

STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Fiscal: No Fiscal Impact

Revenue: No Revenue Impact

Action Date: 05/07/15

Action: Do Pass.

Meeting Dates: 05/07

Vote:

Yeas: 4 - Burdick, Gelser, Kruse, Prozanski

Exc: 1 - Thatcher

Prepared By: Eric Deitrick, Counsel

WHAT THE MEASURE DOES:

Provides technical modification to Oregon's "Earned Discharge" statute. Clarifies type of supervision that is eligible for reduction of supervision. Changes terminology describing reduction in supervision period.

ISSUES DISCUSSED:

- House Bill 3194 (2013)
- Provisions of measure

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

In 2013, the Oregon Legislature passed House Bill 3194, which added changes to Oregon sentencing and procedure. Sections 17 to 19 of House Bill 3194 contained a provision called "Earned Discharge," which was codified as ORS 137.633. That statute authorizes a reduction in supervision periods by up to 50 percent if offenders successfully satisfied their restitution and treatment obligations. The statute specifically used the term "supervision," and there has been ambiguity about whether that term applied to formal probation, bench probation, or post-prison supervision. In addition, the phrase "earned time credits" is problematic as the Department of Corrections already has rules governing "earned time credits" for those offenders serving a prison sentence.

House Bill 3070 is a technical fix and clarifies that the reduction is available to all types of supervision. The bill also includes a technical modification by replacing the term "amount of time credits earned" with "reduction."