

House Bill 2694

Sponsored by Representative THATCHER; Representative OLSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits persons with prior felony convictions from participating in alternative incarceration programs.

A BILL FOR AN ACT

1 Relating to alternative incarceration programs; creating new provisions; and amending ORS 421.508.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1.** ORS 421.508 is amended to read:

4 421.508. (1)(a) The Department of Corrections is responsible for determining which offenders are
5 eligible to participate in, and which offenders are accepted for, a program. However, the department
6 may not consider an offender for a program unless authorized to do so as provided in ORS 137.750.

7 **(b) The department may not accept a person into a program if the person was convicted**
8 **of a felony prior to the conviction resulting in the current term of incarceration.**

9 [(b)] (c) The department may not accept an offender into a program unless the offender submits
10 a written request to participate. The request must contain a signed statement providing that the
11 offender:

12 (A) Is physically and mentally able to withstand the rigors of the program; and

13 (B) Has reviewed the program description provided by the department and agrees to comply with
14 each of the requirements of the program.

15 [(c)] (d) The department may deny, for any reason, a request to participate in a program. The
16 department shall make the final determination regarding an offender's physical or mental ability to
17 withstand the rigors of the program.

18 [(d)] (e) If the department determines that an offender's participation in a program is consistent
19 with the safety of the community, the welfare of the applicant, the program objectives and the rules
20 of the department, the department may, in its discretion, accept the offender into the program.

21 (2) The department may suspend an offender from a program for administrative or disciplinary
22 reasons.

23 (3) When an offender has successfully completed a program, the department may release the
24 offender on post-prison supervision. Successful completion of a program does not relieve the offender
25 from fulfilling any other obligations imposed as part of the sentence including, but not limited to,
26 the payment of restitution and fines.

27 **SECTION 2. The amendments to ORS 421.508 by section 1 of this 2007 Act apply to pros-**
28 **ecutions commenced on or after the effective date of this 2007 Act.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.