

HB 2641 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/26, 4/1, 4/8

WHAT THE MEASURE DOES:

The measure modifies when a prior conviction is admissible to impeach a witness' character for truthfulness. It also limits prior convictions that may be used to calculate the criminal history of a defendant for the purposes of sentencing to convictions for which the date of judgment of conviction or incarceration, is within the 15 years prior to the date of the crime for which the defendant is being sentenced.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Removes language that limits prior convictions that may be used to calculate the criminal history of a defendant for the purposes of sentencing and language referencing the use of juvenile adjudications. Provides that the amendments to ORS 40.355 by section 1 apply to proceedings based on conduct occurring on or after the effective date of the act.

BACKGROUND:

Oregon evidence rules provide, pursuant to ORS 40.355, that if a defendant is charged with certain crimes and is a witness at trial, evidence of defendant's convictions may be admitted into evidence for the purpose of attacking the credibility of the defendant.

The sentencing guidelines grid is a two-dimensional classification tool. The vertical axis is the crime seriousness classification of the current conviction. The horizontal axis is the scale which classifies criminal histories. Each grid block states the presumptive sentence for an offender whose crime of conviction and criminal history place him or her in that grid block. Criminal history scales are determined using a persons entire history with no temporal limitations. OAR 213-004-0001