

## HB 2002 -4 STAFF MEASURE SUMMARY

### House Committee On Rules

---

**Prepared By:** Gillian Fischer

**Meeting Dates:** 4/30

---

#### WHAT THE MEASURE DOES:

Amends certain mandatory sentences required under ORS 137.700 and converts to presumptive sentences. Authorizes court to determine eligibility for release and temporary leave from custody, work release, conditional or supervised release, or reductions in sentences under relevant statutes for persons sentenced under ORS 137.700. Limits authority of peace officer to arrest without a warrant to those circumstances when a peace officer has probable cause to believe a person has committed a felony, Class A misdemeanor categorized by the criminal justice commission as a person crime, or an unclassified crime punishable by law equal to or greater than a Class C felony. Requires a peace officer to issue a criminal citation in lieu of arresting a person for certain crimes. Appropriates to the Oregon Department of Administrative Services, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$2,500,000, for distribution to the Northwest Health Foundation for deposit into the Reimagine Safety Fund. Limits authority of a police officer to initiate a traffic stop for certain traffic violations. Prohibits admission of any person into a custody facility who is showing symptoms of a contagious virus or in need of acute medical or psychiatric care. Prohibits parole and probation officers from wearing clothing that resembles that of a peace officer and from carrying a firearm in certain locations while engaged in official duties. Requires parole and probation officers to receive continuing education in trauma-informed care, culturally specific services, and de-escalation tactics. Amends reductions to sentences for drug-related offenses. Removes payment

Directs the Oregon Criminal Justice Commission to establish a program to award grants to public and private entities for restorative justice programs. Requires peace officer or enforcement officer performing a stop to provide the reason for the stop and to inform the person of their right to refuse a request to search. Requires a peace officer or enforcement officer to provide the officer's name and badge number if a stop does not result in an arrest or citation. Requires a peace officer to issue a criminal citation in lieu of arresting a person for certain crimes in circumstances described by measure. Expands eligibility for reduction in sentence of supervision to individuals on post-prison supervision through the Department of Corrections for certain crimes. Amends current restitution payment requirements for compliance with terms of probation or post-prison supervision to be limited to demonstrating a commitment to pay to the extent the person is able. Permits a court and the State Board of Parole and Post-Prison Supervision to impose general conditions of supervision on a defendant only if the court or Board finds the condition necessary and appropriate in a case. Eliminates probation violation fees. Requires parole and probation officers to give each person under supervision the ability to report by the least onerous means possible that will reasonably support successful completion of supervision. Removes payment of supervision fees from conditions that may be imposed as part of a probationary sentence. Requires fifteen percent of grant funds awarded by the Criminal Justice Commission as part of the Justice Reinvestment Program to be distributed to organizations that provide services to victims of crime, with priority given to culturally specific organizations. Defines culturally responsive service and culturally specific organization. Requires no less than 20 percent of grant funds from the Justice Reinvestment Program to be awarded to culturally specific organizations and culturally responsive service providers. Appropriates funds out of the General Fund for deposit into the Justice Reinvestment Account for purposes of carrying out requirements of measure. Directs the Oregon Criminal Justice Commission to evaluate the implementation and progress of subgrants distributed by Northwest Health Foundation Fund II using funds appropriated for purposes of measure and convene a stakeholder group to assist

in the evaluation. Directs the Oregon Criminal Justice Commission to report to the committees of the Legislative Assembly detailing the progress of the evaluation described no later than June 30, 2023. Directs the Oregon Criminal Justice Commission to collect and review data concerning disparate imposition of supervision conditions based on race, gender identity, sexual orientation, and county. Requires data to be available to the public in a clear and accessible format. Directs the Oregon Criminal Justice Commission to report to the committees of the Legislative Assembly related to judiciary specific information regarding the distribution of Justice Reinvestment Program funds in accordance with this measure no later than September 15, 2022. Declares and emergency effective upon passage.

of supervision fees from conditions that may be imposed as part of a probationary sentence. Limits the circumstances under which a judge may revoke an order of probation to those when a person willfully absconds or commits a felony or Class A person misdemeanor while on probation. Prohibits the imposition of jail confinement as a sanction for a probation violation if based solely on a probationer's use of controlled substance.

Defines culturally responsive service and culturally specific organization. Amends the entities eligible to receive funds from the Oregon Criminal Justice Commission as part of the Justice Reinvestment Program to include community-based, culturally responsive service providers, and culturally specific organizations. Requires no less than 20 percent of grant funds from the Justice Reinvestment Program to be awarded to culturally specific organizations and culturally responsive service providers. Directs the Oregon Criminal Justice Commission to collect and review data concerning disparate imposition of supervision conditions based on race, gender identity, sexual orientation, and county. Requires data to be available to the public in a clear and accessible format. Directs the Oregon Criminal Justice Commission to report to the committees of the Legislative Assembly related to judiciary specific information regarding the distribution of Justice Reinvestment Program funds in accordance with this measure. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Persons of color killed during contact with police officers
- Development of amendment by stakeholders
- Importance of culturally specific service providers as part of criminal justice system
- Need for competent medical evaluations and care for individuals being admitted to jail facilities

**EFFECT OF AMENDMENT:**

-4 Replaces measure. Directs the Oregon Criminal Justice Commission to establish a program to award grants to public and private entities for restorative justice programs. Requires peace officer or enforcement officer performing a stop to provide the reason for the stop and to inform the person of their right to refuse a request to search. Requires a peace officer or enforcement officer to provide the officer's name and badge number if a stop does not result in an arrest or citation. Requires a peace officer to issue a criminal citation in lieu of arresting a person for certain crimes in circumstances described by measure. Expands eligibility for reduction in sentence of supervision to individuals on post-prison supervision through the Department of Corrections for certain crimes. Amends current restitution payment requirements for compliance with terms of probation or post-prison supervision to be limited to the extent the person is able to pay. Permits a court and the State Board of Parole and Post-Prison Supervision to impose general conditions of supervision on a defendant only if the court or Board finds the condition necessary and appropriate in a case. Eliminates probation violation fees. Requires parole and probation officers to give each person under supervision the ability to report by the least onerous means possible that will reasonably support successful completion of supervision. Removes payment of supervision fees from conditions that may be imposed as part of a probationary sentence. Requires fifteen percent of grant funds awarded by the Criminal Justice Commission as part of the Justice Reinvestment Program to be distributed to organizations that provide services to victims of crime, with priority given to culturally specific organizations.

## HB 2002 -4 STAFF MEASURE SUMMARY

Defines culturally responsive service and culturally specific organization. Requires no less than 20 percent of grant funds from the Justice Reinvestment Program to be awarded to culturally specific organizations and culturally responsive service providers. Appropriates funds out of the General Fund for deposit into the Justice Reinvestment Account for purposes of carrying out requirements of measure. Directs the Oregon Criminal Justice Commission to evaluate the implementation and progress of subgrants distributed by Northwest Health Foundation Fund II using funds appropriated for purposes of measure and convene a stakeholder group to assist in the evaluation. Directs the Oregon Criminal Justice Commission to report to the committees of the Legislative Assembly detailing the progress of the evaluation described no later than June 30, 2023. Directs the Oregon Criminal Justice Commission to collect and review data concerning disparate imposition of supervision conditions based on race, gender identity, sexual orientation, and county. Requires data to be available to the public in a clear and accessible format. Directs the Oregon Criminal Justice Commission to report to the committees of the Legislative Assembly related to judiciary specific information regarding the distribution of Justice Reinvestment Program funds in accordance with this measure no later than September 15, 2022. Declares and emergency effective upon passage.

### **BACKGROUND:**

Oregon has convened several working groups to analyze the sentencing and corrections policies that drive correctional population and costs, including a 2011 Commission on Public Safety. There are two methods by which length of stay in prison could benefit public safety: incapacitation (the reduction of current criminal involvement because offenders are physically held in prison) and deterrence (the reduction of future criminal involvement because of the increasing severity of the current penalty). Incapacitation is effective at preventing individual offenders from committing crimes but it comes at a substantial cost. Between 2000 and 2010, Oregon's prison rate increased by nearly 50 percent growing to 14,000 inmates with a total biennial corrections budget over \$1.4 billion. The Justice Reinvestment Program is one of the approaches Oregon has taken to spending resources with the goals of reducing recidivism while also decreasing prison use, protecting the public, and holding offenders accountable.

House Bill 2002 is an omnibus bill that modifies many aspects of public safety, including a repeal of certain mandatory sentences, amending limitations on reductions in prison and probationary sentences, reducing law enforcement arrest authority, and directing Justice Reinvestment funds to be distributed to culturally specific and response service providers.