

Senate Bill 761

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**.

Modifies statutory provision authorizing release of inmates who successfully complete alternative incarceration program.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to alternative incarceration programs; creating new provisions; amending ORS 421.508; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 421.508 is amended to read:

6 421.508. (1)(a) The Department of Corrections is responsible for determining which offenders are
7 eligible to participate in, and which offenders are accepted for, a program. However, the department
8 may not release an offender under subsection (4) of this section unless authorized to do so as pro-
9 vided in ORS 137.751.

10 (b) The department may not accept an offender into a program unless the offender submits a
11 written request to participate. The request must contain a signed statement providing that the
12 offender:

13 (A) Is physically and mentally able to withstand the rigors of the program; and

14 (B) Has reviewed the program description provided by the department and agrees to comply with
15 each of the requirements of the program.

16 (c) The department may deny, for any reason, a request to participate in a program. The de-
17 partment shall make the final determination regarding an offender's physical or mental ability to
18 withstand the rigors of the program.

19 (d) If the department determines that an offender's participation in a program is consistent with
20 the safety of the community, the welfare of the applicant, the program objectives and the rules of
21 the department, the department may, in its discretion, accept the offender into the program.

22 (2) The department may suspend or remove an offender from a program for administrative or
23 disciplinary reasons.

24 (3) The department may not accept an offender into a program if:

25 (a) The department has removed the offender from a program during the term of incarceration
26 for which the offender is currently sentenced; or

27 (b) The offender has a current detainer from any jurisdiction that will not expire prior to the
28 offender's release from the custody of the department.

29 (4) When an offender has successfully completed a program, the department may release the
30 offender on post-prison supervision if:

31 (a) The court has entered the order described in ORS 137.751; and

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 (b) The offender has served a term of incarceration of at least one year.

2 (5)(a) An offender may not be released on post-prison supervision under subsection (4) of this
3 section if the release would reduce the term of incarceration the offender would otherwise be re-
4 quired to serve by more than 20 percent. **For the purposes of calculating the term of**
5 **incarceration an offender would otherwise be required to serve under this paragraph, the**
6 **department may not apply time credits earned under ORS 421.121.**

7 (b) **When an offender is sentenced to consecutive terms of incarceration, the department**
8 **may apply the reduction described in paragraph (a) of this subsection to each term of**
9 **incarceration for which the court has entered an order described in ORS 137.751.**

10 (c) **Time credits earned under ORS 421.121 are independent of the reduction described in**
11 **this subsection and may be applied in addition to the reduction described in this subsection.**

12 (6) For the purposes of calculating the term of incarceration served under subsection (4)(b) of
13 this section, the department shall include:

14 (a) The time that an offender is confined under ORS 137.370 (2)(a); and

15 (b) The time for which an offender is granted nonprison leave under ORS 421.510.

16 (7) Successful completion of a program does not relieve the offender from fulfilling any other
17 obligations imposed as part of the sentence including, but not limited to, the payment of restitution
18 and fines.

19 **SECTION 2. The amendments to ORS 421.508 by section 1 of this 2011 Act apply to**
20 **offenders sentenced for a crime committed before, on or after the effective date of this 2011**
21 **Act.**

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

25 _____