

EXHIBIT E-3
AGGRAVATING/MITIGATING FACTORS
(ORS 144.079, 144.120, 144.785, 144.787, OAR 255--35-013-016)

MUST NOT BE ELEMENT OF CRIME OR SUBCATEGORY RATIONALE:

Any aggravating or mitigating circumstances which constitute a defining element, or subcategory rationale of the crime for which the prisoner was convicted or which resulted in a lower history risk score shall not justify variation from the guidelines.

MUST BE OTHER THAN FOUND IN H/R SCORE, CRIME SEVERITY RATING:

The Board may find Aggravation Factor Q (Other) and Mitigation Factor L (Other) [may be found to exist in the case of] when circumstances are not reflected or not fully reflected in the history/risk score, the crime severity rating, or otherwise in Exhibit E-1 or E-2.

VICTIM'S PARTICULAR VULNERABILITY:

In the case of a physical or sexual assault, pursuant to ORS 144.787, a victim's particular vulnerability to injury (such as youth, handicapped condition or advanced age) shall constitute an aggravating factor.

CONSECUTIVE SENTENCES AGGRAVATING FACTOR:

Pursuant to Section 4, Chapter 634, Oregon Laws 1987, for crimes committed on or after July 11, 1987, the Board shall consider consecutive sentences [shall be considered] an aggravating factor, except when one of the crimes is Aggravated Murder, Murder, Assault I, Kidnapping I, Rape I, Sodomy I, Unlawful Sexual Penetration, Arson I, or Treason.

CRIME SPREE:

For the purpose of Exhibit E-2, a crime spree is a set of criminal activities congruent in time or actually overlapping that are so joined by place and circumstance as to be the product of a continuous disposition or intent.

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MUST NOT BE ELEMENT OF CRIME OR SUBCATEGORY RATIONALE:

Any aggravating or mitigating circumstances which constitute a defining element, or subcategory rationale of the crime for which the prisoner was convicted or resulted in a lower history risk score shall not justify variation from the guidelines.

MUST BE OTHER THAN FOUND IN H/R SCORE, CRIME SEVERITY RATING:

Aggravation Factor Q (Other) and Mitigation Factor L (Other) may be found to exist in the case of circumstances not reflected or not fully reflected in the history/risk score, the crime severity rating, or otherwise in Exhibit E-1 or E-2.

VICTIM'S PARTICULAR VULNERABILITY:

In the case of a physical or sexual assault, pursuant to ORS 144.787, a victim's particular vulnerability to injury (such as youth, handicapped condition or advanced age) shall constitute an aggravating factor [whether or not it was an element of the crime].

CONSECUTIVE SENTENCES AGGRAVATING FACTOR:

Pursuant to Section 4, Chapter 634, Oregon Laws 1987, for crimes committed on or after July 11, 1987, consecutive sentences shall be considered an aggravating factor.

CRIME SPREE:

For the purpose of Exhibit E-2, a crime spree is a set of criminal activities congruent in time or actually overlapping that are so joined by place and circumstance as to be the product of a continuous disposition or intent.

10/5/90

1

Aggravating/Mitigating
Factors Explanation

Permanent effective 10/5/90

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AGGRAVATING/MITIGATING FACTORS

Any aggravating or mitigating circumstances which constitute a defining element, or subcategory rationale of the crime for which the prisoner was convicted or resulted in a lower history risk score shall not justify variation from the guidelines.

In the case of a physical or sexual assault, pursuant to ORS 144.787, a victim's particular vulnerability to injury (such as youth, handicapped condition or advanced age) shall constitute an aggravating factor whether or not it was an element of the crime.

Pursuant to Section 4, Chapter 634, Oregon Laws 1987, for crimes committed on or after July 11, 1987, consecutive sentences shall be considered an aggravating factor.

For the purpose of Exhibit E-2, a crime spree is a set of criminal activities congruent in time or actually overlapping that are so joined by place and circumstance as to be the product of a continuous disposition or intent.

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AGGRAVATING/MITIGATING FACTORS

Any aggravating or mitigating circumstances which constitute a defining element of the crime or subcategory of the crime of which the prisoner was convicted or resulted in a lower history/risk score shall not justify variation from the guidelines. Additionally, such circumstances should not be the basis for more than one finding in aggravation or mitigation. The Board may find mitigation, when enhanced penalties have been imposed for multiple convictions, if it finds that the crimes are part of a "crime spree" and that the spree is not indicative of a persistent criminal orientation or proclivity.

For the purpose of this exhibit, a crime spree is a set of criminal activities congruent in time or actually overlapping that are so joined by place and circumstance as to be the product of a continuous disposition or intent.