

# House Bill 3373

Sponsored by Representative FREDERICK; Representative WITT

## 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**.

Requires that value of returned funds taken as cash from person in custody must be equal to value of cash taken. Prohibits return of funds by payment card that decreases in value over time when not used or that imposes fee for use.

## A BILL FOR AN ACT

1  
2 Relating to property of persons in custody; creating new provisions; and amending ORS 169.076.

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

4 **SECTION 1. (1)(a) If a local correctional facility, lockup facility or peace officer returns**  
5 **or releases funds that were taken or received as cash from a person in custody under ORS**  
6 **133.455, the returned or released funds must be in an amount equal to the value of cash that**  
7 **was originally taken or received.**

8 **(b) The funds described in paragraph (a) of this subsection may not be returned or re-**  
9 **leased in the form of a debit card or stored value card that decreases in value over time**  
10 **when not used or that imposes a fee when the card is used in a transaction.**

11 **(2) As used in this section:**

12 **(a) "Local correctional facility" has the meaning given that term in ORS 169.005.**

13 **(b) "Lockup" has the meaning given that term in ORS 169.005.**

14 **(c) "Peace officer" has the meaning given that term in ORS 133.005.**

15 **(d) "Transaction" includes a purchase, a funds withdrawal or transfer and a card balance**  
16 **inquiry.**

17 **SECTION 2. ORS 169.076, as amended by section 29, chapter 45, Oregon Laws 2014, is amended**  
18 **to read:**

19 169.076. Each local correctional facility shall:

20 (1) Provide sufficient staff to perform all audio and visual functions involving security, control,  
21 custody and supervision of all confined detainees and prisoners, with personal inspection at least  
22 once each hour. The supervision may include the use of electronic monitoring equipment when ap-  
23 proved by the Department of Corrections and the governing body of the jurisdiction in which the  
24 facility is located.

25 (2) Have a comprehensive written policy with respect to:

26 (a) Legal confinement authority.

27 (b) Denial of admission.

28 (c) Telephone calls.

29 (d) Admission and release medical procedures.

30 (e) Medication and prescriptions.

31 (f) Personal property accountability which complies with ORS 133.455.

**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 (g) Vermin and communicable disease control.
- 2 (h) Release process to include authority, identification and return of personal property **that**
- 3 **complies with section 1 of this 2015 Act.**
- 4 (i) Rules of the facility governing correspondence and visitations.
- 5 (3) Formulate and publish plans to meet emergencies involving escape, riots, assaults, fires, re-
- 6 bellions and other types of emergencies; and regulations for the operation of the facility.
- 7 (4) Not administer any physical punishment to any prisoner at any time.
- 8 (5) Provide for emergency medical and dental health, having written policies providing for:
- 9 (a) Review of the facility's medical and dental plans by a licensed physician, physician assistant
- 10 or nurse practitioner.
- 11 (b) The security of medication and medical supplies.
- 12 (c) A medical and dental record system to include request for medical and dental attention,
- 13 treatment prescribed, prescriptions, special diets and other services provided.
- 14 (d) First aid supplies and staff first aid training.
- 15 (6) Prohibit firearms from the security area of the facility except in times of emergency as de-
- 16 termined by the administrator of the facility.
- 17 (7) Ensure that confined detainees and prisoners:
- 18 (a) Will be fed daily at least three meals served at regular times, with no more than 14 hours
- 19 between meals except when routinely absent from the facility for work or other purposes.
- 20 (b) Will be fed nutritionally adequate meals in accordance with a plan reviewed by a registered
- 21 dietitian or the Oregon Health Authority.
- 22 (c) Be provided special diets as prescribed by the facility's designated physician, physician as-
- 23 sistant or nurse practitioner.
- 24 (d) Shall have food procured, stored, prepared, distributed and served under sanitary conditions,
- 25 as defined by the authority under ORS 624.041.
- 26 (8) Ensure that the facility be clean, and provide each confined detainee or prisoner:
- 27 (a) Materials to maintain personal hygiene.
- 28 (b) Clean clothing twice weekly.
- 29 (c) Mattresses and blankets that are clean and fire-retardant.
- 30 (9) Require each prisoner to shower at least twice weekly.
- 31 (10) Forward, without examination or censorship, each prisoner's outgoing written communi-
- 32 cations to the Governor, jail administrator, Attorney General, judge, Department of Corrections or
- 33 the attorney of the prisoner.
- 34 (11) Keep the facility safe and secure in accordance with the State of Oregon Structural Spe-
- 35 cialty Code and Fire and Life Safety Code.
- 36 (12) Have and provide each prisoner with written rules for inmate conduct and disciplinary
- 37 procedures. If a prisoner cannot read or is unable to understand the written rules, the information
- 38 shall be conveyed to the prisoner orally.
- 39 (13) Not restrict the free exercise of religion unless failure to impose the restriction will cause
- 40 a threat to facility or order.
- 41 (14) Safeguard and ensure that the prisoner's legal rights to access to legal materials are pro-
- 42 tected.
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