

CHAPTER II

SENTENCING GUIDELINES GRID

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II. THE SENTENCING GUIDELINES GRID

A. THE SENTENCING GUIDELINES GRID

This section of the manual describes how the Sentencing Guidelines Grid will be used to establish a presumptive sentence under the guidelines system. The grid is set forth as Appendix 1 to the rules of the State Sentencing Guidelines Board. It has been reproduced in this manual on page 16 for the reader's convenience.

The presumptive sentence in the guidelines system is that sentence which should be imposed in the usual case. In all cases, the sentencing judge will use the grid to establish the presumptive sentence for the offender. Presumptive sentences are discussed in Chapter IV of this manual. If, however, the sentencing judge determines that aggravating or mitigating factors make the case unique for sentencing purposes, he or she may depart from the presumptive sentence. Departure sentences are explained in more detail in Chapter VI of this manual.

OAR 253-04-001 SENTENCING GUIDELINES GRID. (1) The grid is a two-dimensional offense and criminal history classification tool. The grid's vertical axis is the Crime Seriousness Scale which classifies current crimes of conviction. The grid's horizontal axis is the Criminal History Scale which classifies criminal histories.

(2) Each grid block states the presumptive sentence for an offender whose crime of conviction and criminal history place him or her in that grid block. The solid black line dividing the grid blocks is the dispositional line. The grid is set forth as Appendix 1.

Commentary

As noted earlier, Oregon's primary sentencing objectives are "to punish each criminal offender appropriately and insure the security of the public in person and property." Section 2, 1987 legislation.

The Sentencing Guidelines Grid was developed to achieve these two sentencing objectives. The grid (Appendix 1) classifies criminal conduct based on the seriousness of the current crime of conviction and an offender's criminal history. The grid is formed by a Crime Seriousness Scale (vertical axis) and Criminal History Scale (horizontal axis). The use of the Crime Seriousness Scale is described in more detail in OAR 253-04-002 to 253-04-005. The Criminal History Scale and a description of its application in the guidelines system are included in OAR 253-04-006 to OAR 253-04-013.

Each of the 99 grid blocks formed by the intersection of a crime seriousness category and a criminal history category represents a presumptive sentence classification. The solid black line on the grid is the dispositional line which separates grid blocks with presumptive prison sentences (blocks above the dispositional line) from grid blocks with presumptive sentences of probation (blocks below the dispositional line). If the current crime of conviction/criminal history are classified in grid block above the dispositional line, the presumptive sentence includes a prison term. If the classification is below the dispositional line, the presumptive sentence is probation.

B. THE CRIME SERIOUSNESS SCALE

This section describes the Crime Seriousness Scale and explains how it is used to classify an offender on the vertical axis of the Sentencing Guidelines Grid. The scale is set forth in Appendix 2 of the rules of the State Sentencing Guidelines Board. It has been reproduced in this manual on pages 17-27 for the reader's convenience.

As indicated in section (2) of OAR 253-04-002, certain crimes are subclassified on the Crime Seriousness Classification. These offense subclassifications are described in Appendices 3 and 4 of the rules of the State Sentencing Guidelines Board. Both appendices have been reproduced at pages 28-38. Two additional aids have been included in this manual to help establish the proper crime seriousness classification. The table on pages 39-42 identifies the crime seriousness classifications of all felony offenses sorted by ORS number. The table on pages 43-46 provides the same information, but is organized alphabetically by the felony offense title.

1. General Crime Rankings

The crime seriousness ranking of an offense is the single most important factor in setting a presumptive sentence under the guidelines system. The scale describe in general terms in OAR 253-04-002. The commentary to this rule provides a more detailed explanation of just deserts principles used to develop the scale. The commentary also describes the rationale for subcategorizing the seriousness of certain broadly worded statutory offenses. The use of offense subcategories to establish a presumptive sentence is describe in Chapter IV of this manual.

OAR 253-04-002 CRIME SERIOUSNESS SCALE. (1) The Crime Seriousness Scale consists of eleven categories of crimes. Each crime category represents crimes of relatively equal seriousness. The complete Crime Seriousness Scale is set forth as Appendix 2.

(2) When the statutory definition of an offense includes a broad range of criminal conduct, the offense may be subclassified

factually in more than one crime category to capture the full range of criminal conduct covered by the statutory offense. The list of subclassified offenses is set forth as Appendix 3.

(3) Drug related offenses are separately classified and subclassified. Those classifications are set forth as Appendix 4.

Commentary

Three rules were used to rank each offense:

Rule 1. The primary factor in ranking crime seriousness is the harm or threat of harm to the societal interests the legislature intended to protect by making the particular conduct a crime.

Rule 2. The three primary societal interests are in order of importance:

- (a) Protecting the individual from personal assault.
- (b) Protecting individual rights to property.
- (c) Protecting the integrity of governmental institutions.

Rule 3. Except where specific intent is a statutory element of the offense, specific facts indicating the offender's personal blameworthiness in an individual case should only be considered to determine whether aggravating or mitigating circumstances exist.

Section (1). An adequate ranking of Oregon felonies for the sentencing guidelines requires a more refined classification scheme than is currently provided by statute (Class A, B, or C felonies). When developing the crime seriousness categories of these rules, the Council and Guidelines Board carefully considered the Oregon parole matrix, the guidelines systems of Minnesota and Washington, and the new federal sentencing guidelines. As a result of this analysis, the Guidelines Board adopted a Crime Seriousness Scale with eleven categories. Each category represents a different seriousness ranking for sentencing purposes.

Section (2). The Guidelines Board decided that the proper comparison of felonies also required the subclassification of some offenses which are broadly defined by statute. Subclassified offenses, excluding drug offenses, are described in Appendix 3.

Section (3). The Guidelines Board decided that Oregon's statutory scheme for drug offenses also required subclassification for sentencing purposes. A separate Appendix 4 (Offense Subcategories for Drug-Related Offenses) was included in these rules to address the special issues related to drug offenses.

The primary criteria for subclassifying drug offense is whether the crime was committed "as part of a drug cultivation, manufacture or delivery scheme or network." The following facts, among others, may constitute evidence of a "drug cultivation, manufacture or delivery scheme or network" as used in Appendix 4 (Offense Subcategories for Drug-Related Offenses):

- A. The presence of substantial amounts of cash at the scene of arrest.
- B. The presence of weapons at the scene of arrest.
- C. The presence of manufacturing or distribution materials such as drug recipes, precursor chemicals, laboratory equipment, lighting, irrigation systems, ventilation or power-generating, scales, or packaging material.
- D. The presence of drug transaction records or customer lists.
- E. The presence of large quantities of stolen property.
- F. Building modifications including painting, wiring, plumbing, or lighting which facilitated the commission of the offense.
- G. Possession of large amounts of illegal drugs or substantial quantities of controlled substances.
- H. A showing that the offender has engaged in repeated similar criminal acts associated with the manufacture, cultivation or delivery of controlled substances.

2. Special Crime Seriousness Ranking Rules

This subsection includes the special rules related to the ranking of offenses on the Crime Seriousness Scale.

a. Unranked Offenses

OAR 253-04-004 OTHER UNRANKED OFFENSES. Except for ORS 163.095-163.105 Aggravated Murder, when a person is convicted of any other felony or crime punishable by state imprisonment which is omitted from the Crime Seriousness Scale, the sentencing judge shall determine the appropriate crime category for the current crime of conviction and shall state on the record the reasons for the offense classification.

Commentary

Some offenses are not ranked on the Crime Seriousness Scale. These offenses are either rarely prosecuted or they encompass such a broad spectrum of criminal conduct as to make a single

classification of the offense impractical. Racketeering (ORS 166.715-.735), for example, is unranked because the seriousness of the offense is associated with an underlying crime, that should in most cases determine the crime seriousness of the racketeering offense. The same ranking approach would also apply to most conspiracy convictions. Other offenses such as Treason (ORS 166.005) have been excluded from the Crime Seriousness Scale because they are rarely prosecuted and generally involve unique factual situations.

This rule states the procedure to be followed by the sentencing judge to classify unranked offenses. When classifying an unranked offense on the Crime Seriousness Scale, the sentencing judge should refer to comparable offenses on the Crime Seriousness Scale or the ranking principles described in the commentary to OAR 253-04-002.

b. Aggravated Murder

OAR 253-04-003 AGGRAVATED MURDER. The offense of Aggravated Murder is not ranked in the Crime Seriousness Scale because the sentence is set by statute as death or mandatory life imprisonment (ORS 163.095-163.105).

Commentary

The sentence for Aggravated Murder is set by statute as death, life imprisonment without the possibility of release or parole, or life imprisonment. ORS 163.105. Because the legislature has clearly established special sentencing provisions for Aggravated Murder convictions, the Guidelines Board purposely did not rank this offense on the Crime Seriousness Scale.

c. Attempts and Solicitations

OAR 253-04-005 ATTEMPTS AND SOLICITATIONS. (1) A conviction for an attempted crime shall be ranked on the Crime Seriousness Scale at two crime categories below the appropriate category for the completed crime. A sentence imposed for an attempted crime shall not exceed the maximum sentence permitted for such criminal conduct under ORS 161.405.

(2) A conviction for soliciting a crime shall be ranked on the Crime Seriousness Scale at two crime categories below the appropriate category for the completed crime. A sentence imposed for a solicitation offense shall not exceed the maximum sentence permitted by law for such criminal conduct under ORS 161.435.

Commentary

Current Oregon law classifies an attempted crime, or a solicitation to commit a crime, one felony classification below the completed crime. For example, an attempted Class A felony is

a Class B felony, an attempted Class B felony is a Class C felony, and an attempted Class C felony is a Class A misdemeanor. This special classification establishes different maximum sentences for attempted crimes and solicitations (Class A felonies, 20 years; Class B, 10 years; Class C, 5 years).

Section (1) implements the statutory policy as to attempts by ranking conviction for an attempted crime at two crime seriousness levels below the completed crime. This difference produces presumptive sentence ranges for a completed crime which are typically twice those for an attempt.

Section (2) implements the statutory policy as to the treatment of solicitations. As with attempts, a solicitation crime ranked two crime categories below the completed crime produces a difference in presumptive sentence ranges that corresponds proportionately to the different maximum sentences under the statutory policy described above.

This general rule does not apply to conspiracies. A conspiracy conviction should be treated as an unranked offense and classified by the sentencing judge pursuant to OAR 253-04-004.

SENTENCING GUIDELINES GRID

- APPENDIX 1 -

		CRIMINAL HISTORY SCALE									
		MULTIPLE (3+) FELONY PERSON OFFENDER	REPEAT (2) FELONY PERSON OFFENDER	SINGLE (1) FELONY PERSON W/ FELONY NON-PERSON OFFENDER	SINGLE (1) FELONY PERSON OFFENDER	MULTIPLE (4+) FELONY NON-PERSON OFFENDER	REPEAT (2-3) FELONY NON-PERSON OFFENDER	SIGNIFICANT MINOR CRIMINAL RECORD	MINOR CRIMINAL RECORD	MINOR MISDEMEANOR OR NO CRIMINAL RECORD	
		A	B	C	D	E	F	G	H	I	J
CRIME SERIOUSNESS SCALE	MURDER	11	225-269	196-224	178-194	149-177	149-177	135-148	129-134	122-128	120-121
	MANSLAUGHTER I, ASSAULT I, RAPE I, ARSON I	10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60
	RAPE I, ASSAULT I, KIDNAPPING II, ARSON I, BURGLARY I, ROBBERY I	9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36
	MANSLAUGHTER II, SEXUAL ABUSE I, ASSAULT II, RAPE II, USING CHILD IN DISPLAY OF SEXUAL CONDUCT, DRUGS-MINORS, CULT/MAUF/DEL, COMP. PROSTITUTION, NEG. HOMICIDE	8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18
	EXTORTION, COERCION, SUPPLYING CONTRABAND, ESCAPE I	7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90
	ROBBERY II, ASSAULT III, RAPE III, BRIBE RECEIVING, INTIMIDATION, PROPERTY CRIMES (more than \$50,000), DRUG POSSESSION	6	25-30	19-24	15-18	13-14	10-12	180-90	180-90	180-90	180-90
	ROBBERY III, THEFT BY RECEIVING, TRAFFICKING STOLEN VEHICLES, PROPERTY CRIMES (\$10,000-\$49,999)	5	15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60
	FTA I, CUSTODIAL INTERFERENCE II, PROPERTY CRIMES (\$5,000-\$9,999), DRUGS-CULT/MAUF/DEL	4	10-10	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60
	ABANDON CHILD, ABUSE OF CORPSE, CRIMINAL NONSUPPORT, PROPERTY CRIMES (\$1,000-\$4,999)	3	120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30
	DEALING CHILD PORNOGRAPHY, VIOLATION OF WILDLIFE LAWS, WELFARE FRAUD, PROPERTY CRIMES (less than \$1,000)	2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30
ALTERING FIREARM ID, HABITUAL OFFENDER VIOLATION, BIGAMY, PARAMILITARY ACTIVITY, DRUGS-POSSESSION	1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	

- In white blocks, numbers are presumptive prison sentences expressed as a range of months.
- In gray blocks, upper number is the maximum number of custody units which may be imposed; lower number is the maximum number of jail days which may be imposed.

APPENDIX 2

CRIME SERIOUSNESS SCALE

This appendix represents the complete Crime Seriousness Scale of the grid. When an offense has been subcategorized it will appear in two or more crime categories. An abbreviated description of the subcategorization factors is included in this appendix for each subcategory of the offense as it appears on the Crime Seriousness Scale. Appendices 3 and 4 should be consulted for a complete description of offense subcategories.

CRIME CATEGORY 11

**FELONY
CLASSIFICATION**

ORS 163.115 MURDER (U)

CRIME CATEGORY 10

**FELONY
CLASSIFICATION**

ORS 163.118 MANSLAUGHTER I (A)
ORS 163.375 RAPE I * (A)
(If aggravated by factors listed below; otherwise CC 9.)
ORS 163.405 SODOMY I * (A)
(If aggravated by factors listed below; otherwise CC 9.)
ORS 163.411 SEXUAL PENETRATION I * (A)
(If aggravated by factors listed below; otherwise CC 9.)
ORS 163.185 ASSAULT I (A)
(If victim did not substantially contribute to the
commission of the offense by precipitating the attack;
otherwise CC 9.)
ORS 163.235 KIDNAPPING I (A)
ORS 164.325 ARSON I (A)
(If offense represented serious threat to life; otherwise
CC 9, 8 or 7.)

* Rape I, Sodomy I and Sexual Penetration with Foreign Object I shall be ranked at Crime Category 10 if one or more of the following factors were included in the commission of the offense:

- a.) the offender used or threatened to use a weapon;
- b.) the offender caused or threatened to cause serious physical injury;
- c.) the victim was under the age of twelve; or
- d.) the victim was incapable of consent by reason of mental defect, mental incapacitation or physical helplessness.

CRIME CATEGORY 9

FELONY
CLASSIFICATION

ORS 163.375 RAPE I (A)
(If not categorized at CC 10.)

ORS 163.405 SODOMY I (A)
(If not categorized at CC 10.)

ORS 163.411 SEXUAL PENETRATION I (A)
(If not categorized at CC 10.)

ORS 163.185 ASSAULT I (A)
(If victim(s) substantially contributed to the commission
of the offense by precipitating attack; otherwise CC 10.)

ORS 164.325 ARSON I (A)
(If offense did not represent a serious threat to human
life (CC 10) and the economic loss is greater than \$50,000;
otherwise CC 8 or 7.)

ORS 164.225 BURGLARY I (A)
(If offender was armed with a deadly weapon, or caused or
threatened physical injury; otherwise CC 8 or 7.)

ORS 164.415 ROBBERY I (A)

ORS 163.225 KIDNAPPING II (B)

CRIME CATEGORY 8

FELONY
CLASSIFICATION

ORS 163.125 MANSLAUGHTER II (B)
ORS 163.145 NEGLIGENT HOMICIDE (C)
ORS 163.670 USING CHILD IN
DISPLAY OF SEXUAL CONDUCT (A)
ORS 163.673 DEALING DEPICTIONS OF
CHILD SEXUAL CONDUCT (B)
(If part of organized operation; otherwise CC 2.)
ORS 163.677 TRANSPORTING CHILD
PORNOGRAPHY (B)
(If part of organized operation; otherwise CC 2.)
ORS 167.017 COMPELLING
PROSTITUTION (B)
ORS 167.012 PROMOTING PROSTITUTION (C)
ORS 164.325 ARSON I
(If the offense did not represent a serious threat to human
life (CC 10) and economic loss is \$25,000 or more but less
than \$50,000; otherwise CC 9 or CC 7.)
ORS 164.225 BURGLARY I (A)
(If offender did not cause or threaten physical injury and
was not armed with a deadly weapon (CC 9) but the offense
was committed while the dwelling was occupied; otherwise CC
7.)
ORS 163.425 SEXUAL ABUSE I (C)
ORS 163.175 ASSAULT II (B)
ORS 163.365 RAPE II (B)
ORS 163.395 SODOMY II (B)
ORS 163.408 SEXUAL PENETRATION II (B)
ORS 164.877(4) TREE SPIKING-INJURY (B)
AGGRAVATED DRUG OFFENSES (See, Appendix 4.)

CRIME CATEGORY 7

FELONY
CLASSIFICATION

ORS 164.325 ARSON I (A)
(If the offense cannot be ranked at CC 8, 9 or 10.)
ORS 164.225 BURGLARY I (A)
(If the offense cannot be ranked at CC 8 or 9.
ORS 163.535 ABANDON CHILD (C)
(If child is placed in immediate physical danger; otherwise
CC 3.)
ORS 163.275 COERCION (C)
(If threat of physical injury; otherwise CC 6.)
ORS 164.075 THEFT BY EXTORTION (B)
(If threat of physical injury; otherwise CC 2, 3, 4, 5 or
6.)
ORS 162.165 ESCAPE I (B)
ORS 166.275 INMATE IN POSSESSION
OF WEAPON (A)
ORS 166.429 FURNISHING FIREARM IN
FURTHERANCE OF FELONY (B)
ORS 163.205 CRIMINAL MISTREATMENT I (C)
ORS 162.185 SUPPLYING CONTRABAND (C)
(If the contraband includes one or more firearms; otherwise
CC 4, 5 or 6.)

CRIME CATEGORY 6

**FELONY
CLASSIFICATION**

ORS 164.405	ROBBERY II	(B)
ORS 163.165	ASSAULT III	(C)
ORS 163.385	SODOMY III	(C)
ORS 163.355	RAPE III	(C)
ORS 162.025	BRIBE RECEIVING	(B)
ORS 166.165	INTIMIDATION	(C)
ORS 163.275	COERCION	(C)
	(No threat of physical injury; otherwise CC 7.)	
ORS 162.015	BRIBERY	(B)
ORS 162.265	BRIBING A WITNESS	(C)
ORS 162.325	HINDERING PROSECUTION	(C)
ORS 166.270	EX-CON IN POSSESSION OF FIREARM	(C)
ORS 166.410	ILLEGAL MANUFACTURE, IMPORTATION OR TRANSFER OF FIREARMS	(B)
ORS 166.272	UNLAWFUL POSSESSION OF FIREARM	(B)
ORS 166.382	POSSESSION OF DESTRUCTIVE DEVICE	(C)
ORS 166.384	UNLAWFUL MANUFACTURE OF DESTRUCTIVE DEVICE	(C)
ORS 163.257	CUSTODIAL INTERFERENCE I	(C)
ORS 162.185	SUPPLYING CONTRABAND	(C)
	(The contraband involves a dangerous weapon (not a firearm--CC 7); otherwise CC 4 or 5.)	
ORS 162.155	ESCAPE II	(C)
ORS 164.057	AGGRAVATED THEFT	(B)
	(Economic loss was greater than \$50,000; otherwise CC 5.)	
ORS 819.310	TRAFFICKING IN STOLEN VEHICLES	()
	(If part of an organized operation or if economic loss was greater than \$50,000; otherwise CC 5.)	
ORS 166.220	CARRYING DANGEROUS WEAPON; ATTEMPTED USE	()
ORS 811.705	HIT & RUN VEHICLE (INJURY)	(C)
ORS 166.015	RIOT	(C)
ORS 163.525	INCEST	(C)
	(If one of the participants is under the age of 18; otherwise CC 1.)	
ORS 164.315	ARSON I	* (C)
ORS 164.215	BURGLARY II	* (C)
ORS 164.055	THEFT I	* (C)
ORS 164.085	THEFT BY DECEPTION	* (C)
ORS 164.125	THEFT OF SERVICES	* (C)
ORS 164.075	THEFT BY EXTORTION	* (B)
ORS 165.055(3)(A)	CREDIT CARD FRAUD	* (C)
ORS 165.013	FORGERY I	* (C)

CRIME CATEGORY 6 (continued)

FELONY
CLASSIFICATION

ORS 165.022	CRIMINAL POSSESSION FORGED INSTRUMENT I	*	(C)
ORS 164.065	THEFT OF LOST/MISLAID PROPERTY	*	(C)
ORS 164.140(4)	POSSESSION OF RENTED PROPERTY	*	(C)
ORS 165.065	NEGOTIATING BAD CHECKS	*	(C)
ORS 164.377(3)	COMPUTER CRIME	*	()
CHAPTER 59. BLUE SKY LAWS & SECURITIES LAWS		*	(C)
ORS 164.365	CRIMINAL MISCHIEF I	*	(C)
ORS 164.365(1)(e))	CRIMINAL MISCHIEF I-POLICE ANIMAL	*	(C)
ORS 819.300	POSSESSION OF STOLEN VEHICLE	*	()
ORS 164.135	UNAUTHORIZED USE OF VEHICLE	*	(C)
ORS 162.275	BRIBE RECEIVING BY WITNESS		(C)
ORS 162.285	TAMPERING W/ WITNESS		(C)
ORS 162.065	PERJURY		(C)
ORS 164.877 (1)	TREE-SPIKING		(C)
MAJOR DRUG OFFENSES			(See, Appendix 4.)

* Property offenses marked with an asterisk shall be ranked at Crime Category 6 if the value of the property stolen or destroyed was \$50,000 or more, excluding the theft of a motor vehicle used primarily for personal rather than commercial transportation.

CRIME CATEGORY 5

**FELONY
CLASSIFICATION**

ORS 164.395	ROBBERY III		(C)
ORS 164.057	AGGRAVATED THEFT		(B)
	(If not categorized at CC 6.)		
ORS 819.310	TRAFFICKING IN STOLEN VEHICLES		()
	(If not categorized at CC 6.)		
ORS 164.095	THEFT BY RECEIVING		(C)
	(If part of an organized operation; otherwise CC 3.)		
ORS 162.185	SUPPLYING CONTRABAND		(C)
	(If contraband includes a controlled substance but no firearms (CC 7) or dangerous weapons (CC 6); otherwise CC 4.)		
ORS 164.315	ARSON II	*	(C)
ORS 164.215	BURGLARY II	*	(C)
ORS 164.055	THEFT I	*	(C)
ORS 164.085	THEFT BY DECEPTION	*	(C)
ORS 164.125	THEFT OF SERVICES	*	(C)
ORS 164.075	THEFT BY EXTORTION	*	(B)
ORS 165.055(3)(A)	CREDIT CARD FRAUD	*	(C)
ORS 165.013	FORGERY I	*	(C)
ORS 165.022	CRIMINAL POSSESSION FORGED INSTRUMENT I	*	(C)
ORS 164.065	THEFT OF LOST/MISLAID PROPERTY	*	(C)
ORS 164.140(4)	POSSESSION OF RENTED PROPERTY	*	(C)
ORS 165.065	NEGOTIATING BAD CHECKS	*	(C)
ORS 164.377(3)	COMPUTER CRIME	*	()
CHAPTER 59.	BLUE SKY LAWS & SECURITIES LAWS	*	(C)
ORS 164.365	CRIMINAL MISCHIEF I	*	(C)
ORS 164.365(1)(e))	CRIMINAL MISCHIEF I-POLICE ANIMAL	*	(C)
ORS 164.135	UNAUTHORIZED USE OF VEHICLE	*	(C)
ORS 819.300	POSSESSION OF STOLEN VEHICLE	*	()

* Property offenses marked with an asterisk shall be ranked at Crime Category 5 if the value of the property stolen was \$10,000 but less than \$50,000, excluding the theft of a motor vehicle used primarily for personal rather than commercial transportation.

CRIME CATEGORY 4

**FELONY
CLASSIFICATION**

ORS 162.205	FTA I		(C)
ORS 165.032	CRIMINAL POSSESSION OF FORGERY DEVICE		(C)
ORS 162.185	SUPPLYING CONTRABAND		(C)
	(If offense cannot be ranked at CC	5, 6 or 7.)	
ORS 163.245	CUSTODIAL INTERFERENCE II		(C)
ORS 164.315	ARSON II	*	(C)
ORS 164.215	BURGLARY II	*	(C)
ORS 164.055	THEFT I	*	(C)
ORS 164.085	THEFT BY DECEPTION	*	(C)
ORS 164.125	THEFT OF SERVICES	*	(C)
ORS 164.075	THEFT BY EXTORTION	*	(B)
ORS 165.055(3)(A)	CREDIT CARD FRAUD	*	(C)
ORS 165.013	FORGERY I	*	(C)
ORS 165.022	CRIMINAL POSSESSION FORGED INSTRUMENT I	*	(C)
ORS 164.065	THEFT OF LOST/MISLAID PROPERTY	*	(C)
ORS 164.140(4)	POSSESSION OF RENTED PROPERTY	*	(C)
ORS 165.065	NEGOTIATING BAD CHECKS	*	(C)
ORS 164.377(3)	COMPUTER CRIME	*	()
CHAPTER 59.	BLUE SKY LAWS & SECURITIES LAWS	*	(C)
ORS 164.365	CRIMINAL MISCHIEF I	*	(C)
ORS 164.365(1)(e)	CRIMINAL MISCHIEF I-POLICE ANIMAL		(C)
	(If the offense cannot be ranked at Crime Category 6 or 5.)		
ORS 164.135	UNAUTHORIZED USE OF VEHICLE	*	(C)
ORS 819.300	POSSESSION OF STOLEN VEHICLE	*	()
DRUG OFFENSES			(See, Appendix 4.)

* Property offenses marked with an asterisk shall be ranked at Crime Category 4 if either of the following factors was included in the commission of the offense:

a.) the value of the property stolen or destroyed was \$5,000 or more but less than \$10,000; or

b.) the property stolen was a vehicle valued at \$10,000 or more and used primarily for personal rather than commercial transportation.

CRIME CATEGORY 3

**FELONY
CLASSIFICATION**

ORS 163.535 ABANDON CHILD (If not ranked at CC 7.)		(C)
ORS 164.095 THEFT BY RECEIVING (If not ranked at CC 5.)		(C)
ORS 165.070 POSSESSION OF FAKE COMMUNICATIONS DEVICE		(C)
ORS 811.182(3) DWS		(C)
ORS 163.555 CRIMINAL NONSUPPORT		(C)
ORS 167.137 PROMOTING GAMBLING I		(C)
ORS 167.062(4) PROMOTING LIVE SEX SHOW		(C)
ORS 166.085 ABUSE OF CORPSE		()
ORS 167.137 POSSESSION OF GAMBLING RECORDS I		(C)
ORS 164.315 ARSON II	*	(C)
ORS 164.215 BURGLARY II	*	(C)
ORS 164.055 THEFT I	*	(C)
ORS 164.085 THEFT BY DECEPTION	*	(C)
ORS 164.125 THEFT OF SERVICES	*	(C)
ORS 164.075 THEFT BY EXTORTION	*	(B)
ORS 165.055(3)(A) CREDIT CARD FRAUD	*	(C)
ORS 165.013 FORGERY I	*	(C)
ORS 165.022 CRIMINAL POSSESSION FORGED INSTRUMENT I	*	(C)
ORS 164.065 THEFT OF LOST/MISLAID PROPERTY	*	(C)
ORS 164.140(4) POSSESSION OF RENTED PROPERTY	*	(C)
ORS 165.065 NEGOTIATING BAD CHECKS	*	(C)
ORS 164.377(3) COMPUTER CRIME	*	()
CHAPTER 59. BLUE SKY LAWS & SECURITIES LAWS	*	(C)
ORS 164.365 CRIMINAL MISCHIEF I (EXCEPT ORS 164.365(1)(e))	*	(C)
ORS 164.135 UNAUTHORIZED USE OF VEHICLE	*	(C)
ORS 819.300 POSSESSION OF STOLEN VEHICLE	*	()

* Property offenses marked with an asterisk shall be ranked at Crime Category 3 if either of the following factors was included in the commission of the offense:

(a.) the value of the property stolen or destroyed was \$1,000 or more but less than \$5,000; or

(b.) the property stolen was a vehicle valued at less than \$10,000 and used primarily for personal rather than commercial transportation.

CRIME CATEGORY 2

**FELONY
CLASSIFICATION**

ORS 163.680 VIEWING CHILD'S SEXUAL CONDUCT		(C)
ORS 163.673 DEALING DEPICTIONS OF CHILD SEXUAL CONDUCT		(B)
ORS 163.677 TRANSPORTING CHILD PORNOGRAPHY (If not ranked at CC 8.)		(B)
ORS 496.992 VIOLATION OF WILDLIFE LAWS		()
ORS 411.630 OBTAINING PUBLIC ASSISTANCE UNLAWFULLY		(C)
ORS 411.840 OBTAIN/USE FOOD STAMPS UNLAWFULLY		(C)
ORS 165.090 RECEIVING SPORTS BRIBE		(C)
ORS 165.085 SPORTS BRIBERY		(C)
ORS 164.315 ARSON II	*	(C)
ORS 164.215 BURGLARY II	*	(C)
ORS 164.055 THEFT I	*	(C)
ORS 164.085 THEFT BY DECEPTION	*	(C)
ORS 164.125 THEFT OF SERVICES	*	(C)
ORS 164.075 THEFT BY EXTORTION	*	(B)
ORS 165.055(3)(A) CREDIT CARD FRAUD	*	(C)
ORS 165.013 FORGERY I	*	(C)
ORS 165.022 CRIMINAL POSSESSION FORGED INSTRUMENT I	*	(C)
ORS 164.065 THEFT OF LOST/MISLAID PROPERTY	*	(C)
ORS 164.140(4) POSSESSION OF RENTED PROPERTY	*	(C)
ORS 165.065 NEGOTIATING BAD CHECKS	*	(C)
ORS 164.377(3) COMPUTER CRIME	*	()
CHAPTER 59. BLUE SKY LAWS & SECURITIES LAWS	*	(C)
ORS 164.365 CRIMINAL MISCHIEF I (EXCEPT ORS 164.365(1)(e))	*	(C)
ORS 164.135 UNAUTHORIZED USE OF VEHICLE	*	(C)
ORS 819.300 POSSESSION OF STOLEN VEHICLE	*	()

* Property offenses marked with an asterisk shall be ranked at Crime Category 2 if the value of the property stolen or destroyed was less than \$1,000.

CRIME CATEGORY 1

FELONY
CLASSIFICATION

ORS 166.450	ALTERING FIREARM ID.	(C)
ORS 475.993	FAILURE TO MAINTAIN RECORDS/CONTROLLED SUBSTANCES	()
ORS 822.605	FALSE SWEARING VEHICLE BUSINESS	()
ORS 803.230	FORGE/ALTER VEHICLE TITLE/REG.	()
ORS 167.212	TAMPERING W/ DRUG RECORDS	(C)
ORS 803.080	UNLAWFULLY PUBLISHING CERTIFICATE OF TITLE	()
ORS 811.185	VIOLATING HABITUAL OFFENDER ORDER	()
ORS 163.515	BIGAMY	(C)
ORS 166.660	UNLAWFUL PARAMILITARY ACTIVITY	(C)
ORS 163.525	INCEST	(C)
	(If the incestuous relationship is between adults; otherwise CC 6.)	
	DRUG POSSESSION/PERSONAL USE	(See, Appendix 4.)

APPENDIX 3

OFFENSE SUBCATEGORIES

The offenses in this appendix have been divided into different subcategories for the Crime Seriousness Scale of the grid. The statutory definition of each offense in this appendix captures a wide spectrum of criminal conduct. The following offense subcategories have been identified to classify the most common forms of these statutory offenses. Consequently, each subcategory includes a unique set of offense-specific characteristics that represents a different degree of crime seriousness for sentencing purposes.

The subcategorized offenses in alphabetical order are:

ABANDONMENT OF A CHILD (ORS 163.535)

CRIME CATEGORY 7

Abandonment of a Child shall be ranked at Crime Category 7 if the child victim was placed in immediate danger as a consequence of the offender's criminal conduct.

CRIME CATEGORY 3

Abandonment of a Child shall be ranked at Crime Category 3, if it cannot be ranked at Crime Category 7.

AGGRAVATED THEFT (ORS 164.057)

CRIME CATEGORY 6

Aggravated Theft shall be ranked at Crime Category 6 if the amount of loss caused by the criminal conduct was more than \$50,000.

CRIME CATEGORY 5

Aggravated Theft shall be ranked at Crime Category 5 if it cannot be ranked at Crime Category 6.

ARSON I (ORS 164.325)

CRIME CATEGORY 10

Arson I shall be ranked at Crime Category 10 if the commission of the offense represented a serious threat to human life.

CRIME CATEGORY 9

Arson I shall be ranked at Crime Category 9 if the amount of damage caused by the criminal conduct was \$50,000 or more, and the building was unoccupied.

CRIME CATEGORY 8

Arson I shall be ranked at Crime Category 8 if the amount of damage caused by the criminal conduct was \$25,000 or more but less than \$50,000, and the building was unoccupied.

CRIME CATEGORY 7

Arson I shall be ranked at Crime Category 7 if it cannot be ranked at Crime Category 8, 9 or 10.

ASSAULT I (ORS 163.185)

CRIME CATEGORY 10

Assault I shall be ranked at Crime Category 10 if the victim(s) did not substantially contribute to the commission of the offense by precipitating the attack.

CRIME CATEGORY 9

Assault I shall be ranked at Crime Category 9 if the victim(s) substantially contributed to the commission of the offense by precipitating the attack.

BURGLARY I (ORS 164.225)

CRIME CATEGORY 9

Burglary I shall be ranked at Crime Category 9 if any of the following factors were included in the commission of the offense:

- a.) the offender was armed with a deadly weapon; or
- b.) the offender caused or threatened physical injury to the victim.

CRIME CATEGORY 8

Burglary I shall be ranked at Crime Category 8 if

- a.) the offender did not cause or threaten physical injury to the victim and did not possess a deadly weapon (CC 9); but
- b.) the offense was committed in an occupied dwelling.

CRIME CATEGORY 7

Burglary I shall be ranked at Crime Category 7 if it cannot be ranked at Crime Category 8 or 9.

COERCION (ORS 163.275)

CRIME CATEGORY 7

Coercion shall be ranked at Crime Category 7 if the offender threatened to cause physical injury to some person (ORS 163.275(1)(a)).

CRIME CATEGORY 6

Coercion shall be ranked at Crime Category 6 if it cannot be ranked at Crime Category 7.

CRIMINAL MISCHIEF I-POLICE ANIMAL (ORS 164.365(1)(e))

CRIME CATEGORY 6

Criminal Mischief I involving a police animal shall be ranked at Crime Category 6 if the value of the property stolen or destroyed was \$50,000 or more.

CRIME CATEGORY 5

Criminal Mischief I involving a police animal shall be ranked at Crime Category 5 if the value of the property stolen or destroyed was \$10,000 or more but less than \$50,000.

CRIME CATEGORY 4

Criminal Mischief I involving a police animal shall be ranked at Crime Category 4 if it cannot be ranked at Crime Category 5 or 6.

DEALING IN DEPICTIONS OF CHILD'S SEXUAL CONDUCT (ORS 163.673)

CRIME CATEGORY 8

Dealing in Depictions of Child's Sexual Conduct shall be ranked at Crime Category 8 if the offender was acting as part of an organized operation to transport or distribute child pornography.

CRIME CATEGORY 2

Dealing in Depictions of Child's Sexual Conduct shall be ranked at Crime Category 2 if it cannot be ranked at Crime Category 8.

DRUG-RELATED OFFENSES (See, Appendix 4)

INCEST (ORS 163.525)

CRIME CATEGORY 6

Incest shall be ranked at Crime Category 6 if one of the participants is less than eighteen years of age and the age differential between the two participants is more than three years.

CRIME CATEGORY 1

Incest I shall be ranked at Crime Category 1 if it cannot be ranked at Crime Category 6.

PROPERTY OFFENSES

The same offense seriousness subcategories shall be used for the following offenses ("property offenses"):

Arson II (ORS 164.315)
Blue Sky Laws and
Securities Laws (ORS Chapter 59)
Burglary II (ORS 164.215)
Computer Crime (ORS 164.377)
Credit Card Fraud (ORS 165.055(3)(a))
Criminal Mischief I (ORS 164.365)
(except ORS 164.365(1)(e))
Criminal Possession of Forged Instrument I (ORS 165.022)
Forgery I (ORS 165.013)
Negotiating Bad Checks (ORS 165.065)
Possession of Rented Property (ORS 164.140))
Possession of Stolen Vehicle (ORS 819.300)
Theft I (ORS 164.055)
Theft by Deception (ORS 164.085)
Theft by Extortion (ORS 164.075) (except if threat of physical
injury (CC 7))
Theft of Lost/Mislaid Property (ORS 164.065)
Theft of Services (ORS 164.125)
Unauthorized Use of Vehicle (ORS 164.135)

CRIME CATEGORY 6

Property offenses shall be ranked at Crime Category 6 if the value of the property stolen or destroyed was \$50,000 or more, excluding the theft of a motor vehicle used primarily for personal rather than commercial transportation.

CRIME CATEGORY 5

Property offenses shall be ranked at Crime Category 5 if the value of the property stolen or destroyed was \$10,000 or more but less than \$50,000, excluding the theft of a motor vehicle used primarily for personal rather than commercial transportation.

CRIME CATEGORY 4

Property offenses shall be ranked at Crime Category 4 if either of the following factors was included in the commission of the offense:

a.) the value of the property stolen or destroyed was \$5,000 or more but less than \$10,000; or

b.) the property stolen was a vehicle valued at \$10,000 or more and used primarily for personal rather than commercial transportation.

CRIME CATEGORY 3

Property offenses shall be ranked at Crime Category 3 if either of the following factors was included in the commission of the offense:

a.) the value of the property stolen or destroyed was \$1,000 or more but less than \$5,000; or

b.) the property stolen was a vehicle valued at less than \$10,000 and used primarily for personal rather than commercial transportation.

CRIME CATEGORY 2

Property offenses shall be ranked at Crime Category 2 if they cannot be ranked at Crime Category 3, 4, 5, or 6.

RAPE I (ORS 163.375)

CRIME CATEGORY 10

Rape I shall be ranked at Crime Category 10 if one or more of the following factors was included in the commission of the offense:

- a.) the offender used or threatened to use a weapon;
- b.) the offender caused or threatened to cause serious physical injury; [or]
- c.) the victim was under the age of twelve; or
- d.) the victim was incapable of consent by reason of mental defect, mental incapacitation or physical helplessness.

CRIME CATEGORY 9

Rape I shall be ranked at Crime Category 9 if it cannot be ranked at Crime Category 10.

SEXUAL PENETRATION WITH FOREIGN OBJECT (ORS 163.411)

CRIME CATEGORY 10

Sexual Penetration with Foreign Object shall be ranked at Crime Category 10 if one or more of the following factors was included in the commission of the offense:

- a.) the offender used or threatened to use a weapon;
- b.) the offender caused or threatened to cause serious physical injury; [or]
- c.) the victim was under the age of twelve; or
- d.) the victim was incapable of consent by reason of mental defect, mental incapacitation or physical helplessness.

CRIME CATEGORY 9

Sexual Penetration with Foreign Object shall be ranked at Crime Category 9 if it cannot be ranked at Crime Category 10.

SODOMY I (ORS 163.405)

CRIME CATEGORY 10

Sodomy I shall be ranked at Crime Category 10 if one or more of the following factors was included in the commission of the offense:

- a.) the offender used or threatened to use a weapon;
- b.) the offender caused or threatened to cause serious physical injury;
- c.) the victim was under the age of twelve; or
- d.) the victim was incapable of consent by reason of mental defect, mental incapacitation or physical helplessness.

CRIME CATEGORY 9

Sodomy I shall be ranked at Crime Category 9 if it cannot be ranked at Crime Category 10.

SUPPLYING CONTRABAND (ORS 162.185)

CRIME CATEGORY 7

Supplying Contraband shall be ranked at Crime Category 7 if the offender supplied a firearm or firearms as contraband.

CRIME CATEGORY 6

Supplying Contraband shall be ranked at Crime Category 6 if it cannot be ranked at Crime Category 7 and the offender supplied one or more dangerous weapons (not including firearms) as contraband.

CRIME CATEGORY 5

Supplying Contraband shall be ranked at Crime Category 5 if it cannot be ranked at either Crime Category 6 or 7 and the offender supplied a controlled substance or substances as contraband.

CRIME CATEGORY 4

Supplying Contraband shall be ranked at Crime Category 4 if it cannot be ranked at Crime Category 5, 6 or 7.

THEFT BY EXTORTION (ORS 164.075)

CRIME CATEGORY 7

Theft by Extortion shall be ranked at Crime Category 7 if the offender threatened to cause physical injury to some person (ORS 164.075(1)(a)).

OTHERWISE RATE AS A PROPERTY OFFENSE

Theft by Extortion shall be ranked as a Property Offense in Crime Categories 2, 3, 4, 5 or 6 as may be appropriate if it cannot be ranked at Crime Category 7.

THEFT BY RECEIVING (ORS 164.095)

CRIME CATEGORY 5

Theft by Receiving shall be ranked at Crime Category 5 if the offender was acting as part of an organized fencing operation.

CRIME CATEGORY 3

Theft by Receiving shall be ranked at Crime Category 3 if it cannot be ranked at Crime Category 5.

TRAFFICKING IN STOLEN VEHICLES (ORS 819.310)

CRIME CATEGORY 6

Trafficking in Stolen Vehicles shall be ranked at Crime Category 6 if one or both of the following factors were included in the commission of the offense:

- a.) the offender was acting as part of an organized operation; or
- b.) the value of the property taken from one or more victims amounted to more than \$50,000.

CRIME CATEGORY 5

Trafficking in Stolen Vehicles shall be ranked at Crime Category 5 if it cannot be ranked at Crime Category 6.

TRANSPORTING CHILD PORNOGRAPHY INTO STATE (ORS 163.677)

CRIME CATEGORY 8

Transporting Child Pornography into State shall be ranked at Crime Category 8 if the offender was acting as part of an organized operation to transport or distribute child pornography.

CRIME CATEGORY 2

Transporting Child Pornography into State shall be ranked at Crime Category 2 if it cannot be ranked at Crime Category 8.

APPENDIX 4

OFFENSE SUBCATEGORIES
FOR
DRUG-RELATED OFFENSES

The following crime seriousness subclassifications have been identified for drug-related offenses.

DRUG OFFENSE SERIOUSNESS

CRIME CATEGORY 8 -- AGGRAVATED DRUG OFFENSES

ORS 475.999 Delivery of a Controlled Substance within
1000 feet of School

ORS 475.995 Distribution to Minors

Distribution to Minors shall be classified in Crime Category 8 if the offender is more than three years older than the person receiving the drugs. If the offender is less than three years older than the person receiving the drugs, the Distribution to Minors shall be ranked according to the subcategories identified for ORS 475.992.

ORS 475.992 Manufacture/Cultivation

Manufacture or Cultivation of Controlled Substances shall be ranked at Crime Category 8 if the production occurs as part of a drug cultivation, manufacture or delivery scheme or network.

ORS 475.992 Delivery

The Delivery of Controlled Substances shall be classified in Crime Category 8 if the delivery occurs as part of a drug cultivation, manufacture or delivery scheme or network.

CRIME CATEGORY 6 -- MAJOR DRUG OFFENSES

ORS 475.992(4) Possession

Possession of Controlled Substances shall be classified in Crime Category 6 if the possession occurs as part of a drug cultivation, manufacture or delivery scheme or network.

CRIME CATEGORY 4 -- DRUG OFFENSES

ORS 475.992 Manufacture/Cultivation and Delivery

All other Manufacture, Cultivation or Delivery of controlled substances shall be ranked at Crime Category 4 if they cannot be ranked at Crime Category 8.

CRIME CATEGORY 1 -- DRUG POSSESSION FOR PERSONAL USE

ORS 475.992(4) Possession

Possession of a Controlled Substance shall be ranked at Crime Category 1 if it cannot be ranked at Crime Category 6.

LIST OF FELONY CRIMES
(Sorted by ORS Number)

ORS NUMBER	ORS OFFENSE SUB TITLE	OFFENSE SERIOUSNESS	PERSON OFFENSE?
59.055	UNREGISTERED SECURITIES	6,5,4,3,2	
59.135	SECURITIES FRAUD	6,5,4,3,2	
127.585	MISUSE POWER OF ATTORNEY	Unranked	
161.435 01	SOLICIT MURDER/TREASON	9	Y*
161.435 02	SOLICIT CLASS A FELONY	2 Below Crime	Y*
161.435 03	SOLICIT CLASS B FELONY	2 Below Crime	Y*
161.450 01	CRIMINAL CONSPIRACY A FELONY	Unranked	
161.450 02	CRIMINAL CONSPIRACY B FELONY	Unranked	
161.450 03	CRIMINAL CONSPIRACY C FELONY	Unranked	
162.015	BRIBE GIVING	6	
162.025	BRIBE RECEIVING	6	
162.065	PERJURY	6	
162.155	ESCAPE II	6	
162.165	ESCAPE I	7	Y
162.165	ESCAPE I ATTEMPT	5	Y
162.185	SUPPLY CONTRABAND	7,6,5,4	Y*
162.205	FAIL TO APPEAR I	4	
162.265	BRIBE WITNESS	6	
162.275	BRIBE RECEIVED BY WITNESS	6	
162.285	TAMPER WITH A WITNESS	6	
162.325	HINDER PROSECUTION	6	
163.095	MURDER AGGRAVATED	Unranked	Y
163.095	MURDER AGGRAVATED ATTEMPT	Unranked	Y
163.115	MURDER ATTEMPT	9	Y
163.115	MURDER	11	Y
163.118	MANSLAUGHTER I	10	Y
163.118	MANSLAUGHTER I ATTEMPT	8	Y
163.125	MANSLAUGHTER II	8	Y
163.125	MANSLAUGHTER II ATTEMPT	6	Y
163.145	NEGLIGENT HOMICIDE	8	Y
163.165	ASSAULT III	6	Y
163.175	ASSAULT II ATTEMPT	6	Y
163.175	ASSAULT II	8	Y
163.185	ASSAULT I	10,9	Y
163.185	ASSAULT I ATTEMPT	8,7	Y
163.205	CRIMINAL MISTREATMENT I	7	Y
163.225	KIDNAPPING II ATTEMPT	7	Y
163.225	KIDNAPPING II	9	Y
163.235	KIDNAPPING I ATTEMPT	8	Y
163.235	KIDNAPPING I	10	Y
163.245	CUSTODIAL INTERFERENCE II	4	
163.257	CUSTODIAL INTERFERENCE I AT	4	
163.257	CUSTODIAL INTERFERENCE I	6	

*Classified as a person offense only if offense involved criteria specified in guidelines rules.

ORS NUMBER	ORS OFFENSE SUB TITLE	OFFENSE PERSON SERIOUSNESS OFFENSE?
163.275	COERCION	7,6 Y*
163.355	RAPE III	6 Y
163.365	RAPE II	8 Y
163.365	RAPE II ATTEMPT	6 Y
163.375	RAPE I	10,9 Y
163.375	RAPE I ATTEMPT	8,7 Y
163.385	SODOMY III	6 Y
163.395	SODOMY II ATTEMPT	6 Y
163.395	SODOMY II	8 Y
163.405	SODOMY I ATTEMPT	8,7 Y
163.405	SODOMY I	10,9 Y
163.408	SEX PENETRA FOREIGN OBJ II AT	6 Y
163.408	SEX PENETRATION FOREIGN OB II	8 Y
163.411	SEX PENETRA FOREIGN OBJECT I AT	8,7 Y
163.411	SEX PENETRATION FOREIGN OBJ I	10,9 Y
163.425	SEXUAL ABUSE I	8 Y
163.515	BIGAMY	1
163.525	INCEST	6,1 Y
163.535	ABANDON CHILD	7,3 Y
163.555	CRIMINAL NONSUPPORT	3
163.670	USE CHILD DISPLAY SEX ACT ATT	6 Y
163.670	USE CHILD DISPLAY SEX ACT	8 Y
163.673	DEALING IN CHILD PORNOGRAPHY	8,2
163.677	TRANSPORT CHILD PORNOGRAPHY	8,2
164.055	THEFT I	6,5,4,3,2
164.057	THEFT I AGGRAVATED	6,5
164.075	THEFT BY EXTORTION	7,6,5,4,3,2 Y*
164.075	THEFT BY EXTORTION ATTEMPT	5,4,3,2,1 Y*
164.085	THEFT BY DECEPTION	6,5,4,3,2
164.095	THEFT BY RECEIVING	5,3
164.125	THEFT OF SERVICES	6,5,4,3,2
164.135	UNAUTHORIZED USE VEHICLE	6,5,4,3,2
164.140 04B	POSSESS RENTED PROP OVER 500	6,5,4,3,2
164.215	BURGLARY II	6,5,4,3,2
164.225	BURGLARY I ATTEMPT	7,6,5 Y*
164.225	BURGLARY I	9,8,7 Y*
164.315	ARSON II	6,5,4,3,2
164.325	ARSON I ATTEMPT	8,7,6,5 Y
164.325	ARSON I	10,9,8,7 Y
164.365	CRIMINAL MISCHIEF I	6,5,4,3,2
164.377 02	COMPUTER FRAUD/THEFT	6,5,4,3,2
164.377 03	COMPUTER DAMAGE/DESTRUCTION	6,5,4,3,2
164.395	ROBBERY III	5 Y
164.405	ROBBERY II	6 Y
164.405	ROBBERY II ATTEMPT	4 Y
164.415	ROBBERY I ATTEMPT	7 Y
164.415	ROBBERY I	9 Y

*Classified as a person offense only if offense involved criteria specified in guidelines rules.

ORS NUMBER	ORS OFFENSE SUB TITLE	OFFENSE SERIOUSNESS	PERSON OFFENSE?
164.877 01	TREE-SPIKING		6
164.877 04	TREE-SPIKING--INJURY		8
164.885	ENDANGERING AIRCRAFT	Unranked	
165.013	FORGERY I	6,5,4,3,2	
165.022	FORGED INSTRUMENT-CRIM POSS I	6,5,4,3,2	
165.032	FORGERY DEVICE-CRIM POSSESSION		4
165.055 03B	FRAUD USE CRED CARD OVER 500	6,5,4,3,2	
165.065 03B	NEGOTIATE BAD CHECK - CF	6,5,4,3,2	
165.070	FRAUD COMMUNICA DEVICE-POSSESS		3
165.085	BRIBERY - SPORTS		2
165.090	BRIBERY RECEIVING - SPORTS		2
166.005	TREASON	Unranked	
166.015	RIOT		6
166.085	ABUSE OF CORPSE		3
166.165	INTIMIDATION I		6 Y
166.220	WEAPON USE - DANGEROUS		6 Y
166.270	FIREARM - EX-CON POSSESS		6
166.272	UNLAWFUL POSSESSION OF FIREARM		6
166.275	WEAPON POSSESSION - INMATE		7 Y
166.275	WEAPON POSSESSION - INMATE ATTEMPT		5 Y
166.365 01E	CRIMINAL MISCHIEF I--POLICE ANIMAL	6,5,4	
166.382	MANUFACTURE OF DESTRUCTIVE DEVICE		6
166.410	FIREARMS-MANUFACUTURE/SALE OF		6
166.429	FURNISHING FIREARM TO FURTHER FELONY		7
166.450	FIREARM - ALTER ID MARKS		1
166.660	UNLAWFUL PARAMILITARY ACTIVITY		1
166.720	RACKETEER ACTIVITY ATTEMPT	Unranked	
166.720	RACKETEER ACTIVITY	Unranked	
167.012	PROSTITUTION PROMOTION		8 Y
167.017	PROSTITUTION COMPELLING		8 Y
167.017	PROSTITUTION COMPEL ATTEMPT		6 Y
167.062 02	SEX SHOW-LIVE/SADOMASO-FELONY		3
167.127	GAMBLING PROMOTION I		3
167.137	GAMBLING RECORDS POSSESSION I		3
167.212	TAMPERING WITH DRUG RECORDS		1
167.365	DOGFIGHTING	Unranked	
260.402	ELECTION-PAYMENT IN FALSE NAME	Unranked	
260.555	ELECTION-FALSE STATEMENT ON PETITION	Unranked	
260.575	ELECTION-REFERENDUM EXTORTION	Unranked	
260.615	ELECTION-PUBLIC UTILITY PRIVILEGES	Unranked	
260.645	ELECTION-TAMPERING W/VOTER MACHINE	Unranked	
260.665	ELECTION-INFLUENCING REGISTRATION	Unranked	
260.715	ELECTION-FALSE STATEMENT VOTING	Unranked	
411.630	OBTAIN PUB ASSIST UNLAWFULLY		2
411.640	RECEIVE PUB ASSIST UNLAWFULLY		
411.675	WRONGFUL CLAIM FOR PAYMENT		
411.690	WRONGFULLY ACCEPT PAYMENT		
411.840	OBTAIN/USE FOOD STAMPS UNLAW		2
475.992 01A	DELIV/MANU CONT SUB AT - SCH I		6,2
475.992 01A	DELIV/MANU CONT SUB - SCH I		8,4
475.992 01B	DELIV/MANU CONT SUB - SCH II		8,4

ORS NUMBER	ORS OFFENSE SUB TITLE	OFFENSE PERSON SERIOUSNESS OFFENSE?
475.992 01B	DELIV/MANU CONT SUB AT-SCH II	6,2
475.992 01C	DELIV/MANU CONT SUB - SCH III	8,4
475.992 02A	DELIVER MARIJUANA FOR PAY - AT	6,2
475.992 02A	DELIVER MARIJUANA FOR PAYMENT	8,4
475.992 03A	DELIVER/MANU FAKE SUBS - SCH I	8,4
475.992 03B	DELIVER/MANU FAKE SUB - SCH II	8,4
475.992 03C	DELIVER/MANU FAKE SUB-SCH III	8,4
475.992 04A	POSSESS CONTROL SUB - SCH I	6,1
475.992 04A	POSSESS CONTROL SUB AT - SCH I	4,1
475.992 04B	POSSESS CONTROL SUB - SCH II	6,1
475.993 02A	VIOL PRESC DRUG LAW - SCH I	1
475.995 01	DELIV CONT SUB MINOR-SCH I/II	8,4
475.995 02	DELIV CONT SUB MINOR - SCH III	8,4
475.995 05	DELIVER MARIJUANA TO MINOR	8,4
475.999	DELIVERY CONT SUB W/IN 1000 FEET	8
496.992 03	VIOLATE WILDLIFE LAW-FELONY	2
506.911 03	VIOLATE FISHING LAW-FELONY	Unranked
803.080	COUNTERFEIT VEHICLE TITLE	1
803.230	FORGE/ALTER VEHICLE TITLE/REG	1
811.182 03	DRIVE SUSPENDED/REVOKED FELO	3
811.185	HABITUAL TRAFFIC OFFENDER	1
811.705	HIT AND RUN-VEHICLE-INJURY	6 Y
819.300	POSSESS STOLEN VEHICLE	6,5,4,3,2
819.310	TRAFFIC IN STOLEN VEHICLE	6,5
822.605	FALSE SWEARING-VEH BUSN CERT	1

LIST OF FELONY CRIMES
(Sorted by Offense Title)

ORS NUMBER	ORS OFFENSE SUB TITLE	OFFENSE PERSON SERIOUSNESS OFFENSE?
163.535	ABANDON CHILD	7,3 Y
166.085	ABUSE OF CORPSE	3
164.325	ARSON I	10,9,8,7 Y
164.325	ARSON I ATTEMPT	8,7,6,5 Y
164.315	ARSON II	6,5,4,3,2
163.185	ASSAULT I	10,9 Y
163.185	ASSAULT I ATTEMPT	8,7 Y
163.175	ASSAULT II	8 Y
163.175	ASSAULT II ATTEMPT	6 Y
163.165	ASSAULT III	6 Y
163.515	BIGAMY	1
162.015	BRIBE GIVING	6
162.275	BRIBE RECEIVED BY WITNESS	6
162.025	BRIBE RECEIVING	6
162.265	BRIBE WITNESS	6
165.090	BRIBERY RECEIVING - SPORTS	2
165.085	BRIBERY - SPORTS	2
164.225	BURGLARY I	9,8,7 Y*
164.225	BURGLARY I ATTEMPT	7,6,5 Y*
164.215	BURGLARY II	6,5,4,3,2
163.275	COERCION	7,6 Y*
164.377 03	COMPUTER DAMAGE/DESTRUCTION	6,5,4,3,2
164.377 02	COMPUTER FRAUD/THEFT	6,5,4,3,2
803.080	COUNTERFEIT VEHICLE TITLE	1
161.450 01	CRIMINAL CONSPIRACY A FELONY	Unranked
161.450 02	CRIMINAL CONSPIRACY B FELONY	Unranked
161.450 03	CRIMINAL CONSPIRACY C FELONY	Unranked
164.365	CRIMINAL MISCHIEF I	6,5,4,3,2
166.365 01E	CRIMINAL MISCHIEF I--POLICE ANIMAL	6,5,4
163.205	CRIMINAL MISTREATMENT I	7 Y
163.555	CRIMINAL NONSUPPORT	3
163.257	CUSTODIAL INTERFERENCE I	6
163.257	CUSTODIAL INTERFERENCE I AT	4
163.245	CUSTODIAL INTERFERENCE II	4
163.673	DEALING IN CHILD PORNOGRAPHY	8,2
475.995 02	DELIV CONT SUB MINOR - SCH III	8,4
475.995 01	DELIV CONT SUB MINOR-SCH I/II	8,4
475.992 02A	DELIVER MARIJUANA FOR PAY - AT	6,2
475.992 02A	DELIVER MARIJUANA FOR PAYMENT	8,4
475.995 05	DELIVER MARIJUANA TO MINOR	8,4
475.999	DELIVERY CONT SUB W/IN 1000 FEET	8
475.992 03B	DELIVER/MANU FAKE SUB - SCH II	8,4
475.992 03A	DELIVER/MANU FAKE SUBS - SCH I	8,4

*Classified as a person offense only if offense involved criteria specified in guidelines rules.

ORS NUMBER	ORS SUB	OFFENSE TITLE	OFFENSE SERIOUSNESS	PERSON OFFENSE?
475.992	03C	DELIVER/MANU FAKE SUB-SCH III	8,4	
475.992	01B	DELIV/MANU CONT SUB - SCH II	8,4	
475.992	01A	DELIV/MANU CONT SUB AT - SCH I	6,2	
475.992	01B	DELIV/MANU CONT SUB AT-SCH II	6,2	
475.992	01A	DELIV/MANU CONT SUB - SCH I	8,4	
475.992	01C	DELIV/MANU CONT SUB - SCH III	8,4	
167.365		DOGFIGHTING	Unranked	
811.182	03	DRIVE SUSPENDED/REVOKED FELO	3	
260.555		ELECTION-FALSE STATEMENT ON PETITION	Unranked	
260.715		ELECTION-FALSE STATEMENT VOTING	Unranked	
260.665		ELECTION-INFLUENCING REGISTRATION	Unranked	
260.402		ELECTION-PAYMENT IN FALSE NAME	Unranked	
260.615		ELECTION-PUBLIC UTILITY PRIVILEGES	Unranked	
260.575		ELECTION-REFERENDUM EXTORTION	Unranked	
260.645		ELECTION-TAMPERING W/VOTER MACHINE	Unranked	
164.885		ENDANGERING AIRCRAFT	Unranked	
162.165		ESCAPE I	7	Y
162.165		ESCAPE I ATTEMPT	5	Y
162.155		ESCAPE II	6	
162.205		FAIL TO APPEAR I	4	
822.605		FALSE SWEARING-VEH BUSN CERT	1	
166.450		FIREARM - ALTER ID MARKS	1	
166.270		FIREARM - EX-CON POSSESS	6	
166.410		FIREARMS-MANUFACTURE/SALE OF	Unranked	
165.022		FORGED INSTRUMENT-CRIM POSS I	6,5,4,3,2	
165.032		FORGERY DEVICE-CRIM POSSESSION	4	
165.013		FORGERY I	6,5,4,3,2	
803.230		FORGE/ALTER VEHICLE TITLE/REG	1	
165.070		FRAUD COMMUNICA DEVICE-POSSESS	3	
165.055	03B	FRAUD USE CRED CARD OVER 500	6,5,4,3,2	
166.429		FURNISHING FIREARM TO FURTHER FELONY	7	
167.127		GAMBLING PROMOTION I	3	
167.137		GAMBLING RECORDS POSSESSION I	3	
811.185		HABITUAL TRAFFIC OFFENDER	1	
162.325		HINDER PROSECUTION	6	
811.705		HIT AND RUN-VEHICLE-INJURY	6	Y
163.525		INCEST	6,1	Y
166.165		INTIMIDATION I	6	Y
163.235		KIDNAPPING I	10	Y
163.235		KIDNAPPING I ATTEMPT	8	Y
163.225		KIDNAPPING II	9	Y
163.225		KIDNAPPING II ATTEMPT	7	Y
163.118		MANSLAUGHTER I	10	Y
163.118		MANSLAUGHTER I ATTEMPT	8	Y
163.125		MANSLAUGHTER II	8	Y
163.125		MANSLAUGHTER II ATTEMPT	6	Y
166.382		MANUFACTURE OF DESTRUCTIVE DEVICE	6	
127.585		MISUSE POWER OF ATTORNEY	Unranked	
163.115		MURDER	11	Y
163.095		MURDER AGGRAVATED	Unranked	Y

ORS NUMBER	ORS SUB	OFFENSE TITLE	OFFENSE SERIOUSNESS	PERSON OFFENSE?
163.095		MURDER AGGRAVATED ATTEMPT	Unranked	Y
163.115		MURDER ATTEMPT	9	Y
163.145		NEGLIGENT HOMICIDE	8	Y
165.065	03B	NEGOTIATE BAD CHECK - CF	6,5,4,3,2	
411.630		OBTAIN PUB ASSIST UNLAWFULLY	2	
411.840		OBTAIN/USE FOOD STAMPS UNLAW	2	
162.065		PERJURY	6	
475.992	04A	POSSESS CONTROL SUB AT - SCH I	4,1	
475.992	04A	POSSESS CONTROL SUB - SCH I	6,1	
475.992	04B	POSSESS CONTROL SUB - SCH II	6,1	
164.140	04B	POSSESS RENTED PROP OVER 500	6,5,4,3,2	
819.300		POSSESS STOLEN VEHICLE	6,5,4,3,2	
167.017		PROSTITUTION COMPEL ATTEMPT	6	Y
167.017		PROSTITUTION COMPELLING	8	Y
167.012		PROSTITUTION PROMOTION	8	Y
166.720		RACKETEER ACTIVITY	Unranked	
166.720		RACKETEER ACTIVITY ATTEMPT	Unranked	
163.375		RAPE I	10,9	Y
163.375		RAPE I ATTEMPT	8,7	Y
163.365		RAPE II	8	Y
163.365		RAPE II ATTEMPT	6	Y
163.355		RAPE III	6	Y
411.640		RECEIVE PUB ASSIST UNLAWFULLY		
166.015		RIOT	6	
164.415		ROBBERY I	9	Y
164.415		ROBBERY I ATTEMPT	7	Y
164.405		ROBBERY II	6	Y
164.405		ROBBERY II ATTEMPT	4	Y
164.395		ROBBERY III	5	Y
59.135		SECURITIES FRAUD	6,5,4,3,2	
163.408		SEX PENETRA FOREIGN OBJ II AT	6	Y
163.408		SEX PENETRATION FOREIGN OB II	8	Y
163.411		SEX PENETRATION FOREIGN OBJ I	10,9	Y
163.411		SEX PENTRA FOREIGN OBJECT I AT	8,7	Y
167.062	02	SEX SHOW-LIVE/SADOMASO-FELONY	3	
163.425		SEXUAL ABUSE I	8	Y
163.405		SODOMY I	10,9	Y
163.405		SODOMY I ATTEMPT	8,7	Y
163.395		SODOMY II	8	Y
163.395		SODOMY II ATTEMPT	6	Y
163.385		SODOMY III	6	Y
161.435	02	SOLICIT CLASS A FELONY	2 Below Crime	Y*
161.435	03	SOLICIT CLASS B FELONY	2 Below Crime	Y*
161.435	01	SOLICIT MURDER/TREASON	9	Y*
162.185		SUPPLY CONTRABAND	7,6,5,4	Y*
162.285		TAMPER WITH A WITNESS	6	
167.212		TAMPERING WITH DRUG RECORDS	1	

*Classified as a person offense only if offense involved criteria specified in guidelines rules.

ORS NUMBER	ORS OFFENSE SUB TITLE	OFFENSE PERSON SERIOUSNESS OFFENSE?
164.085	THEFT BY DECEPTION	6,5,4,3,2
164.075	THEFT BY EXTORTION	7,6,5,4,3,2 Y*
164.075	THEFT BY EXTORTION ATTEMPT	5,4,3,2,1 Y*
164.095	THEFT BY RECEIVING	5,3
164.055	THEFT I	6,5,4,3,2
164.057	THEFT I AGGRAVATED	6,5
164.125	THEFT OF SERVICES	6,5,4,3,2
819.310	TRAFFIC IN STOLEN VEHICLE	6,5
163.677	TRANSPORT CHILD PORNOGRAPHY	8,2
166.005	TREASON	Unranked
164.877 01	TREE-SPIKING	6
164.877 04	TREE-SPIKING--INJURY	8
164.135	UNAUTHORIZED USE VEHICLE	6,5,4,3,2
166.660	UNLAWFUL PARAMILITARY ACTIVITY	1
166.272	UNLAWFUL POSSESSION OF FIREARM	6
59.055	UNREGISTERED SECURITIES	6,5,4,3,2
163.670	USE CHILD DISPLAY SEX ACT	8 Y
163.670	USE CHILD DISPLAY SEX ACT ATT	6 Y
475.993 02A	VIOL PRESC DRUG LAW - SCH I	1
506.911 03	VIOLATE FISHING LAW-FELONY	Unranked
496.992 03	VIOLATE WILDLIFE LAW-FELONY	2
166.275	WEAPON POSSESSION - INMATE	7 Y
166.275	WEAPON POSSESSION - INMATE ATTEMPT	5 Y
166.220	WEAPON USE - DANGEROUS	6 Y
411.675	WRONGFUL CLAIM FOR PAYMENT	
411.690	WRONGFULLY ACCEPT PAYMENT	

*Classified as a person offense only if offense involved criteria specified in guidelines rules.

C. THE CRIMINAL HISTORY SCALE

The Criminal History Scale is established by OAR 253-04-007 as indicated below and it is represented in an abbreviated form on the horizontal axis of the sentencing guidelines grid. (See supra p. 16.) This scale is used to classify offenders based on the extent and nature of their criminal record.

This section of the manual will describe how prior convictions are used to classify an offender's criminal record on the Criminal History Scale. This description will include a discussion of special rules for the classification of certain prior convictions. These special rules apply to the following prior convictions: person Class A adult misdemeanor convictions; DUII convictions; Burglary I convictions and out-of-state convictions and juvenile adjudications.

1. Criminal History Categories

OAR 253-04-007 CRIMINAL HISTORY CATEGORIES. The criminal history categories in the Criminal History Scale are:

Criminal
History
Category

Descriptive Criminal History

- A The offender's criminal history includes three or more person felonies in any combination of adult convictions or juvenile adjudications.
- B The offender's criminal history includes two person felonies in any combination of adult convictions or juvenile adjudications.
- C The offender's criminal history includes one adult conviction or juvenile adjudication for a person felony; and one or more adult conviction or juvenile adjudication for a non-person felony.
- D The offender's criminal history includes one adult conviction or juvenile adjudication for a person felony; but no adult conviction or juvenile adjudications for a non-person felony.
- E The offender's criminal history includes four or more adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
- F The offender's criminal history includes two or three adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.

- G The offender's criminal history includes four or more adult convictions for Class A misdemeanors; one adult conviction for a non-person felony; or three or more juvenile adjudications for non-person felonies, but no adult conviction or juvenile adjudication for a person felony.
- H The offender's criminal history includes no adult felony conviction or juvenile adjudication for a person felony; no more than two juvenile adjudications for non-person felonies; and no more than three adult convictions for Class A misdemeanors.
- I The offender's criminal history does not include any juvenile adjudication for a felony or any adult conviction for a felony or Class A misdemeanor.

Commentary

This rule sets forth the nine categories of the Criminal History Scale as represented in abbreviated form on the horizontal axis of the Criminal History Scale. The relative seriousness of each Criminal History Category decreases from left to right on the grid. Criminal History Category A is the most serious classification with three or more prior convictions or juvenile adjudications for person felonies. Criminal History Category I is the least serious classification with no criminal record or minor misdemeanor record.

Prior juvenile misdemeanor adjudications and adult Class B or C misdemeanor convictions are not used to classify an offender's criminal history. Consequently, a criminal history of one or more such convictions or juvenile adjudications but no other more serious prior conviction or juvenile adjudication will be classified in the same category as no criminal history (Criminal History Category I).

Each category included in the scale provides a mutually exclusive classification based on the number and type of prior convictions. For example, a criminal history of only one prior person felony conviction, will be classified in Criminal History Category D. If the criminal history also includes a non-person felony conviction, the history will be ranked in Criminal History Category C. This same classification distinction will apply regardless of how many prior non-person felony convictions or non-person juvenile adjudications are included in a criminal history.

Criminal History Category C is intended to capture all criminal histories with one conviction or juvenile adjudication for a person felony and any number of non-person felony convictions or juvenile adjudications. (Prior Class A misdemeanor convictions will not enhance the criminal history classification from Criminal History Category D to C.) If, however, the criminal history includes two prior person felony convictions, that

history will be classified in Criminal History Category B whether or not it also includes any number of prior non-person felony convictions or juvenile adjudications. The composition of the Crime Seriousness Scale thus emphasizes prior violent criminal conduct.

2. Criminal History Classifications: General Rules

An offender's criminal history classification is based on six types of prior convictions: person felony juvenile adjudications, non-person felony juvenile adjudications, person Class A misdemeanor adult convictions, non-person Class A misdemeanor adult convictions, person felony adult convictions and non-person felony adult convictions. These categories are given different significance for classification purposes. For example, a prior conviction for a violent person offense will always result in a higher criminal history classification than a prior conviction for a non-person offense. The general rules for the classification of the offender on the Criminal History Scale are described in detail below.

OAR 253-04-006 CRIMINAL HISTORY SCALE. (1) The Criminal History Scale includes nine mutually exclusive categories used to classify an offender's criminal history according to the extent and nature of the offender's criminal history at the time the current crime or crimes of conviction is sentenced. The nine categories in the scale are labelled alphabetically and are arranged in order of seriousness from the most serious (Criminal History Category A) to the least serious (Criminal History Category I).

(2) An offender's criminal history is based upon the number of adult felony and Class A misdemeanor convictions and juvenile adjudications in the offender's criminal history at the time the current crime or crimes of conviction is sentenced. Prior adult convictions or juvenile adjudications which have been expunged shall not be considered when classifying an offender's criminal history.

(3) When multiple sentences in a prior single judicial proceeding are imposed concurrently, the defendant shall be considered to have one conviction for criminal history purposes and the crime of conviction having the highest crime seriousness ranking shall be counted in the offender's criminal history. All other convictions, whether sentenced consecutively, or concurrently, shall be counted separately in the offender's criminal history.

(4) Whether a prior offense should be classified as a misdemeanor conviction or a felony conviction for criminal history purposes shall be determined by the crime of conviction rather than by the sentence imposed for the crime.

Commentary

Although the seriousness of the current crime of conviction is the primary basis for determining presumptive sentences under these rules, an offender's criminal history is a significant secondary factor. Historically and logically, an offender with a criminal record deserves more punishment for a subsequent crime than an offender without a record.

The Guidelines Board decided this was true whether a criminal record is used to establish an "appropriate" punishment for the current crime or as a valid public safety consideration. From a "just deserts" perspective, repeat criminal conduct after punishment for prior convictions warrants increasingly severe responses. From the public safety perspective, a history of repeated criminal activity is an indicator of future criminal conduct.

In developing the criminal history scale, the Guidelines Board decided not to duplicate the systems used in Minnesota and Washington. In those states, the criminal history is a numerical "score" obtained by adding up all eligible convictions. Although this quantitative approach has a certain simplicity, it has two major drawbacks. First, the simple accumulation of convictions does not differentiate offenders by the types of prior crimes committed: for example, is the criminal history composed mostly or exclusively of property crimes or is it instead marked by multiple person crimes? Second, the Minnesota and Washington approaches, by giving each prior conviction a marginal effect on the criminal history "score," increase the practical importance of every prior conviction. Consequently, the likelihood of disputes over criminal history records is great.

The Guidelines Board adopted a different approach to criminal history. The Oregon system classifies an offender's criminal history on both a "qualitative" and "quantitative" basis. It establishes criminal history categories based on both the number of prior convictions and the seriousness of those offenses.

Section (1) describes the basic structure of the Criminal History Scale: nine mutually exclusive categories based on the nature and extent of the offender's criminal history.

This section also makes clear that a criminal history, for purposes of sentencing under these rules, is determined as of the time of sentencing. This provision ensures that the severity of the sentence is commensurate with offender's characteristics at the time he or she is sentenced.

The Guidelines Board had originally adopted a rule which would only count prior convictions entered at the time the current crime of conviction was committed. This rule was intended to ensure that court proceedings not be manipulated by either the offender or the state to alter the offender's criminal history classification. The legislature, however, directed the

Guidelines Board to amend this rule to provide that the offender's criminal history is to include all prior convictions or juvenile adjudications entered against the offender "at the time the current crime or crimes of conviction is sentenced." Section 98, Chapter 790, Oregon Laws 1989.

This reference to "current crime or crimes of conviction" was intended to prohibit the consideration of convictions arising from the current proceeding in classification of the offender's criminal history. This prohibition applies even if the state can establish the chronological order in which the offenses were committed.

In short, the legislative intent was to capture as accurately as possible the offender's criminal record at the time of sentencing without encouraging the manipulation of court proceedings as a means to affect the offender's criminal history classification.

EXAMPLE: If an offender with no prior record is convicted of three burglaries in a single case, the offender's criminal history classification will be Criminal History Category I because at the time of sentencing for the multiple current convictions the offender had no prior convictions. The order of sentencing in such a case is irrelevant to the offender's criminal history classification even if a significant period of time transpires between sentencings.

EXAMPLE: If an offender with no prior record commits two burglaries in Multnomah County and one burglary in Washington County during the month of August, the Washington County conviction may be counted as a prior conviction if it occurred prior to the time of sentencing in Multnomah County. If the offender is convicted for the Washington County burglary in September and the two Multnomah County burglaries in October, the criminal history classification for the Multnomah County proceeding should reflect the Washington County conviction.

Section (2) defines an offender's criminal history as any prior adult felony and Class A misdemeanor convictions and any prior juvenile adjudications entered against the offender at the time of sentencing. Juvenile adjudications are defined in OAR 253-03-001(11) as any "formal adjudication or finding by a court that the juvenile has committed an act which, if committed by an adult, would be punishable as a felony."

For purposes of classifying an offender's criminal history, a "conviction" or "juvenile adjudication" should be considered to have occurred upon the pronouncement of sentence in open court. This is a convention established only to provide continuity in the application of these rules with respect to convictions from other proceedings against the offender.

This section of the rule also confirms the Guidelines Board's

understanding that expunged adult convictions or juvenile adjudications should not be used to classify an offender's criminal history record.

Section (3) states a special rule for counting multiple prior convictions sentenced concurrently in a single judicial proceeding. Only the crime of conviction with the highest crime seriousness ranking should be used to classify the offender on the Crime Seriousness Scale. With the exception described in this section, all prior convictions, whether sentenced concurrently or consecutively, will be counted separately when classifying an offender's criminal history.

For purposes of this section, the term "single judicial proceeding" is defined by OAR 253-03-001(18) as "one or more proceedings linked in time with respect to a single defendant convicted of multiple crimes which are: (a) of the same or similar character; (b) based on the same act or transaction; or (c) based on two or more acts or transactions connected together or constituting parts of a common scheme or plan."

This special rule for classifying prior convictions sentenced concurrently in a "single judicial proceeding" is intended to apply to any multiple convictions entered against the offender as part of one action against the offender by the state. When an offender is arrested and prosecuted in a single proceeding for multiple offenses related in any manner described in OAR 253-03-001(18), the resulting convictions should be considered part of a "single judicial proceeding." This rule applies to any multiple convictions, not just those sentenced under the guidelines system.

The following examples may help illustrate the meaning of "single judicial proceeding":

1. An offender commits three burglaries in Lane County within a two-month period. He is arrested and prosecuted for each burglary in a single case. If upon conviction on all three charges the sentencing judge imposes three ten-year prison terms concurrently, OAR 253-04-006(3) should be applied to count only one of the burglary convictions for criminal history purposes. This result should apply even if more than one judge is involved in the sentencing decisions.
2. An offender commits a rape in Coos County in 1987 and two more rapes in the same county in 1989. When arrested on the two 1989 offenses, the local law enforcement investigation establishes the evidence sufficient to convict the offender for the 1987 rape. As part of the plea bargain, the sentencing judge imposes consecutive sentences for the two 1989 offenses to run concurrently with the sentence for the 1987 offense.

The proper application of OAR 253-04-006(3) would require that all three convictions be used to classify the

offender's criminal history record. While the 1987 offense was sentenced concurrently and is "of the same or similar character" as required by OAR 253-03-001(18), it is not sufficiently "linked in time" with respect to the 1989 offenses to be excluded from the offender's criminal history classification.

The State Sentencing Guidelines Board developed the criminal history classification system to capture each of the offender's serious criminal acts which had been previously punished by the state. Consequently, nearly all prior convictions are captured within the classification system. This narrow exception for concurrent sentences, however, was established. When concurrent sentences are imposed for related crimes in a single judicial proceeding, the sentencing judge is punishing the offender for multiple criminal acts as if they were a single transgression against society.

As indicated above, this is a very narrow exception to the general rule for criminal history classification. It should only apply when the separate crimes and the state's prosecution of those crimes are so chronologically related as to suggest that the offender's criminal activity represents an single behavioral pattern for sentencing purposes.

Prior convictions entered in multiple judicial proceedings will be counted separately whether the multiple convictions are sentenced concurrently or consecutively.

Section (4) clarifies that the crime of conviction, not the sentence, determines classification of the crime for criminal history purposes. A felony conviction does not become a misdemeanor for criminal history purposes simply because it is sentenced as a misdemeanor.

Current law classifies certain felony convictions as misdemeanors based on the sentence imposed. ORS 161.585. (This statute has been amended to only apply to offenders convicted of felonies committed prior to November 1, 1989. Section 52, Chapter 790, Oregon Laws 1989.) Under this section, those convictions will always be counted as prior felony convictions for criminal history purposes.

In certain circumstances, current law also authorizes sentencing judges to enter a judgment of conviction for a Class A misdemeanor when the crime of conviction is for any Class C felony, specified Class B felony or ORS 166.720 Racketeering. ORS 161.705. (This statute will continue to apply after the effective date of the guidelines.) When the sentencing court exercises this discretion, the resulting conviction will be treated as a Class A misdemeanor for criminal history purposes.

4. Criminal History Classification: Special Rules

a. Person Class A Misdemeanor Convictions

OAR 253-04-008 PERSON CLASS A ADULT MISDEMEANOR CONVICTIONS. Every two prior adult convictions of person Class A misdemeanors in the offender's criminal history shall be counted as one adult conviction of a person felony for criminal history purposes.

Commentary

Because person Class A misdemeanors (as defined in OAR 253-03-001(14)) can indicate a propensity for future violent criminal conduct, the Guidelines Board decided that repeat convictions of such misdemeanors warranted special treatment in an offender's criminal history. Consequently, this rule equates two prior adult convictions of person Class A misdemeanors with one prior adult person felony conviction for criminal history purposes.

EXAMPLE: If an offender's criminal record includes three person Class A misdemeanor convictions and no other convictions, those convictions count as one adult conviction of a person felony and one Class A misdemeanor conviction (thus classifying the criminal history in Category D on the criminal history scale).

EXAMPLE: If an offender's criminal history includes four prior person Class A misdemeanor convictions and no other convictions, those convictions count as two adult person felony convictions (thus classifying the criminal history in Category B on the criminal history scale).

b. DUII Convictions

OAR 253-04-009 PRIOR ORS 813.010 (DUII) CONVICTIONS. (1) If the current crime of conviction is for ORS 163.118 Manslaughter I, ORS 163.125 Manslaughter II or ORS 163.145 Negligent Homicide and the crime involved the use of a vehicle, every three prior convictions for ORS 813.010 (Driving Under the Influence of Intoxicants) or comparable statutory offense or ordinance violation in the offender's criminal history shall be counted as one person felony for criminal history purposes.

Commentary

Because of the seriousness of Driving Under the Influence of Intoxicants (DUII) convictions, the Guidelines Board decided that repeated DUII convictions warranted special treatment for criminal history purposes. Consequently, whenever the current offense is a vehicular homicide (Manslaughter I (ORS 163.118), Manslaughter II (ORS 163.125), or Negligent Homicide (ORS 163.145)), every three prior DUII convictions count as one adult person felony for criminal history purposes.

OAR 253-04-009 is a special rule for the classification of prior DUII convictions when the present crime of conviction is for vehicular homicide. Often an offender will have three prior DUII convictions which may not count in the offender's criminal history classification because one or more of the prior DUII convictions were sentenced concurrently with a felony conviction in a single judicial proceeding. See, OAR 253-04-006. In such a case, the state may request an aggravated departure if the offender's criminal history classification does not accurately reflect the offender's prior DUII convictions. The sentencing judge may properly aggravate the presumptive sentence for the vehicular homicide to be consistent with presumptive sentence for the Criminal History Category which would have been established if all prior DUII convictions had been counted.

c. Prior Burglary I Convictions

OAR 253-04-010 BURGLARY I. (1) A prior Burglary I (ORS 164.225) conviction for an offense committed after the effective date of these rules shall be classified for criminal history:

(a) as a prior person felony if that prior conviction was classified as a Crime Category 9 or 8 offense on the Crime Seriousness Scale (Appendix 2); and

(b) as a prior non-person felony if that prior conviction was classified as a Crime Category 7 offense on the Crime Seriousness Scale (Appendix 2).

(2) A prior Burglary I (ORS 164.225) conviction for an offense committed before the effective date of these rules or any juvenile adjudication for conduct, committed before or after the effective date of these rules, which if committed by an adult would have constituted Burglary I shall be classified:

(a) as a prior person felony if the sentencing judge finds by a preponderance of the evidence that the criminal conduct would have been classified as a Crime Category 9 or 8 offense on the Crime Seriousness Scale (Appendix 2); and

(b) as a prior non-person felony if the sentencing judge finds by a preponderance of the evidence that the criminal conduct would have been classified as a Crime Category 7 offense on the Crime Seriousness Scale (Appendix 2).

Commentary

For sentencing purposes, a current conviction of Burglary I (ORS 164.225) is classified in three different Crime Seriousness Categories (Appendix 2). The offense subclassification for Burglary I at Crime Category 9, 8, or 7 depends on the type of criminal conduct committed by the offender.

Because Burglary I is ranked on the Crime Seriousness Scale

primarily based on facts related to the actual or threatened harm to persons, this rule also distinguishes prior Burglary I convictions as person or non-person felony convictions for criminal history purposes and prescribes the process by which a prior Burglary I conviction is classified.

Section (1) states the classification rule for Burglary I offenses committed after the effective date of these rules. If the conviction was ranked as a Crime Category 9 or 8 offense on the Crime Seriousness Scale, it shall be classified as a prior person felony in subsequent proceedings. If the conviction was ranked as a Crime Category 7 offense, the conviction will be classified as a non-person offense.

Section (2) states the classification rule for Burglary I offenses committed prior to the effective date of the guidelines and all prior juvenile adjudications for Burglary I. If the court finds that the adult or juvenile conduct would have been classified as a Crime Category 9 or 8 offense had it been ranked on the Crime Seriousness Scale, the prior conviction or juvenile adjudication will be classified as a person offense. If the adult or juvenile conduct would have been classified as a Crime Category 7 offense, the conviction will be classified as a non-person offense.

Because offenses committed before the effective date of these rules and all juvenile proceedings will be sentenced outside the guidelines system, this section expressly recognizes the need for formal court findings to classify those prior convictions and juvenile adjudications as person or non-person offenses. The burden of proof is placed on the state and the standard of proof is a preponderance of the evidence. This standard of proof is consistent with the provisions of OAR 253-04-013 (Proof of Criminal History) which establishes the preponderance of evidence standard for all issues related the offender's criminal history classification.

d. Prior Out-of-State Convictions and Juvenile Adjudications

OAR 253-04-011 OUT-OF-STATE ADULT CONVICTIONS AND JUVENILE ADJUDICATIONS. (1) An out-of-state adult conviction shall be used to classify the offender's criminal history if the elements of the offense would have constituted a felony or Class A misdemeanor under current Oregon law.

(2) Out-of-state juvenile adjudications shall be used to classify the offender's criminal history if the elements of the offense would have constituted a felony under current Oregon law if committed by an adult.

Commentary

This rule prescribes the process by which out-of-state adult convictions and juvenile adjudications are to be classified for

criminal history purposes. As used in this rule, "out-of-state convictions" include federal, tribal court, military and foreign convictions, and convictions from of other states of the United States.

Section (1) includes an out-of-state conviction in an offender's criminal history if two conditions are satisfied: (a) the elements of the offense would have constituted a felony or Class A misdemeanor (b) under current Oregon law. A prior conviction based on conduct which would not constitute a crime under current Oregon law may not be considered part of the offender's criminal history. Similarly, if the out-of-state offense would constitute a Class B or C misdemeanor or a violation under current Oregon law, it may not be included in the offender's criminal history. For purposes of this rule, "current Oregon law" means the law at the time of sentencing for the current crime of conviction.

Section (2) applies the same rule to out-of-state juvenile adjudications. Such adjudications will be considered in the criminal history classification if (a) the elements of the offense, if committed by an adult, would have constituted a felony (b) under current Oregon law.

If an out-of-state adult conviction involves a juvenile offender who was, under current Oregon law, below the age of remand at time of the alleged offense; the conviction should be classified as a juvenile adjudication. If the offender was not below the age of remand under current Oregon law, the conviction should be classified as an adult conviction.

The facts required to classify out-of-state adult convictions and juvenile adjudications under this rule must be established by the state by a preponderance of the evidence as required by OAR 253-04-013 (Proof of Criminal History).

LIST OF CLASS-A MISDEMEANORS**
(Sorted by ORS Number)

ORS NUMBER	ORS SUB	OFFENSE TITLE	PERSON OFFENSE?
57.735		CORP DOING BUSINESS W/O LIC	
131.725		EXCLUSION FROM PUBLIC PROP	
133.075		FAIL TO APPEAR-CRIM CITATION	
133.310		RESTRAINING ORDER VIOLATION	
146.103	01	REMOVAL OF DEAD HUMAN BODY	
161.435	04	SOLICIT CLASS C FELONY	Y*
161.450	04	CRIMINAL CONSPIRACY A MISD	
162.075		FALSE SWEARING	
162.145		ESCAPE III	
162.155		ESCAPE II ATTEMPT	
162.175		UNAUTHORIZED DEPARTURE	
162.185		SUPPLY CONTRABAND ATTEMPT	Y*
162.195		FAIL TO APPEAR II	
162.235		OBSTRUCT GOVERNMENT ADMIN	
162.285		TAMPER WITH A WITNESS ATTEMPT	
162.295		TAMPER WITH EVIDENCE	
162.305		TAMPER WITH PUBLIC RECORDS	
162.315		RESIST ARREST	
162.325		HINDER PROSECUTION ATTEMPT	
162.335		COMPOUNDING A FELONY	
162.365		CRIMINAL IMPERSONATION	
162.385		FALSE INFO TO POLICE OFFICER	
162.415		OFFICIAL MISCONDUCT I	
163.145		CRIM NEGLIG HOMICIDE ATTEMPT	
163.160		ASSAULT IV	Y
163.165		ASSAULT III ATTEMPT	Y
163.190		MENACING	Y
163.195		RECKLESSLY ENDANGER ANOTHER	Y
163.200		CRIMINAL MISTREATMENT II	Y
163.205		CRIM MISTREATMENT I ATTEMPT	Y
163.208		ASSAULT OFFICER	Y
163.245		CUSTODIAL INTERFERENCE II ATT	
163.275		COERCION ATTEMPT	Y*
163.355		RAPE III ATTEMPT	Y
163.385		SODOMY III ATTEMPT	Y
163.415		SEXUAL ABUSE II	Y
163.425		SEXUAL ABUSE I ATTEMPT	Y

*Classified as a person offense only if offense involved criteria specified in guidelines rules.

**List obtained from the Department of Corrections Information Systems Division.

ORS NUMBER	ORS SUB	OFFENSE TITLE	PERSON OFFENSE?
163.435		SEXUAL DELINQ MINOR-CONTRIBUTE	
163.465		PUBLIC INDECENCY	
163.525		INCEST ATTEMPT	Y
163.535		ABANDON CHILD	Y
163.545		CHILD NEGLECT	Y
163.575		ENDANGER WELFARE OF MINOR	Y
163.605		CRIMINAL DEFAMATION	Y
164.045		THEFT II	
164.055		THEFT I ATTEMPT	
164.065		THEFT LOST/MISLAID PROPERTY	
164.085		THEFT BY DECEPTION ATTEMPT	
164.095		THEFT BY RECEIVING ATTEMPT	
164.125	04B	THEFT OF SERVICES UNDER 500	
164.125	04C	THEFT OF SERVICES OVER 500 ATT	
164.135		UNAUTHORIZED USE VEHICLE ATT	
164.140	04A	POSSESS RENTED PROP UNDER 500	
164.215		BURGLARY II ATTEMPT	
164.235		BURGLARY TOOLS - POSSESSION OF	
164.255		CRIMINAL TRESPASS I	
164.265		CRIMINAL TRESPASS ARMED	
164.335		RECKLESS BURNING	
164.354		CRIMINAL MISCHIEF II	
164.365		CRIMINAL MISCHIEF I ATTEMPT	
164.377	04	COMPUTER ACCESS-UNLAWFUL	
164.395		ROBBERY III ATTEMPT	Y
164.785		OFFENSIVE/POLLUTING SUBSTANCE	
165.007		FORGERY II	
165.013		FORGERY I ATTEMPT	
165.017		FORGED INSTRUMENT-CRIM POSS II	
165.037		CRIMINAL SIMULATION	
165.042		FRAUDULENTLY OBTAIN SIGNATURE	
165.055	03A	FRAUD USE CRED CARD UNDER 500	
165.065	03A	NEGOTIATE BAD CHECK - AM	
165.080		FALSIFY BUSINESS RECORDS	
165.095		MISAPPLY ENTRUSTED PROPERTY	
165.100		FALSE FINANCIAL STATEMENT	
165.102		OBTAIN EXEC DOCUMENT BY DECEPT	
165.540		INTERCEPT COMMUNICATIONS	
166.115		INTERFERE W/PUBLIC TRANSPORT	
166.165		INTIMIDATION I ATTEMPT	Y
166.155		INTIMIDATION II	Y
166.220		WEAPON USE - DANGEROUS ATTEMPT	Y
166.250		WEAPON - POSSESS UNLAWFULLY	
166.270		FIREARM-EX-CON POSSESS ATTEMPT	
166.300		KILL ANOTHER-LOSE RT BEAR ARMS	
166.350		POSSESS ARMOR PIERCING AMMO	
166.370		FIREARM/DESTR DEVICE-POSSESS	
166.420		WEAPONS - REGISTER CONCEALABLE	
166.510		WEAPON - SLUGGING/STABBING	
166.635		WEAP DISCHARGE/THROW AT TRAINS	
166.638		WEAPON DISCHARGING AT AIRPORT	

ORS NUMBER	ORS SUB	OFFENSE TITLE	PERSON OFFENSE?
167.007		PROSTITUTION	
167.012		PROSTITUTION PROMOTION ATTEMPT	Y
167.062	01	SEX SHOW-LIVE/SADOMASO-MISDEAM	
167.065		OBSCENE MATERIAL-FURNISH/MINOR	
167.070		OBSCENE MATERIAL-SEND TO MINOR	
167.075		OBSCENE PERFORM-EXHIBIT/MINOR	
167.080		OBSCENE MATERIAL-DISPLAY/MINOR	
167.087		OBSCENE MATERIAL-DISSEMINATE	
167.090		NUDITY/SEX-PUBLIC DISPLAY OF	
167.122		GAMBLING PROMOTION II	
167.132		GAMBLING RECORDS POSSESSION II	
167.147		GAMBLING DEVICE-POSSESSION OF	
167.212		TAMPER DRUG RECORDS ATTEMPT	
167.222		FREQ PLACE CONTROL SUBS USED	
167.320		ANIMAL ABUSE I	
167.330		ANIMAL NEGLECT I	
167.355		ANIMAL FIGHTING	
167.820		CONCEAL BIRTH OF INFANT	
167.870		EXHIBITING PERSON IN TRANCE	
194.310		FRAUD BY A NOTARY	
471.410		SUPPLY LIQ MINOR/INTOX PERS	
471.478		UNLAWFUL POSSESSION OF LIQUOR	
475.991		DELIVER IMITATION CONTROL SUB	
475.992	01C	DELIV/MANU CON SUB AT-SCH III	
475.992	02B	DELIVER MARIJUANA/NO PAYMENT	
475.992	04B	POSSESS CONTROL SUB-SCH II AT	
475.992	04C	POSSESS CONTROL SUB - SCH III	
475.993	02B	VIOL PRESC DRUG LAW - SCH II	
475.994		CONT SUB RECORDS VIOL/FRAUD	
475.995	03	DELIV CONT SUB MINOR - SCH IV	
480.120		FIREWORKS-UNLAWFUL POSSESSION	
488.160		OPERATE BOAT WHILE INTOX	
488.164		HIT/RUN BOAT	Y
496.992	01	VIOLATE WILDLIFE LAW-MISD	
497.400		FISH/GAME LIC - FALSE APPLI	
498.042		REMOVE PART/WASTE GAME ANIMAL	
498.142		HUNTING WITH ARTIFICIAL LIGHT	
509.011	01	FISHING CLOSED SEASON	
677.085		PRACTICE MEDICINE W/O LICENSE	
803.070		FALSE STATEMENT-VEHICLE TITLE	
803.075		FALSE SWEARING-VEHICLE TITLE	
803.085		SELL UNTITLED VEHICLE	
803.375		FALSE APPL-VEH REGISTRATION	
803.385		FALSE SWEAR/VEH REGISTRATION	
805.370		FALSE SWEARING-FARM REGISTR	
806.050	02	FALSE CERTIFY LIABILITY INSUR	
807.430		MISUSE OF IDENTITY CARD	
807.500		COUNTERFEIT LICENSE FORMS	
807.510		SELL FALSE DOCUMENTS-LIC/REG	
807.520		FALSE SWEARING-OP LICENSE	
807.530		FALSE APPLICATION-OP LICENSE	

ORS NUMBER	ORS SUB	OFFENSE TITLE	PERSON OFFENSE?
807.580		USE INVALID OPERATORS LICENSE	
807.590		ALLOW MISUSE OPERATORS LICENSE	
807.620		FALSE INFO TO POLICE-VEH OFF	
809.110		FAIL TO SURRENDER REGIS/TITLE	
811.140		DRIVING RECKLESSLY	
811.182	04	DRIVE SUSPENDED/REVOKED MISD	
811.540		ATTEMPT ELUDE POLICE-VEHICLE	
811.700		HIT AND RUN-VEHICLE-PROPERTY	
811.705		HIT AND RUN-VEHICLE-INJURY AT	Y
813.010		DRIVE UNDER INFLUENCE INTOX	
815.090		UNAPPROVED VEHICLE WINDOWS	
819.010		FAIL TO COMPLY-VEH DESTRUCTION	
819.020		DESTROYED VEHICLE OFFENSE	
819.040		UNLAWFUL VEHICLE SALVAGE	
819.430		TRAFFIC VEH W/ALTERED VEH ID	
822.005		NO VEHICLE DEALER CERTIFICATE	
822.100		NO WRECKING BUSN CERTIFICATE	
822.135		WRECKING BUSINESS OFFENSE	
822.150		FAIL RETURN SUSP WRECKER CERT	

LIST OF CLASS A-MISDEMEANORS**
(Sorted by Offense Title)

ORS NUMBER	ORS SUB	ORS LITERAL	PERSON OFFENSE?
163.535		ABANDON CHILD	Y
807.590		ALLOW MISUSE OPERATORS LICENSE	
167.320		ANIMAL ABUSE I	
167.355		ANIMAL FIGHTING	
167.330		ANIMAL NEGLECT I	
163.165		ASSAULT III ATTEMPT	Y
163.160		ASSAULT IV	Y
163.208		ASSAULT OFFICER	Y
811.540		ATTEMPT ELUDE POLICE-VEHICLE	
164.215		BURGLARY II ATTEMPT	
164.235		BURGLARY TOOLS - POSSESSION OF	
163.545		CHILD NEGLECT	Y
163.275		COERCION ATTEMPT	Y*
162.335		COMPOUNDING A FELONY	
164.377	04	COMPUTER ACCESS-UNLAWFUL	
167.820		CONCEAL BIRTH OF INFANT	
475.994		CONT SUB RECORDS VIOL/FRAUD	
57.735		CORP DOING BUSINESS W/O LIC	
807.500		COUNTERFEIT LICENSE FORMS	
163.205		CRIM MISTREATMENT I ATTEMPT	Y
163.145		CRIM NEGLIG HOMICIDE ATTEMPT	
161.450	04	CRIMINAL CONSPIRACY A MISD	
163.605		CRIMINAL DEFAMATION	Y
162.365		CRIMINAL IMPERSONATION	
164.365		CRIMINAL MISCHIEF I ATTEMPT	
164.354		CRIMINAL MISCHIEF II	
163.205		CRIM MISTREATMENT I ATTEMPT	Y
163.200		CRIMINAL MISTREATMENT II	Y
165.037		CRIMINAL SIMULATION	
164.265		CRIMINAL TRESPASS ARMED	
164.255		CRIMINAL TRESPASS I	
163.245		CUSTODIAL INTERFERENCE II ATT	
475.995	03	DELIV CONT SUB MINOR - SCH IV	
475.991		DELIVER IMITATION CONTROL SUB	
475.992	02B	DELIVER MARIJUANA/NO PAYMENT	
475.992	01C	DELIV/MANU CON SUB AT-SCH III	
819.020		DESTROYED VEHICLE OFFENSE	
811.182	04	DRIVE SUSPENDED/REVOKED MISD	
813.010		DRIVE UNDER INFLUENCE INTOX	
811.140		DRIVING RECKLESSLY	
163.575		ENDANGER WELFARE OF MINOR	Y

*Classified as a person offense only if offense involved criteria specified in guidelines rules.

**List obtained from the Department of Corrections Information Systems Division.

ORS NUMBER	ORS SUB	ORS LITERAL	PERSON OFFENSE?
162.155		ESCAPE II ATTEMPT	
162.145		ESCAPE III	
131.725		EXCLUSION FROM PUBLIC PROP	
167.870		EXHIBITING PERSON IN TRANCE	
822.150		FAIL RETURN SUSP WRECKER CERT	
162.195		FAIL TO APPEAR II	
133.075		FAIL TO APPEAR-CRIM CITATION	
819.010		FAIL TO COMPLY-VEH DESTRUCTION	
809.110		FAIL TO SURRENDER REGIS/TITLE	
807.530		FALSE APPLICATION-OP LICENSE	
803.375		FALSE APPL-VEH REGISTRATION	
806.050	02	FALSE CERTIFY LIABILITY INSUR	
165.100		FALSE FINANCIAL STATEMENT	
162.385		FALSE INFO TO POLICE OFFICER	
807.620		FALSE INFO TO POLICE-VEH OFF	
803.070		FALSE STATEMENT-VEHICLE TITLE	
162.075		FALSE SWEARING	
805.370		FALSE SWEARING-FARM REGISTR	
807.520		FALSE SWEARING-OP LICENSE	
803.075		FALSE SWEARING-VEHICLE TITLE	
803.385		FALSE SWEAR/VEH REGISTRATION	
165.080		FALSIFY BUSINESS RECORDS	
166.270		FIREARM-EX-CON POSSESS ATTEMPT	
166.370		FIREARM/DESTR DEVICE-POSSESS	
480.120		FIREWORKS-UNLAWFUL POSSESSION	
509.011	01	FISHING CLOSED SEASON	
497.400		FISH/GAME LIC - FALSE APPLI	
165.017		FORGED INSTRUMENT-CRIM POSS II	
165.013		FORGERY I ATTEMPT	
165.007		FORGERY II	
194.310		FRAUD BY A NOTARY	
165.055	03A	FRAUD USE CRED CARD UNDER 500	
165.042		FRAUDULENTLY OBTAIN SIGNATURE	
167.222		FREQ PLACE CONTROL SUBS USED	
167.147		GAMBLING DEVICE-POSSESSION OF	
167.122		GAMBLING PROMOTION II	
167.132		GAMBLING RECORDS POSSESSION II	
162.325		HINDER PROSECUTION ATTEMPT	
811.705		HIT AND RUN-VEHICLE-INJURY AT	Y
811.700		HIT AND RUN-VEHICLE-PROPERTY	
488.164		HIT/RUN BOAT	Y
498.142		HUNTING WITH ARTIFICIAL LIGHT	
163.525		INCEST ATTEMPT	Y
165.540		INTERCEPT COMMUNICATIONS	
166.115		INTERFERE W/PUBLIC TRANSPORT	
166.155		INTIMIDATION II	Y
166.165		INTIMIDATION I ATTEMPT	Y
166.300		KILL ANOTHER-LOSE RT BEAR ARMS	
163.190		MENACING	Y
165.095		MISAPPLY ENTRUSTED PROPERTY	
807.430		MISUSE OF IDENTITY CARD	

ORS NUMBER	ORS SUB	ORS LITERAL	PERSON OFFENSE?
165.065	03A	NEGOTIATE BAD CHECK - AM	
822.005		NO VEHICLE DEALER CERTIFICATE	
822.100		NO WRECKING BUSN CERTIFICATE	
167.090		NUDITY/SEX-PUBLIC DISPLAY OF	
167.080		OBSCENE MATERIAL-DISPLAY/MINOR	
167.087		OBSCENE MATERIAL-DISSEMINATE	
167.065		OBSCENE MATERIAL-FURNISH/MINOR	
167.070		OBSCENE MATERIAL-SEND TO MINOR	
167.075		OBSCENE PERFORM-EXHIBIT/MINOR	
162.235		OBSTRUCT GOVERNMENT ADMIN	
165.102		OBTAIN EXEC DOCUMENT BY DECEPT	
164.785		OFFENSIVE/POLLUTING SUBSTANCE	
162.415		OFFICIAL MISCONDUCT I	
488.160		OPERATE BOAT WHILE INTOX	
166.350		POSSESS ARMOR PIERCING AMMO	
475.992	04C	POSSESS CONTROL SUB - SCH III	
475.992	04B	POSSESS CONTROL SUB-SCH II AT	
164.140	04A	POSSESS RENTED PROP UNDER 500	
677.085		PRACTICE MEDICINE W/O LICENSE	
167.007		PROSTITUTION	
167.012		PROSTITUTION PROMOTION ATTEMPT	Y
163.465		PUBLIC INDECENCY	
163.355		RAPE III ATTEMPT	Y
164.335		RECKLESS BURNING	
163.195		RECKLESSLY ENDANGER ANOTHER	Y
146.103	01	REMOVAL OF DEAD HUMAN BODY	
498.042		REMOVE PART/WASTE GAME ANIMAL	
162.315		RESIST ARREST	
133.310		RESTRAINING ORDER VIOLATION	
164.395		ROBBERY III ATTEMPT	Y
807.510		SELL FALSE DOCUMENTS-LIC/REG	
803.085		SELL UNTITLED VEHICLE	
167.062	01	SEX SHOW-LIVE/SADOMASO-MISDEAM	
163.425		SEXUAL ABUSE I ATTEMPT	Y
163.415		SEXUAL ABUSE II	Y
163.435		SEXUAL DELINQ MINOR-CONTRIBUTE	
163.385		SODOMY III ATTEMPT	Y
161.435	04	SOLICIT CLASS C FELONY	Y*
162.185		SUPPLY CONTRABAND ATTEMPT	Y*
471.410		SUPPLY LIQ MINOR/INTOX PERS	
167.212		TAMPER DRUG RECORDS ATTEMPT	
162.285		TAMPER WITH A WITNESS ATTEMPT	
167.295		TAMPER WITH EVIDENCE	
162.305		TAMPER WITH PUBLIC RECORDS	
164.085		THEFT BY DECEPTION ATTEMPT	
164.095		THEFT BY RECEIVING ATTEMPT	
164.055		THEFT I ATTEMPT	

*Classified as a person offense only if offense involved criteria specified in guidelines rules.

ORS NUMBER	ORS SUB	ORS LITERAL	PERSON OFFENSE?
164.045		THEFT II	
164.065		THEFT LOST/MISLAID PROPERTY	
164.125	04C	THEFT OF SERVICES OVER 500 ATT	
164.125	04B	THEFT OF SERVICES UNDER 500	
819.430		TRAFFIC VEH W/ALTERED VEH ID	
815.090		UNAPPROVED VEHICLE WINDOWS	
162.175		UNAUTHORIZED DEPARTURE	
164.135		UNAUTHORIZED USE VEHICLE ATT	
471.478		UNLAWFUL POSSESSION OF LIQUOR	
819.040		UNLAWFUL VEHICLE SALVAGE	
807.580		USE INVALID OPERATORS LICENSE	
475.993	02B	VIOL PRESC DRUG LAW - SCH II	
496.992	01	VIOLATE WILDLIFE LAW-MISD	
166.635		WEAP DISCHARGE/THROW AT TRAINS	
166.638		WEAPON DISCHARGING AT AIRPORT	
166.220		WEAPON USE - DANGEROUS ATTEMPT	Y
166.250		WEAPON - POSSESS UNLAWFULLY	
166.510		WEAPON - SLUGGING/STABBING	
166.420		WEAPONS - REGISTER CONCEALABLE	
822.135		WRECKING BUSINESS OFFENSE	