

House Bill 2224

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Attorney General Hardy Myers for Department of Justice)

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**.

Requires appellate court, after reversing some but not all counts on appeal, to remand case to trial court for resentencing on remaining counts.

A BILL FOR AN ACT

1
2 Relating to remands of criminal cases from appellate courts; creating new provisions; and amending
3 ORS 138.240.

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

5 **SECTION 1.** ORS 138.240 is amended to read:

6 138.240. (1) The appellate court may reverse, affirm or modify the judgment or order appealed
7 from and shall, if necessary or proper, order a new trial.

8 **(2) If the appellate court, in a case involving multiple counts, reverses the judgment of**
9 **conviction on some counts and affirms other counts, the appellate court shall remand the**
10 **case to the trial court for resentencing on the affirmed counts.**

11 **SECTION 2.** The amendments to ORS 138.240 by section 1 of this 2005 Act apply to ap-
12 **peals filed on or after the effective date of this 2005 Act.**

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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.