

State ex rel Torres-Lopez v. Fahrion

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Timeline of Torres-Lopez



January 2015

HB 2310 amends ORS 137.370 (4)

- Grants judges discretion to order credit for time served (CTS) if that time overlaps with a sentence for unrelated prior conduct.

August 2025

Review

- DOC conducts hand review of ~11,000 judgments.
- Projected Release Dates (PRDs) for 388 AICs changed.
- 40 AICs immediately released.

November 2025

Torres-Lopez Clarification

- SC issues clarification.
- DOC recalculates sentences involving duplicate credit.
- Warrants issued for those with time remaining to serve.

January 2026

Solutions Proposed

- Local court hearings to amend judgments; mixed results.
- Additional Habeas Petitions filed; mixed results.
- DOC works with HJUD leaders to propose statutory fixes.

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- Oregon Supreme Court (SC) directs DOC to change its CTS application.
- DOC seeks legal advice on implementation from DOJ.

July 2025

Feedback

- Concerns raised regarding some releases and DOC's application of duplicate credit.
- DOC seeks additional legal opinion from DOJ, given these growing concerns.

Fall 2025

Arellano-Sanchez Decision

- Habeas petitions.
- SC rules that DOC lacks statutory authority to rearrest impacted AICs.
- 3 plaintiffs immediately released.

December 2025

Problems and Solutions



Pre- <i>Torres-Lopez & Arellano-Sanchez</i>	Post <i>Torres-Lopez & Arellano-Sanchez</i>	HB 4041 Fixes
DOC utilized statutory authority to issue an escape warrant re-arrest anyone released in error.	DOC may not re-arrest those released in error without due process.	S.7: New process for re-arrest with due process. S.8: Applies retroactively to T-L cases.
“Scribner’s error” used to correct judgments.	Courts express uncertainty about their ability to correct judgments.	S.9: Court may correct judgments.
Limited communication to courts or parties if AIC release date sentence changed significantly.	Regular communication of T-L impacted cases began.	S.10: If a sentence changes, this codifies communication expectations.
DOC did not apply duplicate presentence CTS in one judgment.	DOC must apply presentence CTS from other jurisdictions.	S.11: Limits the application of duplicate presentence incarceration credits, unless expressly ordered.



Get In Touch With Us



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<https://engage.doc.oregon.gov/sentence-recalculation>



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