

A-Engrossed
House Bill 3380

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

Sponsored by Representatives WILLIAMSON, PILUSO; Representatives KENY-GUYER, LININGER, POWER, SANCHEZ

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.

Modifies eligibility for Family Sentencing Alternative Pilot Program. **Directs Department of Corrections to establish process for selecting counties for program.**

[Authorizes Department of Corrections to increase reduction in term of imprisonment if inmate meets certain criteria related to participation in family program.]

[Appropriates moneys to Department of Corrections and Department of Human Services for purpose of funding and expanding Family Sentencing Alternative Pilot Program.]

A BILL FOR AN ACT

1
2 Relating to inmates with children; creating new provisions; and amending section 1, chapter 830,
3 Oregon Laws 2015.

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

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

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

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

10 (a) The defendant's presumptive sentence under the sentencing guidelines of the Oregon Crimi-
11 nal Justice Commission is a term of imprisonment in the legal and physical custody of the Depart-
12 ment of Corrections of at least one year;

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

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

15 (B) A sex crime as defined in ORS *[181.805]* **163A.005**; or

16 (C) An offense requiring a specified sentence under ORS 137.635, 137.700, 137.707, 164.061,
17 475.907, 475.925, 475.930 or *[813.010]* **813.011**; and

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

21 (3)(a) If the defendant meets the eligibility requirements described in subsection (2) of this sec-
22 tion and *[receives]* **is eligible for** a downward dispositional departure under the rules of the Oregon
23 Criminal Justice Commission, the court may order that the defendant sign a release authorizing the
24 Department of Human Services to provide the community corrections agency with written confir-
25 mation of, and consultation concerning, any open or current juvenile dependency proceeding or any

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 prior substantiated allegation of abuse or neglect involving the defendant and a minor child.

2 **(b) The court may consider eligibility in the Family Sentencing Alternative Pilot Program**
3 **as a mitigating factor when determining whether to sentence the defendant to probation,**
4 **with a requirement that the defendant participate in the program as a condition of probation,**
5 **as a downward dispositional departure under the rules of the commission.**

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

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

14 (b) Participation in vocational training; and

15 (c) Completion of:

16 (A) Parenting skills classes;

17 (B) Drug or alcohol treatment;

18 (C) Mental health treatment; or

19 (D) Life skills classes.

20 (5) The Department of Human Services and community corrections agencies shall cooperate with
21 the Department of Corrections in implementing the Family Sentencing Alternative Pilot Program
22 described in this section.

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

28 **(7) The Department of Corrections shall establish a process for selecting counties to**
29 **participate in the Family Sentencing Alternative Pilot Program.**

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

32 **SECTION 2. The amendments to section 1, chapter 830, Oregon Laws 2015, by section 1**
33 **of this 2017 Act apply to persons sentenced on or after the effective date of this 2017 Act.**

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