

Maintain Dangerous Dog/Fel	609.098	8***
Money Laundering	164.170-174	Unranked
Money Transmission	717.905	1
Negot Bad Check (2d Conv)	165.065	Property*
Obtaining False Pet. Signature	260.555	Unranked
Online Sexual Corruption of Child 1	163.433	8
Online Sexual Corruption of Child 2	163.432	6
Organized Retail Theft	164.098	4
Paramilitary Activity	166.660	1
Payment for Internet Gambling	167.109	3
Perjury	162.065	6
Possess Body Armor	166.643	6, 4*
Possess Fake Commun Dev	165.070	3
Possess Firearm/D Wep Pub Bldg	166.370(1)	2
Possess a Gray Machine	167.164	6
Possess Hoax Destruct Device	166.385	5
Possess Rented/Leased Motor Veh	164.138	5
Possess/Manuf Dest Device	166.382 166.384	6
Possess Rented Prop	164.140(4)	Property*
Poss Sex Explicit Mat Re Child 1	163.688	6
Poss Sex Explicit Mat Re Child 2	168.689	4
Possess Stolen Vehicle	819.300	Property*
Promoting a Live Sex Show	167.062(4)	3
Prostitution Promotion	167.012	8
Providing Payment for Signing/ Not Signing Pet.	260.558	Unranked
Public Assistance Fraud	411.630	2
Public Indecency	163.465(2)(b)	6
Public Investment Fraud	162.117	6
Publish Cert of Title	803.080	1
Purchase or Sale of Body Part	97.981	5
Purchasing Sex with a Minor	163.413	Unranked
Racketeering	166.720	Unranked
Rape 3	163.355	6
Recording Live Performance	164.869	Property*
Riot	166.015	6
Robbery 3	164.395	5
Sexual Abuse 2	163.425	8, 7*
Sexual Assault of Animal	166.333	6
Simulating Legal Process	162.355	3
Sodomy 3	163.385	6
Solicit Agg Murder	163.095 161.435	10
Solicit CS 3-11 Class A or B Felony	161.435	2 Below Crime
Solicit CS 1-2 Class A or B Felony	161.435	1
Speed RACING Organizing	811.127	2
Sports Agent Violations	702.032, 702.042	1
Stalking (Felony)	163.732	8
Stalking/Viol Ct Order (Fel)	163.750	8
Strangulation/Felony	163.187(4)	6
Subjecting Another to Invol. Servitude 1	163.264	9, 6
Subjecting Another to Invol. Servitude 2	163.263	5
Supply Contraband	162.185	7, 6, 5, 4*
Tampering with Drug Records	167.212	1
Tampering with Lottery Records	162.305(2)(b)	3
Tampering with a Witness	162.285	6
Theft 1	164.055	Property*
Theft by Deception	164.085	Property*
Theft by Extortion	164.075	7, otherwise Property*
Theft by Receiving	164.095	5, 3
Theft of Lost/Mislaidd Property	164.065	Property*
Theft of Services	164.125	Property*
Throwing Object Off Overpass	166.651	1
Trademark Counterfeiting	647.145 and .150	Property*
Trafficking in Persons	163.266	Unranked
Traffic in Stolen Vehicle	819.310	6, 5
Trans. 60,000+ Cigs. w/out Permit	323.480(4)	1
Treason	166.005	Unranked
Tree Spiking	164.886	8, 6*
Unauth Use of Vehicle	164.135	Property*
Unlawful Admin Sched I or II Cont Subst	475.910(1)(a)	9
Unlawful Admin Sched III Cont Subst	475.910(1)(b)	8
Unlawful Admin Sched IV Cont Subst	475.910(1)(c)	5
Unlawful Contact w/Child	163.479	7
Unlawful Dissemination of Intimate Image	163.472	6
Unlawful Distribution Cigarettes	ORS ch 323	Tobacco*
Unlawful Distribution Tobacco Products	ORS ch 323	Tobacco*
Unlawful Possession Fictitious ID	165.813	2
Unlawful Possession Personal ID Device	165.810	4
Unlawful Production ODOT ID	807.500	2
Unlawful Tobacco Delivery Sales	ORS ch 323	1
Unlawful Transport Untaxed Tobacco Products	ORS ch 323	1
Unlawful Use of Weapon	166.220	6
Use of Vital Record	432.993	1
Use Minor/Drug Offense	167.262	8, 4*
Use Stun Gun, Tear Gas, Mace 1	163.213	6
Wildlife Violation Fel	496.992(3)	2

Optional Probation: If the offender is in grid block 8-G, H, or I, the court may impose optional probation if: (1)(a) an appropriate treatment program is likely to be more effective than a prison term in reducing the risk of recidivism; (b) a treatment program is recommended, available, and the offender can be admitted into it within a reasonable period of time; and (c) the probationary sentence will serve community safety interests by promoting offender reformation. Even if the above criteria are met, the court may not impose optional probation if: (2)(a) the offender used a firearm in the offense, or (b) the offender was under supervision for a felony conviction or juvenile adjudication, or (c) the conviction is for "substantial quantity" MCS/ methamphetamine, or (d) the person is a repeat methamphetamine offender.

Tobacco Crimes Table (over 90-day period)

	Number of Cigarettes	Tobacco Tax Avoided
7	> 120,000	≥ \$10,000
5	> 60,000 but ≤ 120,000	≥ \$5,000 but < \$10,000
3	> 12,000 but ≤ 60,000	≥ \$1,000 but < \$5,000
Class A Misdem	≤ 12,000	< \$1,000

Sentencing Guidelines—Controlled Substances Table

10, 9	ORS 475.907 (level 9 only if > 3-yr age difference or repeat offense); ORS 475.925 and 475.930 (levels 9 and 10, presumptive minimums are mandatory); cause another to ingest CS per ORS 475.984(2) (level 9 only), or unlawful admin CS per ORS 475.986(1)(a) (level 9 only).
8	UDCS/UMCS w/in 1000 ft. of school (except not UMCS marijuana); UDCS to minor; use minor in CS offense with > 3-yr age difference; substantial quantity UDCS/UMCS (except not marijuana or hashish); commercial drug offense UDCS/UDCS/UPCS (except not marijuana or hashish); cause another to ingest CS offense per ORS 475.902(1); unlawful admin CS offense per ORS 475.910(1)(b); "actual" UMCS of methamphetamine; or distribute equipment, solvent, reagent, or precursor substance with intent to commit UMCS.
6	UDCS cocaine, methamphetamine, heroin, ecstasy for consideration; substantial quantity UPCS (except marijuana and hashish); or possession of precursor substance w/intent to manufacture.
5	Unlawful admin CS per ORS 475.986(1)(c).
4	Any other UMCS/UDCS; use minor CS offense < than 3 years age difference; or poss/disposal UMCS meth waste.
1	Any other UPCS.
Unranked	UDCS/UMCS that facilitated someone's death. ORS 475.752(6)(a).

Sentencing Guidelines—Property Table

	Personal Use of a Vehicle	Other than a Vehicle
6		≥ \$50,000
5		≥ \$10,000
4	\$10,000 or more	≥ \$5,000 but < \$10,000
3	≥ \$1,000 but < \$10,000	≥ \$1,000
2		All others

Burglary I: Offenders sentenced for level 7 burglary 1 and who are subject to ORS 137.635 have presumptive prison sentences for the following grid blocks (in months): 7-I (11-12), 7-H (12-13), 7-G (13-14), and 7-F (14-15).

Crime Categories: (CS=Crime Seriousness Level):

Abandonment of Child: CS 7 if child placed in immediate danger by defendant's conduct. **Aggravated Theft 1:** CS 8 if victim 65+. CS 6 if value of property is \$50,000+, otherwise CS 5. **Arson 1:** CS 10 if offense represented threat of serious physical injury. CS 9 w/ \$50,000+ and no threat of serious physical injury. CS 8 if \$25K+ and no threat of serious physical injury. Otherwise CS 7. **Assault 1:** CS 10 if violated ORS 163.185(1)(b) or if the victim did not substantially contribute to the commission of offense by precipitating the crime, otherwise CS 9. **Assault 3:** CS 8 if coupled with DUII, otherwise CS 6. **Burglary 1:** CS 9 if armed with deadly weapon, or caused or threatened physical injury to victim. CS 8 if dwelling occupied, otherwise CS 7. **Buying or Selling Custody of a Minor:** CS 8 if conduct likely to endanger the health or welfare of child, otherwise CS 5. **Causing Another to Ingest a Controlled Substance:** CS 9 if done with intent to commit or facilitate violent crime, otherwise CS 8. **Coercion:** CS 7 if defendant threatened to cause physical injury, otherwise CS 6. **Criminally Negligent Homicide:** CS 9 if DUII-related, otherwise 8. **DUII/Felony:** CS 6 if defendant has 3+ prior misdemeanor DUII convictions within 10 years of date of new offense, otherwise CS 4. **DWS/R/Felony:** CS 6 if suspension or revocation resulted from any degree of murder, manslaughter or criminally negligent homicide, assault that caused serious physical injury resulting from operation of a motor vehicle, aggravated vehicular homicide or aggravated DWS/R; otherwise CS 4. **Hit and Run/Vehicle:** CS 8 if serious physical injury or death, otherwise CS 6. **Incest:** CS 6 if one of participants is under 18 and offender +3 older than victim, otherwise CS 1. **Inmate Possess Weapon:** CS 8 if firearm, otherwise CS 7. **Manslaughter 2:** CS 9 if DUII-related, otherwise 8. **Possession of Body Armor:** CS 6 if used in committing or attempting to commit person felony or misdemeanor involving violence, otherwise CS 4. **Rape 1/Sodomy 1/Sexual Penetration 1:** CS 10 if any of the following: (1) offender used/threatened use of weapon; (2) offender caused/threatened to cause serious physical injury; (3) victim under 12; or (4) victim incapable of consent because of mental defect, incapacitation, physical helplessness. Otherwise CS 9. **Sexual Abuse 2:** CS 8 if victim under 18, defendant 21 or older and was victim's "coach"; otherwise CS 7. **Stalking:** 1st conviction = misdemeanor, 2nd conviction = CS 8. **Subjecting Another to Involuntary Servitude 1:** CS 9 if offender caused or threatened to cause death or serious physical injury, otherwise CS 6. **Supplying Contraband:** CS 7 if firearm, CS 6 if dangerous weapon, CS 5 if controlled substance. Otherwise CS 4. **Theft by Extortion:** CS 7 if defendant threatened to cause physical injury to some person, otherwise see Property Table. **Theft by Receiving:** CS 5 if organized fencing operation, otherwise CS 3. **Trafficking in Stolen Vehicles:** CS 6 if: (a) organized operation, or (b) value of property from one or more victims is \$50,000+; otherwise CS 5. **Tree Spiking:** CS 8 if serious physical injury, otherwise CS 6. **Use Minor in Drug Offense:** CS 8 if 3+ years older than minor; otherwise 4.

Controlled Substances Substantial Quantity, ORS 475.900(1)(a):

At least 5 gr. heroin, 10 gr. cocaine/meth, 100 gr. hashish, 150 gr. marijuana, 200 units LSD, 60 gr. psilocybin/psilocin, or 5 gr. or 25 units ecstasy.

Commercial Drug Offense, ORS 475.900(1)(b):

any three or more of the following: (A) delivery and for consideration, (B) possession \$300+ cash, (C) weapon poss./use/or ex-con in poss., (D) possession packaging materials, (E) possession drug records or customer lists, (F) stolen property,

Felony DUII—ORS 813.011

90-day mandatory minimum if: 2+ misdemeanor DUII convictions ≤ 10 years before the date of the current crime, or prior felony DUII anytime before the date of the current crime.

STATUTORY PRESUMPTIVE SENTENCES (predicate, adult criminal history required; regular departure rules apply)

Repeat Property Offender—ORS 137.717

• **Agg Theft 1, Burglary 1, Agg ID Theft = 24 months**
• **Robbery 3, ID Theft, Theft 1, UUV, Mail Theft or Rcpt of Stolen Mail, Burg 2, Crim Misch 1, Computer Crime, Forgery 1, Poss Forged Instr 1, Fraud Use of Credit Card, Possess or Traff in Stolen Veh = 18 months**

Imposition of special presumptive sentences requires prior, predicate convictions (separate episodes). Special presumptive sentences may be increased in two-month increments, up to a total increase of 12 months, based on existence of other predicate convictions.

Repeat Felony Sex Offender—ORS 137.719

Third conviction for felony sex offense, separately sentenced = life without parole

Repeat Methamphetamine Offender—ORS 475.935
UDCS methamphetamine with two or more prior meth-related convictions (separate episodes) = 19 months

DEPARTURE SENTENCES

Mitigating Factors: (A) Victim was aggressor or participant in criminal conduct, (B) Defendant acted under duress or compulsion, (C) Diminished mental capacity (excluding drugs or alcohol), (D) Offense principally accomplished by another and defendant exhibited extreme caution or concern for victim, (E) Offender played a minor or passive role, (F) Offender cooperated with the state (except refusal to cooperate cannot be an aggravating factor), (G) Degree of harm or loss attributed to the current crime of conviction was significantly less than typical, (H) Offender conviction free for a significant period of time, (I) Same as optional-probation criteria (1)(a)-(c), see above, (J) Military service (ORS 135.881; ORS 137.090(2)).

Aggravating Factors: (A) Deliberate cruelty, (B) Vulnerable victim, (C) Threat of actual violence, (D) Persistent involvement in similar offenses or repetitive assaults (with consecutive-sentence exception), (E) Use of a weapon, (F) Violation of public trust or professional responsibility, (G) Multiple victims or incidents unrelated to current crime (with consecutive-sentence exception), (H) Organized criminal operation, (I) Permanent injury to the victim, (J) Harm or loss significantly greater than typical, (K) Motivated entirely or in part by the race/color/national origin/sexual orientation of the victim, (L) Disproportionate impact Theft I and Aggravated Theft I.

Note: **Aggravating** factors are subject to the pleading and proof requirements of ORS 136.760 *et seq*. Nonenumerated factors must have been approved for use in a published opinion issued on or before offense date.

Major Felony Sex Crime (MFSC)—ORS 137.690

If one or more MFSC convictions (separate episodes), mandatory minimum of 25 years for the case (however structured).

(G) modification of structure, (H) possession manufacturing paraphernalia, (I) public lands for UMCS, (J) fortifications or dangerous security, (K) 3 gr. heroin, 8 gr. cocaine/meth/hash, 110 gr. marijuana, 20 units LSD, 10 gr. psilocybin/psilocin.