

Sentencing Comparison  
Initiative Petition 40

The following is a comparison of the current sentencing standard with the new standard to be set under Petition 40.

Current law requires a judge to have “substantial and compelling reasons” to depart from a guideline sentence, so we have listed both the current standard sentence and the current maximum sentence allowed. (Be prepared to be amazed).

	<u>Current Standard Sentence</u>	<u>Current Maximum Sentence</u>	<u>Petition 40 Mandatory Minimum Sentence</u>
(a) Illegal manufacture or illegal delivery of methamphetamine, heroin, cocaine, or 3, 4- methylenedioxyamphetamine under circumstances constituting a Class A felony under ORS Chapter 475	Optional probation	18 months	36 months
(b) Illegal manufacture or illegal delivery of methamphetamine, heroin, cocaine, or 3, 4- methylenedioxyamphetamine under circumstances constituting a Class B felony under ORS Chapter 475	Optional probation	18 months	30 months
(c) Identity theft as defined in ORS 165.800	Probation	30 days	36 months
(d) Burglary in the first degree as defined in ORS 164.225	Probation	90 days	36 months
(e) Forgery in the first degree as defined in ORS 165.013, when the person has a serious criminal record	Probation	30 days	18 months
(f) Motor vehicle theft as defined in Section 4 of this Act, when the person has a serious criminal record	Probation	60 days	18 months
(g) Theft in the first degree as defined in ORS 164.055, when the person has a	Probation	60 days	14 months

serious criminal record

(h) Burglary in the second degree, as defined in ORS 164.215, when the person has a serious criminal record      Probation      60 days      14 months

Note: under Petition 40, 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. As to any crimes covered by Petition 40, such a record has no impact under current sentencing standards except repeat convictions of drug manufacturing or dealing, burglary in the first degree, or motor vehicle theft.

Source: Oregon District Attorneys Association