

To: Members of the Public Safety Committee  
From: John L Zolkoske,  
Ph. 971-239-8716  
e-mail: 4sensiblelaws@gmail.com  
Date: April 3, 2013

Re: **HB 3194**  
Hearing Date: Friday, April 5, 2013  
Time: 1:00 PM  
Room: HR C

Dear Esteemed Members:

I urge your support of HB 3194. Last year, I testified before before the Governor's taskforce regarding the potential Measure 11 sentence modifications under HB 3194. I am tremendously impressed with members of this taskforce for crafting this thoughtful proposal. The result of this taskforce is a common-sense proposal to enhance public safety.

Based on my experience in this realm, I believe this is an essential proposal to direct resources away from unnecessary durations of incarceration for non-violent offenders in favor of community based programs, where a significant return on investment will be realized.

**This proposal is a Reasoned and Intelligent Approach to Public Safety:**

- HB 3194 returns reason and sanity to sentencing. This measured approach is only for crimes where conduct varies widely – and where the Measure 11 sentence is sometimes completely inappropriate. It is a bedrock principle of any valid justice system that punishment should be in proportion to the crime.
- District attorneys will try to convince you that this proposal will result in short sentences for serious offenders. This is *absolutely* not the case. This proposal simply gives back to judges the ability to make decisions based on the facts of each case. Obviously, the prosecutors will present egregious cases to demonstrate their opposition. However, this bill dictates that such cases will continue to receive significant sentences. No offenders will be walking away free by any means – and serious offenders will continue to receive the Measure 11 or greater sentence. This proposal merely brings balance back to a broken system.
- Measure 11 has become a way for prosecutors to control power – at huge expense to the people of Oregon. There is case after case where the judge has found that the Measure 11 sentence to be inappropriate, yet the prosecutor refuses to yield. It is *completely false* that Ballot Measure 11 is

used rarely or sparingly only in extreme cases. It is used routinely when the prosecutor believes he or she can get a victory – most often when a suspect has been cooperative - not when the circumstances warrant. Please do not trust the district attorneys in this matter. For them it is simply about retaining power. They have routinely abused that power since the inception of Measure 11. The D.A's have proven again and again that they are incapable of using this power judiciously.

I urge you to move this bill forward in the interest of justice and in the interest of allocating public safety dollars where they will do the most good. I am willing to answer any and all questions you may have, providing concrete examples that Measure 11 is used routinely even when clearly not called for. Justice must be equitable. I urge your support of this bill.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "John L. Zolkoske". The signature is written in a cursive style with a large, stylized initial "J".

John L. Zolkoske