

A-Engrossed
Senate Bill 124

Ordered by the House May 17
Including House Amendments dated May 17

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Veterans' and Military Affairs for Oregon State Bar)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[*Directs*] **Permits** court to consider evidence received during criminal proceeding regarding defendant's status as servicemember in determining [*aggravation or*] mitigation.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to servicemembers; creating new provisions; amending ORS 137.090; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 137.090 is amended to read:

6 137.090. (1) In determining aggravation or mitigation, the court shall 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 court finds trustworthy
10 and reliable.

11 **(2) In determining mitigation, the court may consider evidence regarding the defendant's**
12 **status as a servicemember as defined in ORS 135.881.**

13 [(2)] **(3)** When a witness is so sick or infirm as to be unable to attend, the deposition of the
14 witness may be taken out of court at such time and place, and upon such notice to the adverse
15 party, and before such person authorized to take depositions, as the court directs.

16 **SECTION 2.** The amendments to ORS 137.090 by section 1 of this 2013 Act apply to sen-
17 tences imposed on or after the effective date of this 2013 Act for crimes committed before,
18 on or after the effective date of this 2013 Act.

19 **SECTION 3.** This 2013 Act being necessary for the immediate preservation of the public
20 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
21 on its passage.
22

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.