



Issue Brief - 2008

OREGON DEPARTMENT OF CORRECTIONS

Ballot Measure 61 and 57 Comparison

Overview

Oregonians have the choice between two competing measures on the November 4, 2008 ballot. One referral is Ballot Measure 61 (BM 61), which has qualified for ballot. Kevin Mannix, Duane Fletchall and Steve Beck are the chief petitioners of BM 61. The other is the legislatively referred, Ballot Measure 57 (BM 57).

Both measures provide for more severe sentences for certain property and drug crimes, and BM 57 provides alcohol and drug treatment for certain offenders.

Sentencing highlights of BM 57

BM 57 is the 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.

BM 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).

Sentencing highlights of BM 61

BM 61 would require mandatory minimum prison sentences for those convicted of property and drug crimes.

BM 61 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, BM 61 would require 18-month minimums for first-degree forgery, motor vehicle theft; 14-month minimums for first-degree theft, second-degree burglary.

BM 61 states that sentences must be served in state prisons, not in county jails. BM 61 would require the state to reimburse the county for all actual costs of pretrial incarceration for each person sentenced under BM 61.

Treatment programs

BM 61 does not have any treatment programs or funding for treatment associated with the measure.

BM 57 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. Under BM 57, 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 and probation/parole officers have the authority to impose swift and certain punishment for those offenders.

Costs

BM 61 would add an additional 4,000 to 6,000 non-violent inmates to DOC custody by July 2012. BM 61 will require additional spending of \$8M to \$10M in the first year, \$67M to \$88M in the second year, \$122M to \$178M in the third year, \$164M to \$247M in the fourth year, and \$161M to \$274M in each year after that. BM 61 will require the state to borrow between \$1.1 billion and \$1.3 billion to build new prisons between 2010 and 2017. The state will repay those amounts plus interest of \$709M to \$844M over 25 years.

The measure requires state payments to local government of \$2M to \$5M in the first year and \$10M to \$19M each year after that. BM 61 provides no funding for new prison construction or for treatment programs.

BM 57 would add 1,600 non-violent inmates to DOC custody by 2012. BM 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. BM 57 provides funding for county treatment programs and jail beds. BM 57 provides no funding for new prison construction or for treatment programs.

House Bill 3638

HB 3638 is the companion measure to BM 57. HB 3638 contains language implementing the treatment grant language of BM 57. 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.**



**Max Williams, Director
(503) 945-0920**

**Mitch Morrow, Deputy Director
(503) 945-0921**

**Oregon Department of Corrections
2575 Center Street NE
Salem, Oregon 97301-4667**

www.oregon.gov/doc

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