

Dear Co-chairs and members of the committee:

I am testifying today, to urge you to pass HB 3194. I attended the public hearing on Wednesday, April 4<sup>th</sup> 2013. I listened carefully to what everyone that testified said. There were some very good points made. I feel compelled to contribute as well.

There were concerns voiced by a couple of district attorneys about altering Measure 11 that I would contend are invalid. They talked of extremely horrific crimes and the impact on victims and their families. They tried to lead us to believe that by reducing or removing mandatory the minimum sentencing, required by Measure 11, that these criminals would receive short sentences. As I understand it; HB 3194 does not reduce maximum sentences. Judges and juries would still be able to impose long and severe sentences appropriate to those criminals and their crimes. It is wrong to punish *every* offender based on the consequences of the most extreme crimes.

I believe strongly that Measure 11 is fundamentally flawed. That any legislation that so severely restricts the judicial process is essentially unconstitutional. I actually voted for the passage of the proposal when it was on the ballot. It was a knee-jerk reaction to some very good marketing that the bill's proponents put forth. I mean; who doesn't want to get tough on crime? I, as a lot of other people who I know that voted for it, feel that we were somewhat duped by the system. The measure that passed was not how it was packaged and sold to us. We failed to realize the impact that it would have on the non-career criminal. We didn't consider the seriousness of its consequences.

I feel as strongly as anyone that public safety is paramount. I also believe that the current system is not working. It seems to me that the more effective approach to the reduction of crime should be proactive. Measure 11 is reactive. I base this on my own experience: my son is currently incarcerated at the Oregon State Penitentiary for a measure 11 crime. My son is not a career criminal. He succumbed to the ravages of substance abuse; and in his desperation to feed his addiction resorted to robbery. He is a brilliant young man who never got in trouble his entire life. It was drug fueled and treatment is the best path to rehabilitation. Public safety is better realized by treatment than punishment.

He was sentenced to 7 ½ years. The judge, as well as the district attorney, both voiced that it was unfortunate that the sentence was so long. They explained that they had no choice. He is a model prisoner, he is taking college courses and is one credit shy of earning his 3<sup>rd</sup> degree. My son, and all of us believe that he deserved punishment for what he did. He has been

punished; and is rehabilitated. He has worked, on his own, to earn the tools necessary to transition back to a successful place in society. Now he has another three years to “rot” in jail. We are all certain that he will maintain his focus for the remainder of his sentence. Given the time left, and the nature of incarceration in a state prison; there is a lot of opportunity to lose that focus.

This is why I urge you to pass HB 3194, and would implore you to consider modifying it to include inmates that are have already fallen prey to the pitfalls of Measure 11. Please consider giving adults, as well as juveniles a second look. Please allow them to earn good time. There are many current inmates, like my son who are ready *now* to get back to being contributing members of society but are serving expensive lengthy sentences as mandated by Measure 11.

Thank You,  
Gregory Peart  
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