

SENATE AMENDMENTS TO SENATE BILL 618

By COMMITTEE ON JUDICIARY

March 6

1 On page 1 of the printed bill, line 2, after “armor;” delete the rest of the line and insert
2 “amending ORS 137.090.”

3 Delete lines 4 through 30 and delete pages 2 and 3 and insert:

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.”.

25