

Senate Bill 895

Sponsored by COMMITTEE ON JUDICIARY

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**.

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

1
2 Relating to the Family Sentencing Alternative Pilot Program; 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
14 for[:]

15 [*(A) A person felony as defined in the rules of the Oregon Criminal Justice Commission;*]

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

17 [*(C) an offense requiring a specified sentence under ORS 137.635, 137.700, 137.707, 164.061,*
18 *475.907, 475.925, 475.930 or [813.010] 813.011, and is eligible for a downward dispositional depart-*
19 **ture under the rules of the Oregon Criminal Justice Commission;** and

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

23 (3) If the defendant meets the eligibility requirements described in subsection (2) of this section
24 [*and receives a downward dispositional departure under the rules of the Oregon Criminal Justice*
25 *Commission*], the court may order that the defendant sign a release authorizing the Department of
26 Human Services to provide the community corrections agency with written confirmation of, and
27 consultation concerning, any open or current juvenile dependency proceeding or any prior substan-
28 tiated allegation of abuse or neglect involving the defendant and a minor child.

29 (4) After receipt of the information described in subsection (3) of this section, the community
30 corrections agency, in consultation with the Department of Human Services, shall determine if the

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 Family Sentencing Alternative Pilot Program is an appropriate program for the defendant and, if the
 2 program is appropriate **and the defendant is sentenced to a term of probation**, require partic-
 3 ipation in the program for the first 12 months of the probationary sentence. In addition to the con-
 4 ditions of probation ordered under ORS 137.540, the defendant may be required to comply with any
 5 additional conditions related to the program, including but not limited to:

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

7 (b) Participation in vocational training; and

8 (c) Completion of:

9 (A) Parenting skills classes;

10 (B) Drug or alcohol treatment;

11 (C) Mental health treatment; or

12 (D) Life skills classes.

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

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

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

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

25 _____