



Legislative Testimony

OREGON DEPARTMENT OF CORRECTIONS

February 5, 2014

The Honorable Jeff Barker, Chair
House Judiciary Committee

RE: House Bill 4098

Chair Barker and members of the House Judiciary Committee, I am Kim Brockamp, Assistant Director of Offender Management and Rehabilitation for the Oregon Department of Corrections (DOC). The department participated in the workgroup that drafted HB 4098, and I am here to provide information related to the bill and respond to questions.

What this Bill Does

House Bill 4098 expands the statutes to allow for additional application of credit for time served in the county jail that is currently not applicable in a variety of circumstances.

Existing Law

- Person can get credit if held in jail *only* for the crime (or a lesser included) for which sentence is imposed.
- Person cannot get presentence credit toward a newly imposed DOC sentence if serving either a previously imposed sentence or sanction for a violation of probation, parole or post-prison supervision.
- Persons cannot get credit for time held in custody for violations of conditional discharge, diversion, or specialty court if these were initially imposed without probation.
- Court has discretion to grant or deny credit for time previously served toward probation revocation sentences.

Issues Addressed by the Bill

- Person can get credit if held in jail for the same crime, a lesser included, a greater inclusive or an offense designated by the court as being part of the same criminal episode.
- Gives court discretion to allow DOC to grant credit for time served while serving a previously imposed sentence or for violations of probation, parole or post-prison supervision (it's denied unless the court orders otherwise).

- Allows DOC to give credit toward a revocation of diversion or specialty court unless court orders otherwise.
- Allows DOC to give credit toward a revocation of conditional discharge.
- Credit for time served on probation revocation sentences is automatically granted (court no longer has authority to deny).
- Amendments to these statutes result in savings for DOC.

Submitted by:

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