



Open Government Impact Statement

82nd Oregon Legislative Assembly
2023 Regular Session

Measure: SB 988

Only impacts on Original or Engrossed
Versions are Considered Official

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Date: 2/25/2023

SUMMARY

Separates possession, delivery and manufacture of fentanyl from general controlled substance offense statute into separate statutes. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both, if person possesses over specified amount. Increases penalty for unlawful delivery of fentanyl to maximum of 20 years' imprisonment, \$375,000 fine, or both, if delivery is to person under 18 years of age.

Creates crimes of unlawful delivery and manufacture of fentanyl within 1,000 feet of school. Punishes each by maximum of 20 years' imprisonment, \$375,000 fine, or both. Provides that offenses are crime category 8 of sentencing guidelines grid of Oregon Criminal Justice Commission.

Adds alternative manner of calculating amount of fentanyl for purposes of offense level and sentencing guidelines crime category level. Provides that delivery of fentanyl for consideration qualifies as one of three factors for purposes of commercial drug offense. Increases sentencing crime category level for delivery of fentanyl for consideration.

Establishes mandatory minimum sentence for delivery of fentanyl to person under 18 years of age. Prohibits optional probation or downward departure as sentence for manufacture or delivery of fentanyl if person has previous conviction.

Declares emergency, effective on passage.

NOTICE OF NO OPEN GOVERNMENT IMPACT