

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass as Amended and Be Referred to the Committee on Ways and Means

Vote: 3 - 2 - 0

Yeas: Bonamici, Dingfelder, Prozanski

Nays: Boquist, Whitsett

Exc.: 0

Prepared By: Bill Taylor, Counsel

Meeting Dates: 2/2, 2/4, 2/9

WHAT THE MEASURE DOES: Eliminates the additional 10 percent earned time upon passage. Reinstates an additional 10 percent earned time for nonperson felonies on July 1, 2011. Sunsets this provision on January 1, 2013. Excludes from the additional 10 percent earned time those before the court who have a past conviction for a person felony if the sentence, probation, or post-prison supervision has ended less than five years prior to the current criminal charge. Excludes person felonies regardless of past criminal history. Defines person felony as defined in the rules of the Oregon Criminal Justice Commission. Includes additional crimes in the exclusion list. Stops all re-hearings for the additional 10 percent upon passage unless a court has entered a supplemental judgment or the court has ordered in open court that the Department of Justice may consider the inmate for an additional 10 percent earned time. Requires the Secretary of State to conduct an audit of earned time.

ISSUES DISCUSSED:

- Applicable dates
- List of crimes not eligible
- Audit of earned time
- Fiscal impact

EFFECT OF COMMITTEE AMENDMENT: Replaces the bill.

BACKGROUND: Oregon has experienced, as has the rest of the nation and the world, difficult economic times. 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 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. Consequently, the 2009 Legislative Assembly enacted HB 3508 that delayed many of the provisions of Measure 57. Section 17 of HB 3508 increased by 10 percent earned time for those offenses that were already eligible for 20 percent earned time, and also excluded seven additional crimes plus attempts to commit these crimes.