

A-Engrossed
House Bill 3176

Ordered by the House April 3
Including House Amendments dated April 3

Sponsored by COMMITTEE ON JUDICIARY

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.

Authorizes court, when imposing sentence, to consider whether defendant committed crime while [*being commanded or urged by, or under pressure or influence from,*] **under duress, compulsion, direction or pressure from** person who has committed [*domestic violence*] **certain acts** against defendant.

A BILL FOR AN ACT

1
2 Relating to sentence mitigation; amending ORS 137.090.

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

4 **SECTION 1.** ORS 137.090 is amended to read:

5 137.090. (1) In determining aggravation or mitigation, the court shall consider:

6 (a) Any evidence received during the proceeding;

7 (b) The presentence report, where one is available; and

8 (c) Any other evidence relevant to aggravation or mitigation that the court finds trustworthy
9 and reliable.

10 (2) In determining mitigation, the court may consider:

11 (a) Evidence regarding the defendant's status as a servicemember as defined in ORS 135.881.

12 (b) **Whether the defendant committed the crime while under duress, compulsion, direc-**
13 **tion or pressure from another person who has:**

14 (A) **Committed acts of domestic violence, as defined in ORS 135.230, against the defend-**
15 **ant;**

16 (B) **Committed acts of abuse as a family or household member of the defendant, as those**
17 **terms are defined in ORS 107.705, against the defendant; or**

18 (C) **Used force, intimidation, fraud or coercion to cause the defendant to engage, or at-**
19 **tempt to engage, in a commercial sex act.**

20 (3) When a witness is so sick or infirm as to be unable to attend, the deposition of the witness
21 may be taken out of court at such time and place, and upon such notice to the adverse party, and
22 before such person authorized to take depositions, as the court directs.

23

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.