

# B-Engrossed Senate Bill 618

Ordered by the House May 18  
Including Senate Amendments dated March 6 and House Amendments  
dated May 18

Sponsored by Senator PROZANSKI; Senator MANNING JR (Presession 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.

Directs court to consider, when determining aggravation at sentencing, whether defendant was wearing body armor [*at time*] **in course of and in furtherance of crime or to facilitate immediate flight therefrom.**

## A BILL FOR AN ACT

1 Relating to body armor; amending ORS 137.090.

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

3 **SECTION 1.** ORS 137.090 is amended to read:

4 137.090. (1) In determining aggravation or mitigation, the court shall consider:

5 (a) Any evidence received during the proceeding;

6 (b) The presentence report, where one is available; and

7 (c) Any other evidence relevant to aggravation or mitigation that the court finds trustworthy  
8 and reliable.

9 (2) In determining mitigation, the court may consider:

10 (a) Evidence regarding the defendant's status as a servicemember as defined in ORS 135.881.

11 (b) Whether the defendant committed the crime while under duress, compulsion, direction or  
12 pressure from another person who has:

13 (A) Committed acts of domestic violence, as defined in ORS 135.230, against the defendant;

14 (B) Committed acts of abuse as a family or household member of the defendant, as those terms  
15 are defined in ORS 107.705, against the defendant; or

16 (C) Used force, intimidation, fraud or coercion to cause the defendant to engage, or attempt to  
17 engage, in a commercial sex act.

18 **(3) In determining aggravation, the court shall consider whether the person was wearing  
19 body armor in the course of and in furtherance of the crime, or to facilitate the immediate  
20 flight therefrom.**

21 [(3)] (4) When a witness is so sick or infirm as to be unable to attend a **sentencing  
22 proceeding**, the deposition of the witness may be taken out of court at such time and place, and  
23 upon such notice to the adverse party, and before such person authorized to take depositions, as the  
24 court directs.  
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**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.