

SB 1005 A STAFF MEASURE SUMMARY

Joint Committee On Ways and Means

Prepared By: Julie Neburka, Budget Analyst

Meeting Dates: 6/17, 6/18

WHAT THE MEASURE DOES:

Extends sunset date of Task Force on School Safety (Task Force) until September 2021. Increases membership of Task Force from 16 to 18 members. Requires that a representative from the Oregon Health Authority and a representative from the Office of Emergency Management be a member of the Task Force. Requires the Task Force submit a third report concerning the floor plan database in the manner provided by ORS 192.245 no later than September 1, 2021. Declares emergency, takes effect July 1, 2019. Clarifies that the provisions of SB 1008 (2019) that apply after 1/1/2020 do not apply to people who were sentenced prior to that date but then subsequently re-sentenced. Resolves conflicts.

ISSUES DISCUSSED:

- Effect of the amendments
- Need to regulate kratom

EFFECT OF AMENDMENT:

Removes all references to kratom. Explicitly states that the provisions of SB 1008 that apply after 1/1/2020 do not apply to people who were sentenced prior to that date but then subsequently re-sentenced; and resolves conflicts between SB 1008 and SB 1013 in the event that SB 1013 becomes law.

BACKGROUND:

The Task Force on School Safety was created in 2014, bringing together policy makers from the Governor's office, Legislative Assembly, education, law enforcement, fire and rescue, and public mental health to collectively focus on strengthening safety in Oregon schools. Since then, the Task Force has worked to share collective expertise, perspective, and resources and to identify effective, sustainable school safety strategies. The Task Force is scheduled to sunset on December 31, 2019.

Senate Bill 1005 extends the sunset date of the Task Force until September 2021. It also increases the membership of the Task Force from 16 to 18 members and requires that those new members be representatives from the Oregon Health Authority and Oregon Office of Emergency Management.

Senate Bill 1008 ends the automatic prosecution of 15-, 16- and 17-year-olds as adults for Ballot Measure 11 offenses, and authorizes adult prosecution and the imposition of Measure 11 sentences only after the court holds a hearing and waives the person to adult court. The bill authorizes a conditional release hearing (second-look hearing) for a person who received a Measure 11 sentence as a 15-, 16- or 17-year-old after serving half of the sentence imposed. The bill also authorizes a conditional release hearing (transfer hearing) for a person sentenced to a term of imprisonment for a crime committed when the person was under 18 years of age if the person's release date falls between the person's 25th and 27th birthdays. The bill prohibits the imposition of a life sentence without the possibility of parole on a person who was under 18 at the time of committing the offense. The bill also authorizes a parole hearing after 15 years of imprisonment for persons sentenced for a crime committed when the person was under 18 years of age. Under this measure, victims receive notice of waiver, second-look, and transfer hearings, as well as a right to be present at those hearings and access to culturally specific and trauma-informed services. All provisions apply to sentences imposed on or after January 1, 2020.

SB 1005 A STAFF MEASURE SUMMARY

Senate Bill 1013 redefines the crime of aggravated murder, reclassifies the current definition of aggravated murder as Murder in the First Degree, and renames the crime of Murder to Murder in the Second Degree. It also clarifies that attempted aggravated murder and attempt of any degree of murder are Class A felonies. Finally, the bill removes future dangerousness as a factor for the jury to determine when deciding whether to sentence a defendant convicted of aggravated murder to death and requires the state to prove that the defendant should receive the death penalty beyond a reasonable doubt.