

House Bill 2412

Sponsored by Representative OWENS, Senator FINDLEY (at the request of Representative Kevin 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**.

Establishes procedure for charging aggravated version of offense when defendant commits felony after receiving commutation. Directs court to calculate sentence by determining sentence for underlying crime and adding 60 months' imprisonment.

A BILL FOR AN ACT

1
2 Relating to commutations.

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

4 **SECTION 1. (1) If a defendant commits a felony after having a previous sentence com-**
5 **mutated, in full or in part, by the Governor under ORS 144.649, that fact may be pleaded in the**
6 **accusatory instrument and proved at trial as an element in aggravation of the crime as**
7 **provided in this section. When a crime is so pleaded, the aggravated nature of the crime may**
8 **be indicated by adding the words "after having received a commutation" to the title of the**
9 **offense. The unaggravated crime is a lesser included offense.**

10 **(2) Notwithstanding the provisions of ORS 161.605, if a defendant is convicted of a felony**
11 **having as an element that the defendant committed the offense after having received a**
12 **commutation, the court shall sentence the defendant as provided in this subsection. The**
13 **court shall first determine the sentence for the unaggravated crime according to the rules**
14 **of the Oregon Criminal Justice Commission and any sentence mandated by statute. If the**
15 **court determines that the sentence for the unaggravated crime is a term of probation, the**
16 **court shall sentence the defendant to a term of imprisonment of 60 months. If the court**
17 **determines that the sentence for the unaggravated crime is a term of imprisonment, the**
18 **court shall sentence the defendant to a term of imprisonment equal to the term of**
19 **imprisonment for the unaggravated crime plus 60 months.**

20 **(3) A person sentenced under this section is not eligible for work release, temporary**
21 **leave from custody or a reduction in the sentence under ORS 421.121 or any other law.**
22

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.