

**Measure 57 -- Legislative Referral to the Voters
Alternative to Mannix' Mandatory Minimum Measure 61**

Provides mandatory minimum sentences (no optional probation or downward departures) for "drug trafficking" and DCS to a minor crimes (both excluding marijuana) and for Aggravated Theft I if the victim is 65 years of age or older and the value of the theft is \$10,000 or more. Persons sentenced are eligible to receive 20 percent earned time reduction. Crime category 10 (58-130 months) for MCS/DCS of 500 or more grams of meth or cocaine, or 100 or more grams of heroin or ecstasy. Crime category 9 (34-72 months) for MCS/DCS of 100 or more grams of meth or cocaine, or 50 or more grams of heroin or ecstasy. Crime category 9 for delivery of meth, cocaine, heroin or ecstasy to a minor, except for a person who is less than three years older than the minor, except if the person previously was convicted of delivery to a minor of one of the four drugs. Crime category 8 (16-45 months) for Aggravated Theft I if the victim is 65 years of age or older and the value of the theft is \$10,000 or more.

Provides that a judge may not impose a sentence of optional probation or grant a downward dispositional or durational departure for a person convicted of certain MCS/DCS offenses if a person previously has been convicted of certain MCS/DCS offenses (excluding marijuana).

Amends Repeat Property Offender law in many ways, including: 1) Current 13-month presumptive sentence is increased to 18 months; 2) Current 19-month presumptive sentence is increased to 24 months; 3) Decreases four previous conviction predicates to: a) two previous conviction predicates; or b) one previous conviction predicate if the current crime was committed less than three years after the date the defendant completed supervision resulting from the previous conviction; 4) Adds Robbery III and Identity Theft to the new 24-month presumptive sentence provision; 5) Adds Mail Theft, Fraudulent Use of a Credit Card and Criminal Possession of a Forged Instrument to the new 18-month presumptive sentence provision; and 6) Adds Mail Theft and Attempted ORS 137.717(2) crimes to the ORS 137.717(2) (RPO) predicates.

Provides increased prison sentence of two months for each additional previous property offense conviction not used as a predicate, with a cap of 12 months increased sentence on top of the 18- or 24-month sentence. Restricts the court's ability to depart downward to probation or a shorter prison sentence unless the parties stipulate otherwise or the court makes certain findings.

Requires DOC to provide treatment to offenders and to administer a grant program to provide supplemental funding to local governments for jail beds, treatment for drug-addicted persons on probation, parole or post-prison supervision and intensive supervision of drug-addicted persons. Requires the Criminal Justice Commission to provide grants to counties for the purpose of providing supplemental funding for drug courts, including treatment costs and incarceration for those who violate the terms and conditions of a drug court.

Requires court or supervising authority to impose swift and certain punishment, including jail, for persons on probation, parole or post-prison supervision who are required to complete drug or alcohol treatment, if the person refuses or otherwise fails to successfully complete the treatment program.

Enhances Mail Theft or Receipt of Stolen Mail (ORS 164.162) from a Class A misdemeanor to a Class C felony.

Refers Measure 57 to the people for their approval or rejection at the next regular general election (November 4, 2008). Provides that if both this referral and Mannix' Measure 61 receive a majority of affirmative votes, the measure that receives the fewer affirmative votes is repealed; i.e., winner takes all.

The Governor has agreed to include \$40 million additional funding in his 2009-2011 Governor's Budget for treatment and other grant programs.