

SB 618 B STAFF MEASURE SUMMARY

Carrier: Rep. Conrad

House Committee On Judiciary

Action Date: 05/17/23

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 8-2-0-0

Yeas: 8 - Andersen, Bynum, Conrad, Kropf, Lewis, Reynolds, Tran, Wallan

Nays: 2 - Chaichi, Morgan

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Gillian Fischer, LPRO Analyst

Meeting Dates: 3/20, 4/12, 5/11, 5/17

WHAT THE MEASURE DOES:

Provides that a court shall, in determining aggravating factors at the time of sentencing, consider whether at the time of committing the crime, the person was wearing body armor in the course of and in furtherance of the crime, or to facilitate the immediate flight therefrom. Makes technical change.

ISSUES DISCUSSED:

- Does measure criminalize wearing of body armor
- Differences in consideration of aggravating factors if conviction is misdemeanor vs felony
- Sentencing guidelines generally
- Narrowed scope of amendment

EFFECT OF AMENDMENT:

Narrows consideration for determining aggravation when a person was wearing body armor. Provides that the court shall consider whether the person was wearing body armor in the course of and in furtherance of the crime, or to facilitate the immediate flight therefrom.

BACKGROUND:

Under ORS 137.080, after a plea or verdict of guilty, in a case where the court has discretion as to the extent of the punishment to be inflicted, the court may or, in some circumstances, is required, to consider certain factors in aggravation or mitigation of the punishment. ORS 137.090 outlines certain factors that a court shall consider as aggravating in determining appropriate punishment.

Senate Bill 618 B provides that a court shall, in determining aggravating factors at the time of sentencing, consider whether at the time of committing the crime, the person was wearing body armor in the course of and in furtherance of the crime, or to facilitate the immediate flight therefrom.