



Issue Brief - 2008

OREGON DEPARTMENT OF CORRECTIONS

Ballot Measure 57

Overview

On Election Day 2008, Oregonians passed the legislatively referred, Ballot Measure 57 (M 57). M 57 creates more severe sentences for certain property and drug crimes committed on or after January 1, 2009. M 57 also provides alcohol and drug treatment for certain offenders.

Sentencing highlights of M 57

M 57 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. These individuals would be eligible for earned time and the Alternative Incarceration Program (AIP).

Treatment programs

M 57 states that the Department of Corrections (DOC) shall provide "appropriate" treatment to drug-addicted persons with moderate or severe needs, and at a high or medium risk of committing another crime. Under M 57, the Oregon Criminal Justice Commission will conduct 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 and probation/parole officers have the authority to impose swift and certain punishment for those offenders.

Costs

M 57 will add 1,600 non-violent inmates to DOC custody by 2012. What follows are the costs presented by the Financial Estimate Committee. M 57 will require additional state spending of approximately \$9M in the first year, \$74M in the second year, \$79M in the third year, \$106M in the fourth year, and more than \$143M each year after that. The state will borrow \$314M from 2010 to 2017 to build new prison space. The state will repay those amounts plus interest of \$203M over 25 years. M 57 provides funding for county treatment programs and jail beds. M 57 provides no funding for new prison construction or for prison treatment programs.

House Bill 3638

HB 3638 is the companion measure to M 57. HB 3638 contains language implementing the treatment grant language of M 57. This bill changes the requirements for entry into 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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