MEASURE NUMBER: HB 2335 STATUS: A Engrossed
SUBJECT: Prohibits the State Board of Parole and Post-Prison Supervision from considering release of certain prisoner on parole.
GOVERNMENT UNIT AFFECTED: Board of Parole and Post-Prison Supervision, Department of Corrections, Oregon Judicial Department and Public Defense Services Commission
PREPARED BY: Tim Walker
REVIEWED BY: Erica Kleiner, Doug Wilson and John Borden
DATE: April 30, 2009

<u>2009-2011</u> <u>2011-2013</u>

EXPENDITURES:

See Analysis.

EFFECTIVE DATE: January 1, 2010

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

ANALYSIS: This bill would allow the Board of Parole and Post-Prison Supervision (BPPPS) to delay parole hearings, under certain circumstances, and extend the time between parole hearings. This bill would only apply to offenders who committed their crime prior to November 1, 1989. BPPPS is required to adopt rules governing the timing of subsequent parole hearings.

Under current law, an offender is granted a parole hearing every two years. This bill would allow BPPPS to extend the time between parole hearings to a maximum of 10 years, unless the extension would exceed the maximum sentence, and allow the offender to petition for review of the extension. If BPPPS extends the time between parole hearings, the Board must issue a final order with findings of fact and conclusions of law in the order. The Board conducts 20 - 30 parole hearings per month and it is not known how many of these hearings may result in an extension of time between hearings.

The fiscal impact of this bill is indeterminate. Any changes to the current system are likely to result in additional cases appealing the final order of the Board, resulting in additional costs to the Oregon Judicial Department, Public Defense Services Commission, and BPPPS. However, this may be offset by somewhat fewer appeals or requests for administrative review of BPPPS decisions. It is likely that as the Board increases time between parole hearings those offenders will be more likely to request an administrative review from the Board, and if unsatisfied with the determination, appeal the decision to the Court of Appeals. It is not known how many additional cases may result from the provisions of the bill or the timing of those cases, but the agencies affected may require a budget adjustment, by the current Legislature, the Emergency Board, or a future Legislature, if the agency's budgeted resources prove insufficient to cover the actual cost of this measure.

The Department of Corrections does not expect a fiscal impact from this bill because the prison population forecast is based on projected release dates and not on potential actions of the Board.