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consider sentences on a case-by-case basis. Sen. Prozanski, who thinks mandatory minimum sentencing "serves a purpose," also calls it "a sledge hammer approach ... that doesn't really allow the judge the discretion to hold people accountable to a higher degree."

Shields says the simplest way to give discretion back to judges would be to make the mandatory minimum sentences prescribed by Measure 11 presumptive, rather than mandatory. That would mean someone may get the amount of time prescribed by Measure 11, but would give the judge discretion to give a lesser or more severe sentence based upon the individual circumstances of the case.

"It would allow a judge in certain circumstances to depart (from the sentence) in ways that are meaningful," he says.

McKechnie wants further reform regarding juveniles convicted of Measure 11 crimes, specifically wanting the state to adopt a "second look" approach where there is a hearing halfway through the juvenile's sentence to determine whether the juvenile can be given a conditional release.

"It doesn't shorten their sentence, but it allows them to serve the second half of the sentence in some other setting," McKechnie says, such as a halfway house, residential treatment facility, or other facility where the juvenile is under supervision.

McKechnie says reforms to how juveniles are dealt with are necessary because the threat of Measure 11 in an adolescent's mind is much different than it is for an adult.

"A lot of them are first-time offenders and don't have serious offenses," he says. "They are immature and impulsive and don't necessarily think about the consequences of their behavior. The potential with being charged by Measure 11 or treated as an adult didn't cross their minds."

Advocates for reform have already scored a victory in this legislative session. On March 28, the House unanimously passed a bill that prohibits juvenile offenders from serving their sentences in adult prisons. The bill's next step is to receive a public hearing in the Senate Judiciary Committee, then move for a vote in the Senate.

That is a significant victory, given that a similar bill died an early death in the 2007

Legislature. That was one of multiple failed efforts to change Measure 11. The first attempt was a ballot measure in 2000, which would have completely repealed Measure 11. It met with dismal failure, with 74 percent of the electorate voting against it. "It was a political disaster," Rogers says.

Real progress was not made until 2009, when the Safety and Savings Act diverted \$84 million from the prison system to alcohol and drug treatment and mental health services. It also delayed the implementation of Measure 57, which created mandatory sentences for drug and property crimes.

"We had no money," says Shields, who introduced the act. "If we didn't begin to slow the growth of our prison system, domestic violence services, drug and alcohol treatment, a whole slew of other services would have been cut."

Prozanski describes the passage of HB 3508 as a "catalyst" for reform to Measure 11.

High up on Rogers and other prison reform advocates' wish list of reforms is to allow Measure 11 inmates to reduce a portion of their sentences through earned time. An inmate's sentence can be reduced anywhere between 10 to 30 percent if they elect to participate in job skills training, counseling, drug and alcohol treatment and other activities that change their behavior.

"It gives people incentive to participate in the programs and the work that helps them more likely to succeed when they get out," Rogers says.

Measure 11 prisoners currently cannot participate in any prison program, regardless of whether it is connected to earned time or not. However, federal policy allows prisoners, with the exception of murderers and those who commit treason, to earn up to 15 percent off their sentences.

Prozanski says he will introduce a bill or amendment into the Legislature adopting the federal earned time model for Oregon's Measure 11 offenders.

"I have plenty of bills to put it in," Prozanski says.

"We're going to see a significant shift as to how we're going to cut costs," Prozanski says. "It has to be in corrections. I'm not going to cut state police and forensic labs."

Rogers calls Measure 11 the "800 pound gorilla" in any room where discussions of budget cuts take place.

"It's not going away," he says.

Nothing is the Same

by Sergio Hoffmans

When I wake in the morning, something tells me that things are not the same.

I see a sad bird that does not want to fly,
A dry lake and a tree that is beginning to dry out.

Then, in my mind come the memories of when I had you in my arms
And I did not know how to love or appreciate.

Now I find myself in the middle of four walls and in the middle of two questions:
Do I hate myself or do you love me?
This I don't know if you know.

Today I want to wander in the deep, never-ending loneliness and bitterness
With a love like torture,
Like Neruda's poem,
How he wrote of the pain and love that hurt the heart of an ungrateful man.

I wake up this morning, and things are the same.

Then I see the guitar against the wall that you played
And will never play again.

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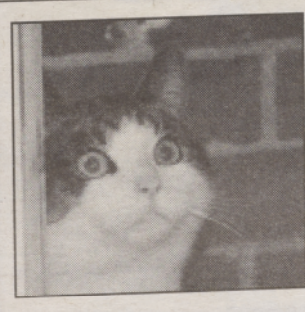
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