

SB 495 A STAFF MEASURE SUMMARY

Carrier: Rep. Gorsek

House Committee On Judiciary**Action Date:** 05/22/19**Action:** Do Pass the A-Eng bill.**Vote:** 11-0-0-0**Yeas:** 11 - Barker, Bynum, Gorsek, Greenlick, Lewis, McLane, Piluso, Power, Sprenger, Stark, Williamson**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Addie Smith, Counsel**Meeting Dates:** 5/8, 5/22**WHAT THE MEASURE DOES:**

Prohibits jails, prisons, and Oregon Youth Authority facilities from using canines to extract a person in custody from a cell. Specifies that measure does not affect facilities' ability to use canines for tracking, contraband apprehension, quelling a disturbance, preventing escape, or addressing immediate health or safety risk. Specifies that measure does not prevent the use of dogs as part of a training program or for purposes related to rehabilitation, treatment, vocational education, and skill-building of inmates.

ISSUES DISCUSSED:

- Current use of canines in Oregon correctional facilities
- Effect of Senate amendments
- Interaction of provisions of the measure

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Six states, including Oregon, allow the use of police canines to forcibly remove individuals in custody from their cells. While the Department of Corrections does not use canines to extract individuals in custody from their cells, news reports indicate that one Oregon county jail has used canines to extract individuals as recently as last year. Oregon state law is silent as to whether the use of canines in correctional facilities constitutes “physical force” or “physical punishment.”

Canines are currently used in correctional facilities in Oregon for rehabilitation, treatment, and vocational education, including the use of specially trained therapy dogs and the "Rehabilitation of Canines and Offenders" program where inmates help train dogs to pass behavior tests and ready them for adoption by the general public.

Senate Bill 495 A prohibits correctional facilities from using canines to extract a person in custody from a cell while allowing their use for tracking, contraband apprehension, quelling a disturbance, preventing escape, or addressing immediate health or safety risk. It also clarifies that dogs are permitted for use in training programs, treatment, and rehabilitation.