

PREAMBLE. The manufacturing and dealing of street drugs are especially damaging to our communities. Certain property crimes are especially damaging to our citizens because they create a sense of personal violation. Criminals who commit these crimes need to be held accountable commensurate with the damage they do to our communities and citizens. There is also a connection between a heavy incidence of drug addiction and a heavy incidence of property crime, as addicts turn to crime to feed their habits. Both these crime cycles are addressed in this Act to better protect our communities.

SECTION 1. When a person is convicted of one of the offenses listed in Section 2 of this Act and the offense was committed on or after January 1, 2009, the court shall impose, and the person shall serve, at least the entire term of imprisonment listed in Section 2. The person is not, during the service of the term of imprisonment, eligible for release on post-prison supervision or any form of temporary leave from custody. The person is not eligible for any reduction in the sentence for any reason whatsoever under any statute. The court may impose a greater prison sentence, if otherwise permitted by law, but may not impose a lower prison sentence than the sentence specified in Section 2.

SECTION 2. The offenses to which Section 1 of this Act applies and the mandatory minimum prison sentences are:

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| (a) Illegal manufacture or illegal delivery of methamphetamine, heroin, cocaine, or 3, 4-methylenedioxymethamphetamine under circumstances constituting a Class A felony under ORS Chapter 475 | 36 months |
| (b) Illegal manufacture or illegal delivery of methamphetamine, heroin, cocaine, or 3, 4-methylenedioxymethamphetamine under circumstances constituting a Class B felony under ORS Chapter 475 | 30 months |
| (c) Identity theft as defined in ORS 165.800 | 36 months |
| (d) Burglary in the first degree as defined in ORS 164.225 | 36 months |
| (e) Forgery in the first degree as defined in ORS 165.013, when the person has a serious criminal record | 18 months |
| (f) Motor vehicle theft as defined in Section 4 of this Act, when the person has a serious criminal record | 18 months |
| (g) Theft in the first degree as defined in ORS 164.055, when the person has a serious criminal record | 14 months |

(h) Burglary in the second degree, as defined in ORS 164.215,
when the person has a serious criminal record

14 months

SECTION 3. For purposes of this Act, a person has a serious criminal record when the person has at least one previous conviction of a felony or at least two previous convictions of misdemeanors.

SECTION 4. For purposes of this Act, "motor vehicle theft" means theft, as defined in ORS 164.015, of a passenger motor vehicle as defined in ORS 801.360, a motor truck as defined in ORS 801.355, or a motorcycle as defined in ORS 801.365. Motor vehicle theft is classified as a Class C felony.

SECTION 5. For purposes of this Act, "previous conviction" includes any conviction occurring before, on, or after January 1, 2009, and any conviction entered in any other state or federal court for any offense comparable to any Oregon misdemeanor or felony.

SECTION 6. The sentences imposed under this Act shall be served in state prison facilities and work camps. The sentences shall not be served in county jails, except as to time served pending trial. The state shall reimburse the county as to the actual cost of pretrial incarceration for each person sentenced under this Act.

SECTION 7. If any part of this Act is found to be unconstitutional, the remaining parts shall survive in full force and effect. This Act shall be in all parts self-executing.

SECTION 8. This Act takes effect on January 1, 2009.

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CLERK OF THE STATE