

HOUSE AMENDMENTS TO HOUSE BILL 3507

By COMMITTEE ON STATE AND FEDERAL AFFAIRS

July 28

1 On page 1 of the printed bill, line 2, delete “, 137.707”.

2 Delete lines 4 through 31 and delete pages 2 through 6 and insert:

3 “**SECTION 1.** ORS 137.700 is amended to read:

4 “137.700. (1) **Notwithstanding ORS 161.605**, when a person is convicted of one of the offenses
5 listed in subsection (2)(a) of this section and the offense was committed on or after April 1, 1995,
6 or of one of the offenses listed in subsection (2)(b) of this section and the offense was committed on
7 or after October 4, 1997, the court shall impose, and the person shall serve, at least the entire term
8 of imprisonment listed in subsection (2) of this section. The person is not, during the service of the
9 term of imprisonment, eligible for release on post-prison supervision or any form of temporary leave
10 from custody. The person is not eligible for any reduction in, or based on, the minimum sentence for
11 any reason whatsoever under ORS 421.121 or any other statute. The court may impose a greater
12 sentence if otherwise permitted by law, but may not impose a lower sentence than the sentence
13 specified in subsection (2) of this section.

14 “(2) The offenses to which subsection (1) of this section applies and the applicable mandatory
15 minimum sentences are:

16 “ _____

- 17
- 18
- 19 (a)(A) Murder, as defined in
- 20 ORS 163.115.300 months
- 21 (B) Attempt or conspiracy
- 22 to commit aggravated
- 23 murder, as defined
- 24 in ORS 163.095.120 months
- 25 (C) Attempt or conspiracy
- 26 to commit murder, as
- 27 defined in ORS 163.115.90 months
- 28 (D) Manslaughter in the
- 29 first degree, as defined
- 30 in ORS 163.118.120 months
- 31 (E) Manslaughter in the
- 32 second degree, as defined
- 33 in ORS 163.125.75 months
- 34 (F) Assault in the first
- 35 degree, as defined in

1	ORS 163.185.....	90 months
2	(G) Assault in the second	
3	degree, as defined in	
4	ORS 163.175.....	70 months
5	(H) Kidnapping in the first	
6	degree, as defined	
7	in ORS 163.235.....	90 months
8	(I) Kidnapping in the second	
9	degree, as defined in	
10	ORS 163.225.....	70 months
11	(J) Rape in the first degree,	
12	as defined in	
13	ORS 163.375 (1)(a), (c)	
14	or (d)	100 months
15	(K) Rape in the second degree,	
16	as defined in ORS 163.365.....	75 months
17	(L) Sodomy in the first degree,	
18	as defined in	
19	ORS 163.405 (1)(a), (c)	
20	or (d)	100 months
21	(M) Sodomy in the second	
22	degree, as defined in	
23	ORS 163.395.....	75 months
24	(N) Unlawful sexual penetration	
25	in the first degree, as	
26	defined in	
27	ORS 163.411 (1)(a) or	
28	(c)	100 months
29	(O) Unlawful sexual penetration	
30	in the second degree, as	
31	defined in ORS 163.408.....	75 months
32	(P) Sexual abuse in the first	
33	degree, as defined in	
34	ORS 163.427.....	75 months
35	(Q) Robbery in the first degree,	
36	as defined in ORS 164.415.....	90 months
37	(R) Robbery in the second	
38	degree, as defined in	
39	ORS 164.405.....	70 months
40	(b)(A) Arson in the first degree,	
41	as defined in ORS 164.325,	
42	when the offense represented	
43	a threat of serious	
44	physical injury.....	90 months
45	(B) Using a child in a display	

- 1 of sexually explicit
- 2 conduct, as defined in
- 3 ORS 163.670.70 months
- 4 (C) Compelling prostitution,
- 5 as defined in ORS 167.017.70 months
- 6 (D) **Rape in the first degree,**
- 7 **as defined in**
- 8 **ORS 163.375 (1)(b). 300 months**
- 9 (E) **Sodomy in the first degree,**
- 10 **as defined in**
- 11 **ORS 163.405 (1)(b). 300 months**
- 12 (F) **Unlawful sexual penetration**
- 13 **in the first degree, as**
- 14 **defined in**
- 15 **ORS 163.411 (1)(b). 300 months**

16 “

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18 “**SECTION 2.** ORS 144.103 is amended to read:

19 “144.103. (1) Except as otherwise provided in ORS 137.765 **and subsection (2) of this section,**

20 any person sentenced to a term of imprisonment for violating or attempting to violate ORS 163.365,

21 163.375, 163.395, 163.405, 163.408, 163.411, 163.425 or 163.427 shall serve a term of post-prison

22 supervision that [*shall continue*] **continues** until the term of the post-prison supervision, when added

23 to the term of imprisonment served, equals the maximum statutory indeterminate sentence for the

24 violation.

25 “(2)(a) **A person sentenced to a term of imprisonment for violating ORS 163.375 (1)(b),**

26 **163.405 (1)(b) or 163.411 (1)(b) shall serve a term of post-prison supervision that continues for**

27 **the rest of the person’s life if the person was at least 18 years of age at the time the person**

28 **committed the crime.**

29 “(b) **When a person is sentenced to a term of post-prison supervision described in para-**

30 **graph (a) of this subsection, the person must be actively supervised for at least the first 10**

31 **years of the post-prison supervision and actively tracked for the remainder of the term.**

32 **Active tracking may be done by means of an electronic device attached to the person.**

33 “(3) Any costs incurred as a result of this section shall be paid by increased post-prison super-

34 vision fees under ORS 423.570.

35 “**SECTION 3. The amendments to ORS 137.700 and 144.103 by sections 1 and 2 of this 2005**

36 **Act apply to persons convicted of crimes that were committed on or after the effective date**

37 **of this 2005 Act.”.**

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