



## Legislative Testimony

### OREGON DEPARTMENT OF CORRECTIONS

April 24, 2019

The Honorable Jennifer Williamson, Chair  
House Committee on Judiciary

#### **RE: Senate Bill 1008A**

Chair Williamson and members of the committee, I am Colette Peters, Director of the Oregon Department of Corrections (DOC). I am here to testify in support of Senate Bill (SB) 1008A and answer any questions.

#### **What the Bill Does:**

SB 1008A represents significant changes in the approach to juvenile justice in Oregon, specifically as they relate to those youth who are charged in adult court and sentenced to terms of incarceration in DOC. As a former Director of the Oregon Youth Authority (OYA) and current Director of DOC, I am pleased to be here today to discuss this bill with you. In summary, SB 1008A:

- Authorizes a hearings process for young DOC adults in custody (AICs) to be considered for a type of “conditional release” when their projected release date falls after they turn age 25, but before they turn age 27. Currently, the law requires youthful offenders at OYA to transfer to DOC when they turn 25, regardless of the time remaining to be served. This law change would allow individuals with a projected release date prior to their 27 birthday to be eligible for conditional release. If approved by the court, they could serve the remainder of their sentence in the community after they turn 25, rather than transferring to DOC;
- Requires the court to include the age of the defendant at the time of the crime in the judgment, when applicable. Also directs DOC to transfer the person to OYA if the crime was committed under 18 years of age, even if the criminal proceedings were initiated after the person was age 18. OYA placement would continue, even if the person is resentenced on the same charges, when they are 20 years or older. These changes would provide clarity to both DOC and OYA for determining the appropriate placement for a person after sentencing;
- Prohibits a person under 18 years of age at the time of the crime to be sentenced to life without the possibility for parole. It requires the court to consider certain factors when sentencing a person under 18 years old at the time of the crime, and to include the age at the time of the crime in the judgment. It further allows for a hearing and possible release after serving 15 years of the sentence(s) imposed and establishes a hearing process with the Board of Parole and Post-Prison Supervision;
- Eliminates mandatory adult prosecution for certain offenses when the person charged is under the age of 18. It would require the juvenile court to hold a hearing upon filing of a

motion to determine whether a person should be prosecuted as an adult through a waiver hearing process;

- Authorizes Second Look Conditional Release for all persons who committed their crime before the age of 18 and were convicted in adult court. Currently, this is not an option for juveniles sentenced as adults and serving sentences under ORS 137.707 (Measure 11); and
- Directs the Department of Justice to adopt model policies for providing victim notification concerning conditional release and waiver hearings. Directs district attorney victim assistance programs to provide notice to victims in accordance with model policies.

**Background Information:**

In 2018, several Oregon Legislators convened a large workgroup of stakeholders, including DOC, to discuss meaningful juvenile justice reform. The efforts of that workgroup are before us today. This bill represents our current and best understandings of creating public safety and are rooted in what we know now from neuroscience about juvenile brain development. The Courts have also called upon us to rethink the way we sentence juveniles, and this bill brings us to that new day in public policies. For several years now, I have served as Director of agencies serving tens of thousands of youth and adults in our State, and from that perspective I believe these proposals are the right thing to do in Oregon.

I say that not just as the leader of organizations tasked with rehabilitation, but also as a former Victim's advocate.

Preliminary work is underway in partnership with our colleagues at the Criminal Justice Commission and OYA to determine the impacts of this legislation both in financial costs and in numbers of people in custody impacted. We stand ready to provide this committee and the larger legislative body any information it needs.

**Requested Action:**

As former OYA Director, Public Safety Commissioner, and current Director of DOC, I support SB 1008A and encourage the Committee to do the same. We look forward to working in collaboration with all stakeholders on implementation should this bill pass.

Thank you for your time and consideration. I am happy to answer any questions you may have.

*Submitted by:*

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