

EXHIBIT A
PART II
ORS 144.120, 144.780,
OAR 255-30-035, 255-35-013-014

Aggravated Murder
163.095

Effective 7/1/88; Removed 1/16/91

SUBCATEGORY 1 – RATING 8

Stranger to stranger; cruelty to victim; prior conviction of murder or manslaughter;
evidence of significant planning or preparation.

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SUBCATEGORY 2 – RATING 7

All other cases of aggravated murder.

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Arson I
164.325

Unchanged since 1985

SUBCATEGORY 1 – RATING 6:

Knew or should have known premises were occupied at time of act or injury.

SUBCATEGORY 2 – RATING 5:

All other cases of Arson I/

Assault I
163.185

Unchanged since 1985

SUBCATEGORY 1 – RATING 6:

Cases of Assault I in which there is intentional cause of serious physical injury to another by means of a deadly or dangerous weapon.

SUBCATEGORY 2 – RATING 5:

Cases of Assault I in which the victim(s) provoke the crime to a substantial degree or other evidence that misconduct by the victim(s) contributed substantially to the criminal episode.

Assault III
163.165

Effective 4/4/88

SUBCATEGORY 1 – RATING 3:

Assault III/Vehicular where defendant has at least 2 prior DUII convictions within a 5-year period.

SUBCATEGORY 2 – RATING 2:

10/9/92

Subcategory Rationale

All other cases of Assault III.

10/9/92

Subcategory Rationale

BURGLARY I
164.225

Effective 7/20/88

SUBCATEGORY 1 – RATING 5:

Entry into a dwelling, where defendant causes or attempts to cause physical injury to any person; is armed with a deadly weapon; uses or threatens to use a dangerous weapon; or death occurs.

SUBCATEGORY 2 – RATING 4:

Entry into a dwelling in which goods taken has a value of \$5,000 or more.

SUBCATEGORY 3 – RATING 3:

Entry into a dwelling in which goods taken had a value or less than \$5,000.

BURGLARY II
164.215

Unchanged since 1985

SUBCATEGORY 1 – RATING 3:

Theft or destruction of over \$5,000 in property.

SUBCATEGORY 2 – RATING 2:

Theft or destruction of between \$1,000 - \$5,000.

SUBCATEGORY 3 – RATING 1:

Theft of less than \$1,000.

Coercion
163.275

Unchanged since 1985

SUBCATEGORY 1 – RATING 4:

Compelling another to act through threat of serious physical harm or property damage; blackmail.

SUBCATEGORY 2 – RATING 3:

All others.

Computer Crime
164.377(2)(3)

Added 7/1/88; Theft I amended 8/5/88

Breakdown is the same as for Theft I.

10/9/92

Subcategory Rationale

Criminal Possession Rented/Leased
Property
164.140

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Criminally Negligent Homicide
163.145

Effective 4/4/88

SUBCATEGORY 1 – RATING 4:

Vehicular Homicide where defendant with criminal negligence causes the death of another person.

SUBCATEGORY 2 – RATING 3:

Cases where the victim's misconduct contributed to the criminal episode [(i.e. victim was drinking buddy of defendant)].

Delivery of Controlled Substance
475.992(1); 475.995; 475.993(2)(a)

Effective 7/14/88

SUBCATEGORY 1 – RATING 5:

Operating or participating in the operation of a location in which crack cocaine or heroin is sold. 475.993(2)(a). The delivery of heroin as part of a distribution or sales network. See Exhibit A-III. 475.992(1)-(b).

SUBCATEGORY 2 – RATING 4:

Delivery of an illegal drug (including, but not limited to methamphetamines) (Schedule I, II or III) other than marijuana where there is evidence that the delivery is part of a drug selling or distribution network or scheme; see Exhibit A-III. 475.992(a)-(c).

Knowingly owning or providing a location for the sale or distribution of illegal drugs other than marijuana. 475.993(2)(a)(Schedule I).

Delivery or any quantity of illegal drug in and on, or within one thousand feet of, the real property comprising a public or private elementary and/or middle school. 475.992(1)(a)-(c); 475.992.(2); 475.995. (Schedule I, II, or III).

Delivery or assisting in the delivery of illegal drugs in which a minor is involved. 475.995(1) & (5) (includes marijuana, but not Schedule III).

SUBCATEGORY 3 – RATING 3:

Delivery or assisting in the delivery of illegal drugs for compensation or profit in circumstances other than those listed above. 475.992(1)(a)-(c); 475.992(2)(a); 475.995. (Schedule I, II or III).

10/9/92

Subcategory Rationale

SUBCATEGORY 4 – RATING 1:

Delivery of a small amount of any illegal drug not for profit or compensation. All other cases of delivery of illegal drugs not noted above.

Escape II
162.155

Effective 12/6/88

SUBCATEGORY 1 – RATING 2:

Use or threat to use physical force escaping from custody; or, having been convicted or found guilty of a felony, escapes from custody imposed as a result thereof; or escapes from a correctional facility or, while otherwise under the jurisdiction of the Psychiatric Security Review Board, departs from state without authorization of Board.

SUBCATEGORY 2 – RATING 1:

Escapes while on pass, terminal leave or work release from a county correctional facility; all other cases.

Failure to Perform Duties of a Driver
Where There is Injury or Death
811.705

Effective 7/1/88

SUBCATEGORY 1 – RATING 3:

If death results.

SUBCATEGORY 2 – RATING 2:

Injury and all other cases.

Forgery I
165.013

Effective 7/1/88

SUBCATEGORY 1 – RATING 3:

Loss, potential loss, or receiving of over \$5,000.

SUBCATEGORY 2 – RATING 2:

Loss, potential loss, or receiving of \$1,000 to \$5,000.

SUBCATEGORY 3 – RATING 1:

Loss, potential loss, or receiving of under \$1,000.

10/9/92

Subcategory Rationale

Fraud Involving Securities

Effective 7/20/88

59.055; 59.115; 59.127; 59.135; 59.145;
59.165; 59.730; 59.740; 59.750; 59.760;
59.770; 59.780; 59.790; 59.800

SUBCATEGORY 1 – RATING 4:

Loss, potential loss, or receiving of \$10,000 or more.

SUBCATEGORY 2 – RATING 3:

All other cases of fraud involving securities.

Manslaughter II

Effective 4/4/88

163.125

SUBCATEGORY 1 – RATING 5:

Cases where death of a victim, usually a child, results from prolonged abuse; failure to provide for victim's welfare resulting in death; medical treatment withheld to conceal physical signs of abuse.

SUBCATEGORY 2 – RATING 4:

Causes another to commit suicide or aids, cases where death of victim involves use of a weapon or follows an assault; cases where death is by negligent use of vehicle and defendant has at least 2 prior DUI convictions within 5 years.

SUBCATEGORY 3 – RATING 3:

Cases where death is by negligent use of a vehicle; all other cases.

Manufacture of Controlled Substance

Effective 7/14/88

475.992(1); 475.993(2)(a)

SUBCATEGORY 1 – RATING 5:

Operating or assisting in the operation of a laboratory for the production of methamphetamines. Cultivating or assisting in the manufacture of marijuana for distribution or sale as part of a distribution network or scheme; see Exhibit A-III. Cultivation or assisting in the cultivation of more than 100 marijuana plants.

SUBCATEGORY 2 – RATING 4:

Manufacturing or assisting in the manufacture of illegal drugs other than methamphetamines or marijuana, when there is evidence that the manufacture is part of a drug selling or distribution network or scheme; see Exhibit A-III. (Schedule I, II or III.) Knowingly owning or providing a location for the manufacture of illegal drugs other than marijuana for sale or distribution. 475.993(2)(a) (Schedule I).

SUBCATEGORY 3 – RATING 3:

Manufacture or assisting in the manufacture of illegal drugs for distribution. Manufacture of marijuana in the amount of 24 or more plants and/or in circumstances other than those listed in Subcategory 1. See Exhibit A-III. (Schedule I, II or III.).

SUBCATEGORY 4 – RATING 1:

Manufacture of illegal drugs for the offender's own use. All other cases of manufacturing of illegal drugs. (Schedule I, II or III.)

Murder
163.115

Unchanged since 1985

SUBCATEGORY 1 – RATING 8:

Stranger to stranger; cruelty to victim; prior conviction of murder or manslaughter; evidence of significant planning or preparation.

SUBCATEGORY 2 – RATING 7:

All other cases of murder.

Negotiating a Bad Check
165.065(3b)

Added 7/1/88; Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Possession of Controlled Substance
475.992(4)

7/14/88; Amended 11/1/89

SUBCATEGORY 1 – RATING 3:

Possession of illegal drugs other than marijuana with intent to deliver. (Schedule I, II or III.) See Exhibit A-III. Possession of illegal drugs which constitute the precursors or byproducts of the manufacturing process (as defined by ORS 475.940.)

SUBCATEGORY 2 – RATING 2:

Possession of illegal drugs other than cocaine/crack, methamphetamines, and heroin (which are included in Subcategory 1) with intent to deliver. (Schedule I, II & III.)

SUBCATEGORY 3 – RATING 1:

Possession of illegal drugs in circumstances other than those listed above (e.g. for personal use.) (Schedule I, II or III.)

10/9/92

Subcategory Rationale

Possession of a Fraudulent
Communications Device
165.070

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Racketeering
166.720

Unchanged since 1985

SUBCATEGORY 1 – RATING 5:

The principle party involved in violation of the Racketeering statute. Involvement is that of planning, directing or participating in the scheme or schemes resulting in direct profit or gain.

SUBCATEGORY 2 – RATING 4:

The subordinate party involved in violation of the Racketeering statute. Involvement is limited to acting as an agent or employee of the principle. There is no involvement in planning, directing or participating in the scheme or schemes in violation of this statute.

Rape I
163.375

Amended 11/1/89

SUBCATEGORY 1 – RATING 6:

Stranger to stranger; breaking and entering; threat to use or use of a weapon; actual or threat or serious bodily or emotional harm; intercourse with female or male under 12. Cases in which the female is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness.

SUBCATEGORY 2 – RATING 5:

All other cases.

Rape II
163.365

Amended 11/1/89

SUBCATEGORY 1 – RATING 4:

Cases in which the female is under 14 years of age.

SUBCATEGORY 2 – RATING 3:

All other cases.

10/9/92

Subcategory Rationale

Robbery I
164.415

Effective 7/20/88

SUBCATEGORY 1 – RATING 6:

Cases of robbery in which the defendant is armed with a deadly or dangerous weapon; discharges a firearm; uses a dangerous weapon; makes explicit or immediate threats by word or gesture; causes death of or physical injury to the victim.

SUBCATEGORY 2 – RATING 5:

All other cases of Robbery I.

Sexual Penetration with
Foreign Object I
163.411

Amended 11/1/89

SUBCATEGORY 1 – RATING 6:

Sexual Penetration with Foreign Object I is broken down in the same manner as Rape I.

SUBCATEGORY 2 – RATING 5:

All other cases.

Sodomy I
163.405

Amended 11/1/89

SUBCATEGORY 1 – RATING 6:

Sodomy I is broken down in the same manner as Rape I.

SUBCATEGORY 2 – RATING 5:

All other cases.

Supplying Contraband
162.185

Effective 12/6/88

SUBCATEGORY 1 – RATING 4:

While confined in a correctional facility, juvenile facility or state hospital, makes, obtains or possesses any firearm; knowingly introduces any firearm into a correctional facility, juvenile facility, or state hospital.

SUBCATEGORY 2 – RATING 3:

While confined in a correctional facility, juvenile facility or state hospital, makes, obtains or possesses a dangerous weapon; knowingly introduces any dangerous weapon into a correctional facility, juvenile facility or state hospital.

SUBCATEGORY 3 – RATING 2:

While confined in a correctional facility, juvenile facility or state hospital, makes, obtains or possesses any Schedule I, II or III controlled substance except marijuana; knowingly introduces any Schedule I, II or III controlled substance into a correctional facility, juvenile facility or state hospital.

SUBCATEGORY 4 – RATING 1:

All other cases.

Theft by Deception
164.085

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Theft by Extortion
164.075

Unchanged since 1985

SUBCATEGORY 1 – RATING 4:

Threat of serious bodily harm or death.

SUBCATEGORY 2 – RATING 3:

All others.

Theft I
164.005

Amended 4/4/88 & 8/5/88; Effective 8/5/88

SUBCATEGORY 1 – RATING 2:

Theft or receiving of \$1,000 or more.
Theft of a motor vehicle for personal transportation
Theft of a livestock animal.
Theft of a firearm or explosive
Theft during riot or catastrophe.

SUBCATEGORY 2 – RATING 1:

Thefts under \$1,000.

Theft of Services
164.125(4)-(c)

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Unauthorized Use of a Motor Vehicle
164.135

Unchanged since 1985

SUBCATEGORY 1 – RATING 2:

Loss, destruction or severe damage to vehicle or property; or injury to others.

SUBCATEGORY 2 – RATING 1:

All others.

Unlawful Creation or Delivery
Of Counterfeit Substance
475.992(3)

Effective 7/14/88

Breakdown is the same as for Manufacture or Delivery of Controlled Substance.

Using a Child in a Display of
Sexually Explicit Conduct
163.670

Effective 4/4/88

SUBCATEGORY 1 – RATING 6:

Child 12 years of age or under.

SUBCATEGORY 2 – RATING 5:

All other cases.

Welfare/Food Stamp Fraud
411.630; 411.640; 411.675;
411.690; 411.840

Added 4/4/88; Theft I amended 8/5/88

Breakdown is the same as for Theft I.