

Citizens' Review Statement

This Citizens' Statement, authorized by the 2009 State Legislature, was developed by an independent panel of 24 Oregon voters who chose to participate in the Citizens' Initiative Review process. The panelists were randomly selected from registered voters in 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. Over a period of five days the panel heard from initiative proponents, opponents, and background witnesses. The panelists deliberated the measure and issued this statement. This statement has not been edited, altered, or approved by the Secretary of State.

The opinions expressed in this statement are those of the members of a citizen panel and were developed through the citizen review process. They are NOT official opinions or positions endorsed by the State of Oregon or any government agency. A citizen 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.

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 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 agree)
- Mandatory minimum sentencing has not proven a significant deterrent to future DUII or sex crimes. (21 agree)
- An unintended consequence of M73 is that juveniles aged 15 to 17 are subject to 25 year mandatory minimum sentences. (20 agree)
- Oregon spends over 10.9% of its general funds on corrections – a greater percentage than any other state. (19 agree)

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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.

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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.

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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.

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