

42 (e) Mail theft or receipt of stolen mail under ORS 164.162;

43 (f) Burglary in the second degree under ORS 164.215;

44 (g) Burglary in the first degree under ORS 164.225;

45 (h) Criminal mischief in the second degree under ORS 164.354;

- 1 (i) Criminal mischief in the first degree under ORS 164.365;
- 2 (j) Computer crime under ORS 164.377;
- 3 (k) Forgery in the second degree under ORS 165.007;
- 4 (L) Forgery in the first degree under ORS 165.013;
- 5 (m) Criminal possession of a forged instrument in the second degree under ORS 165.017;
- 6 (n) Criminal possession of a forged instrument in the first degree under ORS 165.022;
- 7 (o) Fraudulent use of a credit card under ORS 165.055;
- 8 (p) Identity theft under ORS 165.800;
- 9 (q) Possession of a stolen vehicle under ORS 819.300;
- 10 (r) Trafficking in stolen vehicles under ORS 819.310; and
- 11 (s) Any attempt to commit a crime listed in this subsection.

12 (3)(a) A presumptive sentence described in subsection (1)(a) or (b) of this section shall be in-  
 13 creased by two months for each previous conviction the person has that:

- 14 (A) Was for any of the crimes listed in subsection (1) or (2) of this section; and
- 15 (B) Was not used as a predicate for the presumptive sentence described in subsection (1)(a) or  
 16 (b) of this section.

17 (b) Previous convictions may not increase a presumptive sentence described in subsection (1)(a)  
 18 or (b) of this section by more than 12 months under this subsection.

19 (4) The court may impose a sentence other than the sentence provided by subsection (1) or (3)  
 20 of this section if the court imposes:

- 21 (a) A longer term of incarceration that is otherwise required or authorized by law; or
- 22 (b) A departure sentence authorized by the rules of the Oregon Criminal Justice Commission  
 23 based upon findings of substantial and compelling reasons. Unless the law or the rules of the Oregon  
 24 Criminal Justice Commission allow for imposition of a longer sentence, the maximum departure al-  
 25 lowed for a person sentenced under this subsection is double the presumptive sentence provided in  
 26 subsection (1) or (3) of this section.

27 (5) Notwithstanding subsection (4)(b) of this section, the court may not sentence a person under  
 28 subsection (4) of this section to a term of incarceration that exceeds the period of time described  
 29 in ORS 161.605.

30 (6) The court shall sentence a person under this section to at least the presumptive sentence  
 31 described in subsection (1)(a) or (b) or (3) of this section, unless the parties stipulate otherwise or  
 32 the court finds that:

33 (a) The person was not on probation, parole or post-prison supervision for a crime listed in  
 34 subsection (1) of this section at the time of the commission of the current crime of conviction;

35 (b) The person has not previously received a downward departure from a presumptive sentence  
 36 for a crime listed in subsection (1) of this section;

37 (c) The harm or loss caused by the crime is not greater than usual for that type of crime; and

38 (d) In consideration of the nature of the offense and the harm to the victim, a downward de-  
 39 parture will:

- 40 (A) Increase public safety;
- 41 (B) Enhance the likelihood that the person will be rehabilitated; and
- 42 (C) Not unduly reduce the appropriate punishment.

43 (7) When the court imposes a sentence of probation for a conviction for theft in the first degree  
 44 or identity theft or under subsection (6) of this section, the supervisory authority as defined in ORS  
 45 144.087 may require the person to receive a high level of supervision for at least 12 months, and

1 may extend the period of high-level supervision for all or part of the remaining probationary term.

2 (8)(a) For a crime committed on or after November 1, 1989, a conviction is considered to have  
3 occurred upon the pronouncement of sentence in open court. However, when sentences are imposed  
4 for two or more convictions arising out of the same conduct or criminal episode, none of the con-  
5 victions is considered to have occurred prior to any of the other convictions arising out of the same  
6 conduct or criminal episode.

7 (b) For a crime committed prior to November 1, 1989, a conviction is considered to have oc-  
8 curred upon the pronouncement in open court of a sentence or upon the pronouncement in open  
9 court of the suspended imposition of a sentence.

10 (9) For purposes of this section, previous convictions must be proven pursuant to ORS 137.079.

11 (10) As used in this section:

12 (a) "Downward departure" means a downward dispositional departure or a downward durational  
13 departure under the rules of the Oregon Criminal Justice Commission.

14 (b) "Previous conviction" includes:

15 (A) Convictions occurring before, on or after July 1, 2003; and

16 (B) Convictions entered in any other state or federal court for [*comparable offenses*] **the statu-**  
17 **tory counterpart to the applicable Oregon crime.**

18 (c) "**Statutory counterpart**" has the meaning given that term in ORS 161.015.

19 **SECTION 7.** ORS 137.717, as amended by section 7, chapter 649, Oregon Laws 2013, and section  
20 6, chapter 673, Oregon Laws 2017, is amended to read:

21 137.717. (1) When a court sentences a person convicted of:

22 (a) Aggravated theft in the first degree under ORS 164.057, burglary in the first degree under  
23 ORS 164.225, robbery in the third degree under ORS 164.395 or aggravated identity theft under ORS  
24 165.803, the presumptive sentence is 24 months of incarceration, unless the rules of the Oregon  
25 Criminal Justice Commission prescribe a longer presumptive sentence, if the person has:

26 (A) A previous conviction for aggravated theft in the first degree under ORS 164.057, burglary  
27 in the first degree under ORS 164.225, robbery in the third degree under ORS 164.395, robbery in  
28 the second degree under ORS 164.405, robbery in the first degree under ORS 164.415 or aggravated  
29 identity theft under ORS 165.803;

30 (B) Two or more previous convictions for any combination of the crimes listed in subsection (2)  
31 of this section; or

32 (C) A previous conviction for a crime listed in subsection (2) of this section, if the current crime  
33 of conviction was committed while the defendant was on supervision for the previous conviction or  
34 less than three years after the date the defendant completed the period of supervision for the pre-  
35 vious conviction.

36 (b) Unauthorized use of a vehicle under ORS 164.135, mail theft or receipt of stolen mail under  
37 ORS 164.162, burglary in the second degree under ORS 164.215, criminal mischief in the first degree  
38 under ORS 164.365, computer crime under ORS 164.377, forgery in the first degree under ORS  
39 165.013, criminal possession of a forged instrument in the first degree under ORS 165.022, fraudulent  
40 use of a credit card under ORS 165.055 (4)(b), possession of a stolen vehicle under ORS 819.300 or  
41 trafficking in stolen vehicles under ORS 819.310, the presumptive sentence is 18 months of  
42 incarceration, unless the rules of the Oregon Criminal Justice Commission prescribe a longer  
43 presumptive sentence, if the person has:

44 (A) A previous conviction for aggravated theft in the first degree under ORS 164.057, unau-  
45 thorized use of a vehicle under ORS 164.135, burglary in the first degree under ORS 164.225, robbery



1 in the third degree under ORS 164.395, robbery in the second degree under ORS 164.405, robbery in  
2 the first degree under ORS 164.415, possession of a stolen vehicle under ORS 819.300, trafficking in  
3 stolen vehicles under ORS 819.310 or aggravated identity theft under ORS 165.803;

4 (B) Two or more previous convictions for any combination of the crimes listed in subsection (2)  
5 of this section; or

6 (C) A previous conviction for a crime listed in subsection (2) of this section, if the current crime  
7 of conviction was committed while the defendant was on supervision for the previous conviction or  
8 less than three years after the date the defendant completed the period of supervision for the pre-  
9 vious conviction.

10 (c) Theft in the first degree under ORS 164.055 or identity theft under ORS 165.800, the  
11 presumptive sentence is 13 months of incarceration, unless the rules of the Oregon Criminal Justice  
12 Commission prescribe a longer presumptive sentence, if the person has:

13 (A) A previous conviction for aggravated theft in the first degree under ORS 164.057, unau-  
14 thorized use of a vehicle under ORS 164.135, burglary in the first degree under ORS 164.225, robbery  
15 in the second degree under ORS 164.405, robbery in the first degree under ORS 164.415, possession  
16 of a stolen vehicle under ORS 819.300, trafficking in stolen vehicles under ORS 819.310 or aggra-  
17 vated identity theft under ORS 165.803; or

18 (B) Four or more previous convictions for any combination of crimes listed in subsection (2) of  
19 this section.

20 (2) The crimes to which subsection (1) of this section applies are:

21 (a) Theft in the second degree under ORS 164.045;

22 (b) Theft in the first degree under ORS 164.055;

23 (c) Aggravated theft in the first degree under ORS 164.057;

24 (d) Unauthorized use of a vehicle under ORS 164.135;

25 (e) Mail theft or receipt of stolen mail under ORS 164.162;

26 (f) Burglary in the second degree under ORS 164.215;

27 (g) Burglary in the first degree under ORS 164.225;

28 (h) Criminal mischief in the second degree under ORS 164.354;

29 (i) Criminal mischief in the first degree under ORS 164.365;

30 (j) Computer crime under ORS 164.377;

31 (k) Forgery in the second degree under ORS 165.007;

32 (L) Forgery in the first degree under ORS 165.013;

33 (m) Criminal possession of a forged instrument in the second degree under ORS 165.017;

34 (n) Criminal possession of a forged instrument in the first degree under ORS 165.022;

35 (o) Fraudulent use of a credit card under ORS 165.055;

36 (p) Identity theft under ORS 165.800;

37 (q) Possession of a stolen vehicle under ORS 819.300;

38 (r) Trafficking in stolen vehicles under ORS 819.310; and

39 (s) Any attempt to commit a crime listed in this subsection.

40 (3)(a) A presumptive sentence described in subsection (1)(a) or (b) of this section shall be in-  
41 creased by two months for each previous conviction the person has that:

42 (A) Was for any of the crimes listed in subsection (1) or (2) of this section; and

43 (B) Was not used as a predicate for the presumptive sentence described in subsection (1)(a) or  
44 (b) of this section.

45 (b) Previous convictions may not increase a presumptive sentence described in subsection (1)(a)

1 or (b) of this section by more than 12 months under this subsection.

2 (4) The court may impose a sentence other than the sentence provided by subsection (1) or (3)  
3 of this section if the court imposes:

4 (a) A longer term of incarceration that is otherwise required or authorized by law; or

5 (b) A departure sentence authorized by the rules of the Oregon Criminal Justice Commission  
6 based upon findings of substantial and compelling reasons. Unless the law or the rules of the Oregon  
7 Criminal Justice Commission allow for imposition of a longer sentence, the maximum departure al-  
8 lowed for a person sentenced under this subsection is double the presumptive sentence provided in  
9 subsection (1) or (3) of this section.

10 (5) Notwithstanding subsection (4)(b) of this section, the court may not sentence a person under  
11 subsection (4) of this section to a term of incarceration that exceeds the period of time described  
12 in ORS 161.605.

13 (6) The court shall sentence a person under this section to at least the presumptive sentence  
14 described in subsection (1)(a) or (b) or (3) of this section, unless the parties stipulate otherwise or  
15 the court finds that:

16 (a) The person was not on probation, parole or post-prison supervision for a crime listed in  
17 subsection (1) of this section at the time of the commission of the current crime of conviction;

18 (b) The person has not previously received a downward departure from a presumptive sentence  
19 for a crime listed in subsection (1) of this section;

20 (c) The harm or loss caused by the crime is not greater than usual for that type of crime; and

21 (d) In consideration of the nature of the offense and the harm to the victim, a downward de-  
22 parture will:

23 (A) Increase public safety;

24 (B) Enhance the likelihood that the person will be rehabilitated; and

25 (C) Not unduly reduce the appropriate punishment.

26 (7) When the court imposes a sentence of probation for a conviction for theft in the first degree  
27 or identity theft or under subsection (6) of this section, the supervisory authority as defined in ORS  
28 144.087 may require the person to receive a high level of supervision for at least 12 months, and  
29 may extend the period of high-level supervision for all or part of the remaining probationary term.

30 (8)(a) For a crime committed on or after November 1, 1989, a conviction is considered to have  
31 occurred upon the pronouncement of sentence in open court. However, when sentences are imposed  
32 for two or more convictions arising out of the same conduct or criminal episode, none of the con-  
33 victions is considered to have occurred prior to any of the other convictions arising out of the same  
34 conduct or criminal episode.

35 (b) For a crime committed prior to November 1, 1989, a conviction is considered to have oc-  
36 curred upon the pronouncement in open court of a sentence or upon the pronouncement in open  
37 court of the suspended imposition of a sentence.

38 (9) For purposes of this section, previous convictions must be proven pursuant to ORS 137.079.

39 (10) As used in this section:

40 (a) "Downward departure" means a downward dispositional departure or a downward durational  
41 departure under the rules of the Oregon Criminal Justice Commission.

42 (b) "Previous conviction" includes:

43 (A) Convictions occurring before, on or after July 1, 2003; and

44 (B) Convictions entered in any other state or federal court for [*comparable offenses*] **the statu-**  
45 **tory counterpart to the applicable Oregon crime.**

1 (c) **“Statutory counterpart” has the meaning given that term in ORS 161.015.**

2 **SECTION 8.** ORS 137.719 is amended to read:

3 137.719. (1) The presumptive sentence for a sex crime that is a felony is life imprisonment  
4 without the possibility of release or parole if the defendant has been sentenced for sex crimes that  
5 are felonies at least two times prior to the current sentence.

6 (2) The court may impose a sentence other than the presumptive sentence provided by sub-  
7 section (1) of this section if the court imposes a departure sentence authorized by the rules of the  
8 Oregon Criminal Justice Commission based upon findings of substantial and compelling reasons.

9 (3) For purposes of this section:

10 (a) Sentences for two or more convictions that are imposed in the same sentencing proceeding  
11 are considered to be one sentence; and

12 (b) A prior sentence includes:

13 (A) Sentences imposed before, on or after July 31, 2001; and

14 (B) Sentences imposed by any other state or federal court for [*comparable offenses*] **a statutory  
15 counterpart to a sex crime.**

16 (4) As used in this section[,]:

17 (a) “Sex crime” has the meaning given that term in ORS 163A.005.

18 (b) **“Statutory counterpart” has the meaning given that term in ORS 161.015.**

19 **SECTION 9.** ORS 137.725 is amended to read:

20 137.725. (1) The presumptive sentence for a crime described in subsection (3) of this section is  
21 life imprisonment without the possibility of release or parole if, at the time of the offense, the de-  
22 fendant has a prior conviction for a crime described in subsection (4) of this section.

23 (2) The court may impose a sentence other than the presumptive sentence provided by sub-  
24 section (1) of this section if the court imposes a departure sentence authorized by the rules of the  
25 Oregon Criminal Justice Commission based upon findings of substantial and compelling reasons.

26 (3) The crimes to which the sentence described in subsection (1) of this section applies are:

27 (a) Rape in the first degree under ORS 163.375;

28 (b) Sodomy in the first degree under ORS 163.405; and

29 (c) Unlawful sexual penetration in the first degree under ORS 163.411.

30 (4) The prior convictions that give rise to a sentence described in subsection (1) of this section  
31 are:

32 (a) Rape in the first degree under ORS 163.375;

33 (b) Sodomy in the first degree under ORS 163.405;

34 (c) Unlawful sexual penetration in the first degree under ORS 163.411; **and**

35 [*(d) An equivalent federal offense; and*]

36 [*(e) An equivalent offense in another state.*]

37 (d) **The statutory counterpart to a crime listed in paragraphs (a) to (c) of this subsection  
38 in another jurisdiction.**

39 (5) **As used in this section, “statutory counterpart” has the meaning give that term in  
40 ORS 161.015.**

41 **SECTION 10.** ORS 163.107 is amended to read:

42 163.107. (1) “Murder in the first degree” means murder in the second degree as defined in ORS  
43 163.115 which is committed under, or accompanied by, any of the following circumstances:

44 (a) The defendant committed the murder pursuant to an agreement that the defendant receive  
45 money or other thing of value for committing the murder.

1 (b) The defendant solicited another to commit the murder and paid or agreed to pay the person  
2 money or other thing of value for committing the murder.

3 (c) The defendant committed murder after having been convicted previously in any jurisdiction  
4 of *[any homicide, the elements of which constitute]* **the statutory counterpart** to the crime of ag-  
5 gravated murder as defined in ORS 163.095, murder in the first degree under this section, murder  
6 in the second degree as defined in ORS 163.115 or manslaughter in the first degree as defined in  
7 ORS 163.118.

8 (d) There was more than one murder victim in the same criminal episode as defined in ORS  
9 131.505.

10 (e) The homicide occurred in the course of or as a result of intentional maiming or torture of  
11 the victim.

12 (f) The victim of the intentional homicide was a person under the age of 14 years.

13 (g) The victim was one of the following and the murder was related to the performance of the  
14 victim's official duties in the justice system:

15 (A) A police officer as defined in ORS 181A.355;

16 (B) A correctional, parole and probation officer or other person charged with the duty of cus-  
17 tody, control or supervision of convicted persons;

18 (C) A member of the Oregon State Police;

19 (D) A judicial officer as defined in ORS 1.210;

20 (E) A juror or witness in a criminal proceeding;

21 (F) An employee or officer of a court of justice;

22 (G) A member of the State Board of Parole and Post-Prison Supervision; or

23 (H) A regulatory specialist.

24 (h) The defendant was confined in a state, county or municipal penal or correctional facility or  
25 was otherwise in custody when the murder occurred.

26 (i) The defendant committed murder by means of an explosive as defined in ORS 164.055.

27 (j) Notwithstanding ORS 163.115 (1)(b), the defendant personally and intentionally committed the  
28 homicide under the circumstances set forth in ORS 163.115 (1)(b).

29 (k) The murder was committed in an effort to conceal the commission of a crime, or to conceal  
30 the identity of the perpetrator of a crime.

31 (L) The murder was committed after the defendant had escaped from a state, county or munici-  
32 pal penal or correctional facility and before the defendant had been returned to the custody of the  
33 facility.

34 (2)(a) Except as otherwise provided in ORS 163.155 and paragraph (b) of this subsection, the  
35 court shall sentence a person convicted of murder in the first degree, who was at least 15 years of  
36 age at the time of committing the murder, to life imprisonment. The court shall order that the de-  
37 fendant be confined for a minimum of 30 years without possibility of parole or release to post-prison  
38 supervision except as provided in ORS 144.397, and without the possibility of release on work re-  
39 lease or any form of temporary leave or employment at a forest or work camp.

40 (b) The court may sentence the person to life imprisonment without the possibility of parole if  
41 the person was at least 18 years of age at the time of committing the murder. The court shall state  
42 on the record the reasons for imposing the sentence. A person sentenced to life imprisonment  
43 without the possibility of release or parole under this paragraph shall not have that sentence sus-  
44 pended, deferred or commuted by any judicial officer, and the State Board of Parole and Post-Prison  
45 Supervision may not parole the prisoner nor reduce the period of confinement in any manner what-

1 soever. The Department of Corrections or any executive official may not permit the prisoner to  
2 participate in any sort of release or furlough program.

3 (3)(a) For a person sentenced to life imprisonment, at any time after completion of the minimum  
4 period of confinement described in subsection (2)(a) of this section, the State Board of Parole and  
5 Post-Prison Supervision, upon the petition of a prisoner so confined, shall hold a hearing to deter-  
6 mine if the prisoner is likely to be rehabilitated within a reasonable period of time. The sole issue  
7 is whether the prisoner is likely to be rehabilitated within a reasonable period of time. At the  
8 hearing the prisoner has:

9 (A) The burden of proving by a preponderance of the evidence the likelihood of rehabilitation  
10 within a reasonable period of time;

11 (B) The right, if the prisoner is without sufficient funds to employ an attorney, to be represented  
12 by legal counsel, appointed by the board, at board expense; and

13 (C) The right to a subpoena upon a showing of the general relevance and reasonable scope of  
14 the evidence sought, provided that any subpoena issued on behalf of the prisoner must be issued by  
15 the State Board of Parole and Post-Prison Supervision pursuant to rules adopted by the board.

16 (b) If, upon hearing all of the evidence, the board, upon a unanimous vote of three board mem-  
17 bers or, if the chairperson requires all voting members to participate, a unanimous vote of all voting  
18 members, finds that the prisoner is capable of rehabilitation and that the terms of the prisoner's  
19 confinement should be changed to life imprisonment with the possibility of parole, release to post-  
20 prison supervision or work release, it shall enter an order to that effect and the order shall convert  
21 the terms of the prisoner's confinement to life imprisonment with the possibility of parole, release  
22 to post-prison supervision or work release and may set a release date. Otherwise, the board shall  
23 deny the relief sought in the petition.

24 (c) If the board denies the relief sought in the petition, the board shall determine the date of the  
25 subsequent hearing, and the prisoner may petition for an interim hearing, in accordance with ORS  
26 144.285.

27 (d) The board's final order shall be accompanied by findings of fact and conclusions of law. The  
28 findings of fact shall consist of a concise statement of the underlying facts supporting the findings  
29 as to each contested issue of fact and as to each ultimate fact required to support the board's order.

30 **SECTION 11.** ORS 163.160 is amended to read:

31 163.160. (1) A person commits the crime of assault in the fourth degree if the person:

32 (a) Intentionally, knowingly or recklessly causes physical injury to another;

33 (b) With criminal negligence causes physical injury to another by means of a deadly weapon;

34 or

35 (c) With criminal negligence causes serious physical injury to another who is a vulnerable user  
36 of a public way, as defined in ORS 801.608, by means of a motor vehicle.

37 (2) Assault in the fourth degree is a Class A misdemeanor.

38 (3) Notwithstanding subsection (2) of this section, assault in the fourth degree under subsection  
39 (1)(a) or (b) of this section is a Class C felony if the person commits the crime of assault in the  
40 fourth degree and:

41 (a) The assault is committed in the immediate presence of, or is witnessed by, the person's or  
42 the victim's minor child or stepchild or a minor child residing within the household of the person  
43 or victim;

44 (b) The person has been previously convicted of violating this section or ORS 163.165, 163.175,  
45 163.185, 163.187 or 163.190, or *[of committing an equivalent crime]* **their statutory counterparts** in

1 another jurisdiction, and the victim in the previous conviction is the same person who is the victim  
2 of the current crime;

3 (c) The person has at least three previous convictions for violating this section or ORS 163.165,  
4 163.175, 163.185, 163.187 or 163.190, or [*for committing an equivalent crime*] **their statutory**  
5 **counterparts** in another jurisdiction, in any combination; or

6 (d) The person commits the assault knowing that the victim is pregnant.

7 (4) For purposes of subsection (3) of this section, an assault is witnessed if the assault is seen  
8 or directly perceived in any other manner by the child.

9 **SECTION 12.** ORS 163.187 is amended to read:

10 163.187. (1) A person commits the crime of strangulation if the person knowingly impedes the  
11 normal breathing or circulation of the blood of another person by:

12 (a) Applying pressure on the throat, neck or chest of the other person; or

13 (b) Blocking the nose or mouth of the other person.

14 (2) Subsection (1) of this section does not apply to legitimate medical or dental procedures or  
15 good faith practices of a religious belief.

16 (3) Strangulation is a Class A misdemeanor.

17 (4) Notwithstanding subsection (3) of this section, strangulation is a Class C felony if:

18 (a) The crime is committed in the immediate presence of, or is witnessed by, the person's or the  
19 victim's minor child or stepchild or a minor child residing within the household of the person or the  
20 victim;

21 (b) The victim is under 10 years of age;

22 (c) The victim is a family or household member, as defined in ORS 135.230, of the person;

23 (d) During the commission of the crime, the person used, attempted to use or threatened to use  
24 a dangerous or deadly weapon, as those terms are defined in ORS 161.015, unlawfully against an-  
25 other;

26 (e) The person has been previously convicted of violating this section or ORS 163.160, 163.165,  
27 163.175, 163.185 or 163.190, or [*of committing an equivalent crime*] **their statutory counterparts** in  
28 another jurisdiction, and the victim in the previous conviction is the same person who is the victim  
29 of the current crime;

30 (f) The person has at least three previous convictions for violating this section or ORS 163.160,  
31 163.165, 163.175, 163.185 or 163.190, or [*for committing an equivalent crime*] **their statutory**  
32 **counterparts** in another jurisdiction, in any combination; or

33 (g) The person commits the strangulation knowing that the victim is pregnant.

34 (5) For purposes of subsection (4)(a) of this section, a strangulation is witnessed if the  
35 strangulation is seen or directly perceived in any other manner by the child.

36 (6) The Oregon Criminal Justice Commission shall classify strangulation committed under the  
37 circumstances described in subsection (4)(c) of this section as crime category 5 of the sentencing  
38 guidelines grid of the commission.

39 **SECTION 13.** ORS 163.465 is amended to read:

40 163.465. (1) A person commits the crime of public indecency if while in, or in view of, a public  
41 place the person performs:

42 (a) An act of sexual intercourse;

43 (b) An act of oral or anal sexual intercourse;

44 (c) Masturbation; or

45 (d) An act of exposing the genitals of the person with the intent of arousing the sexual desire

1 of the person or another person.

2 (2)(a) Public indecency is a Class A misdemeanor.

3 (b) Notwithstanding paragraph (a) of this subsection, public indecency is a Class C felony if the  
 4 person has a prior conviction for public indecency or a crime described in ORS 163.355 to 163.445,  
 5 or [for a crime] **their statutory counterparts** in another jurisdiction [that, if committed in this state,  
 6 would constitute public indecency or a crime described in ORS 163.355 to 163.445].

7 **SECTION 14.** ORS 163.732 is amended to read:

8 163.732. (1) A person commits the crime of stalking if:

9 (a) The person knowingly alarms or coerces another person or a member of that person’s im-  
 10 mediate family or household by engaging in repeated and unwanted contact with the other person;

11 (b) It is objectively reasonable for a person in the victim’s situation to have been alarmed or  
 12 coerced by the contact; and

13 (c) The repeated and unwanted contact causes the victim reasonable apprehension regarding the  
 14 personal safety of the victim or a member of the victim’s immediate family or household.

15 (2)(a) Stalking is a Class A misdemeanor.

16 (b) Notwithstanding paragraph (a) of this subsection, stalking is a Class C felony if the person  
 17 has a prior conviction for[:] **stalking under this section or violating a court’s stalking protec-**  
 18 **tive order under ORS 163.750, or their statutory counterparts in any jurisdiction.**

19 [(A) *Stalking; or*]

20 [(B) *Violating a court’s stalking protective order.*]

21 (c) When stalking is a Class C felony pursuant to paragraph (b) of this subsection, stalking shall  
 22 be classified as a person felony and as crime category 8 of the sentencing guidelines grid of the  
 23 Oregon Criminal Justice Commission.

24 **(3) As used in this section, “statutory counterpart” has the meaning given that term in**  
 25 **ORS 161.015.**

26 **SECTION 15.** ORS 163.750 is amended to read:

27 163.750. (1) A person commits the crime of violating a court’s stalking protective order [when]  
 28 if:

29 (a) The person has been served with a court’s stalking protective order as provided in ORS  
 30 30.866 or 163.738, or [if further] service was waived under ORS 163.741 because the person appeared  
 31 before the court;

32 (b) The person, subsequent to the service of the order **or waiver of service**, has engaged in-  
 33 tentionally, knowingly or recklessly in conduct prohibited by the order; and

34 (c) If the conduct is prohibited contact as defined in ORS 163.730 (3)(d), (e), (f), (h) or (i), the  
 35 subsequent conduct has created reasonable apprehension regarding the personal safety of a person  
 36 protected by the order.

37 (2)(a) Violating a court’s stalking protective order is a Class A misdemeanor.

38 (b) Notwithstanding paragraph (a) of this subsection, violating a court’s stalking protective or-  
 39 der is a Class C felony if the person has a prior conviction for[:] **violating a court’s stalking**  
 40 **protective order under this section or stalking under ORS 163.732, or their statutory**  
 41 **counterparts in any jurisdiction.**

42 [(A) *Stalking; or*]

43 [(B) *Violating a court’s stalking protective order.*]

44 (c) When violating a court’s stalking protective order is a Class C felony pursuant to paragraph  
 45 (b) of this subsection, violating a court’s stalking protective order shall be classified as a person

1 felony and as crime category 8 of the sentencing guidelines grid of the Oregon Criminal Justice  
 2 Commission.

3 **(3) As used in this section, “statutory counterpart” has the meaning given that term in**  
 4 **ORS 161.015.**

5 **SECTION 16.** ORS 165.803 is amended to read:

6 165.803. (1) A person commits the crime of aggravated identity theft if:

7 (a) The person violates ORS 165.800 in 10 or more separate incidents within a 180-day period;

8 (b) The person violates ORS 165.800 and the person has a previous conviction for aggravated  
 9 identity theft;

10 (c) The person violates ORS 165.800 and the losses incurred in a single or aggregate transaction  
 11 are \$10,000 or more within a 180-day period; or

12 (d) The person violates ORS 165.800 and has in the person’s custody, possession or control 10  
 13 or more pieces of personal identification from 10 or more different persons.

14 (2) Aggravated identity theft is a Class B felony.

15 (3) As used in this section[,]:

16 (a) “Previous conviction” includes:

17 [(a)] (A) Convictions occurring before, on or after January 1, 2008; and

18 [(b)] (B) Convictions entered in any other state or federal court for [*comparable offenses*] **the**  
 19 **statutory counterpart to this section.**

20 **(b) “Statutory counterpart” has the meaning given that term in ORS 161.015.**

21 (4) The state shall plead in the accusatory instrument and prove beyond a reasonable doubt, as  
 22 an element of the offense, the previous conviction for aggravated identity theft.

23 **SECTION 17.** ORS 813.011 is amended to read:

24 813.011. (1) Driving under the influence of intoxicants under ORS 813.010 shall be a Class C  
 25 felony if **at least two times in the 10 years prior to the date of the current offense** the de-  
 26 fendant has been convicted of [*driving under the influence of intoxicants in violation of ORS 813.010,*  
 27 *or its statutory counterpart in another jurisdiction, at least two times in the 10 years prior to the date*  
 28 *of the current offense.*] **the following offenses in any combination:**

29 **(a) Driving under the influence of intoxicants in violation of ORS 813.010.**

30 **(b) The statutory counterpart, as defined in section 3 of this 2021 Act, to ORS 813.010 in**  
 31 **another jurisdiction.**

32 (2) Once a person has been sentenced for a Class C felony under this section, the 10-year time  
 33 limitation is eliminated and any subsequent episode of driving under the influence of intoxicants  
 34 shall be a Class C felony regardless of the amount of time which intervenes.

35 (3) Upon conviction for a Class C felony under this section, the person shall be sentenced to a  
 36 mandatory minimum term of incarceration of 90 days, without reduction for any reason.

37 **SECTION 18.** ORS 161.005 is amended to read:

38 161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175, 161.190 to 161.275, 161.290  
 39 to 161.373, 161.405 to 161.485, 161.505 to 161.585, 161.605, 161.615 to 161.685, 161.705 to 161.737,  
 40 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to  
 41 162.425, 162.465, 163.005, 163.095, 163.107, 163.115, **163.118**, 163.125 to 163.145, 163.149, 163.160 to  
 42 163.208, 163.196, 163.215 to 163.257, 163.261, 163.263, 163.264, 163.266, 163.275, 163.285, 163.305 to  
 43 163.467, 163.432, 163.433, 163.472, 163.505 to 163.575, 163.665 to 163.693, 163.700, 163.701, 163.715,  
 44 164.005, 164.015 to 164.135, 164.138, 164.140, 164.205 to 164.270, 164.305 to 164.377, 164.395 to 164.415,  
 45 164.805, 164.857, 164.886, 165.002 to 165.102, 165.109, 165.118, 165.805, 165.815, 166.005 to 166.095,



1 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027, 167.057, 167.060 to 167.100, 167.117, 167.122 to  
2 167.162, 167.203 to 167.252, 167.310 to 167.340, 167.350, 167.810 and 167.820 shall be known and may  
3 be cited as Oregon Criminal Code of 1971.

4 **SECTION 19. Sections 2 and 3 of this 2021 Act and the amendments to ORS 137.690,**  
5 **137.712, 137.717, 137.719, 137.725, 161.005, 161.015, 163.107, 163.160, 163.187, 163.465, 163.732,**  
6 **163.750, 165.803 and 813.011 by sections 1 and 4 to 18 of this 2021 Act apply to:**

7 (1) **Conduct alleged to constitute an offense under Oregon law occurring on or after the**  
8 **effective date of this 2021 Act.**

9 (2) **Convictions for statutory counterparts to Oregon crimes in other jurisdictions oc-**  
10 **curing before, on or after the effective date of this 2021 Act.**

11