

HOUSE AMENDMENTS TO HOUSE BILL 3194

By JOINT COMMITTEE ON PUBLIC SAFETY

June 25

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and delete lines 3
2 through 7.

3 On page 2, delete line 1 and insert “40.015, 137.540, 137.717, 144.096, 144.101, 144.106, 166.065,
4 173.029, 182.515, 182.525, 184.351, 421.168, 423.483, 475.900 and 811.182; repealing ORS 475.933 and
5 sections 22 and 23, chapter 660, Oregon Laws 2009; appropriating money; and declaring an emer-
6 gency.

7 “Whereas the Seventy-seventh Legislative Assembly finds that a commitment to investing in lo-
8 cal public safety infrastructure will ensure that the State of Oregon continues to focus prison re-
9 sources on violent offenders while protecting the public and holding all offenders accountable; and

10 “Whereas the State of Oregon has led the nation by implementing evidence-based community
11 supervision practices that are cost-effective and reduce recidivism; and

12 “Whereas increasing investments in local law enforcement agencies, community correction
13 agencies, victims’ services and specialty courts will provide local communities with the resources
14 necessary to hold offenders accountable and reduce future criminal conduct; and

15 “Whereas the State of Oregon can maintain an effective and sustainable public safety system
16 by directing savings that result from averted prison growth toward investments in our local com-
17 munities; and

18 “Whereas the passage of this 2013 Act will allow the Seventy-seventh Legislative Assembly to
19 invest in our local communities by upgrading our existing local public safety infrastructure; and

20 “Whereas the Seventy-seventh Legislative Assembly declares that future savings resulting from
21 the passage of this 2013 Act must continue to be invested in our local public safety systems; now,
22 therefore.”

23 Delete lines 3 through 45 and delete pages 3 through 54 and insert:

“MARIJUANA OFFENSES

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25
26
27 “**SECTION 1.** ORS 475.900 is amended to read:

28 “475.900. (1) A violation of ORS 475.752, 475.806 to 475.894, 475.904 or 475.906 shall be classified
29 as crime category 8 of the sentencing guidelines grid of the Oregon Criminal Justice Commission if:

30 “(a) The violation constitutes delivery or manufacture of a controlled substance and involves
31 substantial quantities of a controlled substance. For purposes of this paragraph, the following
32 amounts constitute substantial quantities of the following controlled substances:

33 “(A) Five grams or more of a mixture or substance containing a detectable amount of heroin;

34 “(B) Ten grams or more of a mixture or substance containing a detectable amount of cocaine;

35 “(C) Ten grams or more of a mixture or substance containing a detectable amount of metham-

1 phetamine, its salts, isomers or salts of its isomers;

2 “[(D) *One hundred grams or more of a mixture or substance containing a detectable amount of*

3 *hashish;*]

4 “[(E) *One hundred and fifty grams or more of a mixture or substance containing a detectable*

5 *amount of marijuana;*]

6 “[(F)] (D) Two hundred or more user units of a mixture or substance containing a detectable

7 amount of lysergic acid diethylamide;

8 “[(G)] (E) Sixty grams or more of a mixture or substance containing a detectable amount of

9 psilocybin or psilocin; or

10 “[(H)] (F) Five grams or more or 25 or more pills, tablets or capsules of a mixture or substance

11 containing a detectable amount of:

12 “(i) 3,4-methylenedioxyamphetamine;

13 “(ii) 3,4-methylenedioxymethamphetamine; or

14 “(iii) 3,4-methylenedioxy-N-ethylamphetamine.

15 “(b) The violation constitutes possession, delivery or manufacture of a controlled substance and

16 the possession, delivery or manufacture is a commercial drug offense. A possession, delivery or

17 manufacture is a commercial drug offense for purposes of this subsection if it is accompanied by at

18 least three of the following factors:

19 “(A) The delivery was of heroin, cocaine, [*hashish, marijuana,*] methamphetamine, lysergic acid

20 diethylamide, psilocybin or psilocin and was for consideration;

21 “(B) The offender was in possession of \$300 or more in cash;

22 “(C) The offender was unlawfully in possession of a firearm or other weapon as described in ORS

23 166.270 (2), or the offender used, attempted to use or threatened to use a deadly or dangerous

24 weapon as defined in ORS 161.015, or the offender was in possession of a firearm or other deadly

25 or dangerous weapon as defined in ORS 161.015 for the purpose of using it in connection with a

26 controlled substance offense;

27 “(D) The offender was in possession of materials being used for the packaging of controlled

28 substances such as scales, wrapping or foil, other than the material being used to contain the sub-

29 stance that is the subject of the offense;

30 “(E) The offender was in possession of drug transaction records or customer lists;

31 “(F) The offender was in possession of stolen property;

32 “(G) Modification of structures by painting, wiring, plumbing or lighting to facilitate a con-

33 trolled substance offense;

34 “(H) The offender was in possession of manufacturing paraphernalia, including recipes, precu-

35 sor chemicals, laboratory equipment, lighting, ventilating or power generating equipment;

36 “(I) The offender was using public lands for the manufacture of controlled substances;

37 “(J) The offender had constructed fortifications or had taken security measures with the poten-

38 tial of injuring persons; or

39 “(K) The offender was in possession of controlled substances in an amount greater than:

40 “(i) Three grams or more of a mixture or substance containing a detectable amount of heroin;

41 “(ii) Eight grams or more of a mixture or substance containing a detectable amount of cocaine;

42 “(iii) Eight grams or more of a mixture or substance containing a detectable amount of meth-

43 amphetamine;

44 “[(iv) *Eight grams or more of a mixture or substance containing a detectable amount of hashish;*]

45 “[(v) *One hundred ten grams or more of a mixture or substance containing a detectable amount of*

1 *marijuana;*
2 “[*vi*] (iv) Twenty or more user units of a mixture or substance containing a detectable amount
3 of lysergic acid diethylamide;
4 “[*vii*] (v) Ten grams or more of a mixture or substance containing a detectable amount of
5 psilocybin or psilocin; or
6 “[*viii*] (vi) Four grams or more or 20 or more pills, tablets or capsules of a mixture or sub-
7 stance containing a detectable amount of:
8 “(I) 3,4-methylenedioxyamphetamine;
9 “(II) 3,4-methylenedioxymethamphetamine; or
10 “(III) 3,4-methylenedioxy-N-ethylamphetamine.
11 “(c) The violation constitutes a violation of ORS 475.848, 475.852, [~~475.858,~~] 475.862, 475.868,
12 475.872, 475.878, 475.882, 475.888, 475.892 or 475.904.
13 “(d) The violation constitutes manufacturing methamphetamine and the manufacturing consists
14 of:
15 “(A) A chemical reaction involving one or more precursor substances for the purpose of manu-
16 facturing methamphetamine; or
17 “(B) Grinding, soaking or otherwise breaking down a precursor substance for the purpose of
18 manufacturing methamphetamine.
19 “(e) The violation constitutes a violation of ORS 475.860 (4)(a) or **a violation of ORS 475.906**
20 **(1) or (2) that is not described in ORS 475.907.**
21 “(2) A violation of ORS 475.752 or 475.806 to 475.894 shall be classified as crime category 6 of
22 the sentencing guidelines grid of the Oregon Criminal Justice Commission if:
23 “(a) The violation constitutes delivery of heroin, cocaine, methamphetamine or
24 3,4-methylenedioxyamphetamine, 3,4-methylenedioxymethamphetamine or
25 3,4-methylenedioxy-N-ethylamphetamine and is for consideration.
26 “(b) The violation constitutes possession of:
27 “(A) Five grams or more of a mixture or substance containing a detectable amount of heroin;
28 “(B) Ten grams or more of a mixture or substance containing a detectable amount of cocaine;
29 “(C) Ten grams or more of a mixture or substance containing a detectable amount of metham-
30 phetamine;
31 “[*D*] *One hundred grams or more of a mixture or substance containing a detectable amount of*
32 *hashish;*
33 “[*E*] *One hundred fifty grams or more of a mixture or substance containing a detectable amount*
34 *of marijuana;*
35 “[*F*] (D) Two hundred or more user units of a mixture or substance containing a detectable
36 amount of lysergic acid diethylamide;
37 “[*G*] (E) Sixty grams or more of a mixture or substance containing a detectable amount of
38 psilocybin or psilocin; or
39 “[*H*] (F) Five grams or more or 25 or more pills, tablets or capsules of a mixture or substance
40 containing a detectable amount of:
41 “(i) 3,4-methylenedioxyamphetamine;
42 “(ii) 3,4-methylenedioxymethamphetamine; or
43 “(iii) 3,4-methylenedioxy-N-ethylamphetamine.
44 “(3) Any felony violation of ORS 475.752 or 475.806 to 475.894 not contained in subsection (1)
45 or (2) of this section shall be classified as:

1 “(a) Crime category 4 of the sentencing guidelines grid of the Oregon Criminal Justice Com-
2 mission if the violation involves delivery or manufacture of a controlled substance; or

3 “(b) Crime category 1 of the sentencing guidelines grid of the Oregon Criminal Justice Com-
4 mission if the violation involves possession of a controlled substance.

5 “(4) In order to prove a commercial drug offense, the state shall plead in the accusatory in-
6 strument sufficient factors of a commercial drug offense under subsections (1) and (2) of this section.
7 The state has the burden of proving each factor beyond a reasonable doubt.

8 “(5) As used in this section, ‘mixture or substance’ means any mixture or substance, whether
9 or not the mixture or substance is in an ingestible or marketable form at the time of the offense.

10 **“SECTION 2. (1) The amendments to ORS 475.900 by section 1 of this 2013 Act apply to**
11 **sentences imposed on or after August 1, 2013.**

12 **“(2) Notwithstanding subsection (1) of this section, the amendments to ORS 475.900 by**
13 **section 1 of this 2013 Act do not apply to persons who were originally sentenced before Au-**
14 **gust 1, 2013, and who are subsequently resentenced on or after August 1, 2013, as the result**
15 **of an appellate decision or a post-conviction relief proceeding or for any other reason.**

16
17 **“CRIMINAL DRIVING WHILE SUSPENDED OR REVOKED**

18
19 **“SECTION 3.** ORS 811.182 is amended to read:

20 “811.182. (1) A person commits the offense of criminal driving while suspended or revoked if the
21 person violates ORS 811.175 and the suspension or revocation is one described in this section, or if
22 the hardship or probationary permit violated is based upon a suspension or revocation described in
23 subsection (3) or (4) of this section.

24 “(2) Affirmative defenses to the offense described in this section are established under ORS
25 811.180.

26 “(3) The offense described in this section, criminal driving while suspended or revoked, is a
27 Class B felony if the suspension or revocation resulted from any degree of murder, manslaughter,
28 criminally negligent homicide or assault resulting from the operation of a motor vehicle, if the sus-
29 pension or revocation resulted from aggravated vehicular homicide or aggravated driving while
30 suspended or revoked or if the revocation resulted from a conviction for felony driving while under
31 the influence of intoxicants.

32 “(4) The offense described in this section, criminal driving while suspended or revoked, is a
33 Class A misdemeanor if the suspension or revocation is any of the following:

34 “(a) A suspension under ORS 809.411 (2) resulting from commission by the driver of any degree
35 of recklessly endangering another person, menacing or criminal mischief, resulting from the opera-
36 tion of a motor vehicle.

37 “(b) A revocation under ORS 809.409 (4) resulting from perjury or the making of a false affidavit
38 to the Department of Transportation.

39 “(c) A suspension under ORS 813.410 resulting from refusal to take a test prescribed in ORS
40 813.100 or for taking a breath or blood test the result of which discloses a blood alcohol content
41 of:

42 “(A) 0.08 percent or more by weight if the person was not driving a commercial motor vehicle;

43 “(B) 0.04 percent or more by weight if the person was driving a commercial motor vehicle; or

44 “(C) Any amount if the person was under 21 years of age.

45 “(d) A suspension of a commercial driver license under ORS 809.413 (1) resulting from failure

1 to perform the duties of a driver under ORS 811.700 while driving a commercial motor vehicle.

2 “(e) A suspension of a commercial driver license under ORS 809.413 (12) where the person’s
3 commercial driving privileges have been suspended or revoked by the other jurisdiction for failure
4 of or refusal to take a chemical test to determine the alcoholic content of the person’s blood under
5 a statute that is substantially similar to ORS 813.100.

6 “(f) A suspension of a commercial driver license under ORS 809.404.

7 “(g) A revocation resulting from habitual offender status under ORS 809.640.

8 “(h) A suspension resulting from any crime punishable as a felony with proof of a material ele-
9 ment involving the operation of a motor vehicle, other than a crime described in subsection (3) of
10 this section.

11 “(i) A suspension for failure to perform the duties of a driver under ORS 811.705.

12 “(j) A suspension for reckless driving under ORS 811.140.

13 “(k) A suspension for fleeing or attempting to elude a police officer under ORS 811.540.

14 “(L) A suspension or revocation resulting from misdemeanor driving while under the influence
15 of intoxicants under ORS 813.010.

16 “(m) A suspension for use of a commercial motor vehicle in the commission of a crime
17 punishable as a felony.

18 “(5) In addition to any other sentence that may be imposed, if a person is convicted of the of-
19 fense described in this section and the underlying suspension resulted from driving while under the
20 influence of intoxicants, the court shall impose a minimum fine of at least \$1,000 if it is the person’s
21 first conviction for criminal driving while suspended or revoked and a minimum fine of at least
22 \$2,000 if it is the person’s second or subsequent conviction.

23 “(6)(a) The Oregon Criminal Justice Commission shall classify a violation of this section that
24 is a felony as crime category [6] 4 of the rules of the [*Oregon Criminal Justice*] commission.

25 “(b) **Notwithstanding paragraph (a) of this subsection, the commission shall classify a**
26 **violation of this section that is a felony as crime category 6 of the rules of the commission,**
27 **if the suspension or revocation resulted from:**

28 “(A) **Any degree of murder, manslaughter or criminally negligent homicide or an assault**
29 **that causes serious physical injury, resulting from the operation of a motor vehicle; or**

30 “(B) **Aggravated vehicular homicide or aggravated driving while suspended or revoked.**

31 “**SECTION 4. (1) The amendments to ORS 811.182 by section 3 of this 2013 Act apply to**
32 **sentences imposed on or after August 1, 2013.**

33 “**(2) Notwithstanding subsection (1) of this section, the amendments to ORS 811.182 by**
34 **section 3 of this 2013 Act do not apply to persons who were originally sentenced before Au-**
35 **gust 1, 2013, and who are subsequently resentenced on or after August 1, 2013, as the result**
36 **of an appellate decision or a post-conviction relief proceeding or for any other reason.**

37
38 “MEASURE 57

39 AUGUST 1, 2013 - JULY 1, 2023

40
41 “**SECTION 5.** ORS 137.717 is amended to read:

42 “137.717. (1) When a court sentences a person convicted of:

43 “(a) Aggravated theft in the first degree under ORS 164.057, burglary in the first degree under
44 ORS 164.225[*robbery in the third degree under ORS 164.395, identity theft under ORS 165.800*] or
45 aggravated identity theft under ORS 165.803, the presumptive sentence is 24 months of

1 incarceration, unless the rules of the Oregon Criminal Justice Commission prescribe a longer
2 presumptive sentence, if the person has:

3 “(A) A previous conviction for aggravated theft in the first degree under ORS 164.057, burglary
4 in the first degree under ORS 164.225, robbery in the third degree under ORS 164.395, robbery in
5 the second degree under ORS 164.405, robbery in the first degree under ORS 164.415 or aggravated
6 identity theft under ORS 165.803;

7 “(B) Two or more previous convictions for any combination of the crimes listed in subsection
8 (2) of this section; or

9 “(C) A previous conviction for a crime listed in subsection (2) of this section, if the current
10 crime of conviction was committed while the defendant was on supervision for the previous con-
11 viction or less than three years after the date the defendant completed the period of supervision for
12 the previous conviction.

13 “(b) Theft in the first degree under ORS 164.055, unauthorized use of a vehicle under ORS
14 164.135, mail theft or receipt of stolen mail under ORS 164.162, burglary in the second degree under
15 ORS 164.215, criminal mischief in the first degree under ORS 164.365, computer crime under ORS
16 164.377, **robbery in the third degree under ORS 164.395**, forgery in the first degree under ORS
17 165.013, criminal possession of a forged instrument in the first degree under ORS 165.022, fraudulent
18 use of a credit card under ORS 165.055 (4)(b), **identity theft under ORS 165.800**, possession of a
19 stolen vehicle under ORS 819.300 or trafficking in stolen vehicles under ORS 819.310, the
20 presumptive sentence is 18 months of incarceration, unless the rules of the Oregon Criminal Justice
21 Commission prescribe a longer presumptive sentence, if the person has:

22 “(A) A previous conviction for aggravated theft in the first degree under ORS 164.057, unau-
23 thorized use of a vehicle under ORS 164.135, burglary in the first degree under ORS 164.225, robbery
24 in the third degree under ORS 164.395, robbery in the second degree under ORS 164.405, robbery in
25 the first degree under ORS 164.415, possession of a stolen vehicle under ORS 819.300, trafficking in
26 stolen vehicles under ORS 819.310 or aggravated identity theft under ORS 165.803;

27 “(B) Two or more previous convictions for any combination of the crimes listed in subsection
28 (2) of this section; or

29 “(C) A previous conviction for a crime listed in subsection (2) of this section, if the current
30 crime of conviction was committed while the defendant was on supervision for the previous con-
31 viction or less than three years after the date the defendant completed the period of supervision for
32 the previous conviction.

33 “(2) The crimes to which subsection (1) of this section applies are:

34 “(a) Theft in the second degree under ORS 164.045;

35 “(b) Theft in the first degree under ORS 164.055;

36 “(c) Aggravated theft in the first degree under ORS 164.057;

37 “(d) Unauthorized use of a vehicle under ORS 164.135;

38 “(e) Mail theft or receipt of stolen mail under ORS 164.162;

39 “(f) Burglary in the second degree under ORS 164.215;

40 “(g) Burglary in the first degree under ORS 164.225;

41 “(h) Criminal mischief in the second degree under ORS 164.354;

42 “(i) Criminal mischief in the first degree under ORS 164.365;

43 “(j) Computer crime under ORS 164.377;

44 “(k) Forgery in the second degree under ORS 165.007;

45 “(L) Forgery in the first degree under ORS 165.013;

1 “(m) Criminal possession of a forged instrument in the second degree under ORS 165.017;
2 “(n) Criminal possession of a forged instrument in the first degree under ORS 165.022;
3 “(o) Fraudulent use of a credit card under ORS 165.055;
4 “(p) Identity theft under ORS 165.800;
5 “(q) Possession of a stolen vehicle under ORS 819.300;
6 “(r) Trafficking in stolen vehicles under ORS 819.310; and
7 “(s) Any attempt to commit a crime listed in this subsection.
8 “(3)(a) A presumptive sentence described in subsection (1) of this section shall be increased by
9 two months for each previous conviction the person has that:
10 “(A) Was for any of the crimes listed in subsection (1) or (2) of this section; and
11 “(B) Was not used as a predicate for the presumptive sentence described in subsection (1) of this
12 section.
13 “(b) Previous convictions may not increase a presumptive sentence described in subsection (1)
14 of this section by more than 12 months under this subsection.
15 “(4) The court may impose a sentence other than the sentence provided by subsection (1) or (3)
16 of this section if the court imposes:
17 “(a) A longer term of incarceration that is otherwise required or authorized by law; or
18 “(b) A departure sentence authorized by the rules of the Oregon Criminal Justice Commission
19 based upon findings of substantial and compelling reasons. Unless the law or the rules of the Oregon
20 Criminal Justice Commission allow for imposition of a longer sentence, the maximum departure al-
21 lowed for a person sentenced under this subsection is double the presumptive sentence provided in
22 subsection (1) or (3) of this section.
23 “(5) Notwithstanding subsection (4)(b) of this section, the court may not sentence a person under
24 subsection (4) of this section to a term of incarceration that exceeds the period of time described
25 in ORS 161.605.
26 “(6) The court shall sentence a person under this section to at least the presumptive sentence
27 described in subsection (1) or (3) of this section, unless the parties stipulate otherwise or the court
28 finds that:
29 “(a) The person was not on probation, parole or post-prison supervision for a crime listed in
30 subsection (1) of this section at the time of the commission of the current crime of conviction;
31 “(b) The person has not previously received a downward departure from a presumptive sentence
32 for a crime listed in subsection (1) of this section;
33 “(c) The harm or loss caused by the crime is not greater than usual for that type of crime; and
34 “(d) In consideration of the nature of the offense and the harm to the victim, a downward de-
35 parture will:
36 “(A) Increase public safety;
37 “(B) Enhance the likelihood that the person will be rehabilitated; and
38 “(C) Not unduly reduce the appropriate punishment.
39 “(7)(a) For a crime committed on or after November 1, 1989, a conviction is considered to have
40 occurred upon the pronouncement of sentence in open court. However, when sentences are imposed
41 for two or more convictions arising out of the same conduct or criminal episode, none of the con-
42 victions is considered to have occurred prior to any of the other convictions arising out of the same
43 conduct or criminal episode.
44 “(b) For a crime committed prior to November 1, 1989, a conviction is considered to have oc-
45 curred upon the pronouncement in open court of a sentence or upon the pronouncement in open

1 court of the suspended imposition of a sentence.

2 “(8) For purposes of this section, previous convictions must be proven pursuant to ORS 137.079.

3 “(9) As used in this section:

4 “(a) ‘Downward departure’ means a downward dispositional departure or a downward durational
5 departure under the rules of the Oregon Criminal Justice Commission.

6 “(b) ‘Previous conviction’ includes:

7 “(A) Convictions occurring before, on or after July 1, 2003; and

8 “(B) Convictions entered in any other state or federal court for comparable offenses.

9 **“SECTION 6. (1) The amendments to ORS 137.717 by section 5 of this 2013 Act apply to**
10 **sentences imposed on or after August 1, 2013.**

11 **“(2) Notwithstanding subsection (1) of this section, the amendments to ORS 137.717 by**
12 **section 5 of this 2013 Act do not apply to persons who were originally sentenced before Au-**
13 **gust 1, 2013, and who are subsequently resentenced on or after August 1, 2013, as the result**
14 **of an appellate decision or a post-conviction relief proceeding or for any other reason.**

15 **“SECTION 7.** ORS 137.717, as amended by section 5 of this 2013 Act, is amended to read:

16 **“137.717. (1) When a court sentences a person convicted of:**

17 **“(a) Aggravated theft in the first degree under ORS 164.057, burglary in the first degree under**
18 **ORS 164.225, robbery in the third degree under ORS 164.395, identity theft under ORS 165.800**
19 **or aggravated identity theft under ORS 165.803, the presumptive sentence is 24 months of**
20 **incarceration, unless the rules of the Oregon Criminal Justice Commission prescribe a longer**
21 **presumptive sentence, if the person has:**

22 **“(A) A previous conviction for aggravated theft in the first degree under ORS 164.057, burglary**
23 **in the first degree under ORS 164.225, robbery in the third degree under ORS 164.395, robbery in**
24 **the second degree under ORS 164.405, robbery in the first degree under ORS 164.415 or aggravated**
25 **identity theft under ORS 165.803;**

26 **“(B) Two or more previous convictions for any combination of the crimes listed in subsection**
27 **(2) of this section; or**

28 **“(C) A previous conviction for a crime listed in subsection (2) of this section, if the current**
29 **crime of conviction was committed while the defendant was on supervision for the previous con-**
30 **viction or less than three years after the date the defendant completed the period of supervision for**
31 **the previous conviction.**

32 **“(b) Theft in the first degree under ORS 164.055, unauthorized use of a vehicle under ORS**
33 **164.135, mail theft or receipt of stolen mail under ORS 164.162, burglary in the second degree under**
34 **ORS 164.215, criminal mischief in the first degree under ORS 164.365, computer crime under ORS**
35 **164.377, [robbery in the third degree under ORS 164.395,] forgery in the first degree under ORS**
36 **165.013, criminal possession of a forged instrument in the first degree under ORS 165.022, fraudulent**
37 **use of a credit card under ORS 165.055 (4)(b), [identity theft under ORS 165.800,] possession of a**
38 **stolen vehicle under ORS 819.300 or trafficking in stolen vehicles under ORS 819.310, the**
39 **presumptive sentence is 18 months of incarceration, unless the rules of the Oregon Criminal Justice**
40 **Commission prescribe a longer presumptive sentence, if the person has:**

41 **“(A) A previous conviction for aggravated theft in the first degree under ORS 164.057, unau-**
42 **thorized use of a vehicle under ORS 164.135, burglary in the first degree under ORS 164.225, robbery**
43 **in the third degree under ORS 164.395, robbery in the second degree under ORS 164.405, robbery in**
44 **the first degree under ORS 164.415, possession of a stolen vehicle under ORS 819.300, trafficking in**
45 **stolen vehicles under ORS 819.310 or aggravated identity theft under ORS 165.803;**

1 “(B) Two or more previous convictions for any combination of the crimes listed in subsection
2 (2) of this section; or

3 “(C) A previous conviction for a crime listed in subsection (2) of this section, if the current
4 crime of conviction was committed while the defendant was on supervision for the previous con-
5 viction or less than three years after the date the defendant completed the period of supervision for
6 the previous conviction.

7 “(2) The crimes to which subsection (1) of this section applies are:

8 “(a) Theft in the second degree under ORS 164.045;

9 “(b) Theft in the first degree under ORS 164.055;

10 “(c) Aggravated theft in the first degree under ORS 164.057;

11 “(d) Unauthorized use of a vehicle under ORS 164.135;

12 “(e) Mail theft or receipt of stolen mail under ORS 164.162;

13 “(f) Burglary in the second degree under ORS 164.215;

14 “(g) Burglary in the first degree under ORS 164.225;

15 “(h) Criminal mischief in the second degree under ORS 164.354;

16 “(i) Criminal mischief in the first degree under ORS 164.365;

17 “(j) Computer crime under ORS 164.377;

18 “(k) Forgery in the second degree under ORS 165.007;

19 “(L) Forgery in the first degree under ORS 165.013;

20 “(m) Criminal possession of a forged instrument in the second degree under ORS 165.017;

21 “(n) Criminal possession of a forged instrument in the first degree under ORS 165.022;

22 “(o) Fraudulent use of a credit card under ORS 165.055;

23 “(p) Identity theft under ORS 165.800;

24 “(q) Possession of a stolen vehicle under ORS 819.300;

25 “(r) Trafficking in stolen vehicles under ORS 819.310; and

26 “(s) Any attempt to commit a crime listed in this subsection.

27 “(3)(a) A presumptive sentence described in subsection (1) of this section shall be increased by
28 two months for each previous conviction the person has that:

29 “(A) Was for any of the crimes listed in subsection (1) or (2) of this section; and

30 “(B) Was not used as a predicate for the presumptive sentence described in subsection (1) of this
31 section.

32 “(b) Previous convictions may not increase a presumptive sentence described in subsection (1)
33 of this section by more than 12 months under this subsection.

34 “(4) The court may impose a sentence other than the sentence provided by subsection (1) or (3)
35 of this section if the court imposes:

36 “(a) A longer term of incarceration that is otherwise required or authorized by law; or

37 “(b) A departure sentence authorized by the rules of the Oregon Criminal Justice Commission
38 based upon findings of substantial and compelling reasons. Unless the law or the rules of the Oregon
39 Criminal Justice Commission allow for imposition of a longer sentence, the maximum departure al-
40 lowed for a person sentenced under this subsection is double the presumptive sentence provided in
41 subsection (1) or (3) of this section.

42 “(5) Notwithstanding subsection (4)(b) of this section, the court may not sentence a person under
43 subsection (4) of this section to a term of incarceration that exceeds the period of time described
44 in ORS 161.605.

45 “(6) The court shall sentence a person under this section to at least the presumptive sentence

1 described in subsection (1) or (3) of this section, unless the parties stipulate otherwise or the court
2 finds that:

3 “(a) The person was not on probation, parole or post-prison supervision for a crime listed in
4 subsection (1) of this section at the time of the commission of the current crime of conviction;

5 “(b) The person has not previously received a downward departure from a presumptive sentence
6 for a crime listed in subsection (1) of this section;

7 “(c) The harm or loss caused by the crime is not greater than usual for that type of crime; and

8 “(d) In consideration of the nature of the offense and the harm to the victim, a downward de-
9 parture will:

10 “(A) Increase public safety;

11 “(B) Enhance the likelihood that the person will be rehabilitated; and

12 “(C) Not unduly reduce the appropriate punishment.

13 “(7)(a) For a crime committed on or after November 1, 1989, a conviction is considered to have
14 occurred upon the pronouncement of sentence in open court. However, when sentences are imposed
15 for two or more convictions arising out of the same conduct or criminal episode, none of the con-
16 victions is considered to have occurred prior to any of the other convictions arising out of the same
17 conduct or criminal episode.

18 “(b) For a crime committed prior to November 1, 1989, a conviction is considered to have oc-
19 curred upon the pronouncement in open court of a sentence or upon the pronouncement in open
20 court of the suspended imposition of a sentence.

21 “(8) For purposes of this section, previous convictions must be proven pursuant to ORS 137.079.

22 “(9) As used in this section:

23 “(a) ‘Downward departure’ means a downward dispositional departure or a downward durational
24 departure under the rules of the Oregon Criminal Justice Commission.

25 “(b) ‘Previous conviction’ includes:

26 “(A) Convictions occurring before, on or after July 1, 2003; and

27 “(B) Convictions entered in any other state or federal court for comparable offenses.

28 **“SECTION 8. (1) The amendments to ORS 137.717 by section 7 of this 2013 Act become
29 operative on July 1, 2023.**

30 **“(2) The amendments to ORS 137.717 by section 7 of this 2013 Act apply to crimes com-
31 mitted on or after July 1, 2023.**

32 **“SECTION 9. ORS 475.933 is repealed.**

33 **“SECTION 10. (1) The repeal of ORS 475.933 by section 9 of this 2013 Act applies to sen-
34 tences imposed on or after August 1, 2013.**

35 **“(2) Notwithstanding subsection (1) of this section, the repeal of ORS 475.933 by section
36 9 of this 2013 Act does not apply to persons who were originally sentenced before August 1,
37 2013, and who are subsequently resentenced on or after August 1, 2013, as the result of an
38 appellate decision or a post-conviction relief proceeding or for any other reason.**

39 **“SECTION 11. (1) When a court sentences a person convicted of a crime listed in sub-
40 section (2) of this section, the court may not impose a sentence of optional probation or
41 grant a downward dispositional departure or a downward durational departure under the
42 rules of the Oregon Criminal Justice Commission if the person has a previous conviction for
43 any of the crimes listed in subsection (2) of this section.**

44 **“(2) The crimes to which subsection (1) of this section applies are:**

45 **“(a) Manufacture or delivery of a controlled substance, other than marijuana, under ORS**

1 475.752 (1);

2 “(b) Creation or delivery of a counterfeit substance, other than marijuana, under ORS
3 475.752 (2);

4 “(c) Manufacture or delivery of heroin under ORS 475.846, 475.848, 475.850 or 475.852;

5 “(d) Manufacture or delivery of 3,4-methylenedioxymethamphetamine under ORS 475.866,
6 475.868, 475.870 or 475.872;

7 “(e) Manufacture or delivery of cocaine under ORS 475.876, 475.878, 475.880 or 475.882;

8 “(f) Manufacture or delivery of methamphetamine under ORS 475.886, 475.888, 475.890 or
9 475.892;

10 “(g) Manufacture or delivery of a controlled substance within 1,000 feet of a school under
11 ORS 475.904;

12 “(h) Delivery of a controlled substance to a person under 18 years of age under ORS
13 475.906; and

14 “(i) Possession of a precursor substance with intent to manufacture a controlled sub-
15 stance under ORS 475.967.

16 “(3)(a) For a crime committed on or after November 1, 1989, a conviction is considered
17 to have occurred upon the pronouncement in open court of sentence. However, when sen-
18 tences are imposed for two or more convictions arising out of the same conduct or criminal
19 episode, none of the convictions is considered to have occurred prior to any of the other
20 convictions arising out of the same conduct or criminal episode.

21 “(b) For a crime committed prior to November 1, 1989, a conviction is considered to have
22 occurred upon the pronouncement in open court of a sentence or upon the pronouncement
23 in open court of the suspended imposition of a sentence.

24 “(4) For purposes of this section, previous convictions must be proven pursuant to ORS
25 137.079.

26 “(5) As used in this section, ‘previous conviction’ includes convictions entered in any
27 other state or federal court for comparable offenses.

28 “SECTION 12. (1) Section 11 of this 2013 Act becomes operative on July 1, 2023.

29 “(2) Section 11 of this 2013 Act applies to crimes committed on or after July 1, 2023.

30
31 “TRANSITIONAL LEAVE
32 AUGUST 1, 2013 - JULY 1, 2023
33

34 “SECTION 13. ORS 421.168 is amended to read:

35 “421.168. (1) The [*Director of the*] Department of Corrections shall establish [*by rule*] a short-term
36 transitional leave program. The program shall provide inmates with an opportunity to secure ap-
37 propriate transitional support when necessary for successful reintegration into the community prior
38 to the inmate’s discharge to post-prison supervision.

39 “(2) [*An inmate may submit a transition plan to the Department of Corrections. The plan shall*
40 *indicate that the inmate has secured*] **The Department of Corrections shall identify each inmate**
41 **who is eligible for the short-term transitional leave program and shall, in conjunction with**
42 **the supervisory authority for the county to which the inmate will be released, assist each**
43 **eligible inmate in preparing a transition plan and in identifying and applying for an employ-**
44 **ment, educational or other transitional opportunity in the community** [*to which the offender will be*
45 *released and that a leave of up to 30 days is an essential part of the offender’s successful reintegration*

1 into the community].

2 “(3) [Upon verification of] **If the inmate’s transition plan is approved by the department and**
3 **is an essential part of the inmate’s successful reintegration into the community**, the depart-
4 ment may grant a transitional leave no more than [30] **90** days prior to the inmate’s discharge date.

5 “(4) [No inmate shall be] **An inmate is not** eligible for transitional leave before having served
6 six months of prison incarceration.

7 “(5) The department shall [establish by rule] **adopt rules to carry out the provisions of this**
8 **section. The rules must include** a set of release conditions for [offenders] **inmates** released on
9 transitional leave status. An [offender] **inmate** on transitional leave status [shall be] **is** subject to
10 immediate return to prison for any violation of the conditions of release.

11 “(6) The provisions of this section do not apply to inmates whose sentences were imposed under
12 ORS 137.635, **137.700 or 137.707 or any other provision of law that prohibits release on any**
13 **form of temporary leave from custody.**

14 “**SECTION 14. (1) The amendments to ORS 421.168 by section 13 of this 2013 Act apply**
15 **to sentences imposed on or after August 1, 2013.**

16 “**(2) Notwithstanding subsection (1) of this section, the amendments to ORS 421.168 by**
17 **section 13 of this 2013 Act do not apply to persons who were originally sentenced before**
18 **August 1, 2013, and who are subsequently resentenced on or after August 1, 2013, as the re-**
19 **sult of an appellate decision or a post-conviction proceeding or for any other reason.**

20 “**SECTION 15.** ORS 421.168, as amended by section 13 of this 2013 Act, is amended to read:

21 “421.168. (1) The Department of Corrections shall establish a short-term transitional leave pro-
22 gram. The program shall provide inmates with an opportunity to secure appropriate transitional
23 support when necessary for successful reintegration into the community prior to the inmate’s dis-
24 charge to post-prison supervision.

25 “(2) The Department of Corrections shall identify each inmate who is eligible for the short-term
26 transitional leave program and shall, in conjunction with the supervisory authority for the county
27 to which the inmate will be released, assist each eligible inmate in preparing a transition plan and
28 in identifying and applying for an employment, educational or other transitional opportunity in the
29 community.

30 “(3) If the inmate’s transition plan is approved by the department and is an essential part of the
31 inmate’s successful reintegration into the community, the department may grant a transitional leave
32 no more than [90] **30** days prior to the inmate’s discharge date.

33 “(4) An inmate is not eligible for transitional leave before having served six months of prison
34 incarceration.

35 “(5) The department shall adopt rules to carry out the provisions of this section. The rules must
36 include a set of release conditions for inmates released on transitional leave status. An inmate on
37 transitional leave status is subject to immediate return to prison for any violation of the conditions
38 of release.

39 “(6) The provisions of this section do not apply to inmates whose sentences were imposed under
40 ORS 137.635, 137.700 or 137.707 or any other provision of law that prohibits release on any form of
41 temporary leave from custody.

42 “**SECTION 16. (1) The amendments to ORS 421.168 by section 15 of this 2013 Act become**
43 **operative on July 1, 2023.**

44 “**(2) The amendments to ORS 421.168 by section 15 of this 2013 Act apply to crimes com-**
45 **mitted on or after July 1, 2023.**

1 “[(g)] **(h)** Change neither employment nor residence without prior permission from the Depart-
2 ment of Corrections or a county community corrections agency.

3 “[(h)] **(i)** Permit the parole and probation officer to visit the probationer or the probationer’s
4 work site or residence and to conduct a walk-through of the common areas and of the rooms in the
5 residence occupied by or under the control of the probationer.

6 “[(i)] **(j)** Consent to the search of person, vehicle or premises upon the request of a represen-
7 tative of the supervising officer if the supervising officer has reasonable grounds to believe that
8 evidence of a violation will be found, and submit to fingerprinting or photographing, or both, when
9 requested by the Department of Corrections or a county community corrections agency for super-
10 vision purposes.

11 “[(j)] **(k)** Obey all laws, municipal, county, state and federal.

12 “[(k)] **(L)** Promptly and truthfully answer all reasonable inquiries by the Department of Cor-
13 rections or a county community corrections agency.

14 “[(L)] **(m)** Not possess weapons, firearms or dangerous animals.

15 “[(m)] **(n)** If recommended by the supervising officer, successfully complete a sex offender
16 treatment program approved by the supervising officer and submit to polygraph examinations at the
17 direction of the supervising officer if the probationer:

18 “(A) Is under supervision for a sex offense under ORS 163.305 to 163.467;

19 “(B) Was previously convicted of a sex offense under ORS 163.305 to 163.467; or

20 “(C) Was previously convicted in another jurisdiction of an offense that would constitute a sex
21 offense under ORS 163.305 to 163.467 if committed in this state.

22 “[(n)] **(o)** Participate in a mental health evaluation as directed by the supervising officer and
23 follow the recommendation of the evaluator.

24 “[(o)] **(p)** Report as required and abide by the direction of the supervising officer.

25 “[(p)] **(q)** If required to report as a sex offender under ORS 181.596, report with the Department
26 of State Police, a city police department, a county sheriff’s office or the supervising agency:

27 “(A) When supervision begins;

28 “(B) Within 10 days of a change in residence;

29 “(C) Once each year within 10 days of the probationer’s date of birth;

30 “(D) Within 10 days of the first day the person works at, carries on a vocation at or attends an
31 institution of higher education; and

32 “(E) Within 10 days of a change in work, vocation or attendance status at an institution of
33 higher education.

34 “(2) In addition to the general conditions, the court may impose any special conditions of pro-
35 bation that are reasonably related to the crime of conviction or the needs of the probationer for the
36 protection of the public or reformation of the probationer, or both, including, but not limited to, that
37 the probationer shall:

38 “(a) For crimes committed prior to November 1, 1989, and misdemeanors committed on or after
39 November 1, 1989, be confined to the county jail or be restricted to the probationer’s own residence
40 or to the premises thereof, or be subject to any combination of such confinement and restriction,
41 such confinement or restriction or combination thereof to be for a period not to exceed one year
42 or one-half of the maximum period of confinement that could be imposed for the offense for which
43 the defendant is convicted, whichever is the lesser.

44 “(b) For felonies committed on or after November 1, 1989[,]:

45 “(A) Be confined in the county jail, or be subject to other custodial sanctions under community

1 supervision, or both, as provided by rules of the Oregon Criminal Justice Commission[.]; **and**

2 **“(B) Comply with any special conditions of probation that are imposed by the supervising**
3 **officer in accordance with subsection (8) of this section.**

4 “(c) For crimes committed on or after December 5, 1996, sell any assets of the probationer as
5 specifically ordered by the court in order to pay restitution.

6 “(3) When a person who is a sex offender is released on probation, the court shall impose as a
7 special condition of probation that the person not reside in any dwelling in which another sex
8 offender who is on probation, parole or post-prison supervision resides, without the approval of the
9 person’s supervising parole and probation officer, or in which more than one other sex offender who
10 is on probation, parole or post-prison supervision resides, without the approval of the director of the
11 probation agency that is supervising the person or of the county manager of the Department of
12 Corrections, or a designee of the director or manager. As soon as practicable, the supervising parole
13 and probation officer of a person subject to the requirements of this subsection shall review the
14 person’s living arrangement with the person’s sex offender treatment provider to ensure that the
15 arrangement supports the goals of offender rehabilitation and community safety. As used in this
16 subsection:

17 “(a) ‘Dwelling’ has the meaning given that term in ORS 469B.100.

18 “(b) ‘Dwelling’ does not include a residential treatment facility or a halfway house.

19 “(c) ‘Halfway house’ means a publicly or privately operated profit or nonprofit residential facil-
20 ity that provides rehabilitative care and treatment for sex offenders.

21 “(d) ‘Sex offender’ has the meaning given that term in ORS 181.594.

22 “(4)(a) If the person is released on probation following conviction of a sex crime, as defined in
23 ORS 181.594, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18 years
24 of age, the court, if requested by the victim, shall include as a special condition of the person’s
25 probation that the person not reside within three miles of the victim unless:

26 “(A) The victim resides in a county having a population of less than 130,000 and the person is
27 required to reside in that county;

28 “(B) The person demonstrates to the court by a preponderance of the evidence that no mental
29 intimidation or pressure was brought to bear during the commission of the crime;

30 “(C) The person demonstrates to the court by a preponderance of the evidence that imposition
31 of the condition will deprive the person of a residence that would be materially significant in aiding
32 in the rehabilitation of the person or in the success of the probation; or

33 “(D) The person resides in a halfway house. As used in this subparagraph, ‘halfway house’ means
34 a publicly or privately operated profit or nonprofit residential facility that provides rehabilitative
35 care and treatment for sex offenders.

36 “(b) A victim may request imposition of the special condition of probation described in this
37 subsection at the time of sentencing in person or through the prosecuting attorney.

38 “(c) If the court imposes the special condition of probation described in this subsection and if
39 at any time during the period of probation the victim moves to within three miles of the
40 probationer’s residence, the court may not require the probationer to change the probationer’s res-
41 idence in order to comply with the special condition of probation.

42 “(5) When a person who is a sex offender, as defined in ORS 181.594, is released on probation,
43 the Department of Corrections or the county community corrections agency, whichever is appropri-
44 ate, shall notify the city police department, if the person is going to reside within a city, and the
45 county sheriff’s office of the county in which the person is going to reside of the person’s release

1 and the conditions of the person's release.

2 “(6) Failure to abide by all general and special conditions [*imposed by the court and supervised*
3 *by the Department of Corrections or a county community corrections agency*] **of probation** may result
4 in arrest, modification of conditions, revocation of probation or imposition of structured, intermedi-
5 ate sanctions in accordance with rules adopted under ORS 137.595.

6 “(7) The court may order that probation be supervised by the court. If the court orders that
7 probation be supervised by the court, the defendant shall pay a fee of \$100 to the court. Fees im-
8 posed under this subsection in the circuit court shall be deposited by the clerk of the court in the
9 General Fund. Fees imposed in a justice court under this subsection shall be paid to the county
10 treasurer. Fees imposed in a municipal court under this subsection shall be paid to the city treas-
11 urer.

12 “(8)(a) The court may at any time modify the conditions of probation.

13 “(b) **When the court orders a defendant placed under the supervision of the Department**
14 **of Corrections or a community corrections agency, the supervising officer may file with the**
15 **court a proposed modification to the special conditions of probation. The supervising officer**
16 **shall provide a copy of the proposed modification to the district attorney and the probationer.**
17 **If the district attorney:**

18 “(A) **Files an objection to the proposed modification less than five judicial days after the**
19 **proposed modification was filed, the court shall schedule a hearing no later than 10 judicial**
20 **days after the proposed modification was filed, unless the court finds good cause to schedule**
21 **a hearing at a later time.**

22 “(B) **Does not file an objection to the proposed modification less than five judicial days**
23 **after the proposed modification was filed, the proposed modification becomes effective five**
24 **judicial days after the proposed modification was filed.**

25 “(9) A court may not order revocation of probation as a result of the probationer's failure to
26 pay restitution unless the court determines from the totality of the circumstances that the purposes
27 of the probation are not being served.

28 “(10) It is not a cause for revocation of probation that the probationer failed to apply for or
29 accept employment at any workplace where there is a labor dispute in progress. As used in this
30 subsection, ‘labor dispute’ has the meaning for that term provided in ORS 662.010.

31 “(11) If the court determines that a defendant has violated the terms of probation, the court
32 shall collect a \$25 fee from the defendant. The fee becomes part of the judgment and may be col-
33 lected in the same manner as a fine. Fees collected under this subsection in the circuit court shall
34 be deposited by the clerk of the court in the General Fund. Fees collected in a justice court under
35 this subsection shall be paid to the county treasurer. Fees collected in a municipal court under this
36 subsection shall be paid to the city treasurer.

37 “(12) As used in this section, ‘attends,’ ‘institution of higher education,’ ‘works’ and ‘carries on
38 a vocation’ have the meanings given those terms in ORS 181.594.

39 “**SECTION 25. The amendments to ORS 137.540 by section 24 of this 2013 Act apply to**
40 **crimes committed on or after August 1, 2013.**

41
42 **“HARASSMENT**

43
44 “**SECTION 26.** ORS 166.065 is amended to read:

45 “166.065. (1) A person commits the crime of harassment if the person intentionally:

1 “(a) Harasses or annoys another person by:
2 “(A) Subjecting such other person to offensive physical contact; [or]
3 “(B) Publicly insulting such other person by abusive words or gestures in a manner intended and
4 likely to provoke a violent response; **or**
5 “(C) **Distributing a visual recording, as defined in ORS 163.665, of the other person en-**
6 **gaged in sexually explicit conduct, as defined in ORS 163.665, or in a state of nudity, as de-**
7 **defined in ORS 163.700, when the other person is under 18 years of age at the time of the**
8 **recording;**
9 “(b) Subjects another to alarm by conveying a false report, known by the conveyor to be false,
10 concerning death or serious physical injury to a person, which report reasonably would be expected
11 to cause alarm; or
12 “(c) Subjects another to alarm by conveying a telephonic, electronic or written threat to inflict
13 serious physical injury on that person or to commit a felony involving the person or property of that
14 person or any member of that person’s family, which threat reasonably would be expected to cause
15 alarm.
16 “(2)(a) A person is criminally liable for harassment if the person knowingly permits any tele-
17 phone or electronic device under the person’s control to be used in violation of subsection (1) of this
18 section.
19 “(b) Harassment that is committed under the circumstances described in subsection (1)(c) of this
20 section is committed in either the county in which the communication originated or the county in
21 which the communication was received.
22 “(3) Harassment is a Class B misdemeanor.
23 “(4) Notwithstanding subsection (3) of this section, harassment is a Class A misdemeanor if a
24 person violates:
25 “(a) Subsection (1)(a)(A) of this section by subjecting another person to offensive physical con-
26 tact and the offensive physical contact consists of touching the sexual or other intimate parts of the
27 other person; [or]
28 “(b) **Subsection (1)(a)(C) of this section; or**
29 “[(b)] (c) Subsection (1)(c) of this section and:
30 “(A) The person has a previous conviction under subsection (1)(c) of this section and the victim
31 of the current offense was the victim or a member of the family of the victim of the previous offense;
32 “(B) At the time the offense was committed, the victim was protected by a stalking protective
33 order, a restraining order as defined in ORS 24.190 or any other court order prohibiting the person
34 from contacting the victim;
35 “(C) At the time the offense was committed, the person reasonably believed the victim to be
36 under 18 years of age and more than three years younger than the person; or
37 “(D)(i) The person conveyed a threat to kill the other person or any member of the family of the
38 other person;
39 “(ii) The person expressed the intent to carry out the threat; and
40 “(iii) A reasonable person would believe that the threat was likely to be followed by action.
41 “(5) **It is not a defense to a charge under subsection (1)(a)(C) of this section that the**
42 **defendant did not know the age of the victim.**
43 “[(5)] (6) As used in this section, ‘electronic threat’ means a threat conveyed by electronic mail,
44 the Internet, a telephone text message or any other transmission of information by wire, radio, op-
45 tical cable, cellular system, electromagnetic system or other similar means.

1 “**SECTION 27.** The amendments to ORS 166.065 by section 26 of this 2013 Act apply to
2 crimes committed on or after August 1, 2013.

3
4 “**REENTRY COURTS**
5 **AUGUST 1, 2013 - JULY 1, 2023**

6
7 “**SECTION 28.** ORS 144.101 is amended to read:

8 “144.101. (1) The State Board of Parole and Post-Prison Supervision has jurisdiction over **the**
9 imposition of conditions of post-prison supervision and [*sanctioning*] **sanctions** for violations of those
10 conditions for a person convicted of a felony if:

11 “(a) The term of imprisonment imposed on the person is more than 12 months;

12 “(b) The felony is classified as crime category 8, 9, 10 or 11 of the sentencing guidelines grid
13 of the Oregon Criminal Justice Commission;

14 “(c) The person is subject to a sentence under ORS 137.700 or 137.707;

15 “(d) The person is sentenced as a dangerous offender under ORS 161.725 and 161.737;

16 “(e) The person is subject to a term of post-prison supervision under ORS 144.103;

17 “(f) The person is committed to the custody of the Department of Corrections under ORS
18 137.124;

19 “(g) The responsibility for correctional services for the person has reverted to the department
20 under ORS 423.483; or

21 “(h) No local supervisory authority is responsible for correctional services for the person under
22 the laws of this state.

23 “(2) Except as provided in subsection (1) of this section, a local supervisory authority has ju-
24 risdiction over **the** imposition of conditions of post-prison supervision and sanctions for violations
25 of those conditions for a person sentenced to a term of imprisonment of 12 months or less.

26 “(3) If a local supervisory authority imposes conditions of post-prison supervision or sanctions
27 for violations of those conditions, the person may request the board to review the conditions or
28 sanctions. The board shall review the request and may, at its discretion, review the conditions and
29 sanctions, under rules adopted by the board.

30 “(4) **If a circuit court in a participating county, as defined in section 29 of this 2013 Act,**
31 **enters an order admitting a person into a reentry court under section 29 (3) of this 2013 Act,**
32 **the reentry court has concurrent jurisdiction over the imposition of sanctions for violations**
33 **of the conditions of post-prison supervision.**

34 “[(4)] (5) Nothing in this section affects the jurisdiction of the board over **the** imposition of
35 conditions of parole and [*sanctioning*] **sanctions** for violations of those conditions.

36 “**SECTION 29.** (1) **When a circuit court in a participating county sentences a person to**
37 **a term of imprisonment, the court may order that the person participate in a reentry court,**
38 **subject to admission under subsection (3) of this section, as a condition of post-prison**
39 **supervision.**

40 “(2) **At any time prior to the termination of post-prison supervision, the supervisory au-**
41 **thority may provide a report to the reentry court recommending that a person sentenced**
42 **under subsection (1) of this section be admitted into the reentry court.**

43 “(3) **When a reentry court receives a report described in subsection (2) of this section,**
44 **or an inmate release plan prepared under ORS 144.096, that recommends the admission of a**
45 **person sentenced under subsection (1) of this section into a reentry court, the court may**

1 enter an order admitting the person into the reentry court.

2 “(4) Notwithstanding ORS 137.124 and 423.478 and any other provision of law, when a
3 court enters an order admitting a person into a reentry court, the court may:

4 “(a) Issue a warrant and cause the person to be arrested for violating a condition of
5 post-prison supervision.

6 “(b) Appoint counsel to represent the person in accordance with ORS 135.050, if the per-
7 son is financially eligible.

8 “(c) Determine whether the conditions of post-prison supervision have been violated and
9 impose sanctions for the violations.

10 “(5)(a) When the court conducts a post-prison supervision violation hearing under this
11 section, the person may admit or deny alleged violations of conditions of post-prison super-
12 vision. The person and the state may present evidence at the hearing.

13 “(b) If the court determines by a preponderance of the evidence that a person admitted
14 into a reentry court has violated the conditions of post-prison supervision, the court may
15 impose sanctions for the violations that are consistent with the rules adopted under ORS
16 144.106 and 144.107, except that the court may not impose a sanction of imprisonment in a
17 correctional facility that exceeds 12 months.

18 “(6)(a) When a court issues a warrant under this section and causes a person admitted
19 into a reentry court to be arrested and taken into custody for violating a condition of post-
20 prison supervision, the person shall be brought before a magistrate during the first 36 hours
21 in custody, excluding Saturdays, Sundays and holidays. The magistrate may order the person
22 held pending a violation hearing or transferred to the county in which the reentry court is
23 located, or may release the person upon the condition that the person appear in court at a
24 later date for a post-prison violation hearing. If the person is held on an out-of-county war-
25 rant, the magistrate may order the person released subject to an additional order that the
26 person report within seven calendar days to the reentry court.

27 “(b) Except for good cause shown, if the person is held in custody and the violation
28 hearing is not held within 14 calendar days following the person’s arrest, the person shall
29 be released from custody.

30 “(7) As used in this section, ‘participating county’ means a county:

31 “(a) That has applied for and received a grant under section 53 of this 2013 Act to ad-
32 minister a reentry court; and

33 “(b) For which the presiding judge of the judicial district in which the county is located
34 issues an order establishing a reentry court steering committee consisting of:

35 “(A) A circuit court judge;

36 “(B) A district attorney;

37 “(C) A criminal defense attorney;

38 “(D) A parole and probation officer;

39 “(E) A representative of the business community;

40 “(F) A representative of the education community; and

41 “(G) Any other person the presiding judge determines is appropriate.

42 “SECTION 30. ORS 144.096 is amended to read:

43 “144.096. (1)(a) The Department of Corrections shall prepare a proposed release plan for an in-
44 mate prior to the inmate’s release from prison.

45 “(b) The department shall submit the proposed release plan to the State Board of Parole and

1 Post-Prison Supervision not less than [60] **75** days prior to the inmate's release.

2 “(c) If the proposed release plan is not approved by the board, the board shall return the plan
3 to the department with its recommended modifications. The department shall submit a revised plan
4 to the board not less than [10] **25** days prior to the inmate's release.

5 “(d) If the revised plan is not acceptable to the board, the board shall determine the provisions
6 of the final plan prior to the inmate's release.

7 “(e) **If an inmate was sentenced under section 29 of this 2013 Act and the release plan**
8 **recommends that the inmate participate in a reentry court, the board shall provide a copy**
9 **of the release plan to the reentry court.**

10 “(2) The local supervisory authority that is responsible for correctional services for an inmate
11 shall prepare a proposed release plan for the inmate prior to the inmate's release from jail. The local
12 supervisory authority shall approve the release plan under its rules. **If the inmate was sentenced**
13 **under section 29 of this 2013 Act and the supervisory authority recommends that the inmate**
14 **participate in a reentry court, the supervisory authority shall provide a copy of the release**
15 **plan to the reentry court.**

16 “(3) A release plan prepared under subsection (1) or (2) of this section must include:

17 “(a) A description of support services and program opportunities available to the inmate;

18 “(b) The recommended conditions of post-prison supervision;

19 “(c) The level of supervision that shall be consistent with the inmate's risk assessment classi-
20 fication;

21 “(d) Any other conditions and requirements as may be necessary to promote public safety;

22 “(e) For all inmates whose sentence to make restitution under ORS 137.106 has been suspended
23 for the term of imprisonment, a restitution payment schedule; and

24 “(f) Any conditions necessary to assist the reformation of the inmate.

25 “**SECTION 31.** ORS 144.106 is amended to read:

26 “144.106. (1) Except as otherwise provided by rules of the Department of Corrections and the
27 State Board of Parole and Post-Prison Supervision concerning parole and post-prison supervision
28 violators, the supervisory authority shall use a continuum of administrative sanctions for violations
29 of the conditions of post-prison supervision.

30 “(2) The sanction continuum shall include adjustments to the level of supervision and, as ap-
31 proved by the board or the local supervisory authority that imposed the initial conditions of post-
32 prison supervision:

33 “(a) Modification of or additions to the conditions of supervision; and

34 “(b) Any other appropriate available local sanctions including, but not limited to, jail, commu-
35 nity service work, house arrest, electronic surveillance, restitution centers, work release centers,
36 day centers or other local sanctions established by agreement with the supervisory authority.

37 “(3) An offender may not be confined in a restitution center, work release center or jail for more
38 than 15 days for a violation of conditions of post-prison supervision unless:

39 “(a) The Department of Corrections, county corrections agency or supervisory authority imposes
40 a local sanction under subsection (1) of this section; [or]

41 “(b) **A reentry court imposes a local sanction under section 29 of this 2013 Act; or**

42 “[*(b)*] (c) The board or its designated representative initiates a hearing for the purpose of im-
43 posing a sanction under ORS 144.107 or 144.108.

44 “(4) A hearing before the board is not required if the department, a county corrections agency,
45 [or] the supervisory authority **or the court** imposes a local sanction under subsection (3) of this

1 section. However, the board may conduct a hearing under the procedures in ORS 144.343 and
2 144.347 and impose a different sanction on the offender than that imposed by the department, a
3 county corrections agency, [or] the supervisory authority **or the court.**

4 “**SECTION 32.** ORS 40.015 is amended to read:

5 “40.015. (1) The Oregon Evidence Code applies to all courts in this state except for:

6 “(a) A hearing or mediation before a magistrate of the Oregon Tax Court as provided by ORS
7 305.501;

8 “(b) The small claims department of a circuit court as provided by ORS 46.415; and

9 “(c) The small claims department of a justice court as provided by ORS 55.080.

10 “(2) The Oregon Evidence Code applies generally to civil actions, suits and proceedings, criminal
11 actions and proceedings and to contempt proceedings except those in which the court may act
12 summarily.

13 “(3) ORS 40.225 to 40.295 relating to privileges apply at all stages of all actions, suits and pro-
14 ceedings.

15 “(4) ORS 40.010 to 40.210 and 40.310 to 40.585 do not apply in the following situations:

16 “(a) The determination of questions of fact preliminary to admissibility of evidence when the
17 issue is to be determined by the court under ORS 40.030.

18 “(b) Proceedings before grand juries, except as required by ORS 132.320.

19 “(c) Proceedings for extradition, except as required by ORS 133.743 to 133.857.

20 “(d) Sentencing proceedings, except proceedings under ORS 138.012 and 163.150, as required by
21 ORS 137.090 or proceedings under ORS 136.765 to 136.785.

22 “(e) Proceedings to revoke probation, except as required by ORS 137.090.

23 “**(f) Proceedings conducted in a reentry court under section 29 of this 2013 Act.**

24 “[*f*] **(g)** Issuance of warrants of arrest, bench warrants or search warrants.

25 “[*g*] **(h)** Proceedings under ORS chapter 135 relating to conditional release, security release,
26 release on personal recognizance, or preliminary hearings, subject to ORS 135.173.

27 “[*h*] **(i)** Proceedings to determine proper disposition of a child in accordance with ORS
28 419B.325 (2) and 419C.400 (4).

29 “[*i*] **(j)** Proceedings under ORS 813.210, 813.215, 813.220, 813.230, 813.250 and 813.255 to deter-
30 mine whether a driving while under the influence of intoxicants diversion agreement should be al-
31 lowed or terminated.

32 “[*j*] **(k)** Proceedings under ORS 147.530 relating to victims’ rights, except for the provisions of
33 ORS 40.105 and 40.115.

34 “**SECTION 33. Section 29 of this 2013 Act is repealed on July 1, 2023.**

35 “**SECTION 34.** ORS 144.101, as amended by section 28 of this 2013 Act, is amended to read:

36 “144.101. (1) The State Board of Parole and Post-Prison Supervision has jurisdiction over the
37 imposition of conditions of post-prison supervision and sanctions for violations of those conditions
38 for a person convicted of a felony if:

39 “(a) The term of imprisonment imposed on the person is more than 12 months;

40 “(b) The felony is classified as crime category 8, 9, 10 or 11 of the sentencing guidelines grid
41 of the Oregon Criminal Justice Commission;

42 “(c) The person is subject to a sentence under ORS 137.700 or 137.707;

43 “(d) The person is sentenced as a dangerous offender under ORS 161.725 and 161.737;

44 “(e) The person is subject to a term of post-prison supervision under ORS 144.103;

45 “(f) The person is committed to the custody of the Department of Corrections under ORS

1 137.124;

2 “(g) The responsibility for correctional services for the person has reverted to the department
3 under ORS 423.483; or

4 “(h) No local supervisory authority is responsible for correctional services for the person under
5 the laws of this state.

6 “(2) Except as provided in subsection (1) of this section, a local supervisory authority has ju-
7 risdiction over the imposition of conditions of post-prison supervision and sanctions for violations
8 of those conditions for a person sentenced to a term of imprisonment of 12 months or less.

9 “(3) If a local supervisory authority imposes conditions of post-prison supervision or sanctions
10 for violations of those conditions, the person may request the board to review the conditions or
11 sanctions. The board shall review the request and may, at its discretion, review the conditions and
12 sanctions, under rules adopted by the board.

13 “[4] *If a circuit court in a participating county, as defined in section 29 of this 2013 Act, enters*
14 *an order admitting a person into a reentry court under section 29 (3) of this 2013 Act, the reentry court*
15 *has concurrent jurisdiction over the imposition of sanctions for violations of the conditions of post-*
16 *prison supervision.]*

17 “[5] (4) Nothing in this section affects the jurisdiction of the board over the imposition of
18 conditions of parole and sanctions for violations of those conditions.

19 “**SECTION 35.** ORS 144.096, as amended by section 30 of this 2013 Act, is amended to read:

20 “144.096. (1)(a) The Department of Corrections shall prepare a proposed release plan for an in-
21 mate prior to the inmate’s release from prison.

22 “(b) The department shall submit the proposed release plan to the State Board of Parole and
23 Post-Prison Supervision not less than [75] **60** days prior to the inmate’s release.

24 “(c) If the proposed release plan is not approved by the board, the board shall return the plan
25 to the department with its recommended modifications. The department shall submit a revised plan
26 to the board not less than [25] **10** days prior to the inmate’s release.

27 “(d) If the revised plan is not acceptable to the board, the board shall determine the provisions
28 of the final plan prior to the inmate’s release.

29 “[e] *If an inmate was sentenced under section 29 of this 2013 Act and the release plan recommends*
30 *that the inmate participate in a reentry court, the board shall provide a copy of the release plan to the*
31 *reentry court.]*

32 “(2) The local supervisory authority that is responsible for correctional services for an inmate
33 shall prepare a proposed release plan for the inmate prior to the inmate’s release from jail. The local
34 supervisory authority shall approve the release plan under its rules. *[If the inmate was sentenced*
35 *under section 29 of this 2013 Act and the supervisory authority recommends that the inmate participate*
36 *in a reentry court, the supervisory authority shall provide a copy of the release plan to the reentry*
37 *court.]*

38 “(3) A release plan prepared under subsection (1) or (2) of this section must include:

39 “(a) A description of support services and program opportunities available to the inmate;

40 “(b) The recommended conditions of post-prison supervision;

41 “(c) The level of supervision that shall be consistent with the inmate’s risk assessment classi-
42 fication;

43 “(d) Any other conditions and requirements as may be necessary to promote public safety;

44 “(e) For all inmates whose sentence to make restitution under ORS 137.106 has been suspended
45 for the term of imprisonment, a restitution payment schedule; and

1 “(f) Any conditions necessary to assist the reformation of the inmate.

2 “**SECTION 36.** ORS 144.106, as amended by section 31 of this 2013 Act, is amended to read:

3 “144.106. (1) Except as otherwise provided by rules of the Department of Corrections and the

4 State Board of Parole and Post-Prison Supervision concerning parole and post-prison supervision

5 violators, the supervisory authority shall use a continuum of administrative sanctions for violations

6 of the conditions of post-prison supervision.

7 “(2) The sanction continuum shall include adjustments to the level of supervision and, as ap-

8 proved by the board or the local supervisory authority that imposed the initial conditions of post-

9 prison supervision:

10 “(a) Modification of or additions to the conditions of supervision; and

11 “(b) Any other appropriate available local sanctions including, but not limited to, jail, commu-

12 nity service work, house arrest, electronic surveillance, restitution centers, work release centers,

13 day centers or other local sanctions established by agreement with the supervisory authority.

14 “(3) An offender may not be confined in a restitution center, work release center or jail for more

15 than 15 days for a violation of conditions of post-prison supervision unless:

16 “(a) The Department of Corrections, county corrections agency or supervisory authority imposes

17 a local sanction under subsection (1) of this section; **or**

18 “[*(b) A reentry court imposes a local sanction under section 29 of this 2013 Act; or*]

19 “[*(c) (b) The board or its designated representative initiates a hearing for the purpose of im-*

20 *posing a sanction under ORS 144.107 or 144.108.*]

21 “(4) A hearing before the board is not required if the department, a county corrections

22 agency[,] **or** the supervisory authority [*or the court*] imposes a local sanction under subsection (3)

23 of this section. However, the board may conduct a hearing under the procedures in ORS 144.343 and

24 144.347 and impose a different sanction on the offender than that imposed by the department, a

25 county corrections agency[,] **or** the supervisory authority [*or the court*].

26 “**SECTION 37.** ORS 40.015, as amended by section 32 of this 2013 Act, is amended to read:

27 “40.015. (1) The Oregon Evidence Code applies to all courts in this state except for:

28 “(a) A hearing or mediation before a magistrate of the Oregon Tax Court as provided by ORS

29 305.501;

30 “(b) The small claims department of a circuit court as provided by ORS 46.415; and

31 “(c) The small claims department of a justice court as provided by ORS 55.080.

32 “(2) The Oregon Evidence Code applies generally to civil actions, suits and proceedings, criminal

33 actions and proceedings and to contempt proceedings except those in which the court may act

34 summarily.

35 “(3) ORS 40.225 to 40.295 relating to privileges apply at all stages of all actions, suits and pro-

36 ceedings.

37 “(4) ORS 40.010 to 40.210 and 40.310 to 40.585 do not apply in the following situations:

38 “(a) The determination of questions of fact preliminary to admissibility of evidence when the

39 issue is to be determined by the court under ORS 40.030.

40 “(b) Proceedings before grand juries, except as required by ORS 132.320.

41 “(c) Proceedings for extradition, except as required by ORS 133.743 to 133.857.

42 “(d) Sentencing proceedings, except proceedings under ORS 138.012 and 163.150, as required by

43 ORS 137.090 or proceedings under ORS 136.765 to 136.785.

44 “(e) Proceedings to revoke probation, except as required by ORS 137.090.

45 “[*(f) Proceedings conducted in a reentry court under section 29 of this 2013 Act.*]

1 “[g] (f) Issuance of warrants of arrest, bench warrants or search warrants.

2 “[h] (g) Proceedings under ORS chapter 135 relating to conditional release, security release,
3 release on personal recognizance, or preliminary hearings, subject to ORS 135.173.

4 “[i] (h) Proceedings to determine proper disposition of a child in accordance with ORS
5 419B.325 (2) and 419C.400 (4).

6 “[j] (i) Proceedings under ORS 813.210, 813.215, 813.220, 813.230, 813.250 and 813.255 to deter-
7 mine whether a driving while under the influence of intoxicants diversion agreement should be al-
8 lowed or terminated.

9 “[k] (j) Proceedings under ORS 147.530 relating to victims’ rights, except for the provisions of
10 ORS 40.105 and 40.115.

11 **“SECTION 38. (1) The amendments to ORS 40.015, 144.096, 144.101 and 144.106 by sections
12 34 to 37 of this 2013 Act become operative on July 1, 2023.**

13 **“(2) The repeal of section 29 of this 2013 Act by section 33 of this 2013 Act and the
14 amendments to ORS 40.015, 144.096, 144.101 and 144.106 by sections 34 to 37 of this 2013 Act
15 do not affect the jurisdiction of a reentry court over a person sentenced under section 29 of
16 this 2013 Act.**

17 18 “SPECIALTY COURTS

19
20 **“SECTION 39. (1) As used in this section, ‘specialty courts’ means drug court programs
21 as defined in ORS 3.450, veterans’ courts, mental health courts or any other similar court
22 or docketing system.**

23 **“(2)(a) The Oregon Criminal Justice Commission shall serve as a clearinghouse and in-
24 formation center for the collection, preparation, analysis and dissemination of the best
25 practices applicable to specialty courts.**

26 **“(b) After consulting with the Judicial Department, the commission shall develop
27 evidence-based standards that may be applied to specialty courts. The standards must:**

28 **“(A) Be designed to reduce recidivism in a cost-effective manner; and**

29 **“(B) When appropriate, target medium-risk and high-risk offenders.**

30 **“(3) The Chief Justice of the Supreme Court may issue an order applicable to specialty
31 courts. The order may include a requirement that a circuit court that operates a specialty
32 court review the standards described in subsection (2) of this section.**

33 34 “CORRECTIONS FORECAST

35
36 **“SECTION 40. ORS 184.351 is amended to read:**

37 **“184.351. (1) The Oregon Department of Administrative Services shall issue state corrections
38 population forecasts including, but not limited to, expected populations of prisons and jails and
39 community corrections caseloads, to be used by:**

40 **“(a) The Department of Corrections in preparing budget requests;**

41 **“(b) The Oregon Criminal Justice Commission in considering amendments to sentencing guide-
42 lines; and**

43 **“(c) Any other state agency concerned with the effect of offender populations or policy devel-
44 opments on budgeting.**

45 **“(2) The Oregon Department of Administrative Services shall issue state corrections population**

1 forecasts on April 1 and October 1 of each year.

2 “(3) When the Oregon Department of Administrative Services issues a state corrections
3 population forecast, the forecast must, whenever possible:

4 “(a) Identify the forecast’s margin of error; and

5 “(b) Attribute growth or decline in the forecast, relative to previously issued forecasts,
6 to specific policies or to specific components of the baseline underlying the forecast.

7 “(4) As used in this section, ‘baseline underlying the forecast’ includes population demo-
8 graphics and crime trends.

9
10 “MEASURING OUTCOMES

11
12 “**SECTION 41.** ORS 182.515, as amended by section 37, chapter 37, Oregon Laws 2012, is
13 amended to read:

14 “182.515. As used in this section and ORS 182.525:

15 “(1) ‘Agency’ means:

16 “(a) The Department of Corrections;

17 “(b) The Oregon Youth Authority;

18 “(c) The Youth Development Council; and

19 “(d) That part of the Oregon Health Authority that deals with mental health and addiction is-
20 sues.

21 “(2) [‘Cost effective’] ‘**Cost-effective**’ means that [cost savings] **benefits** realized over a reason-
22 able period of time are greater than costs, **as determined utilizing a cost-benefit analytical tool**
23 **identified by the Oregon Criminal Justice Commission.**

24 “(3) ‘Evidence-based program’ means a program that:

25 “(a) Incorporates significant and relevant practices based on scientifically based research; and

26 “(b) Is [cost effective] **cost-effective**.

27 “(4)(a) ‘Program’ means a treatment or intervention program or service that is intended to:

28 “(A) Reduce the propensity of a person to commit crimes;

29 “(B) Improve the mental health of a person with the result of reducing the likelihood that the
30 person will commit a crime or need emergency mental health services; or

31 “(C) Reduce the propensity of a person who is less than 18 years of age to engage in antisocial
32 behavior with the result of reducing the likelihood that the person will become a juvenile offender.

33 “(b) ‘Program’ does not include:

34 “(A) An educational program or service that an agency is required to provide to meet educa-
35 tional requirements imposed by state law; or

36 “(B) A program that provides basic medical services.

37 “(5) ‘Scientifically based research’ means research that obtains reliable and valid knowledge by:

38 “(a) Employing systematic, empirical methods that draw on observation or experiment;

39 “(b) Involving rigorous data analyses that are adequate to test the stated hypotheses and justify
40 the general conclusions drawn; [and]

41 “(c) Relying on measurements or observational methods that provide reliable and valid data
42 across evaluators and observers, across multiple measurements and observations and across studies
43 by the same or different investigators; **and**

44 “(d) **Utilizing randomized controlled trials when possible and appropriate.**

45 “**SECTION 42.** Before the Oregon Criminal Justice Commission identifies a cost-benefit

1 analytical tool under ORS 182.515 (2), the commission shall consult with the Task Force on
2 Public Safety established under section 57 of this 2013 Act.

3 **“SECTION 43. Section 42 of this 2013 Act is repealed on the date of the convening of the**
4 **2017 regular session of the Legislative Assembly as specified in ORS 171.010.**

5 **“SECTION 44.** ORS 182.525 is amended to read:

6 “182.525. (1) An agency [*as defined in ORS 182.515*] shall spend at least 75 percent of state
7 moneys that the agency receives for programs on evidence-based programs.

8 “(2) The agency shall submit a biennial report containing:

9 “(a) An assessment of each program on which the agency expends funds, including but not lim-
10 ited to whether the program is an evidence-based program;

11 “(b) The percentage of state moneys the agency receives for programs that is being expended
12 on evidence-based programs;

13 “(c) The percentage of federal and other moneys the agency receives for programs that is being
14 expended on evidence-based programs; and

15 “(d) A description of the efforts the agency is making to meet the requirement of subsection (1)
16 of this section.

17 “(3) The agency shall submit the report required by subsection (2) of this section no later than
18 September 30 of each even-numbered year to the interim legislative committee dealing with judicial
19 matters.

20 “(4) If an agency, in any biennium, spends more than 25 percent of the state moneys that the
21 agency receives for programs on programs that are not evidence based, the Legislative Assembly
22 shall consider the agency’s failure to meet the requirement of subsection (1) of this section in mak-
23 ing appropriations to the agency for the following biennium.

24 “(5) [*The*] **An** agency may adopt rules necessary to carry out the provisions of this section[, *in-*
25 *cluding but not limited to rules defining a reasonable period of time for purposes of determining cost*
26 *effectiveness*].

27 **“SECTION 45. (1) As used in this section, ‘recidivism’ means the arrest, conviction or**
28 **incarceration of a person who has previously been convicted of a crime, if the arrest, con-**
29 **viction or incarceration:**

30 **“(a) Is for a new crime and occurs:**

31 **“(A) Three years or less after the date the person was convicted of the previous crime;**
32 **or**

33 **“(B) Three years or less after the date the person was released from custody, if the**
34 **person was incarcerated as a result of the conviction for the previous crime; or**

35 **“(b) Is for any reason and occurs:**

36 **“(A) Three years or less after the date the person was convicted of the previous crime;**
37 **or**

38 **“(B) Three years or less after the date the person was released from custody, if the**
39 **person was incarcerated as a result of the conviction for the previous crime.**

40 **“(2) When the Oregon Department of Administrative Services, the Department of Cor-**
41 **rections, the Oregon Criminal Justice Commission or any other public body as defined in ORS**
42 **174.109 conducts a statistical evaluation of the rate at which persons convicted of a crime**
43 **recidivate, the public body shall include an evaluation of recidivism as that term is defined**
44 **in:**

45 **“(a) Subsection (1)(a) of this section; and**

1 capital construction, opening new correctional facilities or inflation.

2 **“SECTION 51.** Section 50 of this 2013 Act is repealed on January 2, 2015.

3
4 **“JUSTICE REINVESTMENT PROGRAM**

5
6 **“SECTION 52.** The Justice Reinvestment Account is established, separate and distinct
7 from the General Fund. All moneys in the account are continuously appropriated to the
8 Oregon Criminal Justice Commission for the purpose of making grants to counties in ac-
9 cordance with section 53 of this 2013 Act.

10 **“SECTION 53.** (1) In consultation with the Justice Reinvestment Grant Review Commit-
11 tee established under subsection (2) of this section, the Oregon Criminal Justice Commission
12 shall administer the Justice Reinvestment Program described in this section. From funds
13 appropriated to the commission for purposes of the program, the commission shall award
14 grants to counties that establish a process to assess offenders and provide a continuum of
15 community-based sanctions, services and programs that are designed to reduce recidivism
16 and decrease the county’s utilization of imprisonment in a Department of Corrections insti-
17 tution while protecting public safety and holding offenders accountable.

18 **“(2)** The Justice Reinvestment Grant Review Committee is established, consisting of the
19 following members:

20 **“(a)** The Governor shall appoint the following five members:

21 **“(A)** One member shall be a district attorney.

22 **“(B)** One member shall be a county sheriff.

23 **“(C)** One member shall be a chief of police.

24 **“(D)** One member shall be a county commissioner.

25 **“(E)** One member shall be a community corrections director who is not a sheriff.

26 **“(b)** The President of the Senate shall appoint two nonvoting members from among
27 members of the Senate.

28 **“(c)** The Speaker of the House of Representatives shall appoint two nonvoting members
29 from among members of the House of Representatives.

30 **“(3)(a)** A majority of the voting members of the committee constitutes a quorum for the
31 transaction of business.

32 **“(b)** The committee shall elect one of its members to serve as chairperson.

33 **“(c)** If there is a vacancy for any cause, the appointing authority shall make an ap-
34 pointment to become effective immediately.

35 **“(d)** The committee shall meet at times and places specified by the call of the chairperson
36 or a majority of the voting members of the committee.

37 **“(e)** Legislative members of the committee shall be entitled to payment of compensation
38 and expenses under ORS 171.072, payable from funds appropriated to the Legislative Assem-
39 bly.

40 **“(4)** After consulting with the Justice Reinvestment Grant Review Committee, the com-
41 mission shall adopt rules to administer the Justice Reinvestment Program. The rules must
42 include:

43 **“(a)** A methodology for reviewing and approving grant applications and distributing grant
44 funds. Rules described in this paragraph must provide the Justice Reinvestment Grant Re-
45 view Committee with the ability to approve grant applications, subject to final approval by

1 **the commission.**

2 **“(b) A process for evaluating the efficacy of community-based sanctions, services and**
3 **programs funded under this section.**

4 **“(5) Notwithstanding subsections (1) and (4) of this section, upon receipt of a letter of**
5 **intent to participate in the Justice Reinvestment Program submitted by a county, the com-**
6 **mission shall distribute to the county a proportional share of funds deposited in the Justice**
7 **Reinvestment Account. The proportion shall be determined in accordance with the formula**
8 **used to distribute baseline funding under ORS 423.483.**

9 **“(6) Funds distributed under this section must be spent on the provision of community-**
10 **based sanctions, services and programs.**

11 **“SECTION 54.** Section 53 of this 2013 Act is amended to read:

12 **“Sec. 53. (1)(a)** In consultation with the Justice Reinvestment Grant Review Committee estab-
13 lished under subsection (2) of this section, the Oregon Criminal Justice Commission shall administer
14 the Justice Reinvestment Program described in this section. From funds appropriated to the com-
15 mission for purposes of the program, the commission shall award grants to counties that establish
16 a process to assess offenders and provide a continuum of community-based sanctions, services and
17 programs that are designed to reduce recidivism and decrease the county’s utilization of
18 imprisonment in a Department of Corrections institution while protecting public safety and holding
19 offenders accountable.

20 **“(b) Notwithstanding paragraph (a) of this subsection, no less than 10 percent of grant**
21 **funds awarded under this section must be distributed to community-based nonprofit organ-**
22 **izations that provide services to victims of crime.**

23 **“(2)** The Justice Reinvestment Grant Review Committee is established, consisting of the follow-
24 ing members:

25 **“(a)** The Governor shall appoint the following five members:

26 **“(A)** One member shall be a district attorney.

27 **“(B)** One member shall be a county sheriff.

28 **“(C)** One member shall be a chief of police.

29 **“(D)** One member shall be a county commissioner.

30 **“(E)** One member shall be a community corrections director who is not a sheriff.

31 **“(b)** The President of the Senate shall appoint two nonvoting members from among members of
32 the Senate.

33 **“(c)** The Speaker of the House of Representatives shall appoint two nonvoting members from
34 among members of the House of Representatives.

35 **“(3)(a)** A majority of the voting members of the committee constitutes a quorum for the trans-
36 action of business.

37 **“(b)** The committee shall elect one of its members to serve as chairperson.

38 **“(c)** If there is a vacancy for any cause, the appointing authority shall make an appointment to
39 become effective immediately.

40 **“(d)** The committee shall meet at times and places specified by the call of the chairperson or a
41 majority of the voting members of the committee.

42 **“(e)** Legislative members of the committee shall be entitled to payment of compensation and
43 expenses under ORS 171.072, payable from funds appropriated to the Legislative Assembly.

44 **“(4) An application for a grant described in this section must be submitted by a local**
45 **public safety coordinating council convened under ORS 423.560.**

1 **“SECTION 57. (1) The Task Force on Public Safety is established, consisting of 13 mem-**
2 **bers appointed as follows:**

3 **“(a) The President of the Senate shall appoint two members from among members of the**
4 **Senate.**

5 **“(b) The Speaker of the House of Representatives shall appoint two members from among**
6 **members of the House of Representatives.**

7 **“(c) The Chief Justice of the Supreme Court shall appoint two members.**

8 **“(d) The Governor shall appoint seven members as follows:**

9 **“(A) One member shall be a county commissioner.**

10 **“(B) One member shall be a district attorney.**

11 **“(C) One member shall be a criminal defense attorney.**

12 **“(D) Two members shall be representatives of law enforcement.**

13 **“(E) One member shall be a representative of community corrections directors who is**
14 **not a sheriff.**

15 **“(F) One member shall be a representative of a community-based organization that pro-**
16 **vides services to victims of crime.**

17 **“(2) The task force shall:**

18 **“(a) Review the implementation of the provisions of this 2013 Act;**

19 **“(b) Consider the policy implications of establishing an earned, conditional release hear-**
20 **ing for juvenile offenders convicted under ORS 137.707; and**

21 **“(c) Evaluate the report submitted to the task force by the Department of Corrections**
22 **under section 50 of this 2013 Act.**

23 **“(3) No later than October 1, 2016, the task force shall submit a report to the Legislative**
24 **Assembly in the manner provided by ORS 192.245 that describes the findings of the task**
25 **force. The report may include recommendations for legislation. The task force shall provide**
26 **a copy of the report to the Governor.**

27 **“(4) A majority of the members of the task force constitutes a quorum for the trans-**
28 **action of business.**

29 **“(5) Official action by the task force requires the approval of a majority of the members**
30 **of the task force.**

31 **“(6) The task force shall elect one of its members to serve as chairperson.**

32 **“(7) If there is a vacancy for any cause, the appointing authority shall make an appoint-**
33 **ment to become immediately effective.**

34 **“(8) The task force shall meet at times and places specified by the call of the chairperson**
35 **or of a majority of the members of the task force.**

36 **“(9) The task force may adopt rules necessary for the operation of the task force.**

37 **“(10) Upon request, the Oregon Criminal Justice Commission, the Department of Cor-**
38 **rections and the Oregon Department of Administrative Services shall provide staff support**
39 **to the task force.**

40 **“(11) Members of the task force who are not members of the Legislative Assembly are**
41 **not entitled to compensation, but may be reimbursed for actual and necessary travel and**
42 **other expenses incurred by them in the performance of their official duties in the manner**
43 **and amounts provided for in ORS 292.495. Claims for expenses incurred in performing func-**
44 **tions of the task force shall be paid out of funds appropriated to Oregon Criminal Justice**
45 **Commission for purposes of the task force.**

