

D R A F T

SUMMARY

Provides that person in custody of Oregon Youth Authority for offense committed while person was under 18 years of age, for which person was sentenced to term of imprisonment with projected release date that falls after person attains 25 years of age but before person attains 27 years of age, is eligible for conditional release hearing.

Requires court to include in judgment document age of defendant at time of committing offense if defendant sentenced to term of incarceration and physical custody of defendant is related to age of defendant at time of committing crime.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to persons in the physical custody of the Oregon Youth Authority;
3 creating new provisions; amending ORS 137.071, 137.707, 137.712 and
4 420A.203; prescribing an effective date; and providing for criminal sen-
5 tence reduction that requires approval by a two-thirds majority.

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

7 **SECTION 1.** ORS 420A.203 is amended to read:

8 420A.203. (1)(a) This section and ORS 420A.206 apply only to [*persons*] a
9 **person** who:

10 (A) [*Were*] **Was** under 18 years of age at the time of the commission of
11 the offense for which the [*persons were*] **person was** sentenced to a term of
12 imprisonment, who committed the offense on or after June 30, 1995, and who
13 [*were*] **was**:

14 [(A)] (i) Sentenced to a term of imprisonment of at least 24 months fol-
15 lowing waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370; or

1 [(B)] (ii) Sentenced to a term of imprisonment of at least 24 months under
2 ORS 137.707 (5)(b)(A) or (7)(b)[.]; **or**

3 **(B)(i) Was under 18 years of age at the time of the commission of**
4 **all offenses for which the person was sentenced to a term of**
5 **imprisonment;**

6 **(ii) Is in the physical custody of the Oregon Youth Authority; and**

7 **(iii) Has a projected release date that falls on or after the person's**
8 **25th birthday and before the person's 27th birthday.**

9 (b) When a person described in paragraph (a)(A) of this subsection has
10 served one-half of the sentence imposed **or when a person described in**
11 **paragraph (a)(B) of this subsection attains 24 years and six months of**
12 **age**, the sentencing court shall determine what further commitment or dis-
13 position is appropriate as provided in this section. As used in this subsection
14 and subsection (2) of this section, "Sentence imposed" means the total period
15 of mandatory incarceration imposed for all convictions resulting from a sin-
16 gle prosecution or criminal proceeding not including any reduction in the
17 sentence under ORS 421.121 or any other statute.

18 (2)(a) No more than 120 days and not less than 60 days before the date
19 on which a person has served one-half of the sentence imposed **or attains**
20 **24 years and six months of age**, the Oregon Youth Authority or the De-
21 partment of Corrections, whichever has physical custody of the person, shall
22 file in the sentencing court a notice and request that the court set a time
23 and place for the hearing required under this section. The youth authority
24 or department shall serve the person with a copy of the notice and request
25 for hearing on or before the date of filing.

26 (b) Upon receiving the notice and request for a hearing under paragraph
27 (a) of this subsection, the sentencing court shall schedule a hearing for a
28 date not more than 30 days after the date on which the person will have
29 served one-half of the sentence imposed **or attains 24 years and six months**
30 **of age**, or such later date as is agreed upon by the parties.

31 (c) The court shall notify the following of the time and place of the

1 hearing:

2 (A) The person and the person's parents;

3 (B) The records supervisor of the correctional institution in which the
4 person is incarcerated; and

5 (C) The district attorney who prosecuted the case.

6 (d) The court shall make reasonable efforts to notify the following of the
7 time and place of the hearing:

8 (A) The victim and the victim's parents or legal guardian; and

9 (B) Any other person who has filed a written request with the court to
10 be notified of any hearing concerning the transfer, discharge or release of
11 the person.

12 (3) In a hearing under this section:

13 (a) The person and the state are parties to the proceeding.

14 (b) The person has the right to appear with counsel. If the person requests
15 that the court appoint counsel and the court determines that the person is
16 financially eligible for appointed counsel at state expense, the court shall
17 order that counsel be appointed.

18 (c) The district attorney represents the state.

19 (d) The court shall determine admissibility of evidence as if the hearing
20 were a sentencing proceeding.

21 (e) The court may consider, when relevant, written reports of the Oregon
22 Youth Authority, the Department of Corrections and qualified experts, in
23 addition to the testimony of witnesses. Within a reasonable time before the
24 hearing, as determined by the court, the person must be given the opportu-
25 nity to examine all reports and other documents concerning the person that
26 the state, the Oregon Youth Authority or the Department of Corrections in-
27 tends to submit for consideration by the court at the hearing.

28 (f) Except as otherwise provided by law or by order of the court based
29 on good cause, the person must be given access to the records maintained in
30 the person's case by the Oregon Youth Authority and the Department of
31 Corrections.

1 (g) The person may examine all of the witnesses called by the state, may
2 subpoena and call witnesses to testify on the person's behalf and may present
3 evidence and argument. The court may permit witnesses to appear by tele-
4 phone or other two-way electronic communication device.

5 (h) The hearing must be recorded.

6 (i) The hearing and the record of the hearing are open to the public.

7 (j) The question to be decided is which of the dispositions provided in
8 subsection (4) of this section should be ordered in the case.

9 (k) The person has the burden of proving by clear and convincing evi-
10 dence that the person has been rehabilitated and reformed, and if condi-
11 tionally released, the person would not be a threat to the safety of the
12 victim, the victim's family or the community and that the person would
13 comply with the release conditions.

14 (4)(a) At the conclusion of the hearing and after considering and making
15 findings regarding each of the factors in paragraph (b) of this subsection, the
16 court shall order one of the following dispositions:

17 (A) Order that the person serve the entire remainder of the sentence of
18 imprisonment imposed, taking into account any reduction in the sentence
19 under ORS 421.121 or any other statute, with the person's physical custody
20 determined under ORS 137.124, 420.011 and 420A.200.

21 (B) Order that the person be conditionally released under ORS 420A.206
22 at such time as the court may order, if the court finds that the person:

23 (i) Has been rehabilitated and reformed;

24 (ii) Is not a threat to the safety of the victim, the victim's family or the
25 community; and

26 (iii) Will comply with the conditions of release.

27 (b) In making the determination under this section, the court shall con-
28 sider:

29 (A) The experiences and character of the person before and after com-
30 mitment to the Oregon Youth Authority or the Department of Corrections;

31 (B) The person's juvenile and criminal records;

1 (C) The person's mental, emotional and physical health;

2 (D) The gravity of the loss, damage or injury caused or attempted, during
3 or as part of the criminal act for which the person was convicted and sen-
4 tenced;

5 (E) The manner in which the person committed the criminal act for which
6 the person was convicted and sentenced;

7 (F) The person's efforts, participation and progress in rehabilitation pro-
8 grams since the person's conviction;

9 (G) The results of any mental health or substance abuse treatment;

10 (H) Whether the person demonstrates accountability and responsibility for
11 past and future conduct;

12 (I) Whether the person has made and will continue to make restitution
13 to the victim and the community;

14 (J) Whether the person will comply with and benefit from all conditions
15 that will be imposed if the person is conditionally released;

16 (K) The safety of the victim, the victim's family and the community;

17 (L) The recommendations of the district attorney, the Oregon Youth Au-
18 thority and the Department of Corrections; and

19 (M) Any other relevant factors or circumstances raised by the state, the
20 Oregon Youth Authority, the Department of Corrections or the person.

21 (5) The court shall provide copies of its disposition order under subsection
22 (4) of this section to the parties, to the records supervisor of the correctional
23 institution in which the person is incarcerated and to the manager of the
24 institution-based records office of the Department of Corrections.

25 (6) The person or the state may appeal an order entered under this sec-
26 tion. On appeal, the appellate court's review is limited to claims that:

27 (a) The disposition is not authorized under this section;

28 (b) The court failed to comply with the requirements of this section in
29 imposing the disposition; or

30 (c) The findings of the court are not supported by substantial evidence in
31 the record.

1 **(7) A person described in subsection (1)(a)(B) of this section may**
2 **waive a hearing under this section.**

3 **SECTION 2.** ORS 137.707 is amended to read:

4 137.707. (1)(a) Notwithstanding any other provision of law, when a person
5 charged with aggravated murder, as defined in ORS 163.095, or an offense
6 listed in subsection (4)(a) of this section is 15, 16 or 17 years of age at the
7 time the offense is committed, and the offense is committed on or after April
8 1, 1995, or when a person charged with an offense listed in subsection (4)(b)
9 of this section is 15, 16 or 17 years of age at the time the offense is com-
10 mitted, and the offense is committed on or after October 4, 1997, or when a
11 person charged with the offense described in subsection (4)(c) of this section
12 is 15, 16 or 17 years of age at the time the offense is committed and the of-
13 fense is committed on or after January 1, 2008, the person shall be prosecuted
14 as an adult in criminal court.

15 (b) A district attorney, the Attorney General or a juvenile department
16 counselor may not file in juvenile court a petition alleging that a person has
17 committed an act that, if committed by an adult, would constitute aggravated
18 murder or an offense listed in subsection (4) of this section if the person was
19 15, 16 or 17 years of age at the time the act was committed.

20 (2) When a person charged under this section is convicted of an offense
21 listed in subsection (4) of this section, the court shall impose at least the
22 presumptive term of imprisonment provided for the offense in subsection (4)
23 of this section. The court may impose a greater presumptive term if other-
24 wise permitted by law, but may not impose a lesser term. The person is not,
25 during the service of the term of imprisonment, eligible for release on post-
26 prison supervision or any form of temporary leave from custody. The person
27 is not eligible for any reduction in, or based on, the minimum sentence for
28 any reason under ORS 421.121 or any other provision of law. **The person is**
29 **eligible for a hearing and conditional release under ORS 420A.203**
30 **(1)(a)(B) and 420A.206.** ORS 138.052, 163.105 and 163.150 apply to sentencing
31 a person prosecuted under this section and convicted of aggravated murder

1 under ORS 163.095 except that a person who was under 18 years of age at
2 the time the offense was committed is not subject to a sentence of death.

3 (3) The court shall commit the person to the legal and physical custody
4 of the Department of Corrections.

5 (4) The offenses to which this section applies and the presumptive sen-
6 tences are:

7 _____

- 8 (a)(A) Murder, as defined in
9 ORS 163.115.....300 months
- 10 (B) Attempt or conspiracy
11 to commit aggravated
12 murder, as defined
13 in ORS 163.095.....120 months
- 14 (C) Attempt or conspiracy
15 to commit murder, as
16 defined in ORS 163.115.....90 months
- 17 (D) Manslaughter in the
18 first degree, as defined
19 in ORS 163.118.....120 months
- 20 (E) Manslaughter in the
21 second degree, as defined
22 in ORS 163.125.....75 months
- 23 (F) Assault in the first
24 degree, as defined
25 in ORS 163.185.....90 months
- 26 (G) Assault in the second
27 degree, as defined
28 in ORS 163.175.....70 months
- 29 (H) Kidnapping in the first
30 degree, as defined in
31 ORS 163.235.....90 months

- 1 (I) Kidnapping in the second
- 2 degree, as defined in
- 3 ORS 163.225.....70 months
- 4 (J) Rape in the first degree,
- 5 as defined in ORS 163.375....100 months
- 6 (K) Rape in the second
- 7 degree, as defined in
- 8 ORS 163.365.....75 months
- 9 (L) Sodomy in the first
- 10 degree, as defined in
- 11 ORS 163.405.....100 months
- 12 (M) Sodomy in the second
- 13 degree, as defined in
- 14 ORS 163.395.....75 months
- 15 (N) Unlawful sexual
- 16 penetration in the first
- 17 degree, as defined
- 18 in ORS 163.411.....100 months
- 19 (O) Unlawful sexual
- 20 penetration in the
- 21 second degree, as
- 22 defined in ORS 163.408.75 months
- 23 (P) Sexual abuse in the first
- 24 degree, as defined in
- 25 ORS 163.427.....75 months
- 26 (Q) Robbery in the first
- 27 degree, as defined in
- 28 ORS 164.415.....90 months
- 29 (R) Robbery in the second
- 30 degree, as defined in
- 31 ORS 164.405.....70 months

- 1 (b)(A) Arson in the first degree,
2 as defined in
3 ORS 164.325, when
4 the offense represented
5 a threat of serious
6 physical injury.90 months
- 7 (B) Using a child in a display
8 of sexually explicit
9 conduct, as defined in
10 ORS 163.670.70 months
- 11 (C) Compelling prostitution,
12 as defined in ORS 167.017
13 (1)(a), (b) or (d).70 months
- 14 (c) Aggravated vehicular
15 homicide, as defined in
16 ORS 163.149.240 months

17
18 (5) If a person charged with an offense under this section is found guilty
19 of a lesser included offense and the lesser included offense is:

20 (a) An offense listed in subsection (4) of this section, the court shall
21 sentence the person as provided in subsection (2) of this section.

22 (b) Not an offense listed in subsection (4) of this section:

23 (A) But constitutes an offense for which waiver is authorized under ORS
24 419C.349, the court, upon motion of the district attorney, shall hold a hearing
25 to determine whether to retain jurisdiction or to transfer the case to juvenile
26 court for disposition. In determining whether to retain jurisdiction, the court
27 shall consider the criteria for waiver in ORS 419C.349. If the court retains
28 jurisdiction, the court shall sentence the person as an adult under sentencing
29 guidelines. If the court does not retain jurisdiction, the court shall:

- 30 (i) Order that a presentence report be prepared;
- 31 (ii) Set forth in a memorandum any observations and recommendations

1 that the court deems appropriate; and

2 (iii) Enter an order transferring the case to the juvenile court for dispo-
3 sition under ORS 419C.067 and 419C.411.

4 (B) And is not an offense for which waiver is authorized under ORS
5 419C.349, the court may not sentence the person. The court shall:

6 (i) Order that a presentence report be prepared;

7 (ii) Set forth in a memorandum any observations and recommendations
8 that the court deems appropriate; and

9 (iii) Enter an order transferring the case to the juvenile court for dispo-
10 sition under ORS 419C.067 and 419C.411.

11 (6) When a person is charged under this section, other offenses based on
12 the same act or transaction shall be charged as separate counts in the same
13 accusatory instrument and consolidated for trial, whether or not the other
14 offenses are aggravated murder or offenses listed in subsection (4) of this
15 section. If it appears, upon motion, that the state or the person charged is
16 prejudiced by the joinder and consolidation of offenses, the court may order
17 an election or separate trials of counts or provide whatever other relief jus-
18 tice requires.

19 (7)(a) If a person charged and tried as provided in subsection (6) of this
20 section is found guilty of aggravated murder or an offense listed in sub-
21 section (4) of this section and one or more other offenses, the court shall
22 impose the sentence for aggravated murder or the offense listed in subsection
23 (4) of this section as provided in subsection (2) of this section and shall im-
24 pose sentences for the other offenses as otherwise provided by law.

25 (b) If a person charged and tried as provided in subsection (6) of this
26 section is not found guilty of aggravated murder or an offense listed in
27 subsection (4) of this section, but is found guilty of one of the other charges
28 that constitutes an offense for which waiver is authorized under ORS
29 419C.349, the court, upon motion of the district attorney, shall hold a hearing
30 to determine whether to retain jurisdiction or to transfer the case to juvenile
31 court for disposition. In determining whether to retain jurisdiction, the court

1 shall consider the criteria for waiver in ORS 419C.349. If the court retains
2 jurisdiction, the court shall sentence the person as an adult under sentencing
3 guidelines. If the court does not retain jurisdiction, the court shall:

4 (A) Order that a presentence report be prepared;

5 (B) Set forth in a memorandum any observations and recommendations
6 that the court deems appropriate; and

7 (C) Enter an order transferring the case to the juvenile court for dispo-
8 sition under ORS 419C.067 and 419C.411.

9 **SECTION 3.** ORS 137.712 is amended to read:

10 137.712. (1)(a) Notwithstanding ORS 137.700 and 137.707, when a person
11 is convicted of manslaughter in the second degree as defined in ORS 163.125,
12 assault in the second degree as defined in ORS 163.175 (1)(b), kidnapping in
13 the second degree as defined in ORS 163.225, rape in the second degree as
14 defined in ORS 163.365, sodomy in the second degree as defined in ORS
15 163.395, unlawful sexual penetration in the second degree as defined in ORS
16 163.408, sexual abuse in the first degree as defined in ORS 163.427 (1)(a)(A)
17 or robbery in the second degree as defined in ORS 164.405, the court may
18 impose a sentence according to the rules of the Oregon Criminal Justice
19 Commission that is less than the minimum sentence that otherwise may be
20 required by ORS 137.700 or 137.707 if the court, on the record at sentencing,
21 makes the findings set forth in subsection (2) of this section and finds that
22 a substantial and compelling reason under the rules of the Oregon Criminal
23 Justice Commission justifies the lesser sentence. When the court imposes a
24 sentence under this subsection, the person is eligible for a reduction in the
25 sentence as provided in ORS 421.121 and any other statute **and is eligible**
26 **for a hearing and conditional release under ORS 420A.203 (1)(a)(B) and**
27 **420A.206.**

28 (b) In order to make a dispositional departure under this section, the
29 court must make the following additional findings on the record:

30 (A) There exists a substantial and compelling reason not relied upon in
31 paragraph (a) of this subsection;

1 (B) A sentence of probation will be more effective than a prison term in
2 reducing the risk of offender recidivism; and

3 (C) A sentence of probation will better serve to protect society.

4 (2) A conviction is subject to subsection (1) of this section only if the
5 sentencing court finds on the record by a preponderance of the evidence:

6 (a) If the conviction is for manslaughter in the second degree:

7 (A) That the victim was a dependent person as defined in ORS 163.205
8 who was at least 18 years of age;

9 (B) That the defendant is the mother or father of the victim;

10 (C) That the death of the victim was the result of an injury or illness that
11 was not caused by the defendant;

12 (D) That the defendant treated the injury or illness solely by spiritual
13 treatment in accordance with the religious beliefs or practices of the de-
14 fendant and based on a good faith belief that spiritual treatment would bring
15 about the victim's recovery from the injury or illness;

16 (E) That no other person previously under the defendant's care has died
17 or sustained significant physical injury as a result of or despite the use of
18 spiritual treatment, regardless of whether the spiritual treatment was used
19 alone or in conjunction with medical care; and

20 (F) That the defendant does not have a previous conviction for a crime
21 listed in subsection (4) of this section or for criminal mistreatment in the
22 second degree.

23 (b) If the conviction is for assault in the second degree:

24 (A) That the victim was not physically injured by means of a deadly
25 weapon;

26 (B) That the victim did not suffer a significant physical injury; and

27 (C) That the defendant does not have a previous conviction for a crime
28 listed in subsection (4) of this section.

29 (c) If the conviction is for kidnapping in the second degree:

30 (A) That the victim was at least 12 years of age at the time the crime
31 was committed; and

1 (B) That the defendant does not have a previous conviction for a crime
2 listed in subsection (4) of this section.

3 (d) If the conviction is for robbery in the second degree:

4 (A) That the victim did not suffer a significant physical injury;

5 (B) That, if the defendant represented by words or conduct that the de-
6 fendant was armed with a dangerous weapon, the representation did not
7 reasonably put the victim in fear of imminent significant physical injury;

8 (C) That, if the defendant represented by words or conduct that the de-
9 fendant was armed with a deadly weapon, the representation did not rea-
10 sonably put the victim in fear of imminent physical injury; and

11 (D) That the defendant does not have a previous conviction for a crime
12 listed in subsection (4) of this section.

13 (e) If the conviction is for rape in the second degree, sodomy in the second
14 degree or sexual abuse in the first degree:

15 (A) That the victim was at least 12 years of age, but under 14 years of
16 age, at the time of the offense;

17 (B) That the defendant does not have a prior conviction for a crime listed
18 in subsection (4) of this section;

19 (C) That the defendant has not been previously found to be within the
20 jurisdiction of a juvenile court for an act that would have been a felony
21 sexual offense if the act had been committed by an adult;

22 (D) That the defendant was no more than five years older than the victim
23 at the time of the offense;

24 (E) That the offense did not involve sexual contact with any minor other
25 than the victim; and

26 (F) That the victim's lack of consent was due solely to incapacity to
27 consent by reason of being under 18 years of age at the time of the offense.

28 (f) If the conviction is for unlawful sexual penetration in the second de-
29 gree:

30 (A) That the victim was 12 years of age or older at the time of the offense;

31 (B) That the defendant does not have a prior conviction for a crime listed

1 in subsection (4) of this section;

2 (C) That the defendant has not been previously found to be within the
3 jurisdiction of a juvenile court for an act that would have been a felony
4 sexual offense if the act had been committed by an adult;

5 (D) That the defendant was no more than five years older than the victim
6 at the time of the offense;

7 (E) That the offense did not involve sexual contact with any minor other
8 than the victim;

9 (F) That the victim's lack of consent was due solely to incapacity to
10 consent by reason of being under 18 years of age at the time of the offense;
11 and

12 (G) That the object used to commit the unlawful sexual penetration was
13 the hand or any part thereof of the defendant.

14 (3) In making the findings required by subsections (1) and (2) of this sec-
15 tion, the court may consider any evidence presented at trial and may receive
16 and consider any additional relevant information offered by either party at
17 sentencing.

18 (4) The crimes to which subsection (2)(a)(F), (b)(C), (c)(B), (d)(D), (e)(B)
19 and (f)(B) of this section refer are:

20 (a) A crime listed in ORS 137.700 (2) or 137.707 (4);

21 (b) Escape in the first degree, as defined in ORS 162.165;

22 (c) Aggravated murder, as defined in ORS 163.095;

23 (d) Criminally negligent homicide, as defined in ORS 163.145;

24 (e) Assault in the third degree, as defined in ORS 163.165;

25 (f) Criminal mistreatment in the first degree, as defined in ORS 163.205

26 (1)(b)(A);

27 (g) Rape in the third degree, as defined in ORS 163.355;

28 (h) Sodomy in the third degree, as defined in ORS 163.385;

29 (i) Sexual abuse in the second degree, as defined in ORS 163.425;

30 (j) Stalking, as defined in ORS 163.732;

31 (k) Burglary in the first degree, as defined in ORS 164.225, when it is

1 classified as a person felony under the rules of the Oregon Criminal Justice
2 Commission;

3 (L) Arson in the first degree, as defined in ORS 164.325;

4 (m) Robbery in the third degree, as defined in ORS 164.395;

5 (n) Intimidation in the first degree, as defined in ORS 166.165;

6 (o) Promoting prostitution, as defined in ORS 167.012; and

7 (p) An attempt or solicitation to commit any Class A or B felony listed
8 in paragraphs (a) to (L) of this subsection.

9 (5) Notwithstanding ORS 137.545 (5)(b), if a person sentenced to probation
10 under this section violates a condition of probation by committing a new
11 crime, the court shall revoke the probation and impose the presumptive
12 sentence of imprisonment under the rules of the Oregon Criminal Justice
13 Commission.

14 (6) As used in this section:

15 (a) "Conviction" includes, but is not limited to:

16 (A) A juvenile court adjudication finding a person within the court's ju-
17 risdiction under ORS 419C.005, if the person was at least 15 years of age at
18 the time the person committed the offense that brought the person within the
19 jurisdiction of the juvenile court. "Conviction" does not include a juvenile
20 court adjudication described in this subparagraph if the person successfully
21 asserted the defense set forth in ORS 419C.522.

22 (B) A conviction in another jurisdiction for a crime that if committed in
23 this state would constitute a crime listed in subsection (4) of this section.

24 (b) "Previous conviction" means a conviction that was entered prior to
25 imposing sentence on the current crime provided that the prior conviction
26 is based on a crime committed in a separate criminal episode. "Previous
27 conviction" does not include a conviction for a Class C felony, including an
28 attempt or solicitation to commit a Class B felony, or a misdemeanor, unless
29 the conviction was entered within the 10-year period immediately preceding
30 the date on which the current crime was committed.

31 (c) "Significant physical injury" means a physical injury that:

- 1 (A) Creates a risk of death that is not a remote risk;
- 2 (B) Causes a serious and temporary disfigurement;
- 3 (C) Causes a protracted disfigurement; or
- 4 (D) Causes a prolonged impairment of health or the function of any bodily
5 organ.

6 **SECTION 4.** ORS 137.071 is amended to read:

7 137.071. (1) The judge in a criminal action shall ensure that the creation
8 and filing of a judgment document complies with this section. On appeal, the
9 appellate court may give leave as provided in ORS 19.270 for entry of a
10 judgment document that complies with this section but may not reverse or
11 set aside a judgment, determination or disposition on the sole ground that
12 the judgment document fails to comply with this section.

13 (2) A judgment document in a criminal action must comply with ORS
14 18.038. In addition, a judgment document in a criminal action must:

15 (a) Indicate whether the defendant was determined to be financially eli-
16 gible for purposes of appointed counsel in the action.

17 (b) Indicate whether the court appointed counsel for the defendant in the
18 action.

19 (c) If there is no attorney for the defendant, indicate whether the de-
20 fendant knowingly waived any right to an attorney after having been in-
21 formed of that right.

22 (d) Include the identity of the recorder or reporter for the proceeding or
23 action who is to be served under ORS 138.081.

24 (e) Include any information specifically required by statute or by court
25 rule.

26 (f) Specify clearly the court's determination for each charge in the infor-
27 mation, indictment or complaint.

28 (g) Specify clearly the court's disposition, including all legal consequences
29 the court establishes or imposes. If the determination is one of conviction,
30 the judgment document must include any suspension of sentence, forfeiture,
31 imprisonment, cancellation of license, removal from office, monetary obli-

1 gation, probation, conditions of probation, discharge, restitution, community
2 service and all other sentences and legal consequences imposed by the court.
3 Nothing in this paragraph requires the judgment document to specify any
4 consequences that may result from the determination but are not established
5 or imposed by the court.

6 (h) Include the identities of the attorney for the state and the attorney,
7 if any, for the defendant.

8 **(i) If the court sentences the defendant to a term of incarceration,**
9 **and the physical custody of the defendant as determined by ORS**
10 **137.124 is related to the age of the defendant at the time of committing**
11 **an offense, indicate the age of the defendant at the time of committing**
12 **the offense.**

13 (3) A judgment document in a criminal action that includes a money
14 award, as defined in ORS 18.005, must comply with ORS 18.048.

15 (4) The requirements of this section do not apply to a judgment document
16 if the action was commenced by the issuance of a uniform citation adopted
17 under ORS 1.525 and the court has used the space on the citation for the
18 entry of a judgment. The exemption provided by this subsection does not
19 apply if any indictment, information or complaint other than a uniform ci-
20 tation is filed in the action.

21 **SECTION 5. (1) The amendments to ORS 137.071, 137.707, 137.712 and**
22 **420A.203 by sections 1 to 4 of this 2019 Act become operative on Janu-**
23 **ary 1, 2020.**

24 **(2) The Oregon Youth Authority may take any action before the**
25 **operative date specified in subsection (1) of this section that is neces-**
26 **sary to enable the authority to exercise, on and after the operative**
27 **date specified in subsection (1) of this section, all of the duties, func-**
28 **tions and powers conferred on the authority by the amendments to**
29 **ORS 137.071, 137.707, 137.712 and 420A.203 by sections 1 to 4 of this 2019**
30 **Act.**

31 **SECTION 6. The amendments to ORS 137.071, 137.707, 137.712 and**

1 **420A.203 by sections 1 to 4 of this 2019 Act apply to sentences imposed**
2 **on or after January 1, 2020.**

3 **SECTION 7. This 2019 Act takes effect on the 91st day after the date**
4 **on which the 2019 regular session of the Eightieth Legislative Assem-**
5 **bly adjourns sine die.**

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