



Legislative Testimony

OREGON DEPARTMENT OF CORRECTIONS

March 1, 2023

The Honorable Floyd Prozanski, Chair
Senate Committee on Judiciary

Subject: Senate Bill 902

Chair Prozanski and members of the committee, my name is Larry Bennett, and I serve as Assistant Director of the Oregon Department of Corrections (DOC) Correctional Services Division. I am providing testimony in support of Senate Bill (SB) 902.

What the Bill Does:

SB 902 would permit a person who is 20 years of age or older at the time of resentencing for a crime committed when the person was under 18 years of age to continue their temporary assignment to a youth correctional facility if the person was temporarily assigned to a youth correctional facility following the original sentence.

Background and Impacts:

In 2019, all juvenile justice workgroup bills that were eventually combined into SB 1008 (2019) had sections limiting the bills' applicability to "sentences imposed on or after January 1, 2020," (SB 966, 967, 968, and 1008) or "acts committed on or after January 1, 2020," (SB 969). SB 1005 further provided SB 1008 also did not apply to anyone resentenced after January 1, 2020, if the person had already been sentenced prior to January 1, 2020. This addressed the concerns raised regarding retroactivity; however, that change also ensured a person can only receive the benefit of ORS 137.124(9) if the original sentencing occurs after January 1, 2020.

As a result, youth who were sentenced before January 1, 2020, convicted as adults to the DOC, and temporarily assigned to an Oregon Youth Authority (OYA) youth correctional facility who subsequently appealed, sought post-conviction relief, and were resentenced after the age of 20 and under the age of 25, could no longer stay at OYA and were moved to DOC.

Through SB 967, OYA and partners worked to allow a youth who received a new sentence, even after the age of 20, to continue their temporary assignment to OYA until released or reaching 25 years of age – whichever came first. Those efforts were negated when SB 967 was combined into SB 1008. A youth seeking a court remedy relating to their conviction should not have to risk transfer to DOC solely because of the new court action. Transfer to DOC should be limited to their behavior, new crimes committed after the age of 18, and turning 25.

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Requested Action:

DOC fully supports passage of SB 902.

Thank you for your time and consideration. I am happy to answer any questions you may have.

Submitted by:

Oregon Department of Corrections

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