

HOUSE JUDICIARY COMMITTEE
MARCH 23, 2025

TESTIMONY OF CLAIRE NESS
OFFICE OF ATTORNEY GENERAL

IN SUPPORT OF
SENATE BILL 2128

Chairman Klemin and Members of the Committee:

My name is Claire Ness, and I'm the Chief Deputy Attorney General. During the hearings on Senate Bill 2128 in the Senate, Rachelle Juntunen, the Deputy Director of Adult Services at the Department of Corrections and Rehabilitation (DOCR), and I engaged in conversations about issues related to the bill. As those conversations continued and the bill successfully passed the Senate, Ms. Juntunen and I agreed to continue working together to develop an amendment to the bill for this committee to address many of DOCR's stated concerns.

This work included meetings – including a very productive meeting at DOCR that seemed to result in an agreement in principle on the substance of the amendment – and several emails – including emails discussing a draft of the amendment prepared according to the agreed-upon principles. However, at the end of the process, DOCR decided not to join us in offering the amendment. I do not wish to speak for Ms. Juntunen, but my understanding of her message about this is that the amendment did not address all of the items in the bill that DOCR dislikes, not that DOCR opposes the amendment itself.

The Attorney General's Office and I greatly appreciate Ms. Juntunen's time and work on the amendment, and we would like to offer the amendment to the committee. It adds clarity and reflects input from DOCR on the bill.

Specifically, the amendment:

- Would allow any offender to participate in work opportunities in or on the grounds of a DOCR facility that is at least as secure as the facility in which the offender is housed. According to DOCR, this:
 - Will allow an inmate to serve on yard crews and other work details at DOCR facilities; and
 - Will not change current practices for inmates work at DOCR facilities.
- Would **not diminish** the ability of all offenders to participate in educational, rehabilitation, treatment, or other programs in their residential facilities.

- Would **not diminish** the ability of “eligible offenders” to participate in offsite, community-based “release programs” for work, education, rehabilitation, or treatment.
- Would add several offenses requested by DOCR to the list of crimes for which an individual would be an “eligible offender.”
 - The newly added crimes include child neglect (for which many of the women at the women’s prison are incarcerated) and almost all misdemeanors for which an inmate could serve a concurrent sentence under DOCR’s jurisdiction.
 - The newly added crimes would not trigger the truth-in-sentencing provisions in section 10 of the bill and would not make the inmate ineligible for release programs or halfway houses.
 - The misdemeanors that still would trigger the truth-in-sentencing provisions include assaults, crimes against unborn children, sex offenses, rioting, and certain obscenity crimes involving minors.
- Explicitly clarifies that an inmate does not have to participate in court-ordered or staff-recommended programs to earn “good time” if no such programs are ordered or recommended for the inmate.
- Explicitly clarifies that eligible offenders are exempt from the truth-in-sentencing provisions in section 10 of the bill.

The Attorney General’s Office requests the committee adopt this amendment to Senate Bill 2128 and recommend a Do Pass on the amended bill. Thank you for your time.