

Correction's (DOC) community corrections grants assumes \$8.11 per day for each offender on probation supervision and shortening the length of time on probation supervision for offenders who comply with their conditions of release will result in fewer days assumed in these community corrections grants. Sunsets 7/1/2011.

Inactive Local Control Post-Prison Supervision Status **Estimated Savings \$1,100,000**

This bill would set the minimum amount of time an offender must serve under active supervision. An offender may be transitioned to inactive supervision or remain on active supervision depending upon the offender's compliance with their terms of post-prison supervision, employment status, treatment program outcomes, and the status of the offenders meeting court ordered monetary obligations. Community corrections departments would not be paid for offenders on inactive status. The Department of Correction's (DOC) community corrections grants assumes \$12.34 per day for each offender on probation supervision and shortening the length of time on probation supervision for offenders who comply with their conditions of release will result in fewer days assumed in these community corrections grants. Sunsets 7/1/2011.

ICE Detainers **Estimated Savings \$2,100,000**

Streamlines the commutation process for inmates subject to a US Immigration and Customs Enforcement Order, incarcerated for a nonviolent felony and have six months or less left in their sentences, who have agreed not to object to deportation. The bill would also require the appointment of counsel for the purpose of advising the offender regarding the waiver of statutory or constitutional rights. Sunsets 7/1/2011.

Drug Possession Status **Estimated Savings \$4,800,000**

This bill would lower the penalties for the possession of a controlled substance from a B or C felony to a Class A misdemeanor if the individual has less than one gram and no prior drug offenses. CJC has estimated that approximately 1,250 offenders per year, who would have received a felony conviction, will now receive a misdemeanor conviction instead. In addition, the provisions of this bill would reduce the number of individuals on probation by approximately 1,900 per year. The change from a felony to a misdemeanor would result in cost avoidance to the Oregon Judicial Department (OJD). The difference in cost between a felony and a misdemeanor is \$344. OJD may also see increased costs associated with bench probations in cases where an offender may be subject to local supervision. Likewise, Public Defense Services Commission would see reduced costs in defending a misdemeanor instead of a felony. The difference between defending a Class B felony and a misdemeanor is \$537 and the difference between a Class C felony and a misdemeanor is \$167. This provision also assesses a \$100 fee on all offenders convicted of drug felony. This fee will be paid to CJC and then used to support drug courts. In 2008 there were 5,600 felony drug convictions. If OJD were able to collect 50% of the fees, it would generate approximately \$280,000. There is no way to know how much may ultimately be collected. Sunsets 7/1/2011.

Increased Earned Time **Estimated Savings \$5,700,000**

This bill will increase the amount of earned time an offender can accumulate from 20% of their sentence 30% of their sentence. Increased earned time does not apply to Measure 11 offenders, violent offenders or Measure 57 offenders. Only nonviolent offenders are eligible and this provision sunsets on July 1, 2013. For current inmates to be eligible for the 30% earned time, the sentencing court shall resentence after notice to the state, the victim, and the offenders. If the District Attorney and the Courts do not object to the early release, the resentencing would be an expedited process that would allow the court to authorize the sentence without a hearing. If the District Attorney or the Courts contest the early release, a more formal process would need to be undertaken. The process of resentencing will result in additional cost to the Oregon Judicial Department (OJD) and Public Defense Services Commission (PDSC). It is not known how many of these offenders may go through the expedited process and how many may go

through the contested case process. If the costs are significant, the agencies affected by this bill may require a budget adjustment, by the current Legislature, the Emergency Board, or a future Legislature, if the agency's budgeted resources prove insufficient to cover the actual cost of this measure.

This measure has an indeterminate expenditure impact due to the uncertainty of how many offenders may be subject to the provisions of this bill. Therefore, the agencies affected by this bill may require a budget adjustment, by the current Legislature, the Emergency Board, or a future Legislature, if the agency's budgeted resources prove insufficient to cover the actual cost of this measure.