

**A-Engrossed**  
**Senate Bill 618**

Ordered by the Senate March 6  
Including Senate Amendments dated March 6

Sponsored by Senator PROZANSKI; Senator MANNING JR (Presession filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Establishes procedure for charging aggravated version of offense when defendant commits felony while wearing body armor. Provides that if defendant is convicted of aggravated offense, court shall sentence defendant to five years' imprisonment for first offense, 10 years' imprisonment for second offense, and 30 years' imprisonment for third and subsequent offenses. Authorizes court to impose lesser sentence in certain circumstances.]*

**Directs court to consider, when determining aggravation at sentencing, whether defendant was wearing body armor at time of crime.**

**A BILL FOR AN ACT**

1  
2 Relating to body armor; amending ORS 137.090.

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

4 **SECTION 1.** ORS 137.090 is amended to read:

5 137.090. (1) In determining aggravation or mitigation, the court shall consider:

6 (a) Any evidence received during the proceeding;

7 (b) The presentence report, where one is available; and

8 (c) Any other evidence relevant to aggravation or mitigation that the court finds trustworthy  
9 and reliable.

10 (2) In determining mitigation, the court may consider:

11 (a) Evidence regarding the defendant's status as a servicemember as defined in ORS 135.881.

12 (b) Whether the defendant committed the crime while under duress, compulsion, direction or  
13 pressure from another person who has:

14 (A) Committed acts of domestic violence, as defined in ORS 135.230, against the defendant;

15 (B) Committed acts of abuse as a family or household member of the defendant, as those terms  
16 are defined in ORS 107.705, against the defendant; or

17 (C) Used force, intimidation, fraud or coercion to cause the defendant to engage, or attempt to  
18 engage, in a commercial sex act.

19 **(3) In determining aggravation, the court shall consider whether the person was wearing**  
20 **body armor at the time of committing the crime.**

21 [(3)] (4) When a witness is so sick or infirm as to be unable to attend a **sentencing**  
22 **proceeding**, the deposition of the witness may be taken out of court at such time and place, and  
23 upon such notice to the adverse party, and before such person authorized to take depositions, as the  
24 court directs.

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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.