

# Oregon DOC - Earned Time Credit Changes

## Frequently Asked Questions

### **Did the legislators approve changes to earned time during the 2009 Legislative Session?**

Yes, House Bill 3508 was approved by the Legislature and signed into law by the Governor on July 1, 2009; sections 17 and 18 of this bill increases the maximum amount of time eligible inmates can earn off a sentence from 20 percent to 30 percent.

### **How will 30 percent earned time be calculated?**

Earned time will continue to be applied based on an inmate's compliance in two areas: institution conduct and compliance with the Oregon Corrections Plan. An inmate can receive 30 percent earned time during a review period if fully compliant, 15 percent earned time if compliant in only one area, or no earned time if not compliant in either area.

### **Who is eligible for 30 percent earned time?**

***Inmates who are sentenced on or after July 1, 2009***, may receive 30 percent earned time if otherwise eligible for earned time. ***Inmates who were sentenced before July 1, 2009***, and who are already eligible for earned time, may be eligible for an increase in their maximum allowable earned time to 30 percent. Certain crimes are restricted from 30 percent earned time but could still receive 20 percent earned time.

### **Which crimes are restricted from 30 percent earned time?**

- Rape III
- Sodomy III
- Sex Abuse II
- Criminally Negligent Homicide
- Assault III
- Felony Assault IV
- Any crimes listed under ORS 137.700 (Measure 11), even if sentenced to less than the ORS 137.700 minimum term
- Any attempt to commit one of the above listed crimes.

### **What crimes are listed under ORS 137.700?**

These are person-to-person felonies but there are too many to list. For more information, please refer to <http://landru.leg.state.or.us/ors/>.

### **How will the process work?**

New sentences imposed on or after July 1, 2009, will be calculated with 30 percent earned time if eligible, and if the crime committed was not a restricted crime.

For current inmates, there is a 60-day delay before the earned time change process begins. This delay was built into House Bill 3508, so DOC would have time to properly identify inmates who are eligible for reconsideration by the Courts, and make preparations for a large-scale release effort. Starting Aug. 31, 2009, DOC will send notification letters to the Courts, the DAs and the Trial Court Administrators, with a copy of the notification letter also going out to each eligible inmate. Once an inmate receives a notification letter, he/she will know he/she is being considered for 30 percent earned time. If approved by the Court (approval may be granted with or without a hearing), the DOC will receive a judgment from the Court authorizing 30 percent earned time. DOC will recalculate each approved inmate's sentence(s) and notify the inmate of his/her new projected release date.

### **How long will the resentencing process take?**

The first notifications to be sent out will be for inmates with the soonest release dates, and will continue from there until all eligible inmates have been identified to the Court. This may take a while. Once notification has been made to the Court, it could take a couple of months for the Court to determine whether a hearing needs to be held, appoint an attorney, and conduct the hearing.

### **My friend/family member is a current inmate. Is he/she eligible for 30 percent earned time?**

Due to workload, DOC is unable to respond to specific inquiries about an inmate's eligibility for 30 percent earned time.

### **My friend/family member is a current inmate. Is there anything I can do to help them get the 30 percent earned time?**

No. The inmate will be able to tell you once he/she receives notification from DOC about resentencing. Otherwise, both you and the inmate will have to wait to hear from DOC, and cannot speed the process along.

### **Did Measure 11 (ORS 137.700) change? Are Measure 11 sentences now eligible for earned time? Are Measure 11 sentences eligible for 30 percent earned time?**

Measure 11 sentences are still restricted from earned time while serving the Measure 11 minimum term. Additionally, all Measure 11 crimes, and "attempted" versions of those crimes, are limited to 20 percent earned time, if eligible at all.