



# 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:*

The Department of Corrections (DOC)

Kim Brockamp, Assistant Director

Kim.Brockamp@doc.state.or.us.

(503) 945-9092