

PARTNERSHIP FOR SAFETY & JUSTICE

Summary of House Bill 3508

Excerpted and Modified from Legislative Fiscal Office Budget Report and Measure Summary

House Bill 3508

House Bill 3508 is the omnibus corrections savings bill that, along with reforms we have been advocating for, also included sentencing enhancements and changes to the parole board process that we opposed. It is worth noting that for the bill to produce an actual savings, the reforms clearly had to outweigh the enhancements, and that was certainly the case. Nevertheless, this situation underscores that compromise is an unavoidable part of the legislative process and often out of our control. Below is a summary of the bill.

Positive Reforms

Phases in Measure 57: The implementation of Measure 57 continues until February 15, 2010 and then Measure 57 will be suspended until January 1, 2012. Increased sanctions will still apply to those committing fraud on the elderly, delivery of a controlled substance to a minor and for those who sell significant quantities of a controlled substance.

Estimated savings is \$25 million

Increases earned time: Increases the maximum eligible earned time from 20% to 30% for some prisoners. Measure 11 and other crimes are excluded from eligibility. The bill sunsets on July 1, 2013. ***Estimated savings is \$6 million***

Limits jail time for probation violations: Changes the maximum amount of time a judge can sentence a person to spend in jail on a technical probation violation from 180 to 60 days, unless the person has committed a new crime; sunsets July 1, 2011.

Estimated savings is \$10 million

Allows earned-time reduction on probationary period: Sets a minimum amount of time a person must serve on probation and allows for up to a 50% reduction in the length of probationary period if the person complies with the terms of probation; sunsets July 1, 2011. ***Estimated savings is \$1 million***

Allows inactive probation status: A person on post-prison supervision may be transitioned to inactive supervision after six months for crimes in categories 1 to 3, and after 12 months for crimes in categories 4 to 10; sunsets July 1, 2011. ***Estimated savings is \$5 million***

Sentencing Enhancements

Increases penalty for kidnapping: Increases the penalty for kidnapping when it is for the purpose of committing a sex crime against a victim under age 12 from 70 months to 25 years. ***Estimated cost is unknown***

Increases penalty for Assault III: Increases the penalty for Assault in the Third Degree when the injury results from a person driving under the influence of intoxicants (DUII); changes from Class C felony to Class B felony. ***Estimated cost is \$100,000***

Parole Hearings: Allows the Parole Board to hold parole hearings in other than two-year increments, under certain circumstances, up to ten years. ***Estimated costs are unknown***

Change on Which We Took No Position

ICE Detainers: Streamlines the process for commutation for people subject to Immigration and Customs Enforcement (ICE) who are incarcerated for a non-violent

felony and who have waived their right to contest deportation. Allows for appointment of counsel for the purpose of advising person regarding waiver of statutory or constitutional rights; sunsets July 1, 2011. ***Estimated savings is \$2 million***

How savings from HB 3508 were invested:

- ✓ \$50 million in savings were created
- ✓ \$10 million of that savings went to community grants as partial implementation of Measure 57
- ✓ Oregon Youth Authority facility in Burns, Oregon remained open
- ✓ 39 Oregon State Trooper jobs saved
- ✓ 18 Oregon State Police jobs saved
- ✓ Drug Courts and re-entry services maintained
- ✓ Current funding levels for the Oregon Domestic and Sexual Violence Services Fund maintained