

House Bill 3186

Sponsored by Representative MITCHELL

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**.

Prohibits Department of Corrections and local correctional facilities from subjecting incarcerated persons to long-term solitary confinement. Requires department to provide mental health treatment, vocational training and work preparation programs.

Appropriates moneys to Department of Corrections for purposes of vocational training and work preparation programs.

A BILL FOR AN ACT

1
2 Relating to incarcerated persons; creating new provisions; and amending ORS 169.005, 169.076 and
3 423.020.

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

5 **SECTION 1. (1) As used in this section, "long-term solitary confinement" means the**
6 **housing of an incarcerated person for more than 15 consecutive days during which, for at**
7 **least 22 hours of each day, the person has no meaningful contact with other human beings.**

8 **(2) The Department of Corrections may not subject an incarcerated person within any**
9 **department institution to long-term solitary confinement.**

10 **SECTION 2. ORS 423.020 is amended to read:**

11 423.020. (1) The Department of Corrections is created. The department shall:

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

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

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

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

21 (e) Provide **all confined** persons [*who are motivated, capable and cooperative*] with opportunities
22 for self-improvement, **vocational training** and work;

23 **(f) Provide access for all confined persons to mental health treatment, including but not**
24 **limited to individual and group therapy, anger management classes and medications;**

25 **(g) Prepare confined persons to obtain employment upon release;**

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

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

29 (2) The Department of Corrections may provide consultation services related to the criminal
30 justice system to local or statewide public or private agencies, groups, and individuals, or initiate

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 such consultation services. Consultation services shall include, but not be limited to, conducting
 2 studies and surveys, sponsoring or participating in educational programs, and advising and assisting
 3 these agencies, groups or individuals. Nothing in chapter 320, Oregon Laws 1987, is intended to di-
 4 minish the state's efforts to plan, evaluate and deliver effective human services programs to
 5 offenders, either in an institution or on probation or parole. Therefore, the Department of Cor-
 6 rections and the Department of Human Services shall continue to jointly develop and implement
 7 needed social and rehabilitative services, including services for inmates housed in regional minimum
 8 security facilities.

9 (3) The Department of Corrections shall be the recipient of all federal funds paid or to be paid
 10 to the state to enable the state to provide corrections programs and services assigned to the De-
 11 partment of Human Services before June 15, 1987.

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

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

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

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

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

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

25 **SECTION 3.** ORS 169.005 is amended to read:

26 169.005. As used in ORS 169.005 to 169.677 and 169.730 to 169.800, unless the context requires
 27 otherwise:

28 (1) "Detainee" means a person held with no criminal charges.

29 (2) "Forced release" means temporary freedom of an inmate from lawful custody before judgment
 30 of conviction due to a county jail population emergency under ORS 169.046.

31 (3) "Juvenile detention facility" means a facility as described in ORS 419A.050 and 419A.052.

32 (4) "Local correctional facility" means a jail or prison for the reception and confinement of
 33 prisoners that is provided, maintained and operated by a county or city and holds persons for more
 34 than 36 hours.

35 (5) "Lockup" means a facility for the temporary detention of arrested persons held up to 36
 36 hours, excluding holidays, Saturdays and Sundays, but the period in lockup shall not exceed 96 hours
 37 after booking.

38 (6) **"Long-term solitary confinement" has the meaning given that term in section 1 of**
 39 **this 2019 Act.**

40 [(6)] (7) "Month" means a period of 30 days.

41 [(7)] (8) "Prisoner" means a person held with criminal charges or sentenced to the facility.

42 [(8)] (9) "Temporary hold" means a facility, the principal purpose of which is the temporary
 43 detention of a prisoner for four or less hours while awaiting court appearance or transportation to
 44 a local correctional facility.

45 **SECTION 4.** ORS 169.076 is amended to read:

1 169.076. Each local correctional facility shall:

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

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

8 (a) Legal confinement authority.

9 (b) Denial of admission.

10 (c) Telephone calls.

11 (d) Admission and release medical procedures.

12 (e) Medication and prescriptions.

13 (f) Personal property accountability which complies with ORS 133.455.

14 (g) Vermin and communicable disease control.

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

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

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

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

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

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

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

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

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

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

29 (7) Ensure that confined detainees and prisoners:

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

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

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

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

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

39 (a) Materials to maintain personal hygiene.

40 (b) Clean clothing twice weekly.

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

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

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

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

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

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

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

10 (15) **Ensure that no prisoner is subjected to long-term solitary confinement.**

11 **SECTION 5. In addition to and not in lieu of any other appropriation, there is appropri-**
12 **ated to the Department of Corrections, for the biennium beginning July 1, 2019, out of the**
13 **General Fund, the amount of \$_____ to be expended on inmate vocational training**
14 **and programs to prepare inmates for employment upon release.**
15 _____