Information from the Oregon District Attorney's Association

- Applies to **ADULTS** convicted of:
 - •Assault in the First Degree
 - •Assault in the Second Degree
 - Attempted Murder (Aggravated, First, Second)

- State must prove that the defendant *intentionally* or *knowingly* caused **PERMANENT PHYSICAL INJURY** during the commission of one of the above serious felony crimes
- Does not create a new crime allows discretion to enhance sentence

 Defines PERMANENT PHYSICAL INJURY as
Permanent Loss of Vision or Hearing
Permanent Loss of Ability to Walk, Breathe, Eat, or Move the Person's Limbs
Permanent Impairment of Cognitive Functioning

- Presumptive sentence of 300 months in prison, similar to *Jessica's Law*
- Provides sentencing judge discretion to sentence *less than 300 months* based on significant mitigating circumstances
- Jessica's Law was passed in a special session of the Oregon Legislature in 2006. The vote in the House was 54-6 and in the Senate it was 30-0.
- Jessica's Law requires a 25 year mandatory minimum sentence for adults convicted of raping, sodomizing or sexually penetrating a child under 12 years of age.
- Like Jessica's Law, Ezra's Law would protect our state's most vulnerable

Oregon Law – Physical Injury and Serious Physical Injury

• Physical Injury: an injury that causes substantial pain or impairment of physical condition

• Serious Physical Injury: a physical injury that creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ

 Permanent Injury: currently no definition under Oregon law

The Oregon Sentencing Guidelines Grid

Crime Seriousness	Α	В	С	D	E	F	G	н	I	Prob Term	Max Depart	PPS
11	225- 269	196- 224	178- 194	164- 177	149- 163	135- 148	129- 134	122- 128	120- 121			
10	121- 130	116- 120	111- 115	91- 110	81- 90	71- 80	66- 70	61- 65	58- 60	5 Years		
9	66- 72	61- 65	56- 60	51- 55	46- 50	41- 45	39- 40	37- 38	34- 36			3 Years
8	41- 45	35- 40	29- 34	27- 28	25- 26	23- 24	21- 22	19- 20	16- 18			
7	31- 36	25- 30	21- 24	19- 20	16- 18	180 90	180 90	180 90	180 90	3 Years	10 Мас	
6	25- 30	19- 24	15- 18	13- 14	10- 12	180 90	180 90	180 90	180 90		18 Mos.	
5	15- 16	13- 14	11- 12	9-10	6-8	180 90	120 60	120 60	120 60			2 Years
4	10- 11	8-9	120 60	2 Years	12 Mos.							
3	120 60	120 60	120 60	120 60	120 60	120 60	90 30	90 30	90 30			
2	90 30	1 ½	6 Mos.	1 Year								
1	90 30	Years										