

Enrolled
House Bill 2234

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Department of Corrections)

CHAPTER

AN ACT

Relating to post-prison supervision; amending sections 47 and 49, chapter 660, Oregon Laws 2009; and declaring an emergency.

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

SECTION 1. Section 47, chapter 660, Oregon Laws 2009, as amended by section 1, chapter 498, Oregon Laws 2011, is amended to read:

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 (1) Sections 1, 6, 8 and 9, chapter 14, Oregon Laws 2008, and sections 8, 9 and 10, chapter 35, Oregon Laws 2008, are repealed on February 15, 2010.

(2) Sections 21 and 24, chapter 660, Oregon Laws 2009, are repealed on July 1, 2011.

(3) Section 31, chapter 660, Oregon Laws 2009, is repealed on January 1, 2012.

(4) Section 18, chapter 660, Oregon Laws 2009, is repealed on July 1, 2013.

[(5) Sections 22 and 23, chapter 660, Oregon Laws 2009, are repealed on July 1, 2013.]

SECTION 2. Section 49, chapter 660, Oregon Laws 2009, as amended by section 6, chapter 2, Oregon Laws 2010, section 2, chapter 498, Oregon Laws 2011, and section 4, chapter 596, Oregon Laws 2011, is amended to read:

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

(2) 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, 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, 164.162 and 475.935 by sections 8, 9 and 15, chapter 660, Oregon Laws 2009, 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) ORS 475.933 and the amendments to ORS 137.717, 164.162 and 475.935 by sections 11, 14 and 16, chapter 660, Oregon Laws 2009, 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, apply to inmates who:

- (a) Are sentenced for a crime committed:
 - (A) On or after July 1, 2009; and
 - (B) Before February 17, 2010; 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, apply to inmates who:

(a) Are sentenced for a crime committed on or after February 17, 2010, 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, apply to crimes committed before July 1, 2011.

(9) Section 21, chapter 660, Oregon Laws 2009, 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.

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

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

(b) Before January 1, 2012.

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

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

(a) Convicted of a crime committed before, **on or after** July 1, 2013; and

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

[(13)(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 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 July 1, 2009.]

[(c) At any time before the date that is two months after 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, 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.]

[(d) Section 23, chapter 660, Oregon Laws 2009, and the provisions of this subsection and subsection (12) 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 July 1, 2009.]

SECTION 3. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by House March 12, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 2, 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