

COURTS/SENTENCING

HB 2269: “All Practicable Speed” Definition for Extraditions

HB 2269 establishes that an extradition is presumed to have been conducted with “all practicable speed” if it is conducted within 90 days after the date the defendant has been delivered to an agent of this state. Under ORS 136.295(2), an extradited defendant must be tried or released within 60 days from the date the defendant enters the state, provided that law enforcement authorities have conducted the extradition with all practicable speed. Prior to the passage of HB 2269, “all practicable speed” was not defined by statute and instead was determined on a case-by-case analysis.

VITAL STATISTICS

Effective Date: January 1st, 2010
2009 ORS Site: Chapter 357

HB 3508: Ballot Measure 57 Suspension/Other Provisions

House Bill 3508 makes a number of changes in sentencing and other changes that generate net savings by reducing the need for prison beds and community corrections caseloads. The bill includes the following key elements:

- Measure 57 Phase-In:** The bill retains all the provisions of Ballot Measure 57 until 2/15/10, at which time the repeat property crime enhancements will be suspended through the end of the biennium. All remaining portions of M57 remain in effect. The bill adds the crime of Aggravated Identity Theft of an Elderly Victim to Ballot Measure 57 and requires the Oregon District Attorneys Association to report Ballot Measure 57 charging and conviction data to the Criminal Justice Commission by 1/15/2010.
- Earned Time Provisions:** The measure increases the maximum amount of earned time that offenders convicted of nonviolent crimes may earn from 20% to 30%. The earned time provision sunsets in two years but is designed to apply retroactively. This provision includes a streamlined process for resentencing that ensures notice and an opportunity for the victim to be heard.
- Community Corrections:** HB 3508 establishes a 60 day cap on probation revocations for technical violations; earned time incentive to gain inactive probation status at 50% of the term, and conforming when offenders on post prison supervision may be transferred to inactive status.
- Criminal Aliens:** The bill streamlines the commutation process by relieving the current statutory notice requirements for a class of offenders who have ICE holds, are convicted of nonviolent offenses and have six months remaining on their DOC sentence.
- Parole Board Hearings:** Allows the Parole Board to defer release hearing for up to 10 years. Currently, the statute requires release hearings for eligible offenders every two years.
- Kidnapping:** Enhances sentence for Kidnapping to 300 months where victim is 12 or under and the offender had a sexual intent.
- Assault 3/DUII:** Enhances sentence for Assault 3 to SGL level 8 when committed by a drunk driver
- Oregon State Police:** Appropriates \$8M for OSP to hire patrol troopers.

The companion budget bill, HB 5054, utilizes some of the \$40M estimated savings generated by HB 3508 to buy back the Oregon Youth Authority facility in Burns, custody beds at Maclaren, and positions in OSP patrol, criminal, fish & wildlife and forensics.



SB 86: Responsibility for Extradition Security

SB 86 shifts the responsibility from the Superintendent of State Police to the Governor for determining the security requirements necessary to safely carry out the extradition of a person from another state including, but not limited to, the number of agents needed to secure the return of a person under ORS 133.743 to 133.857.

VITAL STATISTICS

Effective Date: January 1st, 2010

2009 ORS Site: Chapter 40

SB 389: Upward Departure for Substantial Quantities

SB 389 explicitly repeals ORS 137.721(1) in order to conform the statute to section 6 of Ballot Measure 57 that was passed in November of 2008. The measure clarifies that the sentence for a person convicted of possession of substantial quantities of a controlled substance, or for delivery to a minor, is not limited to the presumptive 19-month sentence. Section 6 of Ballot Measure 57 prohibited a court from imposing a sentence of optional probation or granting a downward sentence disposition or duration for offenders who are convicted of manufacturing and delivering a controlled substance if the person had one or more prior convictions for manufacture or delivery.

VITAL STATISTICS

Effective Date: January 1st, 2010

2009 ORS Site: Chapter 191

