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Measure 11 reform goes to Gov. Kate Brown for signature

SB 1008: Establishes process for 'Second Look' hearings, eliminates mandatory adult sentencing and life sentences for juveniles

SALEM – Oregon is on the verge of sweeping bipartisan Measure 11 reform that will give youth offenders a fair opportunity for redemption and rehabilitation.

Both chambers of the Oregon Legislature have voted with two-thirds majorities that youth who have taken the wrong path can get back on track through rehabilitation, rather than turning them into hardened criminals through a lifetime of incarceration and strict mandatory minimum sentences that do more harm than good. [Senate Bill 1008](#) – which passed on the House of Representatives floor last night and now will go to Gov. Kate Brown for her signature – will right those wrongs in Oregon's criminal justice system.

"The Oregon Constitution is very clear that we must have a justice system focused on fairness and not vindictiveness," said Sen. Floyd Prozanski (D-Eugene), a chief proponent of the bill.

"When we lock up kids for mandatory minimum sentences, we turn those young people into more serious future offenders by keeping them in the company of adult convicts. Mandatory minimum sentences are turning kids who get into trouble into lifelong criminals, rather than rehabilitating them."

The bill has several elements that will help juveniles who have committed offenses rehabilitate and get a second chance at a productive life. Among those elements, the bill:

- Eliminates the automatic waiver of kids into the adult justice system and requires judges to make determinations whether children should be tried and sentenced as adults;

- Extends eligibility for “second look” hearings, which occur halfway through youth sentences and allow judges to order supervised release for youth if it is determined they have been rehabilitated significantly, do not pose danger to the community and the youth will be better served by release rather than further incarceration;
- Allows transfer hearings for youth aging out of the Oregon Youth Authority and into adult prison with remaining sentences fewer than two years, when appropriate; and
- Addresses the constitutional problem identified by the United States Supreme Court by eliminating automatic life without parole sentences for youth and making them eligible for parole hearings after serving 15 years.

Ballot Measure 11 – passed by Oregon voters in 1994 – requires mandatory minimum sentences for specific crimes. It requires young people ages 15 to 17 charged with Ballot Measure 11 offenses to automatically be prosecuted and, if convicted, sentenced in adult court. The Senate Committee on Judiciary convened a work group with local stakeholders and national experts who examined case law, brain science, best practices, national trends and relevant data to better understand the effects of Measure 11. The group also examined whether Measure 11 ensures justice for victims, protects the public, holds juvenile offenders accountable and provides opportunities to reform and rehabilitate, reducing recidivism and promoting productive citizenry. Senate Bill 1008 is the product of that work group.

“This juvenile justice reform bill is about some simple values that matter to all Oregonians: making things fair, making things equitable, protecting constitutional rights and standing up for kids and standing by them,” said Rep. Jennifer Williamson (D-Portland), a chief proponent of the bill. “Children are not miniature adults, and we should not treat them like they are. We have an opportunity with this legislation to not only ensure our system is constitutional but do a better job of making sure it is fair, and that kids who go through it are rehabilitated into productive members of society. What could be more important than that?”

In many cases, under the current law, youth who have served time in a juvenile detention facility rehabilitate rather quickly. Under the status quo, Measure 11 offenders convicted as juveniles spend the first part of their sentences in juvenile facilities and then can be transferred to adult prisons once they reach a certain age. That move often wipes out most of the progress that the juvenile has made toward rehabilitation and turns them into lifelong criminals.

“Since Measure 11, we have learned a lot about how youth react to incarceration and what works and what doesn’t,” Prozanski said. “On the same ballot, voters also passed Measure 10, which authorized the Oregon Legislature to change sentencing guidelines with a two-thirds majority. That’s a high bar to clear, and it took bipartisan support in both chambers to get this done. I truly appreciate all of the work that Sen. Jackie Winters provided for this bill and her continued efforts to bring positive change to our state criminal justice system. That shows widespread agreement that these changes are necessary. We need to give kids a second chance, rather than locking them up and throwing away the key.”

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