

24 February 2021

TO: Chair Bynam, Co-Chair Noble & Members of the House Committee on Judiciary  
Oregon State Capitol  
Salem, OR 97301

FROM: Laurie Kimmell, Deputy, MCSO (Ret.)  
Sisters, OR 97759

SUBJECT: Argument not in Favor of HB 2002

ATTENTION: FOR ALL REVIEWING AUTHORITIES

1. Please accept this as my testimony for HB 2002. I am not against restoring the judge's authority for sentencing. When, the old system was in place a Presentence Investigation was preformed then a sentencing recommendation was forwarded to the judge for review. Under the current Measure 11 grid many charges are stacked together and some judges sentence the individual to consecutive sentences rather than concurrent. Measure 11 does not give the convicted person any incentive to become a better person during their incarceration, work off their sentence, or receive any good time. Women sentenced under Measure 11 do not have access to programs that women have under non-measure 11 crimes. (Most of the programs are offered to the women in minimum custody).
2. There are many flaws that are written into this House Bill. The issue of Measure 11 should be in a bill by itself. It should be addressing just the issues of Measure 11 for example sentencing grids, and mandatory sentences that take the discretion away from the judge. It should also, include those who have been sentenced under Measure 11 and have a provision like a second look.
3. This bill is poorly written. The bill restricts Parole and Probation. Parole and Probation Officers preform home visits. (I preformed some of these home visits). The intent is to see if their environment is helpful to their successful transition back into society and see if they can help. Parole Officers sometime have to take paroles back into custody that violate their conditions of Parole or Probation. They should be able to conceal carry while preforming their duties. Another pitfall of this bill is the mandate to cite – in lieu on Misdemeanors. Sheriffs' have made lists on what charges are bookable. This practice has been in place since the early 1980's. Most jurisdictions will not accept a person being lodged in their facility on a Misdemeanor (except DV). Most departments already have policies in place on what constitutes a lawful traffic stop. This bill is not about Measure 11 but, another attempt on a state mandate on police procedure which takes away Chief's and Sheriff's decision making tools. I am not in favor of this bill passing in its present form. Make this bill be about Measure 11 not about state mandates.

Thank you,

  
LAURIE KIMMELL, Deputy, MCSO (Ret.)