

**Enrolled**  
**Senate Bill 1007**

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CHAPTER .....

AN ACT

Relating to crime; creating new provisions; amending ORS 421.121 and sections 18, 48 and 49, chapter 660, Oregon Laws 2009; and declaring an emergency.

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

**SECTION 1.** ORS 421.121, as amended by section 19, chapter 660, Oregon Laws 2009, is amended to read:

421.121. (1) Except as provided in ORS 137.635, each inmate sentenced to the custody of the Department of Corrections for felonies committed on or after November 1, 1989, is eligible for a reduction in the term of incarceration for:

- (a) Appropriate institutional behavior, as defined by rule of the Department of Corrections; and
- (b)(A) Participation in the adult basic skills development program described in ORS 421.084; or
- (B) Obtaining a high school diploma, a General Educational Development (GED) certificate, a certificate or degree from a post-secondary education institution as defined in ORS 337.511 or a journey level certification from a registered apprenticeship program as defined in ORS 660.010. The reduction described in this subparagraph may not exceed a period of 60 days.

[2] (2)(a) The maximum amount of time credits earned for appropriate institutional behavior, for participation in the adult basic skills development program described in ORS 421.084 or for obtaining a diploma, certificate or degree described in subsection (1)(b)(B) of this section may not exceed [20] **30** percent of the total term of incarceration in a Department of Corrections institution.

**(b) Notwithstanding paragraph (a) of this subsection, the maximum amount of time credits earned under this section may not exceed 20 percent of the total term of incarceration in a Department of Corrections institution that is imposed in a criminal action described in subsection (3) of this section.**

**(3) Subsection (2)(b) of this section applies to the total term of incarceration that is imposed in a criminal action in which:**

- (a) The parties stipulate that the inmate is subject to subsection (2)(b) of this section;**
- (b) The inmate is convicted of an offense that was committed less than five years after the inmate completed serving a sentence for:**
  - (A) A person felony; or**
  - (B) A crime described in paragraph (e) of this subsection;**
- (c) The inmate is convicted of a person felony;**
- (d) The inmate is convicted of an offense involving the use or threatened use of a firearm; or**

(e) **The inmate is convicted of any of the following crimes:**

(A) **Subjecting another person to involuntary servitude in the second degree under ORS 163.263;**

(B) **Subjecting another person to involuntary servitude in the first degree under ORS 163.264;**

(C) **Trafficking in persons under ORS 163.266;**

(D) **Coercion under ORS 163.275;**

(E) **Online sexual corruption of a child in the second degree under ORS 163.432;**

(F) **Online sexual corruption of a child in the first degree under ORS 163.433;**

(G) **Aggravated theft in the first degree under ORS 164.057, if:**

(i) **The victim of the theft was 65 years of age or older at the time of the commission of the offense; and**

(ii) **The value of the property stolen from the victim described in sub-subparagraph (i) of this subparagraph, in a single or aggregate transaction, is \$10,000 or more;**

(H) **Treason under ORS 166.005;**

(I) **Abuse of a corpse in the second degree under ORS 166.085;**

(J) **Racketeering activities under ORS 166.720;**

(K) **Luring a minor under ORS 167.057;**

(L) **Assaulting a law enforcement animal under ORS 167.339;**

(M) **A sex crime as defined in ORS 181.594;**

(N) **Causing another person to ingest a controlled substance under ORS 475.908;**

(O) **Applying a controlled substance to the body of another person under ORS 475.910;**

(P) **Driving while under the influence of intoxicants under ORS 813.010 (5); or**

(Q) **An attempt, conspiracy or solicitation to commit an offense described in this paragraph or in paragraph (c) or (d) of this subsection.**

[(3)] (4) **The time credits may not be used to shorten the term of actual prison confinement to less than six months.**

[(4)] (5) **The department shall adopt rules pursuant to the rulemaking provisions of ORS chapter 183 to establish a process for granting, retracting and restoring the time credits earned by the offender as allowed in subsections (1) to [(3)] (4) of this section.**

(6) **As used in this section:**

(a) **“Completed serving a sentence” includes the completion of any term of probation, parole or post-prison supervision.**

(b) **“Person felony” has the meaning given that term in the rules of the Oregon Criminal Justice Commission.**

**SECTION 2. (1) The amendments to ORS 421.121 by section 1 of this 2010 Act become operative on July 1, 2011.**

**(2) The amendments to ORS 421.121 by section 1 of this 2010 Act apply to inmates:**

(a) **Who are sentenced for a crime committed on or after July 1, 2011, and before July 1, 2013; and**

(b) **Who are not prohibited by any other provision of law from obtaining a reduction in the term of incarceration under ORS 421.121.**

**SECTION 3. ORS 421.121, as amended by section 19, chapter 660, Oregon Laws 2009, and section 1 of this 2010 Act, is amended to read:**

421.121. (1) **Except as provided in ORS 137.635, each inmate sentenced to the custody of the Department of Corrections for felonies committed on or after November 1, 1989, is eligible for a reduction in the term of incarceration for:**

(a) **Appropriate institutional behavior, as defined by rule of the Department of Corrections; and**

(b)(A) **Participation in the adult basic skills development program described in ORS 421.084; or**

(B) **Obtaining a high school diploma, a General Educational Development (GED) certificate, a certificate or degree from a post-secondary education institution as defined in ORS 337.511 or a**

journey level certification from a registered apprenticeship program as defined in ORS 660.010. The reduction described in this subparagraph may not exceed a period of 60 days.

[(2)(a)] **(2)** The maximum amount of time credits earned for appropriate institutional behavior, for participation in the adult basic skills development program described in ORS 421.084 or for obtaining a diploma, certificate or degree described in subsection (1)(b)(B) of this section may not exceed [30] **20** percent of the total term of incarceration in a Department of Corrections institution.

*[(b) Notwithstanding paragraph (a) of this subsection, the maximum amount of time credits earned under this section may not exceed 20 percent of the total term of incarceration in a Department of Corrections institution that is imposed in a criminal action described in subsection (3) of this section.]*

[(3) Subsection (2)(b) of this section applies to the total term of incarceration that is imposed in a criminal action in which:]

*[(a) The parties stipulate that the inmate is subject to subsection (2)(b) of this section;]*

*[(b) The inmate is convicted of an offense that was committed less than five years after the inmate completed serving a sentence for:]*

*[(A) A person felony; or]*

*[(B) A crime described in paragraph (e) of this subsection;]*

*[(c) The inmate is convicted of a person felony;]*

*[(d) The inmate is convicted of an offense involving the use or threatened use of a firearm; or]*

*[(e) The inmate is convicted of any of the following crimes:]*

*[(A) Subjecting another person to involuntary servitude in the second degree under ORS 163.263;]*

*[(B) Subjecting another person to involuntary servitude in the first degree under ORS 163.264;]*

*[(C) Trafficking in persons under ORS 163.266;]*

*[(D) Coercion under ORS 163.275;]*

*[(E) Online sexual corruption of a child in the second degree under ORS 163.432;]*

*[(F) Online sexual corruption of a child in the first degree under ORS 163.433;]*

*[(G) Aggravated theft in the first degree under ORS 164.057, if:]*

*[(i) The victim of the theft was 65 years of age or older at the time of the commission of the offense; and]*

*[(ii) The value of the property stolen from the victim described in sub-subparagraph (i) of this subparagraph, in a single or aggregate transaction, is \$10,000 or more;]*

*[(H) Treason under ORS 166.005;]*

*[(I) Abuse of a corpse in the second degree under ORS 166.085;]*

*[(J) Racketeering activities under ORS 166.720;]*

*[(K) Luring a minor under ORS 167.057;]*

*[(L) Assaulting a law enforcement animal under ORS 167.339;]*

*[(M) A sex crime as defined in ORS 181.594;]*

*[(N) Causing another person to ingest a controlled substance under ORS 475.908;]*

*[(O) Applying a controlled substance to the body of another person under ORS 475.910;]*

*[(P) Driving while under the influence of intoxicants under ORS 813.010 (5); or]*

*[(Q) An attempt, conspiracy or solicitation to commit an offense described in this paragraph or in paragraph (c) or (d) of this subsection.]*

[(4)] **(3)** The time credits may not be used to shorten the term of actual prison confinement to less than six months.

[(5)] **(4)** The department shall adopt rules pursuant to the rulemaking provisions of ORS chapter 183 to establish a process for granting, retracting and restoring the time credits earned by the offender as allowed in subsections (1) to [(4)] **(3)** of this section.

[(6) As used in this section:]

*[(a) "Completed serving a sentence" includes the completion of any term of probation, parole or post-prison supervision.]*

*[(b) "Person felony" has the meaning given that term in the rules of the Oregon Criminal Justice Commission.]*

**SECTION 4.** (1) The amendments to ORS 421.121 by section 3 of this 2010 Act become operative on July 1, 2013.

(2) The amendments to ORS 421.121 by section 3 of this 2010 Act apply to inmates:

(a) Who are sentenced for a crime committed on or after July 1, 2013; and

(b) Who are not prohibited by any other provision of law from obtaining a reduction in the term of incarceration under ORS 421.121.

**SECTION 5.** Section 48, chapter 660, Oregon Laws 2009, is amended to read:

**Sec. 48.** (1)(a) Section 18, **chapter 660, Oregon Laws 2009**, [of this 2009 Act] becomes operative on the date that is 60 days after [the effective date of this 2009 Act] **July 1, 2009**.

(b) The Department of Corrections, the Judicial Department, the State Board of Parole and Post-Prison Supervision and the district attorneys of this state may take any action before the operative date specified in paragraph (a) of this subsection that is necessary to enable the departments, board or district attorneys to exercise, on or after the operative date specified in paragraph (a) of this subsection, all the duties, functions and powers conferred on the departments, board or district attorneys by [this 2009 Act] **chapter 660, Oregon Laws 2009**.

(2) The amendments to ORS 137.545 by section 32, **chapter 660, Oregon Laws 2009**, [of this 2009 Act] become operative on July 1, 2011.

(3) The amendments to ORS 137.717, 137.721 and 164.162 by sections 8, 9 and 15, **chapter 660, Oregon Laws 2009**, [of this 2009 Act] become operative on February 15, 2010.

(4) [Sections 10, 12 and 13 of this 2009 Act] **ORS 144.730, 423.150 and 475.933** and the amendments to ORS 137.717, 137.721 and 164.162 by sections 11, 14 and 16, **chapter 660, Oregon Laws 2009**, [of this 2009 Act] become operative on January 1, 2012.

(5) The amendments to ORS 421.121 by section 19, **chapter 660, Oregon Laws 2009**, [of this 2009 Act] become operative on [July 1, 2013] **the effective date of this 2010 Act**.

**SECTION 6.** Section 49, chapter 660, Oregon Laws 2009, is amended to read:

**Sec. 49.** (1) [Section 1 of this 2009 Act] **ORS 144.285** applies to prisoners convicted of aggravated murder or murder that was committed before, on or after [the effective date of this 2009 Act] **July 1, 2009**, and whose petition for a change in the terms of confinement is denied on or after January 1, 2010.

(2) [Section 2 of this 2009 Act] **ORS 144.280** applies to prisoners sentenced for a crime committed prior to November 1, 1989, and who are denied parole on or after January 1, 2010.

(3) The amendments to ORS 144.125, 144.228 and 144.232 by sections 3 to 5, **chapter 660, Oregon Laws 2009**, [of this 2009 Act] apply to prisoners:

(a) Whose release date is postponed under ORS 144.125 on or after January 1, 2010.

(b) For whom the State Board of Parole and Post-Prison Supervision is unable to set a release date under ORS 144.228 or 144.232 on or after January 1, 2010.

(4) The amendments to ORS 137.717, 137.721 and 164.162 by sections 8, 9 and 15, **chapter 660, Oregon Laws 2009**, [of this 2009 Act] apply to sentences imposed:

(a) On or after February 15, 2010; and

(b) For crimes committed on or after January 1, 2009, and before January 1, 2012.

(5) [Section 10 of this 2009 Act] **ORS 475.933** and the amendments to ORS 137.717, 137.721 and 164.162 by sections 11, 14 and 16, **chapter 660, Oregon Laws 2009**, [of this 2009 Act] apply to sentences imposed for crimes committed on or after January 1, 2012.

(6) The amendments to ORS 421.121 by section 17, **chapter 660, Oregon Laws 2009**, [of this 2009 Act] apply to inmates who:

[a) Are sentenced on or after the effective date of this 2009 Act for crimes committed before July 1, 2013; and]

(a) **Are sentenced for a crime committed:**

(A) **On or after July 1, 2009; and**

(B) **Before the effective date of this 2010 Act; and**

(b) Are not prohibited by any other provision of law from obtaining a reduction in the term of incarceration under ORS 421.121.

(7) The amendments to ORS 421.121 by section 19, **chapter 660, Oregon Laws 2009**, [of this 2009 Act] apply to inmates who:

(a) Are sentenced for a crime committed on or after [July 1, 2013] **the effective date of this 2010 Act and before July 1, 2011**; and

(b) Are not prohibited by any other provision of law from obtaining a reduction in the term of incarceration under ORS 421.121.

(8) The amendments to ORS 137.545 by section 20, **chapter 660, Oregon Laws 2009**, [of this 2009 Act] apply to crimes committed before July 1, 2011.

(9) Section 21, **chapter 660, Oregon Laws 2009**, [of this 2009 Act] applies to persons:

(a) Convicted of a crime committed before July 1, 2011; and

(b) Who are on probation on or after the effective date of the rules adopted by the Department of Corrections under section 21 (3), **chapter 660, Oregon Laws 2009** [of this 2009 Act].

(10) Section 31, **chapter 660, Oregon Laws 2009**, [of this 2009 Act] applies to crimes committed:

(a) On or after February 15, 2010; and

(b) Before January 1, 2012.

(11) The amendments to ORS 137.545 by section 32, **chapter 660, Oregon Laws 2009**, [of this 2009 Act] apply to crimes committed on or after July 1, 2011.

(12) [Section 40 of this 2009 Act] **ORS 163.168** and the amendments to ORS 163.165 and 163.235 by sections 39 and 43, **chapter 660, Oregon Laws 2009**, [of this 2009 Act] apply to conduct occurring on or after [the effective date of this 2009 Act] **July 1, 2009**.

(13) Except as provided in subsection (14) of this section, section 23, **chapter 660, Oregon Laws 2009**, [of this 2009 Act] applies to persons:

(a) Convicted of a crime committed before July 1, 2011; and

(b) Sentenced to the legal and physical custody of the supervisory authority under ORS 137.124 (2).

(14)(a) A person sentenced to the legal and physical custody of a supervisory authority under ORS 137.124 (2) shall serve an active period of post-prison supervision of at least two additional months if, on [the effective date of this 2009 Act] **July 1, 2009**, the person has served:

(A) Four months or more of active post-prison supervision for crimes in crime categories 1 to 3; or

(B) Ten months or more of active post-prison supervision for crimes in crime categories 4 to 10.

(b) Except as provided in paragraph (c) of this subsection, the supervisory authority shall place an offender described in paragraph (a) of this subsection on inactive supervision status on the date that is two months after [the effective date of this 2009 Act] **July 1, 2009**.

(c) At any time before the date that is two months after [the effective date of this 2009 Act] **July 1, 2009**:

(A) The parole and probation officer responsible for supervising an offender described in paragraph (a) of this subsection may send a report described in section 23 (3), **chapter 660, Oregon Laws 2009**, [of this 2009 Act] to the supervisory authority for review; and

(B) After reviewing the report, the supervisory authority may extend the active post-prison supervision period in accordance with section 23 (4), **chapter 660, Oregon Laws 2009** [of this 2009 Act].

(d) Section 23, **chapter 660, Oregon Laws 2009**, [of this 2009 Act] and the provisions of this subsection and subsection (13) of this section do not apply to a person sentenced to the legal and physical custody of a supervisory authority under ORS 137.124 (2) whose term of active post-prison supervision imposed by the sentencing court expires on or before the date that is two months after [the effective date of this 2009 Act] **July 1, 2009**.

**SECTION 7.** Section 18, chapter 660, Oregon Laws 2009, is amended to read:

**Sec. 18.** (1)(a) Notwithstanding section 49 (6), **chapter 660, Oregon Laws 2009**, [of this 2009 Act] and except as provided in paragraph (b) of this subsection, [if the court enters the supplemental judgment described in subsection (5)(b) or (7)(b) of this section,] the amendments to ORS 421.121 by section 17, **chapter 660, Oregon Laws 2009**, [of this 2009 Act] apply to inmates **who were sen-**

tenced before July 1, 2009, and are not prohibited by any other provision of law from obtaining a reduction in the term of incarceration under ORS 421.121 if, before the effective date of this 2010 Act:

[*(A) Sentenced before the effective date of this 2009 Act; and*]

[*(B) Who are not prohibited by any other provision of law from obtaining a reduction in the term of incarceration under ORS 421.121.*]

**(A) The court has entered the supplemental judgment described in subsection (5)(b) of this section; or**

**(B) The court has, pursuant to subsection (7)(b) of this section, ordered on the record in open court that the Department of Corrections may consider the inmate for a reduction in the term of incarceration under ORS 421.121 that may not exceed 30 percent of the total term of incarceration in a department institution.**

(b) The amendments to ORS 421.121 by section 17, **chapter 660, Oregon Laws 2009**, [*of this 2009 Act*] do not apply to inmates who are released by the Department of Corrections on transitional leave under ORS 421.168 or on conditional release under ORS 420A.206, on or before the operative date specified in section 48 (1)(a), **chapter 660, Oregon Laws 2009** [*of this 2009 Act*].

(2)(a) If the Department of Corrections determines, pursuant to rules adopted by the department, that an inmate sentenced before [*the effective date of this 2009 Act*] **July 1, 2009**, is eligible for a reduction in the term of incarceration under ORS 421.121 that exceeds 20 percent of the total term of incarceration in a department institution, the department shall notify:

(A) The inmate; and

(B) The presiding judge, trial court administrator and district attorney, in the county in which the inmate was convicted.

(b) The notice described in paragraph (a) of this subsection shall indicate the sentences and counts for which the inmate is eligible for a reduction in the term of incarceration.

(c) In addition to the notice described in paragraph (a) of this subsection, the department shall provide the presiding judge and trial court administrator with a supplemental judgment described in subsection (14)(a) of this section for the identified inmate.

(3) Upon receipt of the notice, the trial court administrator shall file the notice with the court and, if the inmate is serving a sentence for a crime for which there is a victim, the district attorney shall make reasonable efforts to inform the victim:

(a) That the inmate may be eligible for a reduction in the term of incarceration under ORS 421.121 that exceeds 20 percent of the total term of incarceration in a department institution;

(b) Of the victim's rights implicated by the inmate's eligibility for the reduction;

(c) That if the victim wishes to object to the inmate's eligibility for the reduction, the victim must notify the district attorney within 20 days of the date the notice described in subsection (2) of this section is filed with the court by the trial court administrator; and

(d) That if the victim fails to object in accordance with paragraph (c) of this subsection, the sentencing court may authorize the department to consider the inmate for the reduction.

(4)(a) If the district attorney receives a timely notice of objection from a victim or if the district attorney objects to the inmate's eligibility for a reduction in the term of incarceration under ORS 421.121 that exceeds 20 percent of the total term of incarceration in a department institution, the district attorney must file notice of the objection with the court no later than:

(A) If the inmate is serving a sentence for a crime for which there is a victim, 21 days after the date the notice described in subsection (2) of this section is filed with the court by the trial court administrator.

(B) If the inmate is not serving a sentence for a crime for which there is a victim, 14 days after the date the notice described in subsection (2) of this section is filed with the court by the trial court administrator.

(b) Unless the court has entered the judgment described in subsection (5)(b) of this section, the court may, for good cause shown, allow the filing of a notice of objection on a date later than the date described in paragraph (a) of this subsection.

(5)(a) If a notice of objection is filed with the court within the time period described in subsection (4) of this section or if the sentencing court, on its own motion, determines that a hearing is necessary, the court shall set a hearing within 35 days of the date the notice described in subsection (2) of this section is filed with the court by the trial court administrator, unless the court finds good cause to hold the hearing at a later date.

(b) If a notice of objection is not filed with the court within the time period described in subsection (4) of this section and the sentencing court determines that it is appropriate to authorize the department to consider the inmate for a reduction in the term of incarceration under ORS 421.121 that may not exceed 30 percent of the total term of incarceration in a department institution, the court shall enter a supplemental judgment using the form of judgment submitted by the department under subsection (14)(a) of this section.

(6)(a) When the court sets a hearing under subsection (5)(a) of this section, the court shall appoint counsel for the inmate and notify the inmate, the inmate's counsel, the department and the district attorney of the hearing date. Upon receipt of the notice, the district attorney shall, if the inmate is serving a sentence for a crime for which there is a victim, make reasonable efforts to inform the victim of:

(A) The hearing date; and

(B) The victim's rights implicated in the hearing.

(b) Pursuant to ORS 151.216 and 151.219, the Public Defense Services Commission shall provide for the representation of an inmate for whom counsel is appointed under this subsection.

(7)(a) At the hearing, the inmate, the district attorney and the victim may introduce evidence relevant to the determination of whether, based on the information available to the parties and the court at the time the sentence was originally imposed, a reduction in the term of incarceration under ORS 421.121 that exceeds 20 percent of the total term of incarceration is appropriate.

(b) Upon the conclusion of the hearing, the court shall order on the record in open court that the department is authorized to consider the inmate for a reduction in the term of incarceration under ORS 421.121 that may not exceed 30 percent of the total term of incarceration in a department institution, unless the court finds, on the record and in open court, substantial reasons to order that the inmate not be considered for the reduction. If the court orders that the inmate may be considered for the reduction, the court shall enter a supplemental judgment using the form of judgment submitted by the department under subsection (14)(a) of this section.

(c) ORS 40.010 to 40.210 and 40.310 to 40.585 do not apply to a hearing conducted under this section.

(d) The sentencing court has jurisdiction to modify its judgment and sentence to enter the supplemental judgment described in subsection (5)(b) of this section or to reflect the results of a hearing described in this subsection.

(8) Unless the court orders otherwise, an inmate shall appear at a hearing described in subsection (7) of this section by telephone, provided that the appearance allows for compliance with the provisions of ORS 131.045 (1)(c)(A) to (D).

(9) Notwithstanding ORS 144.096 (1)(b) and (c) and (3), if the department grants the inmate a reduction in the term of incarceration that exceeds 20 percent of the total term of incarceration in a department institution:

(a) The department shall submit a proposed release plan and, if the proposed release plan is not approved by the State Board of Parole and Post-Prison Supervision, a revised release plan, as soon as reasonably practicable prior to the inmate's release from prison; and

(b) The release plan and revised release plan prepared by the department under this subsection may be abbreviated and need only contain information the department determines by rule is appropriate.

(10) Notwithstanding that the department grants an inmate a reduction in the term of incarceration under ORS 421.121 that exceeds 20 percent of the total term of incarceration in a department institution, the department may defer the release of an inmate for no more than 90 days when, in the judgment of the department, the deferral is necessary or advisable in order for the

department to provide for transitional planning or for the continuity of medical or mental health care or treatment to the inmate.

(11) The post-prison supervision term of an inmate that is released from a department institution after having been granted a reduction in the term of incarceration under ORS 421.121 that exceeds 20 percent of the total term of incarceration in a department institution commences upon the inmate's physical release from the department institution.

(12)(a) Nothing in this section or the amendments to ORS 421.121 by section 17, **chapter 660, Oregon Laws 2009** [of this 2009 Act]:

(A) Creates any cause of action for compensation or damages;

(B) Entitles an inmate to a hearing before the date set by the court under subsection (5)(a) of this section; or

(C) Entitles an inmate to a reduction in the term of incarceration, except as authorized by the sentencing court and granted by the department in accordance with department rules.

(b) Notwithstanding ORS 30.265 or any other provision of law, the department and its officers, employees and agents are immune from any claim or action arising from:

(A) The failure to identify an inmate who is eligible for a reduction in the term of incarceration under ORS 421.121 that exceeds 20 percent of the total term of incarceration in a department institution or to provide the notice described in subsection (2) of this section;

(B) The failure to grant a reduction in the term of incarceration under ORS 421.121 after the reduction has been authorized by the sentencing court under subsection (5)(b) or (7)(b) of this section; or

(C) The deferral of an inmate's release under subsection (10) of this section.

(13) The Oregon Criminal Justice Commission shall conduct a study that includes an assessment of the effects of this section and the amendments to ORS 421.121 by section 17, **chapter 660, Oregon Laws 2009**, [of this 2009 Act] on reducing recidivism. The commission shall report the results of the study to the Legislative Assembly in the manner provided in ORS 192.245 no later than February 1, 2013.

(14) The Department of Corrections:

(a) Shall, after consulting with the Judicial Department, prepare a form of supplemental judgment that specifies the sentences and counts for which an inmate is eligible for a reduction in the term of incarceration under ORS 421.121 that exceeds 20 percent of the total term of incarceration.

(b) May adopt rules to carry out the provisions of this section.

(15) As used in this section:

(a) "Reasonable efforts to inform the victim" has the meaning given that phrase in section 1, chapter 178, Oregon Laws 2009.

(b) "Victim" has the meaning given that term in section 1, chapter 178, Oregon Laws 2009.

**SECTION 8. (1) Notwithstanding section 18, chapter 660, Oregon Laws 2009, the Department of Corrections may not make the notifications described in section 18 (2), chapter 660, Oregon Laws 2009, on or after the effective date of this 2010 Act.**

**(2) The Department of Corrections may not consider an inmate sentenced before July 1, 2009, for a reduction in the term of incarceration under ORS 421.121 that exceeds 20 percent of the total term of incarceration, unless before the effective date of this 2010 Act:**

**(a) The court has entered the supplemental judgment described in section 18 (5)(b), chapter 660, Oregon Laws 2009; or**

**(b) The court has, pursuant to section 18 (7)(b), chapter 660, Oregon Laws 2009, ordered on the record in open court that the department may consider the inmate for a reduction in the term of incarceration under ORS 421.121 that may not exceed 30 percent of the total term of incarceration in a department institution.**

**SECTION 9. (1) The Secretary of State shall conduct an audit of the earned time credits program described in ORS 421.121. The audit shall include:**

**(a) An assessment of the Department of Corrections compliance with statutory law and the department's rules, policies and procedures;**



(b) An evaluation of the actual and potential impacts of the program, including an evaluation of the program's financial impact and the impact of the program on recidivism and public safety; and

(c) An analysis of best practices in similar programs conducted in other jurisdictions.

(2) No later than January 1, 2011, the Secretary of State shall submit a report to the Legislative Assembly in the manner provided in ORS 192.245 that includes the results of the audit described in subsection (1) of this section.

**SECTION 10.** Section 9 of this 2010 Act is repealed on January 2, 2011.

**SECTION 11.** This 2010 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect on its passage.

Passed by Senate February 12, 2010

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Secretary of Senate

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President of Senate

Passed by House February 16, 2010

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Speaker of House

Received by Governor:

.....M,....., 2010

Approved:

.....M,....., 2010

.....  
Governor

Filed in Office of Secretary of State:

.....M,....., 2010

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Secretary of State