

A-Engrossed House Bill 3507

Ordered by the House July 28
Including House Amendments dated July 28

Sponsored by Representative P SMITH; Representatives ANDERSON, BARKER, CAMERON, NELSON, SCHAUFLEER

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.

Increases mandatory minimum sentences and extends period of post-prison supervision for, and requires active tracking of, *[person]* **certain persons** convicted of rape in first degree, sodomy in first degree or unlawful sexual penetration in first degree **when victim is under 12 years of age**.

A BILL FOR AN ACT

Relating to sex offenses; creating new provisions; and amending ORS 137.700 and 144.103.

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

SECTION 1. ORS 137.700 is amended to read:

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

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

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- (a)(A) Murder, as defined in
ORS 163.115.....300 months
 - (B) Attempt or conspiracy
to commit aggravated
murder, as defined
in ORS 163.095.....120 months
 - (C) Attempt or conspiracy
to commit murder, as

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.

- 1 defined in ORS 163.115.90 months
- 2 (D) Manslaughter in the
- 3 first degree, as defined
- 4 in ORS 163.118.120 months
- 5 (E) Manslaughter in the
- 6 second degree, as defined
- 7 in ORS 163.125.75 months
- 8 (F) Assault in the first
- 9 degree, as defined in
- 10 ORS 163.185.90 months
- 11 (G) Assault in the second
- 12 degree, as defined in
- 13 ORS 163.175.70 months
- 14 (H) Kidnapping in the first
- 15 degree, as defined
- 16 in ORS 163.235.90 months
- 17 (I) Kidnapping in the second
- 18 degree, as defined in
- 19 ORS 163.225.70 months
- 20 (J) Rape in the first degree,
- 21 as defined in
- 22 ORS 163.375 (1)(a), (c)
- 23 **or (d)**.....100 months
- 24 (K) Rape in the second degree,
- 25 as defined in ORS 163.365.75 months
- 26 (L) Sodomy in the first degree,
- 27 as defined in
- 28 ORS 163.405 (1)(a), (c)
- 29 **or (d)**.....100 months
- 30 (M) Sodomy in the second
- 31 degree, as defined in
- 32 ORS 163.395.75 months
- 33 (N) Unlawful sexual penetration
- 34 in the first degree, as
- 35 defined in
- 36 ORS 163.411 (1)(a) **or**
- 37 **(c)**.....100 months
- 38 (O) Unlawful sexual penetration
- 39 in the second degree, as
- 40 defined in ORS 163.408.75 months
- 41 (P) Sexual abuse in the first
- 42 degree, as defined in
- 43 ORS 163.427.75 months
- 44 (Q) Robbery in the first degree,
- 45 as defined in ORS 164.415.90 months

- 1 (R) Robbery in the second
- 2 degree, as defined in
- 3 ORS 164.40570 months
- 4 (b)(A) Arson in the first degree,
- 5 as defined in ORS 164.325,
- 6 when the offense represented
- 7 a threat of serious
- 8 physical injury.90 months
- 9 (B) Using a child in a display
- 10 of sexually explicit
- 11 conduct, as defined in
- 12 ORS 163.67070 months
- 13 (C) Compelling prostitution,
- 14 as defined in ORS 167.017.....70 months
- 15 (D) **Rape in the first degree,**
- 16 **as defined in**
- 17 **ORS 163.375 (1)(b). 300 months**
- 18 (E) **Sodomy in the first degree,**
- 19 **as defined in**
- 20 **ORS 163.405 (1)(b). 300 months**
- 21 (F) **Unlawful sexual penetration**
- 22 **in the first degree, as**
- 23 **defined in**
- 24 **ORS 163.411 (1)(b). 300 months**

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27 **SECTION 2.** ORS 144.103 is amended to read:

28 144.103. (1) Except as otherwise provided in ORS 137.765 **and subsection (2) of this section,**
29 any person sentenced to a term of imprisonment for violating or attempting to violate ORS 163.365,
30 163.375, 163.395, 163.405, 163.408, 163.411, 163.425 or 163.427 shall serve a term of post-prison
31 supervision that [*shall continue*] **continues** until the term of the post-prison supervision, when added
32 to the term of imprisonment served, equals the maximum statutory indeterminate sentence for the
33 violation.

34 (2)(a) **A person sentenced to a term of imprisonment for violating ORS 163.375 (1)(b),**
35 **163.405 (1)(b) or 163.411 (1)(b) shall serve a term of post-prison supervision that continues for**
36 **the rest of the person’s life if the person was at least 18 years of age at the time the person**
37 **committed the crime.**

38 (b) **When a person is sentenced to a term of post-prison supervision described in para-**
39 **graph (a) of this subsection, the person must be actively supervised for at least the first 10**
40 **years of the post-prison supervision and actively tracked for the remainder of the term.**
41 **Active tracking may be done by means of an electronic device attached to the person.**

42 (3) Any costs incurred as a result of this section shall be paid by increased post-prison super-
43 vision fees under ORS 423.570.

44 **SECTION 3. The amendments to ORS 137.700 and 144.103 by sections 1 and 2 of this 2005**
45 **Act apply to persons convicted of crimes that were committed on or after the effective date**

1 **of this 2005 Act.**

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