

Youth, Rights & Justice

ATTORNEYS AT LAW

To: House Committee on Judiciary, 2013 Oregon Legislature

From: Mark McKechnie, Exec. Director, Youth, Rights & Justice

Date: March 11, 2013

Re: Recommendation to Amend HB 2957 to Exclude Youth

Chair Barker and Members of the Committee:

Robbery is obviously a serious offense, and Robbery in the 2nd degree currently carries a mandatory minimum 70-month sentence for persons 15 and older. The law has established a distinction between the offense using a toy or look-alike gun and the offense using a real and potentially deadly firearm. We believe it is appropriate to maintain the current distinction between these two different offenses, in particular, as it applies to youth.

YRJ is very concerned about the impact of HB 2957 on youth. This bill would elevate a robbery involving a look-alike firearm, such as a toy gun, to the same offense as robbery using an actual firearm. Elevating this offense to Robbery in the 1st degree would move it from a Class B felony to a Class A Felony. For youth aged 15 and older, the sentence would increase from a minimum of 70 months to a minimum of 90 months. The current average cost for incarcerating a youth is \$236 per day. **HB 2957 would increase the cost of incarceration by approximately \$141,000 for each youth.**

First-time offenders would face the steepest increases in sentencing under HB 2957. Currently, if a youth with no prior record commits Robbery in the 2nd degree, the youth may be eligible for non-Measure 11 treatment, with a potential sentence of probation. This law would treat a fifteen year-old with no prior offenses and a toy gun the same as a hardened adult criminal with loaded, deadly firearm. **The cost to the state to incarcerate a first-time offender would be approximately \$646,000.**

Youth are the targets of advertising for Airsoft and other realistic-looking air, pellet and toy guns. This, combined with the fact that *they are developmentally immature, impulsive and shortsighted*, can lead to trouble. Fortunately, most youth offenders grow and mature and do not continue committing crimes in adulthood.

While youth who commit serious offenses should be held accountable, we know that prolonged incarceration is not the most effective way to prevent youth offenders from becoming adult offenders. Youth who commit these types of offenses are often failing in school, and the majority of them are diagnosed with mental health or substance abuse disorders. Rather than spending millions more on incarceration, **we should be investing our very precious state resources into strategies that are more effective in promoting public safety – effective prevention, intervention and treatment programs – and ensuring that at-risk youth have the support they need to stay in school and complete it.**

Thank you for considering our testimony and for your careful deliberation of these complex and vital issues.