



Issue Brief - 2008

OREGON DEPARTMENT OF CORRECTIONS

SB 1087 and IP 40 Comparison

Overview

Oregonians may have the choice between two competing measures on the November 4, 2008 ballot. One referral is Initiative Petition 40 (IP 40), which has not yet qualified for November 4 ballot, Kevin Mannix, Duane Fletchall and Steve Beck are the chief petitioners. The other is the legislatively referred, Senate Bill 1087. Both IP 40 and SB 1087 would be assigned different ballot-measure numbers.

Both measures provide for more severe sentences for certain property and drug crimes, and SB 1087 provides alcohol and drug treatment for certain offenders.

Sentencing highlights of SB 1087

SB 1087 is the proposed legislative referral that would increase sentences for repeat drug and property offenders and provide drug and alcohol treatment for certain addicted offenders in order to reduce the likelihood of future criminal activity.

SB 1087 does not establish mandatory minimum sentences for property crime on the first offense, but enhances sentences for repeat offenders, drug traffickers and manufacturers who possess substantial amounts of methamphetamine, heroin, ecstasy and cocaine.

For people convicted of delivering or manufacturing cocaine, ecstasy, heroin or methamphetamine, prison sentences would range from 58 to 130 months, or 34 to 72 months, depending on drug amounts involved, a person's criminal history and whether it was sold to a person younger than 18. Currently, the sentence for this crime is probation to 45 months.

For people convicted of first-degree aggravated theft, first-degree burglary, third-degree robbery, identity theft or aggravated identity theft, the presumptive sentence would go up from 19 to 24 months.

If there is a previous conviction for any of the above mentioned crimes, or a conviction for one of 19 other property crimes, within three years of release from prison or supervision, the sentence would be increased by two months for each previous conviction, up to a maximum of 12 additional months.

For people convicted of certain property crimes, the sentence would go up from 13 to 18 months. If there is a previous conviction for any one of nine specific crimes, or one of 19 other property crimes committed within three years after supervision ends for a prior conviction, a sentence would be increased by two months for each previous conviction, up to a maximum of 12 additional months.

There would also be enhanced penalties for a person who steals \$10,000 or more from a victim who is 65 years of age or older at the time of the crime and for a person who delivers meth, cocaine, ecstasy or heroin to a person under 18.

Sentencing highlights of IP 40

IP 40 would require mandatory minimum prison sentences for those convicted of property and drug crimes.

IP 40 would set 36-month minimums for identity theft, first-degree burglary, and Class A felony manufacture/delivery of cocaine, heroin or

methamphetamine; 30-month minimums for Class B felony manufacture/delivery of those same drugs.

For offenders with one or more prior felony convictions, or two or more prior misdemeanor convictions, IP 40 would require 18-month minimums for first-degree forgery, motor vehicle theft; 14-month minimums for first-degree theft, second-degree burglary.

IP 40 states that sentences must be served in state prisons, not in county jails.

Treatment programs

IP 40 does not have any treatment programs or funding for treatment associated with the measure.

SB 1087 states that the Department of Corrections shall provide "appropriate" treatment to drug-addicted persons with moderate or severe needs, and at a high or medium risk of committing another crime. SB 1087 includes approximately \$40 million for alcohol and drug treatment.

Under SB 1087, the Oregon Criminal Justice Commission would be charged with conducting regular and independent evaluations of programs funded through this grant system to ensure the delivery of effective treatment.

If an offender does not comply with court-ordered treatment, judges would have the authority to impose swift and certain punishment for those offenders.

Estimated costs

IP 40 would add an additional 4,000 to 6,000 non-violent inmates to DOC custody by July 2012. IP 40 would add \$256 million to \$400 million per biennium to DOC's 2009-11 budget. IP 40 provides no funding for new prison construction or for treatment programs.

SB 1087 would add 1,400 non-violent inmates to DOC custody by 2012. SB 1087 would add an estimated \$140 million per biennium to DOC's budget, which includes approximately \$40 million for alcohol and drug treatment. This figure does not

include money for debt service or new prison construction.

House Bill 3638

HB 3638 is the companion measure to SB 1087. HB 3638 contains language implementing the treatment grant language of SB 1087. This measure would change the requirements for entry into the Department's Alternative Incarceration Programs (AIP).

The bill also provides that national criminal history checks for county jail inmates would be reimbursed by the state. Also, incarcerated felons in county jails would be unable to vote during incarceration. It is already impermissible for incarcerated felons at state correctional facilities to vote.

**The mission of the
Oregon Department of Corrections
is to promote public safety by
holding offenders accountable for their
actions and reducing the risk of
future criminal behavior.**



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