

**Fiscal:** No Fiscal Impact

**Revenue:** No Revenue Impact

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**Action Date:** 03/31/15

**Action:** Do Pass.

**Meeting Dates:** 03/31

**Vote:**

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

**Prepared By:** Eric Deitrick, Counsel

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**WHAT THE MEASURE DOES:**

Provides technical modification to Oregon's "Earned Discharge" statute. Clarifies type of supervision that is eligible for reduction of supervision. Changes terminology describing reduction in supervision period.

**ISSUES DISCUSSED:**

Technical problems with ORS 137.633 – the "Earned Discharge" statute

**EFFECT OF COMMITTEE AMENDMENT:**

No amendment.

**BACKGROUND:**

In 2013, the Oregon Legislature passed House Bill 3194, which provided substantial reworking of Oregon's criminal laws with respect to sentencing and procedure. Sections 17 to 19 of House Bill 3194 contained a provision called "Earned Discharge," which was codified as ORS 137.633. That statute authorizes a reduction in supervision periods by up to 50 percent if offenders successfully satisfied their restitution and treatment obligations. The statute specifically used the term "supervision," and there has been ambiguity about whether that term applied to formal probation, bench probation, or post-prison supervision. In addition, the phrase "earned time credits" is problematic, as the Department of Corrections already has rules governing "earned time credits" for those offenders serving a prison sentence.

House Bill 3070 is a technical fix and clarifies any ambiguity, and applies the reduction to all levels of supervision. The bill also includes a technical modification by replacing the term "amount of time credits earned" with "reduction" so that the Department of Corrections can establish two independent sets of administrative rules.