

Updated Sponsors

House Bill 3630

Sponsored by Representative MATTHEWS; Representatives BARKER, BARNHART, BARTON, CLEM, FREDERICK, GARRETT, GILLIAM, KAHL, KOMP, ROBLAN, J SMITH, WITT (Presession filed.)

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**.

Authorizes county court or board to adopt forced release plan authorizing supervision of persons on forced release.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to forced release plans; amending ORS 169.044 and 169.046; and declaring an emergency.

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

3 **SECTION 1.** ORS 169.044 is amended to read:

4 169.044. (1) When the county court or board has received a recommendation pursuant to ORS
5 169.042, it shall either:

6 [(1)] (a) Reject the recommendation and decline to adopt a limit on the number of inmates that
7 may be held in the local correctional facility; or

8 [(2)] (b) Adopt the recommendation and, after consultation with the officials listed in ORS
9 169.046 (1), issue an order establishing the maximum allowable number of inmates that may be held
10 in the local correctional facility. *[This shall]* **The order must** include specific standards for deter-
11 mining a county jail population emergency and *[a specific]* **an action** plan for resolving the emer-
12 gency.

13 (2)(a) **An action plan required under subsection (1)(b) of this section may include au-**
14 **thorization to:**

15 (A) **Place inmates on forced release subject to a forced release agreement as described**
16 **in ORS 169.046;**

17 (B) **Impose forced release conditions consistent with ORS 135.245 (3), 135.250 and 135.260;**

18 (C) **Supervise individuals on forced release; and**

19 (D) **Return an individual on forced release to custody if the individual violates the con-**
20 **ditions of the forced release.**

21 (b) **Officers and employees of the county are immune from criminal or civil liability for**
22 **performance of their duties pursuant to ORS 169.042 to 169.046.**

23 **SECTION 2.** ORS 169.046 is amended to read:

24 169.046. (1) If a county court or board adopts a jail capacity limit under ORS 169.044 and the
25 number of inmates in its local correctional facility exceeds that capacity limit so that a county jail
26 population emergency exists, the sheriff shall notify the presiding circuit judge, each municipal court
27 judge and justice of the peace in the county, the district attorney for the county, the county counsel,
28 the chief law enforcement officer for each city located in the county and the county court or board
29

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 of commissioners that the number of inmates in the local correctional facility has exceeded capacity
2 and that a county jail population emergency exists.

3 (2) If the county court or board has adopted a jail capacity limit and action plan under ORS
4 169.044 and if a county jail population emergency occurs under the terms of the plan, the county
5 court or board and the county sheriff may carry out the steps of the plan. *[This includes any au-*
6 *thorization, under the plan, for the sheriff to order inmates released in order to reduce the jail popu-*
7 *lation. A sheriff shall be immune from criminal or civil liability for any good faith release of inmates*
8 *under ORS 169.042 to 169.046.]*

9 (3) If it becomes necessary to order inmates released under ORS 169.042 to 169.046, or if it ap-
10 pears to the sheriff that release of inmates is likely to become necessary in the near future, the
11 sheriff shall immediately notify all police agencies in the county to make maximum use of citations
12 in lieu of custody pursuant to ORS 133.055 to 133.076 until further notice.

13 (4)(a) If it becomes necessary to order the **forced** release of inmates under ORS 169.042 to
14 169.046, the sheriff may place inmates on forced release subject to a forced release agreement.

15 (b) A forced release agreement must:

16 (A) Be in writing *[and]*;

17 (B) Be signed by the sheriff and the inmate; and *[must]*

18 (C) Include:

19 [(a)] (i) The date of the next court appearance of the inmate;

20 [(b)] (ii) A statement that the inmate is required to appear at the next court appearance; and

21 [(c)] (iii) A statement that failure of the inmate to appear at the next court appearance is subject
22 to prosecution under ORS 162.195 or 162.205.

23 **SECTION 3. This 2010 Act being necessary for the immediate preservation of the public**
24 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**
25 **on its passage.**