



KATE BROWN  
Governor

## COMMUTATION OF SENTENCE

**WHEREAS**, in 2019, with widespread support, the legislature passed Senate Bill 1008, which, among other important juvenile justice reforms, amended Ballot Measure 11.

**WHEREAS**, now, as of January 1, 2020, those youth who commit Measure 11 offenses are afforded a waiver hearing in which the court determines whether it is appropriate to impose adult punishments for the crime and, even if the youth is sentenced in adult court, the individual is now entitled to a “second look” hearing half way through their sentence and, if applicable, a parole hearing after fifteen years.

**WHEREAS**, juveniles convicted of Measure 11 offenses, for which SB 1008 would have impacted, typically have greater capacity for rehabilitation than their adult counterparts and many have benefitted from and will continue to benefit from the additional rehabilitative programming that our corrections system is able to offer.

**WHEREAS**, SB 1008 takes into account the fact that these individuals—initially incarcerated as youth—are capable of tremendous transformation and, due to the age and immaturity at the time of their offenses and behavior thereafter, should be able to petition for release (on parole or post-prison supervision) by demonstrating maturity and rehabilitation.

**WHEREAS**, SB 1008 did not apply retroactively to those youth who were sentenced to fifteen years or more of incarceration prior to 2020 and, as a result, these individuals are unable to petition the Oregon State Board of Parole and Post-Prison Supervision (the “Board”) for future release consideration under the process described in ORS 144.397.

**WHEREAS**, in September of 2021, I asked DOC to help identify individuals who met the following commutation criteria: (1) Was a juvenile at the time of committing the offense for which they are in custody; (2) Be serving a sentence that was ordered prior to January 1, 2020; (3) Be serving a sentence of fifteen years or more of imprisonment; (4) Not be serving a sentence for which any convictions are for crimes that were committed as an adult; and (5) Not be serving a sentence with a current projected release date in 2050 or later, which shall not exclude those serving life sentences without the possibility of parole (collectively the “Commutation Criteria”).

**WHEREAS**, DOC has identified each individual listed in Exhibit A (collectively the “Commutees” and each a “Commutee”), attached hereto and incorporated herein by reference, as meeting the Commutation Criteria described above.

**WHEREAS**, in recognition of the unique and extraordinary circumstances of each Commutee, and in recognition of the determination that the Commutees each satisfy the Commutation Criteria described above, I have determined that each Commutee should be able to petition the Board for release on parole or post-prison supervision under the process described in ORS 144.397 and any rules promulgated thereunder by the Board.



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**NOW THEREFORE**, by virtue of the authority vested in me under Article V, Section 14, of the Oregon Constitution, I, Kate Brown, Governor of the State of Oregon, hereby commute the sentence of each Commutee, under the respective Judgment of Conviction referenced in Exhibit A, such that each Commutee—after serving 15 years of imprisonment as described in ORS 144.397(1)—has the opportunity to petition the Oregon State Board of Parole and Post-Prison Supervision for future release consideration under the process described in ORS 144.397 and any rules promulgated thereunder by the Board, effective as of the 4th day of December, 2021, immediately upon execution of this order. This order does not relieve any of the Commutees of parole, post-prison supervision, or incarceration. The Board shall make its own determination as to whether each Commutee, based on the consideration of their age and immaturity at the time of the offense and their behavior thereafter, has demonstrated maturity and rehabilitation pursuant to ORS 144.397 and any rules promulgated thereunder by the Board. Upon the Board's determination that a Commutee has demonstrated maturity and rehabilitation, it shall release that Commutee pursuant to ORS 144.397(7) and any rules promulgated thereunder by the Board.

Done before me at Salem, Oregon this 20<sup>th</sup> day of October, 2021.



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KATE BROWN  
GOVERNOR

ATTEST:

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SHEMIA FAGAN  
SECRETARY OF STATE