

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form

FILED
9-15-16 2:28 PM
ARCHIVES DIVISION
SECRETARY OF STATE

Oregon Criminal Justice Commission

213

Agency and Division

Administrative Rules Chapter Number

Julie Vaughn

(503) 378-4830

Rules Coordinator

Telephone

Oregon Criminal Justice Commission, 885 Summer St. NE, Salem, OR 97301

Address

RULE CAPTION

Amends Oregon Sentencing Guidelines and rules to implement legislation and to update grid

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing

ADOPT:

AMEND:

Rules in OAR 213-003; 213-004; 213-017; 213-018; 213-019

REPEAL:

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 137.667

Other Authority:

Statutes Implemented:

ORS 137.667; HB 3400 (2015); SB 1567 (2016); HB 4014 (2016); HB 4082 (2016); HB 4128 (2016)

RULE SUMMARY

Under ORS 137.667(1), the Criminal Justice Commission ("Commission") is required to review legislation creating new crimes and modifying existing crimes, and adopt any necessary changes to the sentencing guidelines. The Commission also may classify offenses as person crimes.

The 2016 Oregon Legislature enacted legislation creating new crimes and modifying existing crimes, including the felony crimes Promoting Prostitution and Extortion. The 2016 Oregon Legislature also created or modified misdemeanor crimes including Criminal Impersonation and Obstructing Governmental or Judicial Administration. Additionally, in both the 2015 and 2016 legislative sessions the legislature created new crimes and modified existing crimes with regard to controlled substances including marijuana.

With regard to these and other offenses, the Commission must decide whether to classify new and modified crimes as person crimes, and decide crime seriousness scale categorization (if any) for new and modified felony crimes for which it has not received an express legislative classification. These rule changes implement the Commission's categorizations and classifications with regard to 2015 and 2016 legislation relating to controlled substances. The legislature has mandated the crime seriousness scale of many of the controlled substances offenses pertaining to marijuana, and the rules reflect those mandatory categorizations. The rule changes also implement the Commission's categorizations and classifications with regard to 2016 legislation relating to other new and modified crimes.

The rule changes also include correcting and updating statutory citations, updating the sentencing guidelines grid to reflect current law, and deletion of a duplicative guidelines provision.

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

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the **Oregon Bulletin** or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the **Oregon Bulletin** at least 14 days before the hearing.

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.

<u>11-10-2016 Close of Business</u>	<u>Julie Vaughn</u>	<u>julie.vaughn@oregon.gov</u>
Last Day (<i>m/d/yyyy</i>) and Time for public comment	Rules Coordinator Name	Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.