

Senate Bill 266

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Joint Interim Committee on Judiciary for Oregon Criminal Defense Lawyers Association)

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 state to notify certain defendants of presumptive life sentence for conviction of third felony sex offense.

A BILL FOR AN ACT

1
2 Relating to sex offenses; creating new provisions; and amending ORS 137.719.

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

4 **SECTION 1.** ORS 137.719 is amended to read:

5 137.719. (1) The presumptive sentence for a sex crime that is a felony is life imprisonment
6 without the possibility of release or parole if the defendant has been sentenced for sex crimes that
7 are felonies at least two times prior to the current sentence.

8 (2) The court may impose a sentence other than the presumptive sentence provided by sub-
9 section (1) of this section if the court imposes a departure sentence authorized by the rules of the
10 Oregon Criminal Justice Commission based upon findings of substantial and compelling reasons.

11 (3) For purposes of this section:

12 (a) Sentences for two or more convictions that are imposed in the same sentencing proceeding
13 are considered to be one sentence; and

14 (b) A prior sentence includes:

15 (A) Sentences imposed before, on or after July 31, 2001; and

16 (B) Sentences imposed by any other state or federal court for comparable offenses.

17 **(4)(a) Except as provided in paragraph (b) of this subsection, the court may not impose**
18 **the presumptive sentence provided by subsection (1) of this section unless the state has no-**
19 **tified the defendant at least 30 days prior to trial that life imprisonment without the possi-**
20 **bility of release or parole is the presumptive sentence if the defendant is convicted.**

21 **(b) If the state fails to notify the defendant as required by this subsection, the court may**
22 **impose the presumptive sentence only if the court finds good cause for the failure and allows**
23 **the defendant to extend the trial date if the defendant requests an extension.**

24 [(4)] (5) As used in this section, "sex crime" has the meaning given that term in ORS 181.594.

25 **SECTION 2. The amendments to ORS 137.719 by section 1 of this 2005 Act apply to of-**
26 **fenses committed on and 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.