

D R A F T

SUMMARY

Expands eligibility for Family Sentencing Alternative Pilot Program to include defendants who are pregnant or who have custody of child at time of sentencing. Removes criminal history restriction for program. Directs Department of Corrections to establish process for selecting counties to participate in program.

A BILL FOR AN ACT

Relating to the Family Sentencing Alternative Pilot Program; amending section 1, chapter 830, Oregon Laws 2015.

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

SECTION 1. Section 1, chapter 830, Oregon Laws 2015, is amended to read:

Sec. 1. (1) The Department of Corrections, in partnership with the circuit court and county community corrections agencies of participating counties and the Department of Human Services, shall establish the Family Sentencing Alternative Pilot Program.

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

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

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

[(A) A person felony as defined in the rules of the Oregon Criminal Justice

1 *Commission;*]

2 [(B) *A sex crime as defined in ORS 181.805; or*]

3 [(C)] an offense requiring a specified sentence under ORS 137.635, 137.700,
4 137.707, 164.061, 475.907, 475.925, 475.930 or [813.010] **813.011, and is eligible**
5 **for a downward dispositional departure under the rules of the Oregon**
6 **Criminal Justice Commission;** and

7 (c) The defendant is **pregnant at the time of sentencing, or is** the
8 parent or legal guardian of a minor child and **at the time of the offense**
9 **or sentencing** had physical custody of the child [*at the time of the offense*].

10 (3) If the defendant meets the eligibility requirements described in sub-
11 section (2) of this section [*and receives a downward dispositional departure*
12 *under the rules of the Oregon Criminal Justice Commission*], the court may
13 order that the defendant sign a release authorizing the Department of Human
14 Services to provide the community corrections agency with written confir-
15 mation of, and consultation concerning, any open or current juvenile de-
16 pendency proceeding or any prior substantiated allegation of abuse or
17 neglect involving the defendant and a minor child.

18 (4) After receipt of the information described in subsection (3) of this
19 section, the community corrections agency, in consultation with the Depart-
20 ment of Human Services, shall determine if the Family Sentencing Alterna-
21 tive Pilot Program is an appropriate program for the defendant and, if the
22 program is appropriate **and the defendant is sentenced to a term of**
23 **probation**, require participation in the program for the first 12 months of
24 the probationary sentence. In addition to the conditions of probation ordered
25 under ORS 137.540, the defendant may be required to comply with any addi-
26 tional conditions related to the program, including but not limited to:

27 (a) Geographical restrictions, including house arrest and electronic sur-
28 veillance;

29 (b) Participation in vocational training; and

30 (c) Completion of:

31 (A) Parenting skills classes;

- 1 (B) Drug or alcohol treatment;
- 2 (C) Mental health treatment; or
- 3 (D) Life skills classes.

4 (5) The Department of Human Services and community corrections agen-
5 cies shall cooperate with the Department of Corrections in implementing the
6 Family Sentencing Alternative Pilot Program described in this section.

7 (6) The Department of Human Services and the Department of Corrections
8 shall jointly submit a report concerning the Family Sentencing Alternative
9 Pilot Program, which must include program outcomes and data related to the
10 efficacy of the program, and which may include recommendations for legis-
11 lation in the manner provided by ORS 192.245, to the interim committees of
12 the Legislative Assembly related to the judiciary no later than January 1[,
13 2017] **of each year.**

14 **(7) The Department of Corrections shall establish a process for se-**
15 **lecting counties to participate in the Family Sentencing Alternative**
16 **Pilot Program.**

17 **(8) The Department of Corrections and the Department of Human**
18 **Services may adopt rules to carry out the provisions of this section.**

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