



**Testimony of Becky Straus, Legislative Director
In Support of HB 4098
House Committee on Judiciary
February 5, 2014**

Chair Barker and Members of the Committee:

Thank you for the opportunity to provide comments today in support of HB 4098. And thank you to Representative Hicks for his work on this bill to bring it forward this session. Much of the work done by this legislature in the recent past in regard to public safety reform has demonstrated the great need to seek more effective, more fiscally responsible, and more compassionate ways to hold offenders accountable for criminal conduct. These discussions also show us that Smart Reform is Possible.¹

HB 4098 is a positive proposal in line with these values because it promotes important issues of fairness. People should get credit for the amount of time they spend in jail as a result of conduct for which they are eventually convicted. Under the current law and in those circumstances, a person can only get credit for time spent on the specific charge for which he or she is convicted. If that person is jailed on a charge arising out of the same conduct but which is a different charge than what he or she is convicted of, credit is not available.

Second, HB 4098 states that a person who is not successful in a program like drug court will get credit for the time he or she spent in jail before entering that program. These provisions will implement a more commonsense understanding of credit for time served in Oregon.

Furthermore, the court would now have discretion to give a person credit for time served on an unrelated offense, which allows that incarceration to go on a person's record for the charge without having to pile on more time unnecessarily.

Overall, this bill serves the goal of fairness and adds some greater discretion for judges who can ensure that the state is not paying for more incarceration than necessary.

We urge your support.

Thank you for the opportunity to testify and for your consideration.

¹ Smart Reform is Possible: States Reducing Incarcerations Rates and Costs While Protecting Communities. <https://www.aclu.org/files/assets/smartreformispossible.pdf>