

Senate Bill 620

Sponsored by Senators CLOSE, JOHNSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Defines "rate of recidivism" for purposes of evaluations conducted by Oregon Department of Administrative Services, Department of Corrections, Oregon Criminal Justice Commission and other public bodies.

Requires Department of Corrections to make biennial report on direct cost of inmate per day, ratio of inmates to corrections staff and ratio of prison guards to nonprison guards. Directs department to take all steps necessary to reduce per-inmate cost by five percent in 2013-2015 biennium and additional five percent in 2015-2017 biennium.

Directs Department of Corrections to implement program based on Hawaii's Opportunity Probation with Enforcement program for purpose of decreasing drug abuse by released inmates, increasing compliance with terms of parole and post-prison supervision and reducing recidivism.

Requires Department of Corrections to maintain registry of programs used by department for inmates in department institutions and for former inmates of those institutions. Directs department to conduct randomized, controlled trials of all programs identified in registry.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to crime; creating new provisions; amending ORS 182.525; and declaring an emergency.

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

RECIDIVISM

SECTION 1. (1) As used in this section, "rate of recidivism" means:

(a) The rate of rearrest within a three-year period following a person's conviction, or within a three-year period following the person's release if the person has been incarcerated, whether or not the arrest leads to new charges, convictions or further incarceration;

(b) The rate of reconviction of any crime within a three-year period following a person's conviction, or within a three-year period following the person's release if the person has been incarcerated; and

(c) The rate of reincarceration, either within a local or county correctional facility, or recommitment to the legal and physical custody of the Department of Corrections.

(2) When the Oregon Department of Administrative Services, the Department of Corrections, the Oregon Criminal Justice Commission or any other public body as defined in ORS 174.109 conducts a statistical evaluation of the rate at which persons convicted of a crime subsequently commit additional crimes, the public body shall:

(a) Include an evaluation of recidivism utilizing the definition in subsection (1) of this section; and

(b) Whenever possible, describe the rate of recidivism for persons in each of the following classifications:

(A) Persons who present a high risk of reoffending;

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (B) Persons who present a medium risk of reoffending; and

2 (C) Persons who present a low risk of reoffending.

3 (3) For purposes of the classifications described in subsection (2)(b) of this section, the
4 public body shall utilize a risk assessment tool developed by the Oregon Criminal Justice
5 Commission.

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7 INMATE COSTS

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9 SECTION 2. Section 3 of this 2013 Act is added to and made a part of ORS chapter 421.

10 SECTION 3. (1) As part of the Department of Correction's budget document submitted
11 to the Legislative Assembly in every odd-year regular session, the department shall report
12 for each Department of Corrections institution:

13 (a) The direct cost of each inmate per day;

14 (b) The ratio of inmates to corrections staff; and

15 (c) The ratio of prison guards to nonprison guards.

16 (2) The Legislative Assembly finds that the per-inmate direct cost of incarceration in
17 Department of Corrections institutions is significantly greater than the average per-inmate
18 direct cost of incarceration in the United States, and hereby establishes as a goal the re-
19 duction of the per-inmate cost in this state to the national average. The Department of
20 Corrections shall take all steps necessary to reduce its per-inmate direct cost by:

21 (a) Five percent in the 2013-2015 biennium; and

22 (b) An additional five percent in the 2015-2017 biennium.

23 (3) This section applies only to the direct cost of incarceration, including the costs re-
24 lating to prison security, health care, food, recidivism reduction programs and other opera-
25 tional costs that generally vary as the total number of inmates changes. This section does
26 not apply to costs attributable to federally required programs, community corrections
27 grants, capital construction, debt service on department facilities, new prison start-up costs,
28 department-wide administrative costs, including overall management, state government ser-
29 vice charges, financial and personnel staff and information systems costs and other costs
30 that do not generally vary as the number of inmates changes.

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32 PAROLE AND POST-PRISON SUPERVISION

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34 SECTION 4. (1) The Department of Corrections shall implement a program based on
35 Hawaii's Opportunity Probation with Enforcement program for the purpose of decreasing
36 drug abuse by released inmates, increasing compliance with the terms of parole and post-
37 prison supervision and reducing recidivism. The program shall include:

38 (a) Formal warnings to released inmates that give notice that violations of release con-
39 ditions have consequences.

40 (b) Quick service of bench warrants on released inmates who fail to appear as required.

41 (c) Weekly randomized testing, or twice-weekly scheduled testing, to help eliminate oth-
42 erwise undetectable drug use.

43 (d) Presumptive jail sanctions for violations of release conditions, starting at two days
44 for the first violation and increasing for subsequent violations.

45 (e) As short a time as possible between the violation of release conditions and the impo-

1 **sition of sanctions.**

2 (f) **Treatment services for released inmates who are unable to comply with release con-**
 3 **ditions because of drug use.**

4 (2) **The Department of Corrections shall conduct a study of the program implemented**
 5 **under this section. The study must use rigorous evaluation and randomized controlled trials.**
 6 **Upon concluding the study, the department shall prepare a report to the Legislative Assem-**
 7 **bly with detailed information on the efficacy of the program as determined under the trials.**
 8 **The report shall be submitted to the Legislative Assembly in the manner provided by ORS**
 9 **192.245.**

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 11 **EVIDENCE-BASED PROGRAMS**

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 13 **SECTION 5.** ORS 182.525 is amended to read:

14 182.525. (1) An agency as defined in ORS 182.515 shall spend at least 75 percent of state moneys
 15 that the agency receives for programs on evidence-based programs.

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

17 (a) An assessment of each program on which the agency expends funds, including but not limited
 18 to whether the program is an evidence-based program;

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

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

23 (d) A description of the efforts the agency is making to meet the requirement of subsection (1)
 24 of this section.

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

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

32 (5) The agency may adopt rules necessary to carry out the provisions of this section, including
 33 but not limited to rules defining a reasonable period of time for purposes of determining cost effec-
 34 tiveness.

35 (6) **The Department of Corrections shall maintain a registry of all programs used by the**
 36 **department for inmates in Department of Corrections institutions and for former inmates**
 37 **of those institutions. The registry shall identify the types of programs, the number of in-**
 38 **mates or former inmates participating in the programs and the locations at which the pro-**
 39 **grams operate. The registry shall be made public on the website maintained by the**
 40 **department.**

41 (7) **The Department of Corrections shall conduct randomized, controlled trials of each**
 42 **program identified in the registry maintained under subsection (6) of this section to deter-**
 43 **mine whether the program continues to be effective in changing the behavior of inmates and**
 44 **ensuring that former inmates have the best chance of successful reentry into society, and**
 45 **that recidivism is reduced to the greatest extent possible.**

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REPORT

SECTION 6. The Department of Corrections shall prepare a report on the implementation of the provisions of this 2013 Act, detailing to the greatest extent possible the impact of this 2013 Act and making recommendations for other legislative changes. The report shall be delivered to the Legislative Assembly in the manner provided by ORS 192.245 not later than February 1, 2015.

CAPTIONS

SECTION 7. The unit captions used in this 2013 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2013 Act.

EMERGENCY CLAUSE

SECTION 8. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.
