

Requested by HOUSE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 1543**

1 On page 1 of the printed A-engrossed bill, line 2, after “137.225,” insert
2 “137.372.”

3 Delete lines 6 through 11.

4 On page 2, delete lines 1 through 22 and insert:

5 **“SECTION 1.** ORS 180.700 is amended to read:

6 “180.700. (1) The Attorney General shall appoint an advisory committee
7 composed [*at least*] of:

8 **“(a)** Representatives from local supervisory authorities, batterers’ inter-
9 vention programs and domestic violence victims’ advocacy groups; **and**

10 **“(b) Persons who:**

11 **“(A) Are experienced with evidence-based practices specific to re-**
12 **ducing recidivism that take into account risk factors, needs and re-**
13 **sponsiveness to treatment; and**

14 **“(B) Represent the diverse groups that interact with violence pre-**
15 **vention and batterers’ intervention programs.**

16 **“(2)** The Attorney General, in consultation with the advisory committee,
17 shall adopt rules that establish standards for batterers’ intervention pro-
18 grams. The rules adopted must include, but are not limited to:

19 “[*1*] (a) Standards for contacts between the defendant and the victim;

20 “[*2*] (b) Standards for the dissemination of otherwise confidential med-
21 ical, mental health and treatment records;

1 “[3] (c) Standards that protect to the greatest extent practicable the
2 confidentiality of defendants who are participating in domestic violence de-
3 ferred sentencing agreements;

4 “[4] (d) A requirement that the designated batterers’ intervention pro-
5 gram must report to the defendant’s local supervisory authority any criminal
6 assaults, threats to harm the victim or any substantial violation of the
7 program’s rules by the defendant; and

8 “[5] (e) Standards for batterers’ intervention programs that are most
9 likely to end domestic violence and increase victims’ safety.

10 **“(3) The standards established by the rules described in subsection
11 (2) of this section must:**

12 **“(a) Consist of separate standards for batterers’ intervention pro-
13 grams that address male defendants, female defendants, defendants
14 offending against same-sex victims and circumstances in which the
15 defendant or victim is gender nonconforming; and**

16 **“(b) Be based on scientific research and direct practice both with
17 persons who have perpetrated domestic violence and with persons who
18 have survived domestic violence.**

19 **“(4) As used in this section, ‘supervisory authority’ has the meaning
20 given that term in ORS 144.087.”.**

21 On page 18, delete lines 30 and 31 and insert:

22 **“SECTION 13.** ORS 137.372 is amended to read:

23 **“137.372. (1)(a) Notwithstanding the provisions of ORS 137.370 (2), an
24 offender who has been revoked from a probationary sentence for a felony
25 committed on or after November 1, 1989, and whose sentence was imposed
26 as a downward dispositional departure under the rules of the Oregon Crimi-
27 nal Justice Commission, shall receive credit for the time served in jail after
28 arrest and before commencement of the probationary sentence and for the
29 time served in jail as part of the probationary sentence. However, if the
30 credit for the time served in jail as described in this paragraph is greater**

1 than 90 days, the sentencing judge may limit or deny credit for any of that
2 time that exceeds 90 days.

3 “(b) Notwithstanding the provisions of ORS 137.370 (2), an offender who
4 has been revoked from a probationary sentence for a felony committed on
5 or after November 1, 1989, and whose sentence was imposed as a presumptive
6 **or optional** probationary sentence under the rules of the Oregon Criminal
7 Justice Commission, shall receive credit for the time served in jail after ar-
8 rest and before commencement of the probationary sentence and for the time
9 served in jail as part of the probationary sentence, unless the sentencing
10 judge orders otherwise.

11 “(2) Notwithstanding the provisions of ORS 137.370 (2), an offender who
12 is sentenced to imprisonment in the custody of the Department of Cor-
13 rections following the failure to complete a diversion program described in
14 ORS 430.450 to 430.555 or a specialty court program in which the offender
15 was not on probation shall receive credit for the time served in jail after
16 arrest and before commencement of the program and for the time served in
17 jail as a sanction for violating the terms of the program, unless the sen-
18 tencing judge orders otherwise.

19 “(3) Notwithstanding the provisions of ORS 137.320 (4), an offender who
20 has been ordered confined as part of a probationary sentence for a felony
21 committed on or after July 18, 1995, shall receive credit for the time served
22 in jail after arrest and before commencement of the term unless the sen-
23 tencing judge orders otherwise.

24 “(4) As used in this section, ‘specialty court’ has the meaning given that
25 term in ORS 137.680.

26 **“SECTION 14. (1) The amendments to ORS 137.540, 162.375 and**
27 **837.365 by sections 6, 9 and 10 of this 2018 Act apply to offenses com-**
28 **mitted on or after the effective date of this 2018 Act.**

29 **“(2) The amendments to ORS 137.372 by section 13 of this 2018 Act**
30 **apply to sentences imposed on or after the effective date of this 2018**

1 **Act.”.**

2 In line 32, delete “14” and insert “15”.

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