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PERMANENT ADMINISTRATIVE ORDER

CJC 3-2018
CHAPTER 213
OREGON CRIMINAL JUSTICE COMMISSION

FILED
08/06/2018 2:55 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Amends Oregon Sentencing Guidelines and rules in light of 2017 and 2018 legislation

EFFECTIVE DATE: 08/06/2018

AGENCY APPROVED DATE: 08/01/2018

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RULES:

213-018-0100, 213-018-0110, 213-019-0006, 213-019-0009, 213-019-0013, 213-019-0014, 213-021-0001, 213-021-0002, 213-021-0003, 213-021-0004, 213-021-0005, 213-021-0006, 213-021-0007, 213-021-0008, 213-021-0009, 213-021-0010

ADOPT: 213-018-0100

RULE TITLE: Unauthorized Use or Disclosure by State Officer or Employee of Information Relating to a Delinquent Debtor Transmitted to or From Department of Revenue Through Data Match System (ORS 305.091)

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The new rule implements crime categorizations for Unauthorized Use or Disclosure by State Officer or Employee of Information Relating to a Delinquent Debtor Transmitted to or From Department of Revenue Through Data Match System after 2017 legislation.

RULE TEXT:

Unauthorized Use or Disclosure by State Officer or Employee of Information Relating to a Delinquent Debtor Transmitted to or From Department of Revenue Through Data Match System shall be ranked as follows:

- (1) CRIME CATEGORY 6: If offender knowingly causes economic loss of \$50,000 or more.
- (2) CRIME CATEGORY 5: If offender knowingly causes economic loss of \$10,000 or more but less than \$50,000.
- (3) CRIME CATEGORY 4: If offender knowingly causes economic loss of \$5,000 or more but less than \$10,000.
- (4) CRIME CATEGORY 3: If offender knowingly causes economic loss of \$1,000 or more but less than \$5,000.
- (5) CRIME CATEGORY 2: If offender knowingly causes economic loss of less than \$1,000.

STATUTORY/OTHER AUTHORITY: ORS 137.667

STATUTES/OTHER IMPLEMENTED: ORS 137.667, SB 254 (2017)

ADOPT: 213-018-0110

RULE TITLE: Unlawful Operation of Weaponized Unmanned Aircraft System (ORS 837.365(2))

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The new rule implements crime categorizations for Unlawful Operation of Weaponized Unmanned Aircraft System after 2017 legislation.

RULE TEXT:

Unlawful Operation of Weaponized Unmanned Aircraft System shall be ranked as follows:

(1) CRIME CATEGORY 8: If offender intentionally, knowingly, or recklessly operated an unmanned aircraft system in a manner that caused the system to function as a dangerous weapon and the operation caused serious physical injury to another.

(2) CRIME CATEGORY 6: If offender intentionally, knowingly, or recklessly operates an unmanned aircraft system:

(a) To fire a bullet or projectile; or

(b) In a manner that causes the system to function as a dangerous weapon.

STATUTORY/OTHER AUTHORITY: ORS 137.667

STATUTES/OTHER IMPLEMENTED: ORS 137.667, HB 3047 (2017)

ADOPT: 213-019-0006

RULE TITLE: Crime Category 10 – Controlled Substance Offenses

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The new rule implements the categorization of a criminal offense as Crime Category 10 on the crime seriousness scale after 2017 legislation.

RULE TEXT:

ORS 164.342 – ARSON INCIDENT TO THE MANUFACTURE OF A CONTROLLED SUBSTANCE I – (A): If offense represented threat of serious physical injury; otherwise CC 9, 8 or 7.

STATUTORY/OTHER AUTHORITY: ORS 137.667

STATUTES/OTHER IMPLEMENTED: ORS 137.667, SB 323 (2017)

ADOPT: 213-019-0009

RULE TITLE: Crime Category 7 – Controlled Substance Offenses

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The new rule implements the categorization of a criminal offense as Crime Category 7 on the crime seriousness scale after 2017 legislation.

RULE TEXT:

ORS 164.342 – ARSON INCIDENT TO THE MANUFACTURE OF A CONTROLLED SUBSTANCE I – (A): If the offense cannot be ranked at CC 8, 9 or 10.

STATUTORY/OTHER AUTHORITY: ORS 137.667

STATUTES/OTHER IMPLEMENTED: ORS 137.667, SB 323 (2017)

ADOPT: 213-019-0013

RULE TITLE: Crime Category 3 – Controlled Substance Offenses

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The new rule implements the categorization of a criminal offense as Crime Category 3 on the crime seriousness scale after 2017 legislation.

RULE TEXT:

ORS 164.338 – ARSON INCIDENT TO MANUFACTURE OF A CONTROLLED SUBSTANCE II – (C): The value of the property stolen or destroyed was \$1,000 or more but less than \$5,000.

STATUTORY/OTHER AUTHORITY: ORS 137.667

STATUTES/OTHER IMPLEMENTED: ORS 137.667, SB 323 (2017)

ADOPT: 213-019-0014

RULE TITLE: Crime Category 2 – Controlled Substance Offenses

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The new rule implements the categorization of a criminal offense as Crime Category 2 on the crime seriousness scale after 2017 legislation.

RULE TEXT:

ORS 164.338 – ARSON INCIDENT TO THE MANUFACTURE OF A CONTROLLED SUBSTANCE II – (C): If the value of the property destroyed was less than \$1,000.

STATUTORY/OTHER AUTHORITY: ORS 137.667

STATUTES/OTHER IMPLEMENTED: ORS 137.667, SB 323 (2017)

ADOPT: 213-021-0001

RULE TITLE: Crime Category 10

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The new rule implements the categorization of a criminal offense as Crime Category 10 on the crime seriousness scale after 2017 legislation.

RULE TEXT:

ORS 475B.359 – ARSON INCIDENT TO THE MANUFACTURE OF A CANNABINOID EXTRACT I – (A): If offense represented threat of serious physical injury; otherwise CC 9, 8 or 7.

STATUTORY/OTHER AUTHORITY: ORS 137.667

STATUTES/OTHER IMPLEMENTED: ORS 137.667, SB 302 (2017)

ADOPT: 213-021-0002

RULE TITLE: Crime Category 9

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The new rule implements the categorization of criminal offenses as Crime Category 9 on the crime seriousness scale after 2017 legislation.

RULE TEXT:

(1) ORS 475B.359 – ARSON INCIDENT TO THE MANUFACTURE OF A CANNABINOID EXTRACT I – (A): If offense did not represent a threat of serious physical injury (CC 10) and the economic loss is greater than \$50,000; otherwise CC 8 or 7.

(2) ORS 475B.367 – CAUSING ANOTHER PERSON TO INGEST MARIJUANA – (A): As specified in ORS 475B.367.

(3) ORS 475B.371 – ADMINISTRATION TO ANOTHER PERSON UNDER 18 YEARS OF AGE – (A).

STATUTORY/OTHER AUTHORITY: ORS 137.667, ORS 475B.367, ORS 475B.371

STATUTES/OTHER IMPLEMENTED: ORS 137.667, SB 302 (2017)

ADOPT: 213-021-0003

RULE TITLE: Crime Category 8

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The new rule implements the categorization of criminal offenses as Crime Category 8 on the crime seriousness scale after 2017 legislation.

RULE TEXT:

(1) ORS 167.262 – USE OF MINOR IN CONTROLLED SUBSTANCE OR MARIJUANA ITEM OFFENSE – (A): Unless the minor is less than three (3) years younger than the offender, in which case the offense will be ranked in Crime Category 4.

(2) ORS 475B.337 – UNLAWFUL POSSESSION BY PERSON 21 YEARS OF AGE OR OLDER – (C): As specified in ORS 475B.354.

(3) ORS 475B.341 – UNLAWFUL POSSESSION BY PERSON UNDER 21 YEARS OF AGE – (C): As specified in ORS 475B.354.

(4) ORS 475B.346 – UNLAWFUL DELIVERY OF MARIJUANA ITEM – (C): As specified in ORS 475B.354.

(5) ORS 475B.349 – UNLAWFUL MANUFACTURE OF MARIJUANA ITEM – (C): As specified in ORS 475B.354.

(6) ORS 475B.359 – ARSON INCIDENT TO THE MANUFACTURE OF A CANNABINOID EXTRACT I – (A): If the offense did not represent a threat of serious physical injury (CC 10) and economic loss is \$25,000 or more but less than \$50,000; otherwise CC 9 or CC 7.

(7) ORS 475B.367 – CAUSING ANOTHER PERSON TO INGEST MARIJUANA – (B): As specified in ORS 475B.367.

STATUTORY/OTHER AUTHORITY: ORS 137.667, ORS 475B.354, ORS 475B.367

STATUTES/OTHER IMPLEMENTED: ORS 137.667, SB 302 (2017)

ADOPT: 213-021-0004

RULE TITLE: Crime Category 7

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The new rule implements the categorization of a criminal offense as Crime Category 7 on the crime seriousness scale after 2017 legislation.

RULE TEXT:

ORS 475B.359 – ARSON INCIDENT TO MANUFACTURE OF A CANNABINOID EXTRACT I – (A): If the offense cannot be ranked at CC 8, 9 or 10.

STATUTORY/OTHER AUTHORITY: ORS 137.667

STATUTES/OTHER IMPLEMENTED: ORS 137.667, SB 302 (2017)

ADOPT: 213-021-0005

RULE TITLE: Crime Category 6

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The new rule implements the categorization of a criminal offense as Crime Category 6 on the crime seriousness scale after 2017 legislation.

RULE TEXT:

ORS 475B.363 – ARSON INCIDENT TO MANUFACTURE OF A CANNABINOID EXTRACT II – (C): If the value of the property destroyed was \$50,000 or more.

STATUTORY/OTHER AUTHORITY: ORS 137.667

STATUTES/OTHER IMPLEMENTED: ORS 137.667, SB 302 (2017)

ADOPT: 213-021-0006

RULE TITLE: Crime Category 5

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The new rule implements the categorization of a criminal offense as Crime Category 5 on the crime seriousness scale after 2017 legislation.

RULE TEXT:

ORS 475B.363 – ARSON INCIDENT TO MANUFACTURE OF A CANNABINOID EXTRACT II – (C): If the value of the property destroyed was \$10,000 or more but less than \$50,000.

STATUTORY/OTHER AUTHORITY: ORS 137.667

STATUTES/OTHER IMPLEMENTED: ORS 137.667, SB 302 (2017)

ADOPT: 213-021-0007

RULE TITLE: Crime Category 4

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The new rule implements the categorization of criminal offenses as Crime Category 4 on the crime seriousness scale after 2017 legislation.

RULE TEXT:

(1) ORS 167.262 – USE OF MINOR IN CONTROLLED SUBSTANCE OR MARIJUANA ITEM OFFENSE: If the minor is less than three (3) years younger than the offender. In all other cases this offense shall be ranked in Crime Category 8.

(2) ORS 475B.346 – UNLAWFUL DELIVERY OF MARIJUANA ITEM – (C): As specified in ORS 475B.354.

(3) ORS 475B.349 – UNLAWFUL MANUFACTURE OF MARIJUANA ITEM – (C): As specified in ORS 475B.354.

(4) ORS 475B.363 – ARSON INCIDENT TO MANUFACTURE OF A CANNABINOID EXTRACT II – (C): If the value of the property destroyed was \$5,000 or more but less than \$10,000.

STATUTORY/OTHER AUTHORITY: ORS 137.667, ORS 475B.354

STATUTES/OTHER IMPLEMENTED: ORS 137.667, ORS 475B.354, SB 302 (2017)

ADOPT: 213-021-0008

RULE TITLE: Crime Category 3

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The new rule implements the categorization of a criminal offense as Crime Category 3 on the crime seriousness scale after 2017 legislation.

RULE TEXT:

ORS 475B.363 – ARSON INCIDENT TO MANUFACTURE OF A CANNABINOID EXTRACT II – (C): The value of the property stolen or destroyed was \$1,000 or more but less than \$5,000.

STATUTORY/OTHER AUTHORITY: ORS 137.667

STATUTES/OTHER IMPLEMENTED: ORS 137.667, SB 302 (2017)

ADOPT: 213-021-0009

RULE TITLE: Crime Category 2

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The new rule implements the categorization of a criminal offense as Crime Category 2 on the crime seriousness scale after 2017 legislation.

RULE TEXT:

ORS 475B.363 – ARSON INCIDENT TO MANUFACTURE OF A CANNABINOID EXTRACT II – (C): If the value of the property destroyed was less than \$1,000.

STATUTORY/OTHER AUTHORITY: ORS 137.667

STATUTES/OTHER IMPLEMENTED: ORS 137.667, SB 302 (2017)

ADOPT: 213-021-0010

RULE TITLE: Crime Category 1

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The new rule implements the categorization of criminal offenses as Crime Category 1 on the crime seriousness scale after 2017 legislation.

RULE TEXT:

(1) ORS 475B.337 – UNLAWFUL POSSESSION BY PERSON 21 YEARS OF AGE OR OLDER – (C): As specified in ORS 475B.354.

(2) ORS 475B.341 – UNLAWFUL POSSESSION BY PERSON UNDER 21 YEARS OF AGE – (C): As specified in ORS 475B.354.

STATUTORY/OTHER AUTHORITY: ORS 137.667, ORS 475B.354

STATUTES/OTHER IMPLEMENTED: ORS 137.667, SB 302 (2017)