



Oregon

Kate Brown, Governor

Criminal Justice Commission

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Kenneth Sanchagrin
Executive Director

COMMISSIONERS:

Robert Ball, Chairman
Sen. Floyd Prozanski*
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Jessica Beach
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*Non-Voting

Dear Chair Bynum, Vice Chair Nobel, Vice Chair Power, and Members of the House Judiciary Committee:

Senate Bill 186 is the measure that allows the legislature to approve new sentencing guidelines and amendments to Oregon Administrative Rules (OAR) made following the 2019 legislative session.

The Oregon Criminal Justice Commission (CJC) has administered the state's sentencing guidelines since 1995. Under ORS 137.667(1), the CJC is required to review all new legislation that either creates new crimes or modifies existing crimes. Following the passage of legislation, the CJC amends affected OARs. Usually, this entails ranking crime seriousness of new and/or amended crimes and determining whether or not they should be classified as "person" crimes under the guidelines. SB 186 seeks your approval of these amended OARs and the decisions made by the Commission.

The rule amendments made following the 2019 legislative session are as follows:

213-003-0001: Definitions

- Addition of Murder I and Murder II to defined "person felonies" in 213-003-0001(14) following the passage of SB 1013.
- Changed the name of the crime of "Intimidation" I and II to "Bias Crime" I and II in 213-003-0001(14) and 213-003-0001(15), respectively, following the passage of SB 577.
- Addition of Unlawful Interference with Aircraft as a person misdemeanor in 213-003-0001(15) in instances where the aircraft is occupied following the passage of SB 581.

213-004-0003: Aggravated Murder, Murder I, Murder II

- Addition of Murder I and Murder II to 213-004-0003. Both crimes are unranked in the crime seriousness scale of the guidelines because the sentences for these crimes are set in statute (SB 1013 (2019)).

213-004-0004: Other Unranked Offenses

- Addition of Murder I and Murder II to "Other Unranked Offenses" because the sentences for these crimes are set in statute (SB 1013 (2019)).



213-004-0005: Attempts and Solicitations

- The Commission ranked Attempted Aggravated Murder on the Crime Seriousness Scale at a crime category 11.
- The Commission ranked Attempted Murder I on the Crime Seriousness Scale at a crime category 10.
- The Commission ranked Attempted Murder II on the Crime Seriousness Scale at a crime category 9.

213-008-0002: Departure Factors

- Addition of “gender identity” as a possible departure factor in sentencing under the guidelines following the passage of SB 577.

213-017-0001: Crime Category 11

- Amended 213-017-0001 to add Attempted Aggravated Murder to crime seriousness scale 11.

213-017-0002: Crime Category 10

- Amended 213-017-0002 to add Attempted Murder I to crime seriousness scale 10.

213-017-0003: Crime Category 9

- Amended 213-017-0003 to add Attempted Murder II to crime seriousness scale 9.

213-017-0005: Crime Category 7

- HB 2045 added “unclassified adult” sex offenders “designated as predatory prior to Jan. 1, 2014” to the list of persons who cannot knowingly contact a child with the intent to commit a crime.
- Unlawful Contact with a Child was previously ranked as crime seriousness 7; the Commission elected to keep the same ranking.

213-017-0006: Crime Category 6

- Felony Intimidation I was renamed to Bias Crime I following the passage of SB 577. The previous crime seriousness ranking was a 6; the Commission elected to keep the same ranking.
- Added citations to SB 577 (see above) and HB 2328, HB 2393, and HB 2428 due to changes in elements to crimes in those bills. The Commission did not change the crime seriousness rankings for offenses that were affected by HB 2328, HB 2393, and HB 2428 that were previously ranked as a 6 on the crime seriousness scale.

213-017-0007: Crime Category 5

- Added citation to HB 2328 due to changes in elements to crime of Unauthorized Use of a Vehicle in that bill. The previous crime seriousness ranking was unchanged by the Commission (the crime seriousness for Unauthorized Use of a Vehicle depends on the value of the property).

213-017-0008: Crime Category 4

- Added citation to HB 2328 due to changes in elements to crime of Unauthorized Use of a Vehicle in that bill. The previous crime seriousness ranking was unchanged by the Commission (the crime seriousness for Unauthorized Use of a Vehicle depends on the value of the property).
- Added citation to HB 2045, as this bill added the failure to report a legal name change to the list of felony failure to report offenses. The previous crime seriousness ranking was unchanged by the Commission.

213-017-0009: Crime Category 3

- Added citation to HB 2328 due to changes in elements to crime of Unauthorized Use of a Vehicle in that bill. The previous crime seriousness ranking was unchanged by the Commission (the crime seriousness for Unauthorized Use of a Vehicle depends on the value of the property).

213-017-0010: Crime Category 2

- Added citation to HB 2328 due to changes in elements to crime of Unauthorized Use of a Vehicle in that bill. The previous crime seriousness ranking was unchanged by the Commission (the crime seriousness for Unauthorized Use of a Vehicle depends on the value of the property).

213-018-0050: Property Offenses

- Added citation to HB 2328 due to changes in elements to crime of Unauthorized Use of a Vehicle in that bill.

Thank you for your attention to SB 186. If you have any questions, comments, or concerns, please do not hesitate to contact me directly.

Sincerely,



Kenneth Sanchagrin