

## HB 3078 A STAFF MEASURE SUMMARY

### House Committee On Rules

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**Action Date:** 05/25/17

**Action:** Do pass with amendments  
and be referred to Ways and Means by prior reference. (Printed A-Eng.)

**Vote:** 6-2-1-0

**Yeas:** 6 - Hack, Holvey, Nosse, Rayfield, Smith Warner, Williamson

**Nays:** 2 - Barreto, Kennemer

**Exc:** 1 - McLane

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Erin Seiler, LPRO Analyst

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#### WHAT THE MEASURE DOES:

Modifies Family Sentencing Alternative Pilot Program (Program) to allow participation of offenders who are pregnant at time of sentencing. Allows courts to consider offender's eligibility to participate in Program as mitigating factor for sentencing purposes and requires participation in Program as condition of probation, if such consideration is given. Increases maximum period of short-term transitional leave (STTL) from 90 to 120 days operative January 1, 2018. Reduces presumptive sentences for certain offenders convicted of theft in first degree or identify theft from 18 to 13 months; increases number of prior convictions needed to trigger presumptive sentence from two to four; and provides for at least 12 months of high level supervision for such offenders with possible extension, operative January 1, 2018. Makes appropriations for Family Sentencing Alternative Pilot Program, Justice Reinvestment Program and Domestic and Sexual Violence Services Fund. Directs Oregon Criminal Justice Commission (CJC) to study impacts and report to Legislative Assembly as specified by February 1 of each year through 2027. Declares emergency, effective on passage.

#### ISSUES DISCUSSED:

- Capacities of Oregon prisons and the desire to avoid opening another women's prison
- Effect of short-term transitional leave on recidivism and prison finances
- Various justice reinvestment programs offered at the county level
- Possible effect of reduced sentencing on crime rates
- Need for education about resources available to inmates
- Criminogenic factors in predicting recidivism
- Psychological impact on crime victims

#### EFFECT OF AMENDMENT:

Refines Program provisions. Requires participation in Program as condition of probation when courts use offender's eligibility to participate as a sentence mitigator in order to impose probation. Changes maximum amount of STTL to 120 days, operative January 1, 2018. Makes corrections and conforming changes to sentencing modifications for specified property crimes, operative January 2018. Requires annual report from CJC through 2027. Adds emergency clause.

#### BACKGROUND:

On April 18, 2017, a public safety work group (the work group) submitted a report to the legislature on strategies to find prison and public safety budgetary savings through sentencing reform. The work group's goal was to reduce by 880 the number of prison beds occupied by 2025. As prison population projections currently stand, in the work

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group's estimation, that number reflects the reduction necessary to mitigate the need for new prisons and bend the growth trend nearer to optimal prison operating levels. The work group focused on several different strategies: expanding short-term transitional leave (STTL); modifying sentences for some Measure 57 crimes; and expanding local Senate Bill 416 (2011) models and work release programs. The work group was led by former Representatives Lane Shetterly and Greg Macpherson and comprised of 12 participants representing a diverse array of public safety stakeholders including the co-chairs of the Association of Oregon Counties' Subcommittee on Public Safety, the Oregon Association of Chiefs of Police, the Oregon State Sheriffs Association, Oregon District Attorneys Association, Criminal Justice Commission, Oregon Criminal Defense Lawyers Association, and the Partnership for Safety and Justice.

House Bill 3078-A reflects recommendations made by the work group to reduce prison bed costs over time. The measure increases the amount of STTL to 120-days; modifies two Measure 57 crimes to permit shorter presumptive sentences with stricter supervision (theft in the first degree and identity theft); and expands the number of offenders that may be eligible to participate in the Family Sentencing Alternative Pilot Program (Program) by including offenders who are pregnant at the time of sentencing and requiring courts to impose participation in the Program as a condition of probation when the offender's eligibility is taken into account as a mitigating factor.