

SB 33 STAFF MEASURE SUMMARY

Carrier: Sen. Fagan

Senate Committee On Judiciary

Action Date: 01/22/19

Action: Do pass.

Vote: 7-0-0-0

Yeas: 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Channa Newell, Counsel

Meeting Dates: 1/22

WHAT THE MEASURE DOES:

Approves new administrative rules and amendments to existing administrative rules adopted by Oregon Criminal Justice Commission.

ISSUES DISCUSSED:

- Process for Criminal Justice Commission (CJC) to adjust sentencing guidelines
- Majority of legislative measures direct specific placement of new crime or modification of crime on the sentencing grid
- Some measures are silent on grid placement, leaving discretion to CJC
- CJC utilizes a committee of experts to recommend placement on the grid when it is discretionary
- CJC did not receive any comments during public comment period

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Oregon Criminal Justice Commission (CJC) was established in 1995. The mission of the CJC is to "improve the legitimacy, efficiency, and effectiveness of state and local criminal justice systems." The CJC is responsible for long-range public safety planning, analyzing capacity and use of jails and prisons, funding and evaluating drug courts, providing a clearinghouse for criminal justice-related data, and staffing the Public Safety Task Force and other committees. The CJC is also required to review all new legislation that creates a new crime or modifies existing crime and make any necessary modifications to the sentencing guidelines to reflect the actions of the Legislative Assembly. Modifications to the sentencing guidelines are made through administrative rule. Under ORS 137.667, the Legislative Assembly must then approve the new rules and amendments by law.

Senate Bill 33 contains the administrative rules adjusting the guidelines due to enacted or modified crime-related measures. Modifications were made to over 30 administrative rules based on thirteen measures enacted in the 2017 and 2018 sessions. For example, it includes new rules on ORS 305.091, Unauthorized Use or Disclosure by State Officer or Employee of Information Relating to a Delinquent Debtor Transmitted to or From Department of Revenue Through Data Match System, ORS 837.365(2), Unauthorized Operation of a Weaponized Unmanned Aircraft System, and ORS 475B.359, Arson Incident to Manufacture of a Cannabinoid Extract.