

**REVENUE:** No revenue impact

**FISCAL:** May have fiscal impact, statement not yet issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by prior reference
<b>Vote:</b>	5 - 0 - 0
<b>Yeas:</b>	Beyer, Kruse, Prozanski, Walker, Burdick
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Bill Taylor, Counsel
<b>Meeting Dates:</b>	3/26, 4/26

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**WHAT THE MEASURE DOES:** Creates the Smart on Crime Task Force consisting of six members appointed as follows: 1) Two members appointed by the Senate President, one from each party; 2) Two members appointed by the Speaker of the House, one from each party; and 3) Two members appointed by the Governor.

Directs the task force to: (a) Evaluate state-funded programs, including child development programs to ensure that funding effectively and efficiently reduces crime; (b) Identify state-funded programs that effectively reduce crime and victimization by reducing recidivism; (c) Identify ways the state can increase support for state-funded programs that are intended to reduce criminal and delinquent behavior; (d) Make recommendations for changes in the state's sentencing laws in order that the laws better meet the principles of section 15, Article I of the Oregon Constitution; (e) Make recommendations based on cost-benefit analyses of state criminal justice policies; and (f) Make recommendations on how best to use available resources to reduce crime and victimization and hold offenders accountable for their actions. Requires the task force to submit a report to the Interim Session Judiciary Committee no later than October 1, 2008. Repeals this measure at the beginning of the next regular biennial session. Effective upon passage.

**ISSUES DISCUSSED:**

- Costs
- Have not looked at sentencing since 1987

**EFFECT OF COMMITTEE AMENDMENT:** Removes the Attorney General and the Chief Justice's right to appoint a member to the task force. Increases the Governor's number of appointees from one to two. Modifies what the task force will consider.

**BACKGROUND:** In 1989, Oregon replaced indeterminate sentencing where the length of time served was determined by the Parole Board, with Sentencing Guidelines, where sentences are based on the nature of the crime committed and the offender's criminal history. Measure 11, adopted by the voters in 1995, modified Sentencing Guidelines in that it set a floor for specific crimes. What this means is that an offender, at a minimum, receives the Measure 11 sentence, but if the offender could receive a longer sentence under Sentencing Guidelines because of past criminal history and other aggravating factors, a court may sentence the offender to the longer sentence under sentencing guidelines. In addition, Oregon has mandatory minimums for: (1) Aggravated murder (ORS 163.105); (2) Assaulting a public safety officer (ORS 163.208); (3) Use of a firearm during the commission of a felony (ORS 161.601); and (4) More recently, the increased mandatory minimum sentence for sexual assault on a victim under twelve years of age. During the same period of time, Oregon's prison population increased from approximately 4,000 inmates to over 13,000 inmates while its crime rate has decreased. This decrease is probably caused by many factors, one of which could be the increased number of persons incarcerated.

During the same period of time, Oregon created: (1) In 1985, the Oregon Criminal Justice Commission with its primary purpose of developing a state criminal justice policy and comprehensive, long-range plan for coordinated state criminal justice system; (2) In 1991, the Commission on Children and Families to promote the wellness of children and families in Oregon; and (3) In 1995, the Oregon Youth Authority as a government entity separate and apart from the Department of Human Services, not only for the purpose of the supervision of youth correction facilities but to reduce recidivism rates among youth offenders.