

A-Engrossed
House Bill 3503

Ordered by the House April 27
Including House Amendments dated April 27

Sponsored by Representatives WILLIAMSON, OLSON

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.

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. Specifies requirements of defendants entering program. Authorizes court to sentence defendant to probation with [*certain conditions and monitor defendant's progress in program*] **mandatory participation in program for first 12 months of probation.**

[*Authorizes Department of Corrections to increase reduction in term of imprisonment if inmate meets certain criteria.*]

Appropriates moneys to Department of Corrections and Department of Human Services for purpose of implementing program.

Sunsets July 1, 2025.

A BILL FOR AN ACT

1
2 Relating to offenders with minor children.

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

4 **SECTION 1. (1) The Department of Corrections, in partnership with the circuit court of**
5 **each county, county community corrections agencies and the Department of Human Ser-**
6 **vices, shall establish the Family Sentencing Alternative Pilot Program.**

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

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

11 **(b) The defendant has never been convicted of:**

12 **(A) A person felony as defined in the rules of the Oregon Criminal Justice Commission;**
13 **or**

14 **(B) A sex crime as defined in ORS 181.805;**

15 **(c) The defendant is not being sentenced for an offense requiring a specified sentence**
16 **under ORS 137.635, 137.700, 137.707, 164.061, 475.907, 475.925, 475.930 or 813.010; and**

17 **(d) The defendant is the parent or legal guardian of a minor child and had physical cus-**
18 **tody of the child at the time of the offense.**

19 **(3) If the defendant meets the eligibility requirements described in subsection (2) of this**
20 **section and receives a downward dispositional departure under the rules of the Oregon**
21 **Criminal Justice Commission, the court may order that the Department of Human Services**
22 **provide the court with information concerning any open or current juvenile dependency**
23 **proceeding or any prior substantiated allegation of abuse or neglect involving the defendant**

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 and a minor child. As a requirement for entering the Family Sentencing Alternative Pilot
2 Program, the court may order the defendant to sign a release authorizing the department
3 to provide the court with the required information.

4 (4) After receipt of the information described in subsection (3) of this section, the court
5 shall determine if the Family Sentencing Alternative Pilot Program is an appropriate sen-
6 tence for the defendant. When making the determination, the court shall consider:

7 (a) The information described in subsection (3) of this section and the defendant's crim-
8 inal history;

9 (b) Input from the victim, if any; and

10 (c) Whether the program is likely to facilitate the rehabilitation of the defendant and
11 promote the well-being of the defendant's minor child.

12 (5) If the court determines that the Family Sentencing Alternative Pilot Program is an
13 appropriate sentence for the defendant, the court shall sentence the defendant to a term of
14 probation consistent with the rules of the Oregon Criminal Justice Commission, with man-
15 datory participation in the program for the first 12 months of the probationary sentence. The
16 court may order conditions of probation under ORS 137.540 and may impose any additional
17 conditions it considers appropriate including, but not limited to:

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

19 (b) Participation in vocational training; and

20 (c) Completion of:

21 (A) Parenting skills classes;

22 (B) Drug or alcohol treatment;

23 (C) Mental health treatment; or

24 (D) Life skills classes.

25 (6) The Department of Human Services and community corrections agencies shall coop-
26 erate with the Department of Corrections in implementing the program described in this
27 section.

28 (7) The Department of Human Services shall submit a report concerning the program,
29 including program outcomes and data related to the efficacy of the program, and which may
30 include recommendations for legislation in the manner provided by ORS 192.245, to the in-
31 terim committees of the Legislative Assembly related to the judiciary no later than January
32 1, 2017.

33 **SECTION 2.** (1) In addition to and not in lieu of any other appropriation, there is appro-
34 priated to the Department of Corrections, for the biennium beginning July 1, 2015, out of the
35 General Fund, the amount of _____ for the purpose of carrying out the provisions
36 of section 1 of this 2015 Act.

37 (2) The Department of Corrections shall use a portion of the moneys appropriated under
38 subsection (1) of this section to fund a full-time equivalent position for a probation officer
39 in each county who will supervise the participants in the program described in section 1 of
40 this 2015 Act.

41 **SECTION 3.** (1) In addition to and not in lieu of any other appropriation, there is appro-
42 priated to the Department of Human Services, for the biennium beginning July 1, 2015, out
43 of the General Fund, the amount of _____ for the purpose of carrying out the pro-
44 visions of section 1 of this 2015 Act.

45 (2) The Department of Human Services shall use a portion of the moneys appropriated

1 **under subsection (1) of this section to fund one-half of a full-time equivalent position to co-**
2 **ordinate the implementation of the program described in section 1 of this 2015 Act.**

3 **SECTION 4. Section 1 of this 2015 Act is repealed on July 1, 2025.**

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