

## HOUSE AMENDMENTS TO HOUSE BILL 2292

By COMMITTEE ON JUDICIARY

April 24

1 In line 2 of the printed bill, after the semicolon delete the rest of the line and insert “creating  
2 new provisions; amending section 1, chapter 422, Oregon Laws 2003; repealing sections 2 and 3,  
3 chapter 422, Oregon Laws 2003; and declaring an emergency.”.

4 Delete lines 4 through 21 and insert:

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

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

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

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

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

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

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

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

23 **“(A)** The person’s sentence has expired or the person is otherwise discharged by law; or

24 **“(B)** The department directs that the person:

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

26 **“(ii)** Be conveyed to another correctional facility.

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

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

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

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

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