



STATE OF OREGON
LEGISLATIVE COUNSEL COMMITTEE

April 23, 2019

Representative Jennifer Williamson
House Majority Leader
900 Court Street NE H295
Salem OR 97301

Re: Applicability of A-engrossed Senate Bill 1008

Dear Representative Williamson:

You have asked our office whether the legislative changes in A-engrossed Senate Bill 1008 apply to persons currently serving sentences of imprisonment. The answer is no.

A-engrossed Senate Bill 1008 makes several changes to the prosecution and sentencing of persons who were under 18 at the time of committing a crime. For example, the bill ends the automatic prosecution of 15-, 16- and 17-year-olds as adults for Ballot Measure 11 (1994) offenses, and authorizes adult prosecution and the imposition of Measure 11 sentences only after the court holds a hearing and waives the person to adult court.¹ The bill authorizes a conditional release hearing for a person who received a Measure 11 sentence as a 15-, 16- or 17-year-old after serving half of the sentence imposed.² The bill also authorizes a conditional release hearing for a person sentenced to a term of imprisonment for a crime committed when the person was under 18 years of age if the person's release date falls between the person's 25th and 27th birthdays.³ The bill prohibits the imposition of a life sentence without the possibility of parole on a person who was under 18 at the time of committing the offense.⁴ The bill also authorizes a parole hearing after 15 years of imprisonment for persons sentenced for a crime committed when the person was under 18 years of age.⁵

Section 32 of A-engrossed Senate Bill 1008 contains the applicability provisions of the bill. Section 32 states that two new sections of law (sections 24 and 25) and all amendments to current law in the bill apply only to sentences imposed on or after January 1, 2020. This means that the legislative changes in the bill do not apply to any person sentenced prior to January 1, 2020, including persons currently serving sentences of imprisonment.

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¹ Sections 4, 5 and 6 of A-engrossed Senate Bill 1008.

² Section 22 of A-engrossed Senate Bill 1008.

³ *Id.*

⁴ Section 24 of A-engrossed Senate Bill 1008.

⁵ Section 25 of A-engrossed Senate Bill 1008.

authority to provide legal advice to any other person, group or entity. For this reason, this opinion should not be considered or used as legal advice by any person other than legislators in the conduct of legislative business. Public bodies and their officers and employees should seek and rely upon the advice and opinion of the Attorney General, district attorney, county counsel, city attorney or other retained counsel. Constituents and other private persons and entities should seek and rely upon the advice and opinion of private counsel.

Very truly yours,

DEXTER A. JOHNSON
Legislative Counsel

A handwritten signature in black ink, appearing to read "D. Johnson", written in a cursive style.

By
Jessica L. Minifie
Senior Deputy Legislative Counsel