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Explanatory Statement – Initiative 40/Ballot Measure 61

2008 AUG -4 AM 10:08

Explanatory Statement:

Ballot Measure 61 sets mandatory minimum sentences for certain drug and property crimes and identity theft. This measure also establishes a new felony crime of motor vehicle theft. When a person is sentenced under this measure, the person must serve the full sentence and may not have the sentence reduced for any reason.

This measure also requires that:

- These sentences be served in state prison facilities and work camps.
- The state reimburse counties for the cost of pretrial detention for persons sentenced under this measure.

This measure requires that persons convicted of the following crimes serve at least the following sentences:

- Persons convicted of manufacturing or dealing heroin or ecstasy must serve a prison sentence of 36 months.
- Persons convicted of manufacturing or dealing methamphetamine or cocaine within 1,000 feet of a school, or dealing methamphetamine or cocaine to a minor, must serve a prison sentence of 36 months.
- Persons convicted of manufacturing or dealing methamphetamine or cocaine in any other circumstance must serve a prison sentence of 30 months.
- Persons convicted of burglary of a residence or identity theft must serve a prison sentence of 36 months.

This measure requires that persons with a previous felony conviction or two previous misdemeanor convictions who are convicted of the following crimes serve at least the following sentences:

- Persons convicted of forgery in the first degree or felony motor vehicle theft must serve a prison sentence of 18 months.
- Persons convicted of theft in the first degree or burglary of a nonresidential building must serve a prison sentence of 14 months.

Sentencing Comparison

Crime	Current Sentencing Guideline Range Depending on Facts of the Case and Criminal History	Measure 61 Mandatory Minimum Sentence Which Judge Must Impose
Manufacturing or dealing heroin or ecstasy; manufacturing or dealing methamphetamine or cocaine within 1,000 feet of a school; or dealing methamphetamine or cocaine to a minor	Probation to 45 months*	36 months

Manufacturing or dealing methamphetamine or cocaine in any other circumstance	Probation to 45 months*	30 months
Identity theft	Probation to 30 months*	36 months
First degree burglary	Probation to 36 months*	36 months
First degree forgery when the person has a serious criminal record	Probation to 30 months*	18 months
Motor vehicle theft, when the person has a serious criminal record	New crime: no current sentence. Under current law prosecutors generally charge under Unauthorized Use of a Motor Vehicle with a Guideline Sentence of probation to 30 months*	18 months
First degree theft when the person has a serious criminal record	Probation to 30 months*	14 months
Second degree burglary of a nonresidential building when the person has a serious criminal record	Probation to 30 months*	14 months

\*These sentences can be reduced up to 20% for “earned time” and an additional 20% for successfully completing Alternative Incarceration Programs.

Under Measure 61 “serious criminal record” means the person has at least one previous conviction of a felony or at least two previous convictions of misdemeanors.

We the undersigned submit the text under “Explanatory Statement” according to ORS 251.215 (1):

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