
MEMORANDUM

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To: Public Safety Subcommittee

From: Linda Gilbert, Legislative Fiscal Office
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Date: June 17, 2015

Subject: HB 3503 – Family Sentencing Alternative Pilot Program
Work Session Recommendations

HB 3503 establishes the Family Sentencing Alternative Pilot Program in participating counties. The Program diverts certain offenders from prison to probation. The measure requires that an offender has custody over a minor child at the time of the offense and disqualifies an offender if the offense requires a mandatory sentence. Also, an offender is disqualified if that person has ever been convicted of or is currently being sentenced for a sex crime or a person felony.

The bill authorizes specific conditions when appropriate, including geographical restrictions, vocational training, parenting classes, substance abuse treatment, mental health treatment, and life skills classes. If the offender does not comply with the terms of the probation, the court may revoke probation and impose a prison sentence.

The expected participating counties are Deschutes, Jackson, Marion, Multnomah, and Washington, and the total assumed caseload is 120 offenders.

The measure previously had hearings in the House Judiciary Committee on March 31 and April 20, 2015, passing out on a 9-0 vote. The measure, the original staff measure summary, and the fiscal impact statement are available on the Oregon Legislative Information System (OLIS).

The –A6 amendment provides appropriation language. The total fiscal impact of the bill is \$2,000,000 General Fund.

\$1,895,450 is appropriated to the Department of Corrections to pay for:

- a probation officer in each county to cover the additional, specialized caseload, starting January 1, 2016,
- increased probation caseload costs to the Community Corrections system in the participating counties,
- additional treatment and housing costs appropriate to the program, and

- a limited duration administrative specialist within the Department of Corrections, effective December 1, 2015.
- There is an expected offset in avoided DOC bed costs. In 2015-17, the estimate is around \$200,000 and \$1.6 million in 2017-19.

\$104,550 General Fund is appropriated to the Department of Human Services for a coordinating position, Operations and Policy Analyst 3, effective January 1, 2016. The General Fund is matched by \$44,655 Title IV-E Federal Funds.

Move the –A6 amendment to House Bill 3503.

HB 3503 Final Subcommittee Action:

The measure, as amended, is recommended to be moved to the Joint Committee on Ways and Means

Final Motion:

Move HB 3503, as amended, to the Joint Committee on Ways and Means, with a Do Pass recommendation.

Carriers:

Full _____

House _____

Senate _____

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3503**

1 On page 1 of the printed A-engrossed bill, delete lines 4 through 23 and
2 delete pages 2 and 3 and insert:

3 **“SECTION 1. (1) The Department of Corrections, in partnership**
4 **with the circuit court and county community corrections agencies of**
5 **participating counties and the Department of Human Services, shall**
6 **establish the Family Sentencing Alternative Pilot Program.**

7 **“(2) A defendant is eligible for the Family Sentencing Alternative**
8 **Pilot Program if:**

9 **“(a) The defendant’s presumptive sentence under the sentencing**
10 **guidelines of the Oregon Criminal Justice Commission is a term of**
11 **imprisonment in the legal and physical custody of the Department of**
12 **Corrections of at least one year;**

13 **“(b) The defendant has not previously been convicted of, and is not**
14 **currently being sentenced for:**

15 **“(A) A person felony as defined in the rules of the Oregon Criminal**
16 **Justice Commission;**

17 **“(B) A sex crime as defined in ORS 181.805; or**

18 **“(C) An offense requiring a specified sentence under ORS 137.635,**
19 **137.700, 137.707, 164.061, 475.907, 475.925, 475.930 or 813.010; and**

20 **“(c) The defendant is the parent or legal guardian of a minor child**
21 **and had physical custody of the child at the time of the offense.**

22 **“(3) If the defendant meets the eligibility requirements described in**

1 subsection (2) of this section and receives a downward dispositional
2 departure under the rules of the Oregon Criminal Justice Commission,
3 the court may order that the defendant sign a release authorizing the
4 Department of Human Services to provide the community corrections
5 agency with written confirmation of, and consultation concerning, any
6 open or current juvenile dependency proceeding or any prior substan-
7 tiated allegation of abuse or neglect involving the defendant and a
8 minor child.

9 “(4) After receipt of the information described in subsection (3) of
10 this section, the community corrections agency, in consultation with
11 the Department of Human Services, shall determine if the Family
12 Sentencing Alternative Pilot Program is an appropriate program for
13 the defendant and, if the program is appropriate, require participation
14 in the program for the first 12 months of the probationary sentence.
15 In addition to the conditions of probation ordered under ORS 137.540,
16 the defendant may be required to comply with any additional condi-
17 tions related to the program, including but not limited to:

18 “(a) Geographical restrictions, including house arrest and electronic
19 surveillance;

20 “(b) Participation in vocational training; and

21 “(c) Completion of:

22 “(A) Parenting skills classes;

23 “(B) Drug or alcohol treatment;

24 “(C) Mental health treatment; or

25 “(D) Life skills classes.

26 “(5) The Department of Human Services and community corrections
27 agencies shall cooperate with the Department of Corrections in im-
28 plementing the Family Sentencing Alternative Pilot Program described
29 in this section.

30 “(6) The Department of Human Services and the Department of

1 Corrections shall jointly submit a report concerning the Family Sen-
2 tencing Alternative Pilot Program, which must include program out-
3 comes and data related to the efficacy of the program, and which may
4 include recommendations for legislation in the manner provided by
5 ORS 192.245, to the interim committees of the Legislative Assembly
6 related to the judiciary no later than January 1, 2017.

7 **“SECTION 2. (1) In addition to and not in lieu of any other appro-**
8 **priation, there is appropriated to the Department of Corrections, for**
9 **the biennium beginning July 1, 2015, out of the General Fund, the**
10 **amount of \$1,895,450 for the purpose of carrying out the provisions of**
11 **section 1 of this 2015 Act.**

12 **“(2) The Department of Corrections shall use a portion of the**
13 **moneys appropriated under subsection (1) of this section to fund a**
14 **probation officer in each participating county who will supervise the**
15 **participants in the program described in section 1 of this 2015 Act. The**
16 **remaining appropriated moneys shall be used for program services in-**
17 **cluding, but not limited to, housing.**

18 **“SECTION 3. (1) In addition to and not in lieu of any other appro-**
19 **priation, there is appropriated to the Department of Human Services,**
20 **for the biennium beginning July 1, 2015, out of the General Fund, the**
21 **amount of \$104,550 for the purpose of carrying out the provisions of**
22 **section 1 of this 2015 Act.**

23 **“(2) Notwithstanding any other law limiting expenditures, the**
24 **amount of \$44,655 is established for the biennium beginning July 1,**
25 **2015, as the maximum limit for payment of expenses from federal**
26 **funds collected or received by the Department of Human Services for**
27 **the purpose of carrying out the provisions of section 1 of this 2015 Act.**

28 **“SECTION 4. Section 1 of this 2015 Act is repealed on July 1,**
29 **2025.”.**

30

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: HB 3503 - A6**Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office**Only Impacts on Original or Engrossed
Versions are Considered Official**Prepared by: John Terpening
Reviewed by: Laurie Byerly, Linda Gilbert
Date: 6-17-2015**Measure Description:**

Directs Department of Corrections to establish Family Sentencing Alternative Pilot Program in partnership with circuit courts, county community corrections agencies and Department of Human Services.

Government Unit(s) Affected:

Department of Corrections, Department of Human Services (DHS), Counties

Summary of Expenditure Impact:

Agency – Fund Type	2015-2017 Biennium	2017-2019 Biennium
Department of Corrections – General Fund		
DOC Position Costs	\$122,692	\$147,876
Distribution to Counties – Probation Position Costs	\$649,537	\$821,996
Distribution to Counties – Program Costs	\$1,123,221	\$909,324
Department of Correction – Total	\$1,895,450	\$1,879,196
Positions / FTE	6 / 3.96	6 / 5.00
Department of Human Services – General Fund	\$104,550	\$120,804
Department of Human Services – Federal Fund	\$44,655	\$59,604
Department of Human Services – Total	\$149,205	\$199,161
Positions / FTE	1 / 0.75	1 / 1.00

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

The measure directs the Department of Corrections (DOC) to establish the Family Sentencing Alternative Pilot Program in partnership with circuit courts and county community corrections agencies of participating counties and the Department of Human Services. The measure specifies the eligibility requirements of offenders to enter the program and directs DOC and the Department of Human Services (DHS) to report on the program to the legislature no later than January 1, 2017. The measure is effective January 1, 2016 and sunsets July 1, 2025.

The Criminal Justice Commission (CJC) and DOC anticipate Deschutes, Jackson, Marion, Multnomah and Washington counties will participate in the program. The assumed caseload for this program is about 120 participants each year, estimating 30 each from Marion, Multnomah, and Washington and 15 each from Deschutes and Jackson.

The measure provides funding for a probation officer for each of the participating counties, assumed to be 1.00 FTE for Marion, Multnomah, and Washington, and 0.50 FTE for Jackson and Deschutes for the lower caseload. In addition, DOC anticipates the need for one full-time limited duration Administrative

Specialist position to coordinate the program beginning December 1, 2015, with the first participants coming into the program from offenders sentenced after January 1, 2016.

The measure assumes \$2 million total GF for the program, which includes the costs of positions in DOC, DHS, and the county probation officers, as well as program costs.

DHS will utilize the limitation provided in the measure to fund a full-time Operations and Policy Analyst 3 position to coordinate the program and report back to the Legislature on its status. The position will start January 1, 2016 and will be able to utilize a portion of available Title IV-E funds for this program.