



Open Government Impact Statement

80th Oregon Legislative Assembly
2019 Regular Session

Measure: SB 1008-A

Only impacts on Original or Engrossed
Versions are Considered Official

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SUMMARY

Requires court to include in judgment document age of defendant at time of committing offense if defendant is sentenced to term of incarceration and physical custody of defendant is related to age of defendant at time of committing offense.

Directs Department of Corrections to transfer person sentenced to term of incarceration for offense committed when person was under 18 years of age to physical custody of Oregon Youth Authority even if criminal proceedings were initiated after person attained 18 years of age.

Eliminates mandatory adult prosecution for certain offenses committed when person charged is 15, 16 or 17 years of age at time of offense. Requires juvenile court, upon filing by state of motion requesting waiver hearing, to hold hearing to determine whether person should be prosecuted as adult.

Authorizes juvenile offender charged with offense subject to mandatory minimum sentence, who receives mandatory minimum sentence or other sentence of imprisonment, to be eligible for conditional release hearing after serving at least one-half of sentence imposed.

Provides that person in custody of Oregon Youth Authority for offense committed while person was under 18 years of age, for which person was sentenced to term of imprisonment with projected release date that falls after person attains 25 years of age but before person attains 27 years of age, is eligible for conditional release hearing.

Prohibits person who was under 18 years of age at time of committing offense from being sentenced to life imprisonment without possibility of release or parole.

Requires court to consider certain factors when sentencing person who was under 18 years of age at time of committing offense. Prohibits court from considering age as aggravating factor. Directs court to include in judgment document fact that person is eligible for hearing and release after serving 15 years of sentence of imprisonment.

Establishes process for hearing with State Board of Parole and Post-Prison Supervision for persons who were under 18 years of age at time of committing offense and who have served 15 years of sentence of imprisonment. Authorizes release of person on parole or post-prison supervision if certain findings are made.

Directs Department of Justice to adopt model policies for providing victim notification concerning conditional release and waiver hearings. Directs district attorney victim assistance programs to provide notice to victims in accordance with model policies.

Takes effect on 91st day following adjournment sine die.



OPEN GOVERNMENT IMPACT

Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.

This measure requires a court that transfers jurisdiction over a youth to a juvenile court for prosecution to restrict access to case records, reports and materials consistent with the requirements for juvenile court proceedings.

If those public records that could be subject to public disclosure were instead subject to mandatory disclosure under public records law, the public could gain additional information related to youth accused of committing certain crimes for which the case is transferred to juvenile court for prosecution.