

Enrolled
Senate Bill 914

Sponsored by COMMITTEE ON JUDICIARY (at the request of Judge Michael Marcus)

CHAPTER

AN ACT

Relating to presentence reports; amending ORS 144.791.

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

SECTION 1. ORS 144.791 is amended to read:

144.791. (1) When a person is convicted of a felony, including a felony sexual offense, the sentencing court may order a presentence report upon its own motion or upon the request of the district attorney or the defendant.

(2) The sentencing court shall order a presentence report if the defendant is convicted of a felony sexual offense unless:

(a) The defendant, as part of the same prosecution, is convicted of aggravated murder;

(b) The felony sexual offense requires the imposition of a mandatory minimum prison sentence and no departure is sought by the court, district attorney or defendant; or

(c) The felony sexual offense requires imposition of a presumptive prison sentence and no departure is sought by the court, district attorney or defendant.

(3) The Department of Corrections shall:

(a) Require that a presentence report provide an analysis of what disposition is most likely to reduce the offender's criminal conduct, explain why that disposition would have that effect and provide an assessment of the availability to the offender of any relevant programs or treatment in or out of custody, whether provided by the department or another entity;

[(a)] (b) Determine what additional information must be included in [a] the presentence report;
and

[(b)] (c) Establish a uniform presentence report form.

Passed by Senate April 14, 2005

.....
Secretary of Senate

.....
President of Senate

Passed by House June 23, 2005

.....
Speaker of House

Received by Governor:

.....M,....., 2005

Approved:

.....M,....., 2005

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2005

.....
Secretary of State