



Court Interpreter Services
Oregon Standardized English – Spanish Legal Terms

<u>ENGLISH</u>	<u>ENGLISH DEFINITION</u>	<u>SPANISH</u>	<u>ADDITIONAL NOTES</u>
upward durational departure	English Definition	incremento en el plazo de la pena	
waiver of rights	English Definition	renuncia a los derechos	

ENGLISH DEFINITIONS

acquittal: (Black’s Law Dictionary, 8th Edition): *n.* **1.** The legal certification, usu. by jury verdict, that an accused person is not guilty of the charged offense. [Return to Top](#)

affidavit: (law.com) Affidavit *n.* (1) any written document in which the signer swears under oath before a notary public or someone authorized to take oaths (like a County Clerk), that the statements in the document are true.(2) in many states a declaration under penalty of perjury, which does not require the oath-taking before a notary, is the equivalent of an affidavit. [Return to Top](#)

aggravated murder: As used in ORS 163.105 and this section, “aggravated murder” means murder as defined in ORS 163.115 which is committed under, or accompanied by, any of the following circumstances:

(1)(a) The defendant committed the murder pursuant to an agreement that the defendant receive money or other thing of value for committing the murder.

(b) The defendant solicited another to commit the murder and paid or agreed to pay the person money or other thing of value for committing the murder.

(c) The defendant committed murder after having been convicted previously in any jurisdiction of any homicide, the elements of which constitute the crime of murder as defined in ORS 163.115 or manslaughter in the first degree as defined in ORS 163.118.

(d) There was more than one murder victim in the same criminal episode as defined in ORS 131.505.

(e) The homicide occurred in the course of or as a result of intentional maiming or torture of the victim.

(f) The victim of the intentional homicide was a person under the age of 14 years.

(2)(a) The victim was one of the following and the murder was related to the performance of the victim’s official duties in the justice system:



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- (A) A police officer as defined in ORS 181.610;
 - (B) A correctional, parole and probation officer or other person charged with the duty of custody, control or supervision of convicted persons;
 - (C) A member of the Oregon State Police;
 - (D) A judicial officer as defined in ORS 1.210;
 - (E) A juror or witness in a criminal proceeding;
 - (F) An employee or officer of a court of justice; or
 - (G) A member of the State Board of Parole and Post-Prison Supervision.
- (b) The defendant was confined in a state, county or municipal penal or correctional facility or was otherwise in custody when the murder occurred.
- (c) The defendant committed murder by means of an explosive as defined in ORS 164.055.
- (d) Notwithstanding ORS 163.115 (1)(b), the defendant personally and intentionally committed the homicide under the circumstances set forth in ORS 163.115 (1)(b).
- (e) The murder was committed in an effort to conceal the commission of a crime, or to conceal the identity of the perpetrator of a crime.
- (f) The murder was committed after the defendant had escaped from a state, county or municipal penal or correctional facility and before the defendant had been returned to the custody of the facility. [Return to Top](#)

arraignment: (Black's Law Dictionary, 8th Edition): *n.* The initial step in a criminal prosecution whereby the defendant is brought before the court to hear the charges and to enter a plea. [Return to Top](#)

arrest: (Black's Law Dictionary, 8th Edition): (1) A seizure or forcible restraint. Black's Law Dictionary, 8th Edition: (2)The taking or keeping of a person in custody by legal authority, esp. in response to a criminal charge; specif., the apprehension of someone for the purpose of security the administration of the law, esp. of bringing that person before a court – arrest, *vb.* [Return to Top](#)

arrest warrant: (Black's Law Dictionary, 8th Edition): warrant, *n.* A writ directing or authorizing someone to do an act, esp. on directing a law enforcer to make an arrest, a search, or a seizure. **arrest warrant.** A warrant, issued only on probable cause, directing a law-enforcement officer to arrest and bring a person to court. – Also termed *warrant of arrest.* [Return to Top](#)



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arson in the first degree: (1) A person commits the crime of arson in the first degree if:

(a) By starting a fire or causing an explosion, the person intentionally damages:

(A) Protected property of another;

(B) Any property, whether the property of the person or the property of another person, and such act recklessly places another person in danger of physical injury or protected property of another in danger of damage; or

(C) Any property, whether the property of the person or the property of another person, and recklessly causes serious physical injury to a firefighter or peace officer acting in the line of duty relating to the fire; or

(b) By knowingly engaging in the manufacture of methamphetamine, the person causes fire or causes an explosion that damages property described in paragraph (a) of this subsection. [Return to Top](#)

arson in the second degree: (1) A person commits the crime of arson in the second degree if:

(a) By starting a fire or causing an explosion, the person intentionally damages:

(A) Any building of another that is not protected property; or

(B) Any property of another and the damages to the property exceed \$750; or

(b) By knowingly engaging in the manufacture of methamphetamine, the person causes fire or causes an explosion that damages property described in paragraph (a) of this subsection. [Return to Top](#)

assault in the first degree: (1) A person commits the crime of assault in the first degree if the person:

(a) Intentionally causes serious physical injury to another by means of a deadly or dangerous weapon;

(b) Intentionally or knowingly causes serious physical injury to a child under six years of age; or

(c) Intentionally, knowingly or recklessly causes serious physical injury to another while operating a motor vehicle under the influence of intoxicants in violation of ORS 813.010 and:

(A) The person has at least three previous convictions for driving while under the influence of intoxicants under ORS 813.010, or its statutory counterpart in any jurisdiction, in the 10 years prior to the date of the current offense; or

(B)(i) The person has a previous conviction for any of the crimes described in subsection (2) of this section, or their statutory counterparts in any jurisdiction;



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and(ii) The victim's death or serious physical injury in the previous conviction was caused by the person driving a motor vehicle.

(2) The previous convictions to which subsection (1)(c)(B) of this section apply are:

- (a) Manslaughter in the first degree under ORS 163.118;
- (b) Manslaughter in the second degree under ORS 163.125;
- (c) Criminally negligent homicide under ORS 163.145;
- (d) Assault in the first degree under this section;
- (e) Assault in the second degree under ORS 163.175; or
- (f) Assault in the third degree under ORS 163.165.

(3) Assault in the first degree is a Class A felony.

(4) It is an affirmative defense to a prosecution under subsection (1)(c)(B) of this section that the defendant was not under the influence of intoxicants at the time of the conduct that resulted in the previous conviction. [Return to Top](#)

assault in the second degree: (1) A person commits the crime of assault in the second degree if the person:

- (a) Intentionally or knowingly causes serious physical injury to another;
- (b) Intentionally or knowingly causes physical injury to another by means of a deadly or dangerous weapon; or
- (c) Recklessly causes serious physical injury to another by means of a deadly or dangerous weapon under circumstances manifesting extreme indifference to the value of human life.

(2) Assault in the second degree is a Class B felony. [Return to Top](#)

assault in the third degree: (1) A person commits the crime of assault in the third degree if the person:

- (a) Recklessly causes serious physical injury to another by means of a deadly or dangerous weapon;
- (b) Recklessly causes serious physical injury to another under circumstances manifesting extreme indifference to the value of human life;
- (c) Recklessly causes physical injury to another by means of a deadly or dangerous weapon under circumstances manifesting extreme indifference to the value of human life;
- (d) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical injury to the operator of a public transit vehicle while the operator is in control of or operating the vehicle. As used in this paragraph, "public transit



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vehicle” has the meaning given that term in ORS 166.116;

(e) While being aided by another person actually present, intentionally or knowingly causes physical injury to another;

(f) While committed to a youth correction facility, intentionally or knowingly causes physical injury to another knowing the other person is a staff member of a youth correction facility while the other person is acting in the course of official duty;

(g) Intentionally, knowingly or recklessly causes physical injury to an emergency medical technician or paramedic, as those terms are defined in ORS 682.025, while the technician or paramedic is performing official duties;

(h) Being at least 18 years of age, intentionally or knowingly causes physical injury to a child 10 years of age or younger;

(i) Knowing the other person is a staff member, intentionally or knowingly propels any dangerous substance at the staff member while the staff member is acting in the course of official duty or as a result of the staff member’s official duties; or

(j) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical injury to the operator of a taxi while the operator is in control of the taxi.

(2) Assault in the third degree is a Class C felony. When a person is convicted of violating subsection (1)(i) of this section, in addition to any other sentence it may impose, the court shall impose a term of incarceration in a state correction facility.

(3) As used in this section:

(a) “Dangerous substance” includes, but is not limited to, blood, urine, saliva, semen and feces.

(b) “Staff member” means:

(A) A corrections officer as defined in ORS 181.610, a youth correction officer, a Department of Corrections or Oregon Youth Authority staff member or a person employed pursuant to a contract with the department or youth authority to work with, or in the vicinity of, inmates or youth offenders; and

(B) A volunteer authorized by the department, youth authority or other entity in charge of a corrections facility to work with, or in the vicinity of, inmates or youth offenders.

(c) “Youth correction facility” has the meaning given that term in ORS 162.135.

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assault in the fourth degree: (1) A person commits the crime of assault in the fourth degree if the person:



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- (a) Intentionally, knowingly or recklessly causes physical injury to another; or
- (b) With criminal negligence causes physical injury to another by means of a deadly weapon.

(2) Assault in the fourth degree is a Class A misdemeanor.

(3) Notwithstanding subsection (2) of this section, assault in the fourth degree is a Class C felony if the person commits the crime of assault in the fourth degree and:

- (a) The person has previously been convicted of assaulting the same victim;
- (b) The person has previously been convicted at least three times under this section or under equivalent laws of another jurisdiction and all of the assaults involved domestic violence, as defined in ORS 135.230; or
- (c) The assault is committed in the immediate presence of, or is witnessed by, the person's or the victim's minor child or stepchild or a minor child residing within the household of the person or victim.

(4) For the purposes of subsection (3) of this section, an assault is witnessed if the assault is seen or directly perceived in any other manner by the child. [Return to Top](#)

bench probation: (Black's Law Dictionary, 8th Edition): Probation in which the offender agrees to certain conditions or restrictions and reports only to the sentencing judge rather than a probation officer. [Return to Top](#)

bench warrant: (Black's Law Dictionary, 8th Edition): A writ issued directly by a judge to a law-enforcement officer, esp. for the arrest of a person who has been held in contempt, has been indicted, has disobeyed a subpoena, or has failed to appear for a hearing or trial. [Return to Top](#)

best interests of the child: (Black's Law Dictionary 8th Edition definition): A standard by which a court determines what arrangements would be to a child's greatest benefit, often used in deciding child-custody and visitation matters and in deciding whether to approve an adoption or a guardianship. [Return to Top](#)

burglary in the first degree: (1) A person commits the crime of burglary in the first degree if the person violates ORS 164.215 and the building is a dwelling, or if in effecting entry or while in a building or in immediate flight there from the person:

- (a) Is armed with a burglary tool or theft device as defined in ORS 164.235 or a deadly weapon;
- (b) Causes or attempts to cause physical injury to any person; or



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(c) Uses or threatens to use a dangerous weapon.

(2) Burglary in the first degree is a Class A felony. [1971 c.743 §137; 2003 c.577 §10]

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burglary in the second degree: (1) Except as otherwise provided in ORS 164.255, a person commits the crime of burglary in the second degree if the person enters or remains unlawfully in a building with intent to commit a crime therein. (2) Burglary in the second degree is a Class C felony. [1971 c.743 §136; 1993 c.680 §24] [Return to Top](#)

call: (Law.com): calendar call n. the hearing at which a case is set for trial. [Return to Top](#)

careless driving: (1) A person commits the offense of careless driving if the person drives any vehicle upon a highway or other premises described in this section in a manner that endangers or would be likely to endanger any person or property. (2) The offense described in this section, careless driving, applies on any premises open to the public and is a Class B traffic violation unless commission of the offense contributes to an accident. If commission of the offense contributes to an accident, the offense is a Class A traffic violation.

(3) In addition to any other penalty imposed for an offense committed under this section, if the court determines that the commission of the offense described in this section contributed to the serious physical injury or death of a vulnerable user of a public way, the court shall:

(a) Impose a sentence that requires the person to:

(A) Complete a traffic safety course; and

(B) Perform between 100 and 200 hours of community service, notwithstanding ORS 137.129. The community service must include activities related to driver improvement and providing public education on traffic safety;

(b) Impose, but suspend on the condition that the person complete the requirements of paragraph (a) of this subsection:

(A) A fine of up to \$12,500, notwithstanding ORS 153.018; and

(B) A suspension of driving privileges as provided in ORS 809.280; and

(c) Set a hearing date up to one year from the date of sentencing

(4) At the hearing described in subsection (3)(c) of this section, the court shall:



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(a) If the person has successfully completed the requirements described in subsection (3)(a) of this section, dismiss the penalties imposed under subsection (3)(b) of this section; or

(b) If the person has not successfully completed the requirements described in subsection (3)(a) of this section:

(A) Grant the person an extension based on good cause shown; or

(B) Impose the penalties under subsection (3)(b) of this section.

(5) When a court imposes a suspension under subsection (4) of this section, the court shall prepare and send to the Department of Transportation an order of suspension of driving privileges of the person. Upon receipt of an order under this subsection, the department shall take action as directed under ORS 809.280.

(6) The police officer issuing the citation for an offense under this section shall note on the citation if the cited offense contributed to the serious physical injury or death of a vulnerable user of a public way. [1983 c.338 §570; 1995 c.383 §20; 2007 c.784 §3]

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child abuse: (Black's Law Dictionary 8th Edition definition): (1) Intentional or neglectful physical or emotional harm inflicted on a child, including sexual molestation; especially, a parent's or caregiver's act or failure to act that results in a child's exploitation, serious physical or emotional injury, sexual abuse or death. (2) An act or failure to act that presents an imminent risk of serious harm to a child. [Return to Top](#)

charging document: (Black's Law Dictionary, 8th Edition): charge *vb.* 1. to accuse (a person) of an offense.

(Black's Law Dictionary, 8th Edition): document 1. Something tangible on which words, symbols, or marks are recorded. [Return to Top](#)

charging instrument: (Black's Law Dictionary, 8th Edition): A formal document – usu. either an indictment or an information – that sets forth an accusation of a crime. – also termed *accusatory instrument*. [Return to Top](#)

child endangerment: (Black's Law Dictionary 8th Edition definition): The placing of a child in a place or position that exposes him or her to danger life or health. -Also termed endangering the welfare of a child. [Return to Top](#)



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child in need of supervision (abbr./acronym: CHINS): (Black's Law Dictionary 8th Edition definition): A child who has committed an offense that only children can commit, such as being ungovernable and disobedient to parents, running away from home, violating a curfew, being habitually truant from school, violating age restrictions on the purchase or possession of liquor or tobacco, or the like. – Also termed *person in need of supervision*; *minor in need of supervision*. [Return to Top](#)

child molestation: (Black's Law Dictionary 8th Edition definition): Any indecent or sexual activity on, involving, or surrounding a child, usually under the age of 14.

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child neglect in the first degree: (1)(a) A person having custody or control of a child under 16 years of age commits the crime of child neglect in the first degree if the person knowingly leaves the child, or allows the child to stay:

(A) In a vehicle where controlled substances are being criminally delivered or manufactured;

(B) In or upon premises and in the immediate proximity where controlled substances are criminally delivered or manufactured for consideration or profit or where a chemical reaction involving one or more precursor substances:

(i) Is occurring as part of unlawfully manufacturing a controlled substance or grinding, soaking or otherwise breaking down a precursor substance for the unlawful manufacture of a controlled substance; or

(ii) Has occurred as part of unlawfully manufacturing a controlled substance or grinding, soaking or otherwise breaking down a precursor substance for the unlawful manufacture of a controlled substance and the premises have not been certified as fit for use under ORS 453.885; or

(C) In or upon premises that have been determined to be not fit for use under ORS 453.855 to 453.912.

(b) As used in this subsection, "vehicle" and "premises" do not include public places, as defined in ORS 161.015. [Return to Top](#)

child neglect in the second degree: (1) A person having custody or control of a child under 10 years of age commits the crime of child neglect in the second degree if, with criminal negligence, the person leaves the child unattended in or at any place for such period of time as may be likely to endanger the health or welfare of such child.



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child support: (Black's Law Dictionary, 8th Edition): *Family law*. **1.** A parent's legal obligation to contribute to the economic maintenance and education of a child until the age of majority, the child's emancipation before reaching majority, or the child's completion of secondary education. **2.** In a custody or divorce action, the money legally owed by one parent to the other for the expenses incurred for children of the marriage.

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citation (to appear in court): (Black's Law Dictionary 8th Edition definition): (1) A court issued writ that commands a person to appear at a certain time and place to do something demanded in the writ, or to show cause for not doing so. [Return to Top](#)

Citizen Review Board: ([Citizen Review Board Website](#)): Local Citizen Review Boards review cases every 6 months for each child in substitute care under the custody of the Department of Human Services (DHS). The board reviews both the court records and the agency records involving the child. The board sends its findings and recommendations to the court, DHS, and other participants in the review. DHS must implement the board's recommendations or, within 17 days of receiving the recommendations, give the board written notice if DHS does not intend to implement the recommendations.

The court also reviews the findings and recommendations; it may choose to set a court hearing to review them with the parties. The court must give written notice to the board if the court changes the recommendations or takes action on the case as a result of the board's recommendations. The board's recommendations become part of the court's case file and part of the DHS case file.

The CRB review process for delinquency cases is a collaborative model wherein CRB and Oregon Youth Authority (OYA) review information about youth offenders in substitute care, with the participation of other legal and/or interested parties in the case when appropriate, and citizen reviewers make case findings and recommendations. [Return to Top](#)

claim: (Black's Law Dictionary, 8th Edition): (1) The aggregate of operative facts giving rise to a right enforceable by a court <the plaintiff's short, plain statement about the crash established the claim>. – Also termed *claim for relief*.

(2) The assertion of an existing right; any right to payment or to an equitable remedy, even if contingent or provisional <the spouse's claim to half the lottery winnings>. (3) A



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demand for money, property, or a legal remedy to which one asserts a right; esp., the part of a complaint in a civil action specifying what relief the plaintiff asks for. [Return to Top](#)

confidential informant: (Black's Law Dictionary 8th Edition definition): Confidential, *adj.* (1) (Of information) meant to be kept secret. Informant- One who informs against another; esp., one who confidentially supplies information to the police about a crime, sometimes in exchange for a reward or special treatment. [Return to Top](#)

controlled buy: (i.e. CI [confidential informant] Is searched and kept under surveillance by police or a government agent during the purchase of a controlled substance). [Return to Top](#)

convict: Law.com v. to find guilty of a crime after a trial. [Return to Top](#)

count: . (Black's Law Dictionary, 8th Edition): *Procedure.* (1) The part of an indictment charging the suspect with a distinct offense. (2) In a complaint, or similar pleading, the statement of a distinct claim. [Return to Top](#)

crime: (Black's Law Dictionary, 8th Edition): An act that the law makes punishable; the break of a legal duty treated as the subject matter of a criminal proceeding. [Return to Top](#)

criminal homicide: (1) A person commits criminal homicide if, without justification or excuse, the person intentionally, knowingly, recklessly or with criminal negligence causes the death of another human being. (2) "Criminal homicide" is murder, manslaughter, criminally negligent homicide or aggravated vehicular homicide. (3) "Human being" means a person who has been born and was alive at the time of the criminal act. [Return to Top](#)

criminal mischief in the first degree: (1) A person commits the crime of criminal mischief in the first degree who, with intent to damage property, and having no right to do so nor reasonable ground to believe that the person has such right:

(a) Damages or destroys property of another:

(A) In an amount exceeding \$750;

(B) By means of an explosive;

(C) By starting a fire in an institution while the person is committed to and confined in the institution;



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- (D) Which is a livestock animal as defined in ORS 164.055;
 - (E) Which is the property of a public utility, telecommunications carrier, railroad, public transportation facility or medical facility used in direct service to the public; or
 - (F) By intentionally interfering with, obstructing or adulterating in any manner the service of a public utility, telecommunications carrier, railroad, public transportation facility or medical facility; or
- (b) Intentionally uses, manipulates, arranges or rearranges the property of a public utility, telecommunications carrier, railroad, public transportation facility or medical facility used in direct service to the public so as to interfere with its efficiency.
- (2) As used in subsection (1) of this section:
- (a) “Institution” includes state and local correctional facilities, mental health facilities, juvenile detention facilities and state training schools.
 - (b) “Medical facility” means a health care facility as defined in ORS 442.015, a licensed physician’s office or anywhere a licensed medical practitioner provides health care services.
 - (c) “Public utility” has the meaning provided for that term in ORS 757.005 and includes any cooperative, people’s utility district or other municipal corporation providing an electric, gas, water or other utility service.
 - (d) “Railroad” has the meaning provided for that term in ORS 824.020.
 - (e) “Public transportation facility” means any property, structure or equipment used for or in connection with the transportation of persons for hire by rail, air or bus, including any railroad cars, buses or airplanes used to carry out such transportation.
 - (f) “Telecommunications carrier” has the meaning given that term in ORS 133.721. [Return to Top](#)

criminal mischief in the second degree: (1) A person commits the crime of criminal mischief in the second degree if:

- (a) The person violates ORS 164.345, and as a result thereof, damages property in an amount exceeding \$100; or
- (b) Having no right to do so nor reasonable ground to believe that the person has such right, the person intentionally damages property of another, or, the person recklessly damages property of another in an amount exceeding \$100.



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(2) Criminal mischief in the second degree is a Class A misdemeanor. [1971 c.743 §146] [Return to Top](#)

criminal mischief in the third degree: (1) A person commits the crime of criminal mischief in the third degree if, with intent to cause substantial inconvenience to the owner or to another person, and having no right to do so nor reasonable ground to believe that the person has such right, the person tampers or interferes with property of another. [Return to Top](#)

criminal negligence/criminally negligent: (161.085 Definitions with respect to culpability.): As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context requires otherwise: (10) “Criminal negligence” or “criminally negligent,” when used with respect to a result or to a circumstance described by a statute defining an offense, means that a person fails to be aware of a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to be aware of it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation. [Return to Top](#)

criminally negligent homicide: (1) A person commits the crime of criminally negligent homicide when, with criminal negligence, the person causes the death of another person. (2) Criminally negligent homicide is a Class B felony. [Return to Top](#)

criminal trespass in the first degree: (1) A person commits the crime of criminal trespass in the first degree if the person:

- (a) Enters or remains unlawfully in a dwelling;
- (b) Having been denied future entry to a building pursuant to a merchant’s notice of trespass, reenters the building during hours when the building is open to the public with the intent to commit theft therein;
- (c) Enters or remains unlawfully upon railroad yards, tracks, bridges or rights of way; or
- (d) Enters or remains unlawfully in or upon premises that have been determined to be not fit for use under ORS 453.855 to 453.912. [Return to Top](#)



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criminal trespass in the second degree: (1) A person commits the crime of criminal trespass in the second degree if the person enters or remains unlawfully in a motor vehicle or in or upon premises. [Return to Top](#)

death duty: (Black's Law Dictionary 8th Edition definition): An estate tax or inheritance tax – Also termed estate duty. [Return to Top](#)

detention: (Black's Law Dictionary, 8th Edition): 1. The act or fact of holding a person in custody; confinement or compulsory delay. – detain, *vb.* [Return to Top](#)

disposition (juvenile system): (Black's Law Dictionary 8th Edition definition): disposition, n. (2) A final settlement or determination <the court's disposition of the case>. (Black's Law Dictionary 8th Edition definition): disposition hearing (2) In a juvenile-delinquency case, after an adjudication hearing at which the state proves its case against the juvenile or after a juvenile's pleading true to the charges against him, a hearing at which the court determines what sanctions, if any, will be imposed on the juvenile. [Return to Top](#)

disposition hearing: (Black's Law Dictionary, 8th Edition): *Family Law 1.* In child-abuse and neglect proceedings, after an adjudication hearing at which the state proves its allegations, a hearing at which the court hears evidence and enters orders for the child's care, custody, and control. ° Typically, the judge determines a plan for services aimed at reunifying or rehabilitating the family. **2.** In a juvenile-delinquency case, after an adjudication hearing at which the state proves its case against the juvenile or after a juvenile's pleading true to the charges against him, a hearing at which the court determines what sanctions, if any, will be imposed on the juvenile. ° At a disposition hearing, the court balances the best interests of the child against the need to sanction the child for his or her actions. If the juvenile is adjudicated a delinquent, the probation staff prepares a social history of the youth and his family and recommends a disposition. After reviewing the social history and various recommendations, the court enters a disposition. Among the possible juvenile sanctions are a warning, probation, restitution, counseling, or placement in a juvenile-detention facility. Probation is the most common sanction. – Also termed *dispositional hearing*. [Return to Top](#)



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district attorney “information”:(Black’s Law Dictionary, 8th Edition): district attorney. A public official appointed or elected to represent the state in criminal cases in a particular judicial district.

(Black’s Law Dictionary, 8th Edition): information. A criminal charge made by a prosecutor without a grand-jury indictment. ° The information is used to prosecute misdemeanors in most states, and about half the states allow its use in felony prosecutions as well. [Return to Top](#)

downward durational departure: (Black’s Law Dictionary 8th Edition definitions):
Departure: (1) A deviation or divergence from a standard rule, regulation, measurement, or course of conduct. Downward departure: In the federal sentencing guidelines, a court’s imposition of a sentence more lenient than the standard guidelines propose.
Duration: The length of time that something lasts. [Return to Top](#)

driving under the influence of intoxicants: (1) A person commits the offense of driving while under the influence of intoxicants if the person drives a vehicle while the person:

- (a) Has 0.08 percent or more by weight of alcohol in the blood of the person as shown by chemical analysis of the breath or blood of the person made under ORS 813.100, 813.140 or 813.150;
- (b) Is under the influence of intoxicating liquor, a controlled substance or an inhalant; or
- (c) Is under the influence of any combination of intoxicating liquor, an inhalant and a controlled substance. [Return to Top](#)

drug addict: (Webster’s Encyclopedic Unabridged Dictionary): Drug *n.*, (3) a habit-forming medicinal or illicit substance, esp. a narcotic. Addict *n.*, (2) to cause to become physiologically or psychologically dependent on an addictive substance, as alcohol or a narcotic. [Return to Top](#)

drug addiction: (Webster’s Encyclopedic Unabridged Dictionary): Drug *n.*, (3) a habit-forming medicinal or illicit substance, esp. a narcotic. Addiction *n.*, the state of being enslaved to a habit or practice or to something that is psychologically or physically habit-forming, as narcotics, to such an extent that its cessation causes severe trauma. [Return to Top](#)



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drug agent: (Black's Law Dictionary 8th Edition definition): (government) agent: (2) A law-enforcement official, such as a police officer or an FBI agent. [Return to Top](#)

drug deal: (Webster's Encyclopedic Unabridged Dictionary): Drug *n.*, (3) a habit-forming medicinal or illicit substance, esp. a narcotic. Deal *v.*, *n.* (7) *Slang* to buy and sell drugs illegally. [Return to Top](#)

drug dealer: (Webster's Encyclopedic Unabridged Dictionary): Drug *n.*, (3) a habit-forming medicinal or illicit substance, esp. a narcotic. Dealer *n.* (4) *Slang* a person who buys and sells drugs illegally. [Return to Top](#)

Drug Enforcement Administration: DEA Mission Statement from the DEA website: The mission of the Drug Enforcement Administration (DEA) is to enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States, or any other competent jurisdiction, those organizations and principal members of organizations, involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets. [Return to Top](#)

drug trafficker: (Webster's Encyclopedic Unabridged Dictionary): drug *n.*, (3) a habit-forming medicinal or illicit substance, esp. a narcotic. Trafficker *n.*, (12) to trade or deal in a specific commodity or service, often of an illegal nature [Return to Top](#)

endangering the welfare of a minor: (1) A person commits the crime of endangering the welfare of a minor if the person knowingly:

- (a) Induces, causes or permits an unmarried person under 18 years of age to witness an act of sexual conduct or sadomasochistic abuse as defined by ORS 167.060; or
- (b) Permits a person under 18 years of age to enter or remain in a place where unlawful activity involving controlled substances is maintained or conducted; or
- (c) Induces, causes or permits a person under 18 years of age to participate in gambling as defined by ORS 167.117; or
- (d) Distributes, sells, or causes to be sold, tobacco in any form to a person under 18 years of age; or



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(e) Sells to a person under 18 years of age any device in which tobacco, marijuana, cocaine or any controlled substance, as defined in ORS 475.005, is burned and the principal design and use of which is directly or indirectly to deliver tobacco smoke, marijuana smoke, cocaine smoke or smoke from any controlled substance into the human body including but not limited to:

- (A) Pipes, water pipes, hookahs, wooden pipes, carburetor pipes, electric pipes, air driven pipes, corncob pipes, meerschaum pipes and ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;
- (B) Carburetion tubes and devices, including carburetion masks;
- (C) Bonges;
- (D) Chillums;
- (E) Ice pipes or chillers;
- (F) Cigarette rolling papers and rolling machines; and
- (G) Cocaine free basing kits.

(2) Endangering the welfare of a minor by violation of subsection (1)(a), (b), (c) or (e) of this section, involving other than a device for smoking tobacco, is a Class A misdemeanor.

(3) Endangering the welfare of a minor by violation of subsection (1)(d) of this section or by violation of subsection (1)(e) of this section, involving a device for smoking tobacco, is a Class A violation and the court shall impose a fine of not less than \$100. [Return to Top](#)

enhanced bench probation: (Black's Law Dictionary, 8th Edition): enhanced, *adj.* Made greater, increased. See *bench probation*. [Return to Top](#)

failure to appear: see definitions for: (1) failure to appear on a criminal citation, (2) failure to appear in the first degree and (3) failure to appear in the second degree. [Return to Top](#)

failure to appear on a criminal citation: (1) A person commits the offense of failure to appear on a criminal citation if the person has been served with a criminal citation issued under ORS 133.055 to 133.076 and the person knowingly fails to do any of the following:

- (a) Make an appearance in the manner required by ORS 133.060.
- (b) Make an appearance at the time set for trial in the criminal proceeding.
- (c) Appear at any other time required by the court or by law. [Return to Top](#)



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failure to appear in the first degree: (1) A person commits the crime of failure to appear in the first degree if the person knowingly fails to appear as required after:

(a) Having by court order been released from custody or a correctional facility under a release agreement or security release upon the condition that the person will subsequently appear personally in connection with a charge against the person of having committed a felony; or

(b) Having been released from a correctional facility subject to a forced release agreement under ORS 169.046 in connection with a charge against the person of having committed a felony.

(2) Failure to appear in the first degree is a Class C felony. [1971 c.743 §196; 1973 c.836 §344; 2001 c.517 §4; 2003 c.320 §2] [Return to Top](#)

failure to appear in the second degree: (1) A person commits the crime of failure to appear in the second degree if the person knowingly fails to appear as required after:

(a) Having by court order been released from custody or a correctional facility under a release agreement or security release upon the condition that the person will subsequently appear personally in connection with a charge against the person of having committed a misdemeanor; or

(b) Having been released from a correctional facility subject to a forced release agreement under ORS 169.046 in connection with a charge against the person of having committed a misdemeanor.

(2) Failure to appear in the second degree is a Class A misdemeanor. [1971 c.743 §195; 1973 c.836 §343; 1993 c.533 §5; 1999 c.1051 §69; 2001 c.517 §3; 2003 c.320 §1] [Return to Top](#)

fee: (Black's Law Dictionary, 8th Edition): fee. 1. A charge for labor or services, esp. professional services. [Return to Top](#)

file (to) (v. i.e. to file charges): (Black's Law Dictionary, 8th Edition): (1) To deliver a legal document to the court clerk or record custodian for placement into the official record. (2) To commence a lawsuit. [Return to Top](#)

filiated father/mother: (Black's Law Dictionary, 8th Edition): The proven biological father of a child born to unmarried parents. See FILIATION.

(Black's Law Dictionary, 8th Edition): filiation 1. The fact or condition of being a son or daughter; relationship of a child to a parent. 2. Judicial determination of paternity.



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finding: (Black’s Law Dictionary, 8th Edition): A determination by a judge, jury, or administrative agency of a fact supported by the evidence in the record, usu. presented at the trial or hearing. [Return to Top](#)

fine: (Black’s Law Dictionary, 8th Edition): **fine**, *n.* **5.** A pecuniary criminal punishment or civil penalty payable to the public treasury. [Return to top](#)

formal probation: (Black’s Law Dictionary, 8th Edition): formal, *adj.* (1) Pertaining to or following established procedural rules, customs, and practices. (Black’s Law Dictionary, 8th Edition) probation. (1) A court-imposed criminal sentence that, subject to stated conditions, releases a convicted person into the community instead of sending the criminal to jail or prison. [Return to top](#)

frequent place drugs used: (1) A person commits the offense of frequenting a place where controlled substances are used if the person keeps, maintains, frequents, or remains at a place, while knowingly permitting persons to use controlled substances in such place or to keep or sell them in violation of ORS 475.005 to 475.285 and 475.840 to 475.980.

(4) As used in this section, “frequents” means repeatedly or habitually visits, goes to or resorts to. [Return to top](#)

foster child: (Black’s Law Dictionary 8th Edition definition): A child whose care and upbringing are entrusted to an adult other than the child’s natural or adoptive parents, usually by an agency. [Return to top](#)

foster parents: (Black’s Law Dictionary 8th Edition definition): An adult who, though without blood ties or legal ties, cares for and rears a child, especially an orphaned or neglected child who might otherwise be deprived of nurture, usually under the auspices and direction of an agency and for some compensation or benefit. [Return to top](#)

grand jury secret indictment: (Black’s Law Dictionary, 8th Edition): grand jury. A body of (often 23) people who are chosen to sit permanently for at least a month – and



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sometimes a year – and who, in ex parte proceedings, decide whether to issue indictments.

° If the grand jury decides that evidence is strong enough to hold a suspect for trial, it returns a bill of indictment (a *true bill*) charging the suspect with a specific crime.

(Black's Law Dictionary, 8th Edition): indictment. **1.** The formal written accusation of a crime, made by a grand jury and presented to a court for prosecution against the accused person. **2.** The act or process of preparing or bringing forward such a formal written accusation.

(Black's Law Dictionary, 8th Edition): secret **1.** Something that is kept from the knowledge of others or shared only with those concerned. [Return to top](#)

guardian: (Black's Law Dictionary, 8th Edition): 1. One who has the legal authority and duty to care for another's person or property, esp. because of the other's infancy, incapacity, or disability.

(Black's Law Dictionary, 8th Edition): guardian of the person A guardian responsible for taking care of someone who is incapable of caring for himself or herself because of infancy, incapacity, or disability.

Bilingual Dictionary of Domestic Relations and Juvenile Terms: person who is appointed or designated with the responsibility of taking care of a minor and safeguarding his/her property and interests. [Return to top](#)

guardianship: (Black's Law Dictionary, 8th Edition): guardianship of the person. A guardianship in which the guardian is authorized to make all significant decisions affecting the ward's well-being, including the ward's physical custody, education, health, activities, personal relationships, and general welfare.

(Bilingual Dictionary of Domestic Relations and Juvenile Terms): relationship between guardian and ward. [Return to top](#)

harassment: (1) A person commits the crime of harassment if the person intentionally:

(a) Harasses or annoys another person by:

(A) Subjecting such other person to offensive physical contact; or

(B) Publicly insulting such other person by abusive words or gestures in a manner intended and likely to provoke a violent response;



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(b) Subjects another to alarm by conveying a false report, known by the conveyor to be false, concerning death or serious physical injury to a person, which report reasonably would be expected to cause alarm; or

(c) Subjects another to alarm by conveying a telephonic, electronic or written threat to inflict serious physical injury on that person or to commit a felony involving the person or property of that person or any member of that person's family, which threat reasonably would be expected to cause alarm.

(2) A person is criminally liable for harassment if the person knowingly permits any telephone or electronic device under the person's control to be used in violation of subsection (1) of this section [Return to top](#)

identity theft: (1) A person commits the crime of identity theft if the person, with the intent to deceive or to defraud, obtains, possesses, transfers, creates, utters or converts to the person's own use the personal identification of another person. (2) Identity theft is a Class C felony. (3) It is an affirmative defense to violating subsection (1) of this section that the person charged with the offense:

(a) Was under 21 years of age at the time of committing the offense and the person used the personal identification of another person solely for the purpose of purchasing alcohol;

(b) Was under 18 years of age at the time of committing the offense and the person used the personal identification of another person solely for the purpose of purchasing tobacco products; or

(c) Used the personal identification of another person solely for the purpose of misrepresenting the person's age to gain access to a:

(A) Place the access to which is restricted based on age; or

(B) Benefit based on age.

(4) As used in this section:

(a) "Another person" means a real person, whether living or deceased, or an imaginary person.

(b) "Personal identification" includes, but is not limited to, any written document or electronic data that does, or purports to, provide information concerning:

(A) A person's name, address or telephone number;

(B) A person's driving privileges;

(C) A person's Social Security number or tax identification number;

(D) A person's citizenship status or alien identification number;

(E) A person's employment status, employer or place of employment;



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- (F) The identification number assigned to a person by a person's employer;
- (G) The maiden name of a person or a person's mother;
- (H) The identifying number of a person's depository account at a "financial institution" or "trust company," as those terms are defined in ORS 706.008, or a credit card account;
- (I) A person's signature or a copy of a person's signature;
- (J) A person's electronic mail name, electronic mail signature, electronic mail address or electronic mail account;
- (K) A person's photograph;
- (L) A person's date of birth; and
- (M) A person's personal identification number. [1999 c.1022 §1; 2001 c.870 §3; 2007 c.583 §1] [Return to top](#)

indictment: (Black's Law Dictionary, 8th Edition): (1) The formal written accusation of a crime, made by a grand jury and presented to a court for prosecution against the accused person. (2) The act or process of preparing or bringing forward such a formal written accusation. [Return to top](#)

interfering with a peace officer: (1) A person commits the crime of interfering with a peace officer or parole and probation officer if the person, knowing that another person is a peace officer or a parole and probation officer as defined in ORS 181.610:

- (a) Intentionally acts in a manner that prevents, or attempts to prevent, a peace officer or parole and probation officer from performing the lawful duties of the officer with regards to another person; or
- (b) Refuses to obey a lawful order by the peace officer or parole and probation officer. [Return to top](#)

juvenile delinquency: (Black's Law Dictionary 8th Edition definition):

Juvenile delinquency: Antisocial behavior by a minor; especially, behavior that would be criminally punishable if the actor were an adult, but instead is usually punished by special laws pertaining only to minors. [Return to top](#)

juvenile delinquent:(Black's Law Dictionary 8th Edition definition):



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Juvenile delinquent: A minor who is guilty of criminal behavior, usually punishable by special laws not pertaining to adults. – Sometimes shortened to delinquent. – Also termed juvenile offender; youthful offender; delinquent minor. [Return to top](#)

juvenile offender: (Black's Law Dictionary, 8th Edition): See juvenile delinquent A minor who is guilty of criminal behavior, usu. punishable by special laws not pertaining to adults. – Sometimes shortened to *delinquent*. Also termed *juvenile offender*; *youthful offender*; *delinquent minor*. [Return to top](#)

legal asset: (Black's Law Dictionary 8th Edition): A decedent's asset that by law is subject to the claims of creditors or legacies. Also termed *probate asset* [Return to top](#)

menacing: (1) A person commits the crime of menacing if by word or conduct the person intentionally attempts to place another person in fear of imminent serious physical injury. (2) Menacing is a Class A misdemeanor. [Return to Top](#)

meth crime assessment: The Meth Crime Assessment falls under the Unitary Assessment statute and **must** be imposed upon conviction on the following offenses: ORS 475.890 & 892, Delivery of Meth & Delivery of Meth within 1000' of a school. \$500 Assessment. ORS 475.886 & 888, Manuf. of Meth & Manuf. of Meth within 1000' of a school. \$1000 Assessment. [Return to Top](#)

offense surcharge: (Black's Law Dictionary, 8th Edition): **offense 1.** A violation of the law; a crime **Note:** Section 2, chapter 659, Oregon Laws 2009, provides: **Sec. 2.** (1) In all cases of conviction for the commission of a crime or violation, excluding parking violations, the trial court, whether a circuit, justice or municipal court, shall impose upon the defendant, in addition to any fine, cost or other monetary obligation imposed, an offense surcharge under this section. Except when the person successfully asserts the defense set forth in ORS 419C.522, the offense surcharge shall also be imposed by the circuit court and county court in juvenile cases under ORS 419C.005 (1). The offense surcharge is a penal obligation in the nature of a fine and shall be in an amount as follows:

- (a) \$35 in the case of a felony.
- (b) \$35 in the case of a misdemeanor.
- (c) \$45 in the case of a violation as described in ORS 153.008.

(2) A court may waive all or part of the offense surcharge required by this section only if the court imposes no fine on the defendant.



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(3) The offense surcharge required by this section shall be imposed only for offenses that are committed on or after October 1, 2009, and before July 1, 2011.

(4) Offense surcharges imposed under this section are part of the base fine for the purposes of ORS chapter 153.

(5) Offense surcharges imposed in a circuit court under this section are category 3 monetary obligations for the purposes of ORS 137.295 and shall be collected as provided in ORS 137.295. Offense surcharges imposed in a justice court, county court or municipal court under this section are category 4 monetary obligations for the purposes of ORS 137.295 and shall be collected as provided in ORS 137.295. Amounts collected as offense surcharges under this section may not be deposited in the Criminal Fine and Assessment Account, or transferred to the Department of Revenue, under ORS 137.295 (5), but must be deposited or paid as follows:

(a) Offense surcharges imposed in circuit courts shall be deposited by the Department of Revenue in the Judicial System Surcharge Account.

(b) Offense surcharges imposed in a justice court or county court shall be paid to the county treasurer.

(c) Offense surcharges imposed in a municipal court shall be paid to the city treasurer.

(6) The collections and revenue management program established under ORS 1.204 may not be reimbursed under ORS 1.204 from amounts imposed as offense surcharges under this section. [2009 c.659 §2]

Note: 137.290 to 137.300 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 137 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Offense Surcharge (*per UCJ*): Must be applied to all criminal convictions. If the Offense Surcharge is waived, it still has to be added to the revenue table with a modifier of Waived (WV). **If a FINE is imposed, the Offense Surcharge cannot be waived.** Felony and Misdemeanor convictions are \$35. Violation convictions are \$45. [Return to Top](#)

murder: affirmative defense to certain felony murders; sentence of life imprisonment required; minimum term. (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



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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; or
 - (c) By abuse when a person, recklessly under circumstances manifesting extreme indifference to the value of human life, causes the death of a child under 14 years of age or a dependent person, as defined in ORS 163.205, and:
 - (A) The person has previously engaged in a pattern or practice of assault or torture of the victim or another child under 14 years of age or a dependent person; or
 - (B) The person causes the death by neglect or maltreatment.
 - (2) An accusatory instrument alleging murder by abuse under subsection (1)(c) of this section need not allege specific incidents of assault or torture.
 - (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.
 - (4) It is an affirmative defense to a charge of violating subsection (1)(c)(B) of this



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section that the child or dependent person was under care or treatment solely by spiritual means pursuant to the religious beliefs or practices of the child or person or the parent or guardian of the child or person.

(5)(a) A person convicted of murder, who was at least 15 years of age at the time of committing the murder, shall be punished by imprisonment for life.

(b) When a defendant is convicted of murder under this section, the court shall order that the defendant shall be confined for a minimum of 25 years without possibility of parole, release to post-prison supervision, release on work release or any form of temporary leave or employment at a forest or work camp.

(c) At any time after completion of a minimum period of confinement pursuant to paragraph (b) of this subsection, the State Board of Parole and Post-Prison Supervision, upon the petition of a prisoner so confined, shall hold a hearing to determine if the prisoner is likely to be rehabilitated within a reasonable period of time. The sole issue is whether or not the prisoner is likely to be rehabilitated within a reasonable period of time. At the hearing the prisoner has:

(A) The burden of proving by a preponderance of the evidence the likelihood of rehabilitation within a reasonable period of time; and

(B) The right, if the prisoner is without sufficient funds to employ an attorney, to be represented by legal counsel, appointed by the board, at board expense; and

(C) The right to a subpoena upon a showing of the general relevance and reasonable scope of the evidence sought, provided that any subpoena issued on behalf of the prisoner must be issued by the State Board of Parole and Post-Prison Supervision pursuant to rules adopted by the board.

(d) If, upon hearing all of the evidence, the board, upon a unanimous vote of all of its members, finds that the prisoner is capable of rehabilitation and that the terms of the prisoner's confinement should be changed to life imprisonment with the possibility of parole, release to post-prison supervision or work release, it shall enter an order to that effect and the order shall convert the terms of the prisoner's confinement to life imprisonment with the possibility of parole, release to post-prison supervision or work release and may set a release date. Otherwise, the board shall deny the relief sought in the petition.

(e) The board's final order shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the underlying facts supporting the findings as to each contested issue of fact and as to each ultimate fact required to support the board's order.

(f) Not less than two years after the denial of the relief sought in a petition under



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paragraph (c) of this subsection, the prisoner may petition again for a change in the terms of confinement. Further petitions for a change may be filed at intervals of not less than two years thereafter.

(6) As used in this section:

(a) “Assault” means to intentionally, knowingly or recklessly cause physical injury to another person. “Assault” does not include the causing of physical injury in a motor vehicle accident that occurs by reason of the reckless conduct of a defendant.

(b) “Neglect or maltreatment” means a violation of ORS 163.535, 163.545 or 163.547 or a failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of a child under 14 years of age or a dependent person. This paragraph is not intended to replace or affect the duty or standard of care required under ORS chapter 677.

(c) “Pattern or practice” means one or more previous episodes.

(d) “Torture” means to intentionally inflict intense physical pain upon an unwilling victim as a separate objective apart from any other purpose. [Return to Top](#)

misdemeanor: (Black’s Law Dictionary, 8th Edition):(1) A crime that is less serious than a felony and is usu. punishable by fine, penalty, forfeiture, or confinement (usu. for a brief term) in a place other than prison (such as a county jail). [Return to Top](#)

parenting (n.): (Black’s Law Dictionary 8th Edition definition): Parenting (n.): (1) Performance of the functions of a parent. (2) One or more methods of child-rearing. [Return to Top](#)

parenting plan: (Black’s Law Dictionary 8th Edition definition): A plan that allocates custodial responsibility and decision-making authority for what serves the child’s best interests and that provides a mechanism for resolving any later disputes between parents. [Return to Top](#)

parenting time: (Black’s Law Dictionary 8th Edition definition): See Visitation (2). A relative’s, especially a noncustodial parent’s, period of access to a child. – Also termed parental access; access; parenting time; residential time. [Return to Top](#)

parole (n.): (Black’s Law Dictionary 8th Edition definition): The release of a prisoner from imprisonment before the full sentence has been served * Although not available under some sentences, parole is usually granted for good behavior on the condition that the parolee regularly report to a supervising officer for a specified period. –



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Parole (v.)“The essence of parole is release from prison, before completion of the sentence, on condition that the prisoner abide by certain rules during the balance of the sentence. Parole is not freedom.”59 Am. Jur. 2d Pardon and Parole SS 6 (1987)

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parole officer: (Black’s Law Dictionary, 8th Edition): parole, *n.* The release of a prisoner from imprisonment before the full sentence has been served. Black’s Law Dictionary, 8th Edition: officer. (1) A person who holds an office of trust, authority, or command. ° In public affairs, the term refers esp. to a person holding public office under a national, state, or local government, and authorized by that government to exercise some specific function. [Return to Top](#)

permanency hearing: (Black’s Law Dictionary, 8th Edition): *Family law.* Under the Adoption and Safe Families Act, a judicial proceeding to determine the future, permanent status of a child in foster care. ° Under the Act, the term *permanency hearing* replaces the term *disposition hearing*. The permanency hearing must occur within 12 months of a child’s being placed in foster care. The purpose of the hearing is to determine the final direction of the case, whether that means going forward with termination proceedings or continuing plans for family reunification. – Also termed *permanency-planning hearing*. [Return to Top](#)

physical child endangerment: (Black’s Law Dictionary 8th Edition definition):Physical child endangerment: Reckless behavior toward a child that has caused or could cause serious physical injury.- Sometime shortened to physical endangerment. [Return to Top](#)

presumptive sentence: (Black’s Law Dictionary, 8th Edition): An average sentence for a particular crime (esp. provided under sentencing guidelines) that can be raised or lowered based on the presence of mitigating or aggravating circumstances. [Return to Top](#)

pre-trial conference: (Black’s Law Dictionary, 8th Edition):An informal meeting at which opposing attorneys confer, usu. with the judge, to work toward the disposition of the case by discussing matters of evidence and narrowing the issues that will be tried.

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pre-trial release: see [release on own recognizance](#)

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probate (n.): (Black's Law Dictionary 8th Edition definition): The judicial procedure by which a testamentary document is established to be a valid will; the proving of a will to the satisfactions of the court. [Return to Top](#)

probate (vb.): (Black's Law Dictionary 8th Edition definition): (1) To admit (a will) to proof. (2) To administer (a decedent's estate). [Return to Top](#)

probate asset: (Black's Law Dictionary 8th Edition definition): A decedent's asset that by law is subject to the claims of creditors or legacies. [Return to Top](#)

probate court: (Black's Law Dictionary 8th Edition definition): A court with the power to declare wills valid or invalid, to oversee the administration of estates. [Return to Top](#)

probate in solemn form: (Black's Law Dictionary 8th Edition definition): Probate granted in open court, as a final decree, when all interested parties have been given notice. [Return to Top](#)

probate law: (Black's Law Dictionary 8th Edition definition): The body of statutes, rules, cases, etc. governing all subjects over which a probate court has jurisdiction. [Return to Top](#)

probation officer: (Black's Law Dictionary, 8th Edition): A government officer who supervises the conduct of a probationer. [Return to Top](#)

reckless driving: (1) A person commits the offense of reckless driving if the person recklessly drives a vehicle upon a highway or other premises described in this section in a manner that endangers the safety of persons or property. (2) The use of the term "recklessly" in this section is as defined in ORS 161.085 -- "Recklessly," when used with respect to a result or to a circumstance described by a statute defining an offense, means that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation. (3) The offense described in this section, reckless driving, is a Class A misdemeanor and is applicable upon any premises open to the public. [1983 c.338 §571] [Return to Top](#)



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recognizance: (Black's Law Dictionary, 8th Edition): (1) A bond or obligation, made in court, by which a person promises to perform some act or observe some condition, such as to appear when called, to pay a debt, or to keep the peace; specif., an in-court acknowledgment of an obligation in a penal sum, conditioned on the performance or nonperformance of a particular act. ° Most commonly, a recognizance takes the form of a bail bond that guarantees an unjailed criminal defendant's return for a court date.

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release on bail: (Black's Law Dictionary, 8th Edition): release. (7) The action of freeing or the fact of being freed from restraint or confinement. Black's Law Dictionary, 8th Edition: bail, *n.* (1) A security such as cash or a bond; esp. security required by a court for the release of a prisoner who must appear at a future time. [Return to Top](#)

release on own recognizance: (Black's Law Dictionary, 8th Edition): release. (7) The action of freeing or the fact of being freed from restraint or confinement. (Black's Law Dictionary, 8th Edition): recognizance. (1) A bond or obligation, made in court, by which a person promises to perform some act or observe some condition, such as to appear when called, to pay a debt, or to keep the peace; specif., an in-court acknowledgment of an obligation in a penal sum, conditioned on the performance or nonperformance of a particular act. ° Most commonly, a recognizance takes the form of a bail bond that guarantees an unjailed criminal defendant's return for a court date.

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restraining order: (Black's Law Dictionary, 8th Edition): (1.) A court order prohibiting family violence; esp., an order restricting a person from harassing, threatening, and sometimes merely contacting or approaching another specified person. [Return to Top](#)

robbery in the first degree: (1) A person commits the crime of robbery in the first degree if the person violates ORS 164.395 and the person:

- (a) Is armed with a deadly weapon; or
- (b) Uses or attempts to use a dangerous weapon; or
- (c) Causes or attempts to cause serious physical injury to any person. [Return to Top](#)

robbery in the second degree: (1) A person commits the crime of robbery in the second degree if the person violates ORS 164.395 and the person:

- (a) Represents by word or conduct that the person is armed with what purports to be a dangerous or deadly weapon; or



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(b) Is aided by another person actually present [Return to Top](#)

robbery in the third degree: (1) A person commits the crime of robbery in the third degree if in the course of committing or attempting to commit theft or unauthorized use of a vehicle as defined in ORS 164.135 the person uses or threatens the immediate use of physical force upon another person with the intent of:

- (a) Preventing or overcoming resistance to the taking of the property or to retention thereof immediately after the taking; or
- (b) Compelling the owner of such property or another person to deliver the property or to engage in other conduct which might aid in the commission of the theft or unauthorized use of a vehicle. [Return to Top](#)

sentence (when meaning is castigo): (Black's Law Dictionary, 8th Edition): the punishment imposed on a criminal wrongdoer. [Return to Top](#)

sentence (when meaning is orden judicial): (Oxford Spanish Dictionary, 3rd Edition): (*Der*) ruling, judgment [Return to Top](#)

sexual abuse in the first degree: (1) A person commits the crime of sexual abuse in the first degree when that person:

- (a) Subjects another person to sexual contact and:
 - (A) The victim is less than 14 years of age;
 - (B) The victim is subjected to forcible compulsion by the actor; or
 - (C) The victim is incapable of consent by reason of being mentally defective, mentally incapacitated or physically helpless; or
- (b) Intentionally causes a person under 18 years of age to touch or contact the mouth, anus or sex organs of an animal for the purpose of arousing or gratifying the sexual desire of a person. [Return to Top](#)

sexual abuse in the second degree: (1) A person commits the crime of sexual abuse in the second degree when that person subjects another person to sexual intercourse, deviate sexual intercourse or, except as provided in ORS 163.412, penetration of the vagina, anus or penis with any object other than the penis or mouth of the actor and the victim does not consent thereto. [Return to Top](#)

sexual abuse in the third degree: (1) A person commits the crime of sexual abuse in



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the third degree if the person subjects another person to sexual contact and:

- (a) The victim does not consent to the sexual contact; or
- (b) The victim is incapable of consent by reason of being under 18 years of age.

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shelter hearing: (Black's Law Dictionary, 8th Edition): *Family law*. A hearing shortly after the state's removal of a child for suspected abuse or neglect. ° This hearing is generally held within 24 to 72 hours after the removal. The purpose of the hearing is to determine whether the state has adequate cause to maintain the children in protective care. – Also termed *shelter-care hearing; continued-custody hearing; preliminary protective hearing; probable-cause hearing; detention hearing; dependency hearing*.

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stalking: (1) A person commits the crime of stalking if:

- (a) The person knowingly alarms or coerces another person or a member of that person's immediate family or household by engaging in repeated and unwanted contact with the other person;
- (b) It is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact; and
- (c) The repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim's immediate family or household. [Return to Top](#)

sting: (Webster's Encyclopedic Unabridged Dictionary definition): sting *n.*, (20.) *Slang*

(b) an ostensibly illegal operation, as the buying of stolen goods or the bribing of public officials, used by undercover investigators to collect evidence of wrongdoing [Return to Top](#)

subpoena: (Black's Law Dictionary, 8th Edition): [Latin "under penalty"] A writ commanding a person to appear before a court or other tribunal, subject to a penalty for failing to comply. (Black's Law Dictionary, 8th Edition): (1) (v.) To call before a court or other tribunal by subpoena <subpoena the material witnesses>. (2) To order the production of documents (or other things) by subpoena duces tecum <subpoena the corporate records.> *subpoena duces tecum* [Law Latin] A subpoena ordering the witness to appear and to bring specified documents, records, or things. – Also termed *deposition subpoena duces tecum*. [Return to Top](#)



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termination of parental rights: (*acronym: TPR*). (Black's Law Dictionary, 8th Edition): *Family law*. A trial or court proceeding, usu. initiated by a state agency, that seeks to sever the legal ties between a parent and child, usu. so that the child can be adopted. ° The standard of proof in a termination-of-parental-rights hearing is clear and convincing evidence. – Often shortened to *termination hearing*

(Bilingual Dictionary of Domestic Relations and Juvenile Terms): Cessation of parents' rights and obligations by court order where there is a finding of extreme abuse, neglect of child or consent by the biological parent.

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theft in the first degree: (1) A person commits the crime of theft in the first degree if, by other than extortion, the person commits theft as defined in ORS 164.015 and:

- (a) The total value of the property in a single or aggregate transaction is \$200 or more in a case of theft by receiving, and \$750 or more in any other case;
- (b) The theft is committed during a riot, fire, explosion, catastrophe or other emergency in an area affected by the riot, fire, explosion, catastrophe or other emergency;
- (c) The theft is theft by receiving committed by buying, selling, borrowing or lending on the security of the property;
- (d) The subject of the theft is a firearm or explosive;
- (e) The subject of the theft is a livestock animal, a companion animal or a wild animal removed from habitat or born of a wild animal removed from habitat, pursuant to ORS 497.308 (2)(c); or
- (f) The subject of the theft is a precursor substance.

(2) As used in this section:

- (a) "Companion animal" means a dog or cat possessed by a person, business or other entity for purposes of companionship, security, hunting, herding or providing assistance in relation to a physical disability.
- (b) "Explosive" means a chemical compound, mixture or device that is commonly used or intended for the purpose of producing a chemical reaction resulting in a substantially instantaneous release of gas and heat, including but not limited to dynamite, blasting powder, nitroglycerin, blasting caps and nitrojelly, but excluding fireworks as defined in ORS 480.110 (1), black powder, smokeless powder, small arms ammunition and small arms ammunition primers.



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(c) “Firearm” means a weapon, by whatever name known, which is designed to expel a projectile by the action of black powder or smokeless powder and which is readily capable of use as a weapon.

(d) “Livestock animal” means a ratite, psittacine, horse, gelding, mare, stallion, colt, mule, ass, jenny, bull, steer, cow, calf, goat, sheep, lamb, llama, pig or hog.

(e) “Precursor substance” has the meaning given that term in ORS 475.940.

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theft in the second degree: (1) A person commits the crime of theft in the second degree if, by other than extortion, the person:

(a) Commits theft as defined in ORS 164.015; and

(b) The total value of the property in a single or aggregate transaction is \$50 or more but is under \$200 in a case of theft by receiving and under \$750 in any other case. [Return to Top](#)

theft in the third degree: (1) A person commits the crime of theft in the third degree if, by means other than extortion, the person:

(a) Commits theft as defined in ORS 164.015; and

(b) The total value of the property in a single or an aggregate transaction is under \$50. [Return to Top](#)

traffic citation: (Black's Law Dictionary 8th Edition definition): (2) A police-issues order to appear before a judge on a given date to defend against a stated charge, such as a traffic violation. Also termed *appearance ticket*. [Return to Top](#)

transfer tax: (Black's Law Dictionary 8th Edition): A tax imposed on the transfer of property, especially by will, inheritance, or gift. [Return to Top](#)

truancy: (Black's Law Dictionary, 8th Edition): The act or state of shirking responsibility; esp., willful and unjustified failure to attend school by one who is required to attend. [Return to Top](#)

true bill: (Black's Law Dictionary, 8th Edition): A grand jury's notation that a criminal charge should go before a petty jury for trial. [Return to Top](#)



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unauthorized use of a vehicle: (1) A person commits the crime of unauthorized use of a vehicle when:

(a) The person takes, operates, exercises control over, rides in or otherwise uses another's vehicle, boat or aircraft without consent of the owner;

(b) Having custody of a vehicle, boat or aircraft pursuant to an agreement between the person or another and the owner thereof whereby the person or another is to perform for compensation a specific service for the owner involving the maintenance, repair or use of such vehicle, boat or aircraft, the person intentionally uses or operates it, without consent of the owner, for the person's own purpose in a manner constituting a gross deviation from the agreed purpose; or

(c) Having custody of a vehicle, boat or aircraft pursuant to an agreement with the owner thereof whereby such vehicle, boat or aircraft is to be returned to the owner at a specified time, the person knowingly retains or withholds possession thereof without consent of the owner for so lengthy a period beyond the specified time as to render such retention or possession a gross deviation from the agreement.

(2) Unauthorized use of a vehicle, boat or aircraft is a Class C felony.

(3) Subsection (1)(a) of this section does not apply to a person who rides in or otherwise uses a public transit vehicle, as defined in ORS 166.116, if the vehicle is being operated by an authorized operator within the scope of the operator's employment. [Return to Top](#)

unitary assessment: (Black's Law Dictionary, 8th Edition): assessment, *n.* **2.** Imposition of something, such as a tax or fine, according to an established rate; the tax or fine so imposed. The Unitary Assessment must **ALWAYS** be added in the UCJ. If the Judge waives the UA, it still has to be added to the revenue table. Once it is in the revenue table, the modifier for Waived (WV) can be added. See the Criminal Assessments and Fees table in your handbook to determine the amount of the Unitary Assessment. **If a FINE is imposed, the UA cannot be waived by statute.**

137.290 Unitary assessment; amount; waiver. (1) In all cases of conviction for the commission of a crime or violation, excluding parking violations, the trial court, whether a circuit, justice or municipal court, shall impose upon the defendant, in addition to any other monetary obligation imposed, a unitary assessment under this section. Except when the person successfully asserts the defense set forth in ORS 419C.522, the unitary assessment shall also be imposed by the circuit court and county court in juvenile cases under ORS 419C.005 (1). The unitary assessment is a penal obligation in the nature of a fine and shall be in an amount as follows:

(a) \$107 in the case of a felony.



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- (b) \$67 in the case of a misdemeanor.
- (c) \$97 in the case of a conviction for driving under the influence of intoxicants.
- (d) \$37 in the case of a violation as described in ORS 153.008.

(2) The unitary assessment shall include, in addition to the amount in subsection (1) of this section:

(a) \$42 if the defendant was driving a vehicle that requires a commercial driver license to operate and the conviction was for violating:

(A) ORS 811.100 by driving at a speed at least 10 miles per hour greater than is reasonable and prudent under the circumstances; or

(B) ORS 811.111 (1)(b) by driving at least 65 miles per hour;

(b) \$500 if the crime of conviction is a crime found in ORS chapter 163;

(c) \$500 if the crime of conviction is a violation of ORS 475.890 or 475.892; and

(d) \$1,000 if the crime of conviction is a violation of ORS 475.886 or 475.888.

(3) Subject to subsection (4) of this section, the court in any case may waive payment of the unitary assessment, in whole or in part, if, upon consideration, the court finds that payment of the assessment or portion thereof would impose upon the defendant a total monetary obligation inconsistent with justice in the case. In making its determination under this subsection, the court shall consider:

(a) The financial resources of the defendant and the burden that payment of the unitary assessment will impose, with due regard to the other obligations of the defendant; and

(b) The extent to which such burden can be alleviated by allowing the defendant to pay the monetary obligations imposed by the court on an installment basis or on other conditions to be fixed by the court.

(4) If a defendant is convicted of an offense, the court:

(a) May waive all or part of the unitary assessment required under subsections (1) and (2)(a) of this section only if the court imposes no fine on the defendant.

(b) May not waive the portion of the unitary assessment required under subsection (2)(c) or (d) of this section, except in juvenile cases under ORS 419C.005 (1). [1987 c.905 §1; 1991 c.460 §14; 1993 c.33 §300; 1993 c.637 §1; 1993 c.770 §§1,3; 1995 c.555 §1; 1997 c.872 §27; 1999 c.1051 §127; 1999 c.1056 §1d; 1999 c.1095 §6; 2003 c.737 §112; 2003 c.819 §11; 2005 c.843 §21; 2007 c.899 §§1,2]

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upward durational departure: (Black's Law Dictionary 8th Edition definitions):

Departure: (1. A deviation or divergence from a standard rule, regulation, measurement, or course of conduct. Upward departure: In the federal sentencing guidelines, a court's imposition of a sentence harsher than the standard guidelines propose. [Return to Top](#)

waiver of rights: (Black's Law Dictionary, 8th Edition): waiver, *n.* The voluntary relinquishment or abandonment – express or implied – of a legal right or advantage.

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