

Chapter 168

Habitual Criminals

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CROSS REFERENCES

More than one conviction for carrying dangerous weapons, 166.510	Second conviction for violating lottery law, 167.430
Penalties for repeated violations of liquor law, 471.990	Second conviction of crimes involving rape or sodomy, 167.050
Repeated convictions for committing felonies while armed, 166.230	Second violation of narcotics law, 475.070

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168.010 Penalty for second felony. Any person who, after having been convicted within or without this state by state or federal court of a felony, may, upon conviction of any felony for a second time committed within five years after the first offense, or upon conviction subsequently for any felony committed within five years of the prior offense, be sentenced to imprisonment for a term not to exceed twice the longest term prescribed for a first conviction of the offense for which such person is last convicted.

168.020 Fourth or subsequent convictions of a felony. Any person who, after having been three times convicted within or without this state by a state or federal court of any felony or of attempt to commit any felony, upon conviction of any felony for a fourth or subsequent offense committed within five years after the prior offense may be sentenced to life imprisonment in the penitentiary but shall be sentenced not less than twice the maximum term prescribed for the offense for which such person is last convicted.

168.030 Computation of period between crimes. Any period of servitude by a person in a penal institution, within or without this state shall not be included in the computation of any five-year period mentioned in ORS 168.010 or 168.020 but said five-year periods shall run only during the time the person was at liberty.

168.040 Investigation and trial of an habitual criminal. (1) If at any time within two years after conviction the district attorney of the county in which the conviction was had has reason to believe that the convicted person has previously been convicted within or without this state of any felony, he shall immediately investigate.

(2) If, upon investigation, it is determined by competent evidence that the person has been so previously convicted, the district attorney, in cases of crimes involving violence or threat of violence to person, shall, and in other cases, may, immediately file an information accusing the person of

the previous convictions and serve a copy of the information upon him. The information shall be filed within two years after the last conviction, and a copy served on the defendant 30 days before any further proceedings are taken in court.

(3) At the end of the 30 day period the court in which the last conviction was had shall cause the person, whether confined in the penitentiary or otherwise, to be brought before it and shall inform him of the allegations contained in the information and of his right to be tried as to the truth thereof according to law. The court shall require him to state whether or not he is the person charged in the information. If he denies being that person, refuses to answer, or remains silent, his plea or the fact of his silence shall be entered of record, and a jury shall be empaneled to inquire whether he is the person mentioned in the several records as set forth in the information. If the jury finds that he is that person, or if he acknowledges or confesses in open court, after being duly cautioned as to his rights, that he is that person, the court shall sentence him as provided in ORS 168.010 or 168.020, and shall vacate any previous sentence imposed on the last conviction, deducting from the new sentence all time actually served on the sentence so vacated, unless the new sentence is for the term of his natural life.

168.050 Peace officer's duty to report an habitual criminal. When any warden or prison, probation, parole or police officer, or other peace officer knows that any person charged with, or convicted of crime has been previously convicted, within the meaning of ORS 168.010 or 168.020, he shall immediately report the facts to the district attorney of the county in which the last conviction was had.

168.060 Review of sentences; effect of repeal. Sentences imposed under ORS 168.010, 168.020 or 168.040 are reviewable upon appeal by the Supreme Court. All laws repealed by section 8, chapter 585, Laws of Oregon 1947, are continued in full force and effect as to penalties incurred.

