

B-Engrossed
House Bill 3503

Ordered by the House June 25
Including House Amendments dated April 27 and June 25

Sponsored by Representatives WILLIAMSON, OLSON; Representatives BARKER, BARRETO, BENTZ, BOONE, BUEHLER, DAVIS, DOHERTY, ESQUIVEL, EVANS, FAGAN, FREDERICK, GILLIAM, GORSEK, GREENLICK, HACK, HEARD, HELM, HUFFMAN, JOHNSON, KENNEMER, KOMP, KRIEGER, LININGER, MCLAIN, NATHANSON, PILUSO, POST, SMITH, SMITH WARNER, SPRENGER, STARK, TAYLOR, WEIDNER, WHITSETT, WILSON

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 mandatory participation in program for first 12 months of probation.

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 and**
5 **county community corrections agencies of participating counties and the Department of**
6 **Human Services, 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 not previously been convicted of, and is not currently being sen-**
12 **tenced for:**

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

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

15 **(C) An offense requiring a specified sentence under ORS 137.635, 137.700, 137.707, 164.061,**
16 **475.907, 475.925, 475.930 or 813.010; and**

17 **(c) 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 defendant sign a release au-**
22 **thorizing the Department of Human Services to provide the community corrections agency**
23 **with written confirmation of, and consultation concerning, any open or current juvenile de-**

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 pendency proceeding or any prior substantiated allegation of abuse or neglect involving the
2 defendant and a minor child.

3 (4) After receipt of the information described in subsection (3) of this section, the com-
4 munity corrections agency, in consultation with the Department of Human Services, shall
5 determine if the Family Sentencing Alternative Pilot Program is an appropriate program for
6 the defendant and, if the program is appropriate, require participation in the program for the
7 first 12 months of the probationary sentence. In addition to the conditions of probation or-
8 dered under ORS 137.540, the defendant may be required to comply with any additional con-
9 ditions related to the program, including but not limited to:

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

11 (b) Participation in vocational training; and

12 (c) Completion of:

13 (A) Parenting skills classes;

14 (B) Drug or alcohol treatment;

15 (C) Mental health treatment; or

16 (D) Life skills classes.

17 (5) The Department of Human Services and community corrections agencies shall coop-
18 erate with the Department of Corrections in implementing the Family Sentencing Alterna-
19 tive Pilot Program described in this section.

20 (6) The Department of Human Services and the Department of Corrections shall jointly
21 submit a report concerning the Family Sentencing Alternative Pilot Program, which must
22 include program outcomes and data related to the efficacy of the program, and which may
23 include recommendations for legislation in the manner provided by ORS 192.245, to the in-
24 terim committees of the Legislative Assembly related to the judiciary no later than January
25 1, 2017.

26 **SECTION 2.** (1) In addition to and not in lieu of any other appropriation, there is appro-
27 priated to the Department of Corrections, for the biennium beginning July 1, 2015, out of the
28 General Fund, the amount of \$1,895,450 for the purpose of carrying out the provisions of
29 section 1 of this 2015 Act.

30 (2) The Department of Corrections shall use a portion of the moneys appropriated under
31 subsection (1) of this section to fund a probation officer in each participating county who
32 will supervise the participants in the program described in section 1 of this 2015 Act. The
33 remaining appropriated moneys shall be used for program services including, but not limited
34 to, housing.

35 **SECTION 3.** (1) In addition to and not in lieu of any other appropriation, there is appro-
36 priated to the Department of Human Services, for the biennium beginning July 1, 2015, out
37 of the General Fund, the amount of \$104,550 for the purpose of carrying out the provisions
38 of section 1 of this 2015 Act.

39 (2) Notwithstanding any other law limiting expenditures, the amount of \$44,655 is estab-
40 lished for the biennium beginning July 1, 2015, as the maximum limit for payment of expenses
41 from federal funds collected or received by the Department of Human Services for the pur-
42 pose of carrying out the provisions of section 1 of this 2015 Act.

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

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