

27 years ago this Measure 11 was adopted during and after a wave of national anxiety that came of twelve years of assurance that government was a problem, not a shared responsibility of alert citizens. Iran-Contra and the first Gulf War had destabilized public confidence. The national crime rate that increased steadily from 1986 to 1991 coincided with an increasing incarceration rate, but with a steady decrease in crime rate from 1991 to 1998 the incarceration rate continued its climb. "Tough on crime" zealots like to claim that the decrease in crime is caused by the rising incarceration rate, but studies such as "Diminishing Returns: Crime and Incarceration in the 1990s" by Jenni Gainsborough and Mark Maurer (September 2000) write for public policy Implications

"Repeal Mandatory Sentencing – Mandatory sentencing laws have been widely found to be ineffective for crime control objectives and have led to injustice and unfairness in sentencing. These laws should be fully reconsidered in regard to whether their stated goals can be justified."

District Attorneys have largely (with some recent exceptions) seemed more concerned with convictions than with justice. A consequence has been the "forced plea bargain trap" often mentioned but perhaps not widely enough understood. The scenario: An individual is arrested under accusation of having committed a crime. There exists a Measure 11 offense that is close enough to the accused event that the DA can ab initio charge the Measure 11 crime. The accused is shocked by the charge and would prefer to go to trial, but the possibility that a conviction could incorrectly result and lead to an intolerably long imprisonment produces fear and apprehension—as intended. The DA offers to accept a guilty plea to a lesser included offense, not unusually with a sentence longer than the standard for that offense. Guilty or not, the accused fears the trial for the Measure 11 charge. Accepting the plea bargain eliminates (the possibly deserved) freedom or the right to be charged fairly and to stand trial with a reasonable sentence if convicted. VICTORY! The DA has a conviction, and the court doesn't have the bother (and expense) of a trial. Everyone is happy except for the accused, his or her friends and family, and ultimately anyone who is aware of the foul practice.

Proponents of Measure 11 claim that the failed attempt to repeal the measure in 2000 was well organized and should be taken to serve as a re-endorsement of the original bad bill. My recollection of that period is that there were two serious flaws to the campaign. First, the bill to repeal had no provision for reassessing the sentences of those convicted under Measure 11 between its initiation and the proposed repeal. Sentences were just overturned—an inappropriate general outcome. Second, the literature distributed in support of the repeal described specific dramatic "events" demonstrating the evil effects of Measure 11 but didn't make clear that they were giving examples of plausible situations, not of actual cases. The media made that widely known, and apparently many formerly sympathetic were lost to the otherwise sensible cause. I viewed that attempt to repeal as far from well-organized and its defeat hardly an endorsement of Measure 11.

Incarcerated persons generally eventually return to society. We should create incarceration and alternatives to maximize the likelihood that society gains a more productive citizen and increased civility. Measure 11 is cold storage without incentives. Further, it doesn't allow judges to consider the circumstances that led to the charges brought—neither in those cases where it actually applies nor in plea bargain outcomes.

There is much to be said about general improvements offered by HB 2002, but a quick way to come to understand why is to look at the web's "Wikipedia—Incarceration in Norway".

Please recommend passage.