

House Bill 2423

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

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**.

Extends suspension of certain provisions of Ballot Measure 57 (2008) until January 1, 2014.
Corrects references to reflect statutory renumbering.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to crime; amending sections 47, 48 and 49, chapter 660, Oregon Laws 2009; and declaring
3 an emergency.

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

5 **SECTION 1.** Section 48, chapter 660, Oregon Laws 2009, as amended by section 5, chapter 2,
6 Oregon Laws 2010, is amended to read:

7 **Sec. 48.** (1)(a) Section 18, chapter 660, Oregon Laws 2009, becomes operative on the date that
8 is 60 days after July 1, 2009.

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

15 (2) The amendments to ORS 137.545 by section 32, chapter 660, Oregon Laws 2009, become op-
16 erative on July 1, 2011.

17 (3) The amendments to ORS 137.717, [*137.721 and*] 164.162 **and 475.935** by sections 8, 9 and 15,
18 chapter 660, Oregon Laws 2009, become operative on February 15, 2010.

19 (4) ORS 144.730, 423.150 and 475.933 and the amendments to ORS 137.717, [*137.721 and*] 164.162
20 **and 475.935** by sections 11, 14 and 16, chapter 660, Oregon Laws 2009, become operative on January
21 1, [*2012*] **2014**.

22 (5) The amendments to ORS 421.121 by section 19, chapter 660, Oregon Laws 2009, become op-
23 erative on [*the effective date of this 2010 Act*] **February 17, 2010**.

24 **SECTION 2.** Section 49, chapter 660, Oregon Laws 2009, as amended by section 6, chapter 2,
25 Oregon Laws 2010, is amended to read:

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

29 (2) ORS 144.280 applies to prisoners sentenced for a crime committed prior to November 1, 1989,
30 and who are denied parole on or after January 1, 2010.

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 (3) The amendments to ORS 144.125, 144.228 and 144.232 by sections 3 to 5, chapter 660, Oregon
 2 Laws 2009, apply to prisoners:

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

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

6 (4) The amendments to ORS 137.717, [137.721 and] 164.162 **and 475.935** by sections 8, 9 and 15,
 7 chapter 660, Oregon Laws 2009, apply to sentences imposed:

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

9 (b) For crimes committed on or after January 1, 2009, and before January 1, [2012] **2014**.

10 (5) ORS 475.933 and the amendments to ORS 137.717, [137.721 and] 164.162 **and 475.935** by
 11 sections 11, 14 and 16, chapter 660, Oregon Laws 2009, apply to sentences imposed for crimes com-
 12 mitted on or after January 1, [2012] **2014**.

13 (6) The amendments to ORS 421.121 by section 17, chapter 660, Oregon Laws 2009, apply to in-
 14 mates who:

15 (a) Are sentenced for a crime committed:

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

17 (B) Before [*the effective date of this 2010 Act*] **February 17, 2010**; and

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

20 (7) The amendments to ORS 421.121 by section 19, chapter 660, Oregon Laws 2009, apply to in-
 21 mates who:

22 (a) Are sentenced for a crime committed on or after [*the effective date of this 2010 Act*] **February**
 23 **17, 2010**, and before July 1, 2011; and

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

26 (8) The amendments to ORS 137.545 by section 20, chapter 660, Oregon Laws 2009, apply to
 27 crimes committed before July 1, 2011.

28 (9) Section 21, chapter 660, Oregon Laws 2009, applies to persons:

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

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

32 (10) Section 31, chapter 660, Oregon Laws 2009, applies to crimes committed:

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

34 (b) Before January 1, [2012] **2014**.

35 (11) The amendments to ORS 137.545 by section 32, chapter 660, Oregon Laws 2009, apply to
 36 crimes committed on or after July 1, 2011.

37 (12) ORS 163.168 and the amendments to ORS 163.165 and 163.235 by sections 39 and 43, chapter
 38 660, Oregon Laws 2009, apply to conduct occurring on or after July 1, 2009.

39 (13) Except as provided in subsection (14) of this section, section 23, chapter 660, Oregon Laws
 40 2009, applies to persons:

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

42 (b) Sentenced to the legal and physical custody of the supervisory authority under ORS 137.124
 43 (2).

44 (14)(a) A person sentenced to the legal and physical custody of a supervisory authority under
 45 ORS 137.124 (2) shall serve an active period of post-prison supervision of at least two additional

1 months if, on July 1, 2009, the person has served:

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

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

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

8 (c) At any time before the date that is two months after July 1, 2009:

9 (A) The parole and probation officer responsible for supervising an offender described in para-
10 graph (a) of this subsection may send a report described in section 23 (3), chapter 660, Oregon Laws
11 2009, to the supervisory authority for review; and

12 (B) After reviewing the report, the supervisory authority may extend the active post-prison
13 supervision period in accordance with section 23 (4), chapter 660, Oregon Laws 2009.

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

18 **SECTION 3.** Section 47, chapter 660, Oregon Laws 2009, is amended to read:

19 **Sec. 47.** (1) Sections 1, 6, 8 and 9, chapter 14, Oregon Laws 2008, and sections 8, 9 and 10,
20 chapter 35, Oregon Laws 2008, are repealed on February 15, 2010.

21 (2) Sections 21 to 24 [*of this 2009 Act*], **chapter 660, Oregon Laws 2009**, are repealed on July
22 1, 2011.

23 (3) Section 31 [*of this 2009 Act*], **chapter 660, Oregon Laws 2009**, is repealed on January 1,
24 [2012] **2014**.

25 (4) Section 18 [*of this 2009 Act*], **chapter 660, Oregon Laws 2009, as amended by section 7,**
26 **chapter 2, Oregon Laws 2010**, is repealed on July 1, 2013.

27 **SECTION 4. This 2011 Act being necessary for the immediate preservation of the public**
28 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
29 **on its passage.**

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