

## **SB 1008 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary**

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**Prepared By:** Addie Smith, Counsel

**Meeting Dates:** 3/28

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#### **WHAT THE MEASURE DOES:**

Authorizes a youth offender convicted of an offense listed in ORS 137.707 and subject to mandatory minimum sentence to be eligible for conditional release hearing after serving at least one-half of sentence imposed. Ensures that the parents of a youth offender who is under 18 years old receive notice of the hearing. Ensures that the parents of a victim who is under 18 years old receive notice of the hearing. Allows the court to delay the hearing for good cause. 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:**

No amendment.

##### **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. One topic that the work group discussed was the ability of youth sentenced under Ballot Measure 11 to receive second-look hearings for the purposes of conditional release.

Under current law, a youth offender waived into adult court for offenses not listed in ORS 137.707 or waived into adult court for an offense listed under ORS 137.707 but found guilty of a lesser-included offense not contained that list is eligible for a conditional release hearing under to ORS 420.203. ORS 420.203 requires that notice be provided to the person, the district attorney, the victim, and the records supervisor of the correctional institution where the person resides. In the release hearing the person has the right to counsel and has the burden of proving by clear and convincing evidence that: they have been rehabilitated and reformed; if conditionally released would not be a threat to the safety of the victim or community; and, that they will comply with the conditional release conditions. ORS 420A.203(3)(k). The statute also provides thirteen factors to be considered by the court when making a decision to order conditional release of a youth offender. ORS 420A.203(4)(B). If the youth offender meets their burden, the court may order the young offender conditionally released under ORS 420A.206. ORS 420A.203(4)(B).

Senate Bill 1008 makes all youth offenders sentenced in adult court eligible for a release hearing under ORS 420A.203 after serving half of their sentence. It also ensures that the parents of a youth offender who is under 18

years old receive notice of the hearing and that the parents of a victim who is under 18 years old receive notice of the hearing.

PRELIMINARY