

DATE SUBMITTED \_\_\_\_\_

(For Clerk's Use)

Meeting Date 12/8/88

Agenda No. 10-1

*Liquor licenses*

REQUEST FOR PLACEMENT ON THE AGENDA

35  
5162

Subject: LIQUOR LICENSES

Informal Only\* \_\_\_\_\_  
(Date)

Formal Only 12-1-88 12-8-88  
(Date)

DEPARTMENT Sheriff's Office DIVISION \_\_\_\_\_

CONTACT Sgt. Ed Hausafus TELEPHONE 255-3600

\*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Sally Anderson

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

RECEIVED  
from Clerk's office  
NOV 25 1988

SEE REVERSE SIDE

DEPARTMENT OF  
JUSTICE SERVICES

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

INFORMATION ONLY     PRELIMINARY APPROVAL     POLICY DIRECTION     APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA CONSENT AGENDA

IMPACT:

PERSONNEL

FISCAL/BUDGETARY

General Fund

Other \_\_\_\_\_

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Sally Anderson/w

BUDGET / PERSONNEL \_\_\_\_\_

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) \_\_\_\_\_

OTHER \_\_\_\_\_  
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1988 NOV 29 PM 2 21

*John Angell*  
*Sally Anderson/w*  
11-25-88

Application for a DISPENSER CLASS A license renewal for the Drum and Ricardos La Fiesta Restaurant, 14601 SE Division; applicants Richard Carl Miller and Dan Teeny with recommendation for approval.

Application for a RETAIL MALT BEVERAGE license renewal for the Pleasant Home Saloon, 31637 SE Dodge Park Blvd, Gresham, OR; applicant Clifford W. Loftin with recommendation for approval.

Application for a PACKAGE STORE license renewal for the Fred's Marina, 12800 NW Marina Way; applicant Fredrick Alexandere with recommendation for approval.

Application for a DISPENSER CLASS A license renewal for the Drum and Ricardos La Fiesta Restaurant, 14601 SE Division; applicants Richard Carl Miller and Dan Teeny with recommendation for approval.

Application for a RETAIL MALT BEVERAGE license renewal for the Pleasant Home Saloon, 31637 SE Dodge Park Blvd, Gresham, OR; applicant Clifford W. Loftin with recommendation for approval.

Application for a PACKAGE STORE license renewal for the Fred's Marina, 12800 NW Marina Way; applicant Fredrick Alexandere with recommendation for approval.

RECEIVED  
MAY 10 1988  
MAY 10 1988

RECEIVED  
MAY 10 1988  
MAY 10 1988



# Multnomah County Sheriff's Office

FRED B. PEARCE  
SHERIFF

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

(503) 255-3600

## MEMORANDUM

---

TO: BOARD OF COUNTY COMMISSIONERS

FROM: FRED B. PEARCE  
Sheriff *Fred B. Pearce*

DATE: November 18, 1988

SUBJECT: LIQUOR LICENSE RENEWAL

---

Attached is the Dispenser Class A liquor license renewal for The Drum and Ricardos La Fiesta Restaurant, 14601 SE Division. The applicant(s) Richard Carl Miller and Dan Teeny have no criminal record and I recommend that the application be approved.

EH/jz/1704N

Attachment

# LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522 1989

SYMBOL	CLASSIFICATION	FEES	DISTRICT	CITY/COUNTY	DPLRN	CODE
DA	DISPENSER CLASS A SERVER EDUCATION STUDENT FEE	\$400.00 2.60	1	2600	R00042A	A

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1988.

MILLER RICHARD  
 THE DRUM&RICCARDOS LA FIESTA REST.  
 14601 SE DIVISION  
 PORTLAND OR 97236

DA-0036  
 MILLER RICHARD  
 R.A.D. INC  
 PIERCE DELORES  
 CARPENTER MARK  
 THE DRUM&RICCARDOS LA FIESTA REST.  
 14601 SE DIVISION  
 PORTLAND OR 97236

CIVIL PROC. SERVICE  
 10 10 10 PM 2:41

\* Is Server Education designee(s), indicated by \*T\* above, correct? Yes  No   
 \*\* If no, who is your new designee? \_\_\_\_\_ SS# \_\_\_\_\_

1. Please list a daytime phone number in case we need more information: 760-1400  
 2. Were you or anyone else who holds a financial interest in these premises arrested or convicted of violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).  
 YES  NO  IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): \_\_\_\_\_  
 OFFENSE \_\_\_\_\_ DATE \_\_\_\_\_ CITY/STATE \_\_\_\_\_ RESULT \_\_\_\_\_

3. Will anyone share in the profits who is not a licensee? YES  NO   
 If yes, please give name(s) and explain: \_\_\_\_\_

4. Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?  
 YES  NO  IF YES, EXPLAIN: \_\_\_\_\_

5. REPORT BELOW THE AVERAGE MONTHLY SALES FIGURES TO THE NEAREST DOLLAR FOR 12 MONTH PERIOD ENDING 09-30-88.  
 A. AVERAGE MONTHLY ALCOHOLIC BEVERAGE SALES (INCLUDE BEER, WINE & DISTILLED SPIRITS): \$ 36,248. Remember: Round to the NEAREST DOLLAR.  
 B. AVERAGE MONTHLY FOOD SALES: \$ 21,066. Example: \$36,472.55 (Actual)  
 C. AVERAGE MONTHLY TOTAL SALES (ADD A+B): = \$ 57,314  
 D. PERCENT OF FOOD TO TOTAL SALES (DIVIDE B BY C): 37 % \$36,473.00 (Rounded)

## RENEWAL FEE / SERVER EDUCATION STUDENT FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$402.60 MADE PAYABLE TO "OLCC".  
 LATE RENEWAL ADDITIONAL FEE

The OLCC must receive your complete renewal application no later than 12-31-88, or you must pay an additional fee of \$100.00. You may take your application to the nearest OLCC office, if your mailed application might not reach the Portland Office by the cut-off date.

## ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH recommends that this license be GRANTED  REFUSED   
 DATE OF ENDORSEMENT: 12-8-88  
 SIGNED: Carol Miller TITLE OF SIGNER: Chair Protem

## SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

<input checked="" type="checkbox"/> RICHARD CARL MILLER	<input checked="" type="checkbox"/> DAN TEENY	
PRINT YOUR NAME	PRINT YOUR NAME VICE PRES.	PRINT YOUR NAME
<u>Richard C. Miller</u>	<u>Don Teeny</u>	
SIGNATURE	SIGNATURE	SIGNATURE
DATE <u>11-9-88</u>	DATE <u>11-9-88</u>	DATE
<u>537-32-6264</u>	<u>567-22-0751</u>	
SOCIAL SECURITY NUMBER	SOCIAL SECURITY NUMBER	SOCIAL SECURITY NUMBER
D.O.B.	D.O.B.	D.O.B.

\*\*NOTICE\*\* All employees who serve or sell alcoholic beverages MUST have a valid Service Permit.



# Multnomah County Sheriff's Office

FRED B. PEARCE  
SHERIFF

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

(503) 255-3600

## MEMORANDUM

---

TO: BOARD OF COUNTY COMMISSIONERS

FROM: FRED B. PEARCE *Fred B. Pearce*  
Sheriff

DATE: November 18, 1988

SUBJECT: LIQUOR LICENSE RENEWAL

---

Attached is the package store liquor license renewal for the Fred's Marina, 12800 NW Marina Way, Portland, Oregon. The applicant Fredrick Alexandere has no criminal record and I recommend that the application be approved.

EH/jz/1704N

Attachment

# LICENSE RENEWAL APPLICATION

PD  
by  
chl

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522 1989

SYMBOL	CLASSIFICATION	FEES	DISTRICT	CITY/COUNTY	DPLRN	CODE
RMB	RETAIL MALT BEVERAGE SERVER EDUCATION STUDENT FEE	\$200.00 2.60	1	2600	R14183A	C

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1988.

CW LOFTIN INC  
PLEASANT HOME SALOON  
31637 SE DODGE PARK BLVD  
GRESHAM OR 97030

CW LOFTIN INC  
LOFTIN CLIFFORD

PLEASANT HOME SALOON  
31637 SE DODGE PARK BLVD  
GRESHAM OR 97030

08 NOV 15 11:11:25  
 SHARPE'S OFFICE  
 CIVIL PROCESS UNIT  
 \*\*T\*

\* Is Server Education designee(s), indicated by \*T\* above, correct? Yes  No   
 \*\* If no, who is your new designee? \_\_\_\_\_ SS# \_\_\_\_\_

1. Please list a daytime phone number in case we need more information: 663-2626
2. Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).  
 YES  NO  IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): \_\_\_\_\_  

OFFENSE	DATE	CITY/STATE	RESULT
3. Will anyone share in the profits who is not a licensee? YES  NO   
 If yes, please give name(s) and explain: \_\_\_\_\_
4. Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?  
 YES  NO  IF YES, EXPLAIN: \_\_\_\_\_

### RENEWAL FEE / SERVER EDUCATION STUDENT FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$202.60 MADE PAYABLE TO "OLCC"  
 LATE RENEWAL ADDITIONAL FEE

The OLCC must receive your complete renewal application no later than 12-31-88, or you must pay an additional fee of \$50.00. You may take your application to the nearest OLCC office, if your mailed application might not reach the Portland Office by the cut-off date.

### ENDORSEMENT

The (CITY OR/COUNTY OF) Multnomah recommends that this license be GRANTED  REFUSED   
 DATE OF ENDORSEMENT: 12/8/88  
 SIGNED: Carolyn Miller TITLE OF SIGNER: Chair Protem

### SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

<p><u>Clifford W. Loftin</u>                  PRINT YOUR NAME</p> <p><u>Clifford W. Loftin</u> <u>11/5/88</u>                  SIGNATURE DATE</p> <p><u>543-42-2650</u> <u>4/21/43</u>                  SOCIAL SECURITY NUMBER D.O.B.</p>	<p>_____                  PRINT YOUR NAME</p> <p>_____                  SIGNATURE DATE</p> <p>_____                  SOCIAL SECURITY NUMBER D.O.B.</p>	<p>_____                  PRINT YOUR NAME</p> <p>_____                  SIGNATURE DATE</p> <p>_____                  SOCIAL SECURITY NUMBER D.O.B.</p>
---	--	--

\*\*NOTICE\*\* All employees who serve or sell alcoholic beverages MUST have a valid Service Permit.



# Multnomah County Sheriff's Office

FRED B. PEARCE  
SHERIFF

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

(503) 255-3600

## MEMORANDUM

---

TO: BOARD OF COUNTY COMMISSIONERS

FROM: FRED B. PEARCE  
Sheriff *Fred B. Pearce*

DATE: November 18, 1988

SUBJECT: LIQUOR LICENSE RENEWAL

---

Attached is the retail malt beverage liquor license renewal for the Pleasant Home Saloon, 31637 SE Dodge Park Boulevard, Gresham, Oregon. The applicant(s) Clifford W. Loftin has no significant criminal record and I recommend that the application be approved.

EH/jz/1704N

Attachment

# LICENSE RENEWAL APPLICATION

AD  
check

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522 1989

SYMBOL	CLASSIFICATION	LICENSE FEE	DISTRICT	CITY/COUNTY	DPLRN	CODE
PS	PACKAGE STORE	\$50.00	1	2600	R06953A	F

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1988.

FREVACH LAND COMPANY  
 FRED'S MARINA  
 12800 NW MARINA WAY  
 PORTLAND OR 97231

FREVACH LAND COMPANY

FRED'S MARINA  
 12800 NW MARINA WAY  
 PORTLAND OR 97231

NOV 15 11:10:29  
 SHERRIFFS OFFICE  
 CIVIL PROCESS UNIT

1. Please list a daytime phone number in case we need more information: 286-5537
2. Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).  
 YES \_\_\_\_\_ NO X IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): \_\_\_\_\_

OFFENSE	DATE	CITY/STATE	RESULT
---------	------	------------	--------

3. Will anyone share in the profits who is not a licensee? YES \_\_\_\_\_ NO X  
 If yes, please give name(s) and explain: \_\_\_\_\_

### RENEWAL FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$50.00 MADE PAYABLE TO "OLCC"  
 LATE RENEWAL ADDITIONAL FEE

The OLCC must receive your complete renewal application no later than 12-09-88, or you must pay an additional fee of \$12.50. IF YOUR APPLICATION IS RECEIVED AFTER 12-31-88, the additional fee increases to \$20.00. You may take your application to the nearest OLCC office, if your mailed application might not reach the Portland Office by the cut-off date.

### ENDORSEMENT

The (CITY OR/COUNTY OF) Multnomah recommends that this license be GRANTED X REFUSED \_\_\_\_\_

DATE OF ENDORSEMENT: 12-8-88  
 SIGNED: Cecilia Miller TITLE OF SIGNER: Chair person

### SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

<u>Alexander E Fredrick</u> PRINT YOUR NAME	_____ PRINT YOUR NAME	_____ PRINT YOUR NAME
<u>Alexander E Fredrick</u> SIGNATURE	<u>11/15/88</u> DATE	_____ SIGNATURE
<u>540-12-2697</u> SOCIAL SECURITY NUMBER	<u>12/13/20</u> D.O.B.	_____ SOCIAL SECURITY NUMBER
		_____ D.O.B.

Deed of easements  
(Roads)

DATE SUBMITTED \_\_\_\_\_

(For Clerk's Use)  
Meeting Date 12/8/88  
Agenda No. C-2a

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Deed/Order for Road Purposes 36  
J162

Informal Only\* \_\_\_\_\_  
(Date)

Formal Only XX \_\_\_\_\_  
(Date)

DEPARTMENT Environmental Services

DIVISION Transportation Division

CONTACT Dick Howard RWA

TELEPHONE Ext. 3599

\*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Dick Howard

BRIEF SUMMARY

N.E. 223RD AVENUE/COUNTY ROAD NO. 4967/ITEM NO. 87-308

Deed from Peter McGill for county road purposes.

Order Accepting Deed conveying property for county road purposes.

ACTION REQUESTED:

/ / INFORMATION ONLY / / PRELIMINARY APPROVAL / / POLICY DIRECTION XXX APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA \_\_\_\_\_

IMPACT:

/ / PERSONNEL

/ / FISCAL/BUDGETARY

/ / General Fund

Other \_\_\_\_\_

To R/E/2  
1/4/89

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1988 NOV 30 PM 2:00

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: [Signature]

BUDGET/PERSONNEL \_\_\_\_\_

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) [Signature]

OTHER \_\_\_\_\_  
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Acceptance of a  
Warranty Deed from Peter McGill for  
Road Purposes.

) ORDER ACCEPTING DEED  
) FOR COUNTY ROAD PURPOSES  
)  
) N.E. 223RD AVENUE  
) COUNTY ROAD NO. 4967  
) N.E. Glisan St. to N.E. Stark St.  
) Item No. 87-308

WHEREAS, Peter McGill has tendered to MULTNOMAH COUNTY a deed for road purposes; and

WHEREAS, the premises are suitable for use as a part of the county road system of MULTNOMAH COUNTY, and the Director of the Department of Environmental Services has recommended that said deed be accepted; and

WHEREAS, all funds in connection with the acquisition of said property are being disbursed by the Oregon State Highway Division, in accordance with agreement for right-of-way purposes, dated January 11, 1988, between the state of Oregon, by and through its Department of Transportation, Highway Division and MULTNOMAH COUNTY:

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The deed of Peter McGill to MULTNOMAH COUNTY, to be known as NE 223rd Avenue, County Road No. 4967; and
2. The real property conveyed to MULTNOMAH COUNTY and accepted by this Order is described as follows:

A parcel of land situated in Tax Lot 7, Section 34, T1N, R3E, W.M., Multnomah County, Oregon, being more particularly described as follows:

Commencing at the northwest corner of that tract of land conveyed to R. R. Ballivant and recorded October 12, 1953, in Book 1625, Page 548, Deed Records of Multnomah County, Oregon, then S 88°22'24" E a distance of 20.00 feet to a point on the east right-of-way line at NE 223rd Avenue, County Road No. 2055, said point is the true point of beginning; thence N 02°16'36" E, 2,594.55 feet, along said east right-of-way line to a point on the south right-of-way line of NE Glisan Street, County Road No. 2326, said point is 30.00 feet southerly (when measured at a right angles) of the centerline of said NE Glisan Street, and 20.00 feet easterly (when measured at a right angle) of the centerline of said NE 223rd Avenue; thence S 87°54'24" E along the south right-of-way line at said NE Glisan Street, a distance of 69.92 feet to a point; thence S 02°05'36" W, 10.00 feet to a point; thence N 87°54'24" W parallel to and 10.00 feet south of said south right-of-way line of NE Glisan Street a distance of 20.00 feet to a point of curvature; thence southwesterly along the arc of a 25.00 foot radius tangent curve to the left through a central angle of 44°54'30" with an arc distance of 39.19 feet (the chord bears S 47°11'06" W, 35.30 feet) to a point of tangency; thence S 02°16'36" W parallel to and 25.00 feet westerly of the west right-of-way line of said NE 223rd Avenue a distance of 2,559.43 feet to a point on the north line of said R. R. Ballivant tract, thence N 88°22'24" W along said north line a distance of 25.00 feet to the West right-of-way line of SE 223rd Avenue and the true point of beginning.

N.E. 223RD AVENUE  
County Road No. 4963  
(N.E. Glisan St. to S.E. Stark St.)  
Item No. 87-308  
Page 2

Containing 65,794.00 square feet, more or less.

In addition to the above described parcel, four easements for the construction and maintenance of slopes are described as follows:

Parcel "A"

Beginning at a point 45.00 feet easterly (when measured at right angles) of Engineer's centerline Sta. 56+00.00 of NE 223rd Avenue, County Road No. 2055; thence S 01°04'14" W a distance of 475.10 feet to a point that is 55.00 feet easterly (when measured at right angles) of Engineer's centerline Sta. 60+75.00; thence S 06°04'14" W a distance of 125.40 feet to a point that is 45.00 feet easterly (when measured at right angles) of Engineer's centerline Sta. 62+00.00; thence N 02°16'36" E along a line that is 45.00 feet easterly of and parallel to said centerline a distance of 600.00 feet to the point of beginning.

Containing 3,000 square feet, more or less.

Parcel "B"

A strip of land 4.00 feet in width lying easterly of and adjacent to a line that lies 45.00 feet easterly (when measured at right angles) of and between Engineer's centerline Sta. 62+50.00 and Sta. 64+00.00.

Containing 600 square feet, more or less.

Parcel "C"

Beginning at a point 45.00 feet easterly (when measured at right angles) of Engineer's centerline Sta. 64+50.00; thence S 87°43'24" E a distance of 5.00 feet; thence S 02°03'57" E a distance of 150.45 feet to a point that is 62.00 feet easterly (when measured at right angles) of Engineer's centerline Sta. 66+00.00; thence S 00°26'38" W a distance of 250.13 feet to a point that is 70.00 feet easterly (when measured at right angles) of Engineer's centerline Sta. 68+50.00; thence S 02°16'36" W a distance of 100.00 feet to a point that is 70.00 feet easterly (when measured at right angles) of Engineer's centerline Sta. 69+50.00; thence S 01°25'02" W a distance of 200.02 feet to a point that is 73.00 feet easterly (when measured at right angles) of Engineer's centerline Sta. 71+50.00; thence S 05°34'03" W a distance of 400.66 feet to a point that is 50.00 feet easterly (when measured at right angles) of Engineer's centerline Sta. 75+50.00; thence N 87°43'24" W a distance of 5.00 feet to a point, thence N 02°16'36" E along a line that is 45.00 feet easterly of and parallel to said centerline a distance of 1,100.00 feet to the point of beginning.

Containing 21,345 square feet, more or less.

N.E. 223RD AVENUE  
County Road No. 4967  
(N.E. Glisan St. to S.E. Stark St.)  
Item No. 87-308  
Page 3

Parcel "D"

A strip of land 2.00 feet in width lying easterly and adjacent to a line that lies 45.00 feet easterly (when measured at right angles) of and between Engineer's centerline Sta. 76+00.00 and Sta. 77+00.00.

Containing 200 square feet, more or less.

Parcel "E"

Also in addition to the above described slope easements, an easement for the construction and maintenance of "Guy Pole Anchors" is described as follows:

Beginning at a point 45.00 feet easterly (when measured at right angles) of Engineer's centerline Sta. 54+34.00 of N.E. 223rd Avenue, County Road No. 2055; thence N 02°16'36" E, a distance of 1.00 foot; thence S 87°43'24" E, a distance of 10.00 feet; thence S 02°16'36" W, a distance of 2.00 feet; thence N 87°43'24" W, a distance of 10.00 feet; thence N 02°16'36" E, a distance of 1.00 foot to the point of beginning.

Containing 20 square feet, more or less.

DATED this \_\_\_\_\_ of \_\_\_\_\_, 1988.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
GLADYS McCOY/Chair

APPROVED:

LARRY F. NICHOLAS, P.E.  
County Engineer  
for Multnomah County, Oregon

By 

APPROVED AS TO FORM:

LAURENCE KRESSEL, County Counsel  
for Multnomah County, Oregon

By \_\_\_\_\_  
JOHN L. DuBAY  
Assistant County Counsel

12/08/88

RECEIVED FROM

JANE McGARVIN

CLERK, BOARD OF COUNTY COMMISSIONERS • MULTNOMAH COUNTY, OREGON

RECORDING

ENGINEERING

ZONING

#88-205

ORDER ACCEPT DEED FROM PETER MCGILL FOR CO RD - N.E. 223rd AVE NO 4967  
Item 87-308

001346

001347

C-2a

DEED TO BE RECORDED

BOARD OF  
COUNTY COMMISSIONERS

1989 JAN -6 PM 3: 25

MULTNOMAH COUNTY  
OREGON

11/15/88 10:00 AM

RECEIVED

CLERK

CLERK

CLERK

CLERK

CLERK

RECEIVED JAN 6 1989 3 25 PM

12/08/88

RECEIVED FROM

JANE McGARVIN

CLERK, BOARD OF COUNTY COMMISSIONERS • MULTNOMAH COUNTY, OREGON

RECORDING

ENGINEERING

ZONING

#88-205

ORDER ACCEPT DEED FROM PETER MCGILL FOR CO RD - N.E. 223rd AVE NO 4967  
Item 87-308

C-2a

DEED TO BE RECORDED



BOARD OF  
COUNTY COMMISSIONERS

1989 JAN -6 PM 3: 24

MULTNOMAH COUNTY  
OREGON

Commissioner [Name] has called this meeting to Commissioner [Name]

*[Handwritten initials]*

Commissioner [Name]

Commissioner [Name] has called this meeting to Commissioner [Name]

Commissioner [Name]

Commissioner [Name]

Commissioner [Name]

Commissioner [Name]

12/08/88

RECEIVED FROM JANE McGARVIN  
CLERK, BOARD OF COUNTY COMMISSIONERS • MULTNOMAH COUNTY, OREGON

RECORDING

ENGINEERING

ZONING

#88-205

ORDER ACCEPT DEED FROM PETER MCGILL FOR CO RD - N.E. 223rd AVE NO 4967  
Item 87-308

C-2a

DEED TO BE RECORDED



BOARD OF  
COUNTY COMMISSIONERS

1989 JAN -6 AM 11:06

MULTNOMAH COUNTY  
OREGON

CLERK OF COUNTY COMMISSIONERS

DATE SUBMITTED \_\_\_\_\_

(For Clerk's Use)  
Meeting Date 12/8/88  
Agenda No. C-26

*Deed easements  
(Roads)*

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Deed/Order for County Road Purposes

36  
J/62

Informal Only\* \_\_\_\_\_  
(Date)

Formal Only X \_\_\_\_\_  
(Date)

DEPARTMENT Environmental Services

DIVISION Transportation

CONTACT Dick Howard *DHW*

TELEPHONE 3599

\*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD \_\_\_\_\_

BRIEF SUMMARY

*88-206*

SHORT ROAD/COUNTY ROAD NO. 645

Deed for Road purposes from Boyd Allen Svaren and Theresa Marie Svaren. Order Accepting Deed conveying property for county road purposes.

Director of DES recommends said deed be accepted and recorded in Multnomah County Deed Records, together with the EXHIBIT "A", which is attached to said deed.

ACTION REQUESTED:

/ INFORMATION ONLY / PRELIMINARY APPROVAL / POLICY DIRECTION X APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA \_\_\_\_\_

IMPACT:

/ PERSONNEL

/ FISCAL/BUDGETARY

/ General Fund

*To R/E/2  
1/4/89*

1988 NOV 29 PM 2 20  
COMMISSIONER'S  
MULTNOMAH COUNTY  
OREGON

Other DEED/ORDER/EXHIBIT TO BE RECORDED IN MULTNOMAH COUNTY DEED RECORDS.

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: *[Signature]*

BUDGET/PERSONNEL \_\_\_\_\_

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) \_\_\_\_\_

OTHER \_\_\_\_\_  
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

12/08/88

RECEIVED FROM JANE McGARVIN  
CLERK, BOARD OF COUNTY COMMISSIONERS . MULTNOMAH COUNTY, OREGON

RECORDING

ENGINEERING

ZONING

ORDER #88-206 ACCEPT DEED FROM BOYD ALLEN SVAREN & THERESA MARIE SVAREN FOR  
CO RD NO 645 - Item 88-247

001348

C-2b

001349

DEED TO BE RECORDED

BOARD OF  
COUNTY COMMISSIONERS

1989 JAN - 6 PM 3:24

MULTNOMAH COUNTY  
OREGON

MONTGOMERY

MONTGOMERY

RECEIVED JAN 10 1989

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RECEIVED JAN 10 1989

12/08/88

RECEIVED FROM JANE MCGARVIN  
CLERK, BOARD OF COUNTY COMMISSIONERS . MULTNOMAH COUNTY, OREGON

RECORDING

ENGINEERING

ZONING

ORDER #88-206 ACCEPT DEED FROM BOYD ALLEN SVAREN & THERESA MARIE SVAREN FOR  
CO RD NO 645 - Item 88-247

C-2b

DEED TO BE RECORDED



BOARD OF  
COUNTY COMMISSIONERS

1989 JAN -6 PM 3:24

MULTNOMAH COUNTY  
OREGON

1989 JAN 6 PM 3:24

1989 JAN 6

12  
9/08/88

RECEIVED FROM JANE MCGARVIN  
CLERK, BOARD OF COUNTY COMMISSIONERS . MULTNOMAH COUNTY, OREGON

RECORDING

ENGINEERING

ZONING

ORDER #88-206 ACCEPT DEED FROM BOYD ALLEN SVAREN & THERESA MARIE SVAREN FOR  
CO RD NO 645 - Item 88-247

C-2b

DEED TO BE RECORDED



PLEASE SIGN & RETURN THIS RECEIPT TO COMMISSIONERS OFFICE

BRIDGE AND WALKWAY AND BECAME A COMMISSIONER'S OFFICE

100-100000

BOARD OF COUNTY COMMISSIONERS

1989 JAN -6 AM 11:06

MULTNOMAH COUNTY OREGON

JAN 06 1989

100-100000

100-100000

100-100000

100-100000

DATE SUBMITTED \_\_\_\_\_

(For Clerk's Use)  
Meeting Date 12/8/88  
Agenda No. C-2B

*Deeds & Easements  
(Roads)*

NOV 22 1988

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Deed/Order for County Road Purposes

*36  
J/62*

Informal Only\* \_\_\_\_\_  
(Date)

Formal Only X \_\_\_\_\_  
(Date)

DEPARTMENT Environmental Services

DIVISION Transportation

CONTACT Dick Howard *PH*

TELEPHONE 3599

\*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD \_\_\_\_\_

BRIEF SUMMARY

*88-207*

SE 257TH DRIVE/COUNTY ROAD NO. 3921

Deed for Road purposes from Mt. Hood Community College. Order accepting property for county road purposes.

Director of DES recommends said deed be accepted and recorded in Multnomah County Deed Records, together with EXHIBIT "A", which is attached to said deed.

ACTION REQUESTED:

INFORMATION ONLY  PRELIMINARY APPROVAL  POLICY DIRECTION  APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA \_\_\_\_\_

IMPACT:

PERSONNEL

FISCAL/BUDGETARY

General Fund

*To REE/2  
1/4/89*

BOARD OF COUNTY COMMISSIONERS  
1988 NOV 29 PM 2:29  
MULTNOMAH COUNTY OREGON

Other DEED/ORDER/EXHIBIT TO BE RECORDED IN MULTNOMAH COUNTY DEED RECORDS.

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: *[Signature]*

BUDGET/PERSONNEL \_\_\_\_\_

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) *[Signature]*

OTHER \_\_\_\_\_  
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.



**MT.  
HOOD  
COMMUNITY  
COLLEGE**

26000 S.E. STARK ST., GRESHAM, OREGON 97030 • (503) 667-6422

RECEIVED JUN 17 1988

Dr. Paul E. Kreider, *President*

DICK  
HOWARD

June 15, 1988

Terry VanderKooy  
Community Planner  
1333 N.W. Eastman Parkway  
Gresham, OR 97030

The College board at their meeting on June 8, 1988 approved your request for easement of the college property located at the corner of Kane and Hall Road. Enclosed are copies of the form provided by your office. Please return a copy for our files after they have been executed by your office.

Please call if you have questions.

Sincerely,

Gary Nichols, Dean  
Administrative Services  
mjc  
Enclosures

671 w

FILE 87-88-DR

12/08/88

RECEIVED FROM JANE MCGARVIN  
CLERK, BOARD OF COUNTY COMMISSIONERS - MULTNOMAH COUNTY, OREGON

RECORDING

ENGINEERING

ZONING

ORDER #88-207 FROM MT. HOOD COMMUNITY COLLEGE FOR CO RD NO 3921 - SE 257th DRIVE  
Item 88-150

C-2c

DEED TO BE RECORDED



PLEASE SIGN & RETURN THIS RECEIPT TO COMMISSIONERS OFFICE

BOARD OF  
COUNTY COMMISSIONERS  
1989 JAN -6 PM 3:24  
MULTNOMAH COUNTY  
OREGON

1989 JAN 06 PM 3:24

*[Handwritten signature]*

*[Handwritten signature]*

1989 JAN 06

12/08/88

RECEIVED FROM

JANE McGARVIN

CLERK, BOARD OF COUNTY COMMISSIONERS . MULTNOMAH COUNTY, OREGON

RECORDING

ENGINEERING

ZONING

ORDER #88-207 FROM MT. HOOD COMMUNITY COLLEGE FOR CO RD NO 3921 - SE 257th DRIVE  
Item 88-150

~~001350~~

001351

C-2c

001350

DEED TO BE RECORDED

BOARD OF  
COUNTY COMMISSIONERS

1989 JAN -6 PM 3:24

MULTNOMAH COUNTY  
OREGON

COMMUNITY DEVELOPMENT

COMMUNITY DEVELOPMENT DEPARTMENT

COMMUNITY DEVELOPMENT

COMMUNITY DEVELOPMENT

COMMUNITY DEVELOPMENT DEPARTMENT

COMMUNITY DEVELOPMENT

COMMUNITY DEVELOPMENT

COMMUNITY DEVELOPMENT

FOR INFORMATION OF THE BOARD OF COUNTY COMMISSIONERS

12/08/88

RECEIVED FROM

JANE MCGARVIN

CLERK, BOARD OF COUNTY COMMISSIONERS - MULTNOMAH COUNTY, OREGON

RECORDING

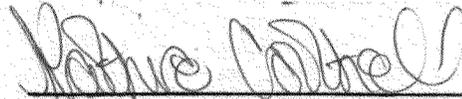
ENGINEERING

ZONING

ORDER #88-207 FROM MT. HOOD COMMUNITY COLLEGE FOR CO RD NO 3921 - SE 257th DRIVE  
Item 88-150

C-2c

DEED TO BE RECORDED



BOARD OF  
COUNTY COMMISSIONERS

1989 JAN -6 AM 11: 06

MULTNOMAH COUNTY  
OREGON

1989 JAN 6 AM 11:06

*[Handwritten signature]*

SECRET

1989 JAN 6 AM 11:06

SECRET

1989 JAN 6 AM 11:06



SECRET

Deed of Easements  
(Roads)

DATE SUBMITTED \_\_\_\_\_

(For Clerk's Use)  
Meeting Date 12/8/88 NOV 22 1988  
Agenda No. B-3a

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: BOARD ORDER/CO.RD. PURPOSES

36  
5/62

Informal Only\* \_\_\_\_\_  
(Date)

Formal Only XX \_\_\_\_\_  
(Date)

DEPARTMENT Environmental Services

DIVISION Transportation

CONTACT Dick Howard RMD

TELEPHONE Ext. 3599

\*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD Dick Howard

BRIEF SUMMARY

S.E. ORIENT DRIVE/COUNTY ROAD NO. 1091/ITEM NO. 88-319

Deed for county road purposes from First Free Methodist Church of Gresham. Order Accepting Deed conveying property for county road purposes.

Director of DES recommends said deed be accepted and recorded in Multnomah County Deed Records, together with the EXHIBIT "A", which is attached to said deed.

ACTION REQUESTED:

// INFORMATION ONLY // PRELIMINARY APPROVAL // POLICY DIRECTION // APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA \_\_\_\_\_

IMPACT:

// PERSONNEL

// FISCAL/BUDGETARY

// General Fund

Other DEED/ORDER/EXHIBIT "A" TO BE RECORDED IN MULTCO DEED RECORDS

88-208

To RFE/2  
1/4/89

BOARD OF  
COUNTY COMMISSIONERS  
1988 NOV 29 PM 2:19  
MULTNOMAH COUNTY  
OREGON

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: [Signature]

BUDGET/PERSONNEL \_\_\_\_\_

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) \_\_\_\_\_

OTHER \_\_\_\_\_  
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

12/08/88

RECEIVED FROM JANE MCGARVIN  
CLERK, BOARD OF COUNTY COMMISSIONERS • MULTNOMAH COUNTY, OREGON

RECORDING

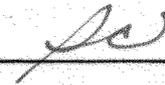
ENGINEERING

ZONING

ORDER #88-208 ACCEPT DEED FROM FIRST FREE METHODIST CHURCH OF GRESHAM FOR CO RD NO 1091  
Item 88-319

C-3a

DEED TO BE RECORDED



BOARD OF  
COUNTY COMMISSIONERS

1989 JAN -6 PM 3:24

MULTNOMAH COUNTY  
OREGON

WHEELER COUNTY, OREGON, LAND ACQUISITION TO CLIFFWOODS CREEK

1989

WHEELER COUNTY, OREGON

WHEELER COUNTY, OREGON, LAND ACQUISITION TO CLIFFWOODS CREEK

WHEELER COUNTY, OREGON

WHEELER COUNTY, OREGON, LAND ACQUISITION TO CLIFFWOODS CREEK

1989

12/08/88

RECEIVED FROM

JANE McGARVIN

CLERK, BOARD OF COUNTY COMMISSIONERS . MULTNOMAH COUNTY, OREGON

RECORDING

ENGINEERING

ZONING

ORDER #88-208 ACCEPT DEED FROM FIRST FREE METHODIST CHURCH OF GRESHAM FOR CO RD NO 1091  
Item 88-319

C-3a

001352

001353

DEED TO BE RECORDED

BOARD OF  
COUNTY COMMISSIONERS

1989 JAN -6 PM 3 25

MULTNOMAH COUNTY  
OREGON

01-05-89  
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- # 1344
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- # 49
- # 50
- # 51
- # 52
- # 53

85242 A

ALBION SIGN & WILLIAM JOHN WOODRUFF COUNTY COMMISSIONERS OFFICE

12/08/88

RECEIVED FROM

JANE McGARVIN

CLERK, BOARD OF COUNTY COMMISSIONERS . MULTNOMAH COUNTY, OREGON

RECORDING

ENGINEERING

ZONING

ORDER #88-208 ACCEPT DEED FROM FIRST FREE METHODIST CHURCH OF GRESHAM FOR CO RD NO 1091  
Item 88-319

C-3a

DEED TO BE RECORDED





DATE SUBMITTED \_\_\_\_\_

*Deed of Easements  
Roads*

(For Clerk's Use)  
Meeting Date 12/8/88  
Agenda No. C-36

NOV 22 1988

REQUEST FOR PLACEMENT ON THE AGENDA

*36-37  
J/62*

Subject: Deed/Order for Road Purposes

Informal Only\* \_\_\_\_\_  
(Date)

Formal Only X \_\_\_\_\_  
(Date)

DEPARTMENT Environmental Services

DIVISION Transportation

CONTACT Dick Howard *PHOB*

TELEPHONE 3599

\*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD \_\_\_\_\_

BRIEF SUMMARY

S.E. RHONE STREET/ITEM 88-324

Accepting Deed for Road Purposes from Robert E. Smalley.

ACTION REQUESTED:

INFORMATION ONLY  PRELIMINARY APPROVAL  POLICY DIRECTION  APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA \_\_\_\_\_

IMPACT:

- PERSONNEL
- FISCAL/BUDGETARY
- General Fund
- Other \_\_\_\_\_

*# 88-209*

*To  
R/E/2  
1/4/89*

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1988 NOV 29 PM 2:19

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: *[Signature]*

BUDGET/PERSONNEL \_\_\_\_\_

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) *[Signature]*

OTHER \_\_\_\_\_  
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

12/08/88

RECEIVED FROM

JANE MCGARVIN

CLERK, BOARD OF COUNTY COMMISSIONERS . MULTNOMAH COUNTY, OREGON

RECORDING

ENGINEERING

ZONING

ORDER #88-209 ACCEPT DEED FROM ROBERT E SMALLEY FOR PUBLIC RD SE RHONE ST  
Item 88-324

C-3b

DEED TO BE RECORDED



PLEASE SIGN & RETURN THIS RECEIPT TO COMMISSIONERS OFFICE

BOARD OF  
COUNTY COMMISSIONERS

1989 JAN -6 PM 3:24

MULTNOMAH COUNTY,  
OREGON

LETTER FROM W. FLENN AND BROS. TO COMMISSIONERS

100

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12/08/88

RECEIVED FROM

JANE McGARVIN

CLERK, BOARD OF COUNTY COMMISSIONERS . MULTNOMAH COUNTY, OREGON

RECORDING

ENGINEERING

ZONING

ORDER #88-209 ACCEPT DEED FROM ROBERT E SMALLEY FOR PUBLIC RD SE RHONE ST  
Item 88-324

001344

001345

C-3b

DEED TO BE RECORDED

BOARD OF  
COUNTY COMMISSIONERS

1989 JAN -6 PM 3:25

MULTNOMAH COUNTY  
OREGON

RECEIVED

1989 JAN 6

1989 JAN 6

1989 JAN 6

1989 JAN 6

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

12/08/88

RECEIVED FROM

JANE MCGARVIN

CLERK, BOARD OF COUNTY COMMISSIONERS . MULTNOMAH COUNTY, OREGON

RECORDING

ENGINEERING

ZONING

ORDER #88-209 ACCEPT DEED FROM ROBERT E SMALLEY FOR PUBLIC RD SE RHONE ST  
Item 88-324

C-3b

DEED TO BE RECORDED



BOARD OF  
COUNTY COMMISSIONERS

1989 JAN -6 AM 11:06

MULTNOMAH COUNTY  
OREGON

*[Handwritten signature]*

*[Handwritten signature]*

TWENTY

37  
5162

December 8, 1988

Mr. Paul Yarborough, Director  
Department of Environmental Services  
2115 SE Morrison  
Portland, OR

Dear Mr. Yarborough:

Be it remembered, that at a meeting of the Board of County Commissioners held December 8, 1988, the following action was taken:

Order in the Matter of the Execution of Deed )  
D89322 for Certain Tax Acquired Property to the )  
CITY OF TROUTDALE, OREGON R-4 )

Order in the Matter of the Execution of Deed )  
D89323 for Certain Tax Acquired Property to the )  
CITY OF TROUTDALE, OREGON R-5 )

Upon motion of Commissioner Kafoury, duly seconded by Commissioner Anderson, it is unanimously

ORDERED that the above-entitled matters be continued to December 29, 1988 at 9:30 a.m. in Room 602 of the County Courthouse.

NOTE: Because these matters were advertised for December 29 hearings, and the Board decided to hold the Board meeting for that week on Tuesday, December 27, and upon County Counsel's advice, these matters were then rescheduled to January 12, 1989 at 9:30 a.m. in the County Courthouse - Room 602.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By \_\_\_\_\_  
Jane McGarvin  
Clerk of the Board

jm  
cc: Tax Title

DATE SUBMITTED \_\_\_\_\_

(For Clerk's Use)  
Meeting Date 12/8/88  
Agenda No. R4 & R5

REQUEST FOR PLACEMENT ON THE AGENDA

*cont to 12/29/88  
no mtg so rescheduled  
Jan - 12/188*

SUBJECT: Transfer of Property

Informal Only\* \_\_\_\_\_ Formal Only \_\_\_\_\_

DEPARTMENT Environmental Services DIVISION Tax Title

CONTACT Larry Baxter TELEPHONE 248-3590

\*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Larry Baxter

**BRIEF SUMMARY** Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

1. Request approval of transfer of two tax foreclosed properties as provided by ORS 275.330 and Multnomah County Ordinance 577, Section 5, as requested by Mr. Sam K. Cox, Mayor of the City of Troutdale.
2. Tax Lot #129, Sec 25, 1N 3E, was deeded to the County on November 3, 1986 for delinquent taxes and interest of \$12.21. Tax Lot #193, Sec 25, 1N 3E, was deeded on April 2, 1985 for delinquent taxes and interest of \$140.86.
3. After holding the hearing as required by Ordinance 577, Multnomah County may approve the transfer and be relieved of the obligation to account for the payment of any taxes, liens or assessments that have been levied against the lands by any taxing agency, district or municipality authorized to levy taxes.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

INFORMATION ONLY  PRELIMINARY APPROVAL  POLICY DIRECTION  APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 15 minutes

IMPACT:

Note:

PERSONNEL

12/22/88 Both Assistant County Counsels John DuBay/Paul Mackey stated that since the hearing was advertised as 12/29/88, it cannot be held earlier, therefore, it must be re-advertised. - Larry Baxter, Tax Title Office rescheduled the matter January 12, 1989

FISCAL/BUDGETARY

General Fund

*Barbara E. Jones*  
Asst. Clerk of the Board

Other Tax Title

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: *[Signature]*

BUDGET/PERSONNEL: \_\_\_\_\_

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) *[Signature]*

OTHER *[Signature]*  
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

37  
J/62

December 8, 1988

Ms. Linda Alexander, Director  
Department of General Services  
1120 SW Fifth  
Portland, OR

Dear Ms. Alexander:

Be it remembered, that at a meeting of the Board of County Commissioners held December 8, 1988, the following action was taken:

Second Reading - An Ordinance amending Multnomah )	ORDINANCE
County Ordinance No. 580 (Exempt Employees Com- )	NO. 599
pensation Plan) R-6 )	

Copies of the above-entitled Ordinance were available to all persons wishing a copy. Ordinance was read by title only.

A hearing was held; no one wished to testify.

Upon motion of Commissioner Kafoury, duly seconded by Commissioner Anderson, it is unanimously

ORDERED that said Ordinance be adopted.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By \_\_\_\_\_  
Jane McGarvin  
Clerk of the Board

jm  
cc: County Counsel  
Employee Relations

HW

DATE SUBMITTED \_\_\_\_\_

(For Clerk's Use)  
Meeting Date 12/01/88  
Agenda No. R-7  
12/8/88 R-6

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Amend Multnomah County Ordinance 580 Exempt Compensation Plan

Informal Only\* \_\_\_\_\_  
(Date)

Formal Only \_\_\_\_\_  
(Date)

DEPARTMENT General Services DIVISION Employee Services

CONTACT Dr. Lloyd Williams TELEPHONE 248-2206

\*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD \_\_\_\_\_

**BRIEF SUMMARY** Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Incorporate revised salary range for the Finance Operations Supervisor Classification which presently includes the County's Payroll and Accounts Payables Supervisors. The monetary compensation for these duties are inadequate and the present salary range does not match surrounding salaries for similar work. In addition, there is salary compression with the non-exempt financial classifications that require no management or supervisory responsibilities. In conclusion, the intention to increase the range for this classification was overlooked at the time the exempt compensation salary ord. #580 was submitted for  
(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE) Commission approval.

**ACTION REQUESTED:**

INFORMATION ONLY  PRELIMINARY APPROVAL  POLICY DIRECTION  RATIFICATION

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 5-10 minutes

**IMPACT:**

PERSONNEL

FISCAL/BUDGETARY

General Fund

Other \_\_\_\_\_

*To Print Shop  
1/4/89*

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1988 NOV 21 PM 2:32

**SIGNATURES:**

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: *Lucretia D. Chandler*

BUDGET / PERSONNEL *Malinda J. Feely* *Dr. Lloyd Williams*

COUNTY COUNSEL (Ordinances, Resolution, Agreements, Contracts) \_\_\_\_\_

OTHER \_\_\_\_\_  
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

ORDINANCE FACT SHEET

*psd*  
NOV 25 1988

R-7  
12/1/88

Title Amend Mult. County Ord. 580 (Exempt Comp. Plan) Effective Date \_\_\_\_\_

Brief statement of purpose of ordinance (include the rationale for adoption of ordinance, a description of persons benefited, and other alternatives explored).

This action is to amend an existing Ordinance 580, Exempt Compensation Plan. This amendment incorporates a revised salary range for the Finance Operations Supervisor Classification which presently includes the County's Payroll and Accounts Payables Supervisors. The monetary compensation for these duties are inadequate and the present salary range does not match surrounding salaries for similar work. In addition, there is salary compression with the non-exempt financial classifications that require no management or supervisory responsibilities. In conclusion, the intention to increase the range for this classification was overlooked at the time the exempt compensation salary Ord. #580 was submitted for approval. What other local jurisdictions in the metropolitan area have enacted similar legislation?

Not applicable

What has been the experience in other areas with this type of legislation?

Not applicable

What authority is there for Multnomah County to adopt this legislation? (State statute, home rule charter). Are there constitutional problems?

An internal amendment to an existing Ordinance with no constitutional problems.

Fiscal Impact Analysis

None. Funds available within Department of General Services, Finance Division, budget.

(If space is inadequate, please use other side)

SIGNATURES:

Office of County Counsel *[Signature]*

Office of County Management *[Signature]*

Department Head *[Signature]*

Liaison Commissioner \_\_\_\_\_

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR THE COUNTY OF MULTNOMAH  
ORDINANCE NO. 599

An ordinance amending Multnomah County Ordinance No. 580 (Exempt Employees Compensation Plan).

Multnomah County ordains as follows:

SECTION 1. The salary range for Finance Operations Supervisor shall be \$12.43 - 14.33 - 16.17. This range shall be effective as of December 1, 1988, and shall replace the range listed for this classification in Ordinance No. 580.

ADOPTED this 8th day of December, 1988, upon passage following its 2nd reading.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By *Caroline Miller*  
GValdys McCloy Caroline Miller  
County Chair Pro Tem

(SEAL)

APPROVED AS TO FORM:

LAURENCE KRESSEL  
County Counsel for  
Multnomah County, Oregon

By *Laurence Kessel*  
County Counsel

3855F

37  
5/62

December 8, 1988

Mr. John Angell, Director  
Department of Justice Services  
1120 SW Fifth  
Portland, OR

Dear Mr. Angell:

Be it remembered, that at a meeting of the Board of County Commissioners held December 8, 1988, the following action was taken:

Notice of Intent to apply for grant from Oregon )  
Traffic Safety Commission for processing and )  
impact data on DUII offenders in the amount of )  
\$55,171 R-7a)

Commissioner Kafoury explained this program is being transferred from the Department of Human Services, which is no longer able to administer the program, to the Department of Justices Services. It is important that this project continue in order to obtain conclusive data about recidivism, and to determine which programs work best with drunk drivers. She moved, duly seconded by Commissioner Anderson, unanimously

ORDERED that said Notice of Intent be approved.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By \_\_\_\_\_  
Jane McGarvin  
Clerk of the Board

jm  
cc: Planning & Budget  
Finance  
Employee Services

DATE SUBMITTED 11-28-88

(For Clerk's Use)  
Meeting Date 12/18/88  
Agenda No. A7a

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Notice of Intent OTSC Grant

Informal Only\* \_\_\_\_\_  
(Date)

Formal Only December 8, 1988  
(Date)

DEPARTMENT Justice Services DIVISION Administration

CONTACT John E. Angell, Director TELEPHONE 248-3701

\*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD John E. Angell

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

The County Justice System lacks processing and impact data on DUII offenders. Oregon Traffic Safety Commission would like to use our analysis to fund future OTSC projects in Multnomah County. This grant will produce a sizeable body of information at a very minimal cost.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

INFORMATION ONLY  PRELIMINARY APPROVAL  POLICY DIRECTION  APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 4 - 6 minutes

IMPACT:

PERSONNEL OTO personnel

FISCAL/BUDGETARY Provides \$55,171 to County for research on DUII.  
 - General Fund Transfers \$5,236 from permanent personnel to Indirect costs.

Other \_\_\_\_\_

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: John E. Angell

BUDGET / PERSONNEL John E. Angell Gerald W. Bittle

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) \_\_\_\_\_

OTHER \_\_\_\_\_  
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1988 NOV 29 PM 2:20

*original  
DJS  
1/4/89*

**NOTICE OF INTENT**

**Date:** November 25, 1988

**TO: BOARD OF COUNTY COMMISSIONERS**

**DEPARTMENT AND CONTACT PERSON:** Justice Services - John E. Angell, Director  
**GRANTOR AGENCY:** Oregon Traffic Safety Commission  
**BEGINNING DATE OF GRANT:** January 1, 1989  
**PROJECT TITLE:** "DUII ANALYSIS PROJECT"  
**PROJECT DESCRIPTION/GOALS:**

To review arrest, prosecution, and sentence data on 1400 DUII offenders to determine how the County Justice System processes DUII offenders.

To compare processing with recidivism.

To recommend possible improvements in the Justice System processing of DUII offenders.

To continue support for DUII Coordinating Council and DUII Victims Panel.

**PROJECT ESTIMATED BUDGET:**

	Direct/Indirect	
FEDERAL SHARE	\$ <u>          /          </u>	<u>      </u> %
STATE SHARE	\$ <u>55,171 /          </u>	<u>72</u> %
COUNTY SHARE	\$ <u>          / 21,611</u>	<u>28</u> %
TOTAL	\$ <u>55,171 / 21,611</u>	<u>100</u> %

**EXPLANATION OF COUNTY SHARE: (explaining indirect costs, hard-match, in-kind, etc.)**

Indirect costs are hard match: \$5,236, volunteer time and soft match: \$16,375.

**SPECIFY REPORTING AND/OR BILLING REQUIREMENTS OF GRANTOR AND WHO REPORTS:**  
FINANCE \_\_\_\_\_ DEPARTMENT X IF DEPT. REPORTS, INDICATE REASONS

Department will submit quarterly reports and final report. Finance will bill monthly.

**GRANT DURATION AND FUTURE RATIO: (Indicate amount of County match per year)**

Single project grant, no future ratio.

**ADVANCE REQUESTED \_\_\_\_\_ YES X NO, IF NOT, INDICATE REASON(S).**

Finance bills on basis of expenditures.

**RECEIPT OF FUNDS WILL BE DEPOSITED TO P.O. BOX X OR WIRED DIRECTLY \_\_\_\_\_, IF NOT, INDICATE REASON(S).**

<u>PERSONNEL</u>	<u>(Use appropriate County classification)</u>	<u>FULL TIME</u>	<u>FRINGE</u>	<u>TOTAL</u>
9090	.75 Management Analyst	21,006	8,297	29,303
6019	.37 Community Information Assistant	7,002	2,766	9,768

**EXPLAIN MATERIALS & SERVICES AND CAPITAL EXPENDITURES WITH TOTAL DOLLAR AMOUNTS**

Contracted data searches, court clerks	\$9,000
Purchase of Microcomputer and software	4,500
Office expenses, telephone, printing	2,600

**COMMENTS**

Grant Manager

*John E. Angell* 11-28-88  
 Grant Manager Signature Date

Budget & Management Analysis

*Jerry L. ...*  
 Budget Manager Signature Date

Finance Division

Finance Division Signature Date

Employee Relations

*Gerald W. Bittle* 11-29-88  
 Employee Relations Signature Date

Department Director

*John E. Angell* 1-15-89  
 Department Director Signature Date

37-38  
J/102

December 8, 1988

Mr. John Angell, Director  
Department of Justice Services  
1120 SW Fifth  
Portland, OR

Dear Mr. Angell:

Be it remembered, that at a meeting of the Board of County Commissioners held December 8, 1988, the following action was taken:

Request of the Director of Justice Services for )  
approval of Budget Modification DJS #8 making an )  
appropriation transfer in the amount of \$5,236 )  
within DJS from Probation Services Personnel )  
Services to DJS Administration Federal State )  
Indirect, for indirect costs for Oregon Traffic )  
Safety Grant administration, and making appro- )  
priations in the amount of \$55,171 to DJS Admin- )  
istration, showing how funds from OTS will be )  
appropriated, and adding two temporary positions )  
for DUII research and coordination R-7b)

Upon motion of Commissioner Kafoury, duly seconded by Commissioner Anderson, it is unanimously

ORDERED that said request be approved, and budget modification be implemented.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By \_\_\_\_\_  
Jane McGarvin  
Clerk of the Board

jm  
cc: Planning & Budget  
Finance  
Employee Services



EXPENDITURE TRANSACTION EB [ ] GM [ ] TRANSACTION DATE \_\_\_\_\_ ACCOUNTING PERIOD \_\_\_\_\_ BUDGET FY \_\_\_\_\_

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Budget FY Change Increase (Decrease)	Sub-Total	Description
		156	020	2106			5100			28,008		Permanent
							5500			7,100		Fringe
							5550			3,963		Insurance
											39,071	PERSONNEL
							6110			9,000		Professional Services
							6120			600		Printing
							6230			1,775		Supplies
							7100			5,236		Indirect
							7150			225		Telephones
											16,836	MATERIALS & SERVICES
							8400			4,500		Equipment
		100	020	2106			7608			5,236		CT (GF to F/S)
		165	040	7990			6140			225		Communications
		400	040	7231			6580			3,963	13,924	Claims Paid
TOTAL EXPENDITURE CHANGE										69,831	69,831	TOTAL EXPENDITURE CHANGE

REVENUE TRANSACTION RB [ ] GM [ ] TRANSACTION DATE \_\_\_\_\_ ACCOUNTING PERIOD \_\_\_\_\_ BUDGET FY \_\_\_\_\_

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Revenue Source	Current Amount	Revised Amount	Budget FY Change Increase (Decrease)	Sub-Total	Description
		156	020	2106			2017			55,171		Grant from OTSC
		100	020	2106			6602			5,236		Svc ((F/S to GF)
		165	040	7990			6600			225		Svc Reim (GF to Tel Fd)
		400	040	7231			6600			3,963		Svc Reim (GF to Ins Fd)
		156	020	2106			7601			5,236		CT (GF to F/S)
TOTAL REVENUE CHANGE										69,831		TOTAL REVENUE CHANGE

PERSONNEL DETAIL FOR BUD MOD NO. DJS#8

5. ANNUALIZED PERSONNEL CHANGES (Compute on a full year basis even though this action affects only a part of the fiscal year.)

FTE Increase (Decrease)	POSITION TITLE	Annualized		
		BASE PAY Increase (Decrease)	FRINGE Increase (Decrease)	TOTAL Increase (Decrease)
	N/A (OTO Project)			
	TOTAL CHANGE (ANNUALIZED)			

6. CURRENT YEAR PERSONNEL DOLLAR CHANGES (calculate costs or savings that will take place within this fiscal year; these should explain the actual dollar amounts being changed by this Bud Mod.)

Full Time Positions, Part-Time, Overtime, or Premium	Explanation of Change	Current FY		
		BASE PAY Increase (Decrease)	FRINGE Increase (Decrease)	TOTAL Increase (Decrease)
.75 Management Analyst	Adds temporary position to DJS Administration for DUII research	21,006	8,297	29,303
.37 Community Information Assistant	Adds temporary parttime position to DJS Administration to support DUII coordinating Council	7,002	2,766	9,768

BUDGET MODIFICATION NO. DJS #8

(For Clerk's Use) Meeting Date \_\_\_\_\_  
 Agenda No. \_\_\_\_\_

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR \_\_\_\_\_ (Date)

DEPARTMENT Justice Services DIVISION Administration  
 CONTACT John E. Angell TELEPHONE 248-3701  
 \*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD John E. Angell

SUGGESTED  
 AGENDA TITLE (to assist in preparing a description for the printed agenda)

OTO Transfer of \$5,236 from permanent personnel to indirect costs for Oregon Traffic Safety Grant.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

[X] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

Application for an Oregon Traffic Safety Grant of \$55,171 requires payment of indirect costs of \$5,236. This Bud Mod moves the \$5,236 amount from Probation Services permanent personnel (5100) to DJS Administration Federal/State Indirect (156 020 2106 7100).

1988 NOV 23 PM 2:21  
 CLERK OF SUPERIOR COURT  
 MULTNOMAH COUNTY  
 OREGON

3. REVENUE IMPACT (Explain revenues being changed and the reason for the change)

There will be an increase of \$55,171 to the Federal/State revenue category.

4. CONTINGENCY STATUS (to be completed by Finance/Budget)

(Specify fund) Contingency before this modification (as of \_\_\_\_\_) \$ \_\_\_\_\_  
 (Date) After this modification \$ \_\_\_\_\_

Originated By <u>John E. Angell</u>	Date <u>November, 1988</u>	Department Director <u>John E. Angell</u>	Date
Finance/Budget <u>John E. Angell</u>	Date	Employee Relations <u>Gerald W. Bittle</u>	Date <u>11-29-88</u>
Board Approval			Date

EXPENDITURE TRANSACTION EB [ ] GM [ ] TRANSACTION DATE \_\_\_\_\_ ACCOUNTING PERIOD \_\_\_\_\_ BUDGET FY \_\_\_\_\_

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Sub-Total	Description
		100	020	2201			5100			(5,236)		Permanent Personnel
		156	020	2106			7100			5,236		Indirect
		400	040	7231			6580			3,963		Claims Paid
		156	020	2106			5500			7,100		Fringe
		156	020	2106			8400			4,500		Capital Outlay
		156	020	2106			6120			600		Printing
		156	020	2106			6230			1,775		Supplies
		165	040	7990			6140			225		Telephone Fund
TOTAL EXPENDITURE CHANGE										18,163		TOTAL EXPENDITURE CHANGE

REVENUE TRANSACTION RB [ ] GM [ ] TRANSACTION DATE \_\_\_\_\_ ACCOUNTING PERIOD \_\_\_\_\_ BUDGET FY \_\_\_\_\_

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Revenue Source	Current Amount	Revised Amount	Change Increase (Decrease)	Sub-Total	Description
		400	040	7231	6600					3,963		Svc Reim (GF to Ins Fd)
		165	040	7990	6600					225		Svc Reim (GF to Tele Fd)
TOTAL REVENUE CHANGE										4,188		TOTAL REVENUE CHANGE

38  
J162

December 8, 1988

In the Matter of Opposing the Development of a ) RESOLUTION  
New Production Reactor at Hanford R-8 ) #88-212

Commissioner Anderson explained the Resolution is appropriate for the Board to propose because Multnomah County is in direct line with Hanford via the Columbia River. She reported Commissioner Casterline suggested a sentence which has been changed on the revised copy of the Resolution. She read the "Be it Resolved" portion of the Resolution, and added the fifth "Whereas" had been changed to include Commissioner Casterline's suggestion. She read the revised "Whereas", and moved to amend the Resolution, duly seconded by Commissioner Kafoury, unanimously

ORDERED that said amendment be approved.

Commissioner Anderson commended Martin Winch of her staff for his work in preparing the Resolution.

Commissioner Miller asked what will be done with the Resolution.

Martin Winch, Commissioner Anderson's staff, reported there are a series of hearings being held, and that last Tuesday testimony was taken at the Portland Building. However, written testimony will be accepted until December 15, and the Clerk will send the Resolution for inclusion in the written testimony.

At this time, the motion was considered, and upon motion of Commissioner Anderson, duly seconded by Commissioner Kafoury, it is unanimously

ORDERED that said Revised Resolution be approved.

DATE SUBMITTED November 30, 1988

(For Clerk's Use)  
Meeting Date 12/8/88  
Agenda No. A-8

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Resolution Opposing the Development of a New

Production Reactor at Hanford.

Informal Only\* \_\_\_\_\_  
(Date)

Formal Only 12-1-88  
(Date)

DEPARTMENT Non-Dept.

DIVISION BCC

CONTACT Martin Winch

TELEPHONE 248-5008

\*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD Commissioner Pauline Anderson

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Resolution opposing the proposal to site a new tritium and plutonium production reactor at Hanford because of the harmful effects on Multnomah County such production would have.

*88-212*

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

INFORMATION ONLY     PRELIMINARY APPROVAL     POLICY DIRECTION     APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 5 minutes

IMPACT:

PERSONNEL  
 FISCAL/BUDGETARY  
     General Fund  
 Other \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY OREGON  
1988 NOV 30 AM 9:20

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Pauline Anderson

BUDGET / PERSONNEL \_\_\_\_\_

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) \_\_\_\_\_

OTHER \_\_\_\_\_  
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Opposing the Development )  
of a New Production Reactor at Hanford. ) RESOLUTION

WHEREAS the U.S. Department of Energy is proposing to build New Production Reactors (NPRs) to produce tritium and plutonium for nuclear weapons; and

WHEREAS Hanford, and the WPPSS NO. 1 plant at Hanford, are sites under consideration; and

WHEREAS the U.S. Department of Energy is holding hearings in the first stage of the Environmental Impact Statement process, and the opportunity to comment presently exists; and

WHEREAS these hearings concern the possible effects of NPRs on public and occupational safety, water resources, air quality, regulatory compliance, wildlife areas, aquatic species, waste management, socioeconomic factors, cultural resources, transportation, and decommissioning; and

WHEREAS this Board has grave concerns about the effects of NPRs in each of these respects, and also in the following respects: tourism, agriculture, fishing, Northwest exports, radiation releases, production of more hazardous waste, socioeconomic drawbacks of increased reliance upon arms production, buildup of the nuclear arsenal at a time of increased support for arms control, diversion of funds from cleanup of previous contamination, the cumulative impacts of past, present and future operations at Hanford, diversion of funds from programs which truly make America healthy and safe, and the general health and well-being of the citizens of Multnomah County.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Commissioners of Multnomah County opposes the proposal to site a New Production Reactor at Hanford because of its harmful effects upon the citizens of Multnomah County, as recited above.

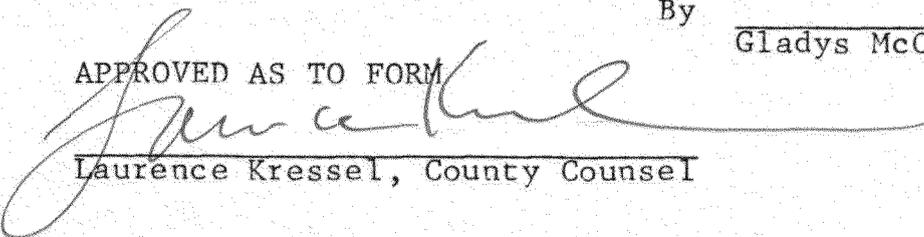
ADOPTED THIS \_\_\_\_\_ DAY OF DECEMBER, 1988.

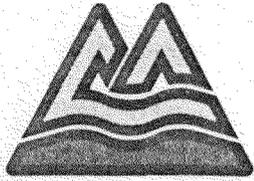
(SEAL)

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Gladys McCoy, Chair

APPROVED AS TO FORM

  
Laurence Kressel, County Counsel



## MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • Chair • 248-3308  
PAULINE ANDERSON • District 1 • 248-5220  
GRETCHEN KAFOURY • District 2 • 248-5219  
CAROLINE MILLER • District 3 • 248-5217  
POLLY CASTERLINE • District 4 • 248-5213  
JANE McGARVIN • Clerk • 248-3277

December 12, 1988

Mr. Tom Bauman  
U. S. Department of Energy  
Richland Operations Office  
823 Jadwin Avenue, Room 157  
Richland, WA 88352

Dear Mr. Bauman:

Enclosed is a copy of the Multnomah County Board of Commissioners resolution in opposition to the Development of a New Production Reactor at Hanford. Please see that it gets in the record in opposition.

Very truly yours,

MULTNOMAH COUNTY BOARD OF COMMISSIONERS

Jane McGarvin  
Clerk of the Board  
jm  
Enclosure

The end of the EIS public scoping period (December 15, 1988) remains unchanged. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Requests to speak at the public scoping meetings and written comments on the scope of the EIS should be submitted to:

Mr. Peter J. Dirkmaat (Idaho Site)  
U.S. Department of Energy  
Idaho Operations Office  
785 DOE Place  
Idaho Falls, ID 83402  
(208) 526-6666

or

Mr. Tom Bauman (Hanford Site)  
U.S. Department of Energy  
Richland Operations Office  
823 Jadwin Avenue, Room 157  
Richland, WA 88352  
(509) 376-7501

*12/8/88*  
*Please send signed R-8*

*to*

or

Mr. S.R. Wright (Savannah River Site)  
U.S. Department of Energy  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29802  
(803) 725-3957

FOR FURTHER INFORMATION CONTACT: The person to contact to receive a copy of the draft EIS (when published) has been changed to:

Mr. Jim Davis, Director, Office of Environment  
Office of New Production Reactor (DP-50)  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20858  
(202) 586-5966

SUPPLEMENTAL INFORMATION: On September 16, 1988, DOE published a NOI in the FEDERAL REGISTER announcing the Department's intent

BOARD OF  
INDUSTRY COMMISSIONERS  
1988 DEC -6 PM 3:02  
MULTNOMAH COUNTY  
OREGON

BRIEFING PAPER  
NEW PRODUCTION REACTOR  
&  
WPPSS No. 1 CONVERSION  
DECEMBER 1, 1988

BY  
NORTHWEST ENVIRONMENTAL ADVOCATES  
406 GOVERNOR BUILDING  
408 SOUTHWEST SECOND AVENUE  
PORTLAND, OR 97204  
(503) 295-0490

## INTRODUCTION

The U.S. Department of Energy's (DOE) proposal to convert the partially completed Washington Public Power Supply System's (WPPSS) No. 1 nuclear reactor at Hanford to a new nuclear weapons materials production facility is part of a plan to assure a supply of tritium. Tritium is a radioisotope considered essential to modern nuclear weapons. DOE's first choice is to build completely new reactors in South Carolina and Idaho, the alternative is conversion of the WPPSS No. 1.

The very premise of this New Production Reactor (NPR) whether it involves building a reactor or the proposed conversion, is highly questionable. There is a contradiction in planning to spend billions of dollars to produce more nuclear weapons materials at a time when we have a massive budget deficit, when the estimated price tag to clean up the current nuclear weapons waste is \$110 billion, and the nuclear weapons arsenal is being cut.

There are many issues that DOE should consider in the scoping hearings being held pursuant to the National Environmental Policy Act (NEPA). Among the most critical are: 1) the need for the project; 2) alternatives to the project; and 3) the cumulative environmental impact of the project. These three principle concepts, along with other issues are all discussed below.

## BACKGROUND

Since the late 1970s DOE has been considering construction of a new nuclear weapons material production reactor. In fact, a study done during that period identified Hanford as one of two possible sites due to what was called a "halo effect," meaning that the surrounding community would strongly favor an NPR. Congress balked at the idea of spending billions on an NPR, particularly because DOE had at four reactors producing nuclear weapons materials.

DOE finally convinced Congress to fund preliminary studies on the NPR in 1987. DOE reported back to Congress in August 1988. The report identified three possible reactor technologies, one of which was the conversion of WPPSS No. 1. It also recommended that any new reactors be built at current DOE sites.

On September 16, 1988 DOE announced in the Federal Register its intent to prepare an Environmental Impact Statement (EIS) on the building and operation of NPR. At the same time DOE spelled out its preferred options and alternatives. DOE's preferred option is to build a heavy water reactor (HWR) at Savannah River, South Carolina, which would be capable of supplying 100% of the

tritium needed for the U.S. nuclear weapons arsenal. This preferred option includes building a second, back-up, reactor at Idaho Falls, Idaho. The back-up reactor would use high-temperature gas cooled (HTG) technology and be capable of producing 50% of the nation's tritium needs. The reactor at Idaho Falls would also serve as a prototype for a new model of commercial nuclear power reactors. The conversion of the WPPSS No. 1 nuclear plant at Hanford was one alternative identified by DOE to its preferred option.

#### CURRENT STATE OF AFFAIRS

DOE currently has four production reactors: three at Savannah River and one at Hanford. Only the reactors at Savannah River are capable of producing tritium. Hanford's 25 year-old N-Reactor, which produced plutonium, was placed in cold-standby by DOE in February 1988. That left only the aged reactors at Savannah River producing new nuclear weapons material. (Plutonium is still being processed at Hanford from stockpiled N-Reactor fuel.) Due to safety concerns the Savannah River reactors have been shutdown since April. In October additional safety problems were brought to light causing DOE to delay restarting the reactors until Spring 1989. Now for the first time since World War II the U.S. is not producing any new nuclear weapons material.

This situation has given the proponents of the NPR an added advantage in convincing Congress of the necessity for the project. Conversion now appears more attractive because the estimated time to complete the project is six years while building a new reactor is estimated to take from 10 to 12 years.

#### NEED FOR MORE TRITIUM

Key to the current debate surrounding the NPR is the need for tritium. There is no current or foreseeable need for plutonium; the U.S. has approximately 200,000 pounds of plutonium and only a few pounds are needed for a bomb. (We also have approximately one million pounds of weapons-grade uranium.) With a half-life of 24,400 years, plutonium is around essentially forever.

Tritium is used in nuclear weapons to increase the efficiency of the reaction, giving them more bang for the buck. In the warhead, tritium fuses with deuterium to produce helium and high energy neutrons. Because the neutrons released by the fusion process are more numerous and ten times higher in energy than those released through the fission process, the reaction of the plutonium goes more quickly and completely than in a warhead relying solely on a fission process.

Very little tritium is needed to enhance the efficiency of the reaction; American nuclear warheads use an average each of only 4 grams of tritium. In 1984, DOE acknowledged that 70 kilograms existed in its arsenal. Today in 1988, 100 kilograms are estimated to exist, and DOE has hoped to increase its stock to 163 kilograms by 1999. Tritium has a half-life of 12.3 years, which means that it decays at an annual rate of 5.5%.

Consequently, to maintain the current 100 kg stock of tritium, 5.5 kg of tritium must be produced annually to negate the decay. One reactor at the Savannah River Plant running 60% of the time produces 8 kg of tritium annually. The Department of Energy wants to increase annual production to 10 kg annually. This is almost twice the quantity required to replace the depleted stock.

Although the Pentagon claims that the shortage of tritium will become critical by the summer of 1989, various nongovernmental sources claim that the opportunity exists to survive on existing tritium, at least for the short term. The government's nuclear weapons material requests are thought to be inflated, in an effort to stockpile tritium. It is not known if the surplus tritium is wanted for possible future use in additional warheads, or to increase the amount of tritium in each warhead. Nonetheless, existing warheads would need to be dismantled at a rate of 5.5% (equal to 1,200 per year in 1989, decreasing to 600 per year in 2001.) Future arms control agreements with the Soviet Union could free up significant amounts of tritium.

#### SAFETY QUESTIONS

The WPPSS No. 1 plant, a Babcock & Wilcox (B&W) Pressurized Water Reactor (PWR), was designed for the sole purpose of generating electrical power generation. Modifying this plant for a purpose for which it was never designed -- tritium and/or plutonium production -- raises serious safety concerns.

B&W reactors have innumerable unresolved safety problems in their own right, design flaws that have not been solved in the 10 years since Three Mile Island -- a B&W reactor -- suffered its fatal accident. Changing from a 17 x 17 fuel array to a 19 x 19 array, adding lithium aluminate targets for tritium production, using different fuel with a lower melting temperature and changed neutronics and reactivity effects can invalidate a wide array of safety assumptions in unexpected ways. Computer codes written for safety analysis purposes for the current design will not be applicable to the modified design, and several of the modifications -- particularly the use of highly enriched fuel, including consideration of an as-yet unproven "ternary" fuel --

create the possibility of new accident risks not faced by commercial reactors, for example, the potential for so-called recriticality accidents.

The DOE Technical Feasibility study for the proposed conversion contemplates use of highly enriched uranium to fuel the converted reactor. WPPSS No. 1, like other commercial nuclear power plants, was designed to operate on fuel enriched to only a few percent U-235. DOE proposes to convert it to use fuel of 20% enrichment and eventually 93%. As the Technical Feasibility study points out, these fuels will have a substantially reduced "Doppler effect," a safety feature which helps prevent runaway conditions such as occurred at Chernobyl. Furthermore, the DOE study identifies as an unresolved safety problem for such a converted facility the potential for "recriticality" accidents, in which melting fuel slumps and forms a critical configuration, producing an explosion which can result in breach of the reactor vessel, direct heating of the containment, breach of the containment and release to the environment of fission products.

There are many unresolved safety issues related to operation of WPPSS No. 1 as a power reactor. Those issues have been raised in licensing hearing proceeding before the Nuclear Regulatory Commission (NRC) by NWEA. They range from the ability of the plant to withstand an earthquake and the quality of construction to the adequacy of emergency diesel generators and the design of the emergency core cooling system. These serious safety issues have not been resolved or investigated because construction of the plant was halted in 1983.

Compounding the numerous design flaws of the reactor is the fact that construction of WPPSS No. 1 failed to meet federal quality standards. For example, our research in 1982 turned up concrete that was placed wrong, electrical cables that were installed incorrectly, and equipment supports that were not designed to safety specifications. When a random sample of welds was inspected at the plant in 1982, 30% were found to have had no craft documentation or quality control inspection as required by the NRC.

An equally serious problem is the length of time WPPSS No. 1 has been sitting in limbo, its equipment wrapped in plastic. The precautions taken to prevent deterioration, many of which have been documented as inadequate, are unlikely to prevent the degradation of the materials used in construction and equipment. The quality of these materials is critical to safety.

#### SECURITY AS WELL AS SAFETY CONCERNS

Most civilian power reactors, like the original design for WNP-1, use low enriched fuel, fuel which is enriched to only a

few percent U-235. DOE proposes to use highly enriched fuel in the converted reactor, fuel up to 93% enriched. Any fuel enriched to 20% and above is considered highly enriched uranium (HEU) and can be used, if stolen or diverted, to make nuclear weapons. The U.S. has for years, as part of a cooperative international effort, been trying to reduce the traffic in HEU because of nonproliferation and nuclear terrorism concerns.

It is considered good policy to convert reactors that use HEU to use low enriched uranium, LEU. Converting WPPSS No. 1 from LEU to HEU is going in precisely the wrong direction. It would increase security risks involved in transporting a ton or so of weapons-grade uranium into the Northwest each year as well as frustrate U.S. efforts at convincing other nations to convert their remaining HEU-fueled civilian reactors to LEU.

#### CONVERSION RUNS COUNTER TO FORTY YEARS OF NONPROLIFERATION POLICY

Ever since the Baruch Plan of the late 1940s and the Atoms for Peace Program, inaugurated in President Eisenhower's December 1953 United Nations address, it has been U.S. policy to create a "firebreak" between civilian and military applications of atomic energy to deter nuclear proliferation. This policy was internationalized with the establishment of the International Atomic Energy Agency in 1957 and the subsequent establishment of the current international nonproliferation regime, embodied in the Non-Proliferation Treaty (NPT) of 1968. The most recent NPT Review Conference (1985) reaffirmed this principle and called in particular for "separation of the civil and military facilities in the nuclear-weapon states."

Strenuous efforts over the last several decades by the United States and other members of the international community to prevent nations from acquiring nuclear weapons by converting their peaceful nuclear facilities to military uses would be severely undercut were the U.S. to pursue such a course itself. Converting a PWR to military use would cross a very dangerous threshold, an act that could severely damage U.S. national security interests abroad and contribute to the unraveling of the international nonproliferation regime, so laboriously created.

#### REGULATORY ISSUES

As a commercial power-producing reactor, WPPSS No. 1 would be subject to NRC licensing requirements. While those procedures fall far short of the oversight needed they are preferable to none at all. If DOE were to take over WPPSS No. 1 the reactor would be unlicensed, would have no public scrutiny, no independent oversight, and would be prone to the same kind of failings in DOE self-regulation that led to the shutdown of the

N-reactor and the Savannah River reactors based on previously undetected but long-existing safety problems. DOE's track record proves that it is unable to operate facilities safely and to provide adequate information to the public and Congress. DOE's structural and management problems which led to the current situation must be resolved. Reactors operated by the government should not be permitted to be substantially more dangerous than those operated by private industry.

### SOCIOECONOMIC

DOE will attempt in its socioeconomic analysis of the NPR to enhance the benefits. Most likely this will include jobs effects on the local communities and in the case of some reactor designs the production of electricity. However, both of these issues are not as clear cut as DOE would like people to believe.

DOE is currently producing tritium at Savannah River. If DOE decides to move the NPR from Savannah River to Idaho or Hanford can the jobs at those two latter sites be counted as benefits? No, because their gain is Savannah River's loss. A local benefit in Idaho or Hanford would be met with a corresponding loss in Savannah River. Thus the employment factor is a wash.

There is also the multiplier effect: how many secondary jobs will be created. More than likely, at least in the Hanford case, DOE will claim that for every NPR job, at least 1.2 jobs will be created in the local community. A report released by NWEA in February 1988 on jobs and the N-Reactor showed DOE studies to be technically deficient.

Production of electricity is also a benefit DOE may claim for those designs that allow this dual function. In the case of WPPSS conversion this is not a benefit since the Northwest Power Planning Council still counts WPPSS as a resource and all indications are that the WPPSS Board plans to complete the plant when the need for its power is present. Without a showing of clear need, any extra electricity may only add to the region's surplus and drive down the price of electricity with a resultant negative impact on the Bonneville Power Administration (BPA) and the utilities.

### ALTERNATIVES

One purpose of the EIS process is to identify alternatives to the proposed project. DOE has only identified two alternatives to the building of the NPR at Savannah River and Idaho: the WPPSS No. 1 conversion and a do nothing option. DOE should go beyond these two alternatives.

For example may be possible to buy tritium from an allied nation in the name of mutual defense. In Canada, two to 2.5 kilograms of tritium are refined annually at CANDU heavy water facilities. Britain and France are other possible sources.

Another source is existing tritium of which we have approximately 100,000 grams. The average nuclear weapon uses about 4 grams. It is possible that our tritium needs can be met by recycling tritium from weapons we are dismantling pursuant to the current arms reductions treaty with the Soviets.

Given the U.S. arsenal of approximately 25,000 warheads and a strategic reality that it would take only a few hundred of these horribly destructive devices to decimate the Soviet Union, it is hard to conceive of a rationale that justifies the environmental and economic costs of building and operating an NPR to produce nuclear weapons materials for weapons.

It has long been the argument of the nuclear industry that one reason for its inefficiency has been the lack of a standard design. It has been documented that the reason most foreign countries receive better performance, both in terms of technology and economics, is their use of standard designs and having more than one reactor per site. The alternative of building two reactors of the same design at the same site is one the DOE is not considering in its EIS process. It would appear that such an alternative would be cheaper than building two reactors of a different, or even same design, at two separate sites. In a time when fiscal responsibility is a big issue this should be important.

#### CUMULATIVE IMPACTS

The process currently being undertaken by DOE -- including the taking of public testimony -- is mandated by NEPA. NEPA requires that DOE consider the cumulative environmental impacts of the proposed NPR. That means, legally, that DOE must examine both the past operations as well as current operation, and, in addition, reasonable foreseeable future environmental impacts at the sites under consideration. Under NEPA, DOE should do so on a scope that not only looks to the immediate area but to areas downriver which have been inadequately addressed in the past.

Over the past four decades the U.S. government has built and operated a nationwide complex of facilities for the production of nuclear weapons material. The U.S. Government Accounting Office (GAO) has called the resulting effects an environmental disaster. Seven major rivers are already or imminently threatened with radioactive contamination. Additionally, several large underground water systems are at risk.

At Hanford over 500,000 gallons of high-level waste have leaked from tanks and over 200 billion gallons of contaminated water have been poured into the ground. A plume of radioactive water has travelled six miles underground to the Columbia River. Strontium-90 at levels 500 times interim drinking water standards, as set by the Environmental Protection Agency (EPA), is contaminating the Columbia River. An aquifer located 1300 feet below the site is polluted with iodine-129 which has a half life of 17 million years. Monitoring of wells has shown hazardous chemical contamination of ground water above drinking water standards. And EPA has identified 700 potential Superfund sites at Hanford.

The environmental catastrophe at Hanford is not getting better. In May 1988 DOE revealed that single shell tanks containing high-level nuclear waste, previously thought to be stable, were leaking. The PUREX plant, which processes fuel from the N-Reactor, continues to dump tritium in large quantities to the ground and eventually the Columbia River. Eight shutdown production reactors have yet to be decommissioned along with over 100 other facilities. Hanford is continuing to receive nuclear waste in the form of decommissioned naval reactors and parts from commercial nuclear power plants.

In addition to the monumental accumulation of nuclear and chemical wastes, Hanford has many other nuclear facilities that pose a threat to public health and the environment. The environmental effects of these facilities, including the Fast Flux Test Facility (FFTF), PUREX, Feed Materials Extraction Facility (FMEF), among others, should be evaluated both as they are currently operating and in light of changes contemplated by DOE, changes that may very well increase their environmental effects.

TESTIMONY OF CONGRESSMAN RON WYDEN (D-OR)  
NEW PRODUCTION REACTOR EIS SCOPING HEARING  
PORTLAND CITY HALL  
DECEMBER 6, 1988

WPPSS conversion is a bad idea. It's bad because it could wreak havoc on Bonneville Power Administration finances and Northwest power rates, it's bad because it presents a whole new set of environmental and safety problems for the Columbia River and the whole Northwest, and it's bad because it can only encourage other nations to turn their civilian plants into bomb factories.

DOE's own experts have recommended against WPPSS conversion, in favor of building a new, modern reactor, specially designed for defense work. I wish that were the end of it. But the law says we have to lay out all the options, including bad ones, in an environmental impact statement. Fine. Let's do it and let's do it right. I'm confident that if the Department of Energy addresses the problem fully and fairly, the EIS will show that conversion would be a mistake.

If DOE is going to do a good job, what should the EIS include? An EIS has to present reasonable alternatives and then discuss their impacts. Let's start with the alternatives you present.

It's not reasonable to take safety shortcuts. Sometimes I think the whole idea of WPPSS conversion is a shortcut that can only be justified by focusing on production to the exclusion of all else. In the fifties and sixties, the last time the federal government designed production facilities, again and again we took safety shortcuts in favor of production. At Hanford alone, the government scrapped proposals to reduce wastes from reprocessing and to improve N Reactor safety features. Today we see those decisions as short-sighted and foolish. Let's not be shortsighted again.

You should present alternatives that meet the letter of all NRC requirements for safety. Some contractors hoping to build the new reactor have even talked about welcoming NRC licensing. DOE WPPSS studies expressly rule out NRC licensing. Don't take that step.

And fully consider options that might ease the rush to build a reactor. Can we, for example, get tritium from allies such as Canada or the U.K., or through reclamation of the sixty square miles of tritium-contaminated aquifer under Hanford, at least as a temporary solution.

After the EIS lays out a reasonable set of alternatives, it must disclose the impacts. Let's start with safety.

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You must fully disclose safety impacts -- including uncertainties about safety issues.

That means you must talk about the impacts of catastrophic accidents, such as the recriticality incident discussed in your own technical appraisal. I know the Department doesn't like to talk about worst cases. After Chernobyl, with N Reactor, the Department first denied that catastrophe was possible, then gradually changed its tune as outside experts insisted otherwise, until the Department finally insisted on an immediate multimillion dollar safety improvement program. Let's not play those same games again. Start by admitting that catastrophes are possible, and develop believable projections of the risks.

Your analysis must be up to date -- you cannot rely on the analysis done when the WPPSS plants were first licensed. For example, you must evaluate new information about earthquakes in the area coming from research on faults in eastern Washington near Hanford, as well as USGS evidence pointing to the possibility of "superquakes" in the Northwest. The WPPSS reactors were designed before this information came to light.

And you must compare relative safety of a reactor designed and built for a given purpose versus one like the WPPSS plant -- jury-rigged, designed for one use and then made to serve for another. Plain ordinary horse sense suggests that a machine built to do one thing and fixed to do another won't be as good as a machine built specially to do the job. If this is so, say it.

Besides safety, you must consider a full range of other environmental effects.

That means you cannot treat DOE enclaves as though they were somehow outside the human environment. In practical terms, evidence is beginning to mount that wastes emitted at DOE sites will travel off-site -- some within our lifetimes, and probably much much more within the lifetime of the waste. You must follow the civilian nuclear plant practice of presuming that any waste released into the air, water, or soil is released into the human environment.

And you must not write off impacts at sites like Hanford because they are already contaminated. When you built the N-Reactor in the early nineteen sixties, you were aware that its confinement system would not be allowed at a civilian nuclear plant, even as standards were then. Yet government consultants rationalized that a confinement system was not as much of a risk as some other projects already at Hanford. That "nuclear sacrifice zone" mentality no longer holds. Hanford's present woes are no justification for future headaches. In any case, you must plan for Hanford to be cleaned up in the lifetime of any new reactor

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and cannot treat the present state of Hanford as the baseline forty years hence.

You must discuss the environmental impacts of tritium processing, recognizing that the process creates different by-products and hazards than plutonium processing. Will Hanford, for example, end up like the Savannah River Plant, with mercury in the ground water and so much tritium in the atmosphere that the rain violates EPA safe drinking water standards?

You must disclose associated safety risks like the transportation hazards involved in trucking special nuclear materials for a new reactor across the West. These DOE shipments are entirely self-regulated. DOE should be prepared to meet the letter of NRC standards for shipment of high-level waste on these shipments.

You must evaluate the impacts on fish and wildlife from a large reactor system switching on and off without coordinating with BPA. Large thermal plants in the Northwest, such as the Trojan plant in Oregon, schedule refueling and other major down times when the Columbia basin hydroelectric system can "take up the slack" with the least environmental impacts. You should disclose the harm from operating a reactor based on defense, not regional power, priorities.

The Department has declared it intends to cover socio-economic impacts in the EIS. Fine. But you cannot limit disclosure of socio-economic impacts to the beneficial ones like more jobs for the Tri-Cities. You must consider potential impact on BPA rates that will come from shaking the WPPSS-bond wasp nest -- and how that could affect the economy of the entire Northwest. The attitude expressed in your previous institutional analysis, that "the potential for a default on the WNP-1 bonds should not affect DOE's decision to acquire the WNP-1 project properties," is shameful and totally unacceptable.

And if you discuss social impacts, you cannot ignore the biggest issue of all, nuclear non-proliferation. That may ultimately have the greatest effect on the human environment. By so loudly trumpeting the feasibility of WPPSS conversion -- together with the recent executive order directing the NRC to prepare contingency plans for defense-related takeovers of civilian power plants -- the Reagan Administration has belied its commitment to non-proliferation. The only worse thing we could do would be to actually develop the technology to turn these civilian plants into defense facilities.

When Congress convenes next month, one of the first things I will do is reintroduce the Peaceful Atom Act, a bill to ban conversion of civilian nuclear plants to defense uses. I hope that Act will settle the question of WPPSS conversion once and for all. But

meanwhile, if the Department must analyze the possibility of WPPSS conversion, let it be a good job. Show the country one last time what a bad idea this is.

# NORTHWEST ENVIRONMENTAL ADVOCATES



END THE MADNESS & CLEAN UP THE MESS

Over the past four decades the U.S. government has built and operated a nationwide complex of facilities for the production of nuclear weapons material. Now, for the first time since World War II, the U.S. is not producing any new nuclear weapons material. With this opportunity to really end the arms race, the U.S. Department of Energy (DOE) is proposing to convert the partially completed Washington Public Power Supply System's (WPPSS) No. 1 nuclear reactor at Hanford to a new nuclear weapons materials production facility. DOE's first choice is to build completely new reactors in South Carolina and Idaho.

We in the Northwest say no! The very premise of this New Production Reactor (NPR) -- whether it involves building a reactor or the proposed conversion -- is highly questionable. There is a contradiction in planning to spend billions of dollars to produce more nuclear weapons materials at a time when we have a massive budget deficit, proposed cuts in Medicare, when the estimated price tag to clean up the current environmental catastrophe from nuclear weapons waste is \$110 billion, and the nuclear weapons arsenal itself is being cut.

The critical issue is the need for tritium. Future arms control agreements with the Soviet Union could free up significant amounts of tritium and there are other alternatives that need to be examined before we go down the road DOE proposes. There are significant policy and safety reasons to oppose the WPPSS No. 1 conversion.

The United States has undertaken strenuous efforts over the last several decades to prevent nations from acquiring nuclear weapons by converting their nuclear power facilities to military uses. This policy would be severely undercut were the U.S. to pursue such a course itself by converting WPPSS No. 1 and would cross a very dangerous threshold.

The WPPSS No. 1 plant is a twin of Three Mile Island and was designed for the sole purpose of generating electrical power. Babcock & Wilcox (B&W) reactors have innumerable unresolved safety problems in their own right, design flaws that have not been solved in the 10 years since Three Mile Island. Modifying this plant for a purpose for which it was never designed raises even more serious safety concerns.

Moreover, if DOE were to take over WPPSS No. 1 the reactor would be unlicensed, would have no public scrutiny, no independent oversight. In short, it would be prone to the same kind of failings in DOE's self-regulation that led to the shutdown of the N-Reactor and the Savannah River reactors based on previously undetected but long-existing safety problems.

Given a U.S. arsenal of approximately 23,000 warheads and a strategic reality that it takes only a few hundred of these horribly destructive devices to decimate the Soviet Union, it is hard to conceive of a rationale that could justify the environmental and economic costs of building and operating an NPR to produce nuclear weapons materials for weapons. We in the Northwest, joining with those in South Carolina and Idaho, say it's time to end the madness and clean up the mess, before it's too late.

TESTIMONY  
BEFORE THE  
U. S. DEPARTMENT OF ENERGY

BY  
THE HONORABLE BARBARA ROBERTS  
SECRETARY OF STATE  
STATE OF OREGON

ON BEHALF OF  
GOVERNOR NEIL GOLDSCHMIDT

DECEMBER 6, 1988

I AM BARBARA ROBERTS, OREGON SECRETARY OF STATE.

I SPEAK TODAY IN MY ROLE AS VICE-CHAIR OF OREGON'S HANFORD NUCLEAR WASTE BOARD AND ON BEHALF OF GOVERNOR NEIL GOLDSCHMIDT, WHOM I REPRESENT ON THAT BOARD. I AM HERE TO DELIVER A VERY SHORT, VERY SIMPLE MESSAGE.

FIRST, I WANT TO THANK YOU FOR BRINGING THIS IMPORTANT FORUM TO THE PEOPLE OF OREGON TODAY. WE WELCOME THE OPPORTUNITY TO HELP THE U. S. DEPARTMENT OF ENERGY UNDERSTAND WHAT OREGONIANS THINK ABOUT CRITICAL ISSUES OF OUR TIMES.

MISTER CHAIRMAN, THERE IS A FAR, FAR MORE COMPELLING ISSUE AT HANFORD.

THAT ISSUE IS THE NATION'S LARGEST SINGLE CONCENTRATION OF RADIOACTIVE WASTES -- WASTES THAT HAVE BEEN ACCUMULATING AT HANFORD FOR MORE THAN FOUR DECADES. NUCLEAR WEAPONS WASTES AT HANFORD PRESENT AN UNPRECEDENTED PERIL TO OUR PEOPLE AND TO OUR ENVIRONMENT.

HANFORD'S NUCLEAR WEAPONS WASTES ARE IN SHALLOW BURIAL PITS, IN TRENCHES, AND IN UNDERGROUND TANKS. MANY OF THOSE TANKS HAVE ALREADY LEAKED. SOME OF THE TANKS LEAKED AFTER ONLY 20 YEARS IN THE GROUND -- AND YET, THEY CONTAIN WASTES THAT WILL BE DANGEROUS FOR 10,000 YEARS.

IF SPREAD OVER AN AREA THE SIZE OF A FOOTBALL FIELD, THE TOTAL VOLUME OF THIS INTENSELY RADIOACTIVE WASTE WOULD BE 150 FEET DEEP! THE LESS RADIOACTIVE, BUT LONGER-LIVED PLUTONIUM WASTES, WOULD DOUBLE THIS VOLUME.

ONE MIGHT BELIEVE THAT A HAZARD SO LETHAL WOULD HAVE PROMPTED CONGRESS AND THE U.S. DEPARTMENT OF ENERGY TO CLEAN UP THE MESS, LONG AGO.

BUT, THE FACT IS THAT, UNTIL THE LAST TWO YEARS, CONGRESS HAD NEVER APPROPRIATED A DIME FOR DISPOSAL OF HANFORD'S DANGEROUS NUCLEAR WEAPONS WASTES. AND, EVEN NOW, MOST OF THE APPROPRIATED MONEY IS BEING USED BY U.S. DOE TO MAINTAIN AND STORE THE NEW WASTES THAT HANFORD CONTINUES TO PRODUCE EVERY DAY.

AT TODAY'S LEVEL OF FUNDING, WE WOULD NOT BEGIN TO ACTUALLY AFFECT PREVIOUSLY ACCUMULATED NUCLEAR WEAPONS WASTES UNTIL NEXT YEAR AND, AT THAT RATE, IT WOULD TAKE SEVERAL HUNDRED YEARS TO COMPLETE THE JOB. THAT IS ABSOLUTELY UNACCEPTABLE.

THANKS TO SENATOR HATFIELD, REPRESENTATIVE AU COIN, AND THE COMBINED OREGON AND WASHINGTON CONGRESSIONAL DELEGATIONS, LAST YEAR U.S. DOE WAS FORCED TO ACCEPT MORE FUNDING FOR MOVING AHEAD WITH NUCLEAR WEAPONS WASTE CLEAN-UP.

BUT WHAT WE HAVE, SO FAR, IS ONLY A DROP IN THE BUCKET. U.S. DOE ESTIMATES THAT IT WILL COST UP TO \$60 BILLION TO CLEAN UP ALL THE WEAPONS WASTES AT HANFORD. EVEN IF WE ASSUME 30 YEARS TO COMPLETE THAT JOB, IT WOULD STILL REQUIRE MORE THAN \$2 BILLION PER YEAR.

I KNOW THAT YOU ARE AWARE THAT GOVERNOR BOOTH GARDNER OF WASHINGTON AND GOVERNOR NEIL GOLDSCHMIDT OF OREGON JOINED FORCES IN 1987 AND AGAIN IN 1988 TO URGE CONGRESS TO MAKE FIRM COMMITMENTS TO LONG TERM FINANCING FOR HANFORD CLEANUP. I HOPE U.S. DOE IS CONVINCED - AS IT SHOULD BE - THAT THESE TWO GOVERNORS ARE NOT GOING TO BACK DOWN ON THIS ISSUE. HANFORD MUST BE CLEANED UP!

I SHOULD NOTE THAT IT IS MY BELIEF THAT THE PEOPLE WHO WORK AT HANFORD ARE FAR MORE AWARE OF THE NEED THAN IS U.S. DOE'S WASHINGTON D.C. HEADQUARTERS.

THE ENVIRONMENTAL IMPACT STATEMENT ISSUED BY U.S. DOE'S RICHLAND OPERATIONS OFFICE ON CLEAN-UP OUTLINES AN EFFECTIVE PLAN. BUT, THE NORTHWEST FEELS STRONGLY THAT WE MUST BE ASSURED OF CLEAN UP OF THESE WASTES IS THE VERY FIRST PRIORITY BEFORE U.S. DOE CONSIDERS GOING FORWARD TO MAKE NEW WASTES.

IT HAS BEEN SUGGESTED, IN SOME QUARTERS, THAT NUCLEAR WEAPONS WASTES CLEAN UP AT HANFORD WILL NEVER OCCUR IF PRODUCTION OF NUCLEAR WEAPONS MATERIAL IS NOT RESTORED AT HANFORD. THIS BELIEF STEMS FROM THE FEAR THAT NO ONE WILL WANT TO PAY BILLIONS FOR CLEAN UP IF IT IS NOT TIED TO PRODUCTION. THAT SIMPLY MAKES NO SENSE. WE'VE HAD PRODUCTION FOR 40 YEARS AND THERE HAS BEEN ALMOST NO PROGRESS ON CLEAN UP.

VERY SIMPLY, IF WE CANNOT TAKE CARE OF THE MESS ALREADY MADE, WHY SHOULD WE CREATE MORE WASTES AND DELUDE OURSELVES THAT FUTURE WASTES WILL BE CLEANED UP?

WE, IN OREGON, FIND THIS SITUATION IRONIC, AT BEST: WE ARE DEBATING THE MEANS TO PRODUCE WEAPONS IN THE NAME OF NATIONAL DEFENSE. AT THE SAME TIME, WE LEAVE OURSELVES DEFENSELESS AGAINST THE LETHAL BY-PRODUCTS OF NUCLEAR WEAPONS PRODUCTION. OREGONIANS ARE NOT AMUSED THAT WE MAY SPEND BILLIONS ON STAR WARS TO PROTECT US AGAINST NUCLEAR WARHEADS FROM THE SKY, WHILE A VERY REAL NUCLEAR THREAT SEEPS TOWARD THE COLUMBIA RIVER.

IF YOU WANT A HANFORD MESSAGE FROM OREGON, HEAR THIS:

CLEAN UP THE NUCLEAR WEAPONS WASTES AT HANFORD,  
GET THAT STUFF AWAY FROM THE COLUMBIA RIVER,  
AWAY FROM THE LOCAL GROUNDWATER, AND AWAY FROM OUR PEOPLE.

THEN - AND ONLY THEN - CAN THERE BE ANY INTELLIGENT CONVERSATION ABOUT A FACILITY TO PRODUCE NEW NUCLEAR WEAPONS WASTES.

# # #

31-35  
J162

December 8, 1988

Mr. John Angell, Director  
Department of Justice Services  
1120 SW Fifth  
Portland, OR

Dear Mr. Angell:

Be it remembered, that at a meeting of the Board of County Commissioners held December 8, 1988, the following action was taken:

Commissioner Miller announced that the Board would hear a presentation on sentencing guidelines (R-9) before considering the rest of the agenda; and that Commissioner Casterline would be present via telephonic communications following a break after the presentation.

Presentation in the matter of approving recom- ) RESOLUTION  
mendations on Felony Sentencing Guidelines pro- ) #88-213  
posed by the Oregon Criminal Justice Council ) R-9

John Angell, Director of Justice Services, said that in 1987, the Oregon Legislature found sentencing practices lacked uniformity which created inequities and overburdened State corrections facilities. The Oregon Criminal Justice Council was assigned the task of creating sentencing guidelines for dealing with offenders convicted of felonies, to deal with the terms of confinement and duration of parole and probation, to develop standards for parole revocation, security of the public, and appropriate punishment for convicted criminal offenders. They were directed to complete the work by 1989. The guidelines will be completed by the end of next week; will be submitted to the Oregon Legislature on December 19; and if approved by the legislature, will become law in September 1989. Next week is the last opportunity for the Board to provide suggestions to the Oregon Criminal Justice Council regarding these guidelines. He described what the guidelines hope to achieve; and stated that after reviewing the guidelines, he is impressed with the high quality of the document. However three areas of concern exist: 1) the possibility of changes in the sentencing scheme increasing the number of incarcerated persons in Multnomah County; 2) possibility of inequities between sentences for misdemeanants and felons; and 3) the impact of the inclusion of consideration of previous juvenile adjudications along with adult convictions in calculating the sentences for adults. He recommended the Board approve the proposed guidelines.

David Bogucki, Justice Services, stated it is difficult to assess the impact on Multnomah County corrections facilities. He commended the Council for the quality of work produced from data available to them which was based upon 1986 felonies. One of his concerns is that some of the data might have been taken from a year where the convictions were lower than present averages, but added there is no data to update the 1986 figures.

Ms. Kathleen Bogan, Oregon Criminal Justice Council, responded to Commissioners questions, and said the data is taken from convictions from Multnomah County for any number of offenses, and there is no way to separate out why beds were filled. She added charging practices and numbers of cases filed have increased approximately 30% since 1986. Though convictions have increased 30%, it does not necessarily mean there are 30% more people involved; and there is no way to obtain the data to allow a determination of whether there are more people involved or not. One of the Correction Council's goals is to remove A and B felons from Multnomah County jails, and place them in State facilities.

Mr. Bogucki said that if the guidelines applied to second felonies, according to the grid guidelines, there would have been a 12% reduction in sentenced time if maximum sentences were applied in all cases. He has not taken into consideration, however, the impact of consecutive sentences. The new sentencing guidelines would result in more felons being committed to County jails, but for shorter periods of time.

Bill Woods, Sheriff's Office, stated that though the data is based on 1986 figures, the future should reflect a decrease in total felons incarcerated.

Mr. Bogucki explained that if there is an increase in the numbers committed to County jails for 1987, the percentages should hold as projected for 1986.

Ms. Bogan said the number of felons housed in Multnomah County jails when the study was done was approximately 257. Now, the Sheriff's Office reports there are approximately 354 sentenced felons in the jails, but it is felt the new guidelines will reduce this number.

Mr. Wood reported he is not comfortable in predicting numbers, but feels there will not be a negative impact to the County; and added there seems to be slight increase in jail populations for both 1987 and 1988.

Commissioner Miller stated she feels there must be a criteria set for filling bed space in the jails.

Ms. Bogan reported recommendations are being developed by the Corrections Council for the Legislature's consideration of a matrix for pre-sentence decisions to be used state-wide. The Corrections Council has also been directed to look at developing guidelines for determining misdemeanors; and to set a sentencing cap at 90 days with three years probation, thereby reducing the incentive to reduce felonies to misdemeanors. This would be an interim step until more studies can be accomplished.

Mr. Angell said he feels the Board may want to make recommendations to the Council as a part of the Legislative package.

Mr. Woods reported the Sheriff is still evaluating recommendations for jail beds, and public safety programs for the County. He read a statement from sentencing guideline rule 253.05.012 (3) regarding the sentencing judge's authority for custody and placement of inmates, and voiced the Sheriff's objection to the ruling.

(At this time, Commissioner Casterline attended the meeting through telephonic communications)

Mr. Woods reviewed the statement and Sheriff's recommendations for Commissioner Casterline, and described situations where it could be dangerous for both inmates and officers if inmates are placed in facilities by the Courts rather than by the Sheriff who is better prepared to say where inmates should be housed.

Ms. Bogan responded to Commissioner Anderson's question about the ruling; and reported that sheriffs from other parts of the state have also been responding with the same objections to the ruling as now stated. She urged the Board to write a letter to the Council with recommendations for change; and suggested an amendment could be that each Board of Commissioners in the state could designate a person to determine where and how offenders would be moved. The reason the proposed language was used was to provide knowledge to field staff about facilities and what vacancies exist. She added that the Council is taking testimony either verbally or in writing regarding amendments to the guidelines.

Commissioner Casterline said she feels there needs to be more flexibility than the designation of one person, and suggested the Department of Justice Services or the Community Corrections Division might provide the flexibility necessary.

Commissioner Anderson discussed her view that jail population management is a logistical problem, and not necessarily one of offender, staff, or public safety.

Discussion of this issue was held.

Commissioner Kafoury stated she feels the Sheriff's Association will bring this issue to the attention of the Corrections Council, and that the Board does not need to proceed further. The Resolution being proposed is general, and does not address specifics at this point.

Mr. Wood mentioned that the Restitution Center has acceptance guidelines for, and that judges have been unhappy in the past because they could not sentence a person directly to the facility. The Sheriff feels those committed to the Restitution Center should be screened by his office staff before being sentenced to that facility. In his opinion, this process protects both inmates and public.

Mr. Angell reported the judiciary feels this is a very controversial issue because they want to be able to sentence offenders to certain facilities without consultation with the Sheriff.

Following discussion on the above issue, no decision was made by the Board.

Howard Klink, Human Services, said the sentencing guidelines include calculations on the impact of sentencing on juvenile offender records. The number of requests for records could be as high as 700 per month, and would require 1.5 FTEs to process the paperwork. At this point, there has been no provision for money to hire staff. A policy question faced by the juvenile services division, because of the proposed sentencing guidelines for juveniles, is whether or not juvenile records should be included in matrix calculations. He said the new sentencing guidelines will result in a larger volume of requests. The adult criminal justice system has concrete evidentiary rules and legal processes with constitutional preventions, but the juvenile criminal system has none of these. The use of juvenile records for adult sentencing is not illegal, but there is a question of whether or not it is right to use them. 2) Expungement - can be accomplished for juveniles at age 18 at the request of the offender, and automatic expungement of records is made at age 25. Since some records would have been expunged, and some not at the time of a future sentence, it could mean that a longer sentence would be given if the record was available, while another person charged with the same crime and an expunged record would receive a lesser sentence.

Dwayne McNannay, Juvenile Services, discussed the present expungement process.

Mr. Klink added the proposal includes a 6-year "decay" limit to age 12, which means any felony committed before the age of 13 will not be counted against him in an adult court, but any felony committed after the age of 13 would be counted and applied to the grid guidelines.

Ms. Bogan responded she feels the numbers are too high.

Commissioner Kafoury stated the former responses were based upon the "worst case", and that the number of juveniles now is 354, but the data was figured at a total of 794. She asked what the projected increase percentage might be.

Ms. Bogan said the Council's "worst case" was that if there were 2500 people in Multnomah County in a year, and if there was a request for each, the total increase would be 200 per month. She feels this may be a realistic number because it reflects both felonies and misdemeanors for juveniles. All the inequities pointed out by Mr. Klink are already in the system and are not something new. Victims feel serious crime should count in future criminal procedures. The States of Washington and Minnesota count juvenile records; and said this is not a controversial issue for the Corrections Council. She reported the Corrections Council study showed 25% of the felonies committed had prior juvenile convictions, and 40% had three or more juvenile arrests, but did not necessarily result in conviction. The proposed sentencing guidelines include and count violent crimes committed by juveniles.

Commissioner Casterline asked what the impact of approving the sentencing guidelines might have on County prevention or rehabilitation programs.

Mr. McNannay said he feels the guidelines probably would not change the current practice very much, but he was concerned about expunction proceedings and whether or not those successfully completing rehabilitation programs could have records expunged.

Discussion followed regarding the expunction process, and the inequities that might occur with the proposed sentencing guidelines.

Mr. McNannay said it would be possible to expunge all files, and thereby remove the inequity; and an order to retain certain crimes from expungement, they could be listed as exemptions.

Ms. Bogan reported the present guidelines as proposed, assume the expunction process would continue to operate under the current process. However, there have been some discussions about whether or not to continue that process because of the inequities. Under the guidelines, juvenile felonies committed six years prior to the current crime are forgiven, though violent crime records are retained and are always counted. Since the Council is deliberating on whether or not to consider changing expunction rules for juveniles, she requested the Board make a determination today regarding whether or not they wish to continue rehabilitation and/or prevention program authority.

Commissioner Miller requested time for the Board to develop some recommendations, and added the Board wants to continue rehabilitation, but does not want to perpetuate youthful violent patterns of crime that are forgiven.

Ms. Bogan commended Board staff for their work in getting information to the Council.

Commissioner Kafoury added she feels this issue is broader than how it affects the proposed guidelines because it impacts how juveniles are treated throughout the whole system.

Mr. Angell stated his Department is satisfied with the guidelines, and added that if there is a negative impact upon the County, operational policies could be changed to meet the problem. He recommended the Board support the proposal.

Upon assurance of Commissioner Casterline that she had read the resolution, Commissioner Kafoury moved approval of the Resolution, duly seconded by Commissioner Anderson. She read the "Be it Resolved" portion of the Resolution.

Commissioner Kafoury requested that Mr. Angell, upon transmission of the Resolution to the Corrections Council, will mention the Board's concern about the cap, and the Sheriff's concern about custodial authority.

Following discussion regarding sentencing caps for juveniles and custodial authority for movement of offenders, Commissioner Kafoury amended her motion to pass the Resolution and include support for those two matters.

Commissioner Miller reminded the Board amendments must be in writing, and said she would insist upon requesting copies in order to proceed with an amendment.

Commissioner Kafoury responded that instead of an amendment to the Resolution, it would be possible to prepare legislative amendments next week.

The Board concurred.

Commissioner Miller added she feels the matter should be coordinated with the County Legislative Coordinator.

Following discussion, Fred Neal, Intergovernmental Relations Officer, stated the Board had already included as a priority issue, sentencing guidelines and have included background materials with the recommendation for misdemeanor sentencing guidelines; and the jail cap has been adopted by the Association of Oregon Counties (AOC) as a part of the Counties' legislative agenda which will be discussed tomorrow in Salem.

Commissioner Miller requested Mr. Neal report to the Board next week regarding how support for these issues may be accomplished.

At this time, the motion was considered, and it is unanimously

ORDERED that said Resolution be approved.

At this time, Commissioner Miller requested Commissioner Anderson prepare recommendations regarding expunction of juvenile records for Board consideration.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By

\_\_\_\_\_  
Jane McGarvin  
Clerk of the Board

jm  
cc: Sheriff  
Juvenile Services  
District Attorney  
Commissioner McCoy

DATE SUBMITTED 11/30/88

(For Clerk's Use)  
Meeting Date 12/8/88  
Agenda No. A-9

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Recommendations on Proposed Felony Sentencing Guidelines

Informal Only\* \_\_\_\_\_  
(Date)

Formal Only 12/8/88  
(Date)

DEPARTMENT Nondepartmental, BCC DIVISION Commissioner Kafoury

CONTACT Bill Vandever TELEPHONE 248-5219

\*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD John Angell, DJS

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Discussion and approval of recommendations on Felony Sentencing Guidelines proposed by the Oregon Criminal Justice Council. The full Oregon Criminal Justice Council is scheduled to meet on December 16 and the Oregon Sentencing Guidelines Board is scheduled for a hearing and adoption of proposed rules on December 19. Material for our Board's 12/8/88 meeting is being developed and will be distributed as soon as possible.  
(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

INFORMATION ONLY     PRELIMINARY APPROVAL     POLICY DIRECTION     APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 60 minutes

IMPACT:

PERSONNEL  
 FISCAL/BUDGETARY  
     General Fund  
 Other \_\_\_\_\_

# 88-213

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1988 NOV 30 PM 1:06

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Jonathan Kafoury/waw

BUDGET / PERSONNEL \_\_\_\_\_

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) \_\_\_\_\_

OTHER \_\_\_\_\_  
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

**PROPOSED RULES  
FOR THE IMPLEMENTATION OF  
SENTENCING GUIDELINES**

Submitted by Oregon Criminal Justice Council  
to  
Oregon Sentencing Guidelines Board

**I. STATEMENT OF PURPOSES AND PRINCIPLES**

**OAR 235-02-001 STATEMENT OF PURPOSES AND PRINCIPLES** (1) The primary objectives of sentencing are to punish each offender appropriately, and to insure the security of the people in person and property, within the limits of correctional resources provided by the Legislative Assembly, local governments and the people.

(2) Sentencing guidelines are intended to forward these objectives by defining presumptive punishments for felony convictions, subject to judicial discretion to deviate for substantial and compelling reasons; and presumptive punishments for post-prison or probation supervision violations, again subject to deviation.

(3) The basic principles which underlie these guidelines are:

(a) The response of the corrections system to crime, and to violation of post-prison and probation supervision, must reflect the resources available for that response. A corrections system that overruns its resources is a system that cannot deliver its threatened punishment. This undermines the system's credibility with the public and the offender. A corrections system that overruns its resources can produce costly litigation and the threat of loss of control to the federal judiciary. A corrections system that overruns its resources can increase the risk to life and property within the system and to the public.

(b) Under sentencing guidelines the response to many crimes will be state imprisonment. Other crimes will be punished by local penalties and restrictions imposed as part of probation.

All offenders imprisoned will be under post-prison supervision for a period of time. The ability of the corrections system to enforce swiftly and sternly the conditions of both probation and post-prison supervision, including by imprisonment, is crucial. Use of state institutions as the initial punishment for crime must, therefore, leave enough institutional capacity to permit imprisonment, when appropriate, for violation of probation and post-prison supervision conditions.

(c) Subject to the discretion of the sentencing judge to deviate and impose a different sentence in recognition of aggravating and mitigating circumstances, the appropriate punishment for a felony conviction should depend on the seriousness of the crime of conviction when compared to all other crimes, and the offender's criminal history.

(d) Subject to the sentencing judge's discretion to deviate in recognition of aggravating and mitigating circumstances, the corrections system should seek to respond in a consistent way to like crimes combined with like criminal histories; and in a consistent way to like violations of probation and post-prison supervision conditions.

## II. DEFINITIONS

### OAR 253-03-001 DEFINITIONS

As used in these rules:

(1) "Bench Probation" means a probationary sentence which directs the probationer to remain under the supervision and control of the sentencing court.

(2) "Correctional supervision status" means any form of incarcerative or non-incarcerative supervision by a supervisory authority which is served by an offender as part of a sentence for a criminal conviction.

(3) "Departure" means any sentence, except an optional probationary sentence, which is inconsistent with the presumptive sentence for an offender.

(4) "Dispositional departure" means a departure which imposes a probationary sentence when the presumptive sentence is prison or a prison sentence when the presumptive sentence is a probationary sentence. An optional probationary sentence is not a dispositional departure.

(5) "Dispositional line" means the solid black line on the sentencing guidelines grid (Appendix A) which separates the grid blocks in which the presumptive sentence is a term of imprisonment and post-prison supervision from the grid blocks in which the presumptive sentence is a probationary sentence which may include local custodial sanctions.

(6) "Durational departure" means any sentence which is inconsistent with the presumptive sentence as to term of incarceration, term of post-prison supervision, term of probation or number of custody units which may be imposed as a condition of probation.

(7) "Juvenile adjudication" means a formal adjudication or finding by a court that the juvenile has committed an act which, if committed by an adult, would be punishable as a felony.

(8) "Non-person felonies" are any felonies not defined as a person felony.

(9) "Optional probationary sentence" means any probationary sentence imposed pursuant to Rule 253-05-006 for offenders classified in blocks 8-G, 8-H or 8-I of the Sentencing Guidelines Grid.

(10) "Person felonies" are: ORS 163.095 Aggravated Murder; ORS 163.115 Murder; ORS 163.115 Felony Murder; ORS 163.118 Manslaughter I; ORS 163.125 Manslaughter II; ORS 163.375 Rape I; ORS 163.405 Sodomy I; ORS 163.411 Sexual Penetration I; ORS 163.185 Assault I; ORS 164.225 Burglary I as defined in Crime Categories 8 and 9; ORS 163.235 Kidnapping I; ORS 164.325 Arson I; ORS 164.415 Robbery I; ORS 163.225 Kidnapping II; ORS 163.670 Using Child In Display Of Sexual Conduct; ORS 163.425 Sexual Abuse I; ORS 163.175 Assault II; ORS 163.365 Rape II; ORS 163.395 Sodomy II; ORS 163.408 Sexual Penetration II; ORS 163.145 Negligent Homicide; ORS 163.535 Abandon Child; ORS 163.275 Coercion as defined in Crime Category 7; ORS 164.075 Theft By Extortion; ORS 167.017 Compelling Prostitution; ORS 162.165 Escape I; ORS 166.275 Inmate In Possession Of Weapon; ORS 163.205 Criminal Mistreatment; ORS 162.185 Supplying Contraband; ORS 163.165 Assault III; ORS 164.405 Robbery II; ORS 163.385 Sodomy III; ORS 163.355 Rape III; ORS 166.220 Carrying Dangerous Weapon; Attempted Use; ORS 166.165 Intimidation; ORS 811.705 Hit & Run Vehicle (INJURY); ORS 163.525 Incest; and ORS 163.535 Abandon Child.

(11) "Person Class A misdemeanors" are ORS 163.208 Assault Officer; ORS 163.195 Recklessly Endanger Another; ORS 163.145 Criminally Negligent Homicide (Attempt); ORS 163.425 Sexual Abuse II; ORS 163.545 Child Neglect; ORS 163.575 Endanger Welfare of Minor; ORS 163.200 Criminal Mistreatment II; ORS 163.160 Assault IV; ORS 166.155 Intimidation II; ORS 163.605 Criminal Defamation; ORS 163.190 Menacing; ORS 488.164 Hit and Run Boat; and all

attempted Class C person felonies.

(12) "Presumptive Sentence" means the sentence provided in a block of the Sentencing Guidelines Grid for an offender classified in that block by the combined effect of the crime seriousness ranking of the current crime of conviction and the offender's criminal history.

(13) "Supervisory Authority" means state and local corrections officials providing corrections supervision services and private persons contracting with public agencies to provide such services.

### III. THE SENTENCING GUIDELINES GRID

OAR 253-04-001 SENTENCING GUIDELINES GRID The Sentencing Guidelines Grid (grid) is a two-dimensional offender classification tool. The grid's vertical axis is the Crime Seriousness Scale which classifies offenders by current crime of conviction. The grid's horizontal axis is the Criminal History Scale which classifies offenders by criminal history.

Each grid block states the presumptive sentence for an offender whose crime of conviction and criminal history place him or her in that block. The solid black line dividing the grid blocks is the dispositional line. The grid is set forth as Appendix A.

#### A. CRIME SERIOUSNESS SCALE

OAR 253-04-002 CRIME SERIOUSNESS SCALE (1) The Crime Seriousness Scale consists of eleven categories of crimes. Each Crime Category represents crimes of relatively equal seriousness. The complete Crime Seriousness Scale is set forth as Appendix B.

(2) When the statutory definition of an offense includes a broad range of criminal conduct, the offense may be subclassified factually in more than one Crime Category to capture the full range of criminal conduct covered by the statutory offense. The list of subclassified offenses is set forth as Appendix C.

(3) Drug related offenses are separately classified and subclassified. Those classifications are set forth as Appendix D.

**OAR 253-04-003 AGGRAVATED MURDER** The offense of Aggravated Murder is not ranked in the Crime Seriousness Scale because the sentence is set by statute as death or mandatory life sentence (ORS 163.095-.105).

**OAR 253-04-004 OTHER UNRANKED OFFENSES** When persons are convicted of any other felony or crime punishable by imprisonment and omitted from the Crime Seriousness Scale, the judge shall determine the appropriate Crime Category for the current crime of conviction and shall state on the record the reasons for the offense classification.

**OAR 253-04-005 ATTEMPTS AND SOLICITATIONS** (1) A conviction for an attempted crime shall be ranked on the Crime Seriousness Scale at two crime categories below the appropriate category for the completed crime. A sentence imposed for an attempted crime shall not exceed the maximum sentence permitted for such attempted crime under ORS 161.405.

(2) A conviction for soliciting a crime shall be ranked on the Crime Seriousness Scale at two crime categories below the appropriate category for the completed crime. A sentence imposed for a solicitation offense shall not exceed the maximum sentence permitted by law for such solicitation crime under ORS 161.435.

#### **B. THE CRIMINAL HISTORY SCALE**

**OAR 253-04-006. CRIMINAL HISTORY SCALE** (1) The Criminal History Scale includes nine mutually exclusive categories used to classify an offender's criminal history according to the extent and nature of the offender's criminal history at the time the current crime of conviction was committed. The nine categories in the scale are labelled alphabetically and are arranged in order of seriousness from the most serious (Category A) to the least serious (Category I).

(2) An offender's criminal history is based upon the number of adult felony and Class A misdemeanor convictions and juvenile adjudications in the offender's criminal record at the time the current crime of conviction was committed. Prior adult convictions or juvenile adjudications which have been expunged shall not be considered when classifying an offender's criminal history.

OAR 253-04-007 CRIMINAL HISTORY CATEGORIES. The criminal history categories in the Criminal History Scale are:

Criminal  
History  
Category

Descriptive Criminal History

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

OAR 253-04-008 CLASS A ADULT MISDEMEANOR CONVICTIONS Two adult convictions of person Class A misdemeanors shall be counted as one adult conviction of a person felony.

OAR 253-04-009 BURGLARY I (1) A prior Burglary I (ORS 164.225) conviction for an offense committed after the effective date of these rules shall be classified:

(a) as a prior person offense if that prior conviction was classified as a Crime Category 9 or 8 offense; and

(b) as a prior non-person offense if that prior conviction was classified as a Crime Category 7 offense.

(2) A prior Burglary I (ORS 164.225) conviction for an offense committed before the effective date of these rules or any juvenile adjudication for conduct committed before or after the effective date of these rules which if committed by an adult would have constituted Burglary I shall be classified:

(a) as a prior person offense if the sentencing court finds by a preponderance of the evidence that the criminal conduct would have been classified as a Crime Category 9 or 8 offense; and

(b) as a prior non-person offense if the sentencing court finds by a preponderance of the evidence that the criminal conduct would have been classified as a Crime Category 7 offense.

OAR 253-04-010 OUT-OF-STATE CONVICTIONS AND JUVENILE ADJUDICATIONS

(1) Out-of-state convictions shall be used to classify the offender's criminal record if the elements of the offense would have constituted a felony or Class A misdemeanor under current Oregon law.

(2) Out-of-state juvenile adjudications shall be used to classify the offender's criminal record if the elements of the offense would have constituted a felony under current Oregon law if committed by an adult.

OAR 253-04-011 EFFECT OF CONVICTION-FREE PERIOD (1) Subject to section (4) of this rule, a prior felony conviction shall not be counted in an offender's criminal history if the offender has a conviction-free period, as calculated under section (3) of this rule, of six years after that felony conviction.

(2) Subject to section (4) of this rule, a prior Class A misdemeanor conviction shall not be counted in an offender's criminal history if the offender has a conviction-free period, as calculated under section (3) of this rule, of three years after that misdemeanor conviction.

(3) (a) The conviction-free period begins on (A) the date of release from any term of incarceration in prison or jail, or confinement in a state mental hospital, imposed as a consequence of a prior conviction or pursuant to the jurisdiction of the Psychiatric Security Review Board; or (B) the date of the prior conviction if a term of incarceration was not imposed as part of the sentence.

(b) The conviction-free period ends upon:

(A) the commission of a subsequent felony or Class A misdemeanor offense for which a conviction is entered;

(B) the commission of a subsequent felony or Class A misdemeanor offense for which the offender has been found guilty except for insanity; or

(C) the commission of a probation, parole or post-prison supervision violation if the sanction for the violation is a term of incarceration for a period of thirty (30) days or more.

(4) (a) Notwithstanding sections (1) and (2) of this rule, the following offenses shall always be counted in an offender's criminal history: Rape I, II & III (ORS 163.355-.375); Sodomy I, II & III (ORS 163.385-.405); Sexual Penetration I & II (ORS 163.408-.411); Sexual Abuse I & II (ORS 163.415-.425); Contributing To Sexual Delinquency Of A Minor (ORS 163.435); Sexual Misconduct (ORS 163.445); Public Indecency (ORS 163.465); Incest (ORS 163.525); Using Child In Display Of Sexual Conduct (ORS 163.670); Dealing in Depictions of Child's Sexual Conduct (ORS 163.673); Paying for Viewing Child's Sexual Conduct (ORS 163.680); Murder (ORS 163.095); Murder/Felony Murder (ORS 163.115); Manslaughter I & 2 (ORS 163.118-.125); Negligent Homicide (ORS 163.145); Arson I (ORS 164.325); Assault I & II (ORS 163.175-.185); and Robbery I (ORS 164.415).

(b) Except for offenses listed in paragraph (a) of this section, the provisions of this rule apply to convictions and juvenile adjudications entered outside of the jurisdiction of the State of Oregon if:

(a) the sentencing judge finds that the elements of the crime of an adult conviction from the other jurisdiction would have constituted a felony or Class A misdemeanor under current Oregon law; or

(b) the conduct leading to a juvenile adjudication would have constituted a felony under current Oregon law if committed by an adult.

**OAR 253-04-012 PROOF OF CRIMINAL HISTORY** The offender's criminal history shall be admitted in open court by the offender or determined by a preponderance of the evidence at the sentencing hearing by the sentencing judge.

#### **IV. PRESUMPTIVE SENTENCES**

##### **A. PRESUMPTIVE PRISON SENTENCES**

**OAR 253-05-001 TERM OF IMPRISONMENT** If the offender is classified in a grid block above the dispositional line, the presumptive sentence shall be a term of imprisonment within the durational range stated in the grid block. The sentencing judge should select the center of the range in the usual case and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant departure.

**OAR 253-05-002 TERM OF POST-PRISON COMMUNITY SUPERVISION** (1) A term of community supervision shall be imposed as part of the sentence for any offender who is sentenced to prison pursuant to the guidelines or as a departure.

(2) The duration of post-prison supervision shall be determined by the crime seriousness category of the most serious current crime of conviction:

- (a) one year for Crime Categories 1-3;
- (b) two years for Crime Categories 4-6; and
- (c) three years for Crime Categories 7-11.

(3) The term of post-prison supervision shall begin upon completion of the offender's prison term.

(4) The term of post-prison supervision, when added to the prison term, shall not exceed the statutory maximum sentence for the crime of conviction. When the total duration of any sentence (prison incarceration and post-prison supervision) exceeds the statutory maximum sentence, the sentencing judge shall reduce the duration of post-prison supervision, the duration of incarceration, or both to the extent necessary to conform the total sentence length to the statutory maximum.

**OAR 253-05-003 SUPERVISORY AUTHORITY** When a term of post-prison supervision is imposed as part of a sentence, the offender shall serve the term of supervision in the community under the supervision of the supervisory authority.

**OAR 253-05-004 POST-PRISON SUPERVISION FOR AGGRAVATED MURDER OR MURDER** (1) The term of post-prison supervision for an offender serving a life sentence pursuant to ORS 163.105 or ORS 163.115 shall be for the remainder of the offender's life, unless the Parole Board finds a shorter term appropriate. In no case shall the term of supervision be less than three years.

(2) For offenders on post-prison supervision pursuant to this rule, the limit on sanctions for post-prison supervision violations provided in OAR 10-004(4) shall not apply.

**OAR 253-05-005 JUDGMENT OF CONVICTION** Each judgment of conviction which includes a prison term for an offense committed on or after the effective date of these rules shall state the length of incarceration and the length of post-prison supervision. The judgment of conviction shall also expressly provide that if the offender violates the conditions of post-prison supervision, the offender shall be subject to sanctions imposed by the supervisory authority or additional imprisonment imposed by the Parole Board in accordance with these rules.

#### **B. PROBATIONARY SENTENCES**

**OAR 253-05-006 OPTIONAL PROBATIONARY SENTENCES** (1) If an offender is classified in grid blocks 8-G, 8-H or 8-I, the sentencing judge may impose an optional probationary sentence upon making the following specific findings on the record:

- (a) An appropriate treatment program is likely to be more effective than the presumptive prison term at reducing risk of offender recidivism;
- (b) The recommended treatment program is available and the offender can be admitted to it within a reasonable period of time; and
- (c) The probationary sentence will serve community safety interests by promoting offender reformation.

(2) The sentencing judge shall not impose an optional probationary sentence if:

- a. A firearm was used in the commission of the offense; or
- b. At the time of the offense, the offender was under correctional supervision status for a prior conviction.

(3) A probationary sentence imposed on an offender classified in grid blocks 8-G, 8-H and 8-I when not authorized by this rule is a departure.

**OAR 253-05-007 PRESUMPTIVE PROBATION SENTENCES** (1) Except as provided by Rule 253-09-001, if the offender is classified in a grid block below the dispositional line, the presumptive sentence shall be a term of probation which may include custody and other conditions of supervision.

(2) Each grid block below the dispositional line of the grid includes two components of a presumptive probationary sentence. The top number in each block is the presumptive duration of community supervision. The bottom number in each block is the number of custody units that may be used to establish the custodial conditions of probation.

**OAR 253-05-008 DURATION OF PROBATION** (1) The presumptive duration of probation shall be determined by the crime seriousness category of the most serious current crime of conviction:

- (a) eighteen months for Crime Categories 1-2;
- (b) two years for Crime Categories 3-5;
- (c) three years for Crime Categories 6-8; and
- (d) five years for Crime Categories 9-11.

(2) The sentencing judge may increase the length of probation by one year upon finding a violation or violations of the conditions of probation or when necessary to ensure that the conditions of probation are completely satisfied.

(3) The time during which the offender has absconded from supervision and a bench warrant has been issued for the offender's arrest shall not be counted in determining the time served on a sentence of probation.

(4) Nothing in this rule shall preclude the sentencing judge from imposing a period of bench probation as the probationary sentence required or permitted by the sentencing guidelines.

**OAR 253-05-009 NON-PRESUMPTIVE PROBATIONARY SENTENCES** If the sentencing judge imposes a probationary sentence on an offender with a presumptive prison term, the duration of community supervision shall be as provided by Rule 253-05-008.

**OAR 253-05-010 MODIFICATION OF PROBATIONARY TERMS** (1) A sentencing judge may shorten or terminate a probationary sentence or transfer supervision to bench probation, upon a finding that supervision is no longer necessary to accomplish the purposes of the imposed sentence.

(2) Reduction or modification of a probationary sentence as provided by this rule shall not require a hearing.

**OAR 253-05-011 CUSTODY UNITS** (1) When imposing a probationary sentence, the sentencing judge may require that the offender serve a term of custody supervision in a correctional facility or as part of a custody program. The term of custody supervision shall be imposed as a number of custody units.

(2) The number of custody units that may be imposed as part of a presumptive probationary sentence shall be determined by the crime seriousness category of the crime of conviction:

(A) up to 90 custody units for offenses in Crime Categories 1 and 2 and offenders classified in grid blocks 3-F, 3-G, 3-H and 3-I;

(B) up to 120 custody units for offenders classified in grid blocks 3-A through 3-E, 4-C through 4-I, and 5-G through 5-I; and

(C) up to 180 custody units for offenders classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

(3)(a) If the sentencing judge imposes a probationary sentence as a dispositional departure from a presumptive prison term or as an optional probationary sentence, the judge may impose up to 180 custody units as a condition of probation. Any such sentence which exceeds 180 custody units is a departure.

**OAR 253-05-012 CUSTODIAL SANCTIONS UNDER COMMUNITY SUPERVISION**

(1) The custody units imposed as part of a probationary sentence shall be used to set a term of custody supervision in a correctional facility or as part of a custody program.

(2) When custody units are imposed as part of a probationary sentence, the offender shall receive credit for having served those custody units as follows:

A. JAIL: Each day of jail incarceration is equivalent to one (1) custody unit.

B. RESIDENTIAL CUSTODIAL TREATMENT PROGRAM: Each day of actual confinement in a 24-hour residential custodial treatment facility is equivalent to one (1) custody unit when the program is satisfactorily completed.

C. RESTITUTION, PROBATION, WORK RELEASE OR COMMUNITY SERVICE CENTERS: Each day on community service release, work release or similar release program, in which the offender is confined in a custodial facility when not on release, is equivalent to one (1) custody unit.

D. HOUSE ARREST: Each day of satisfactory compliance with the requirements of house arrest or electronic surveillance program is equivalent to one-half (1/2) custody unit if the offender satisfactorily completes the home arrest or electronic surveillance program.

E. COMMUNITY SERVICE: Eight hours of community service under the direct supervision of a supervisor designated by the supervisory authority is equivalent to one-third (1/3) custody unit.

(3) The sentencing judge may determine the custodial facility or custody program in which the offender shall initially be confined or may delegate such placement decision to the local director of community corrections or the Department of Corrections' manager of field services who thereafter shall control the movement of the offender from one custodial facility or custody program to another unless such authority is reserved by the sentencing judge at the time of sentencing.

(4) The supervisory authority shall keep a record of all custody units served by the offender during the course of the probationary term. When custody units are served only upon the successful completion of a custodial program, the supervisory authority shall when appropriate certify that the offender has successfully completed a custodial program and the number of custody units served by the offender as part of the program.

(5) Where the sentencing judge finds that a custodial rehabilitation program designed to deal with drug or alcohol abuse or sexual behavior is essential to minimize the offender's likelihood of engaging in future criminal conduct, the requirement that the offender successfully enter and complete such a program shall not be limited by the custodial units set forth in Rule 253-05-011 or this rule.

**OAR 253-05-013 JAIL AS A CONDITION OF PROBATION** (1) The maximum number of custody units that may be used to impose a jail term as a custodial condition of probation shall be as follows:

(a) up to 30 custody units for offenses in Crime Categories 1 and 2 and offenders classified in grid blocks 3-F, 3-G, 3-H and 3-I;

(b) up to 60 custody units for offenders classified in grid blocks 3-A through 3-E, 4-C through 4-I, and 5-G through 5-I; and

(c) up to 90 custody units for offenders classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

(2) If the sentencing judge imposes a probationary sentence as a dispositional departure from a presumptive prison term or as an optional probationary sentence, the judge may use up to 90 custody units to impose a jail term as a custodial condition of probation.

(3) A sentence which exceeds the limitations established in this rule on the use of custody units to impose jail as a condition of probation is a departure.

**OAR 253-05-014 LEVEL OF COMMUNITY SUPERVISION** (1) The Department of Corrections or its designees shall use a risk assessment classification system to classify offenders for supervision purposes.

(2) The level of supervision shall be established by the Department of Corrections or its designees based on the offender-risk classification. The level of supervision may be increased or decreased by the supervisory authority in response to the offender's conduct under supervision and as is necessary to manage the offender in the community.

**OAR 253-05-015 NON-CUSTODY CONDITIONS OF PROBATION** (1) The sentencing judge may impose any additional non-custodial supervisory conditions of probation as permitted by law.

(2) The sentencing judge may impose programmatic conditions of probation to meet the unique circumstances of the offender and to minimize the offender's opportunity to participate in criminal conduct.

(3) Each judgment of conviction which includes a probationary term for an offense committed on or after the effective date of these rules shall include a description of all programmatic conditions imposed as part of the probationary sentence.

OAR 253-05-016 DEPARTURE PROBATIONARY SENTENCES A probationary sentence which exceeds the applicable limitation on the use of custodial sanctions as a condition of probation is a departure.

#### V. SUPERVISORY CAPACITY

OAR 253-06-001 EFFECTIVE SUPERVISORY CAPACITY (1) By January 1, 1990 and thereafter every January of each year, the director of the Department of Corrections shall determine the number of persons who can be effectively supervised on probation by the corrections agencies of the state and each county. Whenever the number of person under supervision of the state or county exceeds that capacity, the Department of Corrections shall seek to reduce active supervision caseloads by:

(A) recommending early termination of supervision in appropriate cases;

(B) recommending transfer to bench probation; or

(C) evaluation of the lowest risk offenders, as determined by risk classification, for placement in an inactive or unsupervised category.

(2) Nothing in this rule shall preclude a judge from exercising discretion to impose bench probation, to order early termination of supervision or transfer an offender on active probationary status to bench probation when such action appears to the judge to be in the public interest.

(3) Whenever supervision caseloads are reduced as a result of the procedure provided by Subsection (1) of this rule, the Department of Corrections shall report to the Oregon Criminal Justice Council the deficiencies of supervisory resources which necessitated the action.

#### VI. PLEA AGREEMENTS

OAR 253-07-001 PERMISSIBLE PLEA AGREEMENTS The sentencing judge shall comply with the rules of this division when accepting a negotiated plea as a plea agreement for any offense committed on or after the effective date of these rules.

**OAR 253-07-002 CRIMINAL HISTORY** (1) An offender's criminal history classification shall be accurately represented to the sentencing judge in the plea agreement.

(2) If a controversy exists as to the whether a certain prior conviction should be included in an offender's criminal history, the parties may stipulate to that issue as part of a plea agreement subject to the approval of the court.

**OAR 253-07-003 STIPULATED OFFENDER CLASSIFICATION** (1) Subject to the provisions of Rule 253-07-002, the district attorney and defense may stipulate to an offender classification within the grid.

(2) If the sentencing judge accepts the stipulated classification of the offender and imposes a sentence other than the presumptive sentence for the stipulated grid block, the sentence is a departure.

**OAR 253-07-004 STIPULATED PRESUMPTIVE SENTENCE** (1) The district attorney and the defense may stipulate to a specific sentence within the presumptive sentence range for the stipulated offender classification.

(2) If the judge accepts the plea agreement, the judge shall impose the stipulated sentence.

**OAR 253-07-005 STIPULATED NON-PRESUMPTIVE SENTENCE** (1) The district attorney and defense may stipulate to a sentence outside the presumptive sentence range for a stipulated classification of the offender.

(2) A judge may not accept an agreement for a non-presumptive sentence unless the judge finds on the record substantial and compelling reasons for the departure.

## VII. DEPARTURES

**OAR 253-08-001 DEPARTURE SENTENCES** (1) Except as provided in Rule 253-05-006, the sentencing judge shall impose the presumptive sentence provided by the guidelines unless the judge finds substantial and compelling reasons to impose a departure. If the sentencing judge departs from the guidelines, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure.

OAR 253-08-002 DEPARTURE FACTORS (1) The following nonexclusive list of mitigating and aggravating factors may be considered in determining whether substantial and compelling reasons for a departure exist:

(a) Mitigating factors:

- (A) Victim was aggressor or participant.
- (B) Defendant acted under duress or compulsion (not sufficient as a complete defense).
- (C) Defendant's mental capacity was diminished (excluding drug or alcohol abuse).
- (D) Offense was principally accomplished by another and the defendant exhibited extreme caution or concern for the victim.
- (E) The offender played a minor or passive role in the crime.
- (F) The offender cooperated with the state with respect to the current crime of conviction or any other criminal conduct by the offender or other person. The offender's refusal to cooperate with the state shall not be considered an aggravating factor.

(b) Aggravating factors:

- (A) Deliberate cruelty to victim.
- (B) Extreme youth, age, disability or ill health of victim, known or should have been known, by defendant.
- (C) Threat of or actual violence toward a witness or victim.
- (D) Persistent involvement in similar offenses or repetitive assaults. This factor may not be cited when consecutive sentences are imposed.
- (E) The use of a weapon in the commission of the offense.
- (F) The offense involved a violation of public trust or professional responsibility.
- (G) The offense involved multiple victims or incidents. This factor may not be cited when it is captured in a consecutive sentence.
- (H) The crime was part of an organized criminal operation.
- (I) The offense resulted in a permanent injury to the victim.

(2) If a factual aspect of a crime is a statutory element of the crime or is used to subclassify the crime on the Crime Seriousness Scale, that aspect of the current crime of conviction may be used as an aggravating or mitigating factor only if the criminal conduct

constituting that aspect of the current crime of conviction is significantly different from the usual criminal conduct captured by that aspect of the crime.

(3) Any aspect of the current crime of conviction which serves as a necessary element of a statutory mandatory sentence may not be used as an aggravating factor if that aspect is also used to impose the mandatory sentence.

**OAR 253-08-003 DURATION OF DEPARTURES** When a judge departs in setting the duration of a incarceration term, the judge shall consider the purposes and principles of these guidelines as described in Rule 253-02-001 to impose a sentence which is proportionate to the seriousness of the crime of conviction and the extent of the offender's criminal history record.

**OAR 253-08-004 DURATIONAL DEPARTURE LIMITATIONS** A durational departure from a presumptive incarceration term shall not total more than double the maximum duration of the presumptive incarceration term.

**OAR 253-08-005 DISPOSITIONAL DEPARTURE LIMITATIONS** (1) When a judge departs from a presumptive probationary term to impose a prison sentence, the term of incarceration shall be:

(a) up to six months for offenders classified in Crime Categories 1 and 2, or grid blocks 3-F, 3-G, 3-H and 3-I;

(b) up to twelve months for offenders classified in grid blocks 3-A through 3-E, 4-C through 4-I, and 5-G through 5-I; and

(c) up to eighteen months for offenders classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

(2) When the sentencing judge imposes a prison term as a dispositional departure, the term of post-prison supervision shall be determined by the crime seriousness category of the most serious current crime of conviction as required by Rule 253-05-002.

(3) Any sentence inconsistent with the provisions of this rule shall constitute an additional departure and shall require substantial and compelling reasons independent of the reasons given for the dispositional departure.

**OAR 253-08-006 DEPARTURE LIMITATIONS ON THE USE OF CUSTODY UNITS** A departure on the number of custody units imposed as part of a presumptive probationary sentence shall not total more than double

the maximum number of custody units permitted as part of the presumptive sentence.

#### VIII. STATUTORY SENTENCING REQUIREMENTS

OAR 253-09-001     **STATUTORILY MANDATED IMPRISONMENT**     If the provisions of Ballot Measure 4, 1988 General Election, require the imprisonment of an offender for whom the Sentencing Guidelines Grid provides presumptive probation, the offender shall be imprisoned for a duration determined as follows:

( In accordance with the decision of the Criminal Justice Council at its November 14, 1988 meeting, the Sentencing Guidelines Board will complete this provision during its consideration of the guidelines. The Board's staff recommends the following durations: 11-12 months for Grid Block 7-I; 12-13 for Grid Block 7-H; 13-14 months for Grid Block 7-G; 14-15 months for Grid Block 7-F.)

OAR 253-09-002     **OFFENDERS FOUND GUILTY EXCEPT FOR INSANITY**     If an offender is found guilty except for insanity pursuant to ORS 161.295, the sentencing judge shall order the person placed under the jurisdiction of the Psychiatric Security Review Board. The jurisdiction of the Board shall be a period equal to the statutory maximum sentence that the person could have received had the person been found not subject to the provisions of ORS 161.295 to 161.403.

OAR 253-09-003     **OTHER SANCTIONS**     In addition to the presumptive or departure sentence, the sentencing judge may impose any restitution, fine, fee or other monetary payment authorized or required by law.

#### IX. PROBATION REVOCATIONS

OAR 253-10-001     **REVOCATION OF PROBATION**     (1) The decision to revoke probation is discretionary and may be exercised upon a finding that the offender has violated one or more of the conditions of probation, or that the offender has participated in additional criminal activity.

(2) Before ordering the revocation of probation, the sentencing judge should determine whether local sanctions to correct deficiencies in the offender's behavior have been exhausted. If

the sentencing judge determines that increasingly severe sanctions have been imposed without a satisfactory result, the sentencing judge may conclude that a revocation is warranted by the offender's misconduct or criminal activity.

**OAR 253-10-002 REVOCATION SANCTIONS** (1) For those offenders whose presumptive sentence was probation, the sentence upon revocation shall be a prison term up to a maximum of six months.

(2) For those offenders whose probationary sentence was either a departure from a presumptive prison sentence or a sentence imposed pursuant to Rule 253-05-006, the sentence upon revocation shall be a prison term up to the maximum presumptive prison term which could have been imposed initially.

(3) When imposing a revocation sanction, the sentencing judge shall also set a term of post-prison supervision in accordance with Rule 253-05-002.

(4) Any revocation sanction which deviates from the provisions of this rule is a departure.

#### **X. POST-PRISON SUPERVISION**

**OAR 253-11-001 CONDITIONS OF POST-PRISON SUPERVISION** (1) The Department of Corrections shall prepare a proposed release plan for each offender prior to the offender's release from prison.

(2) The proposed release plan shall be submitted to the parole board not less than thirty (30) days prior to the offender's release and shall include:

(a) a description of support services and program opportunities available to the offender;

(b) the conditions of supervision;

(c) the level of supervision which shall be consistent with the offender's risk assessment classification; and

(d) any other conditions and requirements as may be necessary to promote public safety.

(3) If the release plan is not approved by the Parole Board, the Board shall return the plan to the Department with its recommended modifications. The Department shall submit the further revised plan to the Board not less than ten days prior to the offender's release.

(4) If the further revised plan is not acceptable to the Board, the Board shall determine the provisions of the final plan prior to the offender's release.

**OAR 253-11-002 RESPONSIBILITY FOR POST-PRISON SUPERVISION** Upon release from prison, the offender shall be supervised by the Department of Corrections or the corrections agency designated by the Department.

**OAR 253-11-003 LEVEL OF POST-PRISON SUPERVISION** (1) During the duration of post-prison supervision, the supervisory authority may adjust the level of supervision and recommend to the Parole Board revisions to the conditions of supervision appropriate to the offender's conduct in the community.

**OAR 253-11-004 POST-PRISON SUPERVISION SANCTIONS** (1) The supervisory authority shall use a continuum of administrative sanctions for violation of the conditions of post-prison supervision. The sanction continuum shall include but is not limited to: an increase in the level of supervision, modification of or addition to the conditions of community supervision, or confinement in a state or county correctional facility.

(2) If the supervisory authority finds that local sanctions are insufficient punishment for a violation or violations of the conditions of post-prison supervision, the supervisory authority may request the Parole Board to return the offender to a state correctional facility.

(3) If requested to return an offender to a state correctional facility, the Parole Board shall hold a hearing to determine whether prison incarceration is appropriate and may impose an appropriate term of incarceration up to ninety (90) days for a technical violation and up to one hundred and eighty (180) days for conduct constituting a crime. Except as provided in Rule 253-05-004(2), during the full term of post-prison supervision, an offender may not be required to serve more than one hundred and eighty (180) days of incarceration for violations of the conditions of supervision.

(4) An offender ordered to serve a term of prison incarceration as a sanction for a post-prison supervision violation is not eligible for earned-credit time or transitional leave.

(5) An offender ordered to serve a term of prison incarceration as a sanction for a supervision violation shall receive credit for time served in a state or local correctional facility on the supervisory violation prior to the parole board's imposition of a prison term sanction.

## XI. CONCURRENT & CONSECUTIVE SENTENCES

**OAR 253-12-001 CONCURRENT AND CONSECUTIVE SENTENCES** When multiple convictions have been entered in a single or multiple judicial proceedings, the sentencing judge shall impose consecutive or concurrent sentences pursuant to ORS 137.122, 137.123 and 137.370.

**OAR 253-12-002 LIMIT ON CONSECUTIVE SENTENCES** A consecutive sentence may only be imposed if the judge makes express findings upon the record in open court at the time of sentencing that the consecutive sentences are necessary to attain a total sentence proportionate to the seriousness of the offender's current crime of conviction and criminal history or as necessary to insure the safety of the public in person or in property.

**OAR 253-12-003 SINGLE JUDICIAL PROCEEDING: CONCURRENT SENTENCES** When multiple sentences in a single judicial proceeding are imposed concurrently, the longest sentence imposed shall be the sentence served.

**OAR 253-12-004 SINGLE JUDICIAL PROCEEDING: CONSECUTIVE SENTENCES**

(1) When consecutive sentences are imposed in a single judicial proceeding, the sentences shall consist of an incarceration term and a supervision term.

(2) The incarceration term of consecutive sentences is calculated as follows:

(a) The sentence for the crime with the highest crime seriousness ranking is the primary sentence. If more than one crime of conviction is classified in the same Crime Category, the sentencing judge shall designate which crime determines the primary sentence.

(b) The sentence for each additional conviction sentenced consecutively is a sentence up to the maximum presumptive incarceration term for the offense in the Criminal History I Column.

(A) The maximum incarceration term of any probationary sentence is the maximum jail sentence that could be imposed as a condition of a presumptive probation for the offense.

(B) If the primary sentence is a prison term, the entire incarceration term of the consecutive sentence shall be served in prison.

(c) The total incarceration term of consecutive sentences, including consecutive sentences in which the primary sentence

or any other sentence is a departure, may not exceed twice the maximum presumptive term of the primary sentence.

(3) The community supervision term of consecutive sentences is calculated as follows:

(a) If the primary sentence includes a prison term, the duration of post-prison supervision for the consecutive sentences shall be the duration of post-prison supervision imposed by the primary sentence.

(b) If the primary sentence is a probationary term, the duration of probationary supervision for the consecutive sentences shall be the duration of probationary supervision imposed by the primary sentence.

(4) If fewer than all of the convictions for which consecutive sentences have been imposed are reversed on appeal, the remaining conviction or convictions shall be remanded to the sentencing court for re-sentencing under these guidelines.

(5) A primary sentence or additional sentence other than as provided in section (2) of this rule is a departure.

**OAR 253-12-005 CONCURRENT SENTENCES FROM MULTIPLE JUDICIAL PROCEEDINGS** (1) If a sentence is imposed concurrently to the remaining prison term imposed in a prior judicial proceeding, the incarceration term of the new sentence runs concurrently with the remaining incarceration term of the prior sentence. The incarceration term of the concurrent sentences shall be served in prison.

(2) If a new sentence is imposed concurrently to a prior post-prison supervision or probation sentence, the incarceration term of the concurrent sentences shall be the longest of:

(a) the remaining incarceration term of the prior sentence;

(b) any incarceration term imposed for a violation of the community supervision term of the prior sentence; or

(c) the incarceration term of the new sentence.

(3) If a sentence is imposed concurrently to a prior sentence, the community supervision term of the concurrent sentences shall be the longer of the remaining supervisory term of the prior sentence or the supervisory term of the new sentence.

(4) If any of the concurrent sentences includes a prison term, the community supervision term of the concurrent sentence shall be

served as post-prison supervision.

**OAR 253-12-006 CONSECUTIVE SENTENCES FROM MULTIPLE JUDICIAL PROCEEDINGS** (1) When a sentence is imposed consecutively to a remaining prison term imposed in a prior judicial proceeding, the incarceration term of the new sentence is added to the remaining incarceration term of the prior sentence. The total incarceration term of the new consecutive sentence shall be served in prison.

(2) When a sentence is imposed consecutively to a prior post-prison supervision or probation term, the incarceration term of the new sentence is added to:

(a) the remaining incarceration term of the prior sentence;  
or

(b) any incarceration term imposed for a violation of the community supervision term of the prior sentence.

(3) When a sentence is imposed consecutively to any prior sentence, the community supervision term of the consecutive sentences shall be the longer of the remaining supervisory term of the prior sentence or the supervisory term of the new sentence.

(4) If any of the consecutive sentences includes a prison term, the community supervision term of the consecutive sentences shall be served as post-prison supervision.

**OAR 253-12-007 REVOCATION OF CONCURRENT PROBATIONARY SENTENCES** If an offender who has been sentenced to concurrent probationary terms is revoked, the maximum sentence upon revocation shall be the revocation sentence for the most serious crime of conviction as provided by Rule 253-10-002.

**OAR 253-12-008 PRISON SUPERVISION TERMS** (1) The multiple terms of post-prison supervision imposed as part of a concurrent sentence shall be served as a single term of post-prison supervision.

(2) If an offender serving a concurrent term of post-prison supervision has violated the conditions of supervision, only a single incarcerative sanction may be imposed for the violation.

## XII. EFFECTIVE DATE

**OAR 253-13-001** These rules become effective September 1, 1989.

APPENDIX "A"

PROPOSED FELONY SENTENCING GUIDELINES GRID

		Criminal History Scale									
		MULTIPLE (3+) FELONY PERSON OFFENDER	REPEAT (2) FELONY PERSON OFFENDER	SINGLE (1) FELONY PERSON NON-PERSON OFFENDER	SINGLE (1) FELONY PERSON OFFENDER	MULTIPLE (1+) FELONY NON-PERSON OFFENDER	REPEAT (2) FELONY NON-PERSON OFFENDER	SIGNIF-CANT MINOR CRIMINAL RECORD	MINOR CRIMINAL RECORD	NO CRIMINAL RECORD	
		A	B	C	D	E	F	G	H	I	
▼	MURDER	11	225- 269	196- 224	178- 195	149- 177	149- 177	135- 148	129- 134	122- 128	120- 121
▼	MANSLAUGHTER I, ASSAULT I, RAPE I, ARSON I	10	121- 130	116- 120	111- 115	91- 110	81- 90	71- 80	66- 70	61- 65	58- 60
▼	RAPE I, ASSAULT I, KIDNAPPING I, ARSON I, BURGLARY I, ROBBERY I	9	66- 72	61- 65	56- 60	51- 55	46- 50	41- 45	39- 40	37- 38	34- 36
▼	MANSLAUGHTER II, SEXUAL ABUSE I, ASSAULT II, RAPE II, USING CHILD IN DISPLAY OF SERIAL CONDUCT, DRUGS-KIDNAP, DRUGS-CULT/MAN	8	41- 45	35- 40	29- 34	27- 28	25- 26	23- 24	21- 22	19- 20	16- 18
▼	NEGLIGENT HOMICIDE, ABANDON CHILD, COERCION, COMPELLING PROSTITUTION, SUPPLYING CONTRABAND, ESCAPE I	7	31- 36	25- 30	21- 24	19- 20	16- 18	180 90	180 90	180 90	180 90
▼	ROBBERY II, ASSAULT III, RAPE III, BRIBE RECEIVING, INTIMIDATION, PROPERTY CRIMES (more than \$50,000), DRUGS-DELIVERY, DRUGS-POSSESSION	6	25- 30	19- 24	15- 18	13- 14	10- 12	180 90	180 90	180 90	180 90
▼	ROBBERY III, THEFT BY RECEIVING, TRAFFICKING STOLEN VEHICLES, PROPERTY CRIMES (\$50 - \$10,000)	5	15- 16	13- 14	11- 12	9- 10	6- 8	180 90	120 60	120 60	120 60
▼	FTA I, CUSTODIAL INTERFERENCE II, PROPERTY CRIMES (\$10 - \$5,000), DRUGS-DELIVERY, DRUGS-CULT/MAN	4	10- 10	8- 9	120 60	120 60	120 60	120 60	120 60	120 60	120 60
▼	ABANDON CHILD, ABUSE OF CORPSE, CRIMINAL NONSUPPORT, PROPERTY CRIMES (\$1 - \$5,000)	3	120 60	120 60	120 60	120 60	120 60	120 60	90 30	90 30	90 30
▼	DEALING CHILD PORNOGRAPHY, VIOLATION OF WILDLIFE LAWS, WELFARE FRAUD, PROPERTY CRIMES (less than \$1,000)	2	90 30	90 30	90 30	90 30	90 30	90 30	90 30	90 30	90 30
▼	ALTERING FIREARM ID, HABITUAL OFFENDER VIOLATION, BIGAMY, PARAMILITARY ACTIVITY	1	90 30	90 30	90 30	90 30	90 30	90 30	90 30	90 30	90 30

In white blocks, numbers are presumptive prison sentences expressed as a range of months.

In gray blocks, upper number is the maximum number of custody units which may be imposed; lower number is maximum number of days in jail.

APPENDIX B

**CRIME SERIOUSNESS REFERENCE TABLE**

CRIME CATEGORY 11

	<u>FELONY CLASSIFICATION</u>	<u>PAROLE MATRIX CATEGORY</u>
ORS 163.115(a) MURDER	(U)	7

CRIME CATEGORY 10

	<u>FELONY CLASSIFICATION</u>	<u>PAROLE MATRIX CATEGORY</u>
ORS 163.115(b) FELONY MURDER	(U)	7
ORS 163.118 MANSLAUGHTER I	(A)	6
ORS 163.375 RAPE I *	(A)	6,5
(If aggravated by factors listed below; otherwise CC 9.)		
ORS 163.405 SODOMY I *	(A)	6,5
(If aggravated by factors listed below; otherwise CC 9.)		
ORS 163.411 SEXUAL PENETRATION I*(A)	(A)	6,5
(If aggravated by factors listed below; otherwise CC 9.)		
ORS 163.185 ASSAULT I	(A)	6,5
(If victim did not precipitate attack; otherwise CC 9.)		
ORS 163.235 KIDNAPPING I	(A)	6
ORS 164.325 ARSON I	(A)	6,5
(If offense represented serious threat to life; otherwise CC 9, 8 or 7.)		

\* Rape I, Sodomy I and Sexual Penetration with Foreign Object I shall be rated at Crime Category 10 if any of the following factors were included in the commission of the offense:

- a.) the offender threatened to use or used a weapon;
- b.) the offender caused or threatened to cause serious physical injury; or
- c.) the victim was under the age of twelve.

CRIME CATEGORY 9

	FELONY CLASSIFICATION	PAROLE MATRIX CATEGORY
ORS 163.375 RAPE I (If not categorized at CC 10.)	(A)	6,5
ORS 163.405 SODOMY I (If not categorized at CC 10.)	(A)	6,5
ORS 163.411 SEXUAL PENETRATION I (If not categorized at CC 10.)	(A)	6,5
ORS 163.185 ASSAULT I (If victim precipitated attack; otherwise CC 10.)	(A)	6,5
ORS 164.325 ARSON I (If offense did not pose serious threat to human life (CC 10) and economic loss is greater than \$50,000; otherwise CC 8 or 7.)	(A)	6,5
ORS 164.225 BURGLARY I (If offender was armed with a deadly weapon, or caused or threatened physical injury; otherwise CC 8 or 7.)	(A)	5,4,3
ORS 164.415 ROBBERY I	(A)	6
ORS 163.225 KIDNAPPING II	(B)	4

CRIME CATEGORY 8

	FELONY CLASSIFICATION	PAROLE MATRIX CATEGORY
ORS 163.125 MANSLAUGHTER II	(B)	5,4,3
ORS 163.670 USING CHILD IN DISPLAY OF SEXUAL CONDUCT	(A)	6-5
ORS 163.673 DEALING DEPICTIONS OF CHILD SEXUAL CONDUCT (If part of organized operation; otherwise CC 2.)	(B)	4
ORS 163.677 TRANSPORTING CHILD PORNOGRAPHY (If part of organized operation; otherwise CC 2.)	(B)	4
ORS 164.325 ARSON I (If the offense did not pose serious threat to human life (CC 10) and economic loss is less than \$50,000 but greater than \$25,000; otherwise CC 9 or CC 7.)	(A)	5,4,3
ORS 164.225 BURGLARY I (If offender did not cause or threaten 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.)	(A)	5,4,3
ORS 163.425 SEXUAL ABUSE I	(C)	3
ORS 163.175 ASSAULT II	(B)	4
ORS 163.365 RAPE II	(B)	4,3
ORS 163.395 SODOMY II	(B)	4
ORS 163.408 SEXUAL PENETRATION II	(B)	4
AGGRAVATED DRUG OFFENSES (See, Appendix D.)		

## CRIME CATEGORY 7

	FELONY CLASSIFICATION	PAROLE MATRIX CATEGORY
ORS 164.325 ARSON I (If offense did not pose serious threat to human life (CC 10) and economic loss is less than \$25,000; otherwise CC 9 or CC 8.)	(A)	6,5
ORS 164.225 BURGLARY I (If offender did not cause or threaten physical injury and was not armed with a deadly weapon (CC 9) and the offense was committed while the dwelling was unoccupied (CC 8).)	(A)	5,4,3
ORS 163.145 NEGLIGENT HOMICIDE	(C)	2
ORS 163.535 ABANDON CHILD (If child is placed in immediate physical danger; otherwise CC 3.)	(C)	2
ORS 163.275 COERCION (If threat of physical injury; otherwise CC 6.)	(C)	4,3
ORS 164.075 THEFT BY EXTORTION (If threat of physical violence; otherwise CC 6, 5, 4, 3 or 2.)	(B)	4,3
ORS 167.017 COMPELLING PROSTITUTION	(B)	4
ORS 162.165 ESCAPE I	(B)	5
ORS 166.275 INMATE IN POSSESSION OF WEAPON	(A)	5
ORS 163.205 CRIMINAL MISTREATMENT	(C)	2
ORS 162.185 SUPPLYING CONTRABAND (If the contraband includes one or more firearms; otherwise CC 6, 5 or 4.)	(C)	4-1

## CRIME CATEGORY 6

	FELONY CLASSIFICATION	PAROLE MATRIX CATEGORY
ORS 164.405 ROBBERY II	(B)	4
ORS 163.165 ASSAULT III	(C)	2
ORS 163.385 SODOMY III	(C)	2
ORS 163.355 RAPE III	(C)	2
ORS 162.025 BRIBE RECEIVING	(B)	3
ORS 167.012 PROMOTING PROSTITUTION	(C)	2
ORS 166.165 INTIMIDATION	(C)	2

## CRIME CATEGORY 6 (continued)

	FELONY CLASSIFICATION	PAROLE MATRIX CATEGORY
ORS 163.275 COERCION (No threat of serious physical injury; otherwise CC 7.)	(C)	4,3
ORS 162.015 BRIBERY	(B)	4,3
ORS 162.265 BRIBING A WITNESS	(C)	2
ORS 162.325 HINDERING PROSECUTION	(C)	1
ORS 166.270 EX-CON IN POSSESSION OF FIREARM	(C)	2
ORS 166.410 ILLEGAL MANUFACTURE, IMPORTATION OR TRANSFER OF FIREARMS	(U)	1
ORS 163.257 CUSTODIAL INTERFERENCE I	(C)	1
ORS 162.185 SUPPLYING CONTRABAND (The contraband involves a dangerous weapon (not a firearm-- CC 7); otherwise CC 5 or 4.)	(C)	4-1
ORS 162.155 ESCAPE II	(C)	2-1
ORS 164.057 AGGRAVATED THEFT (Economic loss was greater than \$50,000; otherwise CC 5.)	(B)	4
ORS 819.310 TRAFFICKING IN STOLEN VEHICLES	( )	3
(If part of an organized operation or if economic loss was greater than \$50,000; otherwise CC 5.)		
ORS 166.220 CARRYING DANGEROUS WEAPON; ATTEMPTED USE	( )	
ORS 811.705 HIT & RUN VEHICLE (INJURY)	(C)	
ORS 166.015 RIOT	(C)	2
ORS 163.525 INCEST (If one of the participants is under the age of 18; otherwise CC 1.)	(C)	1
ORS 164.315 ARSON II	* (C)	2
ORS 164.215 BURGLARY II	* (C)	3-1
ORS 164.055 THEFT I	* (C)	3-1
ORS 164.085 THEFT BY DECEPTION	* (C)	
ORS 163.125 THEFT OF SERVICES	* (C)	3-1
ORS 164.075 THEFT BY EXTORTION	* (B)	4,3
ORS 165.055(3)(A) CREDIT CARD FRAUD	* (C)	1
ORS 165.013 FORGERY I	* (C)	3-1
ORS 165.022 CRIMINAL POSSESSION FORGED INSTRUMENT I	* (C)	1
ORS 164.065 THEFT OF LOST/MISLAID PROPERTY	* (C)	1
ORS 164.140(4) POSSESSION OF RENTED PROPERTY	* (C)	3-1

## CRIME CATEGORY 6 (continued)

	FELONY CLASSIFICATION	PAROLE MATRIX CATEGORY
ORS 165.065 NEGOTIATING BAD CHECKS	* (C)	3-1
ORS 164.377(3) COMPUTER CRIME	* ( )	
CHAPTER 59. BLUE SKY LAWS & SECURITIES LAWS *	(C)	3-1
ORS 164.365 CRIMINAL MISCHIEF I*	(C)	1
ORS 819.300 POSSESSION OF STOLEN VEHICLE	* ( )	
ORS 164.135 UNAUTHORIZED USE OF VEHICLE	* (C)	
ORS 162.275 BRIBE RECEIVING BY WITNESS	(C)	2
ORS 162.285 TAMPERING W/ WITNESS	(C)	2
ORS 162.065 PERJURY	(C)	2
MAJOR DRUG OFFENSES	(See, Appendix D.)	

\* Property Offenses Marked With An Asterisk shall be rated at crime category 6 if the following factor was included in the commission of the offense:

a.) the value of the property stolen or destroyed was more than \$50,000, excluding the theft of a motor vehicle used primarily for personal rather than commercial transportation.

## CRIME CATEGORY 5

	FELONY CLASSIFICATION	PAROLE MATRIX CATEGORY
ORS 164.395 ROBBERY III	(C)	2
ORS 164.057 AGGRAVATED THEFT (If not categorized at CC 6.)	(B)	4
ORS 819.310 TRAFFICKING IN STOLEN VEHICLES	( )	
(If not categorized at CC 6.)		
ORS 164.095 THEFT BY RECEIVING (If part of an organized operation; otherwise CC 3.)	(C)	2

## CRIME CATEGORY 5 (continued)

	FELONY CLASSIFICATION	PAROLE MATRIX CATEGORY
ORS 162.185 SUPPLYING CONTRABAND (C) (If contraband includes a controlled substance but no firearms (CC7) or dangerous weapons (CC 6); otherwise CC 4.)		4-1
ORS 164.315 ARSON II *	(C)	2
ORS 164.215 BURGLARY II *	(C)	3-1
ORS 164.055 THEFT I *	(C)	3-1
ORS 164.085 THEFT BY DECEPTION *	(C)	
ORS 163.125 THEFT OF SERVICES *	(C)	3-1
ORS 164.075 THEFT BY EXTORTION *	(B)	4,3
ORS 165.055(3)(A) CREDIT CARD * FRAUD	(C)	1
ORS 165.013 FORGERY I *	(C)	3-1
ORS 165.022 CRIMINAL POSSESSION FORGED INSTRUMENT I *	(C)	1
ORS 164.065 THEFT OF LOST/MISLAID PROPERTY *	(C)	1
ORS 164.140(4) POSSESSION OF RENTED PROPERTY *	(C)	3-1
ORS 165.065 NEGOTIATING BAD CHECKS *	(C)	3-1
ORS 164.377(3) COMPUTER CRIME *	( )	
CHAPTER 59. BLUE SKY LAWS & SECURITIES LAWS *	(C)	3-1
ORS 164.365 CRIMINAL MISCHIEF I *	(C)	1
ORS 164.135 UNAUTHORIZED USE OF VEHICLE *	(C)	
ORS 819.300 POSSESSION OF STOLEN VEHICLE *	( )	

\* Property Offenses Marked With An Asterisk shall be rated at crime category 5 if the following factor was included in the commission of the offense:

a.) the value of the property stolen was more than \$10,000 but less than \$50,000, excluding the theft of a motor vehicle used primarily for personal rather than commercial transportation.

CRIME CATEGORY 4		
	FELONY CLASSIFICATION	PAROLE MATRIX CATEGORY
ORS 162.205	FTA I (C)	2
ORS 165.032	CRIMINAL POSSESSION OF FORGERY DEVICE (C)	1
ORS 162.185	SUPPLYING CONTRABAND (C)	4-1
(If offense cannot be classified in CC 7, 6 or 5.)		
ORS 163.245	CUSTODIAL INTERFERENCE II (C)	1
ORS 164.315	ARSON II * (C)	2
ORS 164.215	BURGLARY II * (C)	3-1
ORS 164.055	THEFT I * (C)	3-1
ORS 164.085	THEFT BY DECEPTION * (C)	
ORS 163.125	THEFT OF SERVICES * (C)	3-1
ORS 164.075	THEFT BY EXTORTION * (B)	4, 3
ORS 165.055(3)(A)	CREDIT CARD * FRAUD (C)	1
ORS 165.013	FORGERY I * (C)	3-1
ORS 165.022	CRIMINAL POSSESSION FORGED INSTRUMENT I * (C)	1
ORS 164.065	THEFT OF LOST/MISLAID PROPERTY * (C)	1
ORS 164.140(4)	POSSESSION OF RENTED PROPERTY * (C)	3-1
ORS 165.065	NEGOTIATING BAD CHECKS * (C)	3-1
ORS 164.377(3)	COMPUTER CRIME * ( )	
CHAPTER 59.	BLUE SKY LAWS (C)	3-1
	& SECURITIES LAWS *	
ORS 164.365	CRIMINAL MISCHIEF I* (C)	1
ORS 164.135	UNAUTHORIZED USE OF VEHICLE * (C)	
ORS 819.300	POSSESSION OF STOLEN VEHICLE * ( )	
DRUG OFFENSES	(See, Appendix D.)	

\* Property Offenses Marked With An Asterisk shall be rated at Crime Category 4 if the following factor was included in the commission of the offense:

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

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

CRIME CATEGORY 3		
	FELONY CLASSIFICATION	PAROLE MATRIX CATEGORY
ORS 163.535 ABANDON CHILD (If not classified in CC 7.)	(C)	2
ORS 164.095 THEFT BY RECEIVING (If not classified in CC 5.)	(C)	2
ORS 165.070 POSSESSION OF FAKE COMMUNICATIONS DEVICE	(C)	3-1
ORS 811.175 DWS	(C)	1
ORS 163.555 CRIMINAL NONSUPPORT	(C)	1
ORS 167.137 PROMOTING GAMBLING I	(C)	1
ORS 167.062(4) PROMOTING LIVE SEX SHOW	(C)	1
ORS 166.085 ABUSE OF CORPSE	( )	
ORS 167.137 POSSESSION OF GAMBLING RECORDS I	(C)	1
ORS 164.315 ARSON II	* (C)	2
ORS 164.215 BURGLARY II	* (C)	3-1
ORS 164.055 THEFT I	* (C)	3-1
ORS 164.085 THEFT BY DECEPTION	* (C)	
ORS 163.125 THEFT OF SERVICES	* (C)	3-1
ORS 164.075 THEFT BY EXTORTION	* (B)	4, 3
ORS 165.055(3) (A) CREDIT CARD FRAUD	* (C)	1
ORS 165.013 FORGERY I	* (C)	3-1
ORS 165.022 CRIMINAL POSSESSION FORGED INSTRUMENT I	* (C)	1
ORS 164.065 THEFT OF LOST/MISLAID PROPERTY	* (C)	1
ORS 164.140(4) POSSESSION OF RENTED PROPERTY	* (C)	3-1
ORS 165.065 NEGOTIATING BAD CHECKS	* (C)	3-1
ORS 164.377(3) COMPUTER CRIME	* ( )	
CHAPTER 59. BLUE SKY LAWS & SECURITIES LAWS	(C)	3-1
ORS 164.365 CRIMINAL MISCHIEF I*	(C)	1
ORS 164.135 UNAUTHORIZED USE OF VEHICLE	* (C)	
ORS 819.300 POSSESSION OF STOLEN VEHICLE	* ( )	

\* Property Offenses Marked With An Asterisk shall be rated at Crime Category 3 if the following factor was included in the commission of the offense:

a.) the value of the property stolen or destroyed was more than \$1,000 but more than \$5,000.

CRIME CATEGORY 2		FELONY	PAROLE MATRIX
		CLASSIFICATION	CATEGORY
ORS 163.680	VIEWING CHILD'S SEXUAL CONDUCT	(C)	—
ORS 163.673	DEALING DEPICTIONS OF CHILD SEXUAL CONDUCT	(B)	4
ORS 163.677	TRANSPORTING CHILD PORNOGRAPHY (If not categorized at CC 8.)	(B)	4
ORS 496.992	VIOLATION OF WILDLIFE LAWS	( )	—
ORS 411.630	OBTAINING PUBLIC ASSISTANCE UNLAWFULLY	(C)	3-1
ORS 411.840	OBTAIN/USE FOOD STAMPS UNLAWFULLY	(C)	3-1
ORS 165.090	RECEIVING SPORTS BRIBE	(C)	2
ORS 165.085	SPORTS BRIBERY	(C)	2
ORS 164.315	ARSON II	* (C)	2
ORS 164.215	BURGLARY II	* (C)	3-1
ORS 164.055	THEFT I	* (C)	3-1
ORS 164.085	THEFT BY DECEPTION	* (C)	—
ORS 163.125	THEFT OF SERVICES	* (C)	3-1
ORS 164.075	THEFT BY EXTORTION	* (B)	4,3
ORS 165.055(3) (A)	CREDIT CARD FRAUD	* (C)	1
ORS 165.013	FORGERY I	* (C)	3-1
ORS 165.022	CRIMINAL POSSESSION FORGED INSTRUMENT I	* (C)	1
ORS 164.065	THEFT OF LOST/MISLAID PROPERTY	* (C)	1
ORS 164.140(4)	POSSESSION OF RENTED PROPERTY	* (C)	3-1
ORS 165.065	NEGOTIATING BAD CHECKS	* (C)	3-1
ORS 164.377(3)	COMPUTER CRIME	* ( )	—
CHAPTER 59.	BLUE SKY LAWS & SECURITIES LAWS	(C)	3-1
ORS 164.365	CRIMINAL MISCHIEF I*	(C)	1

CRIME CATEGORY 2 (continued)		
	FELONY CLASSIFICATION	PAROLE MATRIX CATEGORY
ORS 164.135 UNAUTHORIZED USE OF VEHICLE	* (C)	_____
ORS 819.300 POSSESSION OF STOLEN VEHICLE	* ( )	_____

\* Property Offenses Marked With An Asterisk shall be rated at Crime Category 2 if the following factor was included in the commission of the offense:

a.) the value of the property stolen or destroyed was less than \$1,000.

CRIME CATEGORY 1		
	FELONY CLASSIFICATION	PAROLE MATRIX CATEGORY
ORS 166.450 ALTERING FIREARM ID.	(C)	1
ORS 475.993 FAILURE TO MAINTAIN RECORDS/CONTROLLED SUBSTANCES	( )	_____
ORS 822.605 FALSE SWEARING VEHICLE BUSINESS	( )	_____
ORS 803.230 FORGE/ALTER VEHICLE TITLE/REG.	( )	_____
ORS 167.212 TAMPERING W/ DRUG RECORDS	(C)	2
ORS 803.080 UNLAWFULLY PUBLISHING CERTIFICATE OF TITLE	( )	_____
ORS 811.185 VIOLATING HABITUAL OFFENDER ORDER	( )	_____
ORS 163.515 BIGAMY	(C)	1
ORS 166.660 UNLAWFUL PARAMILITARY ACTIVITY	(C)	1
ORS 163.525 INCEST (If the incestuous relationship is between adults; otherwise CC 4.)	(C)	1
DRUG POSSESSION/PERSONAL USE	(See, Appendix C.)	

APPENDIX C

OFFENSE SUBCATEGORIES

The offenses included in this appendix have been divided into different subcategories for inclusion in the Crime Seriousness Scale of the Sentencing Guidelines Grid. The broad definition of each offense included in this appendix captures a wide spectrum of criminal conduct. Each offense subcategory captures general offense-specific characteristics represented in the most common manifestations of the statutory offense. The unique set of characteristics included in each subcategory, therefore, represents a different degree of crime seriousness for sentencing purposes.

Subcategorized offenses in alphabetical order:

**ABANDONMENT OF A CHILD (ORS 163.535)**

CRIME CATEGORY 7

The Abandoned Child offense shall be rated at Crime Category 7 if the following factor was included in the commission of the offense:

- a.) the child victim was placed in immediate danger as a consequence of the offender's criminal conduct.

CRIME CATEGORY 3

The Abandon Child offense shall be rated at Crime Category 3, if it cannot be rated at Crime Category 7.

**AGGRAVATED THEFT (ORS 164.057).**

CRIME CATEGORY 6

Aggravated Theft shall be rated at Crime Category 6 if the following factor was included in the commission of the crime:

- a.) the amount of loss caused by the criminal conduct was more than \$50,000.

**AGGRAVATED THEFT (ORS 164.057) (continued)**

**CRIME CATEGORY 5**

Aggravated Theft shall be rated at Crime Category 5 if it cannot be rated at crime category 6.

**ARSON I (ORS 164.325).**

**CRIME CATEGORY 10**

Arson I shall be rated at Crime Category 10 if the commission of the offense represented a serious threat to human life.

**CRIME CATEGORY 9**

Arson I shall be rated at Crime Category 9 if the commission of the offense did not represent a serious threat to human life (CC 10) and:

- a.) the offender knew the building was unoccupied;
- b.) the commission of the offense posed only minimal danger of loss of life; and
- c.) the amount of damage caused by the criminal conduct was \$50,000 or more .

**CRIME CATEGORY 8**

Arson I shall be rated at crime category 8 if the commission of the offense did not represent a serious threat to human life (CC 10) and:

- a.) the offender knew the building was unoccupied;
- b.) the commission of the offense posed only minimal danger of loss of life; and
- c.) the amount of damage caused by the criminal conduct is less than \$50,000 but more than \$25,000.

**ARSON I (ORS 164.325) (continued)**

**CRIME CATEGORY 7**

The Arson I offense shall be rated at Crime Category 7 if the commission of the offense did not represent a serious threat to human life (CC 10) and:

- a.) the offender knew the building was unoccupied;
- b.) the commission of the offense posed only minimal danger of loss of life; and
- c.) the amount of damage caused by the criminal conduct is less than \$25,000.

**ASSAULT I (ORS 163.185).**

**CRIME CATEGORY 10**

Assault I shall be rated at Crime Category 10 if the victim(s) did not precipitate the attack.

**CRIME CATEGORY 9**

Assault I shall be rated at Crime Category 9 if the following factor was included in the commission of the offense:

- a.) the victim(s) substantially contributed to the criminal episode by precipitating the attack.

**BURGLARY I (ORS 164.225)**

**CRIME CATEGORY 9**

Burglary I shall be rated at Crime Category 9 if any of the following factors were included in the commission of the offense:

- a.) the offender was armed with a deadly weapon; or
- b.) the offender caused or threaten physical injury to the victim.

**BURGLARY I (ORS 164.225) (continued)**

**CRIME CATEGORY 8**

Burglary I shall be rated at Crime Category 8 if

- a.) the offense did not cause or threaten physical injury to the victim nor did the offender possess a deadly weapon (CC 9); but
- b.) the offense was committed in an occupied dwelling.

**CRIME CATEGORY 7**

Burglary I shall be rated at Crime Category 7 if

- a.) the offense did not cause or threaten physical injury to the victim nor did the offender possess a deadly weapon (CC 9); and
- b.) the offense was committed in an unoccupied dwelling.

**COERCION (ORS 163.275).**

**CRIME CATEGORY 7**

The offense of Coercion shall be rated at Crime Category 7 if the following factor was included in the commission of the offense:

- a.) the offender threatened to cause physical injury to some person. (ORS 163.275(1)(a)).

**CRIME CATEGORY 6**

The offense of Coercion shall be rated at Crime Category 6, if it cannot be rated at Crime Category 7.

**DEALING IN DEPICTIONS OF CHILD'S SEXUAL CONDUCT (ORS 163.673).**

**CRIME CATEGORY 8**

This offense shall be rated at Crime Category 8 if the following factor was included in the commission of the offense:

- a.) the offender was acting as part of an organized operation to transport or distribute child pornography.

**DEALING IN DEPICTIONS OF CHILD'S SEXUAL CONDUCT (ORS 163.673).**  
(continued)

**CRIME CATEGORY 2**

This offense shall be rated at Crime Category 2, if it cannot be ranked at Crime Category 8.

**DRUG-RELATED OFFENSES (See APPENDIX C)**

**INCEST (ORS 163.525)**

**CRIME CATEGORY 6**

Incest shall be rated at Crime Category 6 if one of the participants is less than eighteen years of age and the age differential between the two participants is more than three years.

**CRIME CATEGORY 1**

If the incestuous relationship is between consenting adults or if the age differential between the two participants is less than three years, the offense is rated at Crime Category 1.

**PROPERTY OFFENSES**

The same offense seriousness subcategories shall be used for the following property offenses:

Blue Sky Laws and Securities  
Laws (ORS Chapter 59)  
Burglary II (ORS 164.215)  
Computer Crime (ORS 164.377)  
Credit Card Fraud (ORS 165.055(3)(a))  
Criminal Mischief (ORS 164.365)  
Criminal Possession of Forged Instrument I (ORS 165.022)  
Forgery I (ORS 165.013)  
Negotiating Bad Checks (ORS 165.065)  
Possession of Rented Property (ORS 164.065)  
Possession of Stolen Vehicle (ORS 819.300).  
Theft I (ORS 164.055)  
Theft by Deception (ORS 164.085)  
Theft by Extortion (ORS 164.075)(except if threat of physical injury (CC 7))  
Theft of Lost/Mislaid Property (ORS 164.140(4))  
Theft of Services (ORS 164.125)  
Unauthorized Use of Vehicle (ORS 164.135)

PROPERTY OFFENSES (continued)

CRIME CATEGORY 6

Property offenses shall be rated at Crime Category 6 if the following factor was included in the commission of the offense:

- a.) the value of the property stolen or destroyed was more than \$50,000, excluding the theft of a motor vehicle used primarily for personal rather than commercial transportation.

CRIME CATEGORY 5

Property offenses shall be rated at Crime Category 5 if the following factor was included in the commission of the offense:

- a.) the value of the property stolen or destroyed was more than \$10,000 but less than \$50,000, excluding the theft of a motor vehicle used primarily for personal rather than commercial transportation.

CRIME CATEGORY 4

Property offenses shall be rated at Crime Category 4 if the following factor was included in the commission of the offense:

- a.) the value of the property stolen or destroyed was more than \$5,000 but less than \$10,000; or
- b.) the property stolen was a vehicle valued at more than \$10,000 and used primarily for personal rather than commercial transportation.

CRIME CATEGORY 3

Property offenses shall be rated at Crime Category 3 if the following factors were included in the commission of the offense:

- a.) the value of the property stolen or destroyed was more than \$1,000 but more than \$5,000; or
- b.) the property stolen was a vehicle valued at less than \$10,000 and used primarily for personal rather than commercial transportation.

CRIME CATEGORY 2

Property offenses shall be rated at Crime Category 2 if the following factor were included in the commission of the offense:

- a.) the value of the property stolen or destroyed was less than \$1,000.

**RAPE I (ORS 163.375)**

CRIME CATEGORY 10

Rape I shall be rated at Crime Category 10 if any of the following factors were included in the commission of the offense:

- a.) the offender threatened to use or used a weapon;
- b.) the offender caused or threatened to cause serious physical injury; or
- c.) the victim was under the age of twelve.

CRIME CATEGORY 9

Rape I shall be rated at Crime Category 9, if the commission of the offense did not include any of the factors described in Crime Category 10.

**SEXUAL PENETRATION WITH FOREIGN OBJECT (ORS 163.411)**

CRIME CATEGORY 10

Sexual Penetration I shall be rated at Crime Category 10 if any of the following factors were included in the commission of the offense:

- a.) the offender threatened to use or used a weapon;
- b.) the offender caused or threatened to cause serious physical injury; or
- c.) the victim was under the age of twelve.

CRIME CATEGORY 9

Sexual Penetration I shall be rated at Crime Category 9, if the commission of the offense did not include any of the factors described in Crime Category 10.

SODOMY I (ORS 163.405).

CRIME CATEGORY 10

Sodomy I shall be rated at Crime Category 10 if any of the following factors were included in the commission of the offense:

- a.) the offender threatened to use or used a weapon;
- b.) the offender caused or threatened to cause serious physical injury; or
- c.) the victim was under the age of twelve.

CRIME CATEGORY 9

Sodomy I shall be rated at Crime Category 9 if offense did not include any of the factors described in Crime Category 10.

SUPPLYING CONTRABAND (ORS 162.185)

CRIME CATEGORY 7

Supplying Contraband shall be rated at Crime Category 7 if the following factor was included in the commission of the offense:

- a.) the offender supplied a firearm or firearms as contraband.

CRIME CATEGORY 6

Supplying Contraband shall be rated at Crime Category 6 if it cannot be rated at Crime Category 7 and the following factor was included in the commission of the offense:

- a.) the offender supplied a dangerous weapon (not a firearm) as contraband.

CRIME CATEGORY 5

Supplying Contraband shall be rated at Crime Category 5 if it cannot be rated at either Crime Category 7 or 6 and the following factor was included in the commission of the offense:

- a.) the offender supplied a controlled substance or substances as contraband.

CRIME CATEGORY 4

Supplying Contraband shall be rated at Crime Category 4 if it cannot be rated at Crime Category 7, 6 or 5.

**THEFT BY EXTORTION (ORS 164.075).**

**CRIME CATEGORY 7**

The offense of Theft by Extortion (ORS 164.075) shall be rated at Crime Category 7 if the following factor was included in the commission of the offense:

- a.) the offender threatened to cause physical injury to some person. (ORS 164.075(1)(a)).

**OTHERWISE RATE AS A PROPERTY CRIME**

If the above factor is not included in the commission of the offense of Theft by Extortion shall be rated as a Property offense in Crime Categories 6, 5, 4, 3 or 2 as may be appropriate.

**THEFT BY RECEIVING (ORS 164.095).**

**CRIME CATEGORY 5**

Theft by Receiving shall be rated at Crime Category 5 if the following factor was included in the commission of the offense:

- a.) the offender was acting as part of an organized fencing operation.

**CRIME CATEGORY 3**

Theft by Receiving shall be rated at Crime Category 3 if it cannot be rated at Crime Category 5.

**TRAFFICKING IN STOLEN VEHICLES (ORS 819.310).**

**CRIME CATEGORY 6**

Trafficking in Stolen Vehicles shall be rated at Crime Category 6 if the following factors were included in the commission of the offense:

- a.) the offender was acting as part of an organized operation; or
- b.) the value of the property taken from one or more victims amounted to more than \$50,000.

**TRAFFICKING IN STOLEN VEHICLES (ORS 819.310) (continued).**

**CRIME CATEGORY 5**

Trafficking in Stolen Vehicles shall be rated at Crime Category 5 if it cannot be rated at Crime Category 6.

**TRANSPORTING CHILD PORNOGRAPHY INTO STATE (ORS 163.677).**

**CRIME CATEGORY 8**

Transporting Child Pornography into State shall be rated at Crime Category 8 if the following factor was included in the commission of the offense:

- a.) the offender was acting as part of an organized operation to transport or distribute child pornography.

**CRIME CATEGORY 2**

The offense shall be rated at Crime Category 2 if it cannot be ranked at Crime Category 8.

APPENDIX D

OFFENSE SUBCATEGORIES  
FOR  
DRUG-RELATED OFFENSES

The following crime seriousness classifications have been identified for drug-related offenses.

DRUG OFFENSE SERIOUSNESS

CRIME CATEGORY 8

ORS 475.995 Distribution to Minors

This offense shall be classified in Crime Category 8 if the offender is more than three years older than the person receiving the drugs. If the offender is less than three years older than the person receiving the drugs, the offense shall be ranked according to the subcategories identified for ORS 475.992.

ORS 475.992 Manufacture/Cultivation (Substantial Profits)

The manufacture or cultivation of controlled substances shall be classified in Crime Category 8 if the purpose of production is to generate substantial profits.

CRIME CATEGORY 6

ORS 475.992 Delivery (Substantial Profits)

The delivery of controlled substances shall be classified in Crime Category 6 if the purpose of the delivery is to generate substantial profits.

ORS 475.992(4) Possession (Substantial Profits)

Possession of controlled substances shall be classified in Crime Category 6 if the purpose of possession is to generate substantial profits.

CRIME CATEGORY 4

ORS 475.992 Manufacture/Cultivation \*

Manufacture or cultivation of minor quantities of controlled substances not for profit as indicated by the following factors:

- a. The scope of the offender's operation was such as to indicated a capacity to produce only small quantities of a

controlled substance (i.e., less than twenty-five mature marijuana plants, small quantities of the raw material needed to produce the controlled substance).

b. The offender's operation was not a part of an organized operation to manufacture, cultivate or distribute controlled substances.

c. The offender's operation did not indicate an intent to traffic large quantities of the controlled substance.

ORS 475.992 Delivery \*

Distribution of small quantities of controlled substances for which the primary motivation is not profit as indicated by the following factors:

a. The offender is addicted to a controlled substance and evidence indicates that the offender distributes controlled substances in order to support his or her habit.

b. The offender's customer network is small within a limited geographical market.

c. The amount of controlled substances distributed was consistently small.

d. Evidence of the offender's distribution operation does not include a physical record (i.e., customer lists or other connections to an organized drug network) nor is the offender in possession of large quantities of cash or other easily liquidated assets.

\* If marijuana is the only controlled substance involved in the criminal conduct, the offense shall be categorized at Crime Category III.

CRIME CATEGORY I

ORS 475.992(4) Possession for Personal Use

The offender is in possession of a controlled substance for personal consumption as indicated by the following factors:

a. No evidence of distribution exists.

b. The offender demonstrates signs of addiction.

c. The amount of controlled substances does not indicate an intent or capacity to distribute.