

HB 3289 A STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary

Action Date: 05/07/19
Action: Do pass the A-Eng bill.
Vote: 4-0-1-2
Yeas: 4 - Fagan, Gelser, Manning Jr, Prozanski
Exc: 1 - Thatcher
Abs: 2 - Bentz, Linthicum
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Addie Smith, Counsel
Meeting Dates: 5/7

WHAT THE MEASURE DOES:

Instructs the Oregon Criminal Justice Commission (CJC) to conduct a study on data, data collection practices, and data availability at local and regional correctional facilities in each county. Instructs CJC to study the manner, means, costs, and barriers to health care at local and regional correctional facilities across the state. Directs CJC to obtain and analyze the standards, policies, and procedures used by local and regional correctional facilities in order to determine whether they adequately protect the Constitutional rights of prisoners and follow national best practices. Instructs CJC to convene an advisory council for the study. Requires local and regional correctional facilities to submit primary, unprocessed data and other information and documentation to CJC by January 1, 2020. Requires CJC to report the findings of the study to the Legislative Assembly by September 15, 2020. Sunsets study on January 2, 2021. Repeals requirement that sheriff receive and keep any federal prisoner. Repeals payment by federal government to sheriff for keeping and support of federal prisoners.

ISSUES DISCUSSED:

- Recent news articles on jail conditions and deaths
- No required data collection on jail health care and mortality
- Lack of funding for medical care for individuals in local correctional facilities
- Need for a negotiation process with regard to housing federal prisoners in local correctional facilities

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In Oregon, individuals accused of crimes and awaiting trial or sentencing, as well as individuals who have violated probation, who are convicted of a misdemeanor, or who are sentenced to less than a year in custody, are detained in local and regional correctional facilities, commonly referred to as jails. Additionally, current statutes require local jail facilities to house and transport federal prisoners. ORS 169.530; 169.540. Jails are operated by the county sheriff. ORS 135.215. Oregon law requires jails to comply with statewide standards. ORS 169.076; ORS 169.620. Further, jails must be inspected on a regular basis by county commissioners and grand juries, ORS 132.440 and ORS 169.040.

The Department of Corrections also has authority to inspect them. ORS 169.070. Under federal law, the majority of individuals held in jail are ineligible for Medicaid, otherwise known as the Oregon Health Plan. 42 U.S.C. § 1396d. Further, although the Bureau of Justice Statistics collects data on Mortality in Correctional Institutions that includes jails, jail participation is voluntary and data therefore incomplete.

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Recent reports have found that jails are under-resourced, including failing to provide the medical and mental health care their populations require. Additionally, there is no consistent data on jails, their population, or health care services. Under-funding of jails has contributed to an increase in inmate deaths, the most common cause being suicide. Incomplete data hinders officials from understanding those deaths and the conditions in Oregon's jails.

House Bill 3289 A directs the Criminal Justice Commission to study policies and procedures and data collection practices in addition to the manner, means, costs, and barriers to providing health care at local and regional correctional facilities in counties across Oregon. It also repeals ORS 169.530 and ORS 169.540 which require sheriffs to receive and keep federal prisoners.