

Enrolled
Senate Bill 199

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CHAPTER

AN ACT

Relating to prisoners of the Department of Corrections; amending ORS 144.122, 144.126 and 144.750.

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

SECTION 1. ORS 144.122 is amended to read:

144.122. (1) After the initial parole release date has been set under ORS 144.120 and after a minimum period of time established by the State Board of Parole and Post-Prison Supervision under subsection (2)(a) of this section, the prisoner may request that the parole release date be reset to an earlier date. The board may grant the request upon a determination by the board that continued incarceration is cruel and inhumane and that resetting the release date to an earlier date is not incompatible with the best interests of the prisoner and society and that the prisoner:

- (a) Has demonstrated an extended course of conduct indicating outstanding reformation;
- (b) Suffers from a severe medical condition including terminal illness; or
- (c) Is elderly and is permanently incapacitated in such a manner that the prisoner is unable to move from place to place without the assistance of another person.

(2) The Advisory Commission on Prison Terms and Parole Standards may propose to the board and the board shall adopt rules:

- (a) Establishing minimum periods of time to be served by prisoners before application may be made for a reset of release date under subsection (1) of this section;
- (b) Detailing the criteria set forth under subsection (1) of this section for the resetting of a parole release date; and
- (c) Establishing criteria for parole release plans for prisoners released under this section that, at a minimum, must [*insure*] **ensure** appropriate supervision and services for the person released.

(3) The provisions of subsection (1)(b) of this section apply to prisoners sentenced in accordance with ORS 161.610.

(4) The provisions of this section do not apply to prisoners sentenced to life imprisonment without the possibility of release or parole under ORS 138.012 or 163.150.

(5) If the victim has requested notification of the release of the prisoner, the board shall notify the victim as described in ORS 144.750 (3) prior to any hearing or administrative decision under this section.

SECTION 2. ORS 144.126 is amended to read:

144.126. (1) The State Board of Parole and Post-Prison Supervision may advance the release date of a prisoner who was sentenced in accordance with rules of the Oregon Criminal Justice Commission or ORS 161.610. The release date may be advanced if the board determines that continued

incarceration is cruel and inhumane and that advancing the release date of the prisoner is not incompatible with the best interests of the prisoner and society and that the prisoner is:

- (a) Suffering from a severe medical condition including terminal illness; or
- (b) Elderly and permanently incapacitated in such a manner that the prisoner is unable to move from place to place without the assistance of another person.

(2) The board shall adopt rules establishing criteria for release plans for prisoners released under this section that, at a minimum, must insure appropriate supervision and services for the person released.

(3) The provisions of this section do not apply to prisoners sentenced to life imprisonment without the possibility of release or parole under ORS 138.012 or 163.150.

(4) If the victim has requested notification of the release of the prisoner, the board shall notify the victim as described in ORS 144.750 (3) prior to any hearing or administrative decision under this section.

SECTION 3. ORS 144.750 is amended to read:

144.750. (1) To accord crime victims due dignity and respect, a victim of a crime that is the subject of a proceeding conducted by the State Board of Parole and Post-Prison Supervision has the following rights:

- (a) The right to be reasonably protected from the offender during the proceeding;
- (b) The right to attend the proceeding in person or, at the discretion of the victim and with advance notice to the board, to attend the proceeding by alternative means; and
- (c) The right to request the district attorney of the county in which the offender was convicted, in the discretion of the district attorney, to participate in the proceeding.

(2)(a) The board must make a reasonable effort to notify the district attorney of the county in which the offender was convicted and the victim, if the victim requests to be notified and furnishes the board a current address, of any hearing conducted by the board. The board shall send written notice to the current addresses of the district attorney and the victim no later than 30 days before the hearing.

(b) The victim, personally or by counsel, and the district attorney of the county in which the offender was convicted have the right to appear at a hearing conducted by the board and may submit written and oral statements adequately and reasonably expressing any views concerning the crime and the offender.

(c) The victim, personally or by counsel, and the district attorney of the county in which the offender was convicted shall be given access to the information that the board will rely upon in the hearing. The victim and the district attorney shall be given adequate time to rebut the information. The victim or the district attorney may request that the board, in the discretion of the board, obtain and consider additional records, evaluations or other documents.

(3) The board must make a reasonable effort to notify the victim, if the victim requests to be notified and furnishes the board with a current address, of any hearing or administrative decision making process resetting or advancing a release date pursuant to ORS 144.122 or 144.126.

~~[(3)(a)]~~ **(4)(a)** A supervisory authority must make a reasonable effort to notify the victim, if the victim requests to be notified and furnishes the supervisory authority a current address, of any contested hearing conducted by the supervisory authority. The supervisory authority shall send written notice to the current address of the victim as soon as practicable.

(b) The victim, personally or by counsel, has the right to appear at a contested hearing conducted by the supervisory authority and may submit written and oral statements adequately and reasonably expressing any views concerning the crime and the offender.

(c) The victim, personally or by counsel, shall be given access to information that the supervisory authority will rely upon in the contested hearing. The victim shall be given adequate time to rebut the information. The victim may request that the supervisory authority, in the discretion of the supervisory authority, obtain and consider additional records, evaluations or other documents.

[(4)] (5) For purposes of this section, the victim may appear personally through the victim's next of kin or a representative selected by the victim.

Passed by Senate April 7, 2015

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 21, 2015

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Tina Kotek, Speaker of House

Received by Governor:

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Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

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Jeanne P. Atkins, Secretary of State