

# House Bill 3173

Sponsored by Representative NELSON

## 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**.

Precludes Department of Corrections from releasing inmates as result of participation in alternative incarceration program.

## A BILL FOR AN ACT

1  
2 Relating to alternative incarceration programs; amending ORS 421.508 and 421.510.

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

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

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

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

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

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

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

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

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

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

26 **SECTION 2.** ORS 421.510 is amended to read:

27 421.510. Offenders participating in a program are eligible for transitional leave as provided in  
28 ORS 421.168. *[Notwithstanding the 30-day maximum period allowed in ORS 421.168, the Department*  
29 *of Corrections may grant a transitional leave of up to 90 days for an offender in a program. The*  
30 *offender may not be released on transitional leave more than 90 days prior to the offender's discharge*  
31 *date.]*

**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.

