

## CHAPTER 315

### AN ACT

[H. B. 355]

Relating to crimes and the punishment therefor; amending ORS 144.230, 144.310, 163.010 and 163.020; and prescribing an effective date.

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

Section 1. ORS 144.230 is amended to read as follows:

144.230. (1) A person convicted of murder in the first degree shall not be eligible for parole until he has served at least 15 years of his sentence and shall be paroled then only on the unanimous vote of the State Board of Parole and Probation after a hearing. Notice

of the hearing shall be given at least 30 days prior thereto to the district attorney of the county in which the person was convicted.

(2) No person serving a sentence in the state penitentiary for murder in the second degree is eligible for release on parole until he has served at least seven years of his sentence.

Section 2. ORS 144.310 is amended to read as follows:

144.310. When any paroled prisoner has performed the obligations of his parole for such time as satisfies the State Board of Parole and Probation that his final release is not incompatible with his welfare and that of society, the board may make a final order of discharge and issue to the paroled prisoner a certificate of discharge; but no such order of discharge shall be made in the case of a person convicted of murder in the first degree and in no other case within a period of less than one year after the date of release on parole, except that when the period of the sentence imposed by the court expires at an earlier date, a final order of discharge shall be made and a certificate of discharge issued to the paroled prisoner not later than the date of expiration of the sentence.

Section 3. ORS 163.010 is amended to read as follows:

163.010. (1) Any person who purposely, and of deliberate and premeditated malice, or in the commission of or attempt to commit rape, arson, robbery or burglary, kills another, is guilty of murder in the first degree.

(2) Any person who, without lawful excuse or justification, purposely kills any peace officer of this state or any municipal corporation or political subdivision thereof, when the officer is acting in the line of duty and is known to such person to be an officer so acting, is guilty of murder in the first degree.

(3) Except as provided in subsection (4) of this section, every person convicted of murder in the first degree shall be punished by imprisonment for life.

(4) Any person convicted of murder in the first degree committed while such person is under sentence of life imprisonment may be punished by death or life imprisonment.

Section 4. ORS 163.020 is amended to read as follows:

163.020. (1) Any person who kills another purposely and maliciously but without deliberation and premeditation, or in the commission or attempt to commit any felony other than rape, arson, robbery or burglary, is guilty of murder in the second degree.

(2) Any person who kills another by an act imminently dangerous to others, and evincing a depraved mind, regardless of human life, although without any design to effect the death of any particular individual, is guilty of murder in the second degree.

(3) Any person who by previous engagement or appointment fights a duel and in so doing inflicts a wound upon another, whereof the person so injured dies, is guilty of murder in the second degree.

(4) Every person convicted of murder in the second degree shall be punished by imprisonment in the penitentiary for not more than 25 years.

Section 5. This Act shall not become effective unless the Constitution of the State of Oregon is amended and approved by vote of the people at the regular general election in 1958, so as to repeal sections 37 and 38, Article I thereof. This Act shall become effective upon the effective date of such amendment.

Approved by the Governor May 14, 1957.

Filed in the office of the Secretary of State May 14, 1957.

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