

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

**Aggravated Murder  
163.095**

Effective 7/1/88; Removed 1/16/91; Restored 3/05/2012

**SUBCATEGORY 1 – RATING 8**

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

**SUBCATEGORY 2 – RATING 7**

All other cases of aggravated murder.

**Arson I  
164.325**

Unchanged since 1985

**SUBCATEGORY 1 – RATING 6:**

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

**SUBCATEGORY 2 – RATING 5:**

All other cases of Arson I/

**Assault I  
163.185**

Unchanged since 1985

**SUBCATEGORY 1 – RATING 6:**

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

**SUBCATEGORY 2 – RATING 5:**

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

**Assault III  
163.165**

Effective 4/4/88

**SUBCATEGORY 1 – RATING 3:**

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

**SUBCATEGORY 2 – RATING 2:**

03/05/2012

Subcategory Rationale

All other cases of Assault III.

**BURGLARY I**  
**164.225**

Effective 7/20/88

**SUBCATEGORY 1 – RATING 5:**

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

**SUBCATEGORY 2 – RATING 4:**

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

**SUBCATEGORY 3 – RATING 3:**

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

**BURGLARY II**  
**164.215**

Unchanged since 1985

**SUBCATEGORY 1 – RATING 3:**

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

**SUBCATEGORY 2 – RATING 2:**

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

**SUBCATEGORY 3 – RATING 1:**

Theft of less than \$1,000.

**Coercion**  
**163.275**

Unchanged since 1985

**SUBCATEGORY 1 – RATING 4:**

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

**SUBCATEGORY 2 – RATING 3:**

All others.

**Computer Crime**  
**164.377(2)(3)**

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

Breakdown is the same as for Theft I.

Criminal Possession Rented/Leased  
Property  
164.140

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Criminally Negligent Homicide  
163.145

Effective 4/4/88

**SUBCATEGORY 1 – RATING 4:**

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

**SUBCATEGORY 2 – RATING 3:**

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

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

Effective 7/14/88

**SUBCATEGORY 1 – RATING 5:**

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

**SUBCATEGORY 2 – RATING 4:**

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

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

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

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

**SUBCATEGORY 3 – RATING 3:**

Delivery or assisting in the delivery of illegal drugs for compensation or profit in

circumstances other than those listed above. 475.992(1)(a)-(c); 475.992(2)(a); 475.995. (Schedule I, II or III).

**SUBCATEGORY 4 – RATING 1:**

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

**Escape II**  
**162.155**

Effective 12/6/88

**SUBCATEGORY 1 – RATING 2:**

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

**SUBCATEGORY 2 – RATING 1:**

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

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

Effective 7/1/88

**SUBCATEGORY 1 – RATING 3:**

If death results.

**SUBCATEGORY 2 – RATING 2:**

Injury and all other cases.

**Forgery I**  
**165.013**

Effective 7/1/88

**SUBCATEGORY 1 – RATING 3:**

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

**SUBCATEGORY 2 – RATING 2:**

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

**SUBCATEGORY 3 – RATING 1:**

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

**Fraud Involving Securities**

Effective 7/20/88

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

**SUBCATEGORY 1 – RATING 4:**

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

**SUBCATEGORY 2 – RATING 3:**

All other cases of fraud involving securities.

**Manslaughter II  
163.125**

Effective 4/4/88

**SUBCATEGORY 1 – RATING 5:**

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

**SUBCATEGORY 2 – RATING 4:**

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

**SUBCATEGORY 3 – RATING 3:**

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

**Manufacture of Controlled Substance  
475.992(1); 475.993(2)(a)**

Effective 7/14/88

**SUBCATEGORY 1 – RATING 5:**

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

**SUBCATEGORY 2 – RATING 4:**

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

manufacture of illegal drugs other than marijuana for sale or distribution.  
475.993(2)(a) (Schedule I).

**SUBCATEGORY 3 – RATING 3:**

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

**SUBCATEGORY 4 – RATING 1:**

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

Murder  
163.115

Unchanged since 1985

**SUBCATEGORY 1 – RATING 8:**

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

**SUBCATEGORY 2 – RATING 7:**

All other cases of murder.

Negotiating a Bad Check  
165.065(3b)

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

Breakdown is the same as for Theft I.

Possession of Controlled Substance  
475.992(4)

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

**SUBCATEGORY 1 – RATING 3:**

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

**SUBCATEGORY 2 – RATING 2:**

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

**SUBCATEGORY 3 – RATING 1:**

03/05/2012

Subcategory Rationale

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

Possession of a Fraudulent  
Communications Device  
165.070

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Racketeering  
166.720

Unchanged since 1985

**SUBCATEGORY 1 – RATING 5:**

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

**SUBCATEGORY 2 – RATING 4:**

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

Rape I  
163.375

Amended 11/1/89

**SUBCATEGORY 1 – RATING 6:**

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

**SUBCATEGORY 2 – RATING 5:**

All other cases.

Rape II  
163.365

Amended 11/1/89

**SUBCATEGORY 1 – RATING 4:**

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

**SUBCATEGORY 2 – RATING 3:**

03/05/2012

Subcategory Rationale

**All other cases.**



**Robbery I**  
**164.415**

Effective 7/20/88

**SUBCATEGORY 1 – RATING 6:**

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

**SUBCATEGORY 2 – RATING 5:**

All other cases of Robbery I.

**Sexual Penetration with**  
**Foreign Object I**  
**163.411**

Amended 11/1/89

**SUBCATEGORY 1 – RATING 6:**

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

**SUBCATEGORY 2 – RATING 5:**

All other cases.

**Sodomy I**  
**163.405**

Amended 11/1/89

**SUBCATEGORY I – RATING 6:**

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

**SUBCATEGORY 2 – RATING 5:**

All other cases.

**Supplying Contraband**  
**162.185**

Effective 12/6/88

**SUBCATEGORY 1 – RATING 4:**

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

**SUBCATEGORY 2 – RATING 3:**

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

**SUBCATEGORY 3 – RATING 2:**

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

**SUBCATEGORY 4 – RATING 1:**

All other cases.

Theft by Deception  
164.085

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Theft by Extortion  
164.075

Unchanged since 1985

**SUBCATEGORY 1 – RATING 4:**

Threat of serious bodily harm or death.

**SUBCATEGORY 2 – RATING 3:**

All others.

Theft I  
164.005

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

**SUBCATEGORY 1 – RATING 2:**

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

**SUBCATEGORY 2 – RATING 1:**

Thefts under \$1,000.

Theft of Services  
164.125(4)-(c)

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Unauthorized Use of a Motor Vehicle  
164.135

Unchanged since 1985

SUBCATEGORY 1 – RATING 2:

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

SUBCATEGORY 2 – RATING 1:

All others.

Unlawful Creation or Delivery  
Of Counterfeit Substance  
475.992(3)

Effective 7/14/88

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

Using a Child in a Display of  
Sexually Explicit Conduct  
163.670

Effective 4/4/88

SUBCATEGORY 1 – RATING 6:

Child 12 years of age or under.

SUBCATEGORY 2 – RATING 5:

All other cases.

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

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

Breakdown is the same as for Theft I.