

**Crime Seriousness of All Ranked Felonies**

**2020 Sentencing Guidelines Grid**

Crime Seriousness of All Ranked Felonies	Post-Prison Supervision (years)	2020 Sentencing Guidelines Grid									Probation Duration	Dispositional departure maximum sentence	
		A	B	C	D	E	F	G	H	I			
ABANDONMENT OF CHILD 163.335	7, 3*												
ABUSE OF CORPSE I 166.087/ II 166.085	5/3												
ADMIN MARIJUANA TO MINOR 475B.371	9												
AGGRAVATED ANIMAL ABUSE I 167.322	6												
AGGRAVATED DWS 163.196	7												
AGGRAVATED HARASSMENT 166.070	6												
AGGRAVATED IDENTITY THEFT 165.803	5												
AGGRAVATED MURDER 163.095	U												
AGGRAVATED MURDER - SOLICIT 163.095	10												
AGGRAVATED THEFT I 164.057, 164.061	8, 6, 5*												
ALTERATION OF GIFT DOCUMENT 97.982	4												
ANIMAL ABUSE I (FELONY) 167.320(4)	6*												
ANIMAL NEGLECT I (FELONY) 167.330(3)/ II (FELONY) 167.325(3)	7, 6*												
ARSON I 164.325 [SEE MEASURE 11 BOX]	10, 9, 8, 7*												
ARSON II 164.315	PROPERTY												
ARSON INCIDENT TO MCS/ EXTRACTS I 164.342, 475B.359	10, 9, 8, 7*												
ARSON INCIDENT TO MCS/ EXTRACTS II 164.338, 475B.363	6, 5, 4, 3, 2*												
ASSAULT III 163.165	8, 6*												
ASSAULT IV (FELONY) 163.160(3)	6												
ASSAULT PUBLIC SAFETY OFFICER 163.208	6												
ASSAULT LAW ENFORCEMENT ANIMAL 167.339	6												
ASSISTING A SUICIDE 163.193	U												
ATHLETIC AGENT NOTICE REQUIREMENT 702.042	1												
ATTEMPT TO ELUDE - VEHICLE (FELONY) 811.540(1)(b)(A)	2												
ATTEMPT 2 BELOW CRIME (MIN CS 1)	2												
BIAS CRIME I	6												
BIGAMY 163.515	1												
BLUE SKY/ SECURITIES (ORS CH 59)	PROPERTY												
BRIBE GIVING 162.015/ RECEIVING 162.025	6/6												
BRIBE GIVING SPORTS 165.085/ RECEIVING SPORTS 165.090	2/2												
BRIBING A WITNESS 162.265/ RECEIVING BY A WITNESS 162.275	6/6												
BURGLARY I 164.225	9, 8, 7*												
BURGLARY II 164.215	PROPERTY												
BUYING/ SELLING CUSTODY OF MINOR 163.537	8, 5*												
CAUSE ANOTHER INGEST C.S./ MARIJUANA 475.908/ 475B.367	9, 8*												
CELLULAR COUNTERFEITING I 165.581/ II 165.579	4/2												
CHEATING AT GAMBLING 167.167	2												
CHILD NEGLECT I 163.547	6												
COERCION 163.275	7, 6*												
COMPUTER CRIME/ COMPUTER FRAUD 164.377	5, PROPERTY*												
CONSPIRACY 161.450	U												
CRIMINAL MISCHIEF I 164.365	PROPERTY												
CRIMINAL MISTREATMENT I 163.205	7												
CRIMINAL NONSUPPORT 163.555	3												
CRIMINAL POSS RENTED/LEASED VEHICLE 164.138	PROPERTY												
CRIMINALLY NEGLIGENT HOMICIDE 163.145	9, 8*												
CUSTODIAL INTERFERENCE I 163.257/ II 163.245	6/4												
CUSTODIAL SEXUAL MISCONDUCT I 163.452	7												
DISCHARGE FIREARM IN SCHOOL 166.370(5)(a)	6												
DISORDERLY CONDUCT I (2nd CONV.) 166.023	4												
DISPOSAL METH WASTES 475.977	4												
DISSEMINATION OF INTIMATE IMAGE (FELONY) 163.472	6												
DISTRIBUTION CS/MARIJUANA TO MINOR 475.906	DRUG TABLE												
DRIVING WHILE SUSPENDED/ REVOKED 811.182	6, 4*												
DRUG OFFENSES (CS AND MARIJUANA)	DRUG TABLE												
DUII FELONY (3rd CONV. IN 10 YEARS) 813.011	4												
DUII FELONY (4th/5th CONV. IN 10 YEARS) 813.010(5)	4												
ENCOURAGING CHILD SEX ABUSE I 163.684/ II 163.686	8/5												
ENDANGER PERSON PROTECTED BY FAPA RO 163.192	4												
ENGAGE MONEY TRANSMISSION W/O LICENSE 717.905(3)	1												
ENVIRONMENTAL ENDANGERMENT 468.951	U												
ESCAPE I 162.165	7												
ESCAPE II 162.155	6												
FACTORING PAYMENT CARDS 165.074	PROPERTY												
FAIL TO APPEAR I 162.205	4												
FAIL TO MAINTAIN DRUG RECORDS 475.993(2)(a)	1												
FAIL TO REPORT AS SEX OFFENDER 163A.040	4												
FALSE INFO ENVIRONMENTAL AGENCY 468.953	1												
FALSE LAW ENFORCEMENT ID 162.367	3												
FALSE STATEMENT MONEY TRANSMISSION 717.905(2)	1												
FALSE SWEARING VEHICLE BUSINESS 822.605	2												
FELON IN POSSESSION - SOFT BODY ARMOR 166.642	1												
FELON IN POSSESSION - FIREARM 166.270	6												
FEMALE GENITAL MUTILATION 163.207	8												
FILING FALSE HEALTH CARE CLAIM 165.692	6												
FIREARMS - ALTER ID MARK 166.450	1												
FIREARMS - MANUF/ IMPORT/ TRANSFER 166.410	6												
FORCIBLE RECOVERY OF FIGHTING BIRD 167.439	1												
FOOD STAMP FRAUD 411.840	2												
FORGE/ ALTER VEHICLE TITLE/ REG 803.230	1												
FORGERY I 165.013	PROPERTY												
FRAUDULENT USE CREDIT CARD (\$1000+) 165.055(4)(b)	PROPERTY												
FURNISH FIREARM COMMIT FELONY 166.429	7												
GAMBLING I 167.127	3												
HINDERING PROSECUTION 162.325	1												
HIT & RUN VEHICLE - INJURY 811.705	8, 6*												
HIT AND RUN BOAT 830.475(2)	6												
IDENTITY THEFT 165.800	PROPERTY												
IMPERSONATE OFFICER/ JUDGE/ JP 162.365(3)(b)	3												
INCEST 163.525	6, 1*												
INDUCING ATHLETE/ CONTRACT 702.032	1												
INMATE - POSS FIREARM/ WEAPON 166.275	8, 7*												
INTERFER W/ AGRICULTURAL RESEARCH 164.889	PROPERTY												
INTERFER W/ LIVESTOCK PRO 167.388	PROPERTY												
INVASION PERSONAL PRIVACY I 163.701	6												
LABELING SOUND RECORDING 164.868	PROPERTY												
LABELING VIDEOTAPE 164.872	PROPERTY												
LURING A MINOR 167.057	6												
MAIL THEFT OR RECEIPT OF STOLEN MAIL (FELONY) 164.162	6*												
MAINTAINING A DANGEROUS DOG 609.990(3)(b)	5												
MCS/ DCS SCHEDULE IV CAUSING DEATH 475.840(6)(a)	U												
MURDER I - SOLICIT	10												
MURDER II - SOLICIT	9												
NEGOT BAD CHECK (2nd CONV IN 5 YRS) 165.065	PROPERTY												
ONLINE SEX CORRUPT I 163.433/ II 163.432	8/6												
ORGANIZED RETAIL THEFT 164.098	4												

**PROPERTY OFFENSES — Crime Seriousness (CS) Categories**

Personal Vehicle	CS4 if value ≥\$10k; CS3 if ≥ \$1k but < \$10k
Other Property Crime	CS6 if value ≥\$50k; CS5 if ≥\$10k but <\$50k; CS4 if ≥\$5k but <\$10k; CS3 if ≥\$1k but <\$5k; otherwise CS2

**Repeat Property Offenders—ORS 137.717 (Eff. 1/1/18-7/1/23)**

	Current Crime of Conviction	Predicate Prior Convictions
24	Agg Theft I; Burg I; Agg ID Theft <b>USE A or B or C ▶</b>	A: 1/+ prior Agg Theft I; Burg I; Rob III, II, I; Agg ID Theft B: Two/+ priors from F
18	UUV; Mail Theft/ Receipt Stolen Mail; Burg II; Crim Mischief I; Computer Crime; Rob III; Forgery I; Crim Poss of Forged Instrument I; Fraud Use of Credit Card; Poss Stolen Vehicle; Trafficking Stolen Vehicle <b>USE B or C or D ▶</b>	C: Current crime was committed while on supervision for or w/in 3 years of completing supervision on prior from F D: 1/+ prior Agg Theft I; UUV; Burg I; Rob III, II, I; Poss of Stolen Vehicle; Trafficking Stolen Vehicle; Agg ID Theft
13	Theft I; ID Theft <b>USE E ▶ or four or more from F ▼</b>	E: 1/+ prior Agg Theft I, UUV; Burg I, Rob II or I; Poss Stolen Vehicle; Trafficking Stolen Vehicle; Agg ID Theft

F: Theft II, I; Agg Theft I; UUV; Mail Theft/ Receipt of Stolen Mail; Burg II, I; Crim Mischief II, I; Computer Crime; Forgery II, I; Crim Poss of Forged Instrument II, I; Fraud Use of Credit Card; ID Theft; Poss of Stolen Vehicle; Trafficking Stolen Vehicle; or any attempt to commit a crime listed in this box.

**Increased Sentences:** Except for Theft I and ID Theft, add 2 months for each previous conviction for crimes listed in A/ D/ F not used as a predicate for the presumptive sentence. (May not increase presumptive sentence by more than 12 months)

**Downward Departure Eligibility (ORS 137.717(6):** Ineligible unless stipulated or court finds that:

- 1) D was not on supervision for a crime listed in A/ D/ F at time of current crime; 2) D has not previously received down dep for a crime listed in A/ D/ F; 3) Harm/loss caused by crime is not greater than usual; **and** 4) Considering nature of offense and harm to V, a down dep will increase public safety, enhance the likelihood of rehabilitation, and not unduly reduce the appropriate punishment.

**AIP Eligibility ORS 137.751**

**Prohibited:** M11 offenses; Aggravated Murder; Sex crimes (181.805), including attempts. **Stipulation Required:** Crim Neg Homicide; Assault III (163.165(a) or (b)); Incest; Felony Hit & Run (811.705(2)(b)). **Without a stipulation, the court must find (after a hearing) ALL of the following:** 1) D not being sentenced for a prohibited crime or a crime requiring a stipulation; 2) At the time of commission of current crime, D was not on supervision for any offense listed in 137.712(4) or 811.705(2)(b); 3) D not previously released on PPS under 421.508(4) (prior AIP); 4) Harm/loss caused is not greater than usual for type of crime; 5) Crime not part of organized criminal operation; **AND 6)** After considering nature of offense/ harm to V, D's successful completion of program would a) increase public safety, b) enhance the likelihood that D be rehabilitated; and c) not unduly reduce the appropriate punishment.

**Departure Sentences OAR 213-008-0002(1)(a)-(b)**

**Aggravating Factors:** 1) Deliberate cruelty; 2) Vulnerable V; 3) Threat of actual violence 4) Persistent involvement unrelated to current crime; 5) Use of a weapon 6) Violation of public trust/ professional responsibility; 7) Multiple Vs or incidents, unrelated to current crime; 8) Organized criminal operation; 9) Permanent injury to V; 10) Harm/ loss significantly greater than typical; 11) Motivated entirely/in part by V's race, color, national origin, gender identity, sexual orientation. (Non-Exclusive List)  
**Mitigating Factors:** 1) V was an aggressor/ participant in criminal conduct; 2) D acted under duress/ compulsion; 3) Diminished mental capacity (excluding drugs or alcohol); 4) Offense principally accomplished by another and D exhibited extreme caution or concern for V; 5) D played a minor or passive role; 6) D cooperated with the state; 7) Degree of harm/ loss attributed to the current crime of conviction was significantly less than typical; 8) D conviction free for a significant period of time; 9) Same as optional probation criteria. (Non-Exclusive

**Notice of Enhancement Factors ORS 136.765**

Notice of intent to seek an upward departure must be given to D no later than 60 days after arraignment on the indictment or 14 days before trial, whichever is sooner, unless a later time is agreed upon by the parties or upon showing and finding of good cause.

**Optional Probation OAR 213-005-0006**

If offense classified in 8G, 8H or 8I the court may impose probation if it makes the following specific findings on the record: 1) An appropriate treatment program is likely to be more effective than presumptive prison term in reducing the risk of recidivism; 2) The recommended treatment program is available and the offender can be admitted to it within a reasonable period of time; **and** 3) The probationary sentence will serve community safety interests by promoting offender reformation.

**This option is unavailable if:** 1) A firearm was used in the commission of the offense; or 2) if the offender was under supervision for a felony, or juvenile felony adjudication; or 3) for MCS/ meth (substantial quantity); or 4) repeat meth offenders. (see box →)

**Determinate Sentences ORS 137.635-7**

If D is convicted of Murder, Man I, Assault I, Kidnapping I, Rape I, Sodomy I, Sexual Penetration I, Burg I, Arson I, or Rob I, **and** has been convicted of any one of the above named crimes, then the defendant must receive a determinate **DOC** sentence. D not eligible for probation, see OAR 213-009-0001(2). (The sentencing judge and the order must indicate that sentence is a 137.635 sentence)

**Commercial Drug Offense Factors 475.900**

THREE OR MORE OF THE FOLLOWING:

- |                        |  |   |
|------------------------|--|---|
| a) poss \$300+ cash    | f) modification of structure   | j) PCS >3g heroin, 8g cocaine/ meth, 10g psilocybin/psilocin, 20 units LSD; 4g/20 pills |
| b) stolen property     | g) weapon use/ex-con in poss   | ecstasy   |
| c) dangerous security  | h) manufacturing paraphernalia   | k) MCS public land  |
| d) packaging materials | i) DCS for consideration (heroin/ cocaine/meth/LSD/psilocybin/ psilocin) |   |
| e) drug records        |  |   |

**\*CRIME SERIOUSNESS (CS) CATEGORIES**

**Abandon of Child:** CS7 if child placed in immediate physical danger; otherwise CS3.  
**Aggravated Theft I:** CS8 if V 65/+ and \$10K/+; CS6 if >\$50K, otherwise CS5. **Animal Abuse I:** CS6 if prior conviction for assault I/II/III/IV or strangulation and conviction involved DV or minor child victim, or prior agg animal abuse or animal abuse I conviction, or 2) present offense is knowingly committed in the immediate presence of or perceived by minor child; otherwise A misdo. **Animal Neglect I:** CS7 if 1) 1/+ prior conviction for animal neglect I/ II; 2) knowingly committed in the immediate presence of minor child, or 3) present offense involved >40 animals; CS6 if criminal episode involved 10-40 animals; otherwise A Misdo. **Animal Neglect II:** CS7 if 1) 2/+ prior convictions animal neglect I/II; 2) knowingly committed in the immediate presence of minor child and D has 1/+ prior DV conviction, or 3) present offense involved >40 animals; CS6 if criminal episode involved 11-40 animals; otherwise B Misdo. **Arson I or Arson Incident to MCS/ Manufacture Extracts I:** CS10 if offense represented threat of SPI; CS9 no threat of SPI and >\$50K damage; CS8 if no threat of SPI and ≥\$25K but <\$50K damage; otherwise C7. **Arson Incident to MCS/ Manufacture Extracts II:** CS6 if damage ≥\$50K; CS5 if ≥\$10K but <\$50K; CS4 if ≥\$5K but <\$10K; CS3 if ≥\$1K but <\$5K; otherwise CS2. **Assault I:** CS10 if V did not substantially contribute to the commission of offense by precipitating the crime or intentional/knowing SPI to child <5 years old; otherwise CS9. **Assault III:** CS8 if by motor vehicle DUII; otherwise CS6. **Burg I:** CS9 if armed with deadly weapon; or caused/ threatened physical injury to V; CS8 if dwelling occupied; otherwise CS7. **Buying/Selling Custody of Minor:** CS8 if conduct likely to endanger the health or welfare of child; otherwise CS5. **Cause Another to Ingest CS/ Marijuana:** CS9 if with intent to commit/facilitate crime of violence or substance is marijuana; otherwise CS8. **Coercion:** CS7 if D threatened physical injury; otherwise CS6. **Computer Crime:** CS5 if theft of intimate image; otherwise see Property Chart. **Crim Neg Hom:** CS9 if motor vehicle DUII; otherwise CS8. **DWS:** CS6 if susp/rev from veh homicide/ assault resulting in SPI or Agg Veh Hom or Agg DWS; otherwise CS4. **Hit & Run:** CS8 if death or SPI; otherwise CS6. **Incest:** CS6 if one participant is under 18 and age difference is >3 yrs; otherwise CS1. **Inmate Poss Weapon:** CS8 if firearm; otherwise CS7. **Kidnap I:** 300 mo if in furtherance of the commission or attempted commission of Rape I, Sod I or Sex Pen I and V is under 12. **Mail Theft/Receipt Stolen Mail:** CS6 if sentence imposed prior to Feb 15, 2010 and for sentences imposed for crimes committed on or after Jan 1, 2012; otherwise A misdo. **Manslaughter II:** CS9 if motor vehicle DUII; otherwise CS8. **Poss Body Armor:** CS6 if D committed/attempted person felony or violent misdo; otherwise CS4. **Rape/Sodomy/Sexual Penetration I:** CS10 if 1) D used or threatened use of weapon; 2) D caused/threatened SPI; 3) V under 12; or 4) V incapable of consent because of mental defect, incapacitation, physical helplessness; otherwise CS9. **Sex Abuse II:** CS8 if V incapable of consent because under age 18, offender is 21+, and D was victim's coach prior to offense; otherwise CS7. **Stalking:** CS8 if prior conviction for stalking; otherwise A misdo. **Strangulation:** CS6 if 1) immediate presence of/ witnessed by minor child 2) V under 10,

3) use/attempted use/threatened use of deadly/dangerous weapon, 4) prior assault/ menacing against same V; or 5) 3/+ prior convictions for assault or menacing; CS5 if V is family or household member of D. **Subject Person to Servitude I:** CS9 if causing or threatening death or SPI; CS6 if physically restrained or threatened to physically restrain a person. **Supp Contraband:** CS7 if firearm; CS6 if dangerous weapon; CS5 if controlled substance; otherwise CS4. **Theft by Extortion:** CS7 if D threatened physical injury; CS6 if threat to report immigration status or suspected status to law enforcement; otherwise property crime. **Theft by Receiving:** CS5 if part of organized operation; otherwise CS3. **Trafficking Stolen Vehicles:** CS6 if part of organized operation or >\$50K; otherwise CS5. **Tree Spiking:** CS8 if results in SPI; otherwise CS6. **Unlawful Admin of CS:** CS9 if schedule I or II; CS8 if schedule III; CS5 if schedule IV. **Weaponized Unmanned Aircraft:** CS8 if aircraft operated as a dangerous weapon and caused SPI; CS6 if operated as a

**Drug Offenses — Crime Seriousness Categories**

10	MCS/DCS mixture/ substance containing any one of the following: ≥500 g cocaine; 500 g meth, salts, isomers, isomer salts; 100 g heroin; or 100 g/ 500 pills, tablets, capsules ecstasy
9	MCS/DCS mixture/ substance containing any one of the following: ≥100 g cocaine; 100 g meth, salts, isomers, isomer salts; 50 g heroin; or 50 g/ 250 ecstasy pills/ tablets/capsules DCS cocaine, meth, heroin, ecstasy to minor and either D has prior conviction for same or D is 3+ yrs older than minor (no departure sentence or opt prob., ORS 475.930(1)(b)(A))
8	MCS/DCS/PCS commercial drug offense (including marijuana CDO see 475B.354) MCS/DCS substantial quantity MCS/DCS within 1000 ft of school MCS/DCS using minor and D is 3+ yrs older than minor MCS meth DCS Schedule I, II, or III to minor
6	DCS cocaine, meth, heroin, ecstasy for consideration PCS precursor sub. w/intent to manufacture PCS substantial quantity
4	All other MCS/DCS (including marijuana see 475B.354)
1	All other PCS (including marijuana see 475B.354)

**Repeat Meth Offenders — ORS 475.935**

Offense	Departure Limitation/ Presumptive
DCS Meth ORS 475.890/475.892	if two of more priors of any combination of DCS/MCS Meth, DCS/MCS Meth w/in 1000 ft of school, or PCS precursor substance with intent to manufacture, then presumptive 19 month sentence

**Controlled Substances Substantial Quantities 475.900**

COCAINE/METH - 10g; LSD - 200 units; HEROIN - 5g; PSILOCYBIN/ PSILOLOCIN - 60g; ECSTASY - 5g/25 pills

Sentencing grid available from Lane County District Attorney's Office  
125 E. 8<sup>th</sup> Avenue, Eugene, OR 97401 -- (541) 682-4261

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