

# House Bill 2698

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 sex offenders from participating in alternative incarceration programs.

## A BILL FOR AN ACT

1  
2 Relating to alternative incarceration programs; creating new provisions; and amending ORS 421.502  
3 and 421.508.

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

5 **SECTION 1.** ORS 421.502 is amended to read:

6 421.502. As used in ORS 421.502 to 421.512:

7 (1) "Cognitive restructuring" means any rehabilitation process that redirects the thinking of an  
8 offender into more socially acceptable directions and that is generally accepted by rehabilitation  
9 professionals.

10 (2) "Department" means the Department of Corrections.

11 (3)(a) "Offender" includes a person who:

12 (A) Is in the custody of the department; and

13 (B) Is at least 18 years of age at the time of entry into the program.

14 (b) "Offender" includes a person who is under 18 years of age and has been convicted of a crime  
15 upon remand from the juvenile court.

16 (c) "Offender" does not include a person convicted of a crime described in ORS 163.095, 163.115,  
17 163.118, 163.235, 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425,  
18 163.427, 163.435, 163.525, 164.325 or 164.415.

19 (4) "Program" means the special alternative incarceration program established under ORS  
20 421.504 and the intensive alternative incarceration addiction program established under ORS  
21 421.506.

22 (5) "**Sex crime**" has the meaning given that term in ORS 181.594.

23 **SECTION 2.** ORS 421.508 is amended to read:

24 421.508. (1)(a) The Department of Corrections is responsible for determining which offenders are  
25 eligible to participate in, and which offenders are accepted for, a program. However, the department  
26 may not consider an offender for a program unless authorized to do so as provided in ORS 137.750.

27 (b) **The department may not accept any person convicted of a sex crime into a program.**

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

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

32 (B) Has reviewed the program description provided by the department and agrees to comply with

**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.

1 each of the requirements of the program.

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

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

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

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

14 **SECTION 3. The amendments to ORS 421.508 by section 2 of this 2007 Act apply to pros-**  
15 **ecutions commenced on or after the effective date of this 2007 Act.**

16