

# House Bill 3380

Sponsored by Representatives WILLIAMSON, PILUSO

## 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 **as introduced**.

Modifies eligibility for Family Sentencing Alternative Pilot 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; 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  
26 prior substantiated allegation of abuse or neglect involving the defendant and a minor child.

27 (b) **When determining whether to sentence the defendant to probation as a downward**  
28 **dispositional departure under the rules of the commission, the court may consider eligibility**  
29 **in the Family Sentencing Alternative Pilot Program as a mitigating factor.**

30 (4) After receipt of the information described in subsection (3) of this section, the community

**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 corrections agency, in consultation with the Department of Human Services, shall determine if the  
 2 Family Sentencing Alternative Pilot Program is an appropriate program for the defendant and, if the  
 3 program is appropriate, require participation in the program for the first 12 months of the  
 4 probationary sentence. In addition to the conditions of probation ordered under ORS 137.540, the  
 5 defendant may be required to comply with any additional conditions related to the program, in-  
 6 cluding but not limited to:

- 7 (a) Geographical restrictions, including house arrest and electronic surveillance;
- 8 (b) Participation in vocational training; and
- 9 (c) Completion of:
  - 10 (A) Parenting skills classes;
  - 11 (B) Drug or alcohol treatment;
  - 12 (C) Mental health treatment; or
  - 13 (D) Life skills classes.

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

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

22 **SECTION 2. (1) The Department of Corrections may further reduce the term of**  
 23 **incarceration of an inmate as described in ORS 421.121 by a period of an additional six**  
 24 **months if the inmate meets the following eligibility requirements:**

- 25 (a) **The inmate has never been convicted of:**
  - 26 (A) **A person felony as defined in the rules of the Oregon Criminal Justice Commission;**
  - 27 **or**
  - 28 (B) **A sex crime as defined in ORS 181.805;**
  - 29 (b) **The inmate is not serving a sentence for an offense requiring a mandatory sentence**
  - 30 **under ORS 137.635, 137.700, 137.707, 164.061, 475.907, 475.925, 475.930 or 813.011 or any other**
  - 31 **provision of law;**
  - 32 (c) **The inmate is the parent or legal guardian of a minor child;**
  - 33 (d) **The inmate has participated in a program related to creating and maintaining a re-**
  - 34 **lationship with the inmate's child; and**
  - 35 (e) **The inmate has demonstrated appropriate institutional behavior as defined by rule of**
  - 36 **the department.**

37 (2) **The State Board of Parole and Post-Prison Supervision or the local supervisory au-**  
 38 **thority may, in addition to the conditions of post-prison supervision described in ORS 144.102,**  
 39 **order additional conditions of post-prison supervision for a person released under this section**  
 40 **as the board or authority considers appropriate including, but not limited to:**

- 41 (a) **Geographical restrictions, including house arrest and electronic surveillance;**
- 42 (b) **Participation in vocational training; and**
- 43 (c) **Completion of:**
  - 44 (A) **Parenting skills classes;**
  - 45 (B) **Drug or alcohol treatment;**

1 (C) Mental health treatment; or

2 (D) Life skills classes.

3 (3) The Department of Corrections and the State Board of Parole and Post-Prison  
4 Supervision shall adopt rules to implement this section.

5 **SECTION 3.** In addition to and not in lieu of any other appropriation, there is appropri-  
6 ated to the Department of Corrections, for the biennium beginning July 1, 2017, out of the  
7 General Fund, the amount of \$\_\_\_\_\_ for the purposes of funding the Family Sentencing  
8 Alternative Pilot Program described in chapter 1, section 830, Oregon Laws 2015, increasing  
9 the number of counties participating in the program, and carrying out the provisions of  
10 section 2 of this 2017 Act.

11 **SECTION 4.** (1) In addition to and not in lieu of any other appropriation, there is appro-  
12 priated to the Department of Human Services, for the biennium beginning July 1, 2017, out  
13 of the General Fund, the amount of \$\_\_\_\_\_ for the purposes of funding the Family Sen-  
14 tencing Alternative Pilot Program described in chapter 1, section 830, Oregon Laws 2015, in-  
15 creasing the number of counties participating in the program, and carrying out the  
16 provisions of section 2 of this 2017 Act.

17 (2) Notwithstanding any other law limiting expenditures, the amount of \$\_\_\_\_\_ is  
18 established for the biennium beginning July 1, 2017, as the maximum limit for payment of  
19 expenses from federal funds collected or received by the Department of Human Services for  
20 the purposes of funding the Family Sentencing Alternative Pilot Program described in chap-  
21 ter 1, section 830, Oregon Laws 2015, increasing the number of counties participating in the  
22 program, and carrying out the provisions of section 2 of this 2017 Act.

23 **SECTION 5.** Section 2 of this 2017 Act and the amendments to section 1, chapter 830,  
24 Oregon Laws 2015, by section 1 of this 2017 Act apply to persons sentenced on or after the  
25 effective date of this 2017 Act.  
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