

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

MUST NOT BE ELEMENT OF CRIME OR SUBCATEGORY RATIONALE:

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

MUST BE OTHER THAN FOUND IN HISTORY RISK SCORE, CRIME SEVERITY RATING:

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

VICTIM'S PARTICULAR VULNERABILITY:

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

CONSECUTIVE SENTENCES AGGRAVATING FACTOR:

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

CRIME SPREE:

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