

To: Senate Committee on Judiciary
From: Oregon Justice Resource Center
Date: April 3, 2025



Re: The OJRC's Response to the Board of Parole's Testimony on SB 469

The following is a response to the written testimony submitted by the Board of Parole and Post-Prison Supervision ("Board") on April 1, 2025, regarding SB 469 with the anticipated -1 amendment ("SB 469-1").

The Board's Claim: *AICs will release from custody after only having to prove they are capable of rehabilitation within a reasonable period of time.*

OJRC Response: This claim is misleading because it inaccurately suggests that SB 469-1 will reduce the standard for release. SB 469-1 does not reduce the legal standard or alter the burden for release. "Likely to be rehabilitated within a reasonable period of time" is the current standard for the first hearing, the rehabilitation hearing (aka murder review hearing), with the burden on the AIC to persuade the Board it has been met. This will remain the same with SB 469 -1. Currently, once an AIC makes it through this first hearing and their release date is set, they are *entitled* to release.

The exit interview, referred to by the Board, is a discretionary hearing after the AIC has earned their release date by meeting their burden at the rehabilitation hearing. If the exit interview does not happen, the AIC is still entitled to release. The Board considers only three statutory factors at the exit interview (the burden is on the Board and not on the AIC), 1) whether the AIC has a mental or emotional disturbance rendering them a danger to the health and safety of the community, 2) any prison misconduct, and 3) the AIC's release plan. All three factors are considered during the rehabilitation hearing.

The Board's Claim: *It is unclear whether AICs may be required to participate in a Board ordered psychological evaluation prior to a Murder Review hearing [(aka rehabilitation hearing)], as amended by SB 469.*

OJRC Response: Based on the Board's feedback, the -1 amendment explicitly allows the Board to order a psychological evaluation.

The Board's Claim: *The Board's authority to return a person to prison for potential future violations of supervision conditions, including new criminal behavior, will be significantly changed . . . [because] an AIC would release to post-prison supervision rather than parole.*

OJRC Response: This claim is misleading. SB 469-1 clarifies that AICs who committed their crimes on or after November 1, 1989, release on to post-prison supervision. This is consistent with what is stated in the AICs' sentencing judgments and with the law.

The Board's Claim: *The Board may lack sufficient time to schedule a psychological evaluation and exit interview for AICs who are subject to Section 8(2)(a) of the pending draft of the -1 amendment.*

OJRC Response: Based on the Board's feedback, Section 8(2)(a) has been removed and is not in the -1 amendment.