



Legislative Testimony

OREGON DEPARTMENT OF CORRECTIONS

May 7, 2015

The Honorable Floyd Prozanski, Chair
Senate Judiciary Committee

RE: House Bill 2423

Chair Prozanski and members of the Senate Judiciary Committee, I am Bethany Smith, Administrator of the Offender Information and Sentence Computation Office for the Oregon Department of Corrections (DOC). I am here to testify in support of HB 2423 and answer any questions.

What the Bill Does:

HB 2423 would make life sentences for murder and aggravated murder ineligible for earned time sentence reduction. It would also remove the 60 days earned time for completion of education credentials.

Background Information:

This concept stems from a 2013 Oregon Supreme Court decision in *Engweiler vs. the Oregon Department of Corrections (DOC)* that opened the door to require DOC to calculate earned time against the prison term set by the Board of Parole and Post-Prison Supervision (BPPPS) on life sentences for murder and aggravated murder. This goes against logic as the BPPPS still maintains authority to determine when an adult in custody (AIC) serving a life sentence should be released. By amending ORS 421.121 to exclude murder and aggravated murder sentences from earned time consideration, the Board of Parole can continue to establish appropriate and meaningful prison terms without the confusion caused by the application of earned time toward those prison terms.

This Bill will also remove the 60 days earned time credit for completion of education (GED, High School Diploma, etc.). This came out of 2008 legislation that was aimed at providing an incentive for AICs to get into education. There are three main issues with this:

- AICs are already required to participate in required education (ABE, GED) in order to receive their regular earned time every six months. The 60 days earned time credit for education is redundant and in effect awards AICs twice for completing the education program.
- The only way to apply the 60 days earned time is to backfill against prior non-compliance.

- The data does not support that this has resulted in an incentive, as education completions have actually decreased since this legislation, presumably because more incoming AICs have already completed their GED on the outside.

Requested Action:

If passed, this legislation would make it clear in statute that life sentences for murder and aggravated murder are not eligible for earned time sentence reduction, so the Board's decisions on release are final. It would also remove the 60 days earned time for completion of education credentials. This will not impact eligible AICs from receiving the department's established 20 percent earned time credit (10 percent for behavior and 10 percent for work/programming/education). For the reasons explained above, the department asks this committee to vote HB 2423 out of committee with a do pass recommendation.

Thank you for your time and consideration. I am happy to answer any questions you may have.

Submitted by:

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