



Oregon

Tina Kotek, Governor

Criminal Justice Commission

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31 January 2025

Kenneth Sanchagrin
Executive Director

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RE: House Bill 2933

Dear Chair Kropf, Vice-Chairs Wallen and Chotzen, and Members of the House Judiciary Committee:

House Bill 2933 is the measure that asks the Oregon Legislature to approve new sentencing guideline amendments enacted by the Oregon Criminal Justice Commission by administrative rule following the 2023 and 2024 legislative sessions.

The Oregon Criminal Justice Commission (CJC) has administered the state's sentencing guidelines since 1995 and is the state's sentencing commission. Under ORS 137.667(1), the CJC is required to review all legislation that either creates new crimes or modifies existing crimes. Following the passage of legislation, the CJC amends affected OARs. Usually, this entails ranking crime seriousness of new and/or amended crimes and determining whether or not they should be classified as "person" crimes for the purposes of the sentencing guidelines.

Following these actions, the CJC is required to submit guideline amendments to the Oregon Legislature for its approval under ORS 137.667(2). If the Legislature does not approve the guideline amendments promulgated by the CJC, they will not become effective.

The rule amendments made following the 2023 and 2024 legislative sessions are as follows:

OAR 213-003-0001(14): All of the following were designated as "person crimes" for the purposes of the Oregon Sentencing Guidelines:

- Sexual Abuse by Fraudulent Misrepresentation (ORS 163.429) as defined in Crime Category 8 (pursuant to Senate Bill 974 (2023)).
- Unlawful Possession by Person 21 Years or Older (ORS 475C.337(3)(d)) as defined in Crime Category 8 (pursuant to Senate Bill 326 (2023)).
- Unlawful Possession by Person Under 21 Years of Age (ORS 475C.341(4)) as defined in Crime Category 8 (pursuant to Senate Bill 326 (2023)).

Improving the legitimacy, efficiency, and effectiveness of state and local criminal justice systems.

OAR 213-003-0001(14): All of the following were designated as “person crimes” for the purposes of the Oregon Sentencing Guidelines (continued):

- Unlawful Manufacture of Marijuana Item (ORS 475C.349(3)(c)(B) and 475C.349(3)(c)(C)) as defined in Crime Category 8 (pursuant to Senate Bill 326 (2023))
- Reckless Interference with Aircraft (ORS 837.374(3)) as defined in crime category 8 (pursuant to Senate Bill 810 (2023))
- Domestic Terrorism in the First Degree (ORS 166.125(1)(a)), if the conduct places persons at risk of harm, as defined by crime category 9 (pursuant to House Bill 2772 (2023))
- Domestic Terrorism in the Second Degree (ORS 166.128(1)(a) and (1)(d)), if the conduct places persons at risk of harm, as defined in crime category 7 (pursuant to House Bill 2772 (2023))
- Sexual Assault of an Animal (ORS 167.333)
- Contributing to Sexual Delinquency of Minor (ORS 163.435)
- Sexual Misconduct (if person over age 18) (ORS 163.445)

OAR 213-017-0004: Crime Seriousness Category 8

- Reckless Interference with Aircraft (ORS 837.374(3)) (pursuant to Senate Bill 810 (2023))

OAR 213-017-0005: Crime Seriousness Category 7

- Animal Neglect in the First Degree (ORS 167.330, subsections (c) and (d)) (pursuant to House Bill 4043 (2023))

OAR 213-017-0006: Crime Seriousness Category 6

- Manufacture, Importation, Sale, or Transfer of Undetectable Firearm (ORS 166.264) (pursuant to House Bill 2005 (2023))
- Sale, Transfer or Possession of Firearm Without Serial Number (ORS 166.266) (pursuant to House Bill 2005 (2023))
- Importation, Sale, Transfer, or Possession of Unfinished Frame or Receiver (ORS 166.267) (pursuant to House Bill 2005 (2023))

Thank you for your attention to House Bill 2933. If you have any questions or concerns, please do not hesitate to contact me directly.

Sincerely,



Kenneth Sanchagrin