



HUMAN RIGHTS *for* KIDS

Oregon State Ratings Report

Human Rights for Kids (HRFK) annual state ratings process tracks the presence or absence of 12 categories of state statutes that are critical to protecting the human rights of children in the criminal justice system. It is important to note that these 12 categories are not exhaustive of all the important legislation needed to safeguard children's human rights. Furthermore, the ratings do not assess the effectiveness or implementation of these laws in the state. The purpose of the annual state ratings process is to document policies enacted by state legislatures, motivate legislators and policy advocates, and bring attention to the need to prioritize children in criminal justice reform and human rights advocacy. For each category, we track whether a state has a statute consistent with the described policy.

TOTAL POINTS:	7 out of 12
TIER RATING:	2

1. Due Process Protections at Point of Entry for Kids

No Credit: 0/1

There are no statutory protections in place requiring children to consult with their parents, legal guardians, or legal counsel prior to waiving their Miranda Rights or being subject to a custodial interrogation for proceedings in either juvenile or adult court.

2. Set a Minimum Age of at Least 10 for Juvenile Court

No Credit: 0/1

Pursuant to §419C.005, there is no minimum age for when a child may be adjudicated delinquent in juvenile court.

§419C.005. Jurisdiction

(1) The juvenile court has exclusive original jurisdiction in any case involving a person who is under 18 years of age and who has committed an act that is a violation, or that if done by an adult would constitute a violation, of a law or ordinance of the United States or a state, county or city.

3. Set a Maximum Age of at Least 17 for Juvenile Court

Full Credit: 1/1

See §419C.005 above, where the jurisdiction of the juvenile court for delinquent acts extends to anyone under the age of 18.

4. Ban Prosecuting Kids Under 14 as Adults AND Require a Child Status Hearings for All Kids 14+ Before Proceedings in Adult Court

Partial Credit: .5/1

Pursuant to §419C.352, children under 15 may be prosecuted as adults in certain circumstances. §419C.349 provides for a robust child status hearing before a child can be transferred to adult court; however, under §419C.364, a child who is 16 or older and has been transferred to adult court can be transferred in later cases without a child status hearing. Therefore, Oregon receives partial credit.

§419C.349 - Grounds for waiving youth to adult court

(1) Except as otherwise provided in ORS 419C.364 or 419C.370, the juvenile court shall conduct a waiver hearing when:

(a) The state files a motion requesting a waiver hearing in a case in which a petition has been filed alleging that a youth has committed an act when the youth was 15, 16 or 17 years of age that, if committed by an adult, would constitute aggravated murder or an offense listed in ORS 137.707; or

(b) The state files a motion requesting a waiver hearing in a case in which a petition has been filed alleging that a youth has committed an act when the youth was 15, 16 or 17 years of age that, if committed by an adult, would constitute:

(A) A Class A or Class B felony;

(B) Any of the following Class C felonies:

- (i) Escape in the second degree under ORS 162.155;
 - (ii) Assault in the third degree under ORS 163.165;
 - (iii) Coercion under ORS 163.275(1)(a);
 - (iv) Arson in the second degree under ORS 164.315; or
 - (v) Robbery in the third degree under ORS 164.395;
 - (C) Any Class C felony in which the youth used or threatened to use a firearm; or
 - (D) Any other crime that the state and the youth stipulate is subject to waiver.
- (2) After the hearing, the juvenile court may waive the youth to a circuit, justice or municipal court of competent jurisdiction if:
- (a) The youth at the time of the alleged offense was of sufficient sophistication and maturity to appreciate the nature and quality of the conduct involved; and
 - (b) The juvenile court, after considering the following criteria, determines by a preponderance of the evidence that retaining jurisdiction will not serve the best interests of the youth and of society and therefore is not justified:
 - (A) The amenability of the youth to treatment and rehabilitation given the techniques, facilities and personnel for rehabilitation available to the juvenile court and to the criminal court that would have jurisdiction after transfer;
 - (B) The protection required by the community, given the seriousness of the offense alleged, and whether the youth can be safely rehabilitated under the jurisdiction of the juvenile court;
 - (C) The aggressive, violent, premeditated or willful manner in which the offense was alleged to have been committed;
 - (D) The previous history of the youth, including:
 - (i) Prior treatment efforts and out-of-home placements; and
 - (ii) The physical, emotional and mental health of the youth;
 - (E) The youth's prior record of acts that would be crimes if committed by an adult;
 - (F) The gravity of the loss, damage or injury caused or attempted during the offense;
 - (G) The prosecutive merit of the case against the youth; and
 - (H) The desirability of disposing of all cases in one trial if there were adult cooffenders.
- (3) The victim of the alleged offense has the right to appear at a hearing under this section and to provide the court with any information reasonably related to the court's determination.
- (4) The right to counsel, and the appointment of counsel under ORS 419C.200, applies to a hearing under this section.
- (5) The state has the right to have at least one psychiatrist or licensed psychologist of its selection examine the youth concerning the determination of whether to waive the youth under this section.

§419C.352 - Grounds for waiving youth under 15 years of age

The juvenile court, after a hearing, except as provided in ORS 419C.364 or 419C.370, may waive a youth under 15 years of age at the time the act was committed to circuit court for prosecution as an adult if:

- (1) The youth is represented by counsel during the waiver proceedings;

- (2) The juvenile court makes the findings required under ORS 419C.349 (2); and
- (3) The youth is alleged to have committed an act or acts that if committed by an adult would constitute one or more of the following crimes:
 - (a) Murder or any aggravated form thereof under ORS 163.095 or 163.115;
 - (b) Rape in the first degree under ORS 163.375(1)(a);
 - (c) Sodomy in the first degree under ORS 163.405(1)(a); or
 - (d) Unlawful sexual penetration in the first degree under ORS 163.411(1)(a).

§419C.364 - Waiver of future cases

After the juvenile court has entered an order waiving a youth to an adult court under ORS 419C.349, the court may, if the youth is 16 years of age or older, enter a subsequent order providing that in all future cases involving the same youth, the youth shall be waived to the appropriate court without further proceedings under ORS 419C.349 and 419C.370.

5. Ban Mandatory Minimum Sentencing for Kids

No Credit: 0/1

There is no statutory provision allowing judges to depart from any mandatory minimum sentence once a child has been convicted in adult criminal court.

137.707 Mandatory minimum sentences for certain juvenile offenders waived to adult court; lesser included offenses; return to juvenile court.

- (1) When a person waived under ORS 419C.349 (1)(a) is convicted of an offense listed in subsection (4) of this section, the court shall impose at least the presumptive term of imprisonment provided for the offense in subsection (4) of this section. The court may impose a greater presumptive term if otherwise permitted by law, but may not impose a lesser term. The person is not, during the service of the term of imprisonment, eligible for release on post-prison supervision or any form of temporary leave from custody. The person is not eligible for any reduction in the minimum sentence for any reason under ORS 421.121 or any other provision of law. The person is eligible for a hearing and conditional release under ORS 420A.203 and 420A.206.
- (2) ORS 138.052, 163.105 and 163.150 apply to sentencing a person prosecuted under this section and convicted of aggravated murder under ORS 163.095 except that a person who was under 18 years of age at the time the offense was committed is not subject to a sentence of death or life imprisonment without the possibility of release or parole.
- (3) The court shall commit the person to the legal and physical custody of the Department of Corrections.
- (4) The offenses to which this section applies and the presumptive sentences are:
 - (a) (A) Murder, as defined in ORS 163.115.....300 months

(B) Attempt or conspiracy to commit aggravated murder, as defined in ORS 163.095.....	120 months
(C) Attempt or conspiracy to commit murder, as defined in ORS 163.115.....	90 months
(D) Manslaughter in the first degree, as defined in ORS 163.118.....	120 months
(E) Manslaughter in the second degree, as defined in ORS 163.125.....	75 months
(F) Assault in the first degree, as defined in ORS 163.185.....	90 months
(G) Assault in the second degree, as defined in ORS 163.175.....	70 months
(H) Kidnapping in the first degree, as defined in ORS 163.235.....	90 months
(I) Kidnapping in the second degree, as defined in ORS 163.225.....	70 months
1 (J) Rape in the first degree, as defined in ORS 163.375.....	100 months
(K) Rape in the second degree, as defined in ORS 163.365.....	75 months
(L) Sodomy in the first degree, as defined in ORS 163.405.....	100 months
(M) Sodomy in the second degree, as defined in ORS 163.395.....	75 months
(N) Unlawful sexual penetration in the first degree, as defined in ORS 163.411.....	100 months
(O) Unlawful sexual penetration in the second degree, as defined in ORS 163.408.....	75 months
(P) Sexual abuse in the first degree, as defined in ORS 163.427.....	75 months
(Q) Robbery in the first degree, as defined in ORS 164.415.....	90 months
(R) Robbery in the second degree, as defined in ORS 164.405.....	70 months
(b) (A) Arson in the first degree, as defined in ORS 164.325, when the offense represented a threat of serious physical injury.....	90 months
(B) Using a child in a display of sexually explicit conduct, as defined in ORS 163.670.....	70 months
(C) Compelling prostitution, as defined in ORS 167.017(1)(a), (b) or (d).....	70 months
(c) Aggravated vehicular homicide, as defined in ORS 163.149.....	240 months

Section 161.740 - Sentencing of juvenile offenders

(2) In determining the appropriate sentence for a person who was under 18 years of age at the time of committing the offense, if the court is provided information concerning the following circumstances, or any other relevant circumstances, the court shall consider those circumstances in imposing the sentence:

- (a) The person’s age, intellectual capacity and impetuosity at the time of the offense.
- (b) The person’s family and community environment, history of trauma and prior involvement in the juvenile dependency system at the time of the offense.
- (c) The person’s ability at the time of the offense to appreciate the risks and consequences of the conduct constituting the offense.
- (d) The person’s community involvement prior to the offense.
- (e) Any peer or familial pressure to which the person was subjected at the time of the offense.
- (f) Whether and to what extent an adult was involved in the commission of the offense.
- (g) The person’s capacity for rehabilitation.

- (h) The person's school records and special education evaluations.
- (i) Any other mitigating factors or circumstances presented by the person.
- (3)(a) If the court is provided with a report of a mental health evaluation of the person, the court shall give the evaluation substantial weight in imposing the sentence if: (A) The evaluation was conducted by a psychiatrist or psychologist whose primary practice involves the treatment of adolescents; and (B) The report includes the assessment of the person's degree of insight, judgment, self-awareness, emotional regulation and impulse control.
- (b) Paragraph (a) of this subsection does not constitute a requirement that a person obtain or submit an evaluation for sentencing.
- (4) When sentencing a person who was under 18 years of age at the time of committing the offense, under no circumstances may the court consider the age of the person as an aggravating factor.
- (5) When sentencing a person who was under 18 years of age at the time of committing an offense to a term of imprisonment, the court shall indicate in the judgment:
 - (a) The age of the person at the time of committing the offense; and
 - (b) That the person is eligible for a hearing and release under section 25 of this 2019 Act.

6. Ban Felony-Murder Rule for Kids

Partial Credit: .5/1

Pursuant to §163.115, children may claim an affirmative defense to a charge of second degree murder predicated on the felony murder rule. Because there are several exceptions to claiming the defense, Oregon receives partial credit.

§163.115. Murder in the second degree

- (1) Except as provided in ORS 163.118 and 163.125, criminal homicide constitutes murder:
 - (a) When it is committed intentionally, except that it is an affirmative defense that, at the time of the homicide, the defendant was under the influence of an extreme emotional disturbance;
 - (b) When it is committed by a person, acting either alone or with one or more persons, who commits or attempts to commit any of the following crimes and in the course of and in furtherance of the crime the person is committing or attempting to commit, or during the immediate flight therefrom, the person, or another participant if there be any, causes the death of a person other than one of the participants:
 - (A) Arson in the first degree as defined in ORS 164.325;
 - (B) Criminal mischief in the first degree by means of an explosive as defined in ORS 164.365;
 - (C) Burglary in the first degree as defined in ORS 164.225;

- (D) Escape in the first degree as defined in ORS 162.165;
- (E) Kidnapping in the second degree as defined in ORS 163.225;
- (F) Kidnapping in the first degree as defined in ORS 163.235;
- (G) Robbery in the first degree as defined in ORS 164.415;
- (H) Any felony sexual offense in the first degree defined in this chapter;
- (I) Compelling prostitution as defined in ORS 167.017; or
- (J) Assault in the first degree, as defined in ORS 163.185, and the victim is under 14 years of age, or assault in the second degree, as defined in ORS 163.175 (1)(a) or (b), and the victim is under 14 years of age;
- (3) It is an affirmative defense to a charge of violating subsection (1)(b) of this section that the defendant:
 - (a) Was not the only participant in the underlying crime;
 - (b) Did not commit the homicidal act or in any way solicit, request, command, importune, cause or aid in the commission thereof;
 - (c) Was not armed with a dangerous or deadly weapon;
 - (d) Had no reasonable ground to believe that any other participant was armed with a dangerous or deadly weapon; and
 - (e) Had no reasonable ground to believe that any other participant intended to engage in conduct likely to result in death.

7. Ban Life Without Parole Sentences for Kids

Full Credit: 1/1

Pursuant to §137.707 and §161.740, a child may not be sentenced to life without the possibility of parole.

§137.707 Mandatory minimum sentences for certain juvenile offenders waived to adult court; lesser included offenses; return to juvenile court.

(2) ORS 138.052, 163.105 and 163.150 apply to sentencing a person prosecuted under this section and convicted of aggravated murder under ORS 163.095 except that a person who was under 18 years of age at the time the offense was committed is not subject to a sentence of death or life imprisonment without the possibility of release or parole.

§161.740 - Sentencing of juvenile offenders

(1) A court may not impose a sentence of life imprisonment without the possibility of release or parole on a person who was under 18 years of age at the time of committing the offense.

8. Safety Release Valve for Kids Serving Lengthy Prison Sentences

Full Credit: 1/1

Pursuant to §144.397, all children are entitled to parole review after serving 15 years of imprisonment. Therefore, Oregon receives full credit.

§144.397 - Release eligibility for juvenile offenders after 15 years of imprisonment; board hearing; rules

(1) (a) A person convicted of an offense or offenses committed when the person was under 18 years of age, who is serving a sentence of imprisonment for the offense or offenses, is eligible for release on parole or post-prison supervision as provided in this section after the person has served 15 years of imprisonment.

(b) Nothing in this section is intended to prevent a person from being released prior to serving 15 years of imprisonment under any other provision of law.

(c) As used in this subsection, "served 15 years of imprisonment" means that 15 years have passed since the person began serving the sentence, including pretrial incarceration but not including any reduction in sentence under ORS 421.121 or any other statute.

(2) This section applies notwithstanding ORS 144.110 or the fact that the person was:

(a) Sentenced to a minimum sentence under ORS 163.105, 163.107, 163.115 or 163.155.

(b) Sentenced to a mandatory minimum sentence under ORS 137.700, 137.707 or 137.717, a determinate sentence under ORS 137.635 or a sentence required by any other provision of law.

(c) Sentenced to two or more consecutive sentences under ORS 137.123.

(3) When a person eligible for release on parole or post-prison supervision as described in subsection (1) of this section has served 15 years of imprisonment, the State Board of Parole and Post-Prison Supervision shall hold a hearing. The hearing must provide the person a meaningful opportunity to be released on parole or post-prison supervision.

(4) The board may require the person, before holding a hearing described in this section, to be examined by a psychiatrist or psychologist with expertise in adolescent development. Within 60 days of the evaluation, the examining psychiatrist or psychologist shall file a written report of the findings and conclusions of the examination with the board. A certified copy of the report shall be provided to the person and the person's attorney.

(5) During a hearing under this section, the board shall consider and give substantial weight to the fact that a person under 18 years of age is incapable of the same reasoning and impulse control as an adult and the diminished culpability of minors as compared to that of adults. The board shall also consider the following circumstances, if relevant to the specific person and offense:

(a) The age and immaturity of the person at the time of the offense.

- (b) Whether and to what extent an adult was involved in the offense.
- (c) The person's family and community circumstances at the time of the offense, including any history of abuse, trauma and involvement in the juvenile dependency system.
- (d) The person's subsequent emotional growth and increased maturity during the person's imprisonment.
- (e) The person's participation in rehabilitative and educational programs while in custody if such programs have been made available to the person and use of self-study for self-improvement.
- (f) A mental health diagnosis.
- (g) Any other mitigating factors or circumstances presented by the person.
- (6) Under no circumstances may the board consider the age of the person as an aggravating factor.
- (7) If the board finds that, based on the consideration of the age and immaturity of the person at the time of the offense and the person's behavior thereafter, the person has demonstrated maturity and rehabilitation, the board shall release the person as follows:
 - (a) For a person sentenced under ORS 163.105, 163.107, 163.115 or 163.155, the board shall set a release date that is not more than 60 days from the date of the hearing and, notwithstanding section 28, chapter 790, Oregon Laws 1989, the person shall be released on parole in accordance with ORS 144.125, 144.260 and 144.270.
 - (b) A person sentenced to a term of imprisonment under a provision of law other than ORS 163.105, 163.107, 163.115 or 163.155 shall be released on post-prison supervision in accordance with ORS 144.096 and 144.098 within 60 days of the date of the hearing.
- (8) Unless the context requires otherwise, the provisions of ORS 144.260 to 144.380 apply to a person released on parole under subsection (7)(a) of this section.
- (9) If the board determines that the person has not demonstrated maturity and rehabilitation under subsection (7) of this section, the board may postpone a subsequent hearing to a date that is at least two years but no more than 10 years from the date of the hearing.
- (10) The person may waive a hearing under this section. Notwithstanding waiver of the hearing, the board shall hold a hearing under this section upon the person's written request.
- (11) The board shall provide notice of the hearing to:
 - (a) The district attorney of the county in which the person was convicted; and
 - (b) The victim of any offense for which the person is serving a sentence, if the victim requests to be notified and furnishes the board with a current address.
- (12) A person has the right to counsel, including counsel appointed at board expense, at a hearing under this section.
- (13) The board may adopt rules to carry out the provisions of this section.

9. Ban Solitary Confinement for Kids

Full Credit: 1/1

Pursuant to §169.740, §169.750, and §137.124, juveniles may not be placed in solitary confinement in either juvenile or adult facilities.

§169.740 - Standards for juvenile detention facilities

(1) The standards established in ORS 169.076 to 169.078 apply to juveniles detained in juvenile detention facilities.

(2) In addition, juvenile detention facilities shall:

(c) Provide for separation of detained juveniles from the sight and sound of detained adults. Juveniles may not be placed in facilities that are designated for isolation of adult prisoners in order to meet this standard;

§169.750 - Restrictions on operation of juvenile detention facilities

A juvenile detention facility may not:

(1) Impose upon a detained juvenile for purposes of discipline or punishment any infliction of or threat of physical injury or pain, deliberate humiliation, physical restraint, withholding of meals, or isolation, or detention under conditions that violate the provisions of subsections (2) to (8) of this section or ORS 169.076(7) to (11) or (13) to (15) or 169.740;

(2) Use any physical force, other means of physical control or isolation upon a detained juvenile except as reasonably necessary and justified to prevent escape from the facility, physical injury to another person, to protect a detained juvenile from physical self-injury or to prevent destruction of property, or to effectuate the confinement of the juvenile in roomlock or isolation as provided for in ORS 169.090, 169.730 to 169.800, 419A.050 and 419A.052, and for only so long as it appears that the danger exists. A use of force or other physical means of control may not employ:

(a) The use of restraining devices for a purpose other than to prevent physical injury or escape, or, in any case, for a period in excess of six hours. However, the time during which a detained juvenile is being transported to another facility pursuant to court order shall not be counted within the six hours; or

(b) Isolation for a period in excess of six hours;

(3) Use roomlock except for the discipline and punishment of a detained juvenile for violation of a rule of conduct or behavior of the facility as provided for in ORS 169.076(12) or for conduct that constitutes a crime under the laws of this state or that would justify physical force, control or isolation under subsection (2) of this section;

§137.124 - Commitment of defendant to Department of Corrections or county; place of confinement; transfer of inmates; juveniles

(8) Notwithstanding any other provision of this section, under no circumstances may a person under 18 years of age be incarcerated in a Department of Corrections institution.

10. Ban Incarcerating Kids with Adults

No Credit: 0/1

Despite statutory restrictions on placing juveniles in adult facilities under §137.124 above, juveniles may be placed in adult facilities under §419A.063, §420.011, and §419C.130.

§419A.063 - Requirements for detention facilities

(1) The juvenile court may not place a youth offender in a detention facility under ORS 419C. 453 unless the facility:

(a) Houses youth offenders in a room or ward screened from the sight and sound of adults who may be detained in the facility; and

(b) Is staffed by juvenile department employees.

(2) In no case may the court order, pursuant to ORS 419C. 453, that a youth offender under 14 years of age be placed in any detention facility in which adults are detained or imprisoned.

(3) As used in this section, "adult" does not include a person who is 18 years of age or older and is alleged to be, or has been found to be, within the jurisdiction of the juvenile court under ORS 419C. 005.

§420.011 - Admissions to youth correction facilities; assignment of persons within custody of Department of Corrections; temporary assignment; return to Department of Corrections custody

(3) Any person under 18 years of age at the time of committing the crime and under 20 years of age at the time of sentencing and commitment who, after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707(5)(b) (A) or (7)(b) or 137.712, is sentenced to a term of imprisonment in the custody of the Department of Corrections, and any person under 16 years of age who after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707(5)(b)(A) or (7)(b) or 137.712 is sentenced to a term of imprisonment in the county jail, shall be temporarily assigned to a youth correction facility by the Department of Corrections, or by the sheriff to whose custody the person has been committed, pursuant to ORS 137.124(6). The director shall designate the appropriate youth correction facility or schools for such assignment. A person assigned to a youth correction facility under ORS 137.124(6) and this subsection remains within the legal custody of the Department of Corrections or sheriff to whose custody the person was committed. The assignment of such a

person to the youth correction facility is subject, when the person is 18 years of age or older, to termination by the director by referring the person back to the Department of Corrections or the sheriff to serve the balance of the person's sentence. Assignment to a youth correction facility pursuant to ORS 137.124(6) and this subsection, if not terminated earlier by the director, shall terminate upon the person's attaining the age specified in ORS 420A.010(5) setting the age limits for which the Oregon Youth Authority may retain legal and physical custody of the person, and the person shall be referred to the Department of Corrections or the sheriff having legal custody of the person to serve the balance of the person's sentence.

§419C.130 - Youth or youth offender may not be detained where adults are detained; exceptions

(1) A youth or youth offender may not be detained at any time in a police station, jail, prison or other place where adults are detained, except as follows:

(a) A youth or youth offender may be detained in a police station for up to five hours when necessary to obtain the youth or youth offender's name, age, residence and other identifying information.

(b) A youth waived under ORS 419C.349 or 419C.364 to the court handling criminal actions or to municipal court may be detained in a jail or other place where adults are detained if:

(A) The youth is at least 16 years of age; and

(B) The director of the county juvenile department and the sheriff, or other official responsible for the jail or other place, agree to detain the youth in a jail or other place where adults are detained.

(c) When detention is authorized by ORS 419C.453, a youth offender may be detained in a jail or other place where adults are detained.

(2) A youth waived to the court handling criminal actions or to municipal court pursuant to a standing order of the juvenile court under ORS 419C. 370, including a youth accused of nonpayment of fines, may not be detained in a jail or other place where adults are detained.

(3) As used in this section, "adult" does not include a person who is 18 years of age or older and is alleged to be, or has been found to be, within the jurisdiction of the juvenile court under ORS 419C. 005.

11. Ban Mandatory Post-Release Lifetime Supervision

Full Credit: 1/1

Pursuant to §144.103, formerly incarcerated children may be discharged from parole.

§144.103 - Term of post-prison supervision for person convicted of certain offenses

(1) Except as otherwise provided in ORS 137.765 and subsection (2) of this section, any person sentenced to a term of imprisonment for violating or attempting to violate ORS 163.365, 163.375, 163.395, 163.405, 163.408, 163.411, 163.425 or 163.427 shall serve a term of active post-prison supervision that continues until the term of the post-prison supervision, when added to the term of imprisonment served, equals the maximum statutory indeterminate sentence for the violation.

(2) (a) A person sentenced to a term of imprisonment for violating one of the offenses listed in paragraph (b) of this subsection shall serve a term of post-prison supervision that continues for the rest of the person's life if the person was at least 18 years of age at the time the person committed the crime.

(b) The offenses to which paragraph (a) of this subsection applies are: (A) ORS 163.375(1)(b); (B) ORS 163.405(1)(b); (C) ORS 163.411(1)(b); and (D) ORS 163.235 when the offense is committed in furtherance of the commission or attempted commission of rape in the first degree, sodomy in the first degree or unlawful sexual penetration in the first degree if the victim is under 12 years of age.

(c) When a person is sentenced to a term of post-prison supervision described in paragraph (a) of this subsection, the person must be actively supervised for at least the first 10 years of the post-prison supervision and actively tracked for the remainder of the term. Active tracking may be done by means of an electronic device attached to the person.

(3) A person sentenced to a term of imprisonment for violating ORS 163.185(1)(b) shall serve a term of post-prison supervision that continues until the term of the post-prison supervision, when added to the term of imprisonment served, equals the maximum statutory indeterminate sentence for the violation.

(4) Any costs incurred as a result of this section shall be paid by increased post-prison supervision fees under ORS 423.570.

12. Voting Rights Restoration

Full Credit: 1/1

Pursuant to §137.281, a formerly incarcerated child who has reached voting age can vote after they have been discharged from imprisonment.

§137.281 - Withdrawal of rights during term of incarceration; restoration of rights

(1) In any felony case, when the defendant is sentenced to a term of incarceration, the defendant is deprived of all rights and privileges described in subsection (3) of this section from the date of sentencing until:

(a) The defendant is released from incarceration; or

- (b) The defendant's conviction is set aside.
- (2) Subsection (1) of this section applies to any term of incarceration, whether the term of incarceration was imposed as a result of conviction or as a sanction or revocation resulting from the defendant's violation of the terms and conditions of probation, parole or postprison supervision.
- (3) The rights and privileges of which a person may be deprived under this section are:
 - (a) Holding a public office or an office of a political party or becoming or remaining a candidate for either office;
 - (b) Holding a position of private trust;
 - (c) Acting as a juror; or
 - (d) Exercising the right to vote.
- (4) If the court under subsection (1) of this section temporarily stays execution of sentence for any purpose other than probation, the defendant nonetheless is sentenced for purposes of subsection (1) of this section.
- (5) A person convicted of any crime and serving a term of imprisonment in any federal correctional institution in this state is deprived of the rights to register to vote, update a registration or vote in any election in this state from the date of sentencing until:
 - (a) The person is discharged or paroled from imprisonment; or
 - (b) The person's conviction is set aside.
- (6) The county clerk or county official in charge of elections in any county may cancel the registration of any person serving a term of imprisonment in any federal correctional institution in this state.
- (7) Except as otherwise provided in ORS 10.030, the rights and privileges withdrawn by this section are restored automatically upon release from incarceration, but in the case of parole shall be automatically withdrawn upon a subsequent imprisonment for violation of the terms of the parole.