
MEMORANDUM

Legislative Fiscal Office
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To: Public Safety Subcommittee

From: Linda Gilbert, Legislative Fiscal Office
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Date: June 11, 2015

Subject: HB 2423 – Relating to earned time sentence reductions
Work Session Recommendations

House Bill 2423 clarifies that Department of Corrections inmates serving life sentences for murder and aggravated murder are not eligible for earned time reduction in prison sentences.

House Bill 2423 also removes 60 days earned time credit for completion of education (GED, High School Diploma, etc.). Adults in custody are already required to participate in education in order to receive their regular earned time every six months, and this other 60 days earned time credit for education is redundant.

The measure previously had hearings in the House Judiciary Committee on March 12 and April 8, 2015, passing out on an 8-0-1 vote. It passed the House 59-0-1 on April 15, and Senate Judiciary May 7, on a 4-0-1 vote. The measure, staff measure summary, and the fiscal impact statement are included in this packet. The bill has not been amended.

The fiscal impact of the bill is \$52,711 General Fund to the Department of Corrections in 2015-17 and 2017-19. The Department is able to absorb this cost.

There is no amendment.

HB 2423 Final Subcommittee Action:

The measure is recommended to be moved to the Joint Committee on Ways and Means.

Final Motion:

Move HB 2423 to the Joint Committee on Ways and Means with a Do Pass recommendation.

Carriers:

Full _____

House _____

Senate _____

PRELIMINARY STAFF MEASURE SUMMARY

Joint Committee On Ways and Means

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date:

Action:

Meeting Dates:

Prepared By: Linda Gilbert, Budget Analyst

WHAT THE MEASURE DOES:

Establishes that Department of Corrections (DOC) inmates serving life sentences for certain crimes are not eligible for earned time reduction in prison sentences. Eliminates redundant earned time reductions available to inmates of DOC for completion of education credentials.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

In 2013, the Oregon Supreme Court decided *Engweiler v. Oregon Department of Corrections*. That opinion allowed DOC to calculate earned time against the prison term set by the Board of Parole and Post-Prison Supervision (BPPPS). BPPPS, however, still maintains authority over when an adult serving a life sentence should be released. House Bill 2423 fixes this technical issue by making it clear in statute that such sentences are not eligible for sentence reduction.

Additionally, House Bill 2423 removes the 60 days of earned time credit for completion of education while in custody. These provisions were placed in statute in 2008 as a way to incentivize inmates to obtain a high school diploma, GED certificate or other apprenticeship or certificate. Such inmates, however, are already required by DOC rule to participate in required education. Therefore the current statutory provisions do not actually allow for reduction of an inmate's sentence, but rather creates a redundancy. House Bill 2423 fixes this issue by removing the 60 days earned time for completion of education credentials.

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2423

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: John Terpening
Reviewed by: Linda Gilbert
Date: 4-7-2015

Measure Description:

Provides that inmates convicted of certain crimes are not eligible for earned time reduction in prison sentence.

Government Unit(s) Affected:

Department of Corrections

Summary of Expenditure Impact:

Agency – Fund Type	2015-2017 Biennium	2017-2019 Biennium
Department of Corrections – General Fund		
Prison Cost	\$52,711	\$52,711
Total Cost	\$52,711	\$52,711

This measure is anticipated to have a minimal fiscal impact to state agencies and does not require a referral to the Joint Ways and Means Committee. While this measure does not require an appropriation at this time, the cumulative effect of measures with a prison population impact may require further analysis and adjustment to state agency appropriations. The Legislative Fiscal Office provides in the table above and the narrative below the potential costs to state agencies in order to provide more context for the measure’s fiscal impact.

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

The measure provides that inmates convicted of certain crimes are not eligible for earned time reduction in prison sentences and eliminates certain earned time reductions available for completion of education programs.

Currently, up to 60 days of earned time credit is applied for appropriate behavior, or upon completion of a qualified educational program. Based on the current law, the earned time credit is essentially provided twice, for appropriate behavior, and the educational program—for which appropriate behavior is required for participation.

The Department of Corrections (DOC) estimates that this measure would reduce the earned time credit for approximately 10% of the 250 inmates that complete a qualified educational program each year. This would affect approximately 50 inmates per biennium, resulting in an average increased length of stay of 45 days in a DOC facility at a marginal cost per day of \$23.41.

HB 3194 (2013) requires a 10-year estimate of the fiscal impact for measures with an effect on crimes and sentencing. Using the assumptions for educational program participation above, DOC anticipates the cost to remain flat in future biennia at \$52,711 General Fund for 2019-21, 2021-23, and 2013-25.