

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass with Amendments to the A-Eng. Measure (Printed B-Eng.) and Be Referred to the Committee on Rules
Vote:	5 - 0 - 0
Yeas:	Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	5/22, 5/26, 5/28

WHAT THE MEASURE DOES: States that after a decision by State Board of Parole and Post-Prison Supervision (board) not to grant parole to an inmate, a subsequent parole hearing may not held sooner than two years after denial and not later than ten years from that date if the prisoner is sentenced to life, sentenced as a dangerous offender, or is sentenced for a crime committed prior to November 1, 1989, unless the extended period would exceed the maximum sentence less good time credits. Allows the inmate to petition for an earlier hearing. Requires the board to issue a final order when denying an inmate a parole hearing within two years and to issue finding of facts and conclusions of law with the order. Phases in the implementation of Measure 57 with full implementation on January 1, 2012. Does not impact those already sentenced. Measure 57 still applies to those committing fraud on the elderly or those who sell significant quantities of a controlled substance. Increases earned time from 20 percent to 30 percent for nonviolent offenders. Sunsets the increase in earned time in four years. Directs the Oregon Criminal Justice Commission to study the impact of increased earned time on public safety. Allows a judge to impose no more than 60 days of incarceration in jail upon a defendant who has violated his or her probation. Allows reduction in a person's probation for good behavior, but not to exceed 50 percent of the person's probation time. Reduces the term of active post-prison supervision and probation. Allows for an extension of post-prison supervision and a return to active supervision status.

ISSUES DISCUSSED:

- Drug treatment
- Phasing in Measure 57, not eliminating it

EFFECT OF COMMITTEE AMENDMENT: Phases in the implementation of Measure 57. Does not impact those already sentenced. Measure 57 still applies to those committing fraud on the elderly or those who sell significant quantities of a controlled substance. Increases earned time from 20 percent to 30 percent for nonviolent offenders. Sunsets the increase in earned time in four years. Directs the Oregon Criminal Justice Commission to study the impact of increased earned time on public safety. Allows a judge to impose no more than 60 days of incarceration in jail upon a defendant who has violated his or her probation. Allows reduction in a person's probation for good behavior, but not to exceed 50 percent of the person's probation time. Reduces the term of active post-prison supervision and probation. Allows for an extension of post-prison supervision and a return to active supervision status.

BACKGROUND: Anyone sentenced to prison for a felony committed prior to November 1, 1989, received an indeterminate sentence to the Department of Corrections. When the prisoner is released is up to the Board of Parole and Post-Prison Supervision (board.) The board reviews the prisoner's parole plan and psychiatric or psychological report. Parole hearings are conducted every two years. Also, a person sentenced to life imprisonment for murder or as a dangerous offender is subject to the jurisdiction of the board .

Oregon is, as is the rest of the nation and the world, in a severe economic downturn. This downturn has caused a substantial reduction in tax revenues and consequently requires significant reductions in our state spending including spending pertaining to public safety. Measure 57 was enacted by the voters in November of 2008 after referral by the legislature. It targeted repeat property offenders, most of whom are substance abusers, with increased penalties and

6/3/2009 4:22:00 PM

This summary has not been adopted or officially endorsed by action of the committee.

increased treatment designed and intended to reduce drug addiction and criminal behavior. It was the intent of Measure 57 to have the treatment component running concurrently with the penalty provisions. This has proven to be impossible to do in these difficult economic times.

It is the intent of the earned credit time proposal to reduce costs and at the same time minimize the impact to public safety. A Washington State Institute for Public Policy study shows that increasing earned time lowers recidivism rates. Inmates earn early release through pro-social behavior.