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Explanatory Statement – Initiative 408/Ballot Measure 57

Explanatory Statement:

SECRETARY OF THE STATE

This measure increases criminal sentences for persons convicted of certain high-quantity or repeat drug crimes, or repeat property crimes. The measure also requires that:

- Certain drug-addicted offenders be provided with appropriate treatment services.
- Certain offenders be punished for failing to successfully complete a drug or alcohol treatment program.
- Grants be provided to counties to assist in funding jail operations, drug courts, treatment services and intensive supervision of drug-addicted offenders on probation, parole or post-prison supervision.

This measure requires that courts shall sentence persons convicted of the following crimes as follows:

| Crime  | Current Sentencing Guideline Range Depending on the Facts of the Case and Criminal History | Measure 57 Sentence  |
|--|--|--|
| Manufacturing or dealing 500 or more grams of meth or cocaine, or 100 grams or more of heroin or ecstasy   | Probation to 45 months   | 58 to 130 months   |
| Manufacturing or dealing 100 or more grams of meth or cocaine, or 50 grams or more of heroin or ecstasy  | Probation to 45 months   | 34 to 72 months  |
| Dealing meth, cocaine, ecstasy, or heroin to persons under 18. Provides exception if person is less than three years older than minor, unless dealer is a repeat offender. | Probation to 45 months   | 34 to 72 months  |
| Stealing \$10,000 or more from a victim who is 65 years of age or older  | Probation to 30 months   | 16 to 45 months  |
| Repeat offense of manufacturing or dealing controlled substance other than marijuana   | Probation to 45 months   | Up to 45 months (Directs Judge not to give probation if prison sentence is called for in sentencing guidelines.) |

This measure modifies the presumptive sentences imposed upon repeat drug and repeat property offenders as follows:

| Crime                    | Current Sentencing Range   | Measure 57 Sentence        |
|--------------------------|----------------------------|----------------------------|
| Repeat property offender | 13 or 19 months if this is | 18 or 24 months if this is |

|   |  |  |
|---|--|--|
|   | offender's second conviction for serious property crimes, or 5 <sup>th</sup> conviction for common property crimes.                      | offender's second conviction for serious property crimes, or second conviction for common property crimes within 3 years of supervision, 2 months for each additional conviction.                      |
| Repeat identity theft with prior convictions for certain crimes | 13 months if this is offender's second conviction for serious property crimes, or 5 <sup>th</sup> conviction for common property crimes. | 24 months if this is offender's second conviction for serious property crimes, or second conviction for common property crimes within 3 years of supervision, 2 months for each additional conviction. |
| Repeat Mail theft with prior convictions for certain crimes     | Probation to 12 months   | 18 months if this is offender's second conviction for serious property crimes, or second conviction for common property crimes within 3 years of supervision, 2 months for additional conviction.      |

This measure is presented by the Legislative Assembly as an alternative to Ballot Measure 61 and provides that if both measures receive a majority of "yes" votes, only the measure receiving the greater number of "yes" votes will become law.

We the undersigned submit the text under "Explanatory Statement" according to ORS 251.215(3):

\_\_\_\_\_  
 Senator Floyd Prozanski

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 Date

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 Representative Greg Macpherson

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 Date

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Kevin Mannix

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Date

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Steve Doell

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Date

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James Brown

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Date