

# Enrolled House Bill 2292

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary)

CHAPTER .....

## AN ACT

Relating to Department of Corrections; amending sections 1 and 3, chapter 422, Oregon Laws 2003; repealing section 2, chapter 422, Oregon Laws 2003; and declaring an emergency.

### Be It Enacted by the People of the State of Oregon:

**SECTION 1.** Section 1, chapter 422, Oregon Laws 2003, as amended by section 331b, chapter 794, Oregon Laws 2003, is amended to read:

**Sec. 1.** (1) The Department of Corrections may enter into a contract with a public entity for the provision of correctional services in a correctional facility that is located in another state if the **department determines that the** facility is suitable for the confinement and care of persons committed to the legal and physical custody of the department.

(2) Contracts entered into under subsection (1) of this section are exempt from the provisions of ORS [*chapter 279 and sections 1 to 46, 47 to 87 and 88 to 179 of this 2003 Act*] **279.835 to 279.855 and ORS chapters 279A, 279B and 279C.**

(3)(a) After entering into a contract under subsection (1) of this section, the department:

(A) May convey a person committed to the legal and physical custody of the department to a correctional facility owned or operated by the public entity with whom the department has contracted; and

(B) May transfer physical custody of the person to the custodial authorities of the facility.

(b) A person whose physical custody is transferred under this subsection shall be confined in the correctional facility to which the person was conveyed until:

(A) The person's sentence has expired or the person is otherwise discharged by law; or

(B) The department directs that the person:

(i) Be returned to the physical custody of the department; or

(ii) Be conveyed to another correctional facility.

(c) Except as otherwise provided in the contract entered into under subsection (1) of this section, a person whose physical custody is transferred under this subsection is subject to the operational policies and procedures of the correctional facility to which the person is transferred, including but not limited to policies and procedures for the conduct and discipline of persons incarcerated in the correctional facility.

(4) When a contract under subsection (1) of this section expires, the department shall return all persons confined in a correctional facility pursuant to the contract to the physical custody of the department or convey the persons to another correctional facility pursuant to another contract.

**SECTION 2.** Section 3, chapter 422, Oregon Laws 2003, is amended to read:

**Sec. 3.** [Sections 1 and 2 of this 2003 Act are] **Section 1, chapter 422, Oregon Laws 2003, as amended by section 331b, chapter 794, Oregon Laws 2003, and section 1 of this 2009 Act, is repealed on [December 31, 2009] January 2, 2014.**

**SECTION 3.** Section 2, chapter 422, Oregon Laws 2003, is repealed.

**SECTION 4.** This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

**Passed by House April 29, 2009**

**Received by Governor:**

**Repassed by House June 9, 2009**

.....M.,....., 2009

**Approved:**

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Chief Clerk of House

.....M.,....., 2009

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Speaker of House

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Governor

**Passed by Senate June 5, 2009**

**Filed in Office of Secretary of State:**

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President of Senate

.....M.,....., 2009

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Secretary of State