

A-Engrossed
House Bill 2292

Ordered by the House April 24
Including House Amendments dated April 24

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

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.

[Reduces minimum duration of special alternative incarceration program to 240 days.]

Broadens Department of Corrections authority to contract with public entity for provision of correctional services located in another state. Repeals provisions that sunset authority on December 31, 2009.

Declares emergency, effective on passage.

A BILL FOR AN ACT

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

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

6 **SECTION 1. Section 1, chapter 422, Oregon Laws 2003, is added to and made a part of**
7 **ORS chapter 421.**

8 **SECTION 2. Section 1, chapter 422, Oregon Laws 2003, as amended by section 331b, chapter**
9 **794, Oregon Laws 2003, is amended to read:**

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

14 (2) Contracts entered into under subsection (1) of this section are exempt from the provisions
15 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**
16 **and ORS chapters 279A, 279B and 279C.**

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

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

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

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

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

25 (B) The department directs that the person:

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

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 (ii) Be conveyed to another correctional facility.

2 (c) Except as otherwise provided in the contract entered into under subsection (1) of this sec-
3 tion, a person whose physical custody is transferred under this subsection is subject to the opera-
4 tional policies and procedures of the correctional facility to which the person is transferred,
5 including but not limited to policies and procedures for the conduct and discipline of persons
6 incarcerated in the correctional facility.

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

10 **SECTION 3. Sections 2 and 3, chapter 422, Oregon Laws 2003, are repealed.**

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

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