

**PROPOSED AMENDMENTS TO
HOUSE BILL 2607**

1 On page 1 of the printed bill, delete lines 5 through 30 and insert:

2 **“SECTION 1.** ORS 137.370 is amended to read:

3 “137.370. (1) When a person is sentenced to imprisonment in the custody
4 of the Department of Corrections, the term of confinement therein com-
5 mences from the day the person is delivered to the custody of an officer of
6 the Department of Corrections for the purpose of serving the sentence exe-
7 cuted, regardless of whether the sentence is to be served in a state or federal
8 [*institution*] **corrections facility.**

9 “[*(2) Except as provided in subsections (3) and (4) of this section, when a*
10 *person is sentenced to imprisonment in the custody of the Department of Cor-*
11 *rections, for the purpose of computing the amount of sentence served the term*
12 *of confinement includes only:]*

13 “[*(a) The time that the person is confined by any authority after the arrest*
14 *for the crime for which sentence is imposed; and]*

15 “[*(b) The time that the person is authorized by the Department of Cor-*
16 *rections to spend outside a confinement facility, in a program conducted by or*
17 *for the Department of Corrections.]*

18 **“(2) For the purpose of determining when a person has completed**
19 **a term of imprisonment in the custody of the Department of Cor-**
20 **rections, the time that the person spends outside of a corrections fa-**
21 **ility in a program conducted by or for the department constitutes**
22 **time served by the person.**

1 **“(3) Notwithstanding subsection (1) of this section, for the purpose**
2 **of determining when a person has completed a term of imprisonment**
3 **in the custody of the Department of Corrections, the time that the**
4 **person is confined in a corrections facility before the person is deliv-**
5 **ered to the custody of an officer of the department constitutes time**
6 **served by the person if:**

7 **“(a) The confinement is for the criminal episode giving rise to the**
8 **sentence; and**

9 **“(b) The confinement is for a period of more than ____ hours.**

10 **“[(3)] (4) When a judgment of conviction is vacated and a new sentence**
11 **is thereafter imposed upon the defendant for the same crime, the period of**
12 **detention and imprisonment theretofore served shall be deducted from the**
13 **maximum term, and from the minimum, if any, of the new sentence.**

14 **“[(4)] (5) A person who is confined as the result of a sentence [for a crime**
15 **or conduct that is not directly related to the crime for which the sentence is**
16 **imposed, or] for violation of the conditions of probation, parole or post-prison**
17 **supervision, shall not receive presentence incarceration credit for the time**
18 **served in [jail] a corrections facility toward service of the term of con-**
19 **finement.**

20 **“[(5)] (6) Unless the court expressly orders otherwise, a term of**
21 **imprisonment shall be concurrent with that portion of any sentence previ-**
22 **ously imposed that remains unexpired at the time the court imposes sentence.**
23 **This subsection applies regardless of whether the earlier sentence was im-**
24 **posed by the same or any other court, and regardless of whether the earlier**
25 **sentence is being or is to be served in the same [penal institution] cor-**
26 **rections facility or under the same correctional authority as will be the**
27 **later sentence.**

28 **“(7) As used in this section, ‘corrections facility’ means a state or**
29 **federal prison, a jail, or any other place used for the confinement of**
30 **persons charged with or convicted of a crime.”.**

- 1 On page 2, delete lines 1 through 11.
- 2 In line 13, delete the boldfaced material and insert “(3)”.
- 3 On page 3, line 10, delete the boldfaced material and insert “(3)”.
- 4 _____