

**SB 618 -1 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary**

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**Prepared By:** Gillian Fischer, LPRO Analyst

**Meeting Dates:** 1/31, 3/1

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**WHAT THE MEASURE DOES:**

Establishes an aggravating factor that may be pleaded in a charging instrument if a defendant wears body armor during the commission of a felony offense. Provides that if defendant is convicted of the aggravated offense, the court shall sentence defendant to five years' imprisonment for first offense, 10 years' imprisonment for second offense, and 30 years' imprisonment for third and subsequent offenses. Authorizes court to impose a lesser sentence in certain circumstances.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-1 Replaces the measure. Provides that a court shall, in determining aggravating factors at the time of sentencing, consider whether the person was wearing body armor at the time of committing the crime. Makes technical change.

**BACKGROUND:**

ORS 161.605 outlines the maximum term of an indeterminate sentence of imprisonment for a felony as follows: (1)For a Class A felony, 20 years; (2)For a Class B felony, 10 years; (3)For a Class C felony, 5 years.

Senate Bill 618 would provide that if a defendant is convicted of an offense aggravated by the use of body armor during the commission of the felony offense, enhanced sentencing penalties apply as specified, regardless of the felony classification.