

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
House Committee On Judiciary

MEASURE: HB 3036
CARRIER: Rep. Sprenger

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date: 03/09/15

Action: Do Pass.

Meeting Dates: 03/09

Vote:

Yeas: 9 - Barker, Barton, Greenlick, Krieger, Lininger, Olson, Post, Sprenger, Williamson

Prepared By: Eric Deitrick, Counsel

WHAT THE MEASURE DOES:

Authorizes Board of Parole and Post-Prison Supervision to require the appearance of either a District Attorney or the Attorney General at hearing setting or resetting release date of person.

ISSUES DISCUSSED:

- Previous Board hearings when no prosecuting attorney was present
- Flexibility bill gives prosecutors to appear both in person or electronically
- The different size and resources of District Attorney offices throughout the state
- Bill concept was product of workgroup including the Board of Parole and Post-Prison Supervision, Legislative Counsel, Oregon Criminal Defense Lawyers Association, District Attorneys, Department of Justice, and crime victims.

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

The Board of Parole and Post-Prison Supervision (Board) has authority to parole inmates who are within the jurisdiction of the Oregon Department of Corrections. As sentencing has evolved from largely indeterminate sentences to determinate sentences, the specific type of offenders eligible for parole has evolved as well. Today, the Board has authority over felony offenders sentenced before November 1, 1989, dangerous offenders under ORS 161.725 – 161.735, and certain murder sentences of life with the possibility of parole.

The Board is required to conduct public hearings regarding parole decisions. District Attorneys have the right to appear at these hearings. However, no provision of law requires the appearance of a prosecuting attorney at these hearings. The original prosecuting attorney – whether it is a District Attorney or the Attorney General – will frequently have case files with relevant information about the underlying prosecution.

House Bill 3036 creates new procedures for Board hearings. It authorizes the Board to require a prosecuting attorney appear at the Board hearing. The Board must notify the District Attorney who handled the underlying prosecution. Upon notification, the District Attorney may consult with the Attorney General to determine who should appear at the hearing, if the Attorney General participated in the underlying prosecution. Appearance may be in person, phone, or through an electronic communication device.