

Enrolled House Bill 2143

Sponsored by Representative NATHANSON; Representatives DEMBROW, DOHERTY, GARRETT
(at the request of State and Local Government Efficiency Task Force) (Presession filed.)

CHAPTER

AN ACT

Relating to inspection of local detention facilities; amending ORS 169.070, 169.076, 169.077 and 169.078.

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

SECTION 1. ORS 169.070 is amended to read:

169.070. (1) The Department of Corrections shall provide and coordinate state services to local governments with respect to local correctional facilities and juvenile detention facilities. The Director of the Department of Corrections shall designate staff to provide technical assistance to local governmental agencies in the planning and operation of local correctional facilities, lockups, temporary holds and juvenile detention facilities, and advice on provisions of state law applicable to these facilities. The department shall inspect local correctional facilities, lockups, temporary holds and juvenile detention facilities, to ensure compliance with the standards established in ORS 169.076 to 169.078, 169.740, 419A.059 and 419B.180.

(2) In carrying out its duties under subsection (1) of this section, the department may enter into agreements with public or private entities to conduct inspections of local correctional facilities, lockups, temporary holds and juvenile detention facilities.

(3) When a county that operates a local correctional facility has conducted, or caused a public or private entity to conduct, an inspection of the local correctional facility within 24 months before an inspection would be conducted under subsection (1) of this section, the department is not required to conduct the next inspection required under subsection (1) of this section if:

(a) The standards meet or exceed the standards established in ORS 169.076;

(b) The inspection is conducted in a manner that allows the county to satisfy the requirement of paragraph (c) of this subsection; and

(c) Within 45 days after the inspection is completed, the county provides to the department:

(A) A statement or copy of the standards used to conduct the inspection and the date the standards were adopted; and

(B) A portion of the findings and recommendations of the inspection that is the equivalent of the information that would have been obtained in an inspection conducted under subsection (1) of this section.

(4) The information provided to the department under subsection (3) of this section is a public record for the purposes of ORS 192.410 to 192.505 and is subject to the same disclosure

requirements and retention schedule that applies to an inspection conducted under subsection (1) of this section.

SECTION 2. ORS 169.076 is amended to read:

169.076. Each local correctional facility shall:

(1) Provide sufficient staff to perform all audio and visual functions involving security, control, custody and supervision of all confined detainees and prisoners, with personal inspection at least once each hour. The supervision may include the use of electronic monitoring equipment when approved by the Department of Corrections and the governing body of the [area] **jurisdiction** in which the facility is located.

(2) Have a comprehensive written policy with respect to:

- (a) Legal confinement authority.
- (b) Denial of admission.
- (c) Telephone calls.
- (d) Admission and release medical procedures.
- (e) Medication and prescriptions.
- (f) Personal property accountability which complies with ORS 133.455.
- (g) Vermin and communicable disease control.
- (h) Release process to include authority, identification and return of personal property.
- (i) Rules of the facility governing correspondence and visitations.

(3) Formulate and publish plans to meet emergencies involving escape, riots, assaults, fires, rebellions and other types of emergencies; and regulations for the operation of the facility.

(4) Not administer any physical punishment to any prisoner at any time.

(5) Provide for emergency medical and dental health, having written policies providing for:

- (a) Licensed physician or nurse practitioner review of the facility's medical and dental plans.
- (b) The security of medication and medical supplies.

(c) A medical and dental record system to include request for medical and dental attention, treatment prescribed, prescriptions, special diets and other services provided.

(d) First aid supplies and staff first aid training.

(6) Prohibit firearms from the security area of the facility except in times of emergency as determined by the administrator of the facility.

(7) [*Insure*] **Ensure** that confined detainees and prisoners:

(a) Will be fed daily at least three meals served at regular times, with no more than 14 hours between meals except when routinely absent from the facility for work or other purposes.

(b) Will be fed nutritionally adequate meals in accordance with a plan reviewed by a registered dietitian or the Oregon Health Authority.

(c) Be provided special diets as prescribed by the designated facility physician or nurse practitioner.

(d) Shall have food procured, stored, prepared, distributed and served under sanitary conditions, as defined by the authority under ORS 624.041.

(8) [*Insure*] **Ensure** that the facility be clean, and provide each confined detainee or prisoner:

- (a) Materials to maintain personal hygiene.
- (b) Clean clothing twice weekly.
- (c) Mattresses and blankets that are clean and fire-retardant.
- (9) Require each prisoner to shower at least twice weekly.

(10) Forward, without examination or censorship, each prisoner's outgoing written communications to the Governor, jail administrator, Attorney General, judge, Department of Corrections or the attorney of the prisoner.

(11) Keep the facility safe and secure in accordance with the State of Oregon Structural Specialty Code and Fire and Life Safety Code.

(12) Have and provide each prisoner with written rules for inmate conduct and disciplinary procedures. If a prisoner cannot read or is unable to understand the written rules, the information shall be conveyed to the prisoner orally.

(13) Not restrict the free exercise of religion unless failure to impose the restriction will cause a threat to facility or order.

(14) Safeguard and [insure] **ensure** that the prisoner's legal rights to access to legal materials are protected.

SECTION 3. ORS 169.077 is amended to read:

169.077. Each lockup facility shall:

(1) Maintain 24-hour supervision when persons are confined[; *such*]. **The** supervision may include the use of electronic monitoring equipment when approved by the Department of Corrections and the governing body of the [area] **jurisdiction** in which the facility is located.

(2) Make a personal inspection of each person confined at least once each hour.

(3) Prohibit firearms from the security area of the facility except in times of emergency as determined by the administrator of the facility.

(4) [Insure] **Ensure** that confined detainees and prisoners will be fed daily at least three nutritionally adequate meals served at regular times, with no more than 14 hours between meals except when routinely absent from the facility for work or other such purposes.

(5) Forward, without examination or censorship, each prisoner's outgoing written communications to the Governor, jail administrator, Attorney General, judge, Department of Corrections or the attorney of the prisoner.

(6) Provide rules of the facility governing correspondence and visitations.

(7) Keep the facility safe and secure in accordance with the State of Oregon Structural Specialty Code and Fire and Life Safety Code.

(8) Formulate and publish plans to meet emergencies involving escape, riots, assaults, fires, rebellions and other types of emergencies; and policies and regulations for the operation of the facility.

(9) [Insure] **Ensure** that the facility be clean, provide mattresses and blankets that are clean and fire-retardant, and furnish materials to maintain personal hygiene.

(10) Provide for emergency medical and dental health, having written policies providing for licensed physician review of the facility's medical and dental plans.

SECTION 4. ORS 169.078 is amended to read:

169.078. Each temporary hold shall:

(1) Provide access to sanitation facilities.

(2) Provide adequate seating.

(3) Maintain supervision of prisoners or detainees when confined. [*Such*] **The** supervision may include the use of electronic monitoring equipment when approved by the Department of Corrections and the governing body of the [area] **jurisdiction** in which the facility is located.

(4) Prohibit firearms from the secure area except in times of emergency.

(5) Keep the facility safe and secure in accordance with the State of Oregon Structural Specialty Code and Fire and Life Safety Code.

Passed by House February 27, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate April 30, 2013

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State