

House Bill 2515

Sponsored by Representatives DOHERTY, PILUSO; Representatives SALINAS, SANCHEZ (Pre-session filed.)

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**.

Requires correctional facilities to provide tampons and sanitary napkins to incarcerated females at no cost.

A BILL FOR AN ACT

1
2 Relating to correctional facilities; creating new provisions; and amending ORS 169.076, 169.077,
3 420A.010 and 423.020.

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

5 **SECTION 1.** ORS 169.076 is amended to read:

6 169.076. Each local correctional facility shall:

7 (1) Provide sufficient staff to perform all audio and visual functions involving security, control,
8 custody and supervision of all confined detainees and prisoners, with personal inspection at least
9 once each hour. The supervision may include the use of electronic monitoring equipment when ap-
10 proved by the Department of Corrections and the governing body of the jurisdiction in which the
11 facility is located.

12 (2) Have a comprehensive written policy with respect to:

13 (a) Legal confinement authority.

14 (b) Denial of admission.

15 (c) Telephone calls.

16 (d) Admission and release medical procedures.

17 (e) Medication and prescriptions.

18 (f) Personal property accountability [*which*] **that** complies with ORS 133.455.

19 (g) Vermin and communicable disease control.

20 (h) Release process to include authority, identification and return of personal property.

21 (i) Rules of the facility governing correspondence and visitations.

22 (3) Formulate and publish plans to meet emergencies involving escape, riots, assaults, fires, re-
23 bellions and other types of emergencies[;], and regulations for the operation of the facility.

24 (4) Not administer any physical punishment to any prisoner at any time.

25 (5) Provide for emergency medical and dental health, having written policies providing for:

26 (a) Review of the facility's medical and dental plans by a licensed physician, physician assistant,
27 naturopathic physician or nurse practitioner.

28 (b) The security of medication and medical supplies.

29 (c) A medical and dental record system to include request for medical and dental attention,
30 treatment prescribed, prescriptions, special diets and other services provided.

31 (d) First aid supplies and staff first aid training.

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 (6) Prohibit firearms from the security area of the facility except in times of emergency as de-
 2 termined by the administrator of the facility.

3 (7) Ensure that confined detainees and prisoners:

4 (a) Will be fed daily at least three meals served at regular times, with no more than 14 hours
 5 between meals except when routinely absent from the facility for work or other purposes.

6 (b) Will be fed nutritionally adequate meals in accordance with a plan reviewed by a registered
 7 dietitian or the Oregon Health Authority.

8 (c) Be provided special diets as prescribed by the facility's designated physician, physician as-
 9 sistant, naturopathic physician or nurse practitioner.

10 (d) Shall have food procured, stored, prepared, distributed and served under sanitary conditions,
 11 as defined by the authority under ORS 624.041.

12 (8) Ensure that the facility be clean, and provide each confined detainee or prisoner:

13 (a) Materials to maintain personal hygiene.

14 (b) Clean clothing twice weekly.

15 (c) Mattresses and blankets that are clean and fire-retardant.

16 (9) Require each prisoner to shower at least twice weekly.

17 (10) Forward, without examination or censorship, each prisoner's outgoing written communi-
 18 cations to the Governor, jail administrator, Attorney General, judge, Department of Corrections or
 19 the attorney of the prisoner.

20 (11) Keep the facility safe and secure in accordance with the State of Oregon Structural Spe-
 21 cialty Code and Fire and Life Safety Code.

22 (12) Have and provide each prisoner with written rules for inmate conduct and disciplinary
 23 procedures. If a prisoner cannot read or is unable to understand the written rules, the information
 24 shall be conveyed to the prisoner orally.

25 (13) Not restrict the free exercise of religion unless failure to impose the restriction will cause
 26 a threat to facility or order.

27 (14) Safeguard and ensure that the prisoner's legal rights to access to legal materials are pro-
 28 tected.

29 **(15) In addition to the items listed in subsection (8) of this section, provide tampons and**
 30 **sanitary napkins to all female confined detainees or prisoners at no cost. Facilities shall**
 31 **maintain a sufficient supply of tampons and sanitary napkins, which shall be stored, dis-**
 32 **persed and disposed of in a sanitary manner.**

33 **SECTION 2.** ORS 169.077 is amended to read:

34 169.077. Each lockup facility shall:

35 (1) Maintain 24-hour supervision when persons are confined. The supervision may include the
 36 use of electronic monitoring equipment when approved by the Department of Corrections and the
 37 governing body of the jurisdiction in which the facility is located.

38 (2) Make a personal inspection of each person confined at least once each hour.

39 (3) Prohibit firearms from the security area of the facility except in times of emergency as de-
 40 termined by the administrator of the facility.

41 (4) Ensure that confined detainees and prisoners will be fed daily at least three nutritionally
 42 adequate meals served at regular times, with no more than 14 hours between meals except when
 43 routinely absent from the facility for work or other such purposes.

44 (5) Forward, without examination or censorship, each prisoner's outgoing written communi-
 45 cations to the Governor, jail administrator, Attorney General, judge, Department of Corrections or

1 the attorney of the prisoner.

2 (6) Provide rules of the facility governing correspondence and visitations.

3 (7) Keep the facility safe and secure in accordance with the State of Oregon Structural Specialty
4 Code and Fire and Life Safety Code.

5 (8) Formulate and publish plans to meet emergencies involving escape, riots, assaults, fires, re-
6 bellions and other types of emergencies[;], and policies and regulations for the operation of the fa-
7 cility.

8 (9) Ensure that the facility be clean, provide mattresses and blankets that are clean and fire-
9 retardant, and furnish materials to maintain personal hygiene.

10 (10) Provide for emergency medical and dental health, having written policies providing for re-
11 view of the facility's medical and dental plans by a licensed physician, physician assistant,
12 naturopathic physician or nurse practitioner.

13 **(11) In addition to the items listed in subsection (9) of this section, provide tampons and**
14 **sanitary napkins to all female confined detainees or prisoners at no cost. Facilities shall**
15 **maintain a sufficient supply of tampons and sanitary napkins, which shall be stored, dis-**
16 **persed and disposed of in a sanitary manner.**

17 **SECTION 3. Section 4 of this 2019 Act is added to and made a part of ORS 169.610 to**
18 **169.677.**

19 **SECTION 4. Regional correctional facilities shall provide tampons and sanitary napkins**
20 **to all female detainees or prisoners at no cost. Facilities shall maintain a sufficient supply**
21 **of tampons and sanitary napkins, which shall be stored, dispensed and disposed of in a sani-**
22 **tary manner.**

23 **SECTION 5. ORS 420A.010 is amended to read:**

24 420A.010. (1) The Oregon Youth Authority is established. The youth authority shall:

25 (a) Supervise the management and administration of youth correction facilities, state parole and
26 probation services, community out-of-home placement for youth offenders committed to its legal
27 custody and other functions related to state programs for youth corrections;

28 (b) Provide capital improvements and capital construction necessary for the implementation of
29 all youth correction facilities;

30 (c) Carry out dispositions of youth offenders committed to its legal custody;

31 (d) Exercise custody and supervision over those youth offenders committed to the youth au-
32 thority by order of the juvenile court and persons placed in the physical custody of the youth au-
33 thority under ORS 137.124 or other statute until the time that a lawful release authority authorizes
34 release or terminates the commitment or placement;

35 (e) Provide adequate food, clothing, health and medical care, sanitation and security for confined
36 youth offenders and others in youth authority custody;

37 (f) Provide youth offenders and others in youth authority custody with opportunities for self-
38 improvement and work; [and]

39 (g) Conduct investigations and prepare reports for release authorities[.]; and

40 **(h) In addition to the items listed in paragraph (e) of this subsection, provide tampons**
41 **and sanitary napkins to all female youth offenders in youth authority custody at no cost.**
42 **Facilities shall maintain a sufficient supply of tampons and sanitary napkins, which shall be**
43 **stored, dispensed and disposed of in a sanitary manner.**

44 (2) To meet the individual circumstances of each person committed to its custody, the youth
45 authority shall:

1 (a) Develop a flexible fee-for-service provider system that can respond quickly to each person's
 2 identified and changing circumstances; and

3 (b) Develop a process for joint state and county review of contracts entered into under sub-
 4 section (6)(b) of this section and paragraph (a) of this subsection based on:

5 (A) Measurable outcomes, which must include in dominant part the reduction of future criminal
 6 or antisocial conduct and which also must include:

7 (i) Academic progress;

8 (ii) Social adjustments;

9 (iii) Behavioral improvements;

10 (iv) Rearrests; and

11 (v) Other measurements as determined by the youth authority;

12 (B) Performance measurements including:

13 (i) Fiscal accountability;

14 (ii) Compliance with state and federal regulations;

15 (iii) Record keeping, including data collection and management; and

16 (iv) Reporting; and

17 (C) Provision of services identified under the reformation plan.

18 (3) In order to measure performance as required in subsection (2) of this section, the youth au-
 19 thority shall require parties to the contracts to compile, manage and exchange data to the extent
 20 of available information systems resources to facilitate the measurement of outcomes including, but
 21 not limited to, reduction in future criminal or antisocial conduct.

22 (4) The youth authority may administer a program of state assistance to counties for the con-
 23 struction and operation of local youth detention facilities or to purchase detention services.

24 (5) The youth authority shall accept and exercise legal or physical custody of youth offenders
 25 and others 12 years of age and over and under 25 years of age who are committed to, or placed with,
 26 the youth authority pursuant to:

27 (a) A juvenile court adjudication and disposition under ORS chapter 419C; or

28 (b) ORS 137.124.

29 (6)(a) The youth authority shall cooperate with and assist county governments and juvenile de-
 30 partments in carrying out the principles and purposes of the juvenile justice system as provided in
 31 ORS 419C.001.

32 (b) The youth authority is authorized to contract with counties, groups of counties or private
 33 providers to administer juvenile corrections programs and services as provided in ORS 420.017,
 34 420.019, 420A.145 and 420A.155 (1) to (4).

35 (c) The youth authority may provide consultation services related to the juvenile justice system
 36 to local or statewide public or private agencies, groups and individuals or may initiate such con-
 37 sultation services. Consultation services include, but are not limited to, conducting studies and
 38 surveys, sponsoring or participating in educational programs and providing advice and assistance.
 39 Nothing in ORS 419C.001 and 420A.005 to 420A.155 is intended to diminish the state's efforts to plan,
 40 evaluate and deliver effective human services programs to youth offenders, either in a youth cor-
 41 rection facility or on probation or parole. Therefore, the Oregon Youth Authority and the Depart-
 42 ment of Human Services shall jointly develop and implement needed social and rehabilitative
 43 services.

44 (7) The youth authority is the recipient of all federal funds paid or to be paid to the state to
 45 enable the state to provide youth correction programs and services assigned to the Department of

1 Human Services prior to January 1, 1996.

2 (8) The youth authority shall report its progress in implementing the provisions of chapter 422,
3 Oregon Laws 1995, to the Legislative Assembly at each odd-numbered year regular session.

4 (9) The equal access provisions of ORS 417.270 apply to the youth authority's development and
5 administration of youth correction facilities, programs and services, including the development and
6 implementation of the statewide diversion plan described in ORS 420.017.

7 (10) The youth authority shall:

8 (a) Be cognizant of and sensitive to the issue of overrepresentation of minority youth offenders
9 in youth correction facilities;

10 (b) Endeavor to develop and operate, and require its subcontractors to develop and operate,
11 culturally appropriate programs for youth offenders; and

12 (c) Keep data reflecting the ethnicity and gender of all youth offenders committed to its care.

13 (11) The youth authority is a designated agency as defined in ORS 181A.010.

14 **SECTION 6.** ORS 423.020 is amended to read:

15 423.020. (1) The Department of Corrections is created. The department shall:

16 (a) Supervise the management and administration of the Department of Corrections institutions,
17 parole and probation services, community corrections and other functions related to state programs
18 for corrections;

19 (b) Carry out legally mandated sanctions for the punishment of persons committed to its juris-
20 diction by the courts of this state;

21 (c) Exercise custody over those persons sentenced to a period of incarceration until such time
22 as a lawful release authority authorizes their release;

23 (d) Provide adequate food, clothing, health and medical care, sanitation and security for persons
24 confined;

25 (e) Provide persons who are motivated, capable and cooperative with opportunities for self-
26 improvement and work;

27 (f) Conduct investigations and prepare reports for release authorities; *[and]*

28 (g) Supervise persons sentenced or placed in the community for the period of time specified and
29 in accordance with conditions of supervision ordered by the release authority[.]; **and**

30 **(h) In addition to the items listed in paragraph (d) of this subsection, provide tampons**
31 **and sanitary napkins to all females confined in a department institution at no cost. Facilities**
32 **shall maintain a sufficient supply of tampons and sanitary napkins, which shall be stored,**
33 **dispensed and disposed of in a sanitary manner.**

34 (2) The Department of Corrections may provide consultation services related to the criminal
35 justice system to local or statewide public or private agencies, groups, and individuals, or initiate
36 such consultation services. Consultation services shall include, but not be limited to, conducting
37 studies and surveys, sponsoring or participating in educational programs, and advising and assisting
38 these agencies, groups or individuals. Nothing in chapter 320, Oregon Laws 1987, is intended to di-
39 minish the state's efforts to plan, evaluate and deliver effective human services programs to
40 offenders, either in an institution or on probation or parole. Therefore, the Department of Cor-
41 rections and the Department of Human Services shall continue to jointly develop and implement
42 needed social and rehabilitative services, including services for inmates housed in regional minimum
43 security facilities.

44 (3) The Department of Corrections shall be the recipient of all federal funds paid or to be paid
45 to the state to enable the state to provide corrections programs and services assigned to the De-

1 partment of Human Services before June 15, 1987.

2 (4) Notwithstanding any other provision of law, the department may charge a person confined
3 in a Department of Corrections institution a reasonable health care fee for any health care services,
4 medications and equipment provided the person during the person's confinement if the department:

5 (a) Provides necessary medical care regardless of the person's ability to pay;

6 (b) Provides equal treatment to all persons confined in a department institution regardless of a
7 person's ability to pay;

8 (c) Establishes a system that notifies the person of the fees and what services are covered; and

9 (d) Establishes a grievance system that allows a person to challenge the deduction of a fee from
10 the person's account.

11 (5) The department may provide ordinary medical, dental, psychiatric, psychological, hygienic
12 or other remedial care and treatment for a person under 18 years of age who is confined in a De-
13 partment of Corrections institution and, in an emergency in which the safety of the person appears
14 urgently to require it, may authorize surgery or other extraordinary care.

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