

A-Engrossed
House Bill 3289

Ordered by the House April 17
Including House Amendments dated April 17

Sponsored by COMMITTEE ON JUDICIARY (at the request of Representative Jeff Barker)

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.

Directs [*Department of Corrections*] **Oregon Criminal Justice Commission** to conduct [*study*] **studies on local and regional correctional facility [*siting process and*] data collection and provision of health care. Directs commission to convene advisory council for studies. Directs local and regional correctional facilities to submit data for studies no later than January 1, 2020. Directs commission to present report on findings to interim committees of Legislative Assembly related to judiciary on or before September 15, 2020. Sunsets January 2, 2021.**

Repeals statutes requiring sheriff to house federal prisoners in local correctional facility at expense of United States.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to correctional facilities; creating new provisions; repealing ORS 169.530 and 169.540; and
3 prescribing an effective date.

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

5 **SECTION 1. (1) The Oregon Criminal Justice Commission shall conduct studies on local**
6 **and regional correctional facilities across this state as follows:**

7 (a) **The commission shall study current practices at each facility related to data and data**
8 **collection, including:**

9 (A) **The collection and availability of census data.**

10 (B) **The collection and availability of death rates.**

11 (C) **The collection and availability of data on the medical, mental and behavioral health**
12 **conditions of prisoners.**

13 (D) **The use of data systems and availability of data reporting generally.**

14 (E) **The use and availability of aggregate data from local and regional correctional facil-**
15 **ities across this state.**

16 (b)(A) **The commission shall study current practices at each facility related to health**
17 **care, including:**

18 (i) **The manner and means by which health care is currently provided.**

19 (ii) **The current cost of health care in the facilities.**

20 (iii) **Barriers to the provision of adequate health care.**

21 (B) **As used in this paragraph, "health care" includes medical, mental and behavioral**
22 **health care.**

23 (c) **The commission shall obtain and analyze the standards, policies and procedures used**
24 **by each facility and report as to whether the standards, policies and procedures:**

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 **(A) Adequately protect the rights of prisoners under the Oregon and United States Con-**
2 **stitutions.**

3 **(B) Are in conformance with national best practices in jail administration.**

4 **(2) For the study described in subsection (1)(a) of this section, local and regional**
5 **correctional facilities shall submit primary, unprocessed data regarding their in-custody**
6 **populations to the commission.**

7 **(3)(a) The commission shall convene an advisory council for the studies described in**
8 **subsection (1) of this section which must include representatives from a sheriff's organiza-**
9 **tion, a district attorneys association, a criminal defense association, a civil rights and civil**
10 **liberties organization, a disability rights organization, the Oregon Health Authority, the De-**
11 **partment of Justice, a member of the House of Representatives, a member of the Senate and**
12 **a representative from the Governor's office.**

13 **(b) The commission, in consultation with the advisory council, shall determine the con-**
14 **tent and acceptable format for any data, information or documentation submitted by local**
15 **and regional correctional facilities for the studies described in subsection (1) of this section.**

16 **(c) Local and regional correctional facilities shall submit all data, information or doc-**
17 **umentation for the studies described in subsection (1) of this section by January 1, 2020.**

18 **(4) The commission shall present the results of the studies described in subsection (1)**
19 **of this section, along with any national best practices, local promising practices, and re-**
20 **commended legislative changes, in a report to the interim committees of the Legislative**
21 **Assembly related to the judiciary in the manner provided under ORS 192.245 on or before**
22 **September 15, 2020.**

23 **SECTION 2.** **ORS 169.530 and 169.540 are repealed.**

24 **SECTION 3.** **Section 1 of this 2019 Act is repealed on January 2, 2021.**

25 **SECTION 4.** **This 2019 Act takes effect on the 91st day after the date on which the 2019**
26 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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