

Memo

To: House Judiciary Committee

From: Mike Schmidt – Director CJC

Re: HB 3070 – Earned Discharge fix for HB 3194

HB 3070 attempts to fix 2 issues that have arisen since the passage of HB 3194 as it pertains to earned discharge:

1. *Ambiguous use of term “supervision”*

- A. Problem: The term “supervision” as used in ORS 137.633 was ambiguous. It was unclear whether the term “supervision” meant probation, post-prison supervision, bench probation, all of them. In at least one county people were removed from formal supervision, only to be placed onto bench probation.
- B. Solution: HB 3070 modifies the term “supervision” with the descriptive phrase “probation or local control supervision” making it clear that when a person is eligible to have a reduction in the length of supervision it applies to probation both pre and post prison.

2. *Granting, retracting and restoring time credits.*

- A. Problem: The way that ORS 137.633 was written in HB 3194 mimicked the “good time” language in the DOC statutes that authorized awarding and taking away credit for good time served within the DOC. DOC has systems and technology so that they can make those calculations automated. Community corrections offices do not. This meant that the offices that tried to employ this statute had to do the calculations manually, which was very time consuming, leading to multiple agencies unable to allocate the resources necessary to actually do the calculations.
- B. Solution: By removing the “granting, retracting and restoring time credits” language in HB 3194 the DOC will be free to write rules that allow for community supervision agencies to focus on those that have successfully completed all of the requirements of the supervision, and make a decision about when they should be taken off of supervision, without having to go through the time consuming exercise of granting, retracting and restoring credits.