

## SB 835 STAFF MEASURE SUMMARY

### Senate Committee On Judiciary and Ballot Measure 110 Implementation

---

**Action Date:** 04/13/21

**Action:** Do pass and requesting referral to Ways and Means.

**Vote:** 4-2-1-0

**Yeas:** 4 - Dembrow, Gelser, Manning Jr, Prozanski

**Nays:** 2 - Linthicum, Thatcher

**Exc:** 1 - Heard

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Amie Fender-Sosa, Counsel

**Meeting Dates:** 3/29, 4/13, 4/13

---

#### WHAT THE MEASURE DOES:

Modifies process and requirements for early release of an adult in custody (AIC) from prison. Creates the Medical Release Advisory Committee (committee) within the State Board of Parole and Post-Prison Supervision (board). Lists categories of medical conditions that may qualify for early release. Directs the Department of Corrections (DOC) to train staff on the early release process and requires that DOC take certain steps to create access to and facilitation of the early release application process. Allows an adult in custody to apply for early release by completing an application and submitting it to the committee for review, determination, and recommendation to the board. Allows an AIC to reapply for early release if circumstances change. Provides the AIC with a right to counsel at the board hearing. Requires the district attorney to make reasonable efforts to notify the victim of the hearing if hearing is scheduled. Directs the DOC to track certain data regarding early release and report to the committees of the Legislative Assembly related to the Judiciary by December 31 of each year. Requires approval of two-thirds majority for passage. Declares emergency, effective on passage.

#### ISSUES DISCUSSED:

- Measure requires approval by a two-thirds majority for passage
- Reforming the compassionate-release system
- Individualized health concerns and future public health crisis
- Recidivism rates for those granted compassionate release
- Cost of caring for older persons and those with complicated health issues who are incarcerated
- Safeguards for approving applications

#### EFFECT OF AMENDMENT:

No amendment.

#### BACKGROUND:

The Oregon Board of Parole's (board) major functions include setting release dates for individuals who are eligible for parole, establishing community supervision conditions for individuals, and assessing the notification level of individuals who have offended sexually. To qualify for early medical release, an application must be submitted to the board. When making a decision to advance the release date of an adult in custody (AIC), the board must consider a variety of factors, including the age of the AIC; a medical authority's determination of whether the AIC is unable to move from place to place without the assistance of another person; and whether the AIC has a terminal illness defined as a medical authority's reasonable belief that the AIC's life expectancy is less than twelve months. The process can take several weeks to several months.

**SB 835 STAFF MEASURE SUMMARY**

Senate Bill 835 modifies the process and requirements for early medical release of an AIC from prison and creates the Medical Release Advisory Committee within the board.