



NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 255

BOARD OF PAROLE AND POST-PRISON SUPERVISION

FILED: 07/30/2026 3:20 PM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Apply a percentage of the mandatory minimum sentence as opposed to a month range.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/18/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:

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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/17/2026

TIME: 9:00 AM - 10:00 AM

OFFICER: Erikka Korkeokoski

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 971-277-2160

CONFERENCE ID: 109216658

SPECIAL INSTRUCTIONS:

Meeting ID: 217 709 241 384 130

Passcode: QR72JQ6F

NEED FOR THE RULE(S):

Under Oregon law, for individuals sentenced for crimes committed prior to November 1, 1989, and for individuals sentenced to an indeterminate life sentence with the eligibility for parole, for the crimes of Aggravated Murder, Murder in the First Degree, Murder in the Second Degree, and Murder of a Pregnant Victim, and who are eligible for, and have

been found “likely to be rehabilitated within a reasonable period of time at a Murder Review hearing pursuant to Division 32 and 35 of the Board’s administrative rules, the Board is required to calculate a prison term.

The Board of Parole uses rules found in Division 30, 35, and in Board Exhibits A1, A2, C and D to determine the prison term. The Advisory Commission on Prison Terms and Parole Standards holds meetings to review these rules and determine whether to recommend the Board engage in rulemaking to update these rules. The 2026 Advisory Commission has recommended the Board engage in rulemaking to update these rules to account for changes to mandatory minimum sentences for the offenses of Aggravated Murder, Murder in the First Degree, Murder in the Second Degree, and Murder of a Pregnant Victim.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

These amendments were proposed to the Advisory Committee on April 15, 2026:

https://www.oregon.gov/bopp/ps/Documents/AdvisoryCommission/Proposal-AmendmentsPrisonTermCalculationApril_2026.pdf

The Advisory Commission on Prison Terms and Parole Standards approved these amendments on 04/20/2026.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The Board anticipates this rule change will have little to no impact on racial equity in this state. This rule will be applied generally to all people who fall under the Matrix Rules for criminal sentencing. No impact on racial equity is anticipated.

FISCAL AND ECONOMIC IMPACT:

No fiscal or economic impact is anticipated.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

No costs are anticipated.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

No effect on small business.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

NOTE: Additional PDF filed with this filing is attached to this document. You may view the attachment [filingAttachment.pdf](#) from the Attachments panel. Alternately, you may view the attachment at the following link: <https://secure.sos.state.or.us/oard/viewFilingAttachment.action?filingRsn=62941>

RULES PROPOSED:

255-035-0006, 255-035-0021

AMEND: 255-035-0006

RULE SUMMARY: Updating Exhibits A1, A2, C and D. This is being done to: bring the base ranges for these offenses in line with the statutory mandatory minimum sentences while still ensuring the Board was able to take into account criminal history; keep the number of changes necessary to achieve the goal above to as few as possible for simplicity;

reduce/eliminate the need for sub-categories in Exhibit A-2.; and maintain the ability to sum/un-sum consecutive sentences under Oregon law.

The Advisory Commission on Prison Terms and Parole Standards (Advisory Commission) recommended amending these Exhibits as a result of changes to mandatory minimum sentences for certain offenses. Any amended exhibit will apply to individuals with a crime commit date that occurs on or after the date these rules are enacted.

Only amending Exhibits, not text of rule.

CHANGES TO RULE:

255-035-0006

Exhibits ~~II~~

Exhibits ~~A+1, A+2, A+3, B+1, B+2, C, D, E+1, E+2, E+3, and F~~ are essential components of the parole matrix guidelines and are hereby incorporated by reference. ~~¶~~

~~[ED. NOTE: Exhibits referenced are available from the Board.]~~

Statutory/Other Authority: ORS 144.050, 144.120, 144.780, 144.783, 144.785, 144.787

Statutes/Other Implemented: ~~ORS 144.780, 144.783, 144.785, 144.787, OAR 255-035~~

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

NOTE: Attachments referenced are attached to this document. You may view the attachment 255-035-0006.pdf from the Attachments panel. Alternately, you may view the attachments at the following link:

<https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=337737>

RULE SUMMARY: Updating OAR 255-035-0021(4) to include the crimes of Aggravated Murder under ORS 163.105, Murder in the First Degree under ORS 163.107, Murder in the Second Degree under ORS 163.115, and Murder of a Pregnant Victim under ORS 163.155. Each of these offenses are offenses the Board would be tasked with calculating a prison term for after determining the adult in custody is likely to be rehabilitated within a reasonable period of time at a Murder Review Hearing under OAR 255-032.

The Advisory Commission on Prison Terms and Parole Standards (Advisory Commission) recommended amending this rule as a result of changes to mandatory minimum sentences for these offenses.

CHANGES TO RULE:

255-035-0021

Consecutive Sentences: Creating a Unified Matrix Range ¶

(1) Notwithstanding section (4) of this rule, the Board shall establish the principal range for the most serious of the felonies committed during the time period under consideration. If two or more felonies are determined to be equally the most serious, the Board shall establish a principal range for only one of those felonies.¶

(2) The Board shall then establish a range for each of the remaining felonies committed during the same period using the appropriate base range for the crime pursuant to OAR 255-005-0005, Exhibit C.¶

(3) The unified range for crimes committed during the same period shall be determined by summing the range established under section (1) of this rule with the ranges established under section (2) of this rule.¶

(4) The method established by sections (1) to (3) of this rule for determining the unified range shall not apply if any of the crimes involved is:¶

(a) ~~Murder, as defined in ORS 163.115 or any aggravated form thereof~~ aggravated murder under ORS 163.105, murder in the first degree under ORS 163.107, murder in the second degree under ORS 163.115, murder of a pregnant victim under ORS 163.155, and any other murder;¶

(b) ~~Assault in the first degree, as defined in ORS 163.185;~~¶

(c) ~~Kidnapping in the first degree, as defined in ORS 163.235;~~¶

(d) ~~Rape in the first degree, as defined in ORS 163.375;~~¶

(e) ~~Sodomy in the first degree, as defined in ORS 163.405;~~¶

(f) ~~Sexual penetration with a foreign object, as defined in ORS 163.411;~~¶

(g) ~~Arson in the first degree, as defined in ORS 164.325; or~~¶

(h) ~~Treason, as defined in ORS 166.005.~~¶

(5) To determine the unified range for inmates with consecutive sentences which involve a crime listed in section (4) of this rule, the Board shall establish the matrix range for each crime by using the inmate's history/risk score pursuant to OAR 255-005-0005, Exhibit B and the applicable crime category rationale. The unified range shall be the sum of the ranges established under this section.¶

(6) The unified range may be subject to the variations established in accordance with OAR 255-035-0016 and 255-005-0005, Exhibit D.¶

~~[ED. NOTE: Exhibits referenced are available from the agency.]~~

Statutory/Other Authority: ORS 144.079, 144.120, 144.780-787

Statutes/Other Implemented: ORS 144.079, 144.120, 144.780-787

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

NOTE: Attachments referenced are attached to this document. You may view the attachment 255-035-0021.pdf from the Attachments panel. Alternately, you may view the attachments at the following link:

<https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=338204>