

# Citizens' Initiative Review of Measure 73

## Citizens' Initiative Review of Ballot Measure 73

The opinions expressed in this statement are those of the members of a citizens panel and were developed through the Citizens' Initiative Review process as adopted by the Oregon State Legislature. They are NOT official opinions or positions endorsed by the State of Oregon or any government agency. A citizens panel is not a judge of the constitutionality or legality of any ballot measure, and any statements about such matters are not binding on a court of law.

### Description of Citizens' Initiative Review

This Citizens' Statement was developed by an independent panel of 24 Oregon voters that chose to participate in the Citizens' Initiative Review process. The panelists were selected at random from the entire voting population of Oregon, and balanced to fairly reflect the state's voting population based upon location of residence, age, gender, party affiliation, education, ethnicity, and likelihood of voting. The panel has issued this statement after five days of hearings and deliberation. This statement has not been edited nor has the content been altered.

### Citizen Statement of a Majority of the Panel:

**Key Findings** –The following are statements about the measure and the number of panelists who agree with each statement:

- M73 shifts the balance of power in court proceedings, giving the prosecution additional leverage in plea bargaining and limiting the judge's discretion in sentencing individual cases. (21 out of 24 agree)
- Passed in 1994, Measure 11 (ORS 137.700) provides mandatory minimum sentencing of 70-300 months for the major felony sex crimes defined in Measure 73. (24 out of 24 agree)
- Mandatory minimum sentencing has not proven a significant deterrent to future DUII or sex crimes. (21 out of 24 agree)
- An unintended consequence of M73 is that juveniles aged 15 to 17 are subject to 25 year mandatory minimum sentences. (20 out of 24 agree)
- Oregon spends over 10.9% of its general funds on corrections – a greater percentage than any other state. (19 out of 24 agree)

[www.review73.org](http://www.review73.org)

### Shared Agreement Statement

Public policy impacts all citizens—we have had the opportunity to closely review material not readily available to voters—and have tried to examine both sides of this measure in an unbiased manner.

For additional information, please see [www.review73.org](http://www.review73.org)

### Citizen Statement Opposed to the Measure:

#### POSITION TAKEN BY **21 OF 24** PANELISTS

We, 21 members of the Citizens' Initiative Review, oppose Ballot Measure 73 for the following reasons:

- Longer mandatory sentencing has little or no effect as a deterrent and has not been proven to increase public safety. Furthermore mandatory sentences are already in effect under Measure 11.
- Measure 73 takes discretion and power away from judges giving leverage to the prosecution. People charged under this measure may be forced to plea bargain whether they are guilty or not, depriving them of their right to trial by jury.
- Measure 73 requires projected expenditures of \$238 million over the next 10 years which must come from cuts in other programs or new taxes.
- This initiative leads to unintended consequences. Sexting falls under the definition of explicit material. No one convicted for felony sex offenses would receive the opportunity for treatment.

### Citizen Statement in Favor of the Measure:

#### POSITION TAKEN BY **3 OF 24** PANELISTS

We, 3 members of the Citizens' Initiative Review, support Ballot Measure 73 for the following reasons:

- This is a public safety measure.
- This measure will take minimum mandatory sentences (70-100 months) on four major sex crimes to mandatory 300 months (25 years).
- This measure changes a third conviction DUII from a misdemeanor to a Class C felony.
- Measure 73 specifically targets only repeat serious sex offenders and repeat (third conviction) intoxicated drivers.
- Statistics support that mandatory sentencing is effective on reduction of violent crime rate.
- Measure 73 will cost only 1/5 of 1% of the General Fund.

Summary: Measure 73 is carefully targeted at repeat violent sex offenders and third time DUII convictions. If passed it would make all Oregonians safer.