

House Bill 2182

Sponsored by Representative MANNIX (Pre-session filed.)

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**.

Directs court to inform victim, at sentencing, of potential sentencing reductions defendant may receive.

A BILL FOR AN ACT

1 Relating to sentencing; creating new provisions; and amending ORS 137.750, 137.751 and 137.752.

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

3 **SECTION 1.** ORS 137.750 is amended to read:

4 137.750. (1) When a court sentences a defendant to a term of incarceration upon conviction of
5 a crime, the court shall order on the record in open court as part of the sentence imposed that the
6 defendant may be considered by the executing or releasing authority for any form of temporary
7 leave from custody, reduction in sentence, work release or program of conditional or supervised
8 release authorized by law for which the defendant is otherwise eligible at the time of sentencing,
9 unless the court finds on the record in open court substantial and compelling reasons to order that
10 the defendant not be considered for such leave, release or program.

11 (2) The executing or releasing authority may consider the defendant for a program described in
12 subsection (1) of this section only upon order of the sentencing court appearing in the judgment.

13 (3) **If the court orders that the defendant may be considered by the executing or releas-**
14 **ing authority for any form of temporary leave from custody, reduction in sentence, work**
15 **release or program of conditional or supervised release under subsection (1) of this section,**
16 **the court shall ensure that any victim present for sentencing is informed of the potential**
17 **sentence reductions the defendant may receive. The court shall additionally inform the vic-**
18 **tim if the defendant may qualify for release under ORS 144.397 or ORS 420A.203 and 420A.206.**

19 [(3)] (4) As used in this section:

20 (a) "Executing or releasing authority" means the Department of Corrections, State Board of
21 Parole and Post-Prison Supervision, Oregon Youth Authority, Psychiatric Security Review Board,
22 sentencing court or supervisory authority.

23 (b) "Supervisory authority" has the meaning given that term in ORS 144.087.

24 **SECTION 2.** ORS 137.751 is amended to read:

25 137.751. (1) When a court sentences a defendant to a term of incarceration that exceeds one
26 year, the defendant may request a determination of the defendant's eligibility for release on post-
27 prison supervision under ORS 421.508 (4). The court shall order in the judgment that the Department
28 of Corrections may release the defendant on post-prison supervision under ORS 421.508 (4) only if,
29 after a hearing, the court finds that:

30 (a) The defendant meets the eligibility requirements of subsections (2) and (3) of this section;

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 (b) The defendant was not on probation, parole or post-prison supervision for an offense listed
 2 in ORS 137.712 (4) or 811.705 (3)(b) at the time of the commission of the current crime of conviction;

3 (c) The defendant has not previously been released on post-prison supervision under ORS 421.508
 4 (4);

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

6 (e) The crime was not part of an organized criminal operation; and

7 (f) After considering the nature of the offense and the harm to the victim, the defendant's suc-
 8 cessful completion of the program would:

9 (A) Increase public safety;

10 (B) Enhance the likelihood that the defendant would be rehabilitated; and

11 (C) Not unduly reduce the appropriate punishment.

12 (2) Except as provided in subsection (4) of this section, a defendant may not be released on
 13 post-prison supervision under ORS 421.508 (4) if the defendant is being sentenced for a crime under
 14 ORS 163.145, 163.165 (1)(a) or (b), 163.525 or 811.705 (3)(b).

15 (3) A defendant may not be released on post-prison supervision under ORS 421.508 (4) if the de-
 16 fendant is being sentenced for a crime listed in ORS 137.700, 137.707 or 163.095 or a sex crime as
 17 defined in ORS 163A.005.

18 (4) Notwithstanding subsection (1) of this section, the parties may stipulate to a defendant's el-
 19 igibility for release on post-prison supervision under ORS 421.508 (4). If the court accepts the stip-
 20 ulation, the court does not need to make explicit findings regarding the factors described in
 21 subsection (1)(b) to (f) of this section. The parties may not stipulate to the defendant's release on
 22 post-prison supervision under ORS 421.508 (4) if the defendant is being sentenced for a crime de-
 23 scribed in subsection (3) of this section.

24 (5) If the court makes the findings described in subsection (1) of this section or accepts the
 25 stipulation of the parties under subsection (4) of this section, the court shall:

26 (a) Order on the record in open court as part of the sentence imposed that the defendant may
 27 be considered by the department for release on post-prison supervision under ORS 421.508 (4); and

28 (b) Include the order described in paragraph (a) of this subsection in the judgment.

29 **(6) If the court enters an order under subsection (5) of this section, the court shall en-**
 30 **sure that any victim present for sentencing is informed of the potential sentence reductions**
 31 **the defendant may receive.**

32 ~~[(6)]~~ (7) Subject to the requirements of this section, the court may order that the defendant serve
 33 a minimum period of incarceration before the defendant is released on post-prison supervision under
 34 ORS 421.508 (4). Nothing in this section authorizes the release of the defendant on post-prison
 35 supervision before the defendant has served the period of time described in ORS 421.508 (4)(b).

36 **SECTION 3.** ORS 137.752 is amended to read:

37 137.752. (1) When a court commits a defendant to the custody of a supervisory authority of a
 38 county under ORS 137.124, the court shall order on the record in open court as part of the sentence
 39 imposed that the defendant may be considered by the supervisory authority for any form of alter-
 40 native sanction authorized by ORS 423.478, unless the court finds on the record in open court sub-
 41 stantial and compelling reasons to order that the defendant not be considered for alternative
 42 sanctions.

43 (2) The supervisory authority may consider the defendant for alternative sanctions only upon
 44 order of the sentencing court appearing in the judgment.

45 **(3) If the court orders that the defendant may be considered by the supervisory authority**

1 **for any form of alternative sanction authorized by ORS 423.478 under subsection (1) of this**
2 **section, the court shall ensure that any victim present for sentencing is informed of the**
3 **potential sentence reductions the defendant may receive.**

4 [(3)] (4) As used in this section, “supervisory authority” has the meaning given that term in ORS
5 144.087.

6 **SECTION 4. The amendments to ORS 137.750, 137.751 and 137.752 by sections 1 to 3 of this**
7 **2023 Act apply to sentences imposed on or after the effective date of this 2023 Act.**

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