

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 0
Yeas:	Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	3/25, 4/6, 4/13

WHAT THE MEASURE DOES: Repeals ORS 137.721(1). Clarifies that if a person is convicted of possession of a substantial quantity of a controlled substance, or delivery to a minor, the sentence is not limited to the presumptive 19-month sentence.

ISSUES DISCUSSED:

- Need to remove ORS 137.721(1) from the Oregon Revised Statutes so it is not relied upon.

EFFECT OF COMMITTEE AMENDMENT: Clarifies that if a person is convicted of possession of a substantial quantity of a controlled substance, or delivery to a minor, the sentence is not limited to the presumptive 19-month sentence.

BACKGROUND: The 2008 Special Legislative Session referred SB 1087 to the voters in the November 2008 general election where it appeared on the ballot as Ballot Measure 57. It was intended to address the concerns of many Oregonians over the difficulty of successfully sanctioning repeat property offenders (most of whom are drug addicts). It also addressed the concerns of the law enforcement community over the inability to apply meaningful sanctions to those involved in the trafficking of significant quantities of heroin, cocaine, methamphetamine (meth) and ecstasy with the side benefit of using these sanctions as leverage to obtain cooperation. At the same time, it is intended to significantly increase evidence-based treatment programs backed up by jail beds.

Section 6 of Measure 57 prohibits a court from imposing a sentence of optional probation or granting sentence dispositional or duration downward departure for offenders manufacturing and delivering a controlled substance if the person had one or more prior convictions for manufacture or delivery. ORS 137.721(1) allows optional probation and downward departures contrary to section 6 of Measure 57. It is no longer operative because Measure 57, by being more recent, implicitly repeals ORS 137.721. This measure would explicitly repeal ORS 137.721.

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