

Senate Bill 124

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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 **as introduced**.

Directs 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, **including evidence regarding the**
8 **defendant's status as a servicemember as defined in ORS 135.881;**

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

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

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

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

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

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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.