

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
SENATE BILL 618**

1 On page 1 of the printed bill, line 2, after “armor;” delete the rest of the  
2 line and insert “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  
6 consider:

7 “(a) Any evidence received during the proceeding;

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

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

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

12 “(a) Evidence regarding the defendant’s status as a servicemember as de-  
13 fined in ORS 135.881.

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

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

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

20 or

21 “(C) Used force, intimidation, fraud or coercion to cause the defendant

1 to engage, or attempt to engage, in a commercial sex act.

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

5 “[3] (4) When a witness is so sick or infirm as to be unable to attend  
6 **a sentencing proceeding**, the deposition of the witness may be taken out  
7 of court at such time and place, and upon such notice to the adverse party,  
8 and before such person authorized to take depositions, as the court  
9 directs.”.

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