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STATE OF OREGON
BAKER CO CIRCUIT COURT
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR BAKER COUNTY

In the Matter of Pretrial Release)
) No. 2022-004
)
) AMENDED
) PRESIDING JUDGE ORDER

WHEREAS

1. The 2021 Legislative Assembly enacted Oregon Laws 2021, Chapter 643, initially introduced as Senate Bill 48 (2021) by the Oregon Criminal Justice Commission, to reduce reliance on security release and provide statewide guidance for local pretrial release orders.

2. Section 2 of Oregon Laws 2021, Chapter 643, now codified are ORS 135.233, requires the following:

The Presiding Judge of a judicial district shall enter a standing pretrial release order, specifying to the sheriff of the county, or to the entity supervising the local correctional facility responsible for pretrial incarceration within the judicial district, both the persons who are and the offenses that are:

- 1) Subject to release on recognizance;
- 2) Subject to release with special conditions of release; and
- 3) Not eligible for release until arraignment.

1 3. In turn, the Chief Justice issued guidelines for Presiding Judge pretrial
2 Orders. Additionally, the Chief Justice entered and Order that requires each Presiding
3 Judge of a circuit Court to enter a standing pretrial release order as required under ORS
4 135.233(1) that complies with the guidelines established by the Chief Justice with an
5 operative date of July 1, 2022.

6 4. The State Court Administrator maintains a Release Guidelines Categorization
7 List of all Oregon misdemeanor and felony crimes, with each crime organized by release
8 guideline category, as set out in Exhibit A, that is publicly available on the Oregon
9 Judicial Department website. The Release Guidelines Categorization List is intended to
10 be available as a tool to assist the sheriff, or the entity supervising the local correctional
11 facility, with the application of the release guidelines established in this order.

12 5. This Order accomplishes this mandate,

13 **IT IS HEREBY ORDERED AS FOLLOWS:**

- 14 1. The [Sheriff or Pretrial Release Officer] shall release on recognizance with a
15 release agreement with the general conditions in ORS 135.250, all defendants
16 charged with the following offenses:
- 17 A. Any non-person misdemeanor, except those offenses listed in section 2
18 or 3;
 - 19 B. Any non-person Class C felony, except those offenses listed in section 2
20 or 3;
 - 21 C. Any driving while suspended offense defined in ORS 811.182, except
22 for aggravated driving while suspended as defined in ORS 163.196; and
 - 23 D. Any other offense that is not included in sections 2 or 3.
- 24 2. The [Sheriff or Pretrial Release Officer] shall release on court imposed
25 conditions, all defendants charged with the following offenses:
- 26 A. Any non-domestic violence person misdemeanor, as defined in OAR
 213-003-0001(15);
 - B. Any driving under the influence of intoxicants (DUII) offense;

1 C. Any non-domestic violence Class B felony and any non-domestic
2 violence person Class C felony as defined in OAR 213-003-0001(14),
3 except for those offenses included in Order 3 below to be held for
4 arraignment; and

5 D. Aggravated driving while suspended or revoked.

6 3. The [Sheriff or Pretrial Release Officer] shall hold for arraignment, first
7 appearance, or a release decision under ORS 135.235(3)(b), all defendants
8 charged with the following offenses:

9 A. Any violent felony, as defined in ORS 135.240, and any offense in ORS
10 137.700;

11 B. Any Class A felony;

12 C. Any sex crime (whether designated or not), as defined in ORS
13 163A.005, including any luring a minor, purchasing sex with a minor,
14 and first-degree invasion of personal privacy, and any attempt to
15 commit luring a minor, purchasing sex with a minor, and first-degree
16 invasion of personal;

17 D. Any domestic violence felony or misdemeanor, as defined in ORS
18 135.230;

19 E. Any felony stalking as described in ORS 163.732, any violation of a
20 stalking protective order as described in ORS 163.750, and felony
21 strangulation as described in ORS 163.187; and

22 F. Any of the following offenses:

23 i. Possession of a firearm or dangerous weapon in a public
24 building or court facility, as defined in ORS 166.370; and
25 unlawful possession of machine guns, certain short-barreled
26 firearms, and firearm silencers, as defined in ORS 166.272;

ii. Failure to appear, as defined in ORS 162.195 and ORS 162.205;

iii. Felon in possession of a firearm, as defined in ORS 166.270;

iv. Fleeing or Attempting to Elude, as defined in ORS 811.540;

v. Resisting arrest, as defined in ORS 162.315;

- 1 vi. Giving false information to a peace officer, as defined in ORS
2 807.620 and ORS 162.165;
- 3 vii. Escape in any degree, as defined in ORS 162.145, ORS 162.155,
4 and ORS 162.165; and unauthorized departure (ORS 162.175);
- 5 viii. Tampering with a witness, as defined in ORS 162.285;
- 6 ix. Fugitive complaint in accordance with ORS 133.743 – 133.783
(Uniform Criminal Extradition Act);

7 This Order affects the period between an arrest by officers based on probable
8 cause and arraignment. This Order does not affect the court's discretion at arraignment
9 or subsequent to arraignment. This Order does not affect previously issued warrants by
10 any court.

- 11 4. The release decision shall be made using a two-step process.

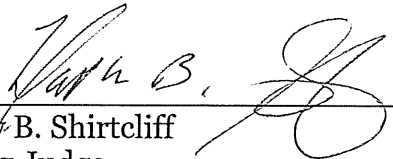
12 **Step 1:** Identify the charge and release category;

13 **Step 2:** Determine if the defendant meets the criteria to consider and
14 overriding circumstances and what if any enhanced conditions of release
should be ordered.

- 15 5. Attached to this Order is Exhibit A which is a chart to be used in Step 1.
16 **Identifying the charge and release category** that a defendant will fall
into. Exhibit A is hereby incorporated into this Order.
- 17 6. Attached to this Order is Exhibit B to be used in Step 2, which includes a chart
18 of **overriding circumstances to be considered** and if a defendant meets
the criteria of the overriding circumstance, the action that should be taken
19 with regard to the release decision. Exhibit B is hereby incorporated into this
Order.
- 20 7. Attached to this Order is Exhibit C also to be used in Step 2, which includes
21 **enhanced conditions of release**. These enhanced conditions of release
22 shall be used if, after identifying the charge and release category it is
determined that there are overriding circumstances which require enhanced
23 conditions of release. Exhibit C is hereby incorporated into this Order.
- 24
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1 This General Order superseded all previous orders on the same subject and shall
2 remain in effect until further order of this Court.

3 Dated this 24th day of October, 2022

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6 _____
7 Matthew B. Shirtcliff
8 Presiding Judge
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HIBIT A: AUTHORIZATION AND CRITERIA FOR PRETRIAL RELEASE

| Release Type | Offense Type |
|---|--|
| <p>GUIDELINE 1</p> <p>Release on personal recognizance on a release agreement with the general conditions in ORS 135.250</p> | <ul style="list-style-type: none"> • Any non-person misdemeanor, except those offenses listed in Guideline 2 or 3: <ul style="list-style-type: none"> ○ ORS 18.882: Unlawfully moving damaging or using secured property ○ ORS 25.785(3): False statement in lieu of SSN ○ ORS 94.977: Salesperson/member camping contract broker no registration/license ○ ORS 133.076: Failure to appear on a criminal citation ○ ORS 133.318(1): Providing invalid foreign restraining order ○ ORS 133.318(2): False representation regarding foreign restraining order ○ ORS 133.793: Unlawful delivery of in-custody person for extradition ○ ORS 146.103(1): Moving/removing body/effects/weapons ○ ORS 153.990: False certification on issuance/filing of citation/complaint ○ ORS 153.992: Failure to appear in a violation proceeding ○ ORS 161.405: Attempt to commit a non-person or person misdemeanor¹ or non-person Class C felony ○ ORS 161.435: Solicitation to commit a non-person Class A misdemeanor or non-person Class C felony ○ ORS 161.450: Conspiracy to commit a non-person Class A misdemeanor ○ ORS 162.075: False swearing ○ ORS 162.085: Unsworn Falsification ○ ORS 162.235: Obstructing governmental administration ○ ORS 162.247: Interfering with a peace officer or a parole and probation officer ○ ORS 162.257: Interfering with a firefighter or emergency medical services provider ○ ORS 162.295: Tampering with physical evidence ○ ORS 162.305(2)(a): Tampering with public records ○ ORS 162.335: Compounding ○ ORS 162.365: Criminal impersonation of a public servant ○ ORS 162.369: Possession of false law enforcement identification card |

¹ Does not include attempt to commit a Class C or unclassified misdemeanor as those offenses are a Class B violation.

GUIDELINE 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- ORS 162.375: Initiating a false report
- ORS 162.405, 162.415: Official misconduct in any degree
- ORS 162.425: Misuse of confidential information
- ORS 162.455: Interfering with legislative operations
- ORS 162.465: Unlawful legislative lobbying
- ORS 163.191: Intimidation by display of a noose
- ORS 163.445, 163.454: Sexual misconduct if the offender is under 18 years of age
- ORS 163.693: Failure to report child pornography
- ORS 163.715(2)(a): Unlawful use of a global positioning system device
- ORS 163A.040(3)(a): Failure to report as a sex offender
- ORS 164.043: Theft in the third degree
- ORS 164.045: Theft in the second degree
- ORS 164.125: Theft of services
- ORS 164.132: Unlawful distribution of cable television equipment
- ORS 164.140: Criminal possession of rented or leased personal property
- ORS 164.235: Possession of a burglary tool or theft device
- ORS 164.243, 164.245, 164.255: Criminal trespass in any degree
- ORS 164.265: Criminal trespass while in possession of a firearm
- ORS 164.272: Unlawful entry into a motor vehicle
- ORS 164.278: Criminal trespass at a sports event
- ORS 164.335: Reckless burning
- ORS 164.354: Criminal mischief in the second degree
- ORS 164.345: Criminal mischief in the third degree
- ORS 164.373: Tampering with cable television equipment
- ORS 164.377(4): Computer crime – Access or attempt to access without authorization
- ORS 164.775: Deposit of trash within 100 yards of waters or in waters and Discarding refuse in state waters
- ORS 164.785: Placing offensive substances in waters, on highways or other property
- ORS 164.805: Offensive littering
- ORS 164.813: Unlawful cutting and transport of special forest products
- ORS 164.825: Cutting and transport of coniferous trees without permit or bill of sale
- ORS 164.857: Unlawfully transporting metal property
- ORS 164.863: Unlawful transport of meat animal carcasses
- ORS 164.865: Unlawful sound recording
- ORS 164.875: Unlawful videotape recording

GUIDELINE 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- ORS 164.882: Unlawful operation of an audiovisual device
- ORS 164.885(2): Endangering aircraft in the second degree
- ORS 164.886(4): Unlawful possession of substance that can damage certain wood processing equipment
- ORS 164.887: Interference with agricultural operations
- ORS 165.007: Forgery in the second degree
- ORS 165.017: Criminal possession of a forged instrument in the second degree
- ORS 165.037: Criminal simulation
- ORS 165.042: Fraudulently obtaining a signature
- ORS 165.047: Unlawfully using slugs
- ORS 165.055: Fraudulent use of a credit card
- ORS 165.065: Negotiating a bad check
- ORS 165.080: Falsifying business records
- ORS 165.095: Misapplication of entrusted property
- ORS 165.100: Issuing false financial statement
- ORS 165.102: Obtaining execution of documents by deception
- ORS 165.109: Failing to maintain a cedar purchase record
- ORS 165.118: Metal property offenses
- ORS 165.540: Obtaining contents of communications
- ORS 165.543: Interception of communications
- ORS 165.555: Unlawful telephone solicitation of contributions for charitable purposes
- ORS 165.570: Improper use of emergency communications system
- ORS 165.572: Interference with making a report
- ORS 165.577: Cellular counterfeiting in the third degree
- ORS 165.805: Misrepresentation of age by a minor
- ORS 165.825: Sale of a drugged horse
- ORS 166.023(2)(a): Disorderly conduct in the first degree
- ORS 166.025: Disorderly conduct in the second degree (if domestic violence, then Guideline 3)
- ORS 166.065: Harassment (if domestic violence, then Guideline 3)
- ORS 166.075: Abuse of a venerated object
- ORS 166.076: Abuse of a memorial to the dead
- ORS 166.090: Telephonic harassment
- ORS 166.095: Misconduct with emergency telephone calls
- ORS 166.116: Interfering with public transportation
- ORS 166.180: Negligently wounding another
- ORS 166.190: Pointing a firearm at another (if domestic violence, then Guideline 3)
- ORS 166.240: Carrying a concealed weapon
- ORS 166.250: Unlawful possession of firearms

GUIDELINE 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- ORS 166.270: Felon in possession of a restricted weapon
- ORS 166.300: Killing or injuring another with firearm as cause for loss of right to bear arms
- ORS 166.320: Setting springgun or setgun
- ORS 166.330: Use of firearms with other than incombustible gun wadding
- ORS 166.350: Unlawful possession of armor piercing ammunition
- ORS 166.370: Possession of firearm within Capitol, airport passenger terminal, or school grounds
- ORS 166.416: Providing false information in connection with a transfer of a firearm
- ORS 166.418: Improperly transferring a firearm
- ORS 166.425: Unlawfully purchasing a firearm
- ORS 166.427: Violation of registration required in trade of used firearm
- ORS 166.435: Firearm transfers by unlicensed persons
- ORS 166.438: Transfer of firearms at gun shows
- ORS 166.470: Unlawful sale, delivery, or transfer of a firearm
- ORS 166.480: Sale or gift of explosives to children
- ORS 166.543(1): Possessing a deadly weapon prohibited by an ERPO
- ORS 166.543(3): Filing an ERPO with false information or with intent to harass respondent
- ORS 166.635: Discharging weapon or throwing objects at trains
- ORS 166.638: Discharging weapon across airport operational surfaces
- ORS 166.645: Hunting in in a cemetery
- ORS 166.649: Throwing an object off an overpass in the second degree
- ORS 167.007: Prostitution
- ORS 167.008: Commercial sexual solicitation
- ORS 167.062(1): Sadomasochistic abuse or sexual conduct in a live show (performance)
- ORS 167.075: Exhibiting an obscene performance to a minor
- ORS 167.080: Displaying obscene materials to minors
- ORS 167.090: Publicly displaying nudity or sex for advertising purposes
- ORS 167.122: Unlawful gambling in the second degree
- ORS 167.132: Possession of gambling records in the second degree
- ORS 167.147: Possession of gambling device
- ORS 167.222: Frequenting a place where controlled substances are used

GUIDELINE 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- ORS 167.262(2)(b): Use minor to manufacture or distribute controlled substance or marijuana item
- ORS 167.312: Research and animal interference (under \$2500)
- ORS 167.315: Animal abuse in the second degree
- ORS 167.320: Animal abuse in the first degree
- ORS 167.325: Animal neglect in the second degree
- ORS 167.330: Animal neglect in the first degree
- ORS 167.340: Animal abandonment
- ORS 167.332: Prohibition against possession of domestic animal
- ORS 167.337: Interfering with law enforcement animal
- ORS 167.341: Encouraging sexual assault of an animal
- ORS 167.349: Encouraging animal abuse
- ORS 167.351: Trading in nonambulatory livestock
- ORS 167.352: Interfering with an assistance, a search and rescue or a therapy animal
- ORS 167.374: Possession or control of dogs for the purpose of reproduction records
- ORS 167.376: Possessing 10 or more dogs
- ORS 167.383: Equine tripping
- ORS 167.385: Unauthorized use of a livestock animal
- ORS 167.388: Interference with livestock production (damage under \$2500)
- ORS 167.390: Commerce in fur of domestic cats and dogs prohibited
- ORS 167.502: Sale of certain items at unused property market prohibited
- ORS 167.808: Unlawful use or possession of an inhalant with prior
- ORS 167.810: Creating a hazard
- ORS 167.820: Concealing the birth of an infant
- ORS 167.822: Improper repair of a vehicle inflatable restraint system
- ORS 167.824: Unlawful possession of undeployed air bags or air bag canisters
- ORS 180.440(1)(c): Possessing cigarettes intended for sale or distribution
- ORS 180.486: Violating prohibitions on smokeless tobacco products
- ORS 181A.995: False info ap for private security service license/cert
- ORS 192.543: Unlawful use of genetic information
- ORS 192.852(1): Prohibition on obtaining confidential information
- ORS 192.852(2): Employee disclosure of confidential information
- ORS 196.810: Removal of bed/bank materials or filling state waters

GUIDELINE 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- ORS 260.695(4): Voting or offering to vote when not entitled
- ORS 323.480: Penalties for cigarette and tobacco product violations
- ORS 323.482(2)(a): Unlawful distribution of cigarettes
- ORS 323.630(6): Violating tobacco products tax provisions
- ORS 329A.280(1): Operate childcare without certification
- ORS 358.920: Prohibited acts at archaeological site
- ORS 358.945(4): Failure to notify appropriate Indian tribe
- ORS 358.950(1): Failure to notify appropriate Indian tribe
- ORS 368.256: Creating a road hazard
- ORS 390.235(1)(a): Failure to obtain an archaeological excavation permit
- ORS 390.640: Improvement of ocean shore property without a permit
- ORS 390.705(1): Unlawful placement/conduits in state recreation areas
- ORS 390.705(2): Unlawful removal/natural products from ocean shore
- ORS 401.990: Emergency management and services offense
- ORS 418.215: Unlicensed private child-caring agency
- ORS 433.350: Failure to obey order to relinquish animal
- ORS 443.725(1): Operating an adult foster home without a license
- ORS 443.881: Undue influence on facility resident
- ORS 453.085: Hazardous substances prohibited acts
- ORS 453.990(4): Unlawful use of contaminated property
- ORS 459.205: Violation of disposal site permit requirements
- ORS 462.080: Unlawfully refusing to leave a racecourse
- ORS 466.095(1): Unlawful storage of hazardous waste
- ORS 466.095(1)(c): Hazardous waste treatment site without permit
- ORS 466.100(1): Unlawful disposal of hazardous waste
- ORS 466.645: Failure to immediately clean up spill or release
- ORS 466.765: Underground storage tank violation
- ORS 466.995(4): Violation of dry-cleaning regulations
- ORS 467.020: Excessive noise
- ORS 468.922: Dispo/store/treat hazardous waste in the second degree

GUIDELINE 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- ORS 468.943: Unlawful water pollution in the second degree
- ORS 468A.990(1): Air pollution offense
- ORS 471.130: Selling/serving alcohol w/o requiring ID/age statement
- ORS 471.135(1): False statement or evidence of age
- ORS 471.242: Violating warehouse license provisions
- ORS 471.282: Unlawful sales and shipments of wine or cider
- ORS 471.405(1): Unlawful sale/delivery/offering for sale of alcohol
- ORS 471.405(2): Purchase/possess/transport/import alcohol
- ORS 471.405(3): Unlicensed sale/solicit/take order/peddle alcohol
- ORS 471.410(1): Furnishing alcohol to intoxicated person
- ORS 471.410(2): Furnishing alcohol to person under 21
- ORS 471.410(6)(b)(C): OLCC licensee furnishing alcoholic liquor to an underage person - 3rd offense
- ORS 471.410(6)(b)(D): OLCC licensee furnishing alcoholic liquor to an underage person - 4th or subsequent
- ORS 471.425(1): Making false representations or statements to OLCC
- ORS 471.425(2): Maintaining disorderly establishment
- ORS 471.425(3): OLCC licensee misrepresenting alcohol to customer
- ORS 471.440: Unlicensed manufacturing of liquor
- ORS 471.475: Unlicensed mixing; storing; or serving of liquor
- ORS 471.478(2): Possession of keg with no ID label
- ORS 471.620: Maintain/assist/permit common nuisance
- ORS 471.747: Unlawful sale of granulated alcohol
- ORS 475.230: Pseudoephedrine or ephedrine violation
- ORS 475.752(1)(d), (e): Manufacture/delivery controlled substance in Schedule IV or V
- ORS 475.752(2)(d), (e): Manufacture/delivery counterfeit substance in Schedule IV or V
- ORS 475.752(7): Unlawful possession of a Schedule I controlled substance
- ORS 475.814: Possession of hydrocodone
- ORS 475.824: Unlawful possession of methadone
- ORS 475.834: Unlawful possession of oxycodone
- ORS 475.854: Unlawful possession of heroin
- ORS 475.874: Unlawful possession of 3,4-methylenedioxymethamphetamine
- ORS 475.884: Unlawful possession of cocaine

GUIDELINE 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- ORS 475.894: Unlawful possession of methamphetamine
- ORS 475.906(3), (4): Delivery to minor of controlled substance Schedule IV or V
- ORS 475.912: Unlawful delivery of an imitation controlled substance
- ORS 475.914(2)(b)-(d): Prohibited acts - controlled substance Schedule II, III, IV, or V
- ORS 475.916: Controlled substances prohibited act related to records or fraud
- ORS 475.918: Falsifying drug test results
- ORS 475.920: Providing drug test falsification equipment
- ORS 475.950: Failure to report precursor substances transaction
- ORS 475.955: Failure to report missing precursor substances
- ORS 475.960: Illegally selling drug equipment
- ORS 475.965: Providing false information on precursor substances report or record
- ORS 475.969: Unlawful possession of phosphorus
- ORS 475.971: Unlawful possession of anhydrous ammonia
- ORS 475.973(1)(b): Failure to forward transaction records
- ORS 475.975(3): Failure to make/retain/send record of iodine transfer
- ORS 475.975(6): Unlawful possession of iodine in its elemental form
- ORS 475.975(7): Unlawful distribution of iodine in its elemental form
- ORS 475.976(3): Fail to make/retain/send record of iodine matrix transfer
- ORS 475.976(6): Unlawful possession of an iodine matrix
- ORS 475.976(7): Unlawful distribution of an iodine matrix
- ORS 475.979: Unlawful possession of lithium or sodium metal
- ORS 475C.065: Violation of marijuana production license requirements
- ORS 475C.085: Violation of marijuana processor license requirements
- ORS 475C.093: Violation of marijuana wholesale license requirements
- ORS 475C.097: Violation of marijuana retail license requirements

GUIDELINE 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- ORS 475C.205: Delivery of marijuana item to unlicensed premises
- ORS 475C.205: Unlawful receiving of marijuana items by licensee
- ORS 475C.205: Selling marijuana item outside licensed premises
- ORS 475C.209: Selling or delivering an adult cannabis item to person under 21
- ORS 475C.217: Licensee failing to require ID
- ORS 475C.224: Licensee employing person under 21
- ORS 475C.229: Unlawful import or export of a marijuana item
- ORS 475C.233: Using/allowing deceptive mark/label on marijuana item
- ORS 475C.237: Selling or offering for sale a substandard marijuana item
- ORS 475C.241: Licensee possessing or selling mature marijuana plant
- ORS 475C.245: False representation or statement to OLCC
- ORS 475C.245: Maintaining a disorderly or insanitary establishment
- ORS 475C.245: Supplying impure or deleterious marijuana item
- ORS 475C.245: Licensee misrepresenting a marijuana item
- ORS 475C.269: Violation of marijuana worker permit requirements
- ORS 475C.313: Unlawful processing of cannabinoid extract into a product
- ORS 475C.313: Unlawful production, processing, or storing of homemade industrial hemp extracts
- ORS 475C.321: False identification of age
- ORS 475C.329: Providing marijuana item to a visibly intoxicated person
- ORS 475C.329: Allow person under 21 to consume marijuana item on property
- ORS 475C.333: Giving marijuana item as a prize
- ORS 475C.337: Unlawful possession of a marijuana item
- ORS 475C.341: Unlawful possession of a marijuana item by a person under 21 years of age
- ORS 475C.345: Unlawful delivery of a marijuana item
- ORS 475C.349: Unlawful manufacture of a marijuana item
- ORS 476.380(1): Burning waste without a permit

GUIDELINE 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- ORS 476.715: Throwing away lighted material in a prohibited area
- ORS 477.515(1), (5): Burning without a permit or in violation of a permit resulting in injury, loss of life, or damages
- ORS 477.710: Fire spread prevention violation resulting in injury, loss of life, or damages
- ORS 477.740: Unlawful use of fire resulting in injury, loss of life, or damages
- ORS 477.993(3): Unauthorized entry into a fire scene or violation of fire prevention statutes or rules
- ORS 478.960(1): Unlawful burning of commercial waste or other prohibited materials
- ORS 478.960(4): Unlawful operation of equipment during fire season
- ORS 480.060: Unlawful transportation of certain explosives
- ORS 480.070(1): Unlawful possession of a firebomb
- ORS 480.120: Unlawful sale, possession, or use of fireworks
- ORS 480.210: Unlawful possession of explosives
- ORS 480.265: Fail to report loss/theft/removal of explosive
- ORS 496.146: Violation of Fish and Wildlife Commission rules
- ORS 496.695: Aid assist counsel share in proceeds of wildlife violation
- ORS 496.992: Violation of wildlife law with culpable mental state – misdemeanor
- ORS 496.994: Obstructing the taking of wildlife
- ORS 496.996: Unlawful taking of wildlife – decoy
- ORS chapter 497: Wildlife offenses: licenses, tags, and permits – misdemeanor
- ORS chapter 498: Wildlife offenses: hunting, angling, and wildlife regulations – misdemeanor
- ORS chapter 501: Wildlife offenses: refuges and closures – misdemeanor
- ORS chapter 506: Commercial fishing and fisheries offenses: administration of commercial fishing laws – misdemeanor
- ORS chapter 508: Commercial fishing and fisheries offenses: licenses and permits – misdemeanor
- ORS chapter 509: Commercial fishing and fisheries offenses: general protective regulations – misdemeanor
- ORS chapter 511: Commercial fishing and fisheries offenses: local and special regulations – misdemeanor
- ORS 517.130 – Mineral trespass

GUIDELINE 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- ORS 520.991: Gas/oil conservation violation
- ORS 526.291: No large commercial event permit
- ORS 526.299: Allowing violation of large commercial event permit
- ORS 527.260(1): Injuring forest tree belonging to another
- ORS 527.260(3): Extracting pitch - permit violation
- ORS 527.672: Applying herbicides by aircraft near a dwelling or school
- ORS 527.710, 527.990(1): Violation of State Board of Forestry rules
- ORS 532.130: Prohibited acts related to forest products
- ORS 537.130: Appropriating water without a permit
- ORS 537.535: Unlawful use or appropriation of ground water
- ORS 537.747: Violation of water well constructor licensing requirements
- ORS 540.461: Failure to comply with order/rule relating to dams
- ORS 540.710: Interfering with headgate or using water denied
- ORS 540.720: Unauthorized use or waste of water
- ORS 540.730: Interfering with use of or access to water
- ORS 549.400: Obstruction, befoulment, or pollution of a ditch, lateral, canal, slough, waterway, or conduit
- ORS 550.390: Waterway pollution
- ORS chapter 604: Animal offenses: brands and marks; feedlots – misdemeanor
- ORS chapter 607: Animal offenses: livestock districts; stock running at large – misdemeanor
- ORS 609.341: Violating exotic animal requirements
- ORS 609.405: Violating requirements for destroying dogs and cats
- ORS 610.050: Steal/take/molest trap/poison/device or captured animal
- ORS 618.096: Prohibited act involving commercial weights and measures
- ORS 618.121: Violating commercial weighing/measuring license requirement
- ORS 624.020: Violating restaurant/bed and breakfast license requirements
- ORS 624.320: Violating vending machine, warehouse, commissary, or mobile unit license requirement
- ORS chapter 634: Pesticide control offenses – misdemeanor
- ORS 646A.350: Delivery of unrequested hazardous substances
- ORS 646A.702 to 646A.720: Foreclosure consultant issues

GUIDELINE 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- ORS 646A.725 to 646A.750: Equity purchaser issues
- ORS 646A.765: Violation of Mortgage Rescue Fraud Prevention Act
- ORS 647.140: Trademark counterfeiting in the third degree
- ORS 648.992: Signing a false document
- ORS 649.080: Unauthorized display of name or insignia of motor vehicle association
- ORS 656.990(1): Making false statement to Workers' Comp
- ORS 657B.900: Violation of family and medical leave insurance law
- ORS 657B.900: Willful violation of family and medical leave insurance law
- ORS 658.250: Violation of employment listing service rules
- ORS 659.990: Miscellaneous prohibitions relating to employment and discrimination
- ORS 659A.810: Willful interference with administration of law and violation of orders of commissioner
- ORS 671.530: Violating landscape construction/contracting license requirements
- ORS 671.992: Violation of State Landscape Architecture Board rule
- ORS 676.110: Unlawful use of doctor title
- ORS 676.115: Unlawful use of nurse title
- ORS 676.120: Unlawful use of deceased licensee's name
- ORS 677.080: Prohibited acts in medicine, podiatry, and acupuncture
- ORS 678.021: Practicing nursing without a license
- ORS 678.023: Unlawful use of nurse title
- ORS 678.025: Unlawful use of advanced practice registered nurse title
- ORS 684.020: Practicing chiropractic without a license
- ORS 686.020(1)(a): Practicing veterinary medicine, surgery or dentistry without a license
- ORS 687.021: Violation of massage license or permit requirements
- ORS 689.225: Unlawfully engaging in the practice of pharmacy
- ORS 689.527: Prohibited acts regarding drug sales
- ORS 690.015: Prohibited acts related to cosmetic professionals
- ORS 690.360: Viol prohibitions - electrology/tattoo/body pierce/etc.
- ORS 697.702: Interfere with records of a debt management service provider
- ORS 701.021: Violation of construction contractor license requirement

GUIDELINE 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- ORS 701.990(2): Unauthorized use of a contractor's license
- ORS 701.990(3): Use of a contractor's license with intent to deceive
- ORS 702.012: Violation of athlete agent registration requirements
- ORS 702.027: Intentional violation of restrictions on athlete agents
- ORS 703.993: Practicing as an investigator without a license
- ORS 704.020: Fail register outfitter/guide
- ORS 704.021: Out/guide-no proof compliance
- ORS 704.030(1): False statement in reg application
- ORS 704.030(2): Carry pass exceed insurance limit
- ORS 704.030(3): Out/guide-no license/reg/decals
- ORS 704.065: Outfitter/guide-no boat decals
- ORS 726.040: Engaging in pawnbroker business without a license
- ORS 802.189: Knowingly obtaining/using personal info from MV record
- ORS 802.195: Unlawfully obtaining or using SSN from MV record
- ORS 803.070: False statement on title or transfer of vehicle
- ORS 803.075: False swearing relating to titling of vehicles
- ORS 803.085: Selling an untitled vehicle
- ORS 803.114: Knowingly submitting false notice of transfer
- ORS 803.225: Fail to designate replica/specially constructed vehicle
- ORS 803.375: False application for vehicle registration
- ORS 803.385: False swearing relating to registration of vehicles
- ORS 805.350: Violation of farm registration limits
- ORS 805.360: Failure to register a farm vehicle properly
- ORS 805.370: False certification on farm registration
- ORS 806.050: Falsification of financial responsibility
- ORS 806.050(1)(c): False certification of financial responsibility
- ORS 806.055: Giving false liability insurance information to police
- ORS 806.300: Failure to surrender license/registration
- ORS 807.430: Misuse of identification card
- ORS 807.510: Transfer documents for misrepresentation
- ORS 807.520: False swearing to receive license
- ORS 807.530: False application for license
- ORS 807.570: Failure to carry or present license
- ORS 807.580: Using invalid license

GUIDELINE 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- ORS 807.590: Permitting misuse of license
- ORS 807.600: Using another's license
- ORS 809.110: Failure to surrender canceled registration or title
- ORS 809.500: Failure to return suspended/revoked/canceled license
- ORS 811.140: Reckless driving
- ORS 811.172: Improperly disposing of human waste
- ORS 811.231: Reckless endangerment of highway workers
- ORS 811.507: Operating motor vehicle while using mobile electronic device (third offense in 10 years)
- ORS 811.700: Failure to perform duties of a driver – property
- ORS 811.740: False accident report
- ORS 815.085: Servicing with or selling unapproved brake fluid
- ORS 815.090: Replacement of vehicle windows with unapproved material
- ORS 815.095: Unlawful sale/install/representation pollution control system
- ORS 815.233: Causing unreasonable sound amplification - 3 or more priors
- ORS 815.305: Disconnection/alteration of pollution control equipment
- ORS 815.320: Unlawful certification of compliance with pollution control regulations
- ORS 815.325: Unlawful requiring repair for pollution control requirements certification
- ORS 815.415: Unlawful repair of an odometer
- ORS 815.420: Unlawfully removing an odometer repair notice
- ORS 815.425: Failure to submit an odometer disclosure
- ORS 818.400: Failure to comply with commercial vehicle enforcement requirements
- ORS 819.010: Failure to comply with vehicle destruction requirements
- ORS 819.012: Failure to follow procedures for a totaled vehicle
- ORS 819.018: Failure to notify purchaser of vehicle condition
- ORS 819.040: Illegal salvage procedures
- ORS 819.420: Failure to obtain vehicle ID number
- ORS 819.430: Trafficking in vehicles with destroyed/altered ID numbers
- ORS 821.260: Hunting/harassing animals from snowmobile/ATV
- ORS 822.005: Acting as a vehicle dealer without a certificate
- ORS 822.045: Vehicle dealer offenses

GUIDELINE 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- ORS 822.055: Fail to return revoked/canceled/suspended dealer certification
- ORS 822.060: Illegal consignment practices
- ORS 822.065: Violation of a consigned vehicle transfer
- ORS 822.070: Conducting an illegal vehicle rebuilding business
- ORS 822.090: Unlawful subleasing of a motor vehicle
- ORS 822.100: Conducting motor vehicle dismantling without certificate
- ORS 822.135: Improperly conducting vehicle dismantling business
- ORS 822.150: Fail to return revoked/canceled/susp dismantler cert/ID
- ORS 822.200: Operating an illegal towing business
- ORS 822.325: Fail to return revoked/suspended vehicle transporter certificate
- ORS 822.500: Operating commercial driver training school without certificate
- ORS 825.990(2): Violation of out-of-service notice
- ORS 825.990(3): Violation of hazardous waste regulations
- ORS 830.035(2): Boat operator fleeing or attempting to elude
- ORS 830.053: False report of boat theft
- ORS 830.315: Reckless boating
- ORS 830.325: Boating DUII
- ORS 830.383: Failure to remedy hazardous boating condition
- ORS 830.450: Violation of Charter Boat Equipment Requirements
- ORS 830.475(1): Failure to perform duties of boat operator
- ORS 830.591: Failure to proceed to aquatic invasive species check station
- ORS 830.730: False statement/information to peace officer or Marine Board
- ORS 830.955(1): Unlawful installation of submersible polystyrene device
- ORS 830.992: Conceal/misrepresent boat's identity
- ORS 837.080: Prohibited operation of an aircraft
- ORS 837.365(2)(a): Unlawful operation of an unmanned aircraft system
- ORS 837.370(3)(c): Unlawful operation of an unmanned aircraft system over private premises - prior convictions

- **Any non-person Class C felony, except those offenses listed in Guideline 2 or 3:**

- ORS 86A.103: Engaging in residential mortgage transactions without a license

GUIDELINE 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- ORS 86A.154: Fraud/deceit regarding mortgage banker/broker business
- ORS 97.745: Indian graves and protected objects – prohibited acts
- ORS 109.281: Charge/accept/pay prohibited adoption fees
- ORS 161.405: Attempt to commit a non-person Class B felony
- ORS 161.435: Solicitation to commit a non-person Class B felony
- ORS 161.450: Conspiracy to commit a non-person Class C felony
- ORS 162.065: Perjury
- ORS 162.265: Bribing a witness
- ORS 162.275: Bribe receiving by a witness
- ORS 162.305(2)(b): Tampering with lottery records
- ORS 162.325: Hindering prosecution
- ORS 162.355: Simulating legal process
- ORS 162.365(3)(b): Criminal impersonation of a peace officer, judge, or justice of the peace
- ORS 162.367: Criminal impersonation of a peace officer
- ORS 163.452: Custodial sexual misconduct in the first degree (if the offender is under 18 years of age)
- ORS 163.715(2)(b): Unlawful use of a global positioning system device
- ORS 163A.040(3)(b): Failure to report as a sex offender
- ORS 164.055: Theft in the first degree
- ORS 164.125(5)(c): Theft of services over \$1,000
- ORS 164.135: Unauthorized use of a vehicle
- ORS 164.138: Criminal possession of a rented motor vehicle
- ORS 164.140(4)(b): Criminal possession of rented or leased personal property over \$500
- ORS 164.162: Mail theft or receipt of stolen mail
- ORS 164.172: Engaging in a financial transaction in property derived from unlawful activity
- ORS 164.215: Burglary in the second degree
- ORS 164.315: Arson in the second degree
- ORS 164.338: Arson incident to the manufacture of a controlled substance in the second degree.
- ORS 164.365: Criminal mischief in the first degree
- ORS 164.377(3): Computer crime – Alter/damage/destroy computer
- ORS 164.377(5)(b): Computer crime – Oregon State Lottery
- ORS 164.868: Unlawful labeling of a sound recording
- ORS 164.869: Unlawful recording of a live performance

GUIDELINE 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- ORS 164.872: Unlawful labeling of a videotape recording
- ORS 164.885(1): Endangering aircraft in the first degree
- ORS 164.886: Unlawful tree spiking
- ORS 164.889: Interference with agricultural research
- ORS 165.013: Forgery in the first degree
- ORS 165.022: Criminal possession of a forged instrument in the first degree
- ORS 165.032: Criminal possession of a forgery device
- ORS 165.055(4)(b): Fraudulent use of a credit card over \$1000
- ORS 165.065(3)(b): Negotiating a bad check with prior conviction for the same or theft by deception by means of a check
- ORS 165.070: Possessing fraudulent communications device
- ORS 165.074: Unlawful factoring of payment card transaction
- ORS 165.085: Sports bribery
- ORS 165.090: Sports bribe receiving
- ORS 165.579: Cellular counterfeiting in the second degree
- ORS 165.692: Making false claim for health care payment
- ORS 165.800: Identity theft
- ORS 165.810: Unlawful possession of a personal identification device
- ORS 165.813: Unlawful possession of fictitious identification
- ORS 166.015: Riot
- ORS 166.023(2)(b): Disorderly conduct in the first degree
- ORS 166.085: Abuse of a corpse in the second degree
- ORS 166.382: Unlawful possession of a destructive device
- ORS 166.384: Unlawful manufacture of a destructive device
- ORS 166.438(5)(b): Transfer of firearms at gun shows with two prior convictions for the same
- ORS 166.450: Obliteration or change of identification number on firearms
- ORS 166.642: Felon in possession of body armor
- ORS 166.651: Throwing an object off an overpass in the first degree
- ORS 166.660: Unlawful paramilitary activity
- ORS 167.062(3): Sadomasochistic abuse or sexual conduct in a live show (financing/management)
- ORS 167.109: Internet gambling
- ORS 167.127: Unlawful gambling in the first degree

GUIDELINE 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- ORS 167.137: Possession of gambling records in the first degree
- ORS 167.164: Possession of a gray machine
- ORS 167.167: Cheating
- ORS 167.212: Tampering with drug records
- ORS 167.312: Research and animal interference (over \$2500)
- ORS 167.325(3): Animal neglect in the second degree with 2 priors, or 11 or more animals, or in the presence of a child with prior DV
- ORS 167.330(3): Animal neglect in the first degree with one prior, or 10 animals, or in the presence of a child
- ORS 167.333: Sexual assault of an animal, where offense is not designed as a sex crime
- ORS 167.355: Involvement in animal fighting
- ORS 167.431: Participation in cockfighting
- ORS 167.388: Interference with livestock production (damage under \$2500)
- ORS 167.339: Assaulting a law enforcement animal
- ORS 167.365: Dogfighting
- ORS 167.370: Participating in dogfighting
- ORS 167.372: Possessing dogfighting paraphernalia
- ORS 167.428: Cockfighting
- ORS 167.439: Forcible recovery of a fighting bird
- ORS 244.355: Failing to file complete/accurate trading statement
- ORS 247.125: Unlawful alteration of a voter registration card
- ORS 260.402: Make/receive/record contribution in false name
- ORS 260.555: Prohibitions relating to circulation, filing, or certification of initiative, referendum, or recall petition
- ORS 260.558: Unlawful payment related to certain election petitions
- ORS 260.665(2)(e): Undue influence regarding political contribution
- ORS 260.715: Prohibited conduct – elections
- ORS 279C.875: Wage violations by a contractor or subcontractor
- ORS 314.075: Tax evasion
- ORS 314.835: Disclosure of tax return/report information
- ORS 323.480: Penalties for cigarette and tobacco product violations
- ORS 323.482(2)(b), (c): Unlawful distribution of cigarettes
- ORS 323.630(3): Distributing tobacco products without a license

GUIDELINE 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- ORS 323.630(4): False reports per the Tobacco Products Tax Act
- ORS 323.630(5): Transport tobacco - no permit; invoice; bill of lading
- ORS 323.630(7): Fraudulent tobacco receipts or invoices
- ORS 359.240: Diverting proceeds from a consigned work of fine art
- ORS 411.630: Unlawfully obtain public assistance or attempt/aid/abet
- ORS 411.675: Obtain/attempt to obtain pay furnish public asst recipient need
- ORS 411.840: Obtain/attempt/aid or abet/dispose food stamp benefit
- ORS 432.993: Unlawful use of a vital record or report
- ORS 433.010(1): Willfully causing the spread of a communicable disease
- ORS 462.415(2): Unlawful entry of an animal in a race
- ORS 468.953: Supplying false information to an agency
- ORS 471.440: Unlicensed manufacturing of liquor
- ORS 475.752(1)(c): Manufacture/delivery of a controlled substance in Schedule III
- ORS 475.752(2)(c): Manufacture/delivery counterfeit substance in Schedule III
- ORS 475.752(8): Unlawful possession of a Schedule II controlled substance
- ORS 475.806: Manufacture of hydrocodone
- ORS 475.810(2) Delivery of hydrocodone
- ORS 475.824: Unlawful possession of methadone
- ORS 475.834: Unlawful possession of oxycodone
- ORS 475.884: Unlawful possession of cocaine
- ORS 475.894: Unlawful possession of methamphetamine
- ORS 475.914(2)(a): Prohibited acts - controlled substance Schedule I
- ORS 475.967: Possession of a precursor substance
- ORS 475.977: Possessing or disposing of methamphetamine manufacturing waste
- ORS 475C.229: Unlawful import or export of a marijuana item
- ORS 475C.337: Unlawful possession of a marijuana item
- ORS 475C.341: Unlawful possession of a marijuana item by a person under 21 years of age
- ORS 475C.345: Unlawful delivery of a marijuana item
- ORS 475C.349: Unlawful manufacture of a marijuana item

GUIDELINE 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- ORS 475C.361: Arson incident to manufacture of cannabinoid extract in the second degree
 - ORS 496.992: Violation of wildlife law with culpable mental state – felony
 - ORS chapter 498: Wildlife offenses: hunting, angling, and wildlife regulations – felony
 - ORS chapter 506: Commercial fishing and fisheries offenses: administration of commercial fishing laws – felony
 - ORS 526.806: Unlawful export of unprocessed timber
 - ORS 532.140: Prohibited acts related to forest product brands and marks
 - ORS 647.145: Trademark counterfeiting in the second degree
 - ORS 677.080(4): Practicing medicine without a license
 - ORS 679.020(1): Practicing dentistry without a license
 - ORS 702.030: Violation of restrictions on inducement of student athletes
 - ORS 702.054(1): Athlete agent fail to give notice of contract
 - ORS 803.080: Unlawfully publishing certificate of title forms
 - ORS 803.230: Forge/alter/produce/use vehicle titles/registration
 - ORS 807.500: Unlawful production ID/license/permit/form/camera card
 - ORS 811.127: Organizing a speed racing event
 - ORS 815.410: Illegal odometer tampering
 - ORS 815.430: Submitting a false odometer disclosure
 - ORS 819.300: Possession of a stolen vehicle
 - ORS 819.310: Trafficking in stolen vehicles
 - ORS 822.605: False swearing regarding vehicle related business regulation
 - ORS 830.475: Failure to perform duties of boat operator – injury or death
- **Any driving while suspended offense defined in ORS 811.182, except for aggravated driving while suspended as defined in ORS 163.196.**
 - Includes attempt, solicitation, or conspiracy to commit driving while suspended
 - **Any other offense that is not included (but not limited to the following) in Guideline 2 or 3:**
 - ORS 468.951: Environmental endangerment
 - ORS 651.991(1): Employer violation of safety regulation, rule, standard, or order
 - ORS 651.991(2): Unauthorized advance inspection notice
 - ORS 651.992(3): False statement/representation/certification safety filing

GUIDELINE 2

Release on court-imposed conditions

- **Any non-domestic violence person misdemeanor, as defined in OAR 213-003-0001(15):**
 - ORS 161.405: Attempt to commit a non-domestic violence person Class C/unclassified felony
 - ORS 161.435: Solicitation to commit a non-domestic violence person misdemeanor or Class C felony
 - ORS 161.450: Conspiracy to commit a non-domestic violence person misdemeanor
 - ORS 163.160: Assault in the fourth degree (if domestic violence, then Guideline 3)
 - ORS 163.187: Strangulation (if domestic violence, then Guideline 3)
 - ORS 163.190: Menacing
 - ORS 163.192: Endangering person protected by FAPA order
 - ORS 163.195: Recklessly endangering another person
 - ORS 163.200: Criminal mistreatment in the second degree
 - ORS 163.212: Unlawful use of an electrical stun gun, tear gas or mace in the second degree (if domestic violence, then Guideline 3)
 - ORS 163.465: Public indecency
 - ORS 163.472: Unlawful dissemination of an intimate image
 - ORS 163.476: Unlawfully being in a location where children regularly congregate
 - ORS 163.545: Child neglect in the second degree
 - ORS 163.575: Endangering the welfare of a minor
 - ORS 163.700: Invasion of personal privacy in the second degree
 - ORS 163.709: Unlawful directing of light from a laser pointer
 - ORS 163.732(2)(a): Stalking (non-domestic violence)
 - ORS 165.815: Criminal impersonation
 - ORS 166.155: Bias crime in the second degree (if domestic violence, then Guideline 3)
 - ORS 166.385: Possession of a hoax destructive device
 - ORS 475.910(4): Application of Schedule V controlled substance to the body of another person
 - ORS 609.098, 609.990(3)(a): Maintaining a dangerous dog
 - ORS 811.060: Vehicular assault (if domestic violence, then Guideline 3)
 - ORS 837.374(2), (3): Unlawful interference with aircraft, if aircraft manned at time of offense

GUIDELINE 2

Release on court-imposed conditions

- **Any driving under the influence of intoxicants (DUII) offense (ORS 813.010, ORS 813.011).**
 - Includes attempt, solicitation, or conspiracy to commit DUII

- **Any non-domestic violence Class B felony and any non-domestic violence person Class C felony as defined in OAR 213-003-0001(14), except for those offenses included in Guideline 3 to be held for arraignment:**
 - ORS 59.055: Unlawful offer or sale of securities
 - ORS 59.135: Fraud/deceit regarding securities/securities business
 - ORS 59.165: Violation of broker/advisor/salesperson license requirements
 - ORS 97.981: Purchase or sale of body parts prohibited
 - ORS 97.982: Alteration of document of anatomical gift prohibited
 - ORS 161.405: Attempt to commit a non-domestic violence Class A felony or a non-domestic violence person Class B felony (if domestic violence, then Guideline 3)
 - ORS 161.435: Solicitation to commit a non-domestic violence Class A felony or non-domestic violence person B felony
 - ORS 161.450: Conspiracy to commit a non-domestic violence Class B felony or a non-domestic violence person Class C felony
 - ORS 162.015: Bribe giving
 - ORS 162.025: Bribe receiving
 - ORS 162.117: Public investment fraud
 - ORS 162.185: Supplying contraband (drugs)
 - ORS 162.185: Supplying contraband (weapons)
 - ORS 163.160(3): Assault in the fourth degree (if domestic violence, then Guideline 3)
 - ORS 163.193: Assisting another person to commit suicide
 - ORS 163.196: Aggravated driving while suspended or revoked
 - ORS 163.205: Criminal mistreatment in the first degree
 - ORS 163.207: Female genital mutilation
 - ORS 163.208: Assaulting a public safety officer
 - ORS 163.213: Unlawful use of an electrical stun gun, tear gas or mace in the first degree
 - ORS 163.245, 163.257: Custodial interference in any degree
 - ORS 163.263, 163.264: Subjecting another person to involuntary servitude in any degree
 - ORS 163.275: Coercion
 - ORS 163.432: Online sexual corruption of a child-second degree (if a sex crime then Guideline 3).

GUIDELINE 2

Release on court-imposed conditions

- ORS 163.433: Online sexual corruption of a child-first degree
- ORS 163.472(2)(b): Unlawful dissemination of an intimate image, with prior conviction for the same
- ORS 163.479: Unlawful contact with a child
- ORS 163.515: Bigamy
- ORS 163.525: Incest with a non-child victim
- ORS 163.535: Abandonment of a child
- ORS 163.537: Buying or selling a person under 18 years of age
- ORS 163.547: Child neglect in the first degree
- ORS 163.555: Criminal nonsupport
- ORS 163.689: Possession of materials depicting sexually explicit conduct of a child in the second degree
- ORS 164.057: Aggravated theft in the first degree
- ORS 164.075: Theft by extortion
- ORS 164.098: Organized retail theft
- ORS 164.125(5)(d): Theft of services over \$10,000
- ORS 164.170: Laundering a money instrument
- ORS 164.377(2)(c): Computer crime – theft of an intimate image
- ORS 164.395: Robbery in the third degree
- ORS 164.886(3): Unlawful tree spiking that results in physical injury to another person
- ORS 165.074(3): Unlawful factoring of payment card transaction with prior conviction for the same
- ORS 165.581: Cellular counterfeiting in the first degree
- ORS 165.803: Aggravated identity theft
- ORS 166.070: Aggravated harassment
- ORS 166.087: Abuse of a corpse in the first degree
- ORS 166.165: Bias crime in the first degree
- ORS 166.220: Unlawful use of a weapon
- ORS 166.385(3): Possession of a hoax destructive device during the commission of a felony
- ORS 166.410: Manufacture/import/sale/transfer of firearm or silencer
- ORS 166.429: Firearms used in a felony
- ORS 166.435(5)(b): Firearm transfers by unlicensed persons with prior conviction for the same
- ORS 166.643: Unlawful possession of body armor
- ORS 167.320(4): Animal abuse in the first degree while committing other enumerated crimes
- ORS 167.322: Aggravated animal abuse in the first degree
- ORS 323.482(2)(d): Unlawful distribution of cigarettes
- ORS 468.926: Dispo/store/treat hazardous waste in the first degree
- ORS 468.939: Unlawful air pollution in the first degree
- ORS 468.946: Unlawful water pollution in the first degree

GUIDELINE 2

Release on court-imposed conditions

- ORS 475.752(1)(b): Manufacture/delivery controlled substance in Schedule II
- ORS 475.752(2)(b): Manufacture/delivery counterfeit substance in Schedule II
- ORS 475.752(6)(a): Manufacture or delivery of substance causing death
- ORS 475.752(7): Unlawful possession of a Schedule I controlled substance
- ORS 475.808: Manufacture of hydrocodone w/in 1000 ft of school
- ORS 475.810(3): Delivery of hydrocodone to a minor
- ORS 475.812: Delivery of hydrocodone w/in 1000 ft of school
- ORS 475.816: Unlawful manufacture of methadone
- ORS 475.820: Delivery of methadone
- ORS 475.826: Manufacture of oxycodone
- ORS 475.830(2): Delivery of oxycodone
- ORS 475.854: Unlawful possession of heroin
- ORS 475.874: Unlawful possession of 3,4-methylenedioxymethamphetamine
- ORS 475.876: Manufacture of cocaine
- ORS 475.890(2): Delivery of cocaine
- ORS 475.886: Manufacture of methamphetamine
- ORS 475.890(2): Delivery of methamphetamine
- ORS 475.906(2): Delivery to minor of controlled substance Schedule III
- ORS 475.908(1): Causing another person to ingest a controlled substance with intent to facilitate a crime of violence
- ORS 475.910(2), (3): Application of Schedule II or IV controlled substance to the body of another person
- ORS 475.962: Distribution of equipment, solvent, reagent or precursor substance with intent to facilitate manufacture of controlled substance
- ORS 475C.349: Unlawful manufacture of a marijuana item
- ORS 475C.365: Causing another person to ingest marijuana
- ORS 609.098, 609.990(3)(b): Maintaining dangerous dog resulting in death
- ORS chapter 645: Trade regulations and practices: commodity transactions
- ORS 647.150: Trademark counterfeiting in the first degree
- ORS 811.705: Failure to perform duties of a driver – injury
- ORS 837.365(2)(b), (2)(c): Unlawful operation of an unmanned aircraft system

GUIDELINE 3

Hold for arraignment, first appearance, or a release decision under ORS 135.235(3)(b)

- **Any violent felony, as defined in ORS 135.240, and any offense in ORS 137.700, which include but are not limited to the following;**
 - ORS 161.405, 161.435, 161.450: Attempt, solicitation, or conspiracy to commit a violent felony, as defined in ORS 135.240, and any offense in ORS 137.700.
 - ORS 163.095, 163.107, 163.115, 163.118, 163.125, 163.145, and 163.149: Any degree of murder, manslaughter, or homicide
 - ORS 163.165, 163.175, 163.185: Assault in the first, second, or third degree
 - ORS 163.225, 163.235: Kidnapping in the first or second degree
 - ORS 163.365, 163.375: Rape in the first or second degree
 - ORS 163.395, 163.405: Sodomy in the first or second degree
 - ORS 163.408, 163.411: Unlawful sexual penetration in the first or second degree
 - ORS 163.427: Sex abuse in the first degree
 - ORS 163.670: Using a child in a display of sexually explicit conduct
 - ORS 164.325: Arson in the first degree
 - ORS 164.405, 164.415: Robbery in the first or second degree
 - ORS 166.005: Treason
 - ORS 167.017: Compelling prostitution
 -
- **Any Class A felony;**
 - ORS 161.405: Attempt to commit any degree of murder or aggravated murder or treason
 - ORS 161.435: Solicitation of murder or treason
 - ORS 161.450: Conspiracy to commit a Class A felony, murder, or treason
 - ORS 164.225: Burglary in the first degree
 - ORS 164.325: Arson in the first degree
 - ORS 164.342: Arson incident to the manufacture of a controlled substance in the first degree
 - ORS 166.275: Unlawful possession of a weapon by a prison inmate
 - ORS 166.720: Racketeering
 - ORS 167.262: Use of a minor in controlled substance offense
 - ORS 475.752(1)(a): Manufacture or delivery of a Schedule I controlled substance, aside from methamphetamine

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- ORS 475.752(2)(a): Manufacture or delivery of a counterfeit Schedule I substance
 - ORS 475.818, 475.820(3), 475.822: Unlawful manufacture or delivery of methadone within 1000 feet of school, or delivery to someone under 18
 - ORS 475.828, 475.930(3), 475.832: Unlawful manufacture or delivery of oxycodone within 1000 feet of school, or delivery to someone under 18
 - ORS 475.846, 475.850, 475.852, 475.848: Unlawful manufacture or delivery of heroin, including within 1000 feet of school
 - ORS 475.866, 475.868, 475.870, 475.872: Unlawful manufacture or delivery of MDMA, including within 1000 feet of school
 - ORS 475.880(3), 475.882, 475.878: Unlawful manufacture or delivery of cocaine within 1,000 feet of school, or delivery to someone under 18
 - ORS 475.888, 475.890(3), 475.892: Unlawful manufacture or delivery of methamphetamine or delivery to someone under 18
 - ORS 475.904: Unlawful manufacture or delivery of controlled substance within 1,000 feet of school
 - ORS 475.906(1): Penalties for unlawful deliveries to minors (Schedule I or II substance)
 - ORS 475.908(2): Causing another person to ingest a controlled substance
 - ORS 475.910(1): Application of a Schedule I or II controlled substance to the body of another person
 - ORS 475C.357: Arson incident to manufacture of cannabinoid extract in the first degree
 - ORS 475C.365: Causing another person to ingest marijuana without their consent
 - ORS 475C.369: Administration of marijuana to another person under 18
- **Any sex crime (whether designated or not), as defined in ORS 163A.005, including any luring a minor, purchasing sex with a minor, and first-degree invasion of personal privacy, and any attempt to commit luring a minor, purchasing sex with a minor, and first-degree invasion of personal privacy:**
 - ORS 161.405, 161.450: Attempt or conspiracy to commit a sex crime or any offense listed below, except burglary with the intent to commit a sex crime.
 - ORS 163.225: Kidnapping in the second degree with a child victim, with certain exceptions
 - ORS 163.235: Kidnapping in the first degree with a child victim
 - ORS 163.266(a), (b), or (c): Trafficking in persons
 - ORS 163.355, 163.365, 163.375: Rape in any degree

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- ORS 163.385, 163.395, 163.405: Sodomy in any degree
- ORS 163.408, 163.411: Unlawful sexual penetration in any degree
- ORS 163.413: Purchasing sex with a minor
- ORS 163.415, 163.425, 163.427: Sexual abuse in any degree
- ORS 163.432, 163.433: Online sexual corruption of a child in any degree with reasonable knowledge of a five-year (or more) age difference
- ORS 163.435: Contributing to the sexual delinquency of a minor
- ORS 163.445, 163.452, 163.454: Sexual misconduct if the offender is over 18 years of age
- ORS 163.465(2)(b), 163.467: Public or private indecency with a prior sex crime conviction
- ORS 163.525: Incest with a child victim
- ORS 163.670: Using a child in a display of sexually explicit conduct
- ORS 163.684, 163.686, 163.687: Encouraging child sexual abuse in any degree
- ORS 163.688: Possession of materials depicting sexually explicit conduct of a child in the first degree
- ORS 163.701: Invasion of personal privacy in the first degree
- ORS 164.215, 164.225: Burglary in any degree, when the intended crime is a sex crime
- ORS 167.012: Promoting prostitution
- ORS 167.017: Compelling prostitution
- ORS 167.057: Luring a minor
- ORS 167.333: Sexual assault of an animal, where the offense is designated as a sex crime

- **Any domestic violence felony or misdemeanor (ORS 135.230).**

- Includes any attempt of a domestic violence felony or misdemeanor

ORS 135.230 defines "domestic violence" as abuse between family or household members.

"Abuse" means:

- *Attempting to cause or intentionally, knowingly, or recklessly causing physical injury;*
- *Intentionally, knowingly, or recklessly placing another in fear of imminent serious physical injury; or*
- *Committing sexual abuse in any degree as defined in ORS 163.415, 163.425, and 163.427.*

"Family or household members" means any of the following:

- *Spouses or former spouses.*

- *Adult persons related by blood or marriage.*
- *Persons cohabitating with each other.*
- *Persons who have cohabitated with each other or been involved in a sexually intimate relationship.*
- *Unmarried parents of a minor child.*

Misdemeanor DV offenses include, but are not limited to:

- ORS 163.160: Assault in the fourth degree
- ORS 163.187: Strangulation
- ORS 163.212: Use of ESG/tear gas/mace in the second degree
- ORS 163.415: Sexual abuse in the third degree
- ORS 166.025: Disorderly conduct in the second degree
- ORS 166.065(1)(a)(A), 166.065(1)(c): Harassment
- ORS 166.155(1)(b), 166.155(1)(c): Bias crime in the second degree
- ORS 166.190: Pointing a firearm at another
- ORS 811.060: Vehicular assault

- **Any felony stalking, as described in ORS 163.732, any violation of a stalking protective order as described in ORS 163.750, and felony strangulation as described in ORS 163.187;**
- **Any of the following offenses²:**
 - ORS 133.747: Fugitive from justice
 - ORS 162.145, 162.155, 162.165: Escape in any degree
 - ORS 162.175: Unauthorized departure
 - ORS 162.195, 162.205: Failure to appear in any degree
 - ORS 162.285: Tampering with a witness
 - ORS 162.315: Resisting arrest
 - ORS 162.385: Giving false information to a peace officer
 - ORS 166.270: Felon in possession of a firearm
 - ORS 166.272: Unlawful possession of machine guns, certain short-barreled firearms, and firearm silencers
 - ORS 166.370: Possession of a firearm or dangerous weapon in a public building or court facility
 - ORS 807.620: Giving false information to a peace officer
 - ORS 811.540: Fleeing or attempting to elude

² Does not include attempt, solicitation, or conspiracy to commit these offenses.

EXHIBIT B: CRITERIA FOR OVERRIDING CIRCUMSTANCES:

| OVERRIDING CIRCUMSTANCES | CATEGORY 1 CHARGE | CATEGORY 2 CHARGE | CATEGORY 3 CHARGE |
|--|---|--------------------|-------------------|
| Multiple charges over multiple incidences in the 48 hours prior to arrest | Move to Category 3 | Move to Category 3 | |
| Individual does not participate in the release assessment process | Hold for arraignment, first appearance, or a release decision under ORS 135.235(3)(b) | | |
| A direct threat of violence to a victim, law enforcement officer, or anyone else connected with the case | Hold for arraignment, first appearance, or a release decision under ORS 135.235(3)(b) | | |
| Any violation of a court order, including restraining orders (FAPA, EPPDAPA, SAPO) | Hold for arraignment, first appearance, or a release decision under ORS 135.235(3)(b) | | |
| All probation violations | Hold for arraignment, first appearance, or a release decision under ORS 135.235(3)(b) | | |
| Any outstanding warrants or holds | Hold for arraignment, first appearance, or a release decision under ORS 135.235(3)(b) | | |
| Any prior Failure to Appear | Move to Category 3 | Move to Category 3 | |
| Any prior conviction for an offense that is the same as an offense that the person is currently charged within the last five years | Move to Category 2 with enhanced condition: Defendant prohibited from contacting named victim | Move to Category 3 | |
| Any property offenses captured in Guideline 1 with a <u>named victim</u> or <u>victim address</u> | Move to Category 2 with enhanced condition: Defendant prohibited from contacting named victim | | |
| Individual has 3 or more accompanying charges in the same incident | Move to Category 3 | Move to Category 3 | |
| Current charge of Harassment and the victim is a family or household member | Move to Category 3 | | |
| Any incident involving a Co-Defendant | Move to Category 2 with enhanced condition: No contact with Co-Defendant | | |
| Individual is subject to an active restraining order | Hold for arraignment or first appearance | | |

EXHIBIT C: CRITERIA FOR CONDITIONAL RELEASES

The following offense-specific criteria lead to the following conditions:

| CHARGE | SPECIAL CONDITION OF RELEASE |
|--|--|
| DUII | <ul style="list-style-type: none"> Absolutely no consumption of intoxicants; No entry into liquor stores, taverns, bars, or dispensaries. |
| Non-DV person crimes eligible for release with special conditions | <ul style="list-style-type: none"> Absolutely no contact with the victim; No entry onto premises, business or other location occupied by the victim; No possession or access to firearms or other deadly weapons; If intoxicants are implicated in the crime, absolutely no consumption of intoxicants |
| Any Category 1 offense with a named victim or location | <ul style="list-style-type: none"> No contact order for alleged victim or location |
| Any possession, delivery, or manufacture of a controlled substance | <ul style="list-style-type: none"> Absolutely no consumption of intoxicants; No entry into liquor stores, taverns, bars, or dispensaries. |
| Co-Defendant | <ul style="list-style-type: none"> No contact with Co-Defendant |
| Aggravated DWS | <ul style="list-style-type: none"> No driving without a valid license or insurance |

The following person-specific criteria lead to the following conditions:

| CRITERIA | CONDITION OF RELEASE |
|--------------------------------------|---|
| Person is visibly intoxicated | <ul style="list-style-type: none"> Absolutely no consumption of intoxicants; No entry into liquor stores, taverns, bars, or dispensaries. |
| Substance misuse is indicated in PCA | <ul style="list-style-type: none"> Absolutely no consumption of intoxicants; No entry into liquor stores, taverns, bars, or dispensaries. |