

Enrolled
House Bill 3449

Sponsored by Representatives SANCHEZ, WILLIAMSON, OLSON, Senator MANNING JR; Representative BARKER, Senators DEMBROW, PROZANSKI

CHAPTER

AN ACT

Relating to location of correctional services; amending sections 1 and 3, chapter 422, Oregon Laws 2003.

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

SECTION 1. Section 1, chapter 422, Oregon Laws 2003, as amended by section 331b, chapter 794, Oregon Laws 2003, and section 1, chapter 611, Oregon Laws 2009, is amended to read:

Sec. 1. (1) The Department of Corrections may enter into a contract with a public entity for the provision of correctional services in a correctional facility that is located in another state if the department determines that the facility is suitable for the confinement and care of persons committed to the legal and physical custody of the department.

(2) Contracts entered into under subsection (1) of this section are exempt from the provisions of ORS 279.835 to 279.855 and ORS chapters 279A, 279B and 279C.

(3)(a) After entering into a contract under subsection (1) of this section, the department:

(A) May convey a person committed to the legal and physical custody of the department to a correctional facility owned or operated by the public entity with whom the department has contracted; and

(B) May transfer physical custody of the person to the custodial authorities of the facility.

(b) A person whose physical custody is transferred under this subsection shall be confined in the correctional facility to which the person was conveyed until:

(A) The person's sentence has expired or the person is otherwise discharged by law; or

(B) The department directs that the person:

(i) Be returned to the physical custody of the department; or

(ii) Be conveyed to another correctional facility.

(c) Except as otherwise provided in the contract entered into under subsection (1) of this section, a person whose physical custody is transferred under this subsection is subject to the operational policies and procedures of the correctional facility to which the person is transferred, including but not limited to policies and procedures for the conduct and discipline of persons incarcerated in the correctional facility.

(4) When a contract under subsection (1) of this section expires, the department shall return all persons confined in a correctional facility pursuant to the contract to the physical custody of the department or convey the persons to another correctional facility pursuant to another contract.

(5) The department may not enter into a contract with a private entity for the provision of correctional services in a correctional facility that is located in another state.

SECTION 2. Section 3, chapter 422, Oregon Laws 2003, as amended by section 2, chapter 611, Oregon Laws 2009, and section 1, chapter 7, Oregon Laws 2013, is amended to read:

Sec. 3. Section 1, chapter 422, Oregon Laws 2003, as amended by section 331b, chapter 794, Oregon Laws 2003, [and] section 1, chapter 611, Oregon Laws 2009, **and section 1 of this 2017 Act** is repealed on January 2, [2018] **2026**.

Passed by House May 2, 2017

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate May 18, 2017

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

.....
Dennis Richardson, Secretary of State