

Enrolled
Senate Bill 618

Sponsored by Senator PROZANSKI; Senator MANNING JR (Pre-session filed.)

CHAPTER

AN ACT

Relating to body armor; amending ORS 137.090.

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

SECTION 1. ORS 137.090 is amended to read:

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

- (a) Any evidence received during the proceeding;
- (b) The presentence report, where one is available; and
- (c) Any other evidence relevant to aggravation or mitigation that the court finds trustworthy and reliable.

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

- (a) Evidence regarding the defendant's status as a servicemember as defined in ORS 135.881.
- (b) Whether the defendant committed the crime while under duress, compulsion, direction or pressure from another person who has:

- (A) Committed acts of domestic violence, as defined in ORS 135.230, against the defendant;
- (B) Committed acts of abuse as a family or household member of the defendant, as those terms are defined in ORS 107.705, against the defendant; or
- (C) Used force, intimidation, fraud or coercion to cause the defendant to engage, or attempt to engage, in a commercial sex act.

(3) In determining aggravation, the court shall consider whether the person was wearing body armor in the course of and in furtherance of the crime, or to facilitate the immediate flight therefrom.

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

Passed by Senate March 8, 2023

Repassed by Senate June 15, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House May 25, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

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Secretary of State