

**Enrolled**  
**House Bill 3176**

Sponsored by COMMITTEE ON JUDICIARY

CHAPTER .....

AN ACT

Relating to sentence mitigation; amending ORS 137.090.

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

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

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

(a) Any evidence received during the proceeding;

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

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

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

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

**(b) Whether the defendant committed the crime while under duress, compulsion, direction or pressure from another person who has:**

**(A) Committed acts of domestic violence, as defined in ORS 135.230, against the defendant;**

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

**(C) Used force, intimidation, fraud or coercion to cause the defendant to engage, or attempt to engage, in a commercial sex act.**

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

**Passed by House April 6, 2017**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate May 11, 2017**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2017

**Approved:**

.....M,....., 2017

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2017

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Dennis Richardson, Secretary of State