

House Bill 3682

Sponsored by 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 **as introduced**.

Authorizes Department of Corrections to contract with private entity for provision of correctional services in another state.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to contracting for correctional services; amending section 1, chapter 422, Oregon Laws
3 2003; repealing section 3, chapter 422, Oregon Laws 2003; and declaring an emergency.

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

5 **SECTION 1.** Section 1, chapter 422, Oregon Laws 2003, as amended by section 331b, chapter
6 794, Oregon Laws 2003, and section 1, chapter 611, Oregon Laws 2009, is amended to read:

7 **Sec. 1.** (1) The Department of Corrections may enter into a contract with a public **or private**
8 entity for the provision of correctional services in a correctional facility that is located in another
9 state if the department determines that the facility is suitable for the confinement and care of per-
10 sons committed to the legal and physical custody of the department.

11 (2) Contracts entered into under subsection (1) of this section are exempt from the provisions
12 of ORS 279.835 to 279.855 and ORS chapters 279A, 279B and 279C.

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

14 (A) May convey a person committed to the legal and physical custody of the department to a
15 correctional facility owned or operated by the *[public]* entity with whom the department has con-
16 tracted; and

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

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

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

21 (B) The department directs that the person:

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

23 (ii) Be conveyed to another correctional facility.

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

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

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 **SECTION 2.** Section 3, chapter 422, Oregon Laws 2003, as amended by section 2, chapter
2 611, Oregon Laws 2009, is repealed.

3 **SECTION 3.** This 2011 Act being necessary for the immediate preservation of the public
4 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
5 on its passage.
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