

D R A F T

SUMMARY

Requires that State Board of Parole and Post-Prison Supervision have five members. Authorizes minimum of three board members to make and review certain decisions. Requires that certain board decisions be in writing and posted on board's website.

A BILL FOR AN ACT

1
2 Relating to the State Board of Parole and Post-Prison Supervision; amending
3 ORS 144.005, 144.015, 144.025, 144.035, 144.054, 144.079, 144.110, 144.783,
4 163.105, 163.115 and 163.155.

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

5 **SECTION 1.** ORS 144.005 is amended to read:

6
7 144.005. (1) A State Board of Parole and Post-Prison Supervision of [*at*
8 *least three but no more than*] five members hereby is created. At least one
9 member must be a woman.

10 (2)(a) Members of the board shall be appointed by the Governor and serve
11 for a term of four years.

12 (b) If the number of members falls below [*three*] **five** for any cause, the
13 Governor shall make an appointment to become immediately effective for the
14 unexpired term.

15 (c) The Governor at any time may remove any member for inefficiency,
16 neglect of duty or malfeasance in office.

17 (3) Each member shall devote the member's entire time to the performance
18 of the duties imposed on the board and shall not engage in any partisan
19 political activity.

20 (4) The members shall receive a salary set by the Governor. In addition,

1 all members may receive actual and necessary travel and other expenses in-
2 curred in the performance of their official duties within limits as provided
3 by law or under ORS 292.220 and 292.230.

4 (5) The Director of the Department of Corrections shall serve as an ex
5 officio nonvoting member of the board **and shall not be considered a**
6 **member for the purposes of subsections (1) to (4) of this section.**

7 **SECTION 2.** ORS 144.015 is amended to read:

8 144.015. **Except as provided in ORS 144.005 (2)(b)**, the appointment of
9 a member of the State Board of Parole and Post-Prison Supervision is subject
10 to confirmation by the Senate as provided in ORS 171.562 and 171.565.

11 **SECTION 3.** ORS 144.025 is amended to read:

12 144.025. (1) The Governor shall select one of the members of the State
13 Board of Parole and Post-Prison Supervision as chairperson and another
14 member as vice chairperson, for such terms and with duties and powers, in
15 addition to those established by law, necessary for the performance of the
16 function of such office as the Governor determines.

17 (2) A majority of the members of the board constitutes a quorum for de-
18 cisions concerning rules and policies.

19 (3) Except as otherwise provided in this chapter, decisions affecting indi-
20 viduals under the jurisdiction of the board shall be made as designated by
21 the rules of the board.

22 (4) **Except as otherwise specifically provided by statute, all board**
23 **hearings are presumed to be panel hearings.**

24 (5) **The chairperson of the board may require all voting members**
25 **of the board to participate in any hearing or decision requiring at least**
26 **three board members. The decision to require the participation of all**
27 **board members is not appealable.**

28 (6) **The board shall adopt rules concerning the number of board**
29 **members that participate in board hearings and decisions.**

30 **SECTION 4.** ORS 144.035 is amended to read:

31 144.035. (1) In hearings conducted by the State Board of Parole and

1 Post-Prison Supervision, the board may sit together or in panels.

2 (2) Panels may consist of one or two board members or of one member
3 and one hearings officer, appointed by the chairperson as a designated rep-
4 resentative of the board. A panel consisting of one member or of one member
5 and one hearings officer shall be used only when considering inmates con-
6 victed of non person-to-person crimes as defined in the rules of the Oregon
7 Criminal Justice Commission. The chairperson of the board from time to time
8 shall make assignments of members to the panels. The chairperson of the
9 board may participate on any panel.

10 (3) The chairperson shall apportion matters for decision to the panels.
11 Each panel shall have the authority to hear and determine all questions be-
12 fore it. However:

13 (a) If there is a division in the panel so that a decision is not unanimous,
14 another member shall vote after administrative review of the record.

15 (b) In case of a panel consisting of one board member, another member
16 shall vote after administrative review of the record.

17 (c) If the original panel was made up of one board member and the
18 member voting after administrative review of the record disagrees with the
19 decision, the matter shall be reassigned to a panel made up of the remaining
20 board members. If this second panel agrees with neither member of the ori-
21 ginal panel, the matter will be referred to a hearing before the full board.

22 (4) The provisions of subsections (1) to (3) of this section shall not apply
23 to a decision to release a prisoner sentenced under ORS 144.110 (1). In such
24 cases, the board shall release the prisoner only upon affirmative vote of a
25 majority of [*the board*] **at least three board members**.

26 (5) The chairperson may elect to conduct the hearings described in this
27 section by conference call with the prisoner.

28 **SECTION 5.** ORS 144.054 is amended to read:

29 144.054. (1) Whenever the State Board of Parole and Post-Prison Super-
30 vision makes a decision affecting a person sentenced to life imprisonment
31 or convicted of a crime involving the death of a victim, whether or not the

1 prosecution directly charged the person with causing the death of the victim,
2 the decision affecting such person must be reviewed by [*the full membership*
3 *of the board*] **no fewer than three board members.**

4 **(2)(a) Whenever the board makes a release decision pursuant to**
5 **ORS 144.125 or 144.232 affecting a person sentenced to life**
6 **imprisonment, convicted of a crime involving the death of a victim or**
7 **convicted of rape in the first degree, sodomy in the first degree, un-**
8 **lawful sexual penetration in the first degree or kidnapping in the first**
9 **degree, the decision shall be in writing and shall specify the reasons**
10 **for the decision.**

11 **(b) The board shall make all written decisions described in para-**
12 **graph (a) of this subsection available to the public without cost on the**
13 **board's Internet website.**

14 **(c) The board shall adopt rules concerning the manner in which the**
15 **written decisions described in paragraph (a) of this subsection will be**
16 **made available on the board's Internet website.**

17 **SECTION 6.** ORS 144.079 is amended to read:

18 144.079. (1)(a) If a prisoner is sentenced to terms of imprisonment that are
19 consecutive to one another and result from crimes committed during the pe-
20 riod before the prisoner's first initial parole hearing, or if a prisoner is sen-
21 tenced to terms of imprisonment that are consecutive to one another and
22 result from crimes committed during the period between any two initial
23 parole hearings, the total term resulting from the crimes committed during
24 each such separate period shall be determined by the State Board of Parole
25 and Post-Prison Supervision as follows, except as provided in subsection (2)
26 of this section, and the total terms so determined shall then be summed as
27 provided in ORS 144.783 (1):

28 (A) First, the board shall establish the appropriate range for the felony
29 determined by the board, according to its rules, to be the most serious of the
30 felonies committed during the period. If two or more felonies are determined
31 to be equally the most serious, the board shall establish the appropriate

1 range under this paragraph only for one of those felonies.

2 (B) Second, the board shall establish a range for each of the remaining
3 felonies committed during the same period. For purposes of establishing the
4 ranges for the remaining felonies under this paragraph, the board shall not
5 consider prior criminal history.

6 (C) Third, the board shall determine the total range applicable in the
7 offender's case for crimes committed during the same period by summing the
8 ranges established under subparagraph (B) of this paragraph with the range
9 established under subparagraph (A) of this paragraph and shall determine
10 an appropriate term within that range.

11 (D) Finally, the board shall vary the term determined under subparagraph
12 (C) of this paragraph according to rules established under ORS 144.785 (1),
13 if the board finds aggravating or mitigating factors in the case. The board
14 shall consider as an aggravating factor the fact that the prisoner has been
15 sentenced to consecutive terms of imprisonment.

16 (b) Whenever a prisoner is committed to the custody of the Department
17 of Corrections for a crime that was committed during a period already con-
18 sidered at an initial parole hearing and upon a sentence consecutive to any
19 sentence imposed for crimes committed during that period, the board shall
20 conduct a hearing to consider the previously unconsidered crime. The hear-
21 ing shall be a hearing supplemental to the original initial hearing concern-
22 ing crimes committed during the period. Time limitations and other
23 procedural provisions applicable to initial hearings shall apply to a supple-
24 mental hearing under this subsection. Upon conclusion of the supplemental
25 hearing, the board shall redetermine the appropriate total term for the pe-
26 riod. The redetermination shall be conducted de novo under the provisions
27 of subsection (2) of this section.

28 (2) The method established by this section for determining, where appli-
29 cable, the total term resulting from the summing of consecutive sentences
30 shall apply only if none of the crimes involved is:

31 (a) Murder, as defined in ORS 163.115 or any aggravated form thereof;

- 1 (b) Assault in the first degree, as defined in ORS 163.185;
- 2 (c) Kidnapping in the first degree, as defined in ORS 163.235;
- 3 (d) Rape in the first degree, as defined in ORS 163.375;
- 4 (e) Sodomy in the first degree, as defined in ORS 163.405;
- 5 (f) Unlawful sexual penetration, as defined in ORS 163.411;
- 6 (g) Arson in the first degree, as defined in ORS 164.325; or
- 7 (h) Treason, as defined in ORS 166.005.

8 (3) The duration of imprisonment pursuant to consecutive sentences may
9 be less than the sum of the terms under subsection (1) of this section if the
10 board finds, by affirmative vote of a majority of *[its]* **at least three board**
11 **members**, that consecutive sentences are not appropriate penalties for the
12 criminal offenses involved and that the combined terms of imprisonment are
13 not necessary to protect community security.

14 (4) The *[State]* board *[of Parole and Post-Prison Supervision]* shall use the
15 method set forth in subsections (1) to (3) of this section to determine the
16 parole release date for any person serving a sentence in the custody of the
17 Department of Corrections for crimes committed before or after July 11, 1987.

18 **SECTION 7.** ORS 144.110 is amended to read:

19 144.110. (1) In any felony case, the court may impose a minimum term of
20 imprisonment of up to one-half of the sentence it imposes.

21 (2) Notwithstanding the provisions of ORS 144.120 and 144.780:

22 (a) The State Board of Parole and Post-Prison Supervision shall not re-
23 lease a prisoner on parole who has been sentenced under subsection (1) of
24 this section until the minimum term has been served, except upon affirmative
25 vote of a majority of *[the members of the board]* **at least three board**
26 **members**.

27 (b) The board shall not release a prisoner on parole:

28 (A) Who has been convicted of murder defined as aggravated murder un-
29 der the provisions of ORS 163.095, except as provided in ORS 163.105; or

30 (B) Who has been convicted of murder under the provisions of ORS
31 163.115, except as provided in ORS 163.115 (5)(c) to (f) **or 163.155 (6) to (8)**.

1 **SECTION 8.** ORS 144.783 is amended to read:

2 144.783. (1) When a prisoner is sentenced to two or more consecutive
3 terms of imprisonment, the duration of the term of imprisonment shall be the
4 sum of the terms set by the State Board of Parole and Post-Prison Super-
5 vision pursuant to the ranges established for the offenses, subject to ORS
6 144.079, and subject to the variations established pursuant to ORS 144.785 (1).

7 (2) The duration of imprisonment pursuant to consecutive sentences may
8 be less than the sum of the terms under subsection (1) of this section if the
9 board finds, by affirmative vote of a majority of *[its]* **at least three board**
10 members that consecutive sentences are not appropriate penalties for the
11 criminal offenses involved and that the combined terms of imprisonment are
12 not necessary to protect community security.

13 **SECTION 9.** ORS 163.105 is amended to read:

14 163.105. Notwithstanding the provisions of ORS chapter 144 and ORS
15 421.450 to 421.490:

16 (1)(a) Except as otherwise provided in ORS *[137.700]* **137.707**, when a de-
17 fendant is convicted of aggravated murder as defined by ORS 163.095, the
18 defendant shall be sentenced, pursuant to ORS 163.150, to death, life
19 imprisonment without the possibility of release or parole or life
20 imprisonment.

21 (b) A person sentenced to life imprisonment without the possibility of
22 release or parole under this section shall not have that sentence suspended,
23 deferred or commuted by any judicial officer, and the State Board of Parole
24 and Post-Prison Supervision may not parole the prisoner nor reduce the pe-
25 riod of confinement in any manner whatsoever. The Department of Cor-
26 rections or any executive official may not permit the prisoner to participate
27 in any sort of release or furlough program.

28 (c) If sentenced to life imprisonment, the court shall order that the de-
29 fendant shall be confined for a minimum of 30 years without possibility of
30 parole, release to post-prison supervision, release on work release or any
31 form of temporary leave or employment at a forest or work camp.

1 (2) At any time after completion of a minimum period of confinement
2 pursuant to subsection (1)(c) of this section, the State Board of Parole and
3 Post-Prison Supervision, upon the petition of a prisoner so confined, shall
4 hold a hearing to determine if the prisoner is likely to be rehabilitated
5 within a reasonable period of time. The sole issue is whether or not the
6 prisoner is likely to be rehabilitated within a reasonable period of time. At
7 the hearing, the prisoner has:

8 (a) The burden of proving by a preponderance of the evidence the likeli-
9 hood of rehabilitation within a reasonable period of time;

10 (b) The right, if the prisoner is without sufficient funds to employ an at-
11 torney, to be represented by legal counsel, appointed by the board, at board
12 expense; and

13 (c) The right to a subpoena upon a showing of the general relevance and
14 reasonable scope of the evidence sought, provided that any subpoena issued
15 on behalf of the prisoner must be issued by the State Board of Parole and
16 Post-Prison Supervision pursuant to rules adopted by the board.

17 (3) If, upon hearing all of the evidence, the board, upon a unanimous vote
18 of [*all of its*] **at least three board** members, finds that the prisoner is ca-
19 pable of rehabilitation and that the terms of the prisoner's confinement
20 should be changed to life imprisonment with the possibility of parole, release
21 to post-prison supervision or work release, it shall enter an order to that
22 effect and the order shall convert the terms of the prisoner's confinement to
23 life imprisonment with the possibility of parole, release to post-prison
24 supervision or work release and may set a release date. Otherwise the board
25 shall deny the relief sought in the petition.

26 (4) If the board denies the relief sought in the petition, the board shall
27 determine the date of the subsequent hearing, and the prisoner may petition
28 for an interim hearing, in accordance with ORS 144.285.

29 (5) The board's final order shall be accompanied by findings of fact and
30 conclusions of law. The findings of fact shall consist of a concise statement
31 of the underlying facts supporting the findings as to each contested issue of

1 fact and as to each ultimate fact required to support the board's order.

2 **SECTION 10.** ORS 163.115 is amended to read:

3 163.115. (1) Except as provided in ORS 163.118 and 163.125, criminal
4 homicide constitutes murder:

5 (a) When it is committed intentionally, except that it is an affirmative
6 defense that, at the time of the homicide, the defendant was under the in-
7 fluence of an extreme emotional disturbance;

8 (b) When it is committed by a person, acting either alone or with one or
9 more persons, who commits or attempts to commit any of the following
10 crimes and in the course of and in furtherance of the crime the person is
11 committing or attempting to commit, or during the immediate flight there-
12 from, the person, or another participant if there be any, causes the death of
13 a person other than one of the participants:

14 (A) Arson in the first degree as defined in ORS 164.325;

15 (B) Criminal mischief in the first degree by means of an explosive as de-
16 fined in ORS 164.365;

17 (C) Burglary in the first degree as defined in ORS 164.225;

18 (D) Escape in the first degree as defined in ORS 162.165;

19 (E) Kidnapping in the second degree as defined in ORS 163.225;

20 (F) Kidnapping in the first degree as defined in ORS 163.235;

21 (G) Robbery in the first degree as defined in ORS 164.415;

22 (H) Any felony sexual offense in the first degree defined in this chapter;

23 (I) Compelling prostitution as defined in ORS 167.017; or

24 (J) Assault in the first degree, as defined in ORS 163.185, and the victim
25 is under 14 years of age, or assault in the second degree, as defined in ORS
26 163.175 (1)(a) or (b), and the victim is under 14 years of age; or

27 (c) By abuse when a person, recklessly under circumstances manifesting
28 extreme indifference to the value of human life, causes the death of a child
29 under 14 years of age or a dependent person, as defined in ORS 163.205, and:

30 (A) The person has previously engaged in a pattern or practice of assault
31 or torture of the victim or another child under 14 years of age or a dependent

1 person; or

2 (B) The person causes the death by neglect or maltreatment.

3 (2) An accusatory instrument alleging murder by abuse under subsection
4 (1)(c) of this section need not allege specific incidents of assault or torture.

5 (3) It is an affirmative defense to a charge of violating subsection (1)(b)
6 of this section that the defendant:

7 (a) Was not the only participant in the underlying crime;

8 (b) Did not commit the homicidal act or in any way solicit, request,
9 command, importune, cause or aid in the commission thereof;

10 (c) Was not armed with a dangerous or deadly weapon;

11 (d) Had no reasonable ground to believe that any other participant was
12 armed with a dangerous or deadly weapon; and

13 (e) Had no reasonable ground to believe that any other participant in-
14 tended to engage in conduct likely to result in death.

15 (4) It is an affirmative defense to a charge of violating subsection (1)(c)(B)
16 of this section that the victim was a dependent person who was at least 18
17 years of age and was under care or treatment solely by spiritual means
18 pursuant to the religious beliefs or practices of the dependent person or the
19 guardian of the dependent person.

20 [(5)(a)] **(5)** Except as otherwise provided in ORS 163.155[,]:

21 (a) A person convicted of murder, who was at least 15 years of age at the
22 time of committing the murder, shall be punished by imprisonment for life.

23 (b) When a defendant is convicted of murder under this section, the court
24 shall order that the defendant shall be confined for a minimum of 25 years
25 without possibility of parole, release to post-prison supervision, release on
26 work release or any form of temporary leave or employment at a forest or
27 work camp.

28 (c) At any time after completion of a minimum period of confinement
29 pursuant to paragraph (b) of this subsection, the State Board of Parole and
30 Post-Prison Supervision, upon the petition of a prisoner so confined, shall
31 hold a hearing to determine if the prisoner is likely to be rehabilitated

1 within a reasonable period of time. The sole issue is whether the prisoner
2 is likely to be rehabilitated within a reasonable period of time. At the
3 hearing the prisoner has:

4 (A) The burden of proving by a preponderance of the evidence the likeli-
5 hood of rehabilitation within a reasonable period of time;

6 (B) The right, if the prisoner is without sufficient funds to employ an
7 attorney, to be represented by legal counsel, appointed by the board, at board
8 expense; and

9 (C) The right to a subpoena upon a showing of the general relevance and
10 reasonable scope of the evidence sought, provided that any subpoena issued
11 on behalf of the prisoner must be issued by the State Board of Parole and
12 Post-Prison Supervision pursuant to rules adopted by the board.

13 (d) If, upon hearing all of the evidence, the board, upon a unanimous vote
14 of [*all of its*] **at least three board** members, finds that the prisoner is ca-
15 pable of rehabilitation and that the terms of the prisoner's confinement
16 should be changed to life imprisonment with the possibility of parole, release
17 to post-prison supervision or work release, it shall enter an order to that
18 effect and the order shall convert the terms of the prisoner's confinement to
19 life imprisonment with the possibility of parole, release to post-prison
20 supervision or work release and may set a release date. Otherwise, the board
21 shall deny the relief sought in the petition.

22 (e) If the board denies the relief sought in the petition, the board shall
23 determine the date of the subsequent hearing, and the prisoner may petition
24 for an interim hearing, in accordance with ORS 144.285.

25 (f) The board's final order shall be accompanied by findings of fact and
26 conclusions of law. The findings of fact shall consist of a concise statement
27 of the underlying facts supporting the findings as to each contested issue of
28 fact and as to each ultimate fact required to support the board's order.

29 (6) As used in this section:

30 (a) "Assault" means [*to intentionally, knowingly or recklessly cause*] **the**
31 **intentional, knowing or reckless causation of** physical injury to another

1 person. “Assault” does not include the [*causing*] **causation** of physical injury
2 in a motor vehicle accident that occurs by reason of the reckless conduct
3 of a defendant.

4 (b) “Neglect or maltreatment” means a violation of ORS 163.535, 163.545
5 or 163.547 or a failure to provide adequate food, clothing, shelter or medical
6 care that is likely to endanger the health or welfare of a child under 14 years
7 of age or a dependent person. This paragraph is not intended to replace or
8 affect the duty or standard of care required under ORS chapter 677.

9 (c) “Pattern or practice” means one or more previous episodes.

10 (d) “Torture” means [*to intentionally inflict*] **the intentional infliction**
11 **of** intense physical pain upon an unwilling victim as a separate objective
12 apart from any other purpose.

13 **SECTION 11.** ORS 163.155 is amended to read:

14 163.155. (1) When a defendant, who was at least 15 years of age at the
15 time of committing the murder, is convicted of murdering a pregnant victim
16 under ORS 163.115 (1)(a) and the defendant knew that the victim was preg-
17 nant, the defendant shall be sentenced to life imprisonment without the
18 possibility of release or parole or to life imprisonment. The court shall con-
19 duct a sentencing proceeding to determine whether the defendant shall be
20 sentenced to life imprisonment without the possibility of release or parole
21 as described in subsection (4) of this section or to life imprisonment as de-
22 scribed in subsection (5) of this section. If the defendant waives all rights
23 to a jury sentencing proceeding, the court shall conduct the sentencing pro-
24 ceeding as the trier of fact. The procedure for the sentencing proceeding,
25 whether before a court or a jury, shall follow the procedure of ORS 163.150
26 (1)(a), as modified by this section.

27 (2) Following the presentation of evidence and argument under subsection
28 (1) of this section, the court shall instruct the jury that the trial court shall
29 sentence the defendant to life imprisonment without the possibility of release
30 or parole as described in subsection (4) of this section, unless after consid-
31 ering all of the evidence submitted, 10 or more members of the jury find

1 there are sufficient mitigating circumstances to warrant life imprisonment
2 with the possibility of release or parole as described in subsection (5) of this
3 section. If 10 or more members of the jury do not find there are sufficient
4 mitigating circumstances to warrant life imprisonment with the possibility
5 of release or parole, the trial court shall sentence the defendant to life
6 imprisonment without the possibility of release or parole as described in
7 subsection (4) of this section. If 10 or more members of the jury find there
8 are sufficient mitigating circumstances to warrant life imprisonment with
9 the possibility of release or parole, the trial court shall sentence the de-
10 fendant to life imprisonment as described in subsection (5) of this section.

11 (3) Nothing in this section precludes the court from sentencing the de-
12 fendant to life imprisonment, as described in subsection (5) of this section,
13 or life imprisonment without the possibility of release or parole, as described
14 in subsection (4) of this section, pursuant to a stipulation of sentence or
15 stipulation of sentencing facts agreed to and offered by both parties if the
16 defendant waives all rights to a jury sentencing proceeding.

17 (4) A sentence of life imprisonment without the possibility of release or
18 parole under this section may not be suspended, deferred or commuted by any
19 judicial officer, and the State Board of Parole and Post-Prison Supervision
20 may neither parole the prisoner nor reduce the period of confinement in any
21 manner whatsoever. The Department of Corrections or any executive official
22 may not permit the prisoner to participate in any sort of release or furlough
23 program.

24 (5) If the defendant is sentenced to life imprisonment, the court shall or-
25 der that the defendant be confined for a minimum of 30 years without pos-
26 sibility of parole, release to post-prison supervision, release on work release
27 or any form of temporary leave or employment at a forest or work camp.

28 (6) At any time after completion of the minimum period of confinement
29 pursuant to subsection (5) of this section, the board, upon the petition of a
30 prisoner so confined, shall hold a hearing to determine if the prisoner is
31 likely to be rehabilitated within a reasonable period of time. The sole issue

1 shall be whether the prisoner is likely to be rehabilitated within a reason-
2 able period of time. The proceeding shall be conducted in the manner pre-
3 scribed for a contested case hearing under ORS chapter 183, except that:

4 (a) The prisoner has the burden of proving by a preponderance of the
5 evidence the likelihood of rehabilitation within a reasonable period of time;

6 (b) The prisoner has the right, if the prisoner is without sufficient funds
7 to employ an attorney, to be represented by legal counsel, appointed by the
8 board, at board expense; and

9 (c) The prisoner has the right to a subpoena upon a showing of the gen-
10 eral relevance and reasonable scope of the evidence sought, provided that
11 any subpoena issued on behalf of the prisoner must be issued by the board
12 pursuant to rules adopted by the board.

13 (7) If, upon hearing all of the evidence, the board, upon a unanimous vote
14 of [*all of its*] **at least three board** members, finds that the prisoner is ca-
15 pable of rehabilitation and that the terms of the prisoner's confinement
16 should be changed to life imprisonment with the possibility of parole, release
17 on post-prison supervision or work release, it shall enter an order to that
18 effect and the order shall convert the terms of the prisoner's confinement to
19 life imprisonment with the possibility of parole, release on post-prison
20 supervision or work release and may set a release date. Otherwise the board
21 shall deny the relief sought in the petition.

22 (8) Not less than two years after the denial of the relief sought in a pe-
23 tition under this section, the prisoner may petition again for a change in the
24 terms of confinement. Further petitions for a change may be filed at inter-
25 vals of not less than two years thereafter.

26
