

SB 967 -1 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Addie Smith, Counsel

Meeting Dates: 3/28

WHAT THE MEASURE DOES:

Requires the court, at the time of sentencing, to include the age of the juvenile defendant at the time they committed the offense, if the physical custody of the juvenile defendant is related to their age under ORS 137.124. Requires the Department of Corrections (DOC) to transfer the physical custody of the youth or Oregon Youth Authority (OYA) when the criminal proceedings were initiated after the person turned 18 years old if the person will complete the sentence before 25 years old or because of the person's age, immaturity, mental or emotional condition or risk of physical harm makes incarceration at an adult correctional facility inappropriate. Requires a defendant, if transferred, to also be transferred after resentencing from an appellate or post-conviction relief proceeding. Takes effect 91 days after sine die, permits OYA to take action before the act becomes operative on January 1, 2020. Applies to sentences imposed on or after January 1, 2020.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Clarifies that the age the court should include in the judgment when the defendant is convicted of two or more offenses is the earliest date. Clarifies that the age the court should include in the judgment when the defendant is convicted of an offense occurring within a range of dates is the date at the beginning of the range.

BACKGROUND:

Ballot Measure 11, passed by Oregon voters in 1994, requires mandatory minimum sentences for specific serious crimes. It also requires young people 15, 16 and 17 years of age charged with Ballot Measure 11 offenses to be automatically prosecuted in adult court and if convicted, sentenced in adult court. The law took effect on April 1, 1995, and has been codified as ORS 137.700 through 137.712.

In the interim the Senate Committee on the Judiciary convened a work group to examine the treatment of youth in the juvenile and criminal justice system under Ballot Measure 11. The work group was comprised of a wide range of local stakeholders and national experts who collectively examined case law, brain science, best practices, national trends, and relevant data to better understand whether Oregon law, and specifically the juvenile provisions of Ballot Measure 11, ensure justice for victims, effectively protect the public, hold offenders accountable, and provide opportunities for reformation and rehabilitation that reduce recidivism and promote a productive citizenry.

Under current law when a youth is convicted in adult court and is under 18 years of age at the time of the committing offense and under 20 years of age at the time of sentencing, the individual must be committed to the Department of Corrections (DOC) and then transferred the physical custody of Oregon Youth Authority (OYA) if they are under 18 years old at the time of sentence; if the person will complete the sentence before 25 years old; or if because of the person's age, immaturity, mental or emotional condition or risk of physical harm makes incarceration at an adult correctional facility inappropriate. ORS 137.124(5)(a).

SB 967 -1 STAFF MEASURE SUMMARY

Senate Bill 967 requires the court to include in the judgment the age of the young offender at the time of the offense, if the physical custody after commitment is dependant upon that date. It requires transfer of an individual sentenced to DOC custody to the physical custody of OYA if they committed the offense before age 18 and prosecution did not occur until after if the person will complete the sentence before 25 years old or if because of the person's age, immaturity, mental or emotional condition or risk of physical harm makes incarceration at an adult correctional facility inappropriate. It also ensures that if transferred but resented following an appellate or post-conviction proceeding, transfer to OYA custody will still occur.