

SENATE AMENDMENTS TO SENATE BILL 1013

By COMMITTEE ON JUDICIARY

May 17

- 1 On page 1 of the printed bill, line 3, after “161.005,” insert “161.405.”
- 2 Delete lines 7 through 28.
- 3 On page 2, delete lines 1 through 20 and insert:
- 4 **“SECTION 1.** ORS 163.095 is amended to read:
- 5 “163.095. As used in ORS 163.105 and this section, ‘aggravated murder’ means [*murder as defined*
- 6 *in ORS 163.115 which*]:
- 7 **“(1) Criminal homicide of two or more persons that is premeditated and committed in-**
- 8 **entionally** [*under, or accompanied by, any of the following circumstances*] **and with the intent to:**
- 9 **“(a) Intimidate, injure or coerce a civilian population;**
- 10 **“(b) Influence the policy of a government by intimidation or coercion; or**
- 11 **“(c) Affect the conduct of a government through destruction of property, murder, kid-**
- 12 **napping or aircraft piracy; or**
- 13 **“(2) Murder in the second degree, as defined in ORS 163.115, that is:**
- 14 **“(a)(A) Committed while the defendant was confined in a state, county or municipal penal**
- 15 **or correctional facility or was otherwise in custody; and**
- 16 **“(B) Committed after the defendant was previously convicted in any jurisdiction of any**
- 17 **homicide, the elements of which constitute the crime of aggravated murder under this sec-**
- 18 **tion or murder in the first degree under section 3 of this 2019 Act; or**
- 19 **“(b) Premeditated and committed intentionally against a person under 14 years of age.**
- 20 “[*(1)(a) The defendant committed the murder pursuant to an agreement that the defendant receive*
- 21 *money or other thing of value for committing the murder.*]
- 22 “[*(b) The defendant solicited another to commit the murder and paid or agreed to pay the person*
- 23 *money or other thing of value for committing the murder.*]
- 24 “[*(c) The defendant committed murder after having been convicted previously in any jurisdiction*
- 25 *of any homicide, the elements of which constitute the crime of murder as defined in ORS 163.115 or*
- 26 *manslaughter in the first degree as defined in ORS 163.118.*]
- 27 “[*(d) There was more than one murder victim in the same criminal episode as defined in ORS*
- 28 *131.505.*]
- 29 “[*(e) The homicide occurred in the course of or as a result of intentional maiming or torture of the*
- 30 *victim.*]
- 31 “[*(f) The victim of the intentional homicide was a person under the age of 14 years.*]
- 32 “[*(2)(a) The victim was one of the following and the murder was related to the performance of the*
- 33 *victim’s official duties in the justice system:*]
- 34 “[*(A) A police officer as defined in ORS 181A.355;*]
- 35 “[*(B) A correctional, parole and probation officer or other person charged with the duty of custody,*

1 control or supervision of convicted persons;]
2 “[C] A member of the Oregon State Police;]
3 “[D] A judicial officer as defined in ORS 1.210;]
4 “[E] A juror or witness in a criminal proceeding;]
5 “[F] An employee or officer of a court of justice;]
6 “[G] A member of the State Board of Parole and Post-Prison Supervision; or]
7 “[H] A regulatory specialist.]
8 “[b] The defendant was confined in a state, county or municipal penal or correctional facility or
9 was otherwise in custody when the murder occurred.]
10 “[c] The defendant committed murder by means of an explosive as defined in ORS 164.055.]
11 “[d] Notwithstanding ORS 163.115 (1)(b), the defendant personally and intentionally committed the
12 homicide under the circumstances set forth in ORS 163.115 (1)(b).]
13 “[e] The murder was committed in an effort to conceal the commission of a crime, or to conceal
14 the identity of the perpetrator of a crime.]
15 “[f] The murder was committed after the defendant had escaped from a state, county or municipal
16 penal or correctional facility and before the defendant had been returned to the custody of the
17 facility.]”.

18 On page 20, after line 5, insert:
19 “**SECTION 15a.** ORS 161.405 is amended to read:
20 “161.405. (1) A person is guilty of an attempt to commit a crime when the person intentionally
21 engages in conduct which constitutes a substantial step toward commission of the crime.
22 “(2) An attempt is a:
23 “(a) Class A felony if the offense attempted is **any degree of murder, aggravated murder or**
24 **treason.**
25 “(b) Class B felony if the offense attempted is a Class A felony.
26 “(c) Class C felony if the offense attempted is a Class B felony.
27 “(d) Class A misdemeanor if the offense attempted is a Class C felony or an unclassified felony.
28 “(e) Class B misdemeanor if the offense attempted is a Class A misdemeanor.
29 “(f) Class C misdemeanor if the offense attempted is a Class B misdemeanor.
30 “(g) Violation if the offense attempted is a Class C misdemeanor or an unclassified
31 misdemeanor.”.

32 On page 31, line 28, after “161.005,” insert “161.405,”.
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