

REVENUE: No revenue impact

FISCAL: May have fiscal impact, statement not yet issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by prior reference
Vote:	9 - 0 - 0
Yeas:	Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson
Nays:	0
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	4/10, 4/26

WHAT THE MEASURE DOES: Increases the sentence from 19 month to 27 months for someone convicted of aggravated theft (value of property in excess of \$10,000 other than motor vehicle used for personal use) burglary I or robbery III (bill adds this crime to this sentencing scheme) if the person has a previous conviction for these offenses or robbery II or has four previous convictions for certain specified property crimes.

Increases the sentence from 13 months to 18 months for someone convicted of theft I, unauthorized use of a motor vehicle, theft I, burglary II, criminal mischief I, computer crime, forgery I, criminal possession of a forged instrument I (bill adds this crime to the sentencing scheme), identity theft, possession of a stolen vehicle, or trafficking in stolen vehicles if the person has a previous conviction for aggravated theft I, unauthorized use of a motor vehicle, burglary I, robbery III, (bill adds this crime to the sentencing scheme) robbery I and II, possession of a stolen vehicle or trafficking in stolen vehicles or has four previous convictions for certain specified property crimes.

Removes from the list of specified crimes set forth under the four previous convictions aggravated theft I and burglary I. Increases the presumptive 27-month sentence and the 18-month sentence by two months for each previous conviction the person has for the crimes set forth above plus those set forth under the four previous convictions list and was not used as a predicate for the presumptive sentence. Limits the increase in sentence to 12 months. Requires that a person serve at least the presumptive sentence if at the time of the commission of the current crime of conviction, the person was on probation for a crime set forth above plus those set forth under the four previous convictions list and the probationary sentence was a departure from the presumptive sentence.

Requires the court to determine if a defendant is eligible for an alternative incarceration program (AIP) when the defendant is sentenced to a term of incarceration that exceeds one year and if the court finds that participation is appropriate or the parties stipulate on the record that the defendant is eligible. Requires a stipulation for certain violent felonies and certain sex crimes or the person previously completed an alternative incarceration program and is being sentenced for a crime committed less than five years from the date from release from custody. Requires the court to state on record the maximum possible reduction of sentence a defendant may receive for successfully completing AIP.

Requires that an offender who has successfully completed AIP serve at least 12 months and that the offender have no more than 24 months remaining on the sentence imposed.

ISSUES DISCUSSED:

- Oversight
- Evidenced-based practices
- Costs

EFFECT OF COMMITTEE AMENDMENT: Replaces the bill.

BACKGROUND: Oregon's repeat property offender (RPO) law was enacted during the special legislative session of 1996. It was intended to ensure that RPOs would receive at least 13 months in prison and was directed at those offenders who had at least four prior convictions for property crimes. It has since been modified and expanded several times. Most property offenders have substance abuse problems.

The alternative incarceration program of the Department of Corrections allows inmates to reduce their sentences upon the completion of certain specified treatment programs. The first of these programs was based on the military boot camp model in 1993. Later, the legislature required that the boot camp program and the other alternative incarceration programs the Department operates incorporate evidence-based practices such as cognitive restructuring. According to the Department's research, the cognitive-based treatment programs reduce recidivism rates.

This bill is linked to buying treatment beds at AIP to actually have treatment for these RPOs. State data shows that most RPOs have a drug addiction. Under current law, most of these offenders who qualify for RPO statute receive a 13 month sentence. With the average offender serving 60 days of that sentence in jail prior to sentencing, and then receiving credit for time served. That means the offender has only 11 months left of his sentence when he is admitted.