

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date: 05/07/15

Action: Do Pass.

Meeting Dates: 05/07

Vote:

Yeas: 4 - Burdick, Gelser, Kruse, Prozanski

Exc: 1 - Thatcher

Prepared By: Jeff Rhoades, Counsel

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 certain earned time reductions available to inmates of DOC for completion of education credentials.

ISSUES DISCUSSED:

- Substance of the bill
- Why this is a technical fix
- Mechanics of Parole Board decisions

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.