



PERMANENT ADMINISTRATIVE ORDER

CJC 4-2018

CHAPTER 213

OREGON CRIMINAL JUSTICE COMMISSION

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

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

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RULES:

213-017-0003, 213-017-0004, 213-017-0005, 213-017-0008, 213-017-0009, 213-017-0010, 213-017-0011, 213-018-0022, 213-018-0038, 213-019-0007, 213-019-0008, 213-019-0010, 213-019-0011, 213-019-0012, 213-019-0015

AMEND: 213-017-0003

RULE TITLE: Crime Category 9

NOTICE FILED DATE: 04/27/2018

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

RULE TEXT:

The following offenses are classified at crime category 9 on the Crime Seriousness Scale:

(1) CONTROLLED SUBSTANCE AND AGGRAVATED DRUG OFFENSES See division 19.

(2) CANNABIS OFFENSES – See division 21.

(3) ORS 163.175 – ASSAULT II – (B).

(4) ORS 163.185 – ASSAULT I – (A). If victim(s) substantially contributed to the commission of the offense by precipitating attack; otherwise CC 10.

(5) ORS 163.225 – KIDNAPPING II – (B).

(6) ORS 163.264 – SUBJECTING ANOTHER PERSON TO INVOLUNTARY SERVITUDE I – (B). If offender caused or threatened to cause death or serious physical injury to a person; otherwise CC 6.

(7) ORS 163.375 – RAPE I – (A). If not categorized at CC 10.

(8) ORS 163.405 – SODOMY I – (A). If not categorized at CC 10.

(9) ORS 163.411 – SEXUAL PENETRATION I – (A). If not categorized at CC 10.

(10) ORS 164.225 – BURGLARY I – (A). If offender was armed with a deadly weapon, or caused, threatened or attempted physical injury; otherwise CC 8 or 7.

(11) ORS 164.325 – ARSON 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.

(12) ORS 164.405 ROBBERY II – (B).

(13) ORS 164.415 ROBBERY I — (A).

STATUTORY/OTHER AUTHORITY: ORS 137.667, 475.986, 475.998 & 2003 OL Ch. 453, 815

STATUTES/OTHER IMPLEMENTED: ORS 137.667 - 137.669, 475.986, 475.998 & 2003 OL Ch. 815, 2007 OL Ch. 811, SB 302 (2017), SB 323 (2017)

The Oregon Sentencing Guidelines Grid

Crime Seriousness	A	B	C	D	E	F	G	H	I	Prob Term	Max Depart	PPS
11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121	5 Years		3 Years
10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60			
9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36			
8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18	3 Years	18 Mos.	2 Years
7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90			
6	25-30	19-24	15-18	13-14	10-12	180-90	180-90	180-90	180-90			
5	15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60	2 Years	12 Mos.	1 Year
4	10-11	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60			
3	120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30	1 ½ Years	6 Mos.	1 Year
2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			
1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			

The presumptive grid block for any felony conviction is the intersection where the crime seriousness ranking and the criminal history classification meet. Grid blocks in the shaded area represent the range of presumptive imprisonment and post-prison supervision (PPS). Non-shaded grid blocks are presumptive sentences of probation (Prob. Term) with local custodial sanctions in days (upper number) and maximum jail days without a departure (lower number).

In grid blocks 4-C and 4-D, for offenders sentenced under 2011 Oregon Laws ch 598 (SB 395), the upper number of sanction units shall be 180, and the lower number of sanction units shall be 90. Offenders sentenced under 2011 Oregon Laws ch 598 shall serve a mandatory minimum term of incarceration of 90 days without reduction for any reason.

The probation term of 5 years applies to levels 9-11, the term of 3 years applies to levels 6-8, 2 years applies to levels 3-5, and 1 ½ years applies to levels 1-2.

The upward dispositional departure maximum sentence (Max Dispositional Depart) for a presumptive probation sentence shall be:

- Up to six months for offenses classified in Crime Categories 1 and 2, or grid blocks 3-G, 3-H and 3-I;
- Up to twelve months for offenses classified in grid blocks 3-A through 3-F, 4-C through 4-I and 5-G through 5-I; and
- Up to eighteen months for offenses classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

Under certain conditions a probation sentence may be imposed in grid blocks 8-G, 8-H and 8-I without a departure.

Criminal History Categories

Oregon Administrative Rule 213-004-0007 defines criminal history categories.

A	The criminal history includes three or more person felonies in any combination of adult convictions or juvenile adjudications.
B	The criminal history includes two person felonies in any combination of adult convictions or juvenile adjudications.
C	The criminal history includes one adult conviction or juvenile adjudication for a person felony; and one or more adult conviction or juvenile adjudication for a non-person felony.
D	The criminal history includes one adult conviction or juvenile adjudication for a person felony but no adult conviction or juvenile adjudications for a non-person felony.
E	The criminal history includes four or more adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
F	The criminal history includes two or three adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
G	The criminal history includes four or more adult convictions for Class A misdemeanors; one adult conviction for a non-person felony; or three or more juvenile adjudications for non-person felonies, but no adult conviction or juvenile adjudication for a person felony.
H	The criminal history includes no adult felony conviction or juvenile adjudication for a person felony; no more than two juvenile adjudications for non-person felonies; and no more than three adult convictions for Class A misdemeanors.
I	The criminal history does not include any juvenile adjudication for a felony or any adult conviction for a felony or Class A misdemeanor.

AMEND: 213-017-0004

RULE TITLE: Crime Category 8

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The rule changes implement the categorization of criminal offenses as Crime Category 8 on the crime seriousness scale after 2017 and 2018 legislation.

RULE TEXT:

The following offenses are classified at crime category 8 on the Crime Seriousness Scale:

- (1) CONTROLLED SUBSTANCE AND AGGRAVATED DRUG OFFENSES (See division 19).
- (2) CANNABIS OFFENSES – See division 21.
- (3) ORS 163.125 – MANSLAUGHTER II – (B). (If not categorized at CC 9.)
- (4) ORS 163.145 – NEGLIGENT HOMICIDE – (B). (If not categorized at CC 9.)
- (5) ORS 163.165 – ASSAULT III – (B). If offense resulted from operation of a motor vehicle and defendant was the driver of the motor vehicle and was driving while under the influence of intoxicants; otherwise CC 6.
- (6) ORS 163.207 – FEMALE GENITAL MUTILIATION – (B).
- (7) ORS 163.365 – RAPE II – (B).
- (8) ORS 163.395 – SODOMY II – (B).
- (9) ORS 163.408 – SEXUAL PENETRATION II – (B).
- (10) ORS 163.425(1)(a) – SEXUAL ABUSE II – (C). If victim incapable of consent because under age 18, offender is age 21 or older, and offender was victim's coach prior to offense; otherwise CC 7.
- (11) ORS 163.427 – SEXUAL ABUSE I – (B).
- (12) ORS 163.433 – ONLINE SEXUAL CORRUPTION OF A CHILD I – (B).
- (13) ORS 163.537 – BUYING/SELLING THE CUSTODY OF A MINOR – (B). If the conduct is likely to endanger the health or welfare of the child, otherwise CC 5.
- (14) ORS 163.670 – USING CHILD IN DISPLAY OF SEXUAL CONDUCT – (A).
- (15) ORS 163.684 – ENCOURAGING CHILD SEX ABUSE I – (B).
- (16) ORS 163.732 – STALKING – (C).
- (17) ORS 163.750 – VIOLATE COURT STALKING ORDER – (C).
- (18) ORS 164.225 – BURGLARY I – (A). If offender did not cause, threaten or attempt physical injury and was not armed with a deadly weapon (CC 9) but the offense was committed while the dwelling was occupied; otherwise CC 7.
- (19) ORS 164.325 – ARSON 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.
- (20) ORS 164.877(3) – TREE SPIKING-INJURY – (B).
- (21) ORS 166.275 – INMATE POSSESSION OF WEAPON – (A). If firearm, otherwise CC 7.
- (22) ORS 167.012 – PROMOTING PROSTITUTION – (C).
- (23) ORS 167.017 – COMPELLING PROSTITUTION – (B).
- (24) ORS 167.262 – USING A MINOR IN CONTROLLED SUBSTANCE OFFENSE – (A). CC 4 if minor less than 3 yrs. younger than offender.
- (25) ORS 811.705 – HIT & RUN VEHICLE (DEATH/SERIOUS INJURY) – (B). See OAR 213-018-0038(3).
- (26) ORS 837.365(2)(c) – UNLAWFUL OPERATION OF WEAPONIZED UNMANNED AIRCRAFT SYSTEM – (B).

STATUTORY/OTHER AUTHORITY: ORS 137.667, 811.707, & 2003 OL Ch. 453, 2009 OL Ch. 660

STATUTES/OTHER IMPLEMENTED: ORS 137.667 - 137.669, 811.707 & 2003 OL Ch. 453, 815, & 2007 OL Ch. 876, 2009 OL Ch. 660, HB 2334 (2013), HB 3400 (2015), HB 4014 (2016), HB 4082 (2016), SB 302 (2017), SB 323, HB 2721 (2017), HB 3047 (2017), HB 4055 (2018)

The Oregon Sentencing Guidelines Grid

Crime Seriousness	A	B	C	D	E	F	G	H	I	Prob Term	Max Depart	PPS
11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121	5 Years		3 Years
10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60			
9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36			
8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18	3 Years	18 Mos.	2 Years
7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90			
6	25-30	19-24	15-18	13-14	10-12	180-90	180-90	180-90	180-90			
5	15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60	2 Years	12 Mos.	1 Year
4	10-11	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60			
3	120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30	1 ½ Years	6 Mos.	1 Year
2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			
1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			

The presumptive grid block for any felony conviction is the intersection where the crime seriousness ranking and the criminal history classification meet. Grid blocks in the shaded area represent the range of presumptive imprisonment and post-prison supervision (PPS). Non-shaded grid blocks are presumptive sentences of probation (Prob. Term) with local custodial sanctions in days (upper number) and maximum jail days without a departure (lower number).

In grid blocks 4-C and 4-D, for offenders sentenced under 2011 Oregon Laws ch 598 (SB 395), the upper number of sanction units shall be 180, and the lower number of sanction units shall be 90. Offenders sentenced under 2011 Oregon Laws ch 598 shall serve a mandatory minimum term of incarceration of 90 days without reduction for any reason.

The probation term of 5 years applies to levels 9-11, the term of 3 years applies to levels 6-8, 2 years applies to levels 3-5, and 1 ½ years applies to levels 1-2.

The upward dispositional departure maximum sentence (Max Dispositional Depart) for a presumptive probation sentence shall be:

- (a) Up to six months for offenses classified in Crime Categories 1 and 2, or grid blocks 3-G, 3-H and 3-I;
- (b) Up to twelve months for offenses classified in grid blocks 3-A through 3-F, 4-C through 4-I and 5-G through 5-I; and
- (c) Up to eighteen months for offenses classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

Under certain conditions a probation sentence may be imposed in grid blocks 8-G, 8-H and 8-I without a departure.

Criminal History Categories

Oregon Administrative Rule 213-004-0007 defines criminal history categories.

A	The criminal history includes three or more person felonies in any combination of adult convictions or juvenile adjudications.
B	The criminal history includes two person felonies in any combination of adult convictions or juvenile adjudications.
C	The criminal history includes one adult conviction or juvenile adjudication for a person felony; and one or more adult conviction or juvenile adjudication for a non-person felony.
D	The criminal history includes one adult conviction or juvenile adjudication for a person felony but no adult conviction or juvenile adjudications for a non-person felony.
E	The criminal history includes four or more adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
F	The criminal history includes two or three adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
G	The criminal history includes four or more adult convictions for Class A misdemeanors; one adult conviction for a non-person felony; or three or more juvenile adjudications for non-person felonies, but no adult conviction or juvenile adjudication for a person felony.
H	The criminal history includes no adult felony conviction or juvenile adjudication for a person felony; no more than two juvenile adjudications for non-person felonies; and no more than three adult convictions for Class A misdemeanors.
I	The criminal history does not include any juvenile adjudication for a felony or any adult conviction for a felony or Class A misdemeanor.

AMEND: 213-017-0005

RULE TITLE: Crime Category 7

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The rule changes implement the categorization of criminal offenses as Crime Category 7 on the crime seriousness scale after 2017 legislation.

RULE TEXT:

The following offenses are classified at crime category 7 on the Crime Seriousness Scale:

- (1) CONTROLLED SUBSTANCE OFFENSES – See division 19.
- (2) CANNABIS OFFENSES – See division 21.
- (3) ORS 162.165 – ESCAPE I – (B).
- (4) ORS 162.185 – SUPPLYING CONTRABAND – (C). (If the contraband includes one or more firearms; otherwise CC 4, 5 or 6.)
- (5) ORS 163.196 – AGGRAVATED DRIVING WHILE SUSPENDED OR REVOKED – (C).
- (6) ORS 163.205 – CRIMINAL MISTREATMENT I – (C).
- (7) ORS 163.275 – COERCION – (C). (If threat of physical injury; otherwise CC 6.)
- (8) ORS 163.425 – SEXUAL ABUSE II – (C). (If not CC 8.)
- (9) ORS 163.452 – CUSTODIAL SEXUAL MISCONDUCT I – (C).
- (10) ORS 163.479 – UNLAWFUL CONTACT WITH A CHILD – (C).
- (11) ORS 163.535 – ABANDON CHILD – (C). (If child is placed in immediate physical danger; otherwise CC 3.)
- (12) ORS 164.075 – EXTORTION – (B). (If threat of physical injury; otherwise CC 2, 3, 4, 5 or 6.)
- (13) ORS 164.225 – BURGLARY I – (A). (If the offense cannot be ranked at CC 8 or 9.)
- (14) ORS 164.325 – ARSON I – (A). (If the offense cannot be ranked at CC 8, 9 or 10.)
- (15) ORS 166.275 – INMATE IN POSSESSION OF WEAPON – (A). (If firearm CC 8)
- (16) ORS 166.429 – FURNISHING FIREARM IN FURTHERANCE OF FELONY – (B).
- (17) ORS 167.325 – ANIMAL NEGLECT II (FELONY) – (C). (If more than 40 animals were the subject of the neglect or if the offense is a felony because of circumstances described in ORS 167.325(3)(a) or (3)(c)).
- (18) ORS 167.330 – ANIMAL NEGLECT I (FELONY) – (C). (If more than 40 animals were the subject of the neglect or if the offense is a felony because of circumstances described in ORS 167.330(3)(a) or (3)(c)).
- (19) ORS 323.482 – UNLAWFUL DISTRIB. CIGARETTES – (B) < 120,000.
- (20) ORS 323.632 – UNLAWFUL DISTRIB. TOBACCO PRODUCTS – (B) < \$10,000.

STATUTORY/OTHER AUTHORITY: ORS 137.667, 2003 OL Ch. 453 & 804, Sec. 30, 58

STATUTES/OTHER IMPLEMENTED: ORS 137.667 - 137.669, 2003 OL Ch. 453 & 804, 2009 OL Ch. 783, 876, SB 6 (2013), HB 4128 (2016), SB 302 (2017), SB 323 (2017)

The Oregon Sentencing Guidelines Grid

Crime Seriousness	A	B	C	D	E	F	G	H	I	Prob Term	Max Depart	PPS
11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121	5 Years		3 Years
10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60			
9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36			
8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18	3 Years	18 Mos.	2 Years
7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90			
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3	120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30	1 ½ Years	6 Mos.	1 Year
2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			
1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			

The presumptive grid block for any felony conviction is the intersection where the crime seriousness ranking and the criminal history classification meet. Grid blocks in the shaded area represent the range of presumptive imprisonment and post-prison supervision (PPS). Non-shaded grid blocks are presumptive sentences of probation (Prob. Term) with local custodial sanctions in days (upper number) and maximum jail days without a departure (lower number).

In grid blocks 4-C and 4-D, for offenders sentenced under 2011 Oregon Laws ch 598 (SB 395), the upper number of sanction units shall be 180, and the lower number of sanction units shall be 90. Offenders sentenced under 2011 Oregon Laws ch 598 shall serve a mandatory minimum term of incarceration of 90 days without reduction for any reason.

The probation term of 5 years applies to levels 9-11, the term of 3 years applies to levels 6-8, 2 years applies to levels 3-5, and 1 ½ years applies to levels 1-2.

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- (b) Up to twelve months for offenses classified in grid blocks 3-A through 3-F, 4-C through 4-I and 5-G through 5-I; and
- (c) Up to eighteen months for offenses classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

Under certain conditions a probation sentence may be imposed in grid blocks 8-G, 8-H and 8-I without a departure.

Criminal History Categories

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B	The criminal history includes two person felonies in any combination of adult convictions or juvenile adjudications.
C	The criminal history includes one adult conviction or juvenile adjudication for a person felony; and one or more adult conviction or juvenile adjudication for a non-person felony.
D	The criminal history includes one adult conviction or juvenile adjudication for a person felony but no adult conviction or juvenile adjudications for a non-person felony.
E	The criminal history includes four or more adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
F	The criminal history includes two or three adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
G	The criminal history includes four or more adult convictions for Class A misdemeanors; one adult conviction for a non-person felony; or three or more juvenile adjudications for non-person felonies, but no adult conviction or juvenile adjudication for a person felony.
H	The criminal history includes no adult felony conviction or juvenile adjudication for a person felony; no more than two juvenile adjudications for non-person felonies; and no more than three adult convictions for Class A misdemeanors.
I	The criminal history does not include any juvenile adjudication for a felony or any adult conviction for a felony or Class A misdemeanor.

AMEND: 213-017-0008

RULE TITLE: Crime Category 4

NOTICE FILED DATE: 04/27/2018

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

RULE TEXT:

The following offenses are classified at crime category 4 on the Crime Seriousness Scale:

- (1) Chapter 59 — BLUE SKY LAWS & SECURITIES LAWS* — (C).
 - (2) DRUG OFFENSES (See division 19.).
 - (3) CANNABIS OFFENSES — See division 21.
 - (4) ORS 97.982 — ALTERATION OF A DOCUMENT OF GIFT — (C).
 - (5) ORS 162.185 — SUPPLYING CONTRABAND — (C). (If offense cannot be ranked at CC 5, 6 or 7.)
 - (6) ORS 162.205 — FAILURE TO APPEAR I — (C).
 - (7) ORS 163.192 — ENDANGERING PERSON PROTECTED BY FAPA RESTRAINING ORDER — (C).
 - (8) ORS 163.245 — CUSTODIAL INTERFERENCE II — (C).
 - (9) ORS 163.689 — POSSESSION OF MATERIAL DEPICTING SEX. EXPLICIT CONDUCT OF CHILD II — (C).
 - (10) ORS 164.055 — THEFT I * — (C).
 - (11) ORS 164.065 — THEFT OF LOST/MISLAID PROPERTY* — (C).
 - (12) ORS 164.075 — THEFT BY EXTORTION* — (B).
 - (13) ORS 164.085 — THEFT BY DECEPTION* — (C).
 - (14) ORS 164.098 — ORGANIZED RETAIL THEFT — (B).
 - (15) ORS 164.125 — THEFT OF SERVICES* — (C).
 - (16) ORS 164.135 — UNAUTHORIZED USE OF VEHICLE* — (C).
 - (17) ORS 164.138 — CRIMINAL POSSESSION OF A RENTED OR LEASED MOTOR VEHICLE* — (C).
 - (18) ORS 164.140(4) — POSSESSION OF RENTED PROPERTY* — (C).
 - (19) ORS 164.215 — BURGLARY II* — (C).
 - (20) ORS 164.315 — ARSON II* — (C).
 - (21) ORS 164.365 — CRIMINAL MISCHIEF I* — (C). (Except ORS 164.365(1)(e).)
 - (22) ORS 164.377(5) — COMPUTER FRAUD (LOTTERY)* — (C).
 - (23) ORS 164.377(5) — COMPUTER CRIME* — (C).
 - (24) ORS 164.868 — UNLAWFUL LABEL SOUND RECORDING* — (C).
 - (25) ORS 164.869 — UNLAWFUL RECORD LIVE PERFORMANCE* — (C).
 - (26) ORS 164.872 — UNLAWFUL LABEL VIDEOTAPE* — (C).
 - (27) ORS 165.013 — FORGERY I* — (C).
 - (28) ORS 165.022 — CRIMINAL POSSESSION OF FORGED INSTRUMENT I* — (C).
 - (29) ORS 165.032 — CRIMINAL POSSESSION OF FORGERY DEVICE — (C).
 - (30) ORS 165.055(3)(A) — CREDIT CARD FRAUD* — (C).
 - (31) ORS 165.065 — NEGOTIATING BAD CHECKS * — (C).
 - (32) ORS 165.074 — UNLAWFUL FACTORING PAYMENT CARD * — (C).
 - (33) ORS 165.581 — CELLULAR COUNTERFEITING I — (B).
 - (34) ORS 165.800 — IDENTITY THEFT* — (C).
 - (35) ORS 165.810 — UNLAWFUL POSSESSION PERSONAL ID DEVICE. — (C).
 - (36) ORS 166.023 — DISORDERLY CONDUCT I — (C).
 - (37) ORS 166.643 — UNLAWFUL POSSESS SOFT BODY ARMOR — (B). (If not categorized at CC 6)
 - (38) ORS 167.262 — USING A MINOR IN CONTROLLED SUBSTANCE OFFENSE — (A).
- (CC 8 if minor 3 or more yrs. Younger than offender.)

(39) ORS 167.388 — INTERFERE LIVESTOCK PRODUCTION* — (C).

(40) ORS 181.599 — FAIL/REPORT SEX OFFENDER — (C).

(41) ORS 305.091 — UNAUTHORIZED USE OR DISCLOSURE BY STATE OFFICER OR EMPLOYEE OF INFORMATION PERTAINING TO DELINQUENT DEBTOR TRANSMITTED TO OR FROM DEPARTMENT OF REVENUE THROUGH DATA MATCH SYSTEM — (C). (If offender knowingly causes economic loss of \$5,000 or more but less than \$10,000.)

(42) ORS 647.145 — TRADEMARK COUNTERFEITING II* — (C).

(43) ORS 647.150 — TRADEMARK COUNTERFEITING I* — (B).

(44) ORS 811.182 — DRIVING WHILE SUSPENDED/REVOKED (FELONY) — (C). (If the offense cannot be ranked at CC 6.)

(45) ORS 813.011 — DRIVING UNDER THE INFLUENCE (FELONY) — (C).

(46) ORS 819.300 — POSSESSION OF STOLEN VEHICLE* — (C).

(47) *Property offenses marked with an asterisk shall be ranked at Crime Category 4 if either of the following factors was included in the commission of the offense:

(a) The value of the property stolen or destroyed was \$5,000 or more but less than \$10,000; or

(b) The property stolen was a vehicle valued at \$10,000 or more and used primarily for personal rather than commercial transportation.

STATUTORY/OTHER AUTHORITY: ORS 137.667, 2003 OL Ch. 453

STATUTES/OTHER IMPLEMENTED: ORS 137.667 - 137.669, 164.889, 166.643 & 2003 OL Ch. 383, 453, 543, 632, 2005 OL Ch. 708, 2007 OL Ch. 498, 681, 684, 2011 OL Ch. 3 ;1, 2011 OL Ch. 598, HB 3194 (2013), HB 3400 (2015), HB 4014 (2016), SB 254 (2017), SB 302 (2017), SB 323 (2017)

The Oregon Sentencing Guidelines Grid

Crime Seriousness	A	B	C	D	E	F	G	H	I	Prob Term	Max Depart	PPS
11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121	5 Years		3 Years
10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60			
9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36			
8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18	3 Years	18 Mos.	2 Years
7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90			
6	25-30	19-24	15-18	13-14	10-12	180-90	180-90	180-90	180-90			
5	15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60	2 Years	12 Mos.	1 Year
4	10-11	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60			
3	120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30	1 ½ Years	6 Mos.	1 Year
2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			
1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			

The presumptive grid block for any felony conviction is the intersection where the crime seriousness ranking and the criminal history classification meet. Grid blocks in the shaded area represent the range of presumptive imprisonment and post-prison supervision (PPS). Non-shaded grid blocks are presumptive sentences of probation (Prob. Term) with local custodial sanctions in days (upper number) and maximum jail days without a departure (lower number).

In grid blocks 4-C and 4-D, for offenders sentenced under 2011 Oregon Laws ch 598 (SB 395), the upper number of sanction units shall be 180, and the lower number of sanction units shall be 90. Offenders sentenced under 2011 Oregon Laws ch 598 shall serve a mandatory minimum term of incarceration of 90 days without reduction for any reason.

The probation term of 5 years applies to levels 9-11, the term of 3 years applies to levels 6-8, 2 years applies to levels 3-5, and 1 ½ years applies to levels 1-2.

The upward dispositional departure maximum sentence (Max Dispositional Depart) for a presumptive probation sentence shall be:

- (a) Up to six months for offenses classified in Crime Categories 1 and 2, or grid blocks 3-G, 3-H and 3-I;
- (b) Up to twelve months for offenses classified in grid blocks 3-A through 3-F, 4-C through 4-I and 5-G through 5-I; and
- (c) Up to eighteen months for offenses classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

Under certain conditions a probation sentence may be imposed in grid blocks 8-G, 8-H and 8-I without a departure.

Criminal History Categories

Oregon Administrative Rule 213-004-0007 defines criminal history categories.

A	The criminal history includes three or more person felonies in any combination of adult convictions or juvenile adjudications.
B	The criminal history includes two person felonies in any combination of adult convictions or juvenile adjudications.
C	The criminal history includes one adult conviction or juvenile adjudication for a person felony; and one or more adult conviction or juvenile adjudication for a non-person felony.
D	The criminal history includes one adult conviction or juvenile adjudication for a person felony but no adult conviction or juvenile adjudications for a non-person felony.
E	The criminal history includes four or more adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
F	The criminal history includes two or three adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
G	The criminal history includes four or more adult convictions for Class A misdemeanors; one adult conviction for a non-person felony; or three or more juvenile adjudications for non-person felonies, but no adult conviction or juvenile adjudication for a person felony.
H	The criminal history includes no adult felony conviction or juvenile adjudication for a person felony; no more than two juvenile adjudications for non-person felonies; and no more than three adult convictions for Class A misdemeanors.
I	The criminal history does not include any juvenile adjudication for a felony or any adult conviction for a felony or Class A misdemeanor.

AMEND: 213-017-0009

RULE TITLE: Crime Category 3

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The rule changes implement the categorization of criminal offenses as Crime Category 3 on the crime seriousness scale after 2017 legislation.

RULE TEXT:

The following offenses are classified at crime category 3 on the Crime Seriousness Scale:

- (1) ORS Chapter 59 — BLUE SKY LAWS & SECURITIES LAWS* — (C).
- (2) CONTROLLED SUBSTANCE OFFENSES – See division 19.
- (3) CANNABIS OFFENSES – See division 21.
- (4) ORS 162.305(2)(b) — TAMPER LOTTERY RECORDS — (C).
- (5) ORS 162.355 — SIMULATING LEGAL PROCESS — (C).
- (6) ORS 162.365(3)(b) — CRIMINAL IMPERSONATION OF PEACE OFFICER, JUDGE OR JUSTICE OF THE PEACE — (C).
- (7) ORS 162.367 — FALSE LAW ENFORCEMENT ID — (C).
- (8) ORS 163.535 — ABANDON CHILD — (C). (If not ranked at CC 7.)
- (9) ORS 163.555 — CRIMINAL NONSUPPORT — (C).
- (10) ORS 164.055 — THEFT I* — (C).
- (11) ORS 164.065 — THEFT OF LOST/MISLAID PROPERTY* — (C).
- (12) ORS 164.075 — THEFT BY EXTORTION* — (B).
- (13) ORS 164.085 — THEFT BY DECEPTION* — (C).
- (14) ORS 164.095 — THEFT BY RECEIVING — (C). (If not ranked at CC 5.)
- (15) ORS 164.125 — THEFT OF SERVICES* — (C).
- (16) ORS 164.135 — UNAUTHORIZED USE OF VEHICLE * — (C).
- (17) ORS 164.138 — CRIMINAL POSSESSION OF A RENTED OR LEASED MOTOR VEHICLE* — (C).
- (18) ORS 164.140(4) — POSSESSION OF RENTED PROPERTY * — (C).
- (19) ORS 164.215 — BURGLARY II* — (C).
- (20) ORS 164.315 — ARSON II* — (C).
- (21) ORS 164.365 — CRIMINAL MISCHIEF I* — (C).
- (22) ORS 164.377(5) — COMPUTER FRAUD (LOTTERY)* — (C).
- (23) ORS 164.377(5) — COMPUTER CRIME* — (C).
- (24) ORS 164.868 — UNLAWFUL LABEL SOUND RECORDING* — (C).
- (25) ORS 164.869 — UNLAWFUL RECORD LIVE PERFORMANCE* — (C).
- (26) ORS 164.872 — UNLAWFUL LABEL VIDEOTAPE* —(C).
- (27) ORS 164.889 — INTERFERE W/ AGRICULTURAL RESEARCH* — (C).
- (28) ORS 165.013 — FORGERY I* — (C).
- (29) ORS 165.022 — CRIMINAL POSSESSION OF FORGED INSTRUMENT I* — (C).
- (30) ORS 165.055(4)(B) — CREDIT CARD FRAUD* — (C).
- (31) ORS 165.065 — NEGOTIATING BAD CHECKS* — (C).
- (32) ORS 165.070 — POSSESSION OF FAKE COMMUNICATIONS DEVICE — (C).
- (33) ORS 165.074 — UNLAWFUL FACTORING PAYMENT CARD * — (C).
- (34) ORS 165.800 — IDENTITY THEFT* — (C).
- (35) ORS 166.085 — ABUSE OF CORPSE II — (C).
- (36) ORS 167.062(4) — PROMOTING LIVE SEX SHOW — (C).
- (37) ORS 167.137 — UNLAWFUL GAMBLING I — (C).
- (38) ORS 167.137 — POSSESSION OF GAMBLING RECORDS I — (C).

(39) ORS 167.388 — INTERFERE LIVESTOCK PRODUCTION* — (C).

(40) ORS 305.091 — UNAUTHORIZED USE OR DISCLOSURE BY STATE OFFICER OR EMPLOYEE OF INFORMATION PERTAINING TO DELINQUENT DEBTOR TRANSMITTED TO OR FROM DEPARTMENT OF REVENUE THROUGH DATA MATCH SYSTEM — (C). (If offender knowingly causes economic loss of \$1,000 or more but less than \$5,000.)

(41) ORS 647.145 — TRADEMARK COUNTERFEITING II* — (C).

(42) ORS 647.150 — TRADEMARK COUNTERFEITING I* — (B).

(43) ORS 819.300 — POSSESSION OF STOLEN VEHICLE* — (C).

(44) ORS 323.482 — UNLAWFUL DISTRIB. CIGARETTES — (C) < 60,000.

(45) ORS 323.632 — UNLAWFUL DISTRIB. TOBACCO PRODUCTS — (C) < \$5,000

(46) * Property offenses marked with an asterisk shall be ranked at Crime Category 3 if either of the following factors was included in the commission of the offense:

(a) The value of the property stolen or destroyed was \$1,000 or more but less than \$5,000; or

(b) The property stolen was a vehicle valued at more than \$1,000 but less than \$10,000 and used primarily for personal rather than commercial transportation.

STATUTORY/OTHER AUTHORITY: ORS 137.667, 2003 OL Ch. 453

STATUTES/OTHER IMPLEMENTED: ORS 137.667 - 137.669, 164.889, 166.642, 2003 OL Ch. 383, 453, 550, 632, 633, 2007 OL Ch. 684, SB 6 (2013), SB 141 (2013), SB 254 (2017), SB 302 (2017), SB 302 (2017), SB 323 (2017)

The Oregon Sentencing Guidelines Grid

Crime Seriousness	A	B	C	D	E	F	G	H	I	Prob Term	Max Depart	PPS
11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121	5 Years		3 Years
10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60			
9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36			
8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18	3 Years	18 Mos.	
7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90			
6	25-30	19-24	15-18	13-14	10-12	180-90	180-90	180-90	180-90			
5	15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60	2 Years	12 Mos.	2 Years
4	10-11	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60			
3	120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30	1 ½ Years	6 Mos.	1 Year
2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			
1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			

The presumptive grid block for any felony conviction is the intersection where the crime seriousness ranking and the criminal history classification meet. Grid blocks in the shaded area represent the range of presumptive imprisonment and post-prison supervision (PPS). Non-shaded grid blocks are presumptive sentences of probation (Prob. Term) with local custodial sanctions in days (upper number) and maximum jail days without a departure (lower number).

In grid blocks 4-C and 4-D, for offenders sentenced under 2011 Oregon Laws ch 598 (SB 395), the upper number of sanction units shall be 180, and the lower number of sanction units shall be 90. Offenders sentenced under 2011 Oregon Laws ch 598 shall serve a mandatory minimum term of incarceration of 90 days without reduction for any reason.

The probation term of 5 years applies to levels 9-11, the term of 3 years applies to levels 6-8, 2 years applies to levels 3-5, and 1 ½ years applies to levels 1-2.

The upward dispositional departure maximum sentence (Max Dispositional Depart) for a presumptive probation sentence shall be:

- (a) Up to six months for offenses classified in Crime Categories 1 and 2, or grid blocks 3-G, 3-H and 3-I;
- (b) Up to twelve months for offenses classified in grid blocks 3-A through 3-F, 4-C through 4-I and 5-G through 5-I; and
- (c) Up to eighteen months for offenses classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

Under certain conditions a probation sentence may be imposed in grid blocks 8-G, 8-H and 8-I without a departure.

Criminal History Categories

Oregon Administrative Rule 213-004-0007 defines criminal history categories.

A	The criminal history includes three or more person felonies in any combination of adult convictions or juvenile adjudications.
B	The criminal history includes two person felonies in any combination of adult convictions or juvenile adjudications.
C	The criminal history includes one adult conviction or juvenile adjudication for a person felony; and one or more adult conviction or juvenile adjudication for a non-person felony.
D	The criminal history includes one adult conviction or juvenile adjudication for a person felony but no adult conviction or juvenile adjudications for a non-person felony.
E	The criminal history includes four or more adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
F	The criminal history includes two or three adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
G	The criminal history includes four or more adult convictions for Class A misdemeanors; one adult conviction for a non-person felony; or three or more juvenile adjudications for non-person felonies, but no adult conviction or juvenile adjudication for a person felony.
H	The criminal history includes no adult felony conviction or juvenile adjudication for a person felony; no more than two juvenile adjudications for non-person felonies; and no more than three adult convictions for Class A misdemeanors.
I	The criminal history does not include any juvenile adjudication for a felony or any adult conviction for a felony or Class A misdemeanor.

AMEND: 213-017-0010

RULE TITLE: Crime Category 2

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The rule changes implement the categorization of criminal offenses as Crime Category 2 on the crime seriousness scale after 2017 legislation.

RULE TEXT:

The following offenses are classified at crime category 2 on the Crime Seriousness Scale:

- (1) CONTROLLED SUBSTANCE OFFENSES – See division 19.
- (2) CANNABIS OFFENSES – See division 21.
- (3) ORS Chapter 59 – BLUE SKY LAWS & SECURITIES LAWS* – (C).
- (4) ORS 164.055 – THEFT I* – (C).
- (5) ORS 164.065 – THEFT OF LOST/MISLAID PROPERTY * – (C).
- (6) ORS 164.075 – THEFT BY EXTORTION* – (B).
- (7) ORS 164.085 – THEFT BY DECEPTION* – (C).
- (8) ORS 164.125 – THEFT OF SERVICES* – (C).
- (9) ORS 164.135 – UNAUTHORIZED USE OF VEHICLE* – (C).
- (10) ORS 164.140(4) – POSSESSION OF RENTED PROPERTY* – (C).
- (11) ORS 164.215 – BURGLARY II* – (C).
- (12) ORS 164.315 – ARSON II* – (C).
- (13) ORS 164.365 – CRIMINAL MISCHIEF I* – (C).
- (14) ORS 164.377(5) – COMPUTER FRAUD (LOTTERY)* – (C).
- (15) ORS 164.377(5) – COMPUTER CRIME* – (C).
- (16) ORS 164.868 – UNLAWFUL LABEL SOUND RECORDING* – (C).
- (17) ORS 164.869 – UNLAWFUL RECORD LIVE PERFORMANCE* – (C).
- (18) ORS 164.872 – UNLAWFUL LABEL VIDEOTAPE* – (C).
- (19) ORS 164.889 – INTERFERE W/AGRICULTURAL RESEARCH* – (C).
- (20) ORS 165.013 – FORGERY I – (C).
- (21) ORS 165.022 – CRIMINAL POSSESSION FORGED INSTRUMENT I* – (C).
- (22) ORS 165.055(3)(A) – CREDIT CARD FRAUD* – (C).
- (23) ORS 165.065 – NEGOTIATING BAD CHECKS* – (C).
- (24) ORS 165.074 – UNLAWFUL FACTORING PAYMENT CARD * – (C).
- (25) ORS 165.085 – SPORTS BRIBERY – (C).
- (26) ORS 165.090 – RECEIVING SPORTS BRIBE – (C).
- (27) ORS 165.579 – CELLULAR COUNTERFEIT II – (C).
- (28) ORS 165.800 – IDENTITY THEFT* – (C).
- (29) ORS 166.642 – FELON POSSESS SOFT BODY ARMOR – (C).
- (30) ORS 167.164 – POSSESS GRAY MACHINE – (C)
- (31) ORS 167.167 – CHEATING AT GAMBLING – (C).
- (32) ORS 167.388 – INTERFERE LIVESTOCK PRODUCTION* – (C).
- (33) ORS 305.091 – UNAUTHORIZED USE OR DISCLOSURE BY STATE OFFICER OR EMPLOYEE OF INFORMATION PERTAINING TO DELINQUENT DEBTOR TRANSMITTED TO OR FROM DEPARTMENT OF REVENUE THROUGH DATA MATCH SYSTEM – (C). (If offender knowingly causes economic loss of less than \$1,000.)
- (34) ORS 411.630 – OBTAINING PUBLIC ASSISTANCE UNLAWFULLY – (C).
- (35) ORS 411.840 – OBTAIN/USE FOOD STAMPS UNLAWFULLY – (C).
- (36) ORS 496.992(3) – VIOLATION OF WILDLIFE LAWS – (C).
- (37) ORS 647.145 – TRADEMARK COUNTERFEITING II* – (C).

- (38) ORS 647.150 — TRADEMARK COUNTERFEITING I* — (B).
- (39) ORS 811.540 — FELONY ATTEMPTING TO ELUDE (in a vehicle) — (C).
- (40) ORS 819.300 — POSSESSION OF STOLEN VEHICLE* — (C).
- (41) 2003 Oregon Laws Ch 550 — ORGANIZE SPEED RACING EVENT — (C)
- (42) 2003 Oregon Laws Ch 632 — UNLAWFUL POSSESSION FICTITIOUS ID — (C)
- (43) 2003 Oregon Laws Ch 633 — UNLAWFUL PRODUCTION ODOT ID CARDS — (C)
- (44) 2007 Oregon Laws Ch 684 — CRIMINAL POSSESSION OF A RENTED OR LEASED MOTOR VEHICLE* — (C).
- (45) * Property offenses marked with an asterisk shall be ranked at Crime Category 2 if the value of the property stolen or destroyed was less than \$1,000.

STATUTORY/OTHER AUTHORITY: ORS 137.667, 2003 OL Ch. 453

STATUTES/OTHER IMPLEMENTED: ORS 137.667 - 137.669, 164.889, 166.642, 2003 OL Ch. 383, 453, 550, 632, 633, 2007 OL Ch. 684, SB 254 (2017), SB 302 (2017), SB 323 (2017)

The Oregon Sentencing Guidelines Grid

Crime Seriousness	A	B	C	D	E	F	G	H	I	Prob Term	Max Depart	PPS
11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121	5 Years		3 Years
10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60			
9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36			
8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18	3 Years	18 Mos.	2 Years
7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90			
6	25-30	19-24	15-18	13-14	10-12	180-90	180-90	180-90	180-90			
5	15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60	2 Years	12 Mos.	1 Year
4	10-11	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60			
3	120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30	1 ½ Years	6 Mos.	1 Year
2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			
1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			

The presumptive grid block for any felony conviction is the intersection where the crime seriousness ranking and the criminal history classification meet. Grid blocks in the shaded area represent the range of presumptive imprisonment and post-prison supervision (PPS). Non-shaded grid blocks are presumptive sentences of probation (Prob. Term) with local custodial sanctions in days (upper number) and maximum jail days without a departure (lower number).

In grid blocks 4-C and 4-D, for offenders sentenced under 2011 Oregon Laws ch 598 (SB 395), the upper number of sanction units shall be 180, and the lower number of sanction units shall be 90. Offenders sentenced under 2011 Oregon Laws ch 598 shall serve a mandatory minimum term of incarceration of 90 days without reduction for any reason.

The probation term of 5 years applies to levels 9-11, the term of 3 years applies to levels 6-8, 2 years applies to levels 3-5, and 1 ½ years applies to levels 1-2.

The upward dispositional departure maximum sentence (Max Dispositional Depart) for a presumptive probation sentence shall be:

- Up to six months for offenses classified in Crime Categories 1 and 2, or grid blocks 3-G, 3-H and 3-I;
- Up to twelve months for offenses classified in grid blocks 3-A through 3-F, 4-C through 4-I and 5-G through 5-I; and
- Up to eighteen months for offenses classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

Under certain conditions a probation sentence may be imposed in grid blocks 8-G, 8-H and 8-I without a departure.

Criminal History Categories

Oregon Administrative Rule 213-004-0007 defines criminal history categories.

A	The criminal history includes three or more person felonies in any combination of adult convictions or juvenile adjudications.
B	The criminal history includes two person felonies in any combination of adult convictions or juvenile adjudications.
C	The criminal history includes one adult conviction or juvenile adjudication for a person felony; and one or more adult conviction or juvenile adjudication for a non-person felony.
D	The criminal history includes one adult conviction or juvenile adjudication for a person felony but no adult conviction or juvenile adjudications for a non-person felony.
E	The criminal history includes four or more adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
F	The criminal history includes two or three adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
G	The criminal history includes four or more adult convictions for Class A misdemeanors; one adult conviction for a non-person felony; or three or more juvenile adjudications for non-person felonies, but no adult conviction or juvenile adjudication for a person felony.
H	The criminal history includes no adult felony conviction or juvenile adjudication for a person felony; no more than two juvenile adjudications for non-person felonies; and no more than three adult convictions for Class A misdemeanors.
I	The criminal history does not include any juvenile adjudication for a felony or any adult conviction for a felony or Class A misdemeanor.

AMEND: 213-017-0011

RULE TITLE: Crime Category 1

NOTICE FILED DATE: 04/27/2018

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

RULE TEXT:

The following offenses are classified at crime category 1 on the Crime Seriousness Scale:

- (1) DRUG POSSESSION/PERSONAL USE (See division 19.)
- (2) CANNABIS OFFENSES – See division 21.
- (3) ORS 163.515 – BIGAMY – (C).
- (4) ORS 163.525 – INCEST – (C). (If the incestuous relationship is between adults; otherwise CC 6.)
- (5) ORS 166.450 – ALTERING FIREARM ID. – (C).
- (6) ORS 166.651 – THROW OBJECT OFF OVERPASS – (C).
- (7) ORS 166.660 – UNLAWFUL PARAMILITARY ACTIVITY – (C).
- (8) ORS 167.212 – TAMPERING W/ DRUG RECORDS – (C).
- (9) ORS 332.480(2) – DISTRIBUTE CIGARETTES W/OUT LICENSE – (C).
- (10) ORS 332.480(3) – FALSE REPORT/CIGARETTE TAX – (C).
- (11) ORS 332.480(4) – UNLAWFUL TRANSPORT UNTAXED CIGARETTES – (C)
- (12) ORS 432.993 – UNLAWFUL USE OF A VITAL RECORD OR REPORT – (C).
- (13) ORS 468.953 – SUPPLY FALSE INFO TO AGENCY (ENVIRONMENTAL) – (C).
- (14) ORS 475.993(2)(a) – FAILURE TO MAINTAIN RECORDS OF CONTROLLED SUBSTANCES – (C).
- (15) ORS 702.032 – INDUCING AN ATHLETE/CONTRACT – (C).
- (16) ORS 702.042 – ATHLETIC AGENT NOTICE REQUIREMENT – (C).
- (17) ORS 717.905(2) – FALSE STATEMENT MONEY TRANSMISSION – (C).
- (18) ORS 717.905(3) – ENGAGE MONEY TRANSMISSION W/OUT LICENSE – (C).
- (19) ORS 803.080 – UNLAWFULLY PUBLISHING CERTIFICATE OF TITLE – (C).
- (20) ORS 803.230 – FORGE/ALTER VEHICLE TITLE/REG. – (C).
- (21) ORS 822.605 – FALSE SWEARING VEHICLE BUSINESS – (C).
- (22) 2003 Oregon Laws Ch 484 – FORCIBLE RECOVERY OF FIGHTING BIRD – (C).
- (23) 2003 Oregon Laws Ch 804 – FALSE RECEIPT/INVOICE CIGARETTE SALES – (C).
- (24) 2003 Oregon Laws Ch 804 – DISTRIBUTE TOBACCO PRODUCTS W/OUT – (C).
- (25) 2003 Oregon Laws Ch 804 – LICENSE FALSE REPORT/TOBACCO PRODUCTS TAX – (C).
- (26) 2003 Oregon Laws Ch 804 – UNLAWFUL TRANSPORT UNTAXED – (C).
- (27) 2003 Oregon Laws Ch 804 – TOBACCO PRODUCTS FALSE RECEIPT/INVOICE TOBACCO – (C).
- (28) 2003 Oregon Laws Ch 804 – PRODUCTS SALES UNLAWFUL TOBACCO DELIVERY SALES – (U).

STATUTORY/OTHER AUTHORITY: ORS 137.667, 2003 OL Ch. 453

STATUTES/OTHER IMPLEMENTED: ORS 137.667 - 137.669, 332.480 & 2003 OL Ch. 453, 484, 804, HB 3400 (2015), HB 4014 (2016), SB 302 (2017), HB 2355 (2017)

The Oregon Sentencing Guidelines Grid

Crime Seriousness	A	B	C	D	E	F	G	H	I	Prob Term	Max Depart	PPS
11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121	5 Years		3 Years
10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60			
9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36			
8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18	3 Years	18 Mos.	
7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90			
6	25-30	19-24	15-18	13-14	10-12	180-90	180-90	180-90	180-90			
5	15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60	2 Years	12 Mos.	2 Years
4	10-11	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60			
3	120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30	1 ½ Years	6 Mos.	1 Year
2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			
1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			

The presumptive grid block for any felony conviction is the intersection where the crime seriousness ranking and the criminal history classification meet. Grid blocks in the shaded area represent the range of presumptive imprisonment and post-prison supervision (PPS). Non-shaded grid blocks are presumptive sentences of probation (Prob. Term) with local custodial sanctions in days (upper number) and maximum jail days without a departure (lower number).

In grid blocks 4-C and 4-D, for offenders sentenced under 2011 Oregon Laws ch 598 (SB 395), the upper number of sanction units shall be 180, and the lower number of sanction units shall be 90. Offenders sentenced under 2011 Oregon Laws ch 598 shall serve a mandatory minimum term of incarceration of 90 days without reduction for any reason.

The probation term of 5 years applies to levels 9-11, the term of 3 years applies to levels 6-8, 2 years applies to levels 3-5, and 1 ½ years applies to levels 1-2.

The upward dispositional departure maximum sentence (Max Dispositional Depart) for a presumptive probation sentence shall be:

- (a) Up to six months for offenses classified in Crime Categories 1 and 2, or grid blocks 3-G, 3-H and 3-I;
- (b) Up to twelve months for offenses classified in grid blocks 3-A through 3-F, 4-C through 4-I and 5-G through 5-I; and
- (c) Up to eighteen months for offenses classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

Under certain conditions a probation sentence may be imposed in grid blocks 8-G, 8-H and 8-I without a departure.

Criminal History Categories

Oregon Administrative Rule 213-004-0007 defines criminal history categories.

A	The criminal history includes three or more person felonies in any combination of adult convictions or juvenile adjudications.
B	The criminal history includes two person felonies in any combination of adult convictions or juvenile adjudications.
C	The criminal history includes one adult conviction or juvenile adjudication for a person felony; and one or more adult conviction or juvenile adjudication for a non-person felony.
D	The criminal history includes one adult conviction or juvenile adjudication for a person felony but no adult conviction or juvenile adjudications for a non-person felony.
E	The criminal history includes four or more adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
F	The criminal history includes two or three adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
G	The criminal history includes four or more adult convictions for Class A misdemeanors; one adult conviction for a non-person felony; or three or more juvenile adjudications for non-person felonies, but no adult conviction or juvenile adjudication for a person felony.
H	The criminal history includes no adult felony conviction or juvenile adjudication for a person felony; no more than two juvenile adjudications for non-person felonies; and no more than three adult convictions for Class A misdemeanors.
I	The criminal history does not include any juvenile adjudication for a felony or any adult conviction for a felony or Class A misdemeanor.

AMEND: 213-018-0022

RULE TITLE: Assault III (ORS 163.165)

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The rule change implements crime categorizations for Assault III after 2017 legislation.

RULE TEXT:

(1) CRIME CATEGORY 8: Assault III shall be ranked at Crime Category 8 if the assault resulted from the operation of a motor vehicle and defendant was the driver of the motor vehicle and was driving while under the influence of intoxicants.

(2) CRIME CATEGORY 6: Assault III shall be ranked at Crime Category 6 if it cannot be ranked at Crime Category 8.

STATUTORY/OTHER AUTHORITY: ORS 137.667, 2009 OL Ch. 660

STATUTES/OTHER IMPLEMENTED: ORS 137.667 - 137.669, 2009 OL Ch. 660, HB 2721 (2017)

The Oregon Sentencing Guidelines Grid

Crime Seriousness	A	B	C	D	E	F	G	H	I	Prob Term	Max Depart	PPS
11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121	5 Years		3 Years
10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60			
9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36			
8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18	3 Years	18 Mos.	2 Years
7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90			
6	25-30	19-24	15-18	13-14	10-12	180-90	180-90	180-90	180-90			
5	15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60	2 Years	12 Mos.	1 Year
4	10-11	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60			
3	120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30	1 ½ Years	6 Mos.	1 Year
2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			
1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			

The presumptive grid block for any felony conviction is the intersection where the crime seriousness ranking and the criminal history classification meet. Grid blocks in the shaded area represent the range of presumptive imprisonment and post-prison supervision (PPS). Non-shaded grid blocks are presumptive sentences of probation (Prob. Term) with local custodial sanctions in days (upper number) and maximum jail days without a departure (lower number).

In grid blocks 4-C and 4-D, for offenders sentenced under 2011 Oregon Laws ch 598 (SB 395), the upper number of sanction units shall be 180, and the lower number of sanction units shall be 90. Offenders sentenced under 2011 Oregon Laws ch 598 shall serve a mandatory minimum term of incarceration of 90 days without reduction for any reason.

The probation term of 5 years applies to levels 9-11, the term of 3 years applies to levels 6-8, 2 years applies to levels 3-5, and 1 ½ years applies to levels 1-2.

The upward dispositional departure maximum sentence (Max Dispositional Depart) for a presumptive probation sentence shall be:

- Up to six months for offenses classified in Crime Categories 1 and 2, or grid blocks 3-G, 3-H and 3-I;
- Up to twelve months for offenses classified in grid blocks 3-A through 3-F, 4-C through 4-I and 5-G through 5-I; and
- Up to eighteen months for offenses classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

Under certain conditions a probation sentence may be imposed in grid blocks 8-G, 8-H and 8-I without a departure.

Criminal History Categories

Oregon Administrative Rule 213-004-0007 defines criminal history categories.

A	The criminal history includes three or more person felonies in any combination of adult convictions or juvenile adjudications.
B	The criminal history includes two person felonies in any combination of adult convictions or juvenile adjudications.
C	The criminal history includes one adult conviction or juvenile adjudication for a person felony; and one or more adult conviction or juvenile adjudication for a non-person felony.
D	The criminal history includes one adult conviction or juvenile adjudication for a person felony but no adult conviction or juvenile adjudications for a non-person felony.
E	The criminal history includes four or more adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
F	The criminal history includes two or three adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
G	The criminal history includes four or more adult convictions for Class A misdemeanors; one adult conviction for a non-person felony; or three or more juvenile adjudications for non-person felonies, but no adult conviction or juvenile adjudication for a person felony.
H	The criminal history includes no adult felony conviction or juvenile adjudication for a person felony; no more than two juvenile adjudications for non-person felonies; and no more than three adult convictions for Class A misdemeanors.
I	The criminal history does not include any juvenile adjudication for a felony or any adult conviction for a felony or Class A misdemeanor.

AMEND: 213-018-0038

RULE TITLE: HIT AND RUN (VEHICLE) (ORS 811.705)

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The rule change implements crime categorizations for Hit and Run (Vehicle) after 2018 legislation.

RULE TEXT:

- (1) CRIME CATEGORY 8: Hit and Run shall be ranked at Crime Category 8 if a person suffers serious physical injury or dies as a result of the collision.
- (2) CRIME CATEGORY 6: Hit and Run shall be ranked at Crime Category 6 if it cannot be ranked at Crime Category 8.
- (3) The crime categories above as applied to the offense of Hit and Run (Vehicle) as set forth in HB 4055 (2018) are effective January 1, 2019.

STATUTORY/OTHER AUTHORITY: ORS 137.667, 811.707, 2003 OL Ch. 453, HB 4055 (2018)

STATUTES/OTHER IMPLEMENTED: ORS 137.667 - 137.669, 811.707, 2003 OL Ch. 453, HB 4055 (2018)

The Oregon Sentencing Guidelines Grid

Crime Seriousness	A	B	C	D	E	F	G	H	I	Prob Term	Max Depart	PPS
11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121	5 Years		3 Years
10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60			
9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36			
8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18	3 Years	18 Mos.	2 Years
7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90			
6	25-30	19-24	15-18	13-14	10-12	180-90	180-90	180-90	180-90			
5	15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60	2 Years	12 Mos.	1 Year
4	10-11	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60			
3	120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30	1 ½ Years	6 Mos.	1 Year
2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			
1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			

The presumptive grid block for any felony conviction is the intersection where the crime seriousness ranking and the criminal history classification meet. Grid blocks in the shaded area represent the range of presumptive imprisonment and post-prison supervision (PPS). Non-shaded grid blocks are presumptive sentences of probation (Prob. Term) with local custodial sanctions in days (upper number) and maximum jail days without a departure (lower number).

In grid blocks 4-C and 4-D, for offenders sentenced under 2011 Oregon Laws ch 598 (SB 395), the upper number of sanction units shall be 180, and the lower number of sanction units shall be 90. Offenders sentenced under 2011 Oregon Laws ch 598 shall serve a mandatory minimum term of incarceration of 90 days without reduction for any reason.

The probation term of 5 years applies to levels 9-11, the term of 3 years applies to levels 6-8, 2 years applies to levels 3-5, and 1 ½ years applies to levels 1-2.

The upward dispositional departure maximum sentence (Max Dispositional Depart) for a presumptive probation sentence shall be:

- Up to six months for offenses classified in Crime Categories 1 and 2, or grid blocks 3-G, 3-H and 3-I;
- Up to twelve months for offenses classified in grid blocks 3-A through 3-F, 4-C through 4-I and 5-G through 5-I; and
- Up to eighteen months for offenses classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

Under certain conditions a probation sentence may be imposed in grid blocks 8-G, 8-H and 8-I without a departure.

Criminal History Categories

Oregon Administrative Rule 213-004-0007 defines criminal history categories.

A	The criminal history includes three or more person felonies in any combination of adult convictions or juvenile adjudications.
B	The criminal history includes two person felonies in any combination of adult convictions or juvenile adjudications.
C	The criminal history includes one adult conviction or juvenile adjudication for a person felony; and one or more adult conviction or juvenile adjudication for a non-person felony.
D	The criminal history includes one adult conviction or juvenile adjudication for a person felony but no adult conviction or juvenile adjudications for a non-person felony.
E	The criminal history includes four or more adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
F	The criminal history includes two or three adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
G	The criminal history includes four or more adult convictions for Class A misdemeanors; one adult conviction for a non-person felony; or three or more juvenile adjudications for non-person felonies, but no adult conviction or juvenile adjudication for a person felony.
H	The criminal history includes no adult felony conviction or juvenile adjudication for a person felony; no more than two juvenile adjudications for non-person felonies; and no more than three adult convictions for Class A misdemeanors.
I	The criminal history does not include any juvenile adjudication for a felony or any adult conviction for a felony or Class A misdemeanor.

AMEND: 213-019-0007

RULE TITLE: Crime Category 9 — Controlled Substance and Aggravated Drug Offenses

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The rule change implements the categorization of criminal offenses as Crime Category 9 on the crime seriousness scale after 2017 legislation, and updates citations and rule title.

RULE TEXT:

(1) ORS 164.342 – ARSON INCIDENT TO THE MANUFACTURE OF A CONTROLLED SUBSTANCE 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 475.908(2) CAUSING ANOTHER TO INGEST A CONTROLLED SUBSTANCE: Causing Another to Ingest a Controlled Substance shall be ranked at Crime Category 9 if the act is done with the intent to commit or facilitate a crime of violence.

(3) ORS 475.910(1) UNLAWFUL ADMINISTRATION OF A CONTROLLED SUBSTANCE (A): Unlawful Administration of a Controlled Substance shall be ranked at Crime Category 9 when the substance is a Schedule I or II controlled substance.

STATUTORY/OTHER AUTHORITY: ORS 137.667, 475.986, 475.998, 2003 OL Ch. 453

STATUTES/OTHER IMPLEMENTED: ORS 137.667 - 137.669, 475.986, 475.998, 2003 OL Ch. 453, SB 302 (2017), SB 323 (2017)

The Oregon Sentencing Guidelines Grid

Crime Seriousness	A	B	C	D	E	F	G	H	I	Prob Term	Max Depart	PPS
11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121	5 Years		3 Years
10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60			
9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36			
8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18	3 Years	18 Mos.	2 Years
7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90			
6	25-30	19-24	15-18	13-14	10-12	180-90	180-90	180-90	180-90			
5	15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60	2 Years	12 Mos.	1 Year
4	10-11	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60			
3	120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30	1 ½ Years	6 Mos.	1 Year
2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			
1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			

The presumptive grid block for any felony conviction is the intersection where the crime seriousness ranking and the criminal history classification meet. Grid blocks in the shaded area represent the range of presumptive imprisonment and post-prison supervision (PPS). Non-shaded grid blocks are presumptive sentences of probation (Prob. Term) with local custodial sanctions in days (upper number) and maximum jail days without a departure (lower number).

In grid blocks 4-C and 4-D, for offenders sentenced under 2011 Oregon Laws ch 598 (SB 395), the upper number of sanction units shall be 180, and the lower number of sanction units shall be 90. Offenders sentenced under 2011 Oregon Laws ch 598 shall serve a mandatory minimum term of incarceration of 90 days without reduction for any reason.

The probation term of 5 years applies to levels 9-11, the term of 3 years applies to levels 6-8, 2 years applies to levels 3-5, and 1 ½ years applies to levels 1-2.

The upward dispositional departure maximum sentence (Max Dispositional Depart) for a presumptive probation sentence shall be:

- (a) Up to six months for offenses classified in Crime Categories 1 and 2, or grid blocks 3-G, 3-H and 3-I;
- (b) Up to twelve months for offenses classified in grid blocks 3-A through 3-F, 4-C through 4-I and 5-G through 5-I; and
- (c) Up to eighteen months for offenses classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

Under certain conditions a probation sentence may be imposed in grid blocks 8-G, 8-H and 8-I without a departure.

Criminal History Categories

Oregon Administrative Rule 213-004-0007 defines criminal history categories.

A	The criminal history includes three or more person felonies in any combination of adult convictions or juvenile adjudications.
B	The criminal history includes two person felonies in any combination of adult convictions or juvenile adjudications.
C	The criminal history includes one adult conviction or juvenile adjudication for a person felony; and one or more adult conviction or juvenile adjudication for a non-person felony.
D	The criminal history includes one adult conviction or juvenile adjudication for a person felony but no adult conviction or juvenile adjudications for a non-person felony.
E	The criminal history includes four or more adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
F	The criminal history includes two or three adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
G	The criminal history includes four or more adult convictions for Class A misdemeanors; one adult conviction for a non-person felony; or three or more juvenile adjudications for non-person felonies, but no adult conviction or juvenile adjudication for a person felony.
H	The criminal history includes no adult felony conviction or juvenile adjudication for a person felony; no more than two juvenile adjudications for non-person felonies; and no more than three adult convictions for Class A misdemeanors.
I	The criminal history does not include any juvenile adjudication for a felony or any adult conviction for a felony or Class A misdemeanor.

AMEND: 213-019-0008

RULE TITLE: Crime Category 8 — Controlled Substance and Aggravated Drug Offenses

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The rule change implements the categorization of criminal offenses as Crime Category 7 on the crime seriousness scale after 2017 legislation; and updates rule title, citations, offense names, and rule language regarding mandatory classifications.

RULE TEXT:

(1) ORS 164.342 – ARSON INCIDENT TO THE MANUFACTURE OF A CONTROLLED SUBSTANCE 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.

(2) MANUFACTURE OR DELIVERY OF CONTROLLED SUBSTANCE WITHIN 1000 FEET OF SCHOOL — As specified in ORS 475.900(1)(c).

(3) DELIVERY TO MINORS — ORS 475.906(1) or (2) — As specified in ORS 475.900(1)(e).

(4) ORS 167.262 USE OF MINOR IN CONTROLLED SUBSTANCE OR MARIJUANA ITEM OFFENSE: Using a minor in a drug offense shall be ranked in Crime Category 8 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.

(5) MANUFACTURE AND DELIVERY OF A CONTROLLED SUBSTANCE — SUBSTANTIAL QUANTITIES: As specified in ORS 475.900(1)(a).

(6) COMMERCIAL DRUG OFFENSE: As specified in ORS 475.900(1)(b).

(7) CAUSING ANOTHER TO INGEST A CONTROLLED SUBSTANCE: As specified in ORS 475.902(1).

(8) UNLAWFUL ADMINISTRATION OF A CONTROLLED SUBSTANCE: As specified in ORS 475.910(2).

(9) MANUFACTURE OF METHAMPHETAMINE: ORS 475.900(1)(d) is incorporated herein by reference.

(10) DISTRIBUTION OF EQUIPMENT, SOLVENT, REAGENT, OR PRECURSOR SUBSTANCE WITH THE INTENT TO FACILITATE THE MANUFACTURE OF A CONTROLLED SUBSTANCE: Violation of ORS 475.962 shall be classified at Crime Category 8.

STATUTORY/OTHER AUTHORITY: ORS 137.667, 475.986, 475.998 & 2003 OL, Ch. 453, HB 3194 (2013)

STATUTES/OTHER IMPLEMENTED: ORS 137.667 - 137.669, 475.986, 475.998, 2003 OL, Ch. 453, 2005 OL, Ch. 706 (HB 2485), 2005 OL, Ch. 708 (SB 907), HB 3194 (2013), HB 3400 (2015), HB 4014 (2016), SB 302 (2017), SB 323 (2017), HB 2355 (2017)

The Oregon Sentencing Guidelines Grid

Crime Seriousness	A	B	C	D	E	F	G	H	I	Prob Term	Max Depart	PPS
11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121	5 Years		3 Years
10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60			
9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36			
8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18	3 Years	18 Mos.	
7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90			
6	25-30	19-24	15-18	13-14	10-12	180-90	180-90	180-90	180-90			
5	15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60	2 Years	12 Mos.	2 Years
4	10-11	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60			
3	120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30	1 ½ Years	6 Mos.	1 Year
2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			
1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			

The presumptive grid block for any felony conviction is the intersection where the crime seriousness ranking and the criminal history classification meet. Grid blocks in the shaded area represent the range of presumptive imprisonment and post-prison supervision (PPS). Non-shaded grid blocks are presumptive sentences of probation (Prob. Term) with local custodial sanctions in days (upper number) and maximum jail days without a departure (lower number).

In grid blocks 4-C and 4-D, for offenders sentenced under 2011 Oregon Laws ch 598 (SB 395), the upper number of sanction units shall be 180, and the lower number of sanction units shall be 90. Offenders sentenced under 2011 Oregon Laws ch 598 shall serve a mandatory minimum term of incarceration of 90 days without reduction for any reason.

The probation term of 5 years applies to levels 9-11, the term of 3 years applies to levels 6-8, 2 years applies to levels 3-5, and 1 ½ years applies to levels 1-2.

The upward dispositional departure maximum sentence (Max Dispositional Depart) for a presumptive probation sentence shall be:

- (a) Up to six months for offenses classified in Crime Categories 1 and 2, or grid blocks 3-G, 3-H and 3-I;
- (b) Up to twelve months for offenses classified in grid blocks 3-A through 3-F, 4-C through 4-I and 5-G through 5-I; and
- (c) Up to eighteen months for offenses classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

Under certain conditions a probation sentence may be imposed in grid blocks 8-G, 8-H and 8-I without a departure.

Criminal History Categories

Oregon Administrative Rule 213-004-0007 defines criminal history categories.

A	The criminal history includes three or more person felonies in any combination of adult convictions or juvenile adjudications.
B	The criminal history includes two person felonies in any combination of adult convictions or juvenile adjudications.
C	The criminal history includes one adult conviction or juvenile adjudication for a person felony; and one or more adult conviction or juvenile adjudication for a non-person felony.
D	The criminal history includes one adult conviction or juvenile adjudication for a person felony but no adult conviction or juvenile adjudications for a non-person felony.
E	The criminal history includes four or more adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
F	The criminal history includes two or three adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
G	The criminal history includes four or more adult convictions for Class A misdemeanors; one adult conviction for a non-person felony; or three or more juvenile adjudications for non-person felonies, but no adult conviction or juvenile adjudication for a person felony.
H	The criminal history includes no adult felony conviction or juvenile adjudication for a person felony; no more than two juvenile adjudications for non-person felonies; and no more than three adult convictions for Class A misdemeanors.
I	The criminal history does not include any juvenile adjudication for a felony or any adult conviction for a felony or Class A misdemeanor.

AMEND: 213-019-0010

RULE TITLE: Crime Category 6 — Controlled Substance and Major Drug Offenses

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The rule change implements the categorization of criminal offenses as Crime Category 6 on the crime seriousness scale after 2017 legislation and updates rule title.

RULE TEXT:

(1) ORS 164.338 – ARSON INCIDENT TO THE MANUFACTURE OF A CONTROLLED SUBSTANCE II – (C): If the value of the property destroyed was \$50,000 or more.

(2) DELIVERY OF A CONTROLLED SUBSTANCE FOR CONSIDERATION: ORS 475.900(2)(a) is incorporated herein by reference.

(3) POSSESSION OF SUBSTANTIAL QUANTITY OF CONTROLLED SUBSTANCE: As specified in ORS 475.900(2)(b).

(4) ORS 475.967 POSSESSION OF A PRECURSOR WITH THE INTENT TO MANUFACTURE: Possession of a Precursor Substance with the Intent to Manufacture a Controlled Substance shall be ranked at Crime Category 6.

STATUTORY/OTHER AUTHORITY: ORS 137.667, 475.986, 475.998 & 2003 OL, Ch. 453, 2005 OL, Ch. 708 (SB 907), HB 3194 (2013)

STATUTES/OTHER IMPLEMENTED: ORS 137.667 - 137.669, 475.967, 475.996 & 2003 OL, Ch. 453, HB 3194 (2013), SB 302 (2017), SB 323 (2017), HB 2355 (2017)

The Oregon Sentencing Guidelines Grid

Crime Seriousness	A	B	C	D	E	F	G	H	I	Prob Term	Max Depart	PPS
11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121	5 Years		3 Years
10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60			
9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36			
8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18	3 Years	18 Mos.	
7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90			
6	25-30	19-24	15-18	13-14	10-12	180-90	180-90	180-90	180-90			
5	15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60	2 Years	12 Mos.	2 Years
4	10-11	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60			
3	120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30	1 ½ Years	6 Mos.	1 Year
2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			
1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			

The presumptive grid block for any felony conviction is the intersection where the crime seriousness ranking and the criminal history classification meet. Grid blocks in the shaded area represent the range of presumptive imprisonment and post-prison supervision (PPS). Non-shaded grid blocks are presumptive sentences of probation (Prob. Term) with local custodial sanctions in days (upper number) and maximum jail days without a departure (lower number).

In grid blocks 4-C and 4-D, for offenders sentenced under 2011 Oregon Laws ch 598 (SB 395), the upper number of sanction units shall be 180, and the lower number of sanction units shall be 90. Offenders sentenced under 2011 Oregon Laws ch 598 shall serve a mandatory minimum term of incarceration of 90 days without reduction for any reason.

The probation term of 5 years applies to levels 9-11, the term of 3 years applies to levels 6-8, 2 years applies to levels 3-5, and 1 ½ years applies to levels 1-2.

The upward dispositional departure maximum sentence (Max Dispositional Depart) for a presumptive probation sentence shall be:

- (a) Up to six months for offenses classified in Crime Categories 1 and 2, or grid blocks 3-G, 3-H and 3-I;
- (b) Up to twelve months for offenses classified in grid blocks 3-A through 3-F, 4-C through 4-I and 5-G through 5-I; and
- (c) Up to eighteen months for offenses classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

Under certain conditions a probation sentence may be imposed in grid blocks 8-G, 8-H and 8-I without a departure.

Criminal History Categories

Oregon Administrative Rule 213-004-0007 defines criminal history categories.

A	The criminal history includes three or more person felonies in any combination of adult convictions or juvenile adjudications.
B	The criminal history includes two person felonies in any combination of adult convictions or juvenile adjudications.
C	The criminal history includes one adult conviction or juvenile adjudication for a person felony; and one or more adult conviction or juvenile adjudication for a non-person felony.
D	The criminal history includes one adult conviction or juvenile adjudication for a person felony but no adult conviction or juvenile adjudications for a non-person felony.
E	The criminal history includes four or more adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
F	The criminal history includes two or three adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
G	The criminal history includes four or more adult convictions for Class A misdemeanors; one adult conviction for a non-person felony; or three or more juvenile adjudications for non-person felonies, but no adult conviction or juvenile adjudication for a person felony.
H	The criminal history includes no adult felony conviction or juvenile adjudication for a person felony; no more than two juvenile adjudications for non-person felonies; and no more than three adult convictions for Class A misdemeanors.
I	The criminal history does not include any juvenile adjudication for a felony or any adult conviction for a felony or Class A misdemeanor.

AMEND: 213-019-0011

RULE TITLE: Crime Category 5 — Drug Offenses

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The rule change implements the categorization of criminal offenses as Crime Category 5 on the crime seriousness scale after 2017 legislation, and updates citations.

RULE TEXT:

(1) ORS 164.338 – ARSON INCIDENT TO THE MANUFACTURE OF A CONTROLLED SUBSTANCE II – (C): If the value of the property destroyed was \$10,000 or more but less than \$50,000.

(2) ORS 475.910(3) Unlawful Administration of a Controlled Substance. Unlawful Administration of a Controlled Substance shall be ranked at Crime Category 5 when the substance is a Schedule IV controlled substance.

STATUTORY/OTHER AUTHORITY: ORS 137.667, 2003 OL Ch. 453

STATUTES/OTHER IMPLEMENTED: ORS 137.667 - 137.669, 475.986, 2003 OL Ch. 453, SB 302 (2017), SB 323 (2017)

The Oregon Sentencing Guidelines Grid

Crime Seriousness	A	B	C	D	E	F	G	H	I	Prob Term	Max Depart	PPS
11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121	5 Years		3 Years
10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60			
9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36			
8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18	3 Years	18 Mos.	2 Years
7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90			
6	25-30	19-24	15-18	13-14	10-12	180-90	180-90	180-90	180-90			
5	15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60	2 Years	12 Mos.	1 Year
4	10-11	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60			
3	120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30	1 ½ Years	6 Mos.	1 Year
2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			
1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			

The presumptive grid block for any felony conviction is the intersection where the crime seriousness ranking and the criminal history classification meet. Grid blocks in the shaded area represent the range of presumptive imprisonment and post-prison supervision (PPS). Non-shaded grid blocks are presumptive sentences of probation (Prob. Term) with local custodial sanctions in days (upper number) and maximum jail days without a departure (lower number).

In grid blocks 4-C and 4-D, for offenders sentenced under 2011 Oregon Laws ch 598 (SB 395), the upper number of sanction units shall be 180, and the lower number of sanction units shall be 90. Offenders sentenced under 2011 Oregon Laws ch 598 shall serve a mandatory minimum term of incarceration of 90 days without reduction for any reason.

The probation term of 5 years applies to levels 9-11, the term of 3 years applies to levels 6-8, 2 years applies to levels 3-5, and 1 ½ years applies to levels 1-2.

The upward dispositional departure maximum sentence (Max Dispositional Depart) for a presumptive probation sentence shall be:

- Up to six months for offenses classified in Crime Categories 1 and 2, or grid blocks 3-G, 3-H and 3-I;
- Up to twelve months for offenses classified in grid blocks 3-A through 3-F, 4-C through 4-I and 5-G through 5-I; and
- Up to eighteen months for offenses classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

Under certain conditions a probation sentence may be imposed in grid blocks 8-G, 8-H and 8-I without a departure.

Criminal History Categories

Oregon Administrative Rule 213-004-0007 defines criminal history categories.

A	The criminal history includes three or more person felonies in any combination of adult convictions or juvenile adjudications.
B	The criminal history includes two person felonies in any combination of adult convictions or juvenile adjudications.
C	The criminal history includes one adult conviction or juvenile adjudication for a person felony; and one or more adult conviction or juvenile adjudication for a non-person felony.
D	The criminal history includes one adult conviction or juvenile adjudication for a person felony but no adult conviction or juvenile adjudications for a non-person felony.
E	The criminal history includes four or more adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
F	The criminal history includes two or three adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
G	The criminal history includes four or more adult convictions for Class A misdemeanors; one adult conviction for a non-person felony; or three or more juvenile adjudications for non-person felonies, but no adult conviction or juvenile adjudication for a person felony.
H	The criminal history includes no adult felony conviction or juvenile adjudication for a person felony; no more than two juvenile adjudications for non-person felonies; and no more than three adult convictions for Class A misdemeanors.
I	The criminal history does not include any juvenile adjudication for a felony or any adult conviction for a felony or Class A misdemeanor.

AMEND: 213-019-0012

RULE TITLE: Crime Category 4 — Drug Offenses

NOTICE FILED DATE: 04/27/2018

RULE SUMMARY: The rule change implements the categorization of criminal offenses as Crime Category 4 on the crime seriousness scale after 2017 legislation, updates offense names and clarifies rule language by deleting a superfluous phrase.

RULE TEXT:

(1) ORS 164.338 – ARSON INCIDENT TO THE MANUFACTURE OF A CONTROLLED SUBSTANCE II – (C): If the value of the property destroyed was \$5,000 or more but less than \$10,000.(2) DELIVERY OR MANUFACTURE OF CONTROLLED SUBSTANCE: As specified in ORS 475.900(3)(a).

(3) 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.

(4) POSSESSION OR DISPOSAL OF METHAMPHETAMINE MANUFACTURING WASTE: Violation of ORS 475.977 shall be ranked at Crime Category 4.

STATUTORY/OTHER AUTHORITY: ORS 137.667 & 475.900, HB 3194 (2013)

STATUTES/OTHER IMPLEMENTED: ORS 137.667 - 137.669, 475.967, 475.996 & 2005 OL Ch. 706, 2005 OL Ch. 708, HB 3194 (2013), HB 3400 (2015), HB 4014 (2016), SB 302 (2017), SB 323 (2017), HB 2355 (2017)

The Oregon Sentencing Guidelines Grid

Crime Seriousness	A	B	C	D	E	F	G	H	I	Prob Term	Max Depart	PPS
11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121	5 Years		3 Years
10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60			
9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36			
8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18	3 Years	18 Mos.	2 Years
7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90			
6	25-30	19-24	15-18	13-14	10-12	180-90	180-90	180-90	180-90			
5	15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60	2 Years	12 Mos.	1 Year
4	10-11	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60			
3	120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30	1 ½ Years	6 Mos.	1 Year
2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			
1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			

The presumptive grid block for any felony conviction is the intersection where the crime seriousness ranking and the criminal history classification meet. Grid blocks in the shaded area represent the range of presumptive imprisonment and post-prison supervision (PPS). Non-shaded grid blocks are presumptive sentences of probation (Prob. Term) with local custodial sanctions in days (upper number) and maximum jail days without a departure (lower number).

In grid blocks 4-C and 4-D, for offenders sentenced under 2011 Oregon Laws ch 598 (SB 395), the upper number of sanction units shall be 180, and the lower number of sanction units shall be 90. Offenders sentenced under 2011 Oregon Laws ch 598 shall serve a mandatory minimum term of incarceration of 90 days without reduction for any reason.

The probation term of 5 years applies to levels 9-11, the term of 3 years applies to levels 6-8, 2 years applies to levels 3-5, and 1 ½ years applies to levels 1-2.

The upward dispositional departure maximum sentence (Max Dispositional Depart) for a presumptive probation sentence shall be:

- (a) Up to six months for offenses classified in Crime Categories 1 and 2, or grid blocks 3-G, 3-H and 3-I;
- (b) Up to twelve months for offenses classified in grid blocks 3-A through 3-F, 4-C through 4-I and 5-G through 5-I; and
- (c) Up to eighteen months for offenses classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

Under certain conditions a probation sentence may be imposed in grid blocks 8-G, 8-H and 8-I without a departure.

Criminal History Categories

Oregon Administrative Rule 213-004-0007 defines criminal history categories.

A	The criminal history includes three or more person felonies in any combination of adult convictions or juvenile adjudications.
B	The criminal history includes two person felonies in any combination of adult convictions or juvenile adjudications.
C	The criminal history includes one adult conviction or juvenile adjudication for a person felony; and one or more adult conviction or juvenile adjudication for a non-person felony.
D	The criminal history includes one adult conviction or juvenile adjudication for a person felony but no adult conviction or juvenile adjudications for a non-person felony.
E	The criminal history includes four or more adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
F	The criminal history includes two or three adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
G	The criminal history includes four or more adult convictions for Class A misdemeanors; one adult conviction for a non-person felony; or three or more juvenile adjudications for non-person felonies, but no adult conviction or juvenile adjudication for a person felony.
H	The criminal history includes no adult felony conviction or juvenile adjudication for a person felony; no more than two juvenile adjudications for non-person felonies; and no more than three adult convictions for Class A misdemeanors.
I	The criminal history does not include any juvenile adjudication for a felony or any adult conviction for a felony or Class A misdemeanor.

AMEND: 213-019-0015

RULE TITLE: Crime Category 1 — Drug Offenses

NOTICE FILED DATE: 04/27/2018

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

RULE TEXT:

POSSESSION OF CONTROLLED SUBSTANCE: As specified in ORS 475.900(3)(b).

STATUTORY/OTHER AUTHORITY: ORS 137.667, 2005 OL, Ch. 708 (SB 907) & ORS 475.900, HB 3194 (2013)

STATUTES/OTHER IMPLEMENTED: ORS 137.667 - 137.669, HB 3194 (2013), HB 3400 (2015), HB 4014 (2016), SB 302 (2017), HB 2355 (2017)

The Oregon Sentencing Guidelines Grid

Crime Seriousness	A	B	C	D	E	F	G	H	I	Prob Term	Max Depart	PPS
11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121	5 Years		3 Years
10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60			
9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36			
8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18	3 Years	18 Mos.	
7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90			
6	25-30	19-24	15-18	13-14	10-12	180-90	180-90	180-90	180-90			
5	15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60	2 Years	12 Mos.	2 Years
4	10-11	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60			
3	120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30	1 ½ Years	6 Mos.	1 Year
2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			
1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			

The presumptive grid block for any felony conviction is the intersection where the crime seriousness ranking and the criminal history classification meet. Grid blocks in the shaded area represent the range of presumptive imprisonment and post-prison supervision (PPS). Non-shaded grid blocks are presumptive sentences of probation (Prob. Term) with local custodial sanctions in days (upper number) and maximum jail days without a departure (lower number).

In grid blocks 4-C and 4-D, for offenders sentenced under 2011 Oregon Laws ch 598 (SB 395), the upper number of sanction units shall be 180, and the lower number of sanction units shall be 90. Offenders sentenced under 2011 Oregon Laws ch 598 shall serve a mandatory minimum term of incarceration of 90 days without reduction for any reason.

The probation term of 5 years applies to levels 9-11, the term of 3 years applies to levels 6-8, 2 years applies to levels 3-5, and 1 ½ years applies to levels 1-2.

The upward dispositional departure maximum sentence (Max Dispositional Depart) for a presumptive probation sentence shall be:

- (a) Up to six months for offenses classified in Crime Categories 1 and 2, or grid blocks 3-G, 3-H and 3-I;
- (b) Up to twelve months for offenses classified in grid blocks 3-A through 3-F, 4-C through 4-I and 5-G through 5-I; and
- (c) Up to eighteen months for offenses classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

Under certain conditions a probation sentence may be imposed in grid blocks 8-G, 8-H and 8-I without a departure.

Criminal History Categories

Oregon Administrative Rule 213-004-0007 defines criminal history categories.

A	The criminal history includes three or more person felonies in any combination of adult convictions or juvenile adjudications.
B	The criminal history includes two person felonies in any combination of adult convictions or juvenile adjudications.
C	The criminal history includes one adult conviction or juvenile adjudication for a person felony; and one or more adult conviction or juvenile adjudication for a non-person felony.
D	The criminal history includes one adult conviction or juvenile adjudication for a person felony but no adult conviction or juvenile adjudications for a non-person felony.
E	The criminal history includes four or more adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
F	The criminal history includes two or three adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
G	The criminal history includes four or more adult convictions for Class A misdemeanors; one adult conviction for a non-person felony; or three or more juvenile adjudications for non-person felonies, but no adult conviction or juvenile adjudication for a person felony.
H	The criminal history includes no adult felony conviction or juvenile adjudication for a person felony; no more than two juvenile adjudications for non-person felonies; and no more than three adult convictions for Class A misdemeanors.
I	The criminal history does not include any juvenile adjudication for a felony or any adult conviction for a felony or Class A misdemeanor.