

**EXHIBIT A  
PART II  
ORS 144.120, 144.780, OAR 255-30-035, 255-35-013-014**

**Aggravated Murder  
163.095**

Effective 7/1/88; Removed 1/16/91

**Arson I  
164.325**

Unchanged since 1985

**SUBCATEGORY 1 - RATING 6:**

Knew or should have known premises were occupied at time of act or injury.

**SUBCATEGORY 2 - RATING 5:**

All other cases of Arson I.

**Assault I  
163.185**

Unchanged since 1985

**SUBCATEGORY 1 - RATING 6:**

Cases of Assault I in which there is intentional cause of serious physical injury to another by means of a deadly or dangerous weapon.

**SUBCATEGORY 2 - RATING 5:**

Cases of Assault I in which the victim(s) provoke the crime to a substantial degree or other evidence that misconduct by the victim(s) contributed substantially to the criminal episode.

**Assault III  
163.165**

Effective 4/4/88

**SUBCATEGORY 1 - RATING 3:**

Assault III/Vehicular where defendant has at least 2 prior DUII convictions within a 5 year period.

**SUBCATEGORY 2 - RATING 2:**

All other cases of Assault III.

Burglary I  
164.225

Effective 7/20/88

**SUBCATEGORY 1 - RATING 5:**

Entry into a dwelling, where defendant causes or attempts to cause physical injury to any person; is armed with a deadly weapon; uses or threatens to use a dangerous weapon; or death occurs.

**SUBCATEGORY 2 - RATING 4:**

Entry into a dwelling in which goods taken has a value of \$5,000 or more.

**SUBCATEGORY 3 - RATING 3:**

Entry into a dwelling in which goods taken had a value of less than \$5,000.

Burglary II  
164.215

Unchanged since 1985

**SUBCATEGORY 1 - RATING 3:**

Theft or destruction of over \$5,000 in property.

**SUBCATEGORY 2 - RATING 2:**

Theft or destruction of between \$1,000 - \$5,000.

**SUBCATEGORY 3 - RATING 1:**

Theft of less than \$1,000.

Coercion  
163.275

Unchanged since 1985

**SUBCATEGORY 1 - RATING 4:**

Compelling another to act through threat of serious physical harm or property damage; blackmail.

**SUBCATEGORY 2 - RATING 3:**

All others.

Computer Crime  
164.377(2)(3)

Added 7/1/88; Theft I amended 8/5/88

Breakdown is the same as for Theft I.

10/9/92

Subcategory Rationales

Criminal Possession Rented/Leased  
Property  
164.140

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Criminally Negligent Homicide  
163.145

Effective 4/4/88

**SUBCATEGORY 1 - RATING 4:**

Vehicular Homicide where defendant with criminal negligence causes the death of another person.

**SUBCATEGORY 2 - RATING 3:**

Cases where the victim's misconduct contributed to the criminal episode [(i.e. victim was drinking buddy of defendant)].

Delivery of Controlled Substance  
475.992(1); 475.995; 475.993(2)(a)

Effective 7/14/88

**SUBCATEGORY 1 - RATING 5:**

Operating or participating in the operation of a location in which crack cocaine or heroin is sold. 475.993(2)(a). The delivery of heroin is part of a distribution or sales network. See Exhibit A-III. 475.992(1)(a)-(b).

**SUBCATEGORY 2 - RATING 4:**

Delivery of an illegal drug (including, but not limited to methamphetamines) (Schedule I, II, or III) other than marijuana where there is evidence that the delivery is part of a drug selling or distribution network or scheme; see Exhibit A-III. 475.992(1)(a)-(c).

Knowingly owning or providing a location for the sale or distribution of illegal drugs other than marijuana. 475.993(2)(a)(Schedule I).

Delivery of any quantity of illegal drug in and on, or within one thousand feet of, the real property comprising a public or private elementary and/or middle school. 475.992(1)(a)-(c); 475.992(2); 475.995. (Schedule I, II, or III).

Delivery or assisting in the delivery of illegal drugs in which a minor is involved. 475.995(1) & (5) (includes marijuana, but not Schedule III).

**SUBCATEGORY 3 - RATING 3:**

Delivery or assisting in the delivery of illegal drugs for compensation or profit in circumstances other than those listed above. 475.99(1)-(c); 475.992(2)(a); 475.995. (Schedule I, II, or III).

**SUBCATEGORY 4 - RATING 1:**

Delivery of a small amount of any illegal drug not for profit or compensation. All other cases of delivery of illegal drugs not noted above.

Escape II  
162.155

Effective 12/6/88

**SUBCATEGORY 1 - RATING 2:**

Use or threat to use physical force escaping from custody; or, having been convicted or found guilty of a felony, escapes from custody imposed as a result thereof; or escapes from a correctional facility or, while otherwise under the jurisdiction of the Psychiatric Security Review Board, departs from state without authorization of Board.

**SUBCATEGORY 2 - RATING 1:**

Escapes while on a pass, terminal leave or work release from a county correctional facility; all other cases.

Failure to Perform Duties of a Driver  
Where There is Injury or Death  
811.705

Effective 7/1/88

**SUBCATEGORY 1 - RATING 3:**

If death results.

**SUBCATEGORY 2 - RATING 2:**

Injury and all other cases.

Forgery I  
165.013

Effective 7/1/88

**SUBCATEGORY 1 - RATING 3:**

Loss, potential loss, or receiving of over \$5,000.

**SUBCATEGORY 2 - RATING 2:**

Loss, potential loss, or receiving of \$1,000 to \$5,000.

**SUBCATEGORY 3 - RATING 1:**

Loss, potential loss, or receiving of under \$1,000.

Fraud Involving Securities

Effective 7/20/88

59.055; 59.115; 59.127; 59.135; 59.145;  
59.165; 59.730; 59.740; 59.750; 59.760;  
59.770; 59.780; 59.790; 59.800

**SUBCATEGORY 1 - RATING 4:**

Loss, potential loss, or receiving of \$10,000 or more.

**SUBCATEGORY 2 - RATING:**

All other cases of fraud involving securities.

Manslaughter II

Effective 4/4/88

163.125

**SUBCATEGORY 1 - RATING 5:**

Cases where death of a victim, usually a child, results from prolonged abuse; failure to provide for victim's welfare resulting in death; medical treatment withheld to conceal physical signs of abuse.

**SUBCATEGORY 2 - RATING 4:**

Causes another to commit suicide or aids, cases where death of victim involves use of a weapon or follows an assault; cases where death is by negligent use of vehicle and defendant has at least 2 prior DUI convictions within 5 years.

**SUBCATEGORY 3 - RATING 3:**

Cases where death is by negligent use of a vehicle; all other cases.

Manufacture of Controlled Substance

Effective 7/14/88

475.992(1); 475.993(2)(a)

**SUBCATEGORY 1 - RATING 5:**

Operating or assisting in the operation of a laboratory for the production of methamphetamines. Cultivating or assisting in the manufacture of marijuana for distribution or sale as part of a distribution network or scheme; see Exhibit A-III. Cultivation or assisting in the cultivation of more than 100 marijuana plants.

**SUBCATEGORY 2 - RATING 4:**

Manufacturing or assisting in the manufacture of illegal drugs other than methamphetamines or marijuana, when there is evidence that the manufacture is part of a drug selling or distribution network or scheme; see Exhibit A-III. (Schedule I, II or III.) Knowingly owning or providing a location for the manufacture of illegal drugs other than marijuana for sale or distribution. 475.993(2)(a) (Schedule I).

10/9/92

Subcategory Rationales

**SUBCATEGORY 3 - RATING 3:**

Manufacture or assisting in the manufacture of illegal drugs for distribution. Manufacture of marijuana in the amount of 25 or more plants and/or in circumstances other than those listed in Subcategory 1. See Exhibit A-III. (Schedule I, II or III.)

**SUBCATEGORY 4 - RATING 1:**

Manufacture of illegal drugs for the offender's own use. All other cases of manufacturing of illegal drugs. (Schedule I, II or III.)

Murder  
163.115

Unchanged since 1985

**SUBCATEGORY 1 - RATING 8:**

Stranger to stranger; cruelty to victim; prior conviction of murder or manslaughter; evidence of significant planning or preparation.

**SUBCATEGORY 2 - RATING 7:**

All other cases of murder.

Negotiating a Bad Check  
165.065(3b)

Added 7/1/88; Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Possession of Controlled Substance  
475.992(4)

7/14/88, Amended 11/1/89

**SUBCATEGORY 1 - RATING 3:**

Possession of illegal drugs other than marijuana with intent to deliver. (Schedule I, II or III.) See Exhibit A-III. Possession of illegal drugs which constitute the precursors or byproducts of the manufacturing process (as defined by ORS 475.940.)

**SUBCATEGORY 2 - RATING 2:**

Possession of illegal drugs other than cocaine/crack, methamphetamines, and heroin (which are included in Subcategory 1) with intent to deliver. (Schedule I, II & III.)

**SUBCATEGORY 3 - RATING 1:**

Possession of illegal drugs in circumstances other than those listed above (e.g. for personal use.) (Schedule I, II or III.)

**Possession of a Fraudulent  
Communications Device**  
**165.070**

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

**Racketeering**  
**166.720**

Unchanged since 1985

**SUBCATEGORY 1 - RATING 5:**

The principle party involved in violation of the Racketeering statute. Involvement is that of planning, directing or participating in the scheme or schemes resulting in direct profit or gain.

**SUBCATEGORY 2 - RATING 4:**

The subordinate party involved in violation of the Racketeering statute. Involvement is limited to acting as an agent or employee of the principle. There is no involvement in planning, directing or participating in the scheme or schemes in violation of this statute.

**Rape I**  
**163.375**

Amended 11/1/89

**SUBCATEGORY 1 - RATING 6:**

Stranger to stranger; breaking and entering; threat to use or use of weapon; actual or threat of serious bodily or emotional harm; intercourse with female or male under 12. Cases in which the female is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness.

**SUBCATEGORY 2 - RATING 5:**

All other cases.

**Rape II**  
**163.365**

Amended 11/1/89

**SUBCATEGORY 1 - RATING 4:**

Cases in which the female is under 14 years of age.

**SUBCATEGORY 2 - RATING 3:**

All other cases.

Robbery I  
164.415

Effective 7/20/88

**SUBCATEGORY 1 - RATING 6:**

Cases of robbery in which the defendant is armed with a deadly or dangerous weapon; discharges a firearm; uses a dangerous weapon; makes explicit or immediate threats by word or gesture; causes death of or physical injury to the victim.

**SUBCATEGORY 2 - RATING 5:**

All other cases of Robbery I.

Sexual Penetration with  
Foreign Object I  
163.411

Amended 11/1/89

**SUBCATEGORY 1 - RATING 6:**

Sexual Penetration with Foreign Object I is broken down in the same manner as Rape I.

**SUBCATEGORY 2 - RATING 5:**

All other cases.

Sodomy I  
163.405

Amended 11/1/89

**SUBCATEGORY 1 - RATING 6:**

Sodomy I is broken down in the same manner as Rape I.

**SUBCATEGORY 2 - RATING 5:**

All other cases.

Supplying Contraband  
162.185

Effective 12/6/88

**SUBCATEGORY 1 - RATING 4:**

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses any firearm; knowingly introduces any firearm into a correctional facility, juvenile facility, or state hospital.



**SUBCATEGORY 2 - RATING 3:**

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses danger weapon; knowingly introduces any dangerous weapon into a correctional facility, juvenile facility or state hospital.

**SUBCATEGORY 3 - RATING 2:**

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses any Schedule I, II or III controlled substance except marijuana; knowingly introduces any Schedule I, II or III controlled substance into a correctional facility, juvenile facility or state hospital.

**SUBCATEGORY 4 - RATING 1:**

All other cases.

Theft by Deception  
164.085

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Theft by Extortion  
164.075

Unchanged since 1985

**SUBCATEGORY 1 - RATING 4:**

Threat of serious bodily harm or death.

**SUBCATEGORY 2 - RATING 3:**

All others.

Theft I  
164.005

Amended 4/4/88 & 8/5/88; Effective 8/5/88

**SUBCATEGORY 1 - RATING 2:**

Theft or receiving of \$1,000 or more.  
Theft of a motor vehicle for personal transportation.  
Theft of a livestock animal.  
Theft of a firearm or explosive.  
Theft during riot or catastrophe.

**SUBCATEGORY 2 - RATING 1:**

Thefts under \$1,000.

Theft of Services  
164.125(4)(c)

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Unauthorized Use of Vehicle  
164.135

Unchanged since 1985

**SUBCATEGORY 1 - RATING 2:**

Loss, destruction or severe damage to vehicle or property; or injury to others.

**SUBCATEGORY 2 - RATING 1:**

All others.

Unlawful Creation or Delivery  
of Counterfeit Substance  
475.992(3)

Effective 7/14/88

Breakdown is the same as for Manufacture or Delivery of Controlled Substance.

Using a Child in a Display of  
Sexually Explicit Conduct  
163.670

Effective 4/4/88

**SUBCATEGORY 1 - RATING 6:**

Child 12 years of age or under.

**SUBCATEGORY 2 - RATING 5:**

All other cases.

Welfare/Food Stamp Fraud  
411.630; 411.640; 411.675;  
411.690; 411.840

Added 4/4/88; Theft I amended 8/5/88

Breakdown is the same as for Theft I.

EXHIBIT A  
PART II

Effective Dates as Noted.

Aggravated Murder Effective 7/1/88, Removed 1991  
163.095

[SUBCATEGORY 1 - RATING 8:

Stranger to stranger; cruelty to victim; prior conviction of murder or manslaughter; evidence of significant planning or preparation.

SUBCATEGORY 2 - RATING 7:

All other cases of aggravated murder.]

Arson I Unchanged since 1985  
164.325

SUBCATEGORY 1 - RATING 6:

Knew or should have known premises were occupied at time of act or injury.

SUBCATEGORY 2 - RATING 5:

All other cases of Arson I.

Assault I Unchanged since 1985  
163.185

SUBCATEGORY 1 - RATING 6:

Cases of Assault I in which there is intentional cause of serious physical injury to another by means of a deadly or dangerous weapon.

SUBCATEGORY 2 - RATING 5:

Cases of Assault I in which the victim(s) provoke the crime to a substantial degree or other evidence that misconduct by the victim(s) contributed substantially to the criminal episode.

Permanent effective 1/16/91

Assault III  
163.165

Effective 4/4/88

SUBCATEGORY 1 - RATING 3:

Assault III/Vehicular where defendant has at least 2 prior DUII convictions within a 5 year period.

SUBCATEGORY 2 - RATING 2:

All other cases of Assault III.

Burglary I  
164.225

Effective 7/20/88

SUBCATEGORY 1 - RATING 5:

Entry into a dwelling, where defendant causes or attempts to cause physical injury to any person; is armed with a deadly weapon; uses or threatens to use a dangerous weapon; or death occurs.

SUBCATEGORY 2 - RATING 4:

Entry into a dwelling in which goods taken had a value of \$5,000 or more.

SUBCATEGORY 3 - RATING 3:

Entry into a dwelling in which goods taken had a value of less than \$5,000.

Burglary II  
164.215

Unchanged since 1985

SUBCATEGORY 1 - RATING 3:

Theft or destruction of over \$5,000 in property.

SUBCATEGORY 2 - RATING 2:

Theft or destruction of between \$1,000-\$5,000.

SUBCATEGORY 3 - RATING 1:

Theft of less than \$1,000.

Permanent effective 1/16/91

Coercion  
163.275

Unchanged since 1985

SUBCATEGORY 1 - RATING 4:

Compelling another to act through threat of serious physical harm or property damage; blackmail.

SUBCATEGORY 2 - RATING 3:

All others.

Computer Crime  
164.377(2)(3)

Added 7/1/88; Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Criminal Possession Rented/Leased  
Property  
164.140

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Criminally Negligent Homicide  
163.145

Effective 4/4/88

SUBCATEGORY 1 - RATING 4:

Vehicular Homicide where defendant with criminal negligence causes the death of another person.

SUBCATEGORY 2 - RATING 3:

Cases where the victim's misconduct contributed to the criminal episode.

Permanent effective 1/16/91

Delivery of Controlled Substance  
475.992(1); 475.995; 475.993(2)(a)

Effective 7/14/80

SUBCATEGORY 1 - RATING 5:

Operating or participating in the operation of a location in which crack cocaine or heroin is sold. 475.993(2)(a). The delivery of heroin as part of a distribution or sales network. See Exhibit A-III. 475.992(1)(a)-(b).

SUBCATEGORY 2 - RATING 4:

Delivery of an illegal drug (including, but not limited to methamphetamines) (Schedule I, II or III) other than marijuana where there is evidence that the delivery is part of a drug selling or distribution network or scheme; see Exhibit A-III. 475.992(1)(a)-(c).

Knowingly owning or providing a location for the sale or distribution of illegal drugs other than marijuana. 475.993(2)(a) (Schedule I).

Delivery of any quantity of illegal drug in and on, or within one thousand feet of, the real property comprising a public or private elementary and/or middle school. 475.992(1)(a)-(c); 475.992(2); 475.995. (Schedule I, II or III.)

Delivery or assisting in the delivery of illegal drugs in which a minor is involved. 475.995(1) & (5) (includes marijuana, but not Schedule III.)

SUBCATEGORY 3 - RATING 3:

Delivery or assisting in the delivery of illegal drugs for compensation or profit in circumstances other than those listed above. 475.992(1)-(c); 475.992(2)(a); 475.995. (Schedule I, II or III.)

SUBCATEGORY 4 - RATING 1:

Delivery of a small amount of any illegal drug not for profit or compensation. All other cases of delivery of illegal drugs not noted above.

Permanent effective 1/16/91

Escape 11  
162.155

Effective 12/06/88

SUBCATEGORY 1 - RATING 2:

Use or threat to use physical force escaping from custody; or, having been convicted or found guilty of a felony, escapes from custody imposed as a result thereof; or escapes from a correctional facility or, while otherwise under the jurisdiction of the Psychiatric Security Review Board, departs from state without authorization of Board.

SUBCATEGORY 2 - RATING 1:

Escapes while on a pass, terminal leave or work release from a county correctional facility; all other cases.

Failure to Perform Duties of a Driver  
Where There is Injury or Death  
811.705

Effective 7/1/88

SUBCATEGORY 1 - RATING 3:

If death results.

SUBCATEGORY 2 - RATING 2:

Injury and all other cases.

Forgery I  
165.015

Effective 7/1/88

SUBCATEGORY 1 - RATING 3:

Loss, potential loss, or receiving of over \$5,000.

SUBCATEGORY 2 - RATING 2:

Loss, potential loss, or receiving of \$1,000 to \$5,000.

SUBCATEGORY 3 - RATING 1:

Loss, potential loss, or receiving of under \$1,000.

Permanent effective 1/16/91

Fraud Involving Securities Effective 7/20/80  
59.055; 59.115; 59.127; 59.135; 59.145; 59.165;  
59.730; 59.740; 59.750; 59.760; 59.770; 59.780; 59.790; 59.800

SUBCATEGORY 1 - RATING 4:

Loss, potential loss, or receiving of \$10,000 or more

SUBCATEGORY 2 - RATING 3:

All other cases of fraud involving securities.

Manslaughter II Effective 4/4/80  
163.125

SUBCATEGORY 1 - RATING 5:

Cases where death of a victim, usually a child, results from prolonged abuse; failure to provide for victim's welfare resulting in death; medical treatment withheld to conceal physical signs of abuse.

SUBCATEGORY 2 - RATING 4:

Causes or aids another to commit suicide [or aids], cases where death of victim involves use of a weapon or follows an assault; cases where death is by negligent use of vehicle and defendant has at least 2 prior DUI convictions within 5 years.

SUBCATEGORY 3 - RATING 3:

Cases where death is by negligent use of a vehicle; all other cases.

Permanent effective 1/16/91



Manufacture of Controlled Substance  
475.992(1); 475.993(2)(a)

Effective 7/16/85

SUBCATEGORY 1 - RATING 5:

Operating or assisting in the operation of a laboratory for the production of methamphetamines. Cultivating or assisting in the manufacture of marijuana for distribution or sale as part of a distribution network or scheme; see Exhibit A-III. Cultivation or assisting in the cultivation of more than 100 marijuana plants.

SUBCATEGORY 2 - RATING 4:

Manufacturing or assisting in the manufacture of illegal drugs other than methamphetamines or marijuana, when there is evidence that the manufacture is part of a drug selling or distribution network or scheme; see Exhibit A-III. (Schedule I, II or III.) Knowingly owning or providing a location for the manufacture of illegal drugs other than marijuana for sale or distribution. 475.993(2)(a) (Schedule I).

SUBCATEGORY 3 - RATING 3:

Manufacture or assisting in the manufacture of illegal drugs for distribution. Manufacture of marijuana in the amount of 25 or more plants and/or in circumstances other than those listed in Subcategory 1. See Exhibit A-III. (Schedule I, II or III.)

SUBCATEGORY 4 - RATING 1:

Manufacture of illegal drugs for the offender's own use. All other cases of manufacturing of illegal drugs. (Schedule I, II or III.)

Murder  
163.115

Unchanged since 1985

SUBCATEGORY 1 - RATING 8:

Stranger to stranger; cruelty to victim; prior conviction of murder or manslaughter; evidence of significant planning or preparation.

SUBCATEGORY 2 - RATING 7:

All other cases of murder.

[Breakdown is the same as for Aggravated Murder]

1/3/91

Subcategory Rationales Permanent effective 1/16/91

Negotiating a Bad Check                      Added 7/1/88; Theft I amended 8/5/88  
165.065(3b)

Breakdown is the same as for Theft I.

Possession of Controlled Substance                      Amended 11/1/89  
475.992(4)

SUBCATEGORY 1 - RATING 3:

Possession of illegal drugs other than marijuana with intent to deliver. (Schedule I, II or III.) See Exhibit A-III. Possession of illegal drugs which constitute the precursors or byproducts of the manufacturing process (as defined by ORS 475.940).

SUBCATEGORY 2 - RATING 2:

Possession of illegal drugs other than cocaine/crack, methamphetamines, and heroin (which are included in Subcategory 1) with intent to deliver. (Schedule I, II & III.)

SUBCATEGORY 3 - RATING 1:

Possession of illegal drugs in circumstances other than those listed above (e.g. for personal use). (Schedule I, II or III.)

Possession of a Fraudulent                      Theft I amended 8/5/88  
Communications Device  
165.070

Breakdown is the same as for Theft I.

Racketeering                                              Unchanged since 1985  
166.720

SUBCATEGORY 1 - RATING 5:

The principle party involved in violation of the Racketeering statute. Involvement is that of planning, directing or participating in the scheme or schemes resulting in direct profit or gain.

Permanent effective 1/16/91

SUBCATEGORY 2 - RATING 4:

The subordinate party involved in violation of the Racketeering statute. Involvement is limited to acting as an agent or employee of the principle. There is no involvement in planning, directing or participating in the scheme or schemes in violation of this statute.

Rape I  
163.375

Amended 11/1/89

SUBCATEGORY 1 - RATING 6:

Stranger to stranger; breaking and entering; threat to use or use of weapon; actual or threat of serious bodily or emotional harm; intercourse with female or male under 12. Cases in which the female is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness.

SUBCATEGORY 2 - RATING 5:

All other cases.

Rape II  
163.365

Amended 11/1/89

SUBCATEGORY 1 - RATING 4:

Cases in which the female is under 14 years of age.

SUBCATEGORY 2 - RATING 3:

All other cases.

Robbery I  
164.415

Effective 7/20/88

SUBCATEGORY 1 - RATING 6:

Cases of robbery in which the defendant is armed with a deadly or dangerous weapon; discharges a firearm; uses a dangerous weapon; makes explicit or immediate threats by word or gesture; causes death of or physical injury to the victim.

SUBCATEGORY 2 - RATING OF 5:

All other cases of Robbery I.

Permanent effective 1/16/91

Sexual Penetration with Foreign Object I Rape I Amended 11/1/85  
163.411

SUBCATEGORY 1 - RATING 6:

Sexual Penetration with Foreign Object I is broken down in the same manner as Rape I.

SUBCATEGORY 2 - RATING 5:

All other cases.

Sodomy I  
163.405

Rape I Amended 11/1/89

SUBCATEGORY 1 - RATING 6:

Sodomy I is broken down in the same manner as Rape I.

SUBCATEGORY 2 - RATING 5:

All other cases.

Supplying Contraband

Effective 12/06/89

162.185

SUBCATEGORY 1 - RATING 4:

While confined in a correctional facility, juvenile facility or state hospital, makes, obtains or possesses any firearm; knowingly introduces any firearm into a correctional facility, juvenile facility, or state hospital.

SUBCATEGORY 2 - RATING 3:

While confined in a correctional facility, juvenile facility or state hospital, makes, obtains or possesses dangerous weapon; knowingly introduces any dangerous weapon into a correctional facility, juvenile facility or state hospital.

SUBCATEGORY 3 - RATING 2:

While confined in a correctional facility, juvenile facility or state hospital, makes, obtains or possesses any Schedule I, II, or III controlled substance except marijuana; knowingly introduces any Schedule I, II or III controlled substance into a correctional facility, juvenile facility or state hospital.

SUBCATEGORY 4 - RATING 1:

All other cases.

Theft by Deception  
164.085

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Theft by Extortion  
164.075

Unchanged since 1985

SUBCATEGORY 1 - RATING 4:

Threat of serious bodily harm or death.

SUBCATEGORY 2 - RATING 3:

All others.

Theft I  
164.005

Amended 4/4/88 & 8/5/88; Effective 8/5/88

SUBCATEGORY 1 - RATING 2:

Theft or receiving of \$1,000 or more.  
Theft of a motor vehicle for personal transportation.  
Theft of a livestock animal.  
Theft of a firearm or explosive.  
Theft during riot or catastrophe.

SUBCATEGORY 2 - RATING 1:

Thefts under \$1,000.

Theft of Services  
164.125(4)(c)

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Unauthorized Use of Vehicle  
164.135

Unchanged since 1985

SUBCATEGORY 1 - RATING 2:

Loss, destruction or severe damage to vehicle or property; or injury to others.

SUBCATEGORY 2 - RATING 1:

All others.

Unlawful Creation or Delivery  
of Counterfeit Substance  
475.992(3)

Effective 7/14/88

Breakdown is the same as for Manufacture or Delivery of  
Controlled Substance.

Using a Child in a Display of  
Sexually Explicit Conduct  
163.670

Effective 4/4/88

SUBCATEGORY 1 - RATING 6:

Child 12 years of age or under.

SUBCATEGORY 2 - RATING 5:

All other cases.

Welfare/Food Stamp Fraud  
411.630; 411.640; 411.675;  
411.690; 411.840

Added 4/4/88; Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Permanent effective 1/16/91

EXHIBIT A  
PART II

Amendments Permanently Filed 11/1/89  
Effective Dates as Noted.

Aggravated Murder  
163.095

Effective 7/1/88

SUBCATEGORY 1 - RATING 8:

Stranger to stranger; cruelty to victim; prior conviction of murder or manslaughter; evidence of significant planning or preparation.

SUBCATEGORY 2 - RATING 7:

All other cases of aggravated murder.

Arson I  
164.325

Unchanged since 1985

SUBCATEGORY 1 - RATING 6:

Knew or should have known premises were occupied at time of act or injury.

SUBCATEGORY 2 - RATING 5:

All other cases of Arson I.

Assault I  
163.185

Unchanged since 1985

SUBCATEGORY 1 - RATING 6:

Cases of Assault I in which there is intentional cause of serious physical injury to another by means of a deadly or dangerous weapon.

SUBCATEGORY 2 - RATING 5:

Cases of Assault I in which the victim(s) provoke the crime to a substantial degree or other evidence that misconduct by the victim(s) contributed substantially to the criminal episode.

Permanent effective 11/1/89

Assault III  
163.165

Effective 4/4/88

SUBCATEGORY 1 - RATING 3:

Assault III/Vehicular where defendant has at least 2 prior DUII convictions within a 5 year period.

SUBCATEGORY 2 - RATING 2:

All other cases of Assault III.

Burglary I  
164.225

Effective 7/20/88

SUBCATEGORY 1 - RATING 5:

Entry into a dwelling, where defendant causes or attempts to cause physical injury to any person; is armed with a deadly weapon; uses or threatens to use a dangerous weapon; or death occurs.

SUBCATEGORY 2 - RATING 4:

Entry into a dwelling in which goods taken had a value of \$5,000 or more.

SUBCATEGORY 3 - RATING 3:

Entry into a dwelling in which goods taken had a value of less than \$5,000.

Burglary II  
164.215

Unchanged since 1985

SUBCATEGORY 1 - RATING 3:

Theft or destruction of over \$5,000 in property.

SUBCATEGORY 2 - RATING 2:

Theft or destruction of between \$1,000-\$5,000.

SUBCATEGORY 3 - RATING 1:

Theft of less than \$1,000.

Permanent effective 11/1/89



Coercion  
163.275

Unchanged since 1985

SUBCATEGORY 1 - RATING 4:

Compelling another to act through threat of serious physical harm or property damage; blackmail.

SUBCATEGORY 2 - RATING 3:

All others.

Computer Crime  
164.377(2)(3)

Added 7/1/88; Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Criminal Possession Rented/Leased Property  
164.140

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Criminally Negligent Homicide  
163.145

Effective 4/4/88

SUBCATEGORY 1 - RATING 4:

Vehicular Homicide where defendant with criminal negligence causes the death of another person.

SUBCATEGORY 2 - RATING 3:

Cases where the victim's misconduct contributed to the criminal episode.

Permanent effective 11/1/89

Delivery of Controlled Substance  
475.992(1);475.995;475.993(2)(a)

Effective 7/14/88

SUBCATEGORY 1 - RATING 5:

Operating or participating in the operation of a location in which crack cocaine or heroin is sold. 475.993(2)(a). The delivery of heroin as part of a distribution or sales network. See Exhibit A-III. 475.992(1)(a)-(b).

SUBCATEGORY 2 - RATING 4:

Delivery of an illegal drug (including, but not limited to methamphetamines) (Schedule I, II or III) other than marijuana where there is evidence that the delivery is part of a drug selling or distribution network or scheme; see Exhibit A-III. 475.992(1)(a)-(c).

Knowingly owning or providing a location for the sale or distribution of illegal drugs other than marijuana. 475.993(2)(a) (Schedule I).

Delivery of any quantity of illegal drug in and on, or within one thousand feet of, the real property comprising a public or private elementary and/or middle school. 475.992(1)(a)-(c); 475.992(2); 475.995. (Schedule I, II or III.)

Delivery or assisting in the delivery of illegal drugs in which a minor is involved. 475.995(1) & (5) (includes marijuana, but not Schedule III.)

SUBCATEGORY 3 - RATING 3:

Delivery or assisting in the delivery of illegal drugs for compensation or profit in circumstances other than those listed above. 475.992(1)-(c); 475.992(2)(a); 475.995. (Schedule I, II or III.)

SUBCATEGORY 4 - RATING 1:

Delivery of a small amount of any illegal drug not for profit or compensation. All other cases of delivery of illegal drugs not noted above.

Escape II  
162.155

Effective 12/06/88

SUBCATEGORY 1 - RATING 2:

Use or threat to use physical force escaping from custody; or, having been convicted or found guilty of a felony, escapes from custody imposed as a result thereof; or escapes from a correctional facility or, while otherwise under the jurisdiction of the Psychiatric Security Review Board, departs from state without authorization of Board.

SUBCATEGORY 2 - RATING 1:

Escapes while on a pass, terminal leave or work release from a county correctional facility; all other cases.

Failure to Perform Duties of a Driver  
Where There is Injury or Death  
811.705

Effective 7/1/88

SUBCATEGORY 1 - RATING 3:

If death results.

SUBCATEGORY 2 - RATING 2:

Injury and all other cases.

Forgery I  
165.013

Effective 7/1/88

SUBCATEGORY 1 - RATING 3:

Loss, potential loss, or receiving of over \$5,000.

SUBCATEGORY 2 - RATING 2:

Loss, potential loss, or receiving of \$1,000 to \$5,000.

SUBCATEGORY 3 - RATING 1:

Loss, potential loss, or receiving of under \$1,000.

Permanent effective 11/1/89

Fraud Involving Securities

Effective 7/20/88

59.055; 59.115; 59.127; 59.135; 59.145; 59.165;  
59.730; 59.740; 59.750; 59.760; 59.770; 59.780; 59.790; 59.800

SUBCATEGORY 1 - RATING 4:

Loss, potential loss, or receiving of \$10,000 or more

SUBCATEGORY 2 - RATING 3:

All other cases of fraud involving securities.

Manslaughter II

Effective 4/4/88

163.125

SUBCATEGORY 1 - RATING 5:

Cases where death of a victim, usually a child, results from prolonged abuse; failure to provide for victim's welfare resulting in death; medical treatment withheld to conceal physical signs of abuse.

SUBCATEGORY 2 - RATING 4:

Causes another to commit suicide or aids, cases where death of victim involves use of a weapon or follows an assault; cases where death is by negligent use of vehicle and defendant has at least 2 prior DUII convictions within 5 years.

SUBCATEGORY 3 - RATING 3:

Cases where death is by negligent use of a vehicle; all other cases.

Permanent effective 11/1/89

Manufacture of Controlled Substance  
475.992(1); 475.993(2)(a)

Effective 7/14/88

SUBCATEGORY 1 - RATING 5:

Operating or assisting in the operation of a laboratory for the production of methamphetamines. Cultivating or assisting in the manufacture of marijuana for distribution or sale as part of a distribution network or scheme; see Exhibit A-III. Cultivation or assisting in the cultivation of more than 100 marijuana plants.

SUBCATEGORY 2 - RATING 4:

Manufacturing or assisting in the manufacture of illegal drugs other than methamphetamines or marijuana, when there is evidence that the manufacture is part of a drug selling or distribution network or scheme; see Exhibit A-III. (Schedule I, II or III.) Knowingly owning or providing a location for the manufacture of illegal drugs other than marijuana for sale or distribution. 475.993(2)(a) (Schedule I).

SUBCATEGORY 3 - RATING 3:

Manufacture or assisting in the manufacture of illegal drugs for distribution. Manufacture of marijuana in the amount of 25 or more plants and/or in circumstances other than those listed in Subcategory 1. See Exhibit A-III. (Schedule I, II or III.)

SUBCATEGORY 4 - RATING 1:

Manufacture of illegal drugs for the offender's own use. All other cases of manufacturing of illegal drugs. (Schedule I, II or III.)

Murder  
163.115

Unchanged since 1985

Breakdown is the same as for Aggravated Murder  
All other cases of murder.

Negotiating a Bad Check  
165.065(3b)

Added 7/1/88; Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Permanent effective 11/1/89

Possession of Controlled Substance  
475.992(4)

Amended 11/1/89

SUBCATEGORY 1 - RATING 3:

Possession of [a large amount of] illegal drugs other than marijuana with intent to deliver. (Schedule I, II or III.) See Exhibit A-III. Possession of illegal drugs which constitute the precursors or byproducts of the manufacturing process (as defined by ORS 475.940).

SUBCATEGORY 2 - RATING 2:

Possession of illegal drugs other than cocaine/crack, methamphetamines, and heroin (which are included in Subcategory 1) with intent to deliver. (Schedule I, II & III.)

SUBCATEGORY 3 - RATING 1:

Possession of illegal drugs in circumstances other than those listed above (e.g. for personal use). (Schedule I, II or III.)

Possession of a Fraudulent  
Communications Device  
165.070

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Racketeering  
166.720

Unchanged since 1985

SUBCATEGORY 1 - RATING 5:

The principle party involved in violation of the Racketeering statute. Involvement is that of planning, directing or participating in the scheme or schemes resulting in direct profit or gain.

SUBCATEGORY 2 - RATING 4:

The subordinate party involved in violation of the Racketeering statute. Involvement is limited to acting as an agent or employee of the principle. There is no involvement in planning, directing or participating in the scheme or schemes in violation of this statute.

Rape I  
163.375

Amended Nov. 1, 1989

SUBCATEGORY 1 - RATING 6:

Stranger to stranger; breaking and entering; threat to use or use of weapon; actual or threat of serious bodily or emotional harm; intercourse with female or male under 12. Cases in which the female is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness.

SUBCATEGORY 2 - RATING 5:

All other cases.

Rape II  
163.365

Unchanged since 1985

SUBCATEGORY 1 - RATING 4:

Cases in which [the female is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness; or] the female is under 14 years of age.

SUBCATEGORY 2 - RATING 3:

All other cases.

Robbery I  
164.415

Effective 7/20/88

SUBCATEGORY 1 - RATING 6:

Cases of robbery in which the defendant is armed with a deadly or dangerous weapon; discharges a firearm; uses a dangerous weapon; makes explicit or immediate threats by word or gesture; causes death of or physical injury to the victim.

SUBCATEGORY 2 - RATING OF 5:

All other cases of Robbery I.

Sexual Penetration with Foreign Object I  
163.411

Amended Nov. 1, 1989

SUBCATEGORY 1 - RATING 6:

Sexual Penetration with Foreign Object I is broken down in the same manner as Rape I.

SUBCATEGORY 2 - RATING 5:

All other cases.

11/01/89

Subcategory Rationales

9

Permanent effective 11/1/89

Sodomy I  
163.405

Amended Nov. 1, 1989

SUBCATEGORY 1 - RATING 6:

Sodomy I is broken down in the same manner as Rape I.

SUBCATEGORY 2 - RATING 5:

All other cases.

Supplying Contraband

Effective 12/06/88

162.185

SUBCATEGORY 1 - RATING 4:

While confined in a correctinal facility, juvenile facility or state hospital makes, obtains or possesses any firearm; knowingly introduces any firearm into a correctional facility, juvenile facility, or state hospital.

SUBCATEGORY 2 - RATING 3:

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses dangerous weapon; knowingly introduces any dangerous weapon into a correctional facility, juvenile facility or state hospital.

SUBCATEGORY 3 - RATING 2:

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses any Schedule I, II, or III controlled substance except marijuana; knowingly introduces any Schedule I, II or III controlled substance into a correctional facility, juvenile facility or state hospital.

SUBCATEGORY 4 - RATING 1:

All other cases.

Theft by Deception  
164.085

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

11/01/89

Subcategory Rationales

10

Permanent effective 11/1/89



Theft by Extortion  
164.075

Unchanged since 1985

SUBCATEGORY 1 - RATING 4:

Threat of serious bodily harm or death.

SUBCATEGORY 2 - RATING 3:

All others.

Theft I  
164.005

Amended 4/4/88 & 8/5/88; Effective 8/5/88

SUBCATEGORY 1 - RATING 2:

Theft or receiving of \$1,000 or more.  
Theft of a motor vehicle for personal transportation.  
Theft of a livestock animal.  
Theft of a firearm or explosive.  
Theft during riot or catastrophe.

SUBCATEGORY 2 - RATING 1:

Thefts under \$1,000.

Theft of Services  
164.125(4)(c)

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Unauthorized Use of Vehicle  
164.135

Unchanged since 1985

SUBCATEGORY 1 - RATING 2:

Loss, destruction or severe damage to vehicle or property; or injury to others.

SUBCATEGORY 2 - RATING 1:

All others.

Unlawful Creation or Delivery  
of Counterfeit Substance  
475.992(3)

Effective 7/14/88

Breakdown is the same as for Manufacture or Delivery of Controlled Substance.

11/01/89

Subcategory Rationales

11

Permanent effective 11/1/89

Using a Child in a Display of  
Sexually Explicit Conduct  
163.670

Effective 4/4/88

SUBCATEGORY 1 - RATING 6:

Child 12 years of age or under.

SUBCATEGORY 2 - RATING 5:

All other cases.

Welfare/Food Stamp Fraud  
411.630; 411.640; 411.675;  
411.690; 411.840

Added 4/4/88; Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Permanent effective 11/1/89

EXHIBIT A

PART II

Amendments Permanently Filed and Effective 11/22/88  
Effective Dates as Noted.

Aggravated Murder  
163.095

Effective 7/1/88

SUBCATEGORY 1 - RATING 8:

Stranger to stranger; cruelty to victim; prior conviction of murder or manslaughter; evidence of significant planning or preparation.

SUBCATEGORY 2 - RATING 7:

All other cases of aggravated murder.

Arson I  
164.325

Unchanged since 1985

SUBCATEGORY 1 - RATING 6:

Knew or should have known premises were occupied at time of act or injury.

SUBCATEGORY 2 - RATING 5:

All other cases of Arson I.

Assault I  
163.185

Unchanged since 1985

SUBCATEGORY 1 - RATING 6:

Cases of Assault I in which there is intentional cause of serious physical injury to another by means of a deadly or dangerous weapon.

SUBCATEGORY 2 - RATING 5:

Cases of Assault I in which the victim(s) provoke the crime to a substantial degree or other evidence that misconduct by the victim(s) contributed substantially to the criminal episode.

12/06/88

(1)

Permanent effective 12/6/88

Assault III  
163.165

Effective 4/4/88

SUBCATEGORY 1 - RATING 3:

Assault III/Vehicular where defendant has at least 2 prior DUII convictions within a 5 year period.

SUBCATEGORY 2 - RATING 2:

All other cases of Assault III.

Burglary I  
164.225

Effective 7/20/88

SUBCATEGORY 1 - RATING 5:

Entry into a dwelling, where defendant causes or attempts to cause physical injury to any person; is armed with a deadly weapon; uses or threatens to use a dangerous weapon; or death occurs.

SUBCATEGORY 2 - RATING 4:

Entry into a dwelling in which goods taken had a value of \$5,000 or more.

SUBCATEGORY 3 - RATING 3:

Entry into a dwelling in which goods taken had a value of less than \$5,000.

Burglary II  
164.215

Unchanged since 1985

SUBCATEGORY 1 - RATING 3:

Theft or destruction of over \$5,000 in property.

SUBCATEGORY 2 - RATING 2:

Theft or destruction of between \$1,000-\$5,000.

SUBCATEGORY 3 - RATING 1:

Theft of less than \$1,000.

Permanent effective 12/6/88

Coercion  
163.275

Unchanged since 1985

SUBCATEGORY 1 - RATING 4:

Compelling another to act through threat of serious physical harm or property damage; blackmail.

SUBCATEGORY 2 - RATING 3:

All others.

Computer Crime  
164.377(2)(3)

Added 7/1/88; Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Criminal Possession Rented/Leased Property  
164.140

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Criminally Negligent Homicide  
163.145

Effective 4/4/88

SUBCATEGORY 1 - RATING 4:

Vehicular Homicide where defendant with criminal negligence causes the death of another person.

SUBCATEGORY 2 - RATING 3:

Cases where the victim's misconduct contributed to the criminal episode [(i.e. victim was drinking buddy of defendant)] .

Permanent effective 12/6/88

12/06/88

(3)

Delivery of Controlled Substance  
475.992(1);475.995;475.993(2)(a)

Effective 7/14/88

SUBCATEGORY 1 - RATING 5:

Operating or participating in the operation of a location in which crack cocaine or heroin is sold. 475.993(2)(a). The delivery of heroin as part of a distribution or sales network. See Exhibit A-III. 475.992(1)(a)-(b).

SUBCATEGORY 2 - RATING 4:

Delivery of an illegal drug (including, but not limited to methamphetamines) (Schedule I, II or III) other than marijuana where there is evidence that the delivery is part of a drug selling or distribution network or scheme; see Exhibit A-III. 475.992(1)(a)-(c).

Knowingly owning or providing a location for the sale or distribution of illegal drugs other than marijuana. 475.993(2)(a) (Schedule I).

Delivery of any quantity of illegal drug in and on, or within one thousand feet of, the real property comprising a public or private elementary and/or middle school. 475.992(1)(a)-(c); 475.992(2); 475.995. (Schedule I, II or III.)

Delivery or assisting in the delivery of illegal drugs in which a minor is involved. 475.995(1) & (5) (includes marijuana, but not Schedule III.)

SUBCATEGORY 3 - RATING 3:

Delivery or assisting in the delivery of illegal drugs for compensation or profit in circumstances other than those listed above. 475.992(1)-(c); 475.992(2)(a); 475.995. (Schedule I, II or III.)

SUBCATEGORY 4 - RATING 1:

Delivery of a small amount of any illegal drug not for profit or compensation. All other cases of delivery of illegal drugs not noted above.

Escape II  
162.155

Effective 12/06/88

SUBCATEGORY 1 - RATING 2:

Use or threat to use physical force escaping from custody; or, having been convicted or found guilty of a felony, escapes from custody imposed as a result thereof; or escapes from a correctional facility or, while otherwise under the jurisdiction of the Psychiatric Security Review Board, departs from state without authorization of Board.

SUBCATEGORY 2 - RATING 1:

Escapes while on a pass, terminal leave or work release from a county correctional facility; all other cases.

Failure to Perform Duties of a Driver  
Where There is Injury or Death  
811.705

Effective 7/1/88

SUBCATEGORY 1 - RATING 3:

If death results.

SUBCATEGORY 2 - RATING 2:

Injury and all other cases.

Forgery I  
165.013

Effective 7/1/88

SUBCATEGORY 1 - RATING 3:

Loss, potential loss, or receiving of over \$5,000.

SUBCATEGORY 2 - RATING 2:

Loss, potential loss, or receiving of \$1,000 to \$5,000.

SUBCATEGORY 3 - RATING 1:

Loss, potential loss, or receiving of under \$1,000.

Fraud Involving Securities

Effective 7/20/88

59.055; 59.115; 59.127; 59.135; 59.145; 59.165;  
59.730; 59.740; 59.750; 59.760; 59.770; 59.780; 59.790; 59.800

SUBCATEGORY 1 - RATING 4:

Loss, potential loss, or receiving of \$10,000 or more

SUBCATEGORY 2 - RATING 3:

All other cases of fraud involving securities.

Manslaughter II

Effective 4/4/88

163.125

SUBCATEGORY 1 - RATING 5:

Cases where death of a victim, usually a child, results from prolonged abuse; failure to provide for victim's welfare resulting in death; medical treatment withheld to conceal physical signs of abuse.

SUBCATEGORY 2 - RATING 4:

Causes another to commit suicide or aids, cases where death of victim involves use of a weapon or follows an assault; cases where death is by negligent use of vehicle and defendant has at least 2 prior DUII convictions within 5 years.

SUBCATEGORY 3 - RATING 3:

Cases where death is by negligent use of a vehicle; all other cases.

Permanent effective 12/6/88



Manufacture of Controlled Substance  
475.992(1); 475.993(2)(a)

Effective 7/14/88

SUBCATEGORY 1 - RATING 5:

Operating or assisting in the operation of a laboratory for the production of methamphetamines. Cultivating or assisting in the manufacture of marijuana for distribution or sale as part of a distribution network or scheme; see Exhibit A-III. Cultivation or assisting in the cultivation of more than 100 marijuana plants.

SUBCATEGORY 2 - RATING 4:

Manufacturing or assisting in the manufacture of illegal drugs other than methamphetamines or marijuana, when there is evidence that the manufacture is part of a drug selling or distribution network or scheme; see Exhibit A-III. (Schedule I, II or III.) Knowingly owning or providing a location for the manufacture of illegal drugs other than marijuana for sale or distribution. 475.993(2)(a) (Schedule I).

SUBCATEGORY 3 - RATING 3:

Manufacture or assisting in the manufacture of illegal drugs for distribution. Manufacture of marijuana in the amount of 25 or more plants and/or in circumstances other than those listed in Subcategory 1. See Exhibit A-III. (Schedule I, II or III.)

SUBCATEGORY 4 - RATING 1:

Manufacture of illegal drugs for the offender's own use. All other cases of manufacturing of illegal drugs. (Schedule I, II or III.)

Murder  
163.115

Unchanged since 1985

Breakdown is the same as for Aggravated Murder  
All other cases of murder.

Negotiating a Bad Check  
165.065(3b)

Added 7/1/88; Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Permanent effective 12/6/88

Possession of Controlled Substance  
475.992(4)

Effective 7/14/88

SUBCATEGORY 1 - RATING 3:

Possession of a large amount of illegal drugs other than marijuana with intent to deliver. (Schedule I, II or III.) See Exhibit A-III. Possession of illegal drugs which constitute the precursors or byproducts of the manufacturing process (as defined by ORS 475.940).

SUBCATEGORY 2 - RATING 2:

Possession of illegal drugs other than cocaine/crack, methamphetamines, and heroin with intent to deliver. (Schedule I, II & III.)

SUBCATEGORY 3 - RATING 1:

Possession of illegal drugs in circumstances other than those listed above. (Schedule I, II or III.)

Possession of a Fraudulent  
Communications Device  
165.070

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Racketeering  
166.720

Unchanged since 1985

SUBCATEGORY 1 - RATING 5:

The principle party involved in violation of the Racketeering statute. Involvement is that of planning, directing or participating in the scheme or schemes resulting in direct profit or gain.

SUBCATEGORY 2 - RATING 4:

The subordinate party involved in violation of the Racketeering statute. Involvement is limited to acting as an agent or employee of the principle. There is no involvement in planning, directing or participating in the scheme or schemes in violation of this statute.

12/06/88

(8)

Permanent effective 12/6/88

Rape I  
163.375

Unchanged since 1985

SUBCATEGORY 1 - RATING 6:

Stranger to stranger; breaking and entering; threat to use or use of weapon; actual or threat of serious bodily or emotional harm; intercourse with female or male under 12.

SUBCATEGORY 2 - RATING 5:

All other cases.

Rape II  
163.365

Unchanged since 1985

SUBCATEGORY 1 - RATING 4:

Cases in which the female is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness; or the female is under 14 years of age.

SUBCATEGORY 2 - RATING 3:

All other cases.

Robbery I  
164.415

Effective 7/20/88

SUBCATEGORY 1 - RATING 6:

Cases of robbery in which the defendant is armed with a deadly or dangerous weapon; discharges a firearm; uses a dangerous weapon; makes explicit or immediate threats by word or gesture; causes death of or physical injury to the victim.

SUBCATEGORY 2 - RATING OF 5:

All other cases of Robbery I.

Sexual Penetration with Foreign Object I  
163.411

Unchanged since 1985

SUBCATEGORY 1 - RATING 6:

Sexual Penetration with Foreign Object I is broken down in the same manner as Rape I.

SUBCATEGORY 2 - RATING 5:

All other cases.

Permanent effective 12/6/88

Sodomy I  
163.405

Unchanged since 1985

SUBCATEGORY 1 - RATING 6:

Sodomy I is broken down in the same manner as Rape I.

SUBCATEGORY 2 - RATING 5:

All other cases.

Supplying Contraband

Effective 12/06/88

162.185

SUBCATEGORY 1 - RATING 4:

While confined in a correctinal facility, juvenile facility or state hospital makes, obtains or possesses any firearm; knowingly introduces any firearm into a correctional facility, juvenile facility, or state hospital.

SUBCATEGORY 2 - RATING 3:

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses dangerous weapon; knowingly introduces any dangerous weapon into a correctional facility, juvenile facility or state hospital.

SUBCATEGORY 3 - RATING 2:

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses any Schedule I, II, or III controlled substance except marijuana; knowingly introduces any Schedule I, II or III controlled substance into a correctional facility, juvenile facility or state hospital.

SUBCATEGORY 4 - RATING 1:

All other cases.

Theft by Deception  
164.085

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

12/06/88

(10)

Permanent effective 12/6/88

Theft by Extortion  
164.075

Unchanged since 1985

SUBCATEGORY 1 - RATING 4:

Threat of serious bodily harm or death.

SUBCATEGORY 2 - RATING 3:

All others.

Theft I  
164.005

Amended 4/4/88 & 8/5/88; Effective 8/5/88

SUBCATEGORY 1 - RATING 2:

Theft or receiving of \$1,000 [to \$10,000] or more.  
Theft of a motor vehicle for personal transportation.  
Theft of a livestock animal.  
Theft of a firearm or explosive.  
Theft during riot or catastrophe.

SUBCATEGORY 2 - RATING 1:

Thefts under \$1,000.

Theft of Services  
164.125

Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Unauthorized Use of Vehicle  
164.135

Unchanged since 1985

SUBCATEGORY 1 - RATING 2:

Loss, destruction or severe damage to vehicle or property; or injury to others.

SUBCATEGORY 2 - RATING 1:

All others.

Unlawful Creation or Delivery  
of Counterfeit Substance  
475.992(3)

Effective 7/14/88

Breakdown is the same as for Manufacture or Delivery of Controlled Substance.

12/06/88

(11) Permanent effective 12/6/88

Using a Child in a Display of  
Sexually Explicit Conduct  
163.670

Effective 4/4/88

SUBCATEGORY 1 - RATING 6:

Child 12 years of age or under.

SUBCATEGORY 2 - RATING 5:

All other cases.

Welfare/Food Stamp Fraud  
411.630; 411.640; 411.675;  
411.690; 411.840

Added 4/4/88; Theft I amended 8/5/88

Breakdown is the same as for Theft I.

Permanent effective 12/6/88

EXHIBIT A

PART II

Aggravated Murder  
163.095

SUBCATEGORY 1 - RATING 8:

Stranger to stranger; cruelty to victim; prior conviction of murder or manslaughter; evidence of significant planning or preparation.

SUBCATEGORY 2 - RATING 7:

All other cases of aggravated murder.

Arson I  
164.325

SUBCATEGORY 1 - RATING 6:

Knew or should have known premises were occupied at time of act or injury.

SUBCATEGORY 2 - RATING 5:

All other cases of Arson I.

Assault I  
163.185

SUBCATEGORY 1 - RATING 6:

Cases of Assault I in which there is intentional cause of serious physical injury to another by means of a deadly or dangerous weapon.

SUBCATEGORY 2 - RATING 5:

Cases of Assault I in which the victim(s) provoke the crime to a substantial degree or other evidence that misconduct by the victim(s) contributed substantially to the criminal episode.

7/19/88 (1)

Temporary effective 7/20/88 to 1/15/89  
superceded by 12/6/88 permanent filing

Assault III

163.165

SUBCATEGORY 1 - RATING 3:

Assault III/Vehicular where defendant has at least 2 prior DUII convictions within a 5 year period.

SUBCATEGORY 2 - RATING 2:

All other cases of Assault III.

Burglary I

164.225

SUBCATEGORY 1 - RATING 5:

Entry into a dwelling, where defendant causes or attempts to cause physical injury to any person; is armed with a deadly weapon; uses or threatens to use a dangerous weapon; or death occurs.

SUBCATEGORY 2 - RATING 4:

Entry into a dwelling in which goods taken had a value of \$5,000 or more.

SUBCATEGORY 3 - RATING 3:

Entry into a dwelling in which goods taken had a value of less than \$5,000.

Burglary II

164.215

SUBCATEGORY 1 - RATING 3:

Theft or destruction of over \$5,000 in property.

SUBCATEGORY 2 - RATING 2:

Theft or destruction of between \$1,000-\$5,000.

SUBCATEGORY 3 - RATING 1:

Theft of less than \$1,000.

7/19/88 (2)

Temporary effective 7/20/88 to 1/15/89  
superceded by 12/6/88 permanent filing



Coercion  
163.275

SUBCATEGORY 1 - RATING 4:

Compelling another to act through threat of serious physical harm or property damage; blackmail.

SUBCATEGORY 2 - RATING 3:

All others.

Computer Crime  
164.377(2)(3)

Breakdown is the same as for Theft I.

Criminal Possession Rented/Leased Property  
164.140

Breakdown is the same as for Theft I.

Criminally Negligent Homicide  
163.145

SUBCATEGORY 1 - RATING 4:

Vehicular Homicide where defendant with criminal negligence causes the death of another person.

SUBCATEGORY 2 - RATING 3:

Cases where the victim's misconduct contributed to the criminal episode (i.e. victim was drinking buddy of defendant).

Delivery of Controlled Substance  
475.992(1);475.995

SUBCATEGORY 1 - RATING 5:

Operating or participating in the operation of a location in which crack cocaine or heroin is sold. The delivery of heroin as part of a distribution or sales network. See Exhibit A-III.

Temporary effective 7/20/88 to 1/15/89  
superceded by 12/6/88 permanent filing

7/19/88 (3)

SUBCATEGORY 2 - RATING 4:

Delivery of an illegal drug (including, but not limited to methamphetamines) other than marijuana where there is evidence that the delivery is part of a drug selling or distribution network or scheme; see Exhibit A-III.

Delivery of any quantity of illegal drug in and on, or within one thousand feet of, the real property comprising a public or private elementary and/or middle school.

Knowingly owning or providing a location for the sale or distribution of illegal drugs other than marijuana.

Delivery or assisting in the delivery of illegal drugs in which a minor is involved.

SUBCATEGORY 3 - RATING 3:

Delivery or assisting in the delivery of illegal drugs for compensation or profit in circumstances other than those listed above.

SUBCATEGORY 4 - RATING 1:

Delivery of a small amount of any illegal drug not for profit or compensation. All other cases of delivery of illegal drugs not noted above.

Escape II  
162.155

SUBCATEGORY 1 - RATING 2:

Use or threat to use physical force escaping from custody; or, having been convicted or found guilty of a felony, escapes from custody imposed as a result thereof; or escapes from a correctional facility or, while otherwise under the jurisdiction of the Psychiatric Security Review Board, departs from state without authorization of Board.

SUBCATEGORY 2 - RATING 1:

All other cases.

Temporary effective 7/20/88 to 1/15/89  
superceded by 12/6/88 permanent filing

Failure to Perform Duties of a Driver Where There  
is Injury or Death  
811.705

SUBCATEGORY 1 - RATING 3:

If death results.

SUBCATEGORY 2 - RATING 2:

Injury and all other cases.

Forgery I  
165.013

SUBCATEGORY 1 - RATING 3:

Loss, potential loss, or receiving of over \$5,000.

SUBCATEGORY 2 - RATING 2:

Loss, potential loss, or receiving of \$1,000 to \$5,000.

SUBCATEGORY 3 - RATING 1:

Loss, potential loss, or receiving of under \$1,000.

Fraud Involving Securities  
59.055; 59.115; 59.127; 59.135; 59.145; 59.165; 59.730; 59.740;  
59.750; 59.760; 59.770; 59.780; 59.790; 59.800

SUBCATEGORY 1 - RATING 4:

Loss, potential loss, or receiving of \$10,000 or more

SUBCATEGORY 2 - RATING 3:

All other cases of fraud involving securities.

Manslaughter II  
163.125

SUBCATEGORY 1 - RATING 5:

Cases where death of a victim, usually a child, results from prolonged abuse; failure to provide for victim's welfare resulting in death; medical treatment withheld to conceal physical signs of abuse.

Temporary effective 7/20/88 to 1/15/89  
superceded by 12/6/88 permanent filing

7/19/88 (5)

SUBCATEGORY 2 - RATING 4:

Causes another to commit suicide or aids, cases where death of victim involves use of a weapon or follows an assault; cases where death is by negligent use of vehicle and defendant has at least 2 prior DUII convictions within 5 years.

SUBCATEGORY 3 - RATING 3:

Cases where death is by negligent use of a vehicle; all other cases.

Manufacture of Controlled Substance  
475.992(1)

SUBCATEGORY 1 - RATING 5:

Operating or assisting in the operation of a laboratory for the production of methamphetamines. Cultivating or assisting in the manufacture of marijuana for distribution or sale as part of a distribution network or scheme; see Exhibit A-III. Cultivation or assisting in the cultivation of more than 100 marijuana plants.

SUBCATEGORY 2 - RATING 4:

Manufacturing or assisting in the manufacture of illegal drugs other than methamphetamines or marijuana, when there is evidence that the manufacture is part of a drug selling or distribution network or scheme; see Exhibit A-III. Knowingly owning or providing a location for the manufacture of illegal drugs other than marijuana for sale or distribution.

SUBCATEGORY 3 - RATING 3:

Manufacture or assisting in the manufacture of illegal drugs for distribution. Manufacture of marijuana in the amount of 25 or more plants and/or in circumstances other than those listed in Subcategory 1. See Exhibit A-III.

SUBCATEGORY 4 - RATING 1:

Manufacture of illegal drugs for the offender's own use. All other cases of manufacturing of illegal drugs.

Temporary effective 7/20/88 to 1/15/89  
superceded by 12/6/88 permanent filing

7/19/88 (6)

Murder  
163.115

Breakdown is the same as for Aggravated Murder  
All other cases of murder.

Negotiating a Bad Check  
165.065(3b)

Breakdown is the same as for Theft I.

Possessing Fraudulent Communications Devices  
165.070

Breakdown is the same as for Theft I.

Possession of Controlled Substance  
475.992(4)

SUBCATEGORY 1 - RATING 3:

Possession of a large amount of illegal drugs other than marijuana with intent to deliver. See Exhibit A-III.  
Possession of illegal drugs which constitute the precursors or byproducts of the manufacturing process (as defined by ORS 475.940).

SUBCATEGORY 2 - RATING 2:

Possession of illegal drugs other than cocaine/crack, methamphetamines, and heroin with intent to deliver.

SUBCATEGORY 3 - RATING 1:

Possession of illegal drugs in circumstances other than those listed above.

Racketeering  
166.720

SUBCATEGORY 1 - RATING 5:

The principle party involved in violation of the Racketeering statute. Involvement is that of planning, directing or participating in the scheme or schemes resulting in direct profit or gain.

Temporary effective 7/20/88 to 1/15/89  
superceded by 12/6/88 permanent filing

7/19/88 (7)

SUBCATEGORY 2 - RATING 4:

The subordinate party involved in violation of the Racketeering statute. Involvement is limited to acting as an agent or employee of the principle. There is no involvement in planning, directing or participating in the scheme or schemes in violation of this statute.

Rape I  
163.375

SUBCATEGORY 1 - RATING 6:

Stranger to stranger; breaking and entering; threat to use or use of weapon; actual or threat of serious bodily or emotional harm; intercourse with female or male under 12.

SUBCATEGORY 2 - RATING 5:

All other cases.

Rape II  
163.365

SUBCATEGORY 1 - RATING 4:

Cases in which the female is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness; or the female is under 14 years of age.

SUBCATEGORY 2 - RATING 3:

All other cases.

Robbery I  
164.415

SUBCATEGORY 1 - RATING 6:

Cases of robbery in which the defendant is armed with a deadly or dangerous weapon; discharges a firearm; uses a dangerous weapon; makes explicit or immediate threats by word or gesture; causes death of or physical injury to the victim.

SUBCATEGORY 2 - RATING OF 5:

All other cases of Robbery I.

Temporary effective 7/20/88 to 1/15/89  
superceded by 12/6/88 permanent filing

Sexual Penetration with Foreign Object I  
163.411

SUBCATEGORY 1 - RATING 6:

Sexual Penetration with Foreign Object I is broken down in the same manner as Rape I.

SUBCATEGORY 2 - RATING 5:

All other cases.

Sodomy I  
163.405

SUBCATEGORY 1 - RATING 6:

Sodomy I is broken down in the same manner as Rape I.

SUBCATEGORY 2 - RATING 5:

All other cases.

Supplying Contraband  
162.185

SUBCATEGORY 1 - RATING 4:

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses any firearm; knowingly introduces any firearm into a correctional facility, juvenile facility, or state hospital.

SUBCATEGORY 2 - RATING 3:

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses dangerous weapon; knowingly introduces any dangerous weapon into a correctional facility, juvenile facility or state hospital.

SUBCATEGORY 3 - RATING 2:

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses any Schedule 1 controlled substance except marijuana; knowingly introduces any Schedule 1 controlled substance into a correctional facility, juvenile facility or state hospital.

Temporary effective 7/20/88 to 1/15/89  
superceded by 12/6/88 permanent filing

SUBCATEGORY 4 - RATING 1:

All other cases.

Theft by Deception  
164.085

Breakdown is the same as for Theft I.

Theft by Extortion  
164.075

SUBCATEGORY 1 - RATING 4:

Threat of serious bodily harm or death.

SUBCATEGORY 2 - RATING 3:

All others.

Theft I  
164.005

SUBCATEGORY 1 - RATING 2:

Theft or receiving of \$1,000 to \$10,000.  
Theft of a motor vehicle for personal transportation.  
Theft of a livestock animal.  
Theft of a firearm or explosive.  
Theft during riot or catastrophe.

SUBCATEGORY 2 - RATING 1:

Thefts under \$1,000.

Theft of Services  
164.125

Breakdown is the same as for Theft I.

Unauthorized Use Motor Vehicle  
164.135

SUBCATEGORY 1 - RATING 2:

Loss, destruction or severe damage to vehicle or property; or injury to others.

SUBCATEGORY 2 - RATING 1:

All others.

7/19/88 (10)

Temporary effective 7/20/88 to  
1/15/89; superceded by 8/5/88  
Temporary filing (change in theft



Unlawful Creation or Delivery of Counterfeit Substance  
475.992(3)

Breakdown is the same as for Manufacture or Delivery of  
Controlled Substance.

Using a Child in a Display of Sexually Explicit Conduct  
163.670

SUBCATEGORY 1 - RATING 6:

Child 12 years of age or under.

SUBCATEGORY 2 - RATING 5:

All other cases.

Welfare/Food Stamp Fraud  
411.639; 411.640; 411.675; 411.690; 411.840

Breakdown is the same as for Theft I.

Temporary effective 7/20/88 to 1/15/89  
superceded by 12/6/88 permanent filing

7/19/88 (11)

EXHIBIT A

PART II

Aggravated Murder  
163.095

SUBCATEGORY 1 - RATING 8:

Stranger to stranger; cruelty to victim; prior conviction of murder or manslaughter; evidence of significant planning or preparation.

SUBCATEGORY 2 - RATING 7:

All other cases of aggravated murder.

Arson I  
164.325

SUBCATEGORY 1 - RATING 6:

Knew or should have known premises were occupied at time of act or injury.

SUBCATEGORY 2 - RATING 5:

All other cases of Arson I.

Assault I  
163.185

SUBCATEGORY 1 - RATING 6:

Cases of Assault I in which there is intentional cause of serious physical injury to another by means of a deadly or dangerous weapon.

SUBCATEGORY 2 - RATING 5:

Cases of Assault I in which the victim(s) provoke the crime to a substantial degree or other evidence that misconduct by the victim(s) contributed substantially to the criminal episode.

Temporary effective 7/14/88 to 1/9/89  
superceded by 7/20/88 temporary filing

Assault III  
163.165

SUBCATEGORY 1 - RATING 3:

Assault III/Vehicular where defendant has at least 2 prior DUII convictions within a 5 year period.

SUBCATEGORY 2 - RATING 2:

All other cases of Assault III.

Burglary I  
164.225

SUBCATEGORY 1 - RATING 5:

Entry into a dwelling or non-dwelling, where defendant used or threatened to use, by word or gesture, a dangerous weapon or caused/threatened serious physical injury. Entry into a dwelling or non-dwelling in which goods taken are valued at \$5,000 or over.

SUBCATEGORY 2 - RATING 4:

Entry into a dwelling or non-dwelling in which goods taken exceeds \$1,000 but is less than \$5,000.

SUBCATEGORY 3 - RATING 3:

All other entries into dwelling or non-dwelling and the value of goods taken is less than \$1,000.

Burglary II  
164.215

SUBCATEGORY 1 - RATING 3:

Theft or destruction over \$5,000 in property.

SUBCATEGORY 2 - RATING 2:

Theft or destruction of between \$1,000-\$5,000.

SUBCATEGORY 3 - RATING 1:

Theft of less than \$1,000.

Temporary effective 7/14/88 to 1/9/89  
superceded by 7/20/88 temporary filing

Coercion  
163.275

SUBCATEGORY 1 - RATING 4:

Compelling another to act through threat of serious physical harm or property damage; blackmail.

SUBCATEGORY 2 - RATING 3:

All others.

Computer Crime  
164.377(2)(3)

Breakdown is the same as for Theft I.

Criminal Possession Rented/Leased Property  
164.140

Breakdown is the same as for Theft I.

Criminally Negligent Homicide  
163.145

SUBCATEGORY 1 - RATING 4:

Vehicular Homicide where defendant with criminal negligence causes the death of another person.

SUBCATEGORY 2 - RATING 3:

Cases where the victim's misconduct contributed to the criminal episode (i.e. victim was drinking buddy of defendant).

Delivery of Controlled Substance  
475.992(1);475.995

SUBCATEGORY 1 - RATING 5:

Operating or participating in the operation of a location in which crack cocaine or heroin is sold. The delivery of heroin as part of a distribution or sales network. See Exhibit A-III.

SUBCATEGORY 2 - RATING 4:

Delivery of an illegal drug (including, but not limited to methamphetamines) other than marijuana where there is evidence that the delivery is part of a drug selling or distribution network or scheme; see Exhibit A-III.

Delivery of any quantity of illegal drug in and on, or within one thousand feet of, the real property comprising a public or private elementary and/or middle school.

Knowingly owning or providing a location for the sale or distribution of illegal drugs other than marijuana.

Delivery or assisting in the delivery of illegal drugs in which a minor is involved.

SUBCATEGORY 3 - RATING 3:

Delivery or assisting in the delivery of illegal drugs for compensation or profit in circumstances other than those listed above.

SUBCATEGORY 4 - RATING 1:

Delivery of a small amount of any illegal drug not for profit or compensation. All other cases of delivery of illegal drugs not noted above.

Escape II  
162.155

SUBCATEGORY 1 - RATING 2:

Use or threat to use physical force escaping from custody; or, having been convicted or found guilty of a felony, escapes from custody imposed as a result thereof; or escapes from a correctional facility or, while otherwise under the jurisdiction of the Psychiatric Security Review Board, departs from state without authorization of Board.

SUBCATEGORY 2 - RATING 1:

All other cases.

Failure to Perform Duties of a Driver Where There  
is Injury or Death  
811.705

SUBCATEGORY 1 - RATING 3:

If death results.

SUBCATEGORY 2 - RATING 2:

Injury and all other cases.

Forgery I  
165.013

SUBCATEGORY 1 - RATING 3:

Loss, potential loss, or receiving of over \$5,000.

SUBCATEGORY 2 - RATING 2:

Loss, potential loss, or receiving of \$1,000 to \$5,000.

SUBCATEGORY 3 - RATING 1:

Loss, potential loss, or receiving of under \$1,000.

Fraud Involving Securities

59.055; 59.135; 59.165; 59.730; 59.740; 59.750; 59.760; 59.770;  
59.780; 59.790; 59.800

Breakdown is the same as for Theft I.

Manslaughter II  
163.125

SUBCATEGORY 1 - RATING 5:

Cases where death of a victim, usually a child, results from prolonged abuse; failure to provide for victim's welfare resulting in death; medical treatment withheld to conceal physical signs of abuse.

SUBCATEGORY 2 - RATING 4:

Causes another to commit suicide or aids, cases where death of victim involves use of a weapon or follows an assault; cases where death is by negligent use of vehicle and defendant has at least 2 prior DUII convictions within 5 years.

SUBCATEGORY 3 - RATING 3:

Cases where death is by negligent use of a vehicle; all other cases.

Temporary effective 7/14/88 to 1/9/89  
superceded by 7/20/88 temporary filing

Manufacture of Controlled Substance  
475.992(1)

SUBCATEGORY 1 - RATING 5:

Operating or assisting in the operation of a laboratory for the production of methamphetamines. Cultivating or assisting in the manufacture of marijuana for distribution or sale as part of a distribution network or scheme; see Exhibit A-III. Cultivation or assisting in the cultivation of more than 100 marijuana plants.

SUBCATEGORY 2 - RATING 4:

Manufacturing or assisting in the manufacture of illegal drugs other than methamphetamines or marijuana, when there is evidence that the manufacture is part of a drug selling or distribution network or scheme; see Exhibit A-III. Knowingly owning or providing a location for the manufacture of illegal drugs other than marijuana for sale or distribution.

SUBCATEGORY 3 - RATING 3:

Manufacture or assisting in the manufacture of illegal drugs for distribution. Manufacture of marijuana in the amount of 25 or more plants and/or in circumstances other than those listed in Subcategory 1. See Exhibit A-III.

SUBCATEGORY 4 - RATING 1:

Manufacture of illegal drugs for the offender's own use. All other cases of manufacturing of illegal drugs.

Murder  
163.115

Breakdown is the same as for Aggravated Murder  
All other cases of murder.

Negotiating a Bad Check  
165.065(3b)

Breakdown is the same as for Theft I.

Temporary effective 7/14/88 to 1/9/89  
superceded by 7/20/88 temporary filing

Possessing Fraudulent Communications Devices  
165.070

Breakdown is the same as for Theft I.

Possession of Controlled Substance  
475.992(4)

SUBCATEGORY 1 - RATING 3:

Possession of a large amount of illegal drugs other than marijuana with intent to deliver. See Exhibit A-III.  
Possession of illegal drugs which constitute the precursors or byproducts of the manufacturing process (as defined by ORS 475.940).

SUBCATEGORY 2 - RATING 2:

Possession of illegal drugs other than cocaine/crack, methamphetamines, and heroin with intent to deliver.

SUBCATEGORY 3 - RATING 1:

Possession of illegal drugs in circumstances other than those listed above.

Racketeering  
166.720

SUBCATEGORY 1 - RATING 5:

The principle party involved in violation of the Racketeering statute. Involvement is that of planning, directing or participating in the scheme or schemes resulting in direct profit or gain.

SUBCATEGORY 2 - RATING 4:

The subordinate party involved in violation of the Racketeering statute. Involvement is limited to acting as an agent or employee of the principle. There is no involvement in planning, directing or participating in the scheme or schemes in violation of this statute.

Temporary effective 7/14/88 to 1/9/89  
superceded by 7/20/88 temporary filing



Rape I  
163.375

SUBCATEGORY 1 - RATING 6:

Stranger to stranger; breaking and entering; threat to use or use of weapon; actual or threat of serious bodily or emotional harm; intercourse with female or male under 12.

SUBCATEGORY 2 - RATING 5:

All other cases.

Rape II  
163.365

SUBCATEGORY 1 - RATING 4:

Cases in which the female is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness; or the female is under 14 years of age.

SUBCATEGORY 2 - RATING 3:

All other cases.

Sexual Penetration with Foreign Object I  
163.411

SUBCATEGORY 1 - RATING 6:

Sexual Penetration with Foreign Object I is broken down in the same manner as Rape I.

SUBCATEGORY 2 - RATING 5:

All other cases.

Sodomy I  
163.405

SUBCATEGORY 1 - RATING 6:

Sodomy I is broken down in the same manner as Rape I.

SUBCATEGORY 2 - RATING 5:

All other cases.

Temporary effective 7/14/88 to 1/9/89  
B superceded by 7/20/88 temporary filing

Supplying Contraband  
162.185

SUBCATEGORY 1 - RATING 4:

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses any firearm; knowingly introduces any firearm into a correctional facility, juvenile facility, or state hospital.

SUBCATEGORY 2 - RATING 3:

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses dangerous weapon; knowingly introduces any dangerous weapon into a correctional facility, juvenile facility or state hospital.

SUBCATEGORY 3 - RATING 2:

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses any Schedule 1 controlled substance except marijuana; knowingly introduces any Schedule 1 controlled substance into a correctional facility, juvenile facility or state hospital.

SUBCATEGORY 4 - RATING 1:

All other cases.

Theft by Deception  
164.085

Breakdown is the same as for Theft 1.

Theft by Extortion  
164.075

SUBCATEGORY 1 - RATING 4:

Threat of serious bodily harm or death.

SUBCATEGORY 2 - RATING 3:

All others.

Temporary effective 7/14/88 to 1/9/89  
superceded by 7/20/88 temporary filing

Theft I  
164.005

SUBCATEGORY 1 - RATING 2:

Theft or receiving of \$1,000 to \$10,000.  
Theft of a motor vehicle for personal transportation.  
Theft of a livestock animal.  
Theft of a firearm or explosive.  
Theft during riot or catastrophe.

SUBCATEGORY 2 - RATING 1:

Thefts under \$1,000.

Theft of Services  
164.125

Breakdown is the same as for Theft I.

Unauthorized Use Motor Vehicle  
164.135

SUBCATEGORY 1 - RATING 2:

Loss, destruction or severe damage to vehicle or property; or injury to others.

SUBCATEGORY 2 - RATING 1:

All others.

Unlawful Creation or Delivery of Counterfeit Substance  
475.992(3)

Breakdown is the same as for Manufacture or Delivery of Controlled Substance.

Using a Child in a Display of Sexually Explicit Conduct  
163.670

SUBCATEGORY 1 - RATING 6:

Child 12 years of age or under.

SUBCATEGORY 2 - RATING 5:

All other cases.

Welfare/Food Stamp Fraud  
411.639; 411.640; 411.675; 411.690; 411.840

Breakdown is the same as for Theft I.

2/11/88

EXHIBIT A

PART II

Aggravated Murder  
163.095

Subcategory 1 - Rating of 8:

Stranger to stranger; cruelty to victim; prior conviction of murder or manslaughter; evidence of significant planning or preparation.

Subcategory 2 - Rating of 7:

All other cases of aggravated murder.

Arson I  
164.325

Subcategory 1 - Rating of 6:

Knew or should have known premises were occupied at time of act or injury.

Subcategory 2 - Rating of 5:

All other cases of Arson I.

Assault I  
163.185

Subcategory 1 - Rating of 6:

Cases of Assault I in which there is intentional cause of serious physical injury to another by means of a deadly or dangerous weapon.

Subcategory 2 - Rating of 5:

Cases of Assault I in which the victim(s) provoke the crime to a substantial degree or other evidence that misconduct by the victim(s) contributed substantially to the criminal episode.

Assault III  
163.165

Subcategory 1 - Rating of 3:

Assault III/Vehicular where defendant has at least 2 prior DUII convictions within a 5 year period.

Subcategory 2 - Rating of 2:

All other cases of Assault III.

Burglary I  
164.225

Subcategory 1 - Rating of 5:

Entry into a dwelling or non-dwelling, where defendant used or threatened to use, by word or gesture, a dangerous weapon or caused/threatened serious physical injury. Entry into a dwelling or non-dwelling in which goods taken are valued at \$5,000 or over.

Subcategory 2 - Rating of 4:

Entry into a dwelling or non-dwelling in which goods taken exceeds \$1,000 but is less than \$5,000.

Subcategory 3 - Rating of 3:

All other entries into dwelling or non-dwelling and the value of goods taken is less than \$1,000.

Burglary II  
164.215

Subcategory 1 - Rating of 3:

Theft or destruction over \$5,000 in property.

Subcategory 2 - Rating of 2:

Theft or destruction of between \$1,000-\$5,000.

Subcategory 3 - Rating of 1:

Theft of less than \$1,000.

Coercion

163.275

Subcategory 1 - Rating of 4:

Compelling another to act through threat of serious physical harm or property damage; blackmail.

Subcategory 2 - Rating of 3:

All others.

Computer Crime

164.377(2)(3)

Breakdown is the same as for Theft I.

Criminal Possession Rented/Leased Property

164.140

Breakdown is the same as for Theft I.

Criminally Negligent Homicide

163.145

Subcategory 1 - Rating of 4:

Vehicular Homicide where defendant with criminal negligence causes the death of another person.

Subcategory 2 - Rating of 3:

Cases where the victim's misconduct contributed to the criminal episode (i.e. victim was drinking buddy of def.).

Delivery of Marijuana for Payment

475.992(2)

Breakdown is the same as for Manufacture or Delivery of Controlled Substance.

Escape II

162.155

Subcategory 1 - Rating of 2:

Use or threat to use physical force escaping from custody; or, having been convicted or found guilty of a felony, escapes from custody imposed as a result thereof; or escapes from a correctional facility or, while otherwise under the jurisdiction of the Psychiatric Security Review Board, departs from state without authorization of Board. Permanent effective 7/1/88

Subcategory 2 - Rating of 1:

All other cases.

Failure to Perform Duties of a Driver Where There  
is Injury or Death  
811.705

Subcategory 1 - Rating 3:

If death results.

Subcategory 2 - Rating 2:

Injury and all other cases.

Forgery I  
165.013

Subcategory 1 - Rating of 3:

Loss, potential loss, or receiving of over \$5,000.

Subcategory 2 - Rating of 2:

Loss, potential loss, or receiving of \$1,000 to \$5,000.

Subcategory 3 - Rating of 1:

Loss, potential loss, or receiving of under \$1,000.

Fraud Involving Securities  
59.055; 59.135; 59.730; 59.740; 59.750; 59.760; 59.770; 59.780;  
59.790; 59.800

Breakdown is the same as for Theft I.

Manslaughter II  
163.125

Subcategory 1 - Rating of 5:

Cases where death of a victim, usually a child, results from prolonged abuse; failure to provide for victim's welfare resulting in death; medical treatment withheld to conceal physical signs of abuse.

Subcategory 2 - Rating of 4:

Causes another to commit suicide or aids, cases where death of victim involves use of a weapon or follows an assault; cases where death is by negligent use of

vehicle and defendant has at least 2 prior DUII convictions within 5 years.

Subcategory 3 - Rating of 3:

Cases where death is by negligent use of a vehicle; all other cases.

Manufacture or Delivery of Controlled Substance  
475.992(1)

Subcategory 1 - Rating of 4:

Manufacture or delivery of heroin or opiate derivatives for compensation of \$2,000 or more.

Subcategory 2 - Rating of 3:

Manufacture or delivery of heroin or opiate derivatives without compensation or for compensation of less than \$2,000; Manufacture or delivery of cocaine for compensation of \$2,000 or more and other drugs for compensation of \$1,000 or more.

Subcategory 3 - Rating of 2:

Manufacture or delivery of cocaine for compensation of less than \$2,000 and other drugs for compensation of less than \$1,000.

Subcategory 4 - Rating of 1:

Manufacture exclusively for own use; delivery without compensation, except heroin or opiate derivatives.

Murder  
163.115

Breakdown is the same as for Aggravated Murder  
All other cases of murder.

Negotiating a Bad Check  
165.065(3b)

Breakdown is the same as for Theft I.

Possession of Controlled Substance  
475.992(4)

Subcategory 1 - Rating of 2:



Possession of large amounts of schedule 1 or 2 drugs,  
presumption of possession with intent to sell.

Subcategory 2 - Rating of 1:

Possession of small amounts of schedule 1 or 2 drugs,  
rebuttable presumption of possession for own use.

Possessing Fraudulent Communications Devices  
165.070

Breakdown is the same as for Theft I.

Racketeering  
166.720

Subcategory 1 - Rating of 5:

The principle party involved in violation of the  
Racketeering statute. Involvement is that of planning,  
directing or participating in the scheme or schemes  
resulting in direct profit or gain.

Subcategory 2 - Rating of 4:

The subordinate party involved in violation of the  
Racketeering statute. Involvement is limited to acting  
as an agent or employee of the principle. There is no  
involvement in planning, directing or participating in  
the scheme or schemes in violation of this statute.

Rape I  
163.375

Subcategory 1 - Rating of 6:

Stranger to stranger; breaking and entering; threat to  
use or use of weapon; actual or threat of serious bodily  
or emotional harm; intercourse with female or male under  
12.

Subcategory 2 - Rating of 5:

All other cases.

Rape II  
163.365

Subcategory 1 - Rating of 4:

Cases in which the female is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness; or the female is under 14 years of age.

Subcategory 2 - Rating of 3:

All other cases.

Sexual Penetration with Foreign Object I  
163.411

Subcategory 1 - Rating of 6:

Sexual Penetration with Foreign Object I is broken down in the same manner as Rape I.

Subcategory 2 - Rating of 5:

All other cases.

Sodomy I  
163.405

Subcategory 1 - Rating of 6:

Sodomy I is broken down in the same manner as Rape I.

Subcategory 2 - Rating of 5:

All other cases. Supplying Contraband

162.185

Subcategory 1 - Rating of 4:

While confined in a correctinal facility, juvenile facility or state hospital makes, obtains or possesses any firearm; knowingly introduces any firearm into a correctional facility, juvenile facility, or state hospital.

Subcategory 2 - Rating of 3:

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses dangerous weapon; knowingly introduces any dangerous weapon into a correctional facility, juvenile facility or state hospital.

Subcategory 3 - Rating of 2:

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses any Schedule 1 controlled substance except marijuana; knowingly introduces any Schedule 1 controlled substance into a correctional facility, juvenile facility or state hospital.

Subcategory 4 - Rating of 1:

All other cases.

Theft by Deception

164.085

Breakdown is the same as for Theft I.

Theft by Extortion

164.075

Subcategory 1 - Rating of 4:

Threat of serious bodily harm or death.

Subcategory 2 - Rating of 3:

All others.

Theft I

164.005

Subcategory 1 - Rating of 2:

Theft or receiving of \$1,000 to \$10,000.  
Theft of a motor vehicle for personal transportation.  
Theft of a livestock animal.  
Theft of a firearm or explosive.  
Theft during riot or catastrophe.

Subcategory 2 - Rating of 1:

Thefts under \$1,000.

Theft of Services

164.125

Breakdown is the same as for Theft I.

Unauthorized Use Motor Vehicle

164.135

Subcategory 1 - Rating of 2:

Loss, destruction or severe damage to vehicle or property; or injury to others.

Subcategory 2 - Rating of 1:

All others.

Unlawful Creation or Delivery of Counterfeit Substance  
475.992(3)

Breakdown is the same as for Manufacture or Delivery of Controlled Substance.

Unlawful Delivery of Controlled Substance to a Minor  
475.995

Subcategory 1 - Rating of 4:

Any delivery of heroin; delivery for compensation of any other drug, except those fitting Sub. 3.

Subcategory 2 - Rating of 3:

All other except those fitting Sub. 3. Subcategory 3 - Rating of 2:

Any delivery of less than 1 ounce of marijuana.

Using a Child in a Display of Sexually Explicit Conduct  
163.670

Subcategory 1 - Rating of 6:

Child 12 years of age or under.

Subcategory 1 - Rating of 5:

All other cases.

Welfare/Food Stamp Fraud  
411.639; 411.640; 411.690; 411.840

Breakdown is the same as for Theft I.

Permanent effective 7/1/88

EXHIBIT A

PART II

Arson I  
164.325

Subcategory 1 - Rating of 6:

Knew or should have known premises were occupied at time of act or injury.

Subcategory 2 - Rating of 5:

All other cases of Arson I.

Assault I  
163.185

Subcategory 1 - Rating of 6:

Cases of Assault I in which there is intentional cause of serious physical injury to another by means of a deadly or dangerous weapon.

Subcategory 2 - Rating of 5:

Cases of Assault I in which the victim(s) provoke the crime to a substantial degree or other evidence that misconduct by the victim(s) contributed substantially to the criminal episode.

Assault III  
163.165

Subcategory 1 - Rating of 3:

Assault III/Vehicular where defendant has at least 2 prior DUII convictions within a 5 year period.

Subcategory 2 - Rating of 2:

All other cases of Assault III.

Permanent effective 4/4/88

Burqlary I  
164.225

Subcategory 1 - Rating of 5:

Entry into a dwelling or non-dwelling, where defendant used or threatened to use, by word or gesture, a dangerous weapon or caused/threatened serious physical injury. Entry into a dwelling or non-dwelling in which goods taken are valued at \$5,000 or over.

Subcategory 2 - Rating of 4:

Entry into a dwelling or non-dwelling in which goods taken exceeds \$1,000 but is less than \$5,000.

Subcategory 3 - Rating of 3:

All other entries into dwelling or non-dwelling and the value of goods taken is less than \$1,000.

Burqlary II  
164.215

Subcategory 1 - Rating of 3:

Theft or destruction over \$5,000 in property.

Subcategory 2 - Rating of 2:

Theft or destruction of between \$1,000-\$5,000.

Subcategory 3 - Rating of 1:

Theft of less than \$1,000.

CAID (Minors)  
475.995

Subcategory 1 - Rating of 4:

Furnishing heroin or opiate derivatives.

Subcategory 2 - Rating of 3:

Furnishing any drug except those fitting Sub. 3.

Subcategory 3 - Rating of 2:

Furnishing less than 1 ounce of marijuana.

3/29/88\*

2 Permanent effective 4/4/88

CAID (Others)

475.992(1)

Subcategory 1 - Rating of 3:

Manufacture, cultivation, or sale for profit, or possession with intent to sell for profit of any heroin or opiate derivatives.

Subcategory 2 - Rating of 2:

Manufacture, cultivation, or sale for profit, or possession with intent to sell for profit, of any other drug.

Subcategory 3 - Rating of 1:

Manufacture for own use or possession for own use.

Coercion

163.275

Subcategory 1 - Rating of 4:

Compelling another to act through threat of serious physical harm or property damage; blackmail.

Subcategory 2 - Rating of 3:

All others.

Criminal Possession Rented/Leased Property

164.140

Breakdown is the same as for Theft I.

Criminally Negligent Homicide

163.145

Subcategory 1 - Rating of 4:

Vehicular Homicide where defendant with criminal negligence causes the death of another person.

Subcategory 2 - Rating of 3:

Cases where the victim's misconduct contributed to the criminal episode (i.e. victim was drinking buddy of def.).

3/29/88\*

3

Permanent effective 4/4/88

Delivery of Marijuana for Payment  
475.992(2)

Breakdown is the same as for Manufacture or Delivery of  
Controlled Substance.

Escape II  
162.155

Subcategory 1 - Rating of 2:

Use or threat to use physical force escaping from  
custody; or, having been convicted or found guilty of a  
felony, escapes from custody imposed as a result  
thereof; or escapes from a correctional facility or,  
while otherwise under the jurisdiction of the  
Pyschiatric Security Review Board, departs from state  
without authorization of Board.

Subcategory 2 - Rating of 1:

All other cases.

Forgery I  
165.013

Subcategory 1 - Rating of 3:

Loss or receiving of over \$5,000.

Subcategory 2 - Rating of 2:

Loss or receiving of \$1,000 to \$5,000.

Subcategory 3 - Rating of 1:

Loss or receiving of under \$1,000.

Fraud Involving Securities  
59.055; 59.135; 59.730; 59.740; 59.750; 59.760; 59.770; 59.780;  
59.790; 59.800

Breakdown is the same as for Theft I.

Permanent effective 4/4/88



Manslaughter II

163.125

Subcategory 1 - Rating of 5:

Cases where death of a victim, usually a child, results from prolonged abuse; failure to provide for victim's welfare resulting in death; medical treatment withheld to conceal physical signs of abuse.

Subcategory 2 - Rating of 4:

Causes another to commit suicide or aids, cases where death of victim involves use of a weapon or follows an assault; cases where death is by negligent use of vehicle and defendant has at least 2 prior DUII convictions within 5 years.

Subcategory 3 - Rating of 3:

Cases where death is by negligent use of a vehicle; all other cases.

Manufacture or Delivery of Controlled Substance

475.992(1)

Subcategory 1 - Rating of 4:

Manufacture or delivery of heroin or opiate derivatives for compensation of \$2,000 or more.

Subcategory 2 - Rating of 3:

Manufacture or delivery of heroin or opiate derivatives without compensation or for compensation of less than \$2,000; Manufacture or delivery of cocaine for compensation of \$2,000 or more and other drugs for compensation of \$1,000 or more.

Subcategory 3 - Rating of 2:

Manufacture or delivery of cocaine for compensation of less than \$2,000 and other drugs for compensation of less than \$1,000.

Subcategory 4 - Rating of 1:

Manufacture exclusively for own use; delivery without compensation, except heroin or opiate derivatives.

Murder  
163.115

Subcategory 1 - Rating of 7:

Stranger to stranger; cruelty to victim; prior conviction of murder or manslaughter; evidence of significant planning or preparation.

Subcategory 2 - Rating of 7:

All other cases of murder.

Possessing Fraudulent Communications Device  
165.070

Breakdown is the same as for Theft I.

Possession of Controlled Substance  
475.992(4)

Subcategory 1 - Rating of 2:

Possession of large amounts of schedule 1 or 2 drugs, presumption of possession with intent to sell.

Subcategory 2 - Rating of 1:

Possession of small amounts of schedule 1 or 2 drugs, rebuttable presumption of possession for own use.

Racketeering  
166.720

Subcategory 1 - Rating of 5:

The principle party involved in violation of the Racketeering statute. Involvement is that of planning, directing or participating in the scheme or schemes resulting in direct profit or gain.

Subcategory 2 - Rating of 4:

The subordinate party involved in violation of the Racketeering statute. Involvement is limited to acting as an agent or employe of the principle. There is no involvement in planning, directing or participating in the scheme or schemes in violation of this statute.

Rape I  
163.375

Subcategory 1 - Rating of 6:

Stranger to stranger; breaking and entering; threat to use or use of weapon; actual or threat of serious bodily or emotional harm; intercourse with female or male under 12.

Subcategory 2 - Rating of 5:

All other cases.

Rape II  
163.365

Subcategory 1 - Rating of 4:

Cases in which the female is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness; or the female is under 14 years of age.

Subcategory 2 - Rating of 3:

All other cases.

Sexual Penetration with Foreign Object I  
163.411

Subcategory 1 - Rating of 6:

Sexual Penetration with Foreign Object I is broken down in the same manner as Rape I.

Subcategory 2 - Rating of 5:

All other cases.

Sodomy I  
163.405

Subcategory 1 - Rating of 6:

Sodomy I is broken down in the same manner as Rape I.

Subcategory 2 - Rating of 5:

All other cases.

3/29/88\*

7 Permanent effective 4/4/88

Supplying Contraband  
162.185

Subcategory 1 - Rating of 4:

While confined in a correctinal facility, juvenile facility or state hospital makes, obtains or possesses any firearm; knowingly introduces any firearm into a correctional facility, juvenile facility, or state hospital.

Subcategory 2 - Rating of 3:

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses dangerous weapon; knowingly introduces any dangerous weapon into a correctional facility, juvenile facility or state hospital.

Subcategory 3 - Rating of 2:

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses any Schedule 1 controlled substance except marijuana; knowingly introduces any Schedule 1 controlled substance into a correctional facility, juvenile facility or state hospital.

Subcategory 4 - Rating of 1:

All other cases.

Theft by Deception  
164.085

Breakdown is the same as for Theft I.

Theft by Extortion  
164.075

Subcategory 1 - Rating of 4:

Threat of serious bodily harm or death.

Subcategory 2 - Rating of 3:

All others.

Theft I  
164.005

Subcategory 1 - Rating of 2:

Theft or receiving of \$1,000 to \$10,000.  
Theft of a motor vehicle for personal transportation.  
Theft of a livestock animal.  
Theft of a firearm or explosive.  
Theft during riot or catastrophe.

Subcategory 2 - Rating of 1:

Thefts under \$1,000.

Theft of Services  
164.125

Breakdown is the same as for Theft I.

Unauthorized Use Motor Vehicle  
164.135

Subcategory 1 - Rating of 2:

Loss, destruction or severe damage to vehicle or property; or injury to others.

Subcategory 2 - Rating of 1:

All others.

Unlawful Creation or Delivery of Counterfeit Substance  
475.992(3)

Breakdown is the same as for Manufacture or Delivery of Controlled Substance.

Unlawful Delivery of Controlled Substance to a Minor  
475.995

Subcategory 1 - Rating of 4:

Any delivery of heroin; delivery for compensation of any other drug, except those fitting Sub. 3.

Permanent effective 4/4/88

3/29/88\*

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Subcategory 2 - Rating of 3:

All other except those fitting Sub. 3.

Subcategory 3 - Rating of 2:

Any delivery of less than 1 ounce of marijuana.

Using a Child in a Display of Sexually Explicit Conduct  
163.670

Subcategory 1 - Rating of 6:

Child 12 years of age or under.

Subcategory 1 - Rating of 5:

All other cases.

Welfare/Food Stamp Fraud  
411.639; 411.640; 411.690; 411.840

Breakdown is the same as for Theft I.

EXHIBIT A

Part II

Arson I            164.325

Subcategory 1 - Rating of 6:

Knew or should have known premises were occupied at time of act or injury.

Subcategory 2 - Rating of 5:

All other cases of Arson I.

Assault I            163.185

Subcategory 1 - Rating of 6:

Cases of Assault I in which there is intentional cause of serious physical injury to another by means of a deadly or dangerous weapon.

Subcategory 2 - Rating of 5:

Cases of Assault I in which the victim(s) provoke the crime to a substantial degree or other evidence that misconduct by the victim(s) contributed substantially to the criminal episode.

Burglary I            164.225

Subcategory 1 - Rating of 5:

Entry into a dwelling or non-dwelling, where defendant used or threatened to use, by word or gesture, a dangerous weapon or caused/threatened serious physical injury. Entry into a dwelling or non-dwelling in which goods taken are valued at \$5000 or over.

Subcategory 2 - Rating of 4:

Entry into a dwelling or non-dwelling in which goods taken exceeds \$1000 but is less than \$5000.

Subcategory 3 - Rating of 3:

All other entries into dwelling or non-dwelling and the value of goods taken is less than \$1000.

Burglary II      164.215

Subcategory 1 - Rating of 3:

Theft or destruction over \$5000 in property.

Subcategory 2 - Rating of 2:

Theft or destruction of between \$1000-5000.

Subcategory 3 - Rating of 1:

Theft of less than \$1000.

CAID (Minors)      475.995

Subcategory 1 - Rating of 4:

Furnishing heroin or opiate derivatives.

Subcategory 2 - Rating of 3:

Furnishing any drug except those fitting Sub 3.

Subcategory 3 - Rating of 2:

Furnishing less than 1 ounce of marijuana.

CAID (Others)      475.992(1)

Subcategory 1 - Rating of 3:

Manufacture, cultivation, or sale for profit, or possession with intent to sell for profit of any heroin or opiate derivatives.

Subcategory 2 - Rating of 2:

Manufacture, cultivation, or sale for profit, or possession with intent to sell for profit, of any other drug.

Subcategory 3 - Rating of 1:

Manufacture for own use or possession for own use.

Coercion      163.275

Subcategory 1 - Rating of 4:

Compelling another to act through threat of serious physical harm or property damage; blackmail.

Subcategory 2 - Rating of 3:

All others.



Criminal Possession Rented/  
Leased Property 164.140

Breakdown is the same as for Theft I.

Delivery of Marijuana  
For Payment 475.992(2)

- Breakdown is the same as for Manufacture or Delivery of Controlled Substance.

Escape II 162.155

Subcategory 1 - Rating of 2:

Use or threat to use physical force escaping from custody; or, having been convicted or found guilty of a felony, escapes from custody imposed as a result thereof; or, escapes from a correctional facility or, while otherwise under the jurisdiction of the Psychiatric Security Review Board, departs from state without authorization of Board.

Subcategory 2 - Rating of 1:

All other cases.

Forgery I 165.013

Subcategory 1 - Rating of 3:

Loss or receiving of over \$5000.

Subcategory 2 - Rating of 2:

Loss or receiving of \$1000 to \$5000.

Subcategory 1 - Rating of 1:

Loss or receiving of under \$1000.

Fraud Involving  
Securities 59.055; 59.135; 59.730; 59.740;  
59.750; 59.760; 59.770; 59.780;  
59.790; 59.800

Breakdown is the same as for Theft I.

Manslaughter II 163.125

Subcategory 1 - Rating of 5:

Cases where death of a victim, usually a child, results from prolonged abuse; failure to provide for victim's welfare resulting in death; medical treatment withheld to conceal physical signs of abuse.

Subcategory 2 - Rating of 4:

Causes another to commit suicide or aids, cases where death of victim involves use of a weapon or follows an assault.

Subcategory 3 - Rating of 3:

Cases where death is by negligent use of a vehicle; all other cases.

Manufacture or Delivery  
of Controlled  
Substance      475.992(1)

Subcategory 1 - Rating of 4:

Manufacture or delivery of heroin or opiate derivatives for compensation of of \$2000 or more.

Subcategory 2 - Rating of 3:

Manufacture or delivery of heroin or opiate derivatives without compensation or for compensation of less than \$2000; Manufacture or delivery of cocaine for compensation of \$2000 or more and other drugs for compensation of \$1000 or more.

Subcategory 3 - Rating of 2:

Manufacture or delivery of cocaine for compensation of less than \$2000 and other drugs for compensation of less than \$1000.

Subcategory 4 - Rating of 1:

Manufacture exclusively for own use; delivery without compensation, except heroin or opiate derivatives.

Murder      163.115

Subcategory 1 - Rating of 7:

Stranger to stranger; cruelty to victim; prior conviction of murder or manslaughter; evidence of significant planning or preparation.

Subcategory 2 - Rating of 7:

All other cases of murder.

Possessing Fraudulent  
Communications  
Device            165.070

Breakdown is the same as for Theft I.

Possession of Controlled  
Substance            475.992(4)

Subcategory 1 - Rating of 2:

Possession of large amounts of schedule 1 or 2 drugs,  
presumption of possession with intent to sell.

Subcategory 2 - Rating of 1:

Possession of small amounts of schedule 1 or 2 drugs,  
rebuttable presumption of possession for own use.

Racketeering            166.720

Subcategory 1 - Rating of 5:

The principle party involved in violation of the Racketeering  
statute. Involvement is that of planning, directing or  
participating in the scheme or schemes resulting in direct  
profit or gain.

Subcategory 2 - Rating of 4:

The subordinate party involved in violation of the  
Racketeering statute. Involvement is limited to acting as an  
agent or employe of the principle. There is no involvement in  
planning, directing or participating in the scheme or schemes  
in violation of this statute.

Rape I                    163.375

Subcategory 1 - Rating of 6:

Stranger to stranger; breaking and entering; threat to use or  
use of weapon; actual or threat of serious bodily or emotional  
harm; intercourse with female or male under 12.

Subcategory 2 - Rating of 5:

All other cases.

Rape II                    163.365

Subcategory 1 - Rating of 4:

Cases in which the female is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness; or the female is under 14 years of age.

Subcategory 2 - Rating of 3:

All other cases.

Sexual Penetration with  
Foreign Object I                    163.411

Subcategory 1 - Rating of 6:

Sexual Penetration with Foreign Object I is broken down in the same manner as Rape I.

Subcategory 2 - Rating of 5:

All other cases.

Sodomy I                    163.405

Subcategory 1 - Rating of 6:

Sodomy I is broken down in the same manner as Rape I.

Subcategory 2 - Rating of 5:

All other cases.

Supplying  
Contraband                    162.185

Subcategory 1 - Rating of 4:

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses any firearm; knowingly introduces any firearm into a correctional facility, juvenile facility, or state hospital.

Subcategory 2 - Rating of 3:

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses dangerous weapon; knowingly introduces any dangerous weapon into a correctional facility, juvenile facility or state hospital.

Subcategory 3 - Rating of 2:

While confined in a correctional facility, juvenile facility or state hospital makes, obtains or possesses any Schedule I controlled substance except marijuana; knowingly introduces any Schedule I controlled substance into a correctional facility, juvenile facility or state hospital.

Subcategory 4 - Rating of 1:

All other cases.

Theft by  
Deception            164.085

Breakdown is the same as for Theft I.

Theft by  
Extortion            164.075

Subcategory 1 - Rating of 4:

Threat of serious bodily harm or death.

Subcategory 2 - Rating of 3:

All others.

Theft I            164.005

Subcategory 1 - Rating of 3:

Theft or receiving of over \$5000.

Subcategory 2 - Rating of 2:

Theft or receiving of \$1000 to \$5000.  
Theft of a livestock animal.  
Theft of a firearm or explosive.  
Theft during riot or catastrophe.

Subcategory 3 - Rating of 1:

Thefts under \$1000.

Theft of  
Services            164.125

Breakdown is the same as for Theft I.

Unauthorized Use  
Motor Vehicle 164.135

Subcategory 1 - Rating of 2:

Loss, destruction or severe damage to vehicle or property; or injury to others.

Subcategory 2 - Rating of 1:

All others.

Unlawful Creation or  
Delivery of Counterfeit  
Substance 475.992(3)

Breakdown is the same as for Manufacture or Delivery of Controlled Substance.

Unlawful Delivery of  
Controlled Substance  
to A Minor 475.995

Subcategory 1 - Rating of 4:

Any delivery of heroin; delivery for compensation of any other drug, except those fitting Sub 3.

Subcategory 2 - Rating of 3:

All other except those fitting Sub 3.

Subcategory 3 - Rating of 2:

Any delivery of less than 1 ounce of marijuana.

Welfare/Food 411.639; 411.640; 411.690  
Stamp Fraud 411.840

Breakdown is the same as for Theft I.

EXHIBIT A

Part II

OFFENSE SERIOUSNESS RATINGS  
SUBCATEGORIZATION OF BROAD-SCOPE OFFENSE CATEGORIES

MURDER -- ORS 163.115

Felony Class: A

Statutory Elements: Committed intentionally, not under extreme emotional disturbance; committed by person(s) committing, attempting or fleeing from Arson I, Burglary I, Escape I, Kidnapping I, Rape I, Sodomy I, or Robbery.

Subcategory 1 - rating of 7

...Stranger to stranger; cruelty to victim; prior conviction for Murder or Manslaughter; evidence of significant planning or preparation

Subcategory 2 - rating of 7

...All other cases of Murder

NOTE: Applies to crimes committed before December 7, 1978.

RAPE I -- ORS 163.375

Felony Class: A

Statutory Elements: Forcible compulsion; or voluntary intercourse with female under 12; or incestuous voluntary intercourse with female under 16

Subcategory 1 - rating of 6

...Stranger to stranger; aggravated custodial interference; breaking and entering; threat to use or use of a weapon; or actual or attempted serious bodily or emotional harm; or  
...Intercourse with female under 12

Subcategory 2 - rating of 5

...All other cases

SODOMY I -- ORS 163.405

Sodomy I should be broken down in the same manner as Rape I.

SEXUAL PENETRATION WITH A FOREIGN OBJECT I -- ORS 163.411

Sexual Penetration I should be broken down in the same manner as Rape I.

OREGON ADMINISTRATIVE RULES  
CHAPTER 255 — BOARD OF PAROLE

ROBBERY I -- ORS 164.415

Felony Class: A

Statutory Elements: Robbery involved either:  
armed with a deadly weapon; or  
uses or attempts to use dangerous weapon; or  
causes or attempts to cause serious injury

Subcategory 1 - rating of 6

...All cases of Robbery I except those fitting Subcategory 2

Subcategory 2 - rating of 5

Cases of robbery where the crime does not involve

...Discharge of a firearm; or  
...Use of any other dangerous weapon; or  
...Explicit and immediate threats, by word or gesture (e.g., cocking hammer  
of gun), of death or serious bodily harm; or  
...Serious injury]

ASSAULT I -- ORS 163.185

Felony Class: A

Statutory Elements: Intentional serious injury to another by means of  
a deadly or dangerous weapon

Subcategory 1 - rating of 6

...All cases of Assault I except those fitting Subcategory 2

Subcategory 2 - rating of 5

...Cases of Assault I in which the victim or victims provoked the crime to  
a substantial degree, or other evidence that misconduct by victim con-  
tributed substantially to the criminal episode.

ARSON I -- ORS 164.325

Felony Class: A

Statutory Elements: Arson involving either:  
property of another which is customarily occupied by  
people; or own property, if persons are endangered or  
if other customarily occupied property is also endangered



OREGON ADMINISTRATIVE RULES  
CHAPTER 255 — BOARD OF PAROLE

EXHIBIT A

Part II

OFFENSE SERIOUSNESS RATINGS  
SUBCATEGORIZATION OF BROAD-SCOPE OFFENSE CATEGORIES

MURDER -- ORS 163.115

Felony Class: A

Statutory Elements: Committed intentionally, not under extreme emotional disturbance; committed by person(s) committing, attempting or fleeing from Arson I, Burglary I, Escape I, Kidnapping I, Rape I, Sodomy I, or Robbery.

Subcategory 1 - rating of 7

...Stranger to stranger; cruelty to victim; prior conviction for Murder or Manslaughter; evidence of significant planning or preparation

Subcategory 2 - rating of 7

...All other cases of Murder

NOTE: Applies to crimes committed before December 7, 1978.

RAPE I -- ORS 163.375

Felony Class: A

Statutory Elements: Forcible compulsion; or voluntary intercourse with female under 12; or incestuous voluntary intercourse with female under 16

Subcategory 1 - rating of 6

...Stranger to stranger; aggravated custodial interference; breaking and entering; threat to use or use of a weapon; or actual or attempted serious bodily or emotional harm; or  
...Intercourse with female under 12

Subcategory 2 - rating of 5

...All other cases

SODOMY I -- ORS 163.405

Sodomy I should be broken down in the same manner as Rape I.

(August, 1980)

4 - Exhibit A

Temporary effective 11/25/81 to 5/23/82  
but see permanent effective 5/19/82

OREGON ADMINISTRATIVE RULES  
CHAPTER 255 -- BOARD OF PAROLE

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ROBBERY I -- ORS 164.415

Felony Class: A

Statutory Elements: Robbery involved either:  
armed with a deadly weapon; or  
uses or attempts to use dangerous weapon; or  
causes or attempts to cause serious injury

Subcategory 1 - rating of 6

...All cases of Robbery I except those fitting Subcategory 2

Subcategory 2 - rating of 5

Cases of robbery where the crime does not involve

...Discharge of a firearm; or  
...Use of any other dangerous weapon; or  
...Explicit and immediate threats, by word or gesture (e.g., cocking hammer  
of gun), of death or serious bodily harm; or  
...Serious injury

ASSAULT I -- ORS 163.185

Felony Class: A

Statutory Elements: Intentional serious injury to another by means of  
a deadly or dangerous weapon

Subcategory 1 - rating of 6

...All cases of Assault I except those fitting Subcategory 2

Subcategory 2 - rating of 5

...Cases of Assault I in which the victim or victims provoked the crime to  
a substantial degree, or other evidence that misconduct by victim con-  
tributed substantially to the criminal episode.

ARSON I -- ORS 164.325

Felony Class: A

Statutory Elements: Arson involving either:  
property of another which is customarily occupied by  
people; or own property, if persons are endangered or  
if other customarily occupied property is also endangered

S - Exhibit A

(August, 1980)  
Temporary effective 11/25/81 to 5/23/82  
but see permanent effective 5/19/82

ARSON I (Continued)

Subcategory 1 - rating of 6

...Knowing the premises were occupied at time of act; or  
...Actual serious injury

Subcategory 2 - rating of 5

...Other cases of Arson I

BURGLARY I -- ORS 164.225

Felony Class: A

Statutory Elements: Burglary involving either:  
entry of a dwelling; or else  
entry of a building, if defendant is armed/carries  
burglar's tools/causes or threatens injury/or use of a  
dangerous weapon

Subcategory 1 - rating of 5

Entry into any actually or regularly occupied building, whether a dwelling  
or non-dwelling, where defendant

...Used or threatened to use, by word or gesture, a dangerous weapon; and  
...Caused or threatened serious physical injury

Subcategory 2 - rating of 4

...Entry into a non-dwelling in which value of goods taken is over \$5,000  
...Entry into a residence or temporary residence, except for cases fitting  
Subcategory 3

Subcategory 3 - rating of 3

...All other entries into a non-dwelling; or  
...Entry into a residence or temporary residence in which  
...Defendant is not armed with a deadly or dangerous weapon; and  
...No extensive property damage; and  
...Value of goods taken was below \$1,000

Temporary effective 11/25/81 to 5/23/82  
became permanent 5/19/82

Manslaughter II --- ORS 163.125

Felony Class: B

Statutory Elements: Criminal homicide not meeting statutory elements of Murder of Manslaughter I, committed recklessly, or resulting from intentionally causing/ assisting another person to commit suicide.

Subcategory 1 --- rating of 5

. . . Manslaughter II cases where death of a victim, usually a child, results from prolonged abuse; failure to provide for the victim's welfare resulting in death; or medical treatment is withheld in order to conceal physical signs of abuse.

Subcategory 2 --- rating of 4

. . . Manslaughter II cases where the death of a victim involves use of a weapon or follows an assault.

Subcategory 2 --- rating of 3

. . . Manslaughter II cases where the death is by negligent use of a vehicle and all other cases.

RAPE II -- ORS 163.365

Felony Class: B

Temporary effective 11/25/81 to 5/23/82  
became permanent 5/19/82

OREGON ADMINISTRATIVE RULES  
CHAPTER 255 -- BOARD OF PAROLE

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RAPE II (Continued)

Statutory Elements: Nonforcible intercourse involving:  
incapacitated (e.g., mentally defective) female; or  
female under 14 (i.e., 12 or 13)

Subcategory 1 - rating of 4

...All cases of Rape II except those fitting Subcategory 2

Subcategory 2 - rating of 3

...Not both under 16 and incapacitated; and  
...No coercion or undue influence (e.g., father, step-father); and  
...No position of trust (e.g., counselor, doctor)

BURGLARY II -- ORS 164.215

Felony Class: C

Statutory Elements: Any illegal entry, if not a Burglary I, with intent to  
commit a crime therein

Subcategory 1 - rating of 3

...Theft or destruction of over \$5,000

Subcategory 2 - rating of 2

...Theft or destruction of between \$1,000 and \$5,000

Subcategory 3 - rating of 1

Theft or destruction of less than \$1,000

THEFT I -- ORS 164.055

Felony Class: C

Statutory Elements: Theft involving:  
more than \$200; or  
during a riot or catastrophe; or  
theft by receiving; or  
of a livestock animal; or  
of a firearm or explosive

Subcategory 1 - rating of 3

...Theft or receiving of over \$5,000

OREGON ADMINISTRATIVE RULES  
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COERCION (Continued)

Subcategory 2 - rating of 3

...All others

UNAUTHORIZED USE OF A MOTOR VEHICLE -- ORS 164.135

Felony Class: C

Statutory Elements: Joyriding, unauthorized exercise of control over  
vehicle

Subcategory 1 - rating of 2

...Loss, destruction or severe damage to vehicle or to property; or  
...Injury to others

Subcategory 2 - rating of 1

...Other

FORGERY I -- ORS 165.013

Felony Class: C

The breakdown should be based on the amounts involved in the same manner  
as theft.

Note: For this crime and other theft crimes, the amounts involved would be  
based on the amounts for which each defendant has been convicted or has  
admitted.

POACHING -- ORS 496.992(3)

Felony Class: C

Statutory Elements: Second and each subsequent conviction within a  
10-year period for taking of game fish or game mammals  
with a value of \$200

Subcategory 1 - rating of 2

...Poaching of game valued over \$3,000; or  
...Commercial operation

OREGON ADMINISTRATIVE RULES  
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MANUFACTURE OR DELIVERY OF A CONTROLLED SUBSTANCE (Continued)

Subcategory 1 - rating of 4

...Manufacture or delivery of heroin or opiate derivatives for compensation of \$2,000 or more

Subcategory 2 - rating of 3

...Manufacture or delivery of heroin or opiate derivatives without compensation or for compensation of less than \$2,000;  
...Manufacture or delivery of cocaine for compensation of \$2,000 or more and other drugs for compensation of \$1,000 or more

Subcategory 3 - rating of 2

...Manufacture or delivery of cocaine for compensation of less than \$2,000 and other drugs for compensation of less than \$1,000

Subcategory 4 - rating of 1

...Manufacture exclusively for own use;  
...Delivery without compensation, except heroin or opiate derivatives

UNLAWFUL CREATION OR DELIVERY OF COUNTERFEIT SUBSTANCE -- ORS 475.992(3)

Statutory Elements: Unlawful creation or delivery of counterfeit substance

Felony Class: Schedule 1 drugs - Class A Felony  
Schedule 2 drugs - Class B Felony  
Schedule 3 drugs - Class C Felony

Subcategory 1 - rating of 3

...Schedule 1 drugs, except marijuana

Subcategory 2 - rating of 2

...Schedule 2 drugs, plus PCP

Subcategory 3 - rating of 1

...Schedule 3 drugs, plus marijuana

POSSESSION OF CONTROLLED SUBSTANCE -- ORS 475.992(4)

Statutory Elements: Knowing or intertional possession of controlled substance not obtained by prescription or valid doctor's order

OREGON ADMINISTRATIVE RULES  
CHAPTER 255 -- BOARD OF PAROLE

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CRIMINAL ACTIVITY IN DRUGS (INVOLVING MINORS) (Continued)

Subcategory 2 - rating of 3

...Furnishing any other drug except those fitting in Subcategory 3

Subcategory 3 - rating of 2

...Furnishing less than 1 ounce of marijuana

NOTE: Applies to crimes committed before July 1, 1978.

CRIMINAL ACTIVITY IN DRUGS (OTHER) -- ORS 167.207(1)

Felony Class: B

Statutory Elements: Manufacture, cultivation, sale or possession of any narcotic or dangerous drug (other than possession of less than one ounce of marijuana)

Subcategory 1 - rating of 3

...Manufacture, cultivation or sale for profit, or possession with intent to sell for profit of any heroin or opiate derivatives

Subcategory 2 - rating of 2

...Manufacture, cultivation, or sale for profit, or possession with intent to sell for profit, of any other drug

Subcategory 3 - rating of 1

...Manufacture for own use or possession for own use

NOTE: Applies to crimes committed before July 1, 1978.

Temporary effective 11/25/81 to 5/23/82

13 - Exhibit A

(August, 1980)

This page was not attached to the 5/19/82 permanent certificate, however it was probably a clerical error and was intended to be part of that certificate.



OREGON ADMINISTRATIVE RULES  
CHAPTER 235 — BOARD OF PAROLE

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[ROBBERY I -- ORS 164.415

Felony Class: A

Statutory Elements: Robbery involved either:  
armed with a deadly weapon; or uses or  
attempts to use dangerous weapon; or  
causes or attempts to cause serious injury

Subcategory 1 - rating of 6

... All cases of Robbery I except those fitting Subcategory 2

Subcategory 2 - rating of 5

Cases of robbery where the crime does not involve

- ... Discharge of a firearm; or
- ... Use of any other dangerous weapon; or
- ... Explicit and immediate threats, by word or gesture (e.g., cocking hammer of gun), of death or serious bodily harm; or
- ... Serious injury]

ASSAULT I -- ORS 163.185

Felony Class: A

Statutory Elements: Intentional serious injury to another by means of  
a deadly or dangerous weapon

Subcategory 1 - rating of 6

...All cases of Assault I except those fitting Subcategory 2

Subcategory 2 - rating of 5

...Cases of Assault I in which the victim or victims provoked the crime to  
a substantial degree, or other evidence that misconduct by victim con-  
tributed substantially to the criminal episode.

ARSON I -- ORS 164.325

Felony Class: A

Statutory Elements: Arson involving either:  
property of another which is customarily occupied by  
people; or own property, if persons are endangered or  
if other customarily occupied property is also endangered

ITEM 5

AMENDMENT TO EXHIBIT A, PART II

Exhibit A, Part II, Chapter 255, Oregon Administrative Rules, is amended to add the subcategorization of Supplying Contraband, as follows:

SUPPLYING CONTRABAND ORS 162.185

Felony Class - C

Statutory Elements: Person knowingly introduces contraband into a correctional facility, juvenile training school or state hospital, or being confined in a correctional facility, juvenile training school or state hospital, he knowingly makes, obtains or possesses any contraband.

Subcategory 1 - Rating of 5

...All cases of supplying contraband which involve the supplying or possession of any explosive substance, pistol, revolver or other firearm or ammunition.

Subcategory 2 - Rating of 3

...All cases of supplying contraband which involve the supplying or possession of any dangerous instrument or weapon, including, but not limited to any blackjack, slingshot, billy club, sand club, or metal knuckles, dirk, dagger, or sharp instrument.

Subcategory 3 - Rating of 2

...All cases of supplying contraband which involve the supplying or possession of Schedule I drugs, except marijuana, Schedule II drugs, plus PCP.

Subcategory 4 - Rating of 1

...All cases of supplying contraband which involve the supplying or possession of Schedule III drugs, plus marijuana or other contraband not fitting subcategories 1, 2, and 3 above.

ITEM 5

AMENDMENT TO EXHIBIT A, PART II

Exhibit A, Part II, Chapter 255, Oregon Administrative Rules, is amended to add the subcategorization of Supplying Contraband, as follows:

SUPPLYING CONTRABAND ORS 162.185

Felony Class - C

Statutory Elements: Person knowingly introduces contraband into a correctional facility, juvenile training school or state hospital, or being confined in a correctional facility, juvenile training school or state hospital, he knowingly makes, obtains or possesses any contraband.

Subcategory 1 - Rating of 5

...All cases of supplying contraband which involve the supplying or possession of any explosive substance, pistol, revolver or other firearm or ammunition.

Subcategory 2 - Rating of 3

...All cases of supplying contraband which involve the supplying or possession of any dangerous instrument or weapon, including, but not limited to any blackjack, slingshot, billy club, sand club, or metal knuckles, dirk, dagger, or sharp instrument.

Subcategory 3 - Rating of 2

...All cases of supplying contraband which involve the supplying or possession of Schedule I drugs, except marijuana, Schedule II drugs, plus PCP.

Subcategory 4 - Rating of 1

...All cases of supplying contraband which involve the supplying or possession of Schedule III drugs, plus marijuana or other contraband not fitting subcategories 2 and 1 above.

*1, 2 and 3 above*

OREGON ADMINISTRATIVE RULES  
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EXHIBIT A

Part II

OFFENSE SERIOUSNESS RATINGS  
SUBCATEGORIZATION OF BROAD-SCOPE OFFENSE CATEGORIES

MURDER -- ORS 163.115

Felony Class: A

Statutory Elements: Committed intentionally, not under extreme emotional disturbance; committed by person(s) committing, attempting or fleeing from Arson I, Burglary I, Escape I, Kidnapping I, Rape I, Sodomy I, or Robbery.

Subcategory 1 - rating of 7

...Stranger to stranger; cruelty to victim; prior conviction for Murder or Manslaughter; evidence of significant planning or preparation

Subcategory 2 - rating of 7

...All other cases of Murder

NOTE: Applies to crimes committed before December 7, 1978.

RAPE I -- ORS 163.375

Felony Class: A

Statutory Elements: Forcible compulsion; or voluntary intercourse with female under 12; or incestuous voluntary intercourse with female under 16

Subcategory 1 - rating of 6

...Stranger to stranger; aggravated custodial interference; breaking and entering; threat to use or use of a weapon; or actual or attempted serious bodily or emotional harm; or  
...Intercourse with female under 12

Subcategory 2 - rating of 5

...All other cases

SODOMY I -- ORS 163.405

Sodomy I should be broken down in the same manner as Rape I.

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ROBBERY I -- ORS 164.415

Felony Class: A

Statutory Elements: Robbery involved either:  
armed with a deadly weapon; or  
uses or attempts to use dangerous weapon; or  
causes or attempts to cause serious injury

Subcategory 1 - rating of 6

...All cases of Robbery I except those fitting Subcategory 2

Subcategory 2 - rating of 5

Cases of robbery where the crime does not involve

...Discharge of a firearm; or  
...Use of any other dangerous weapon; or  
...Explicit and immediate threats, by word or gesture (e.g., cocking hammer  
of gun), of death or serious bodily harm; or  
...Serious injury

ASSAULT I -- ORS 163.185

Felony Class: A

Statutory Elements: Intentional serious injury to another by means of  
a deadly or dangerous weapon

Subcategory 1 - rating of 6

...All cases of Assault I except those fitting Subcategory 2

Subcategory 2 - rating of 5

...Cases of Assault I in which the victim or victims provoked the crime to  
a substantial degree, or other evidence that misconduct by victim con-  
tributed substantially to the criminal episode.

ARSON I -- ORS 164.325

Felony Class: A

Statutory Elements: Arson involving either:  
property of another which is customarily occupied by  
people; or own property, if persons are endangered or  
if other customarily occupied property is also endangered

OREGON ADMINISTRATIVE RULES  
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ARSON I (Continued)

Subcategory 1 - rating of 6

...Knowing the premises were occupied at time of act; or  
...Actual serious injury

Subcategory 2 - rating of 5

...Other cases of Arson I

BURGLARY I -- ORS 164.225

Felony Class: A

Statutory Elements: Burglary involving either:  
entry of a dwelling; or else  
entry of a building, if defendant is armed/carries  
burglar's tools/causes or threatens injury/or use of a  
dangerous weapon

Subcategory 1 - rating of 5

Entry into any actually or regularly occupied building, whether a dwelling  
or non-dwelling, where defendant

...Used or threatened to use, by word or gesture, a dangerous weapon; and  
...Caused or threatened serious physical injury

Subcategory 2 - rating of 4

...Entry into a non-dwelling in which value of goods taken is over \$5,000  
...Entry into a residence or temporary residence, except for cases fitting  
Subcategory 3

Subcategory 3 - rating of 3

...All other entries into a non-dwelling; or  
...Entry into a residence or temporary residence in which  
...Defendant is not armed with a deadly or dangerous weapon; and  
...No extensive property damage; and  
...Value of goods taken was below \$1,000

RAPE II -- ORS 163.365

Felony Class: B



OREGON ADMINISTRATIVE RULES  
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RAPE II (Continued)

Statutory Elements: Nonforcible intercourse involving:  
incapacitated (e.g., mentally defective) female; or  
female under 14 (i.e., 12 or 13)

Subcategory 1 - rating of 4

...All cases of Rape II except those fitting Subcategory 2

Subcategory 2 - rating of 3

...Not both under 16 and incapacitated; and  
...No coercion or undue influence (e.g., father, step-father); and  
...No position of trust (e.g., counselor, doctor)

BURGLARY II -- ORS 164.215

Felony Class: C

Statutory Elements: Any illegal entry, if not a Burglary I, with intent to  
commit a crime therein

Subcategory 1 - rating of 3

...Theft or destruction of over \$5,000

Subcategory 2 - rating of 2

...Theft or destruction of between \$1,000 and \$5,000

Subcategory 3 - rating of 1

Theft or destruction of less than \$1,000

THEFT I -- ORS 164.055

Felony Class: C

Statutory Elements: Theft involving:  
more than \$200; or  
during a riot or catastrophe; or  
theft by receiving; or  
of a livestock animal; or  
of a firearm or explosive

Subcategory 1 - rating of 3

...Theft or receiving of over \$5,000

**OREGON ADMINISTRATIVE RULES  
CHAPTER 255 -- BOARD OF PAROLE**

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THEFT I (Continued)

Subcategory 2 - rating of 2

- ...Theft or receiving of \$1,000 to \$5,000
- ...Theft of a firearm or explosive
- ...Theft of a livestock animal
- ...Theft during riot or catastrophe

Subcategory 3 - rating of 1

- ...Other thefts (i.e., thefts under \$1,000)

THEFT OF SERVICES -- ORS 164.125

The breakdown should be the same as for ordinary Theft.

THEFT BY DECEPTION -- ORS 164.085

The breakdown should be the same as for ordinary Theft.

THEFT BY EXTORTION -- ORS 164.075

Felony Class: C

Statutory Elements: Extortion through threat of serious physical harm  
or property damage; blackmail

Subcategory 1 - rating of 4

- ...Threat of serious bodily harm or death

Subcategory 2 - rating of 3

- ...All others

COERCION -- ORS 163.275

Felony Class: C

Statutory Elements: Compelling another to act through threat of serious  
physical harm or property damage; blackmail

Subcategory 1 - rating of 4

- ...Threat of serious bodily harm or death

OREGON ADMINISTRATIVE RULES  
CHAPTER 255 -- BOARD OF PAROLE

---

COERCION (Continued)

Subcategory 2 - rating of 3

...All others

UNAUTHORIZED USE OF A MOTOR VEHICLE -- ORS 164.135

Felony Class: C

Statutory Elements: Joyriding, unauthorized exercise of control over vehicle

Subcategory 1 - rating of 2

...Loss, destruction or severe damage to vehicle or to property; or  
...Injury to others

Subcategory 2 - rating of 1

...Other

FORGERY I -- ORS 165.013

Felony Class: C

The breakdown should be based on the amounts involved in the same manner as theft.

Note: For this crime and other theft crimes, the amounts involved would be based on the amounts for which each defendant has been convicted or has admitted.

POACHING -- ORS 496.992(3)

Felony Class: C

Statutory Elements: Second and each subsequent conviction within a 10-year period for taking of game fish or game mammals with a value of \$200

Subcategory 1 - rating of 2

...Poaching of game valued over \$3,000; or  
...Commercial operation

Permanent effective 2/1/79

OREGON ADMINISTRATIVE RULES  
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POACHING (Continued)

Subcategory 2 - rating of 1

...Other

ESCAPE II -- ORS 162.155

Felony Class: C

Statutory Elements: Escape from custody where individual:  
uses or threatens to use physical force; or  
the confinement is due to a finding of guilt of a felony; or  
escape is from a correctional facility

Subcategory 1 - rating of 2

...All cases of Escape except those fitting Subcategory 2

Subcategory 2 - rating of 1

...Escapes from a minimum custody situation in a correctional facility  
for no more than 30 days (e.g., walkaways from Prison Farm, Work  
Release Center, outside custody at OSP)

DRUG CRIMES

Uniform Controlled Substance Act

DRUG VIOLATIONS OF CONTROLLED SUBSTANCE ACT BY REGISTRANTS -- ORS 475.993

Felony Class: C

Rating: 1

MANUFACTURE OR DELIVERY OF A CONTROLLED SUBSTANCE -- ORS 475.992(1)

Statutory Elements: Manufacture or delivery of a controlled substance

Schedule 1 drugs - Class A Felony  
Schedule 2 drugs - Class B Felony  
Schedule 3 drugs - Class C Felony

Manufacture or delivery of marijuana for compensation -  
Class B Felony

OREGON ADMINISTRATIVE RULES  
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MANUFACTURE OR DELIVERY OF A CONTROLLED SUBSTANCE (Continued)

Subcategory 1 - rating of 4

...Manufacture or delivery of heroin or opiate derivatives for compensation of \$2,000 or more

Subcategory 2 - rating of 3

...Manufacture or delivery of heroin or opiate derivatives without compensation or for compensation of less than \$2,000;  
...Manufacture or delivery of cocaine for compensation of \$2,000 or more and other drugs for compensation of \$1,000 or more

Subcategory 3 - rating of 2

...Manufacture or delivery of cocaine for compensation of less than \$2,000 and other drugs for compensation of less than \$1,000

Subcategory 4 - rating of 1

...Manufacture exclusively for own use;  
...Delivery without compensation, except heroin or opiate derivatives

UNLAWFUL CREATION OR DELIVERY OF COUNTERFEIT SUBSTANCE -- ORS 475.992(3)

Statutory Elements: Unlawful creation or delivery of counterfeit substance

Felony Class: Schedule 1 drugs - Class A Felony  
Schedule 2 drugs - Class B Felony  
Schedule 3 drugs - Class C Felony

Subcategory 1 - rating of 3

...Schedule 1 drugs, except marijuana

Subcategory 2 - rating of 2

...Schedule 2 drugs, plus PCP

Subcategory 3 - rating of 1

...Schedule 3 drugs, plus marijuana

POSSESSION OF CONTROLLED SUBSTANCE -- ORS 475.992(4)

Statutory Elements: Knowing or intentional possession of controlled substance not obtained by prescription or valid doctor's order

OREGON ADMINISTRATIVE RULES  
CHAPTER 255 — BOARD OF PAROLE

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POSSESSION OF CONTROLLED SUBSTANCE (Continued)

Felony Class: Schedule 1 drugs - Class B Felony  
Schedule 2 drugs - Class C Felony

Subcategory 1 - rating of 2

...Possession of large amounts (rebuttable presumption of possession with intent to sell)

Subcategory 2 - rating of 1

...Possession of small amounts (rebuttable presumption of possession for own use)

UNLAWFUL DELIVERY OF A CONTROLLED SUBSTANCE TO ANY MINOR -- ORS 475.995

Statutory Elements: Unlawful delivery of a controlled substance to any minor (under 18);  
Unlawful delivery of marijuana to a minor more than three years younger

Felony Class: Schedules 1 and 2 - Class A Felony  
Schedule 3 - Class B Felony

Subcategory 1 - rating of 4

...Any delivery of heroin;  
...Delivery for compensation of any other drug, except those fitting Subcategory 3

Subcategory 2 - rating of 3

...All other except those fitting Subcategory 3

Subcategory 3 - rating of 2

...Any delivery of less than 1 ounce of marijuana

CRIMINAL ACTIVITY IN DRUGS (INVOLVING MINORS) -- ORS 167.207(4)

Felony Class: A

Statutory Elements: Furnishing a narcotic or dangerous drug to a person under 18 by an adult at least three years older

Subcategory 1 - rating of 4

...Furnishing heroin or opiate derivatives;  
...Sale for profit of any drug

OREGON ADMINISTRATIVE RULES  
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CRIMINAL ACTIVITY IN DRUGS (INVOLVING MINORS) (Continued)

Subcategory 2 - rating of 3

...Furnishing any other drug except those fitting in Subcategory 3

Subcategory 3 - rating of 2

...Furnishing less than 1 ounce of marijuana

NOTE: Applies to crimes committed before July 1, 1978.

CRIMINAL ACTIVITY IN DRUGS (OTHER) — ORS 167.207(1)

Felony Class: B

Statutory Elements: Manufacture, cultivation, sale or possession of any narcotic or dangerous drug (other than possession of less than one ounce of marijuana)

Subcategory 1 - rating of 3

...Manufacture, cultivation or sale for profit, or possession with intent to sell for profit of any heroin or opiate derivatives

Subcategory 2 - rating of 2

...Manufacture, cultivation, or sale for profit, or possession with intent to sell for profit, of any other drug

Subcategory 3 - rating of 1

...Manufacture for own use or possession for own use

NOTE: Applies to crimes committed before July 1, 1978.

Permanent effective 2/1/79