

HB 2047 STAFF MEASURE SUMMARY

Carrier: Sen. Manning Jr

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

Action Date: 05/18/21
Action: Do pass.
Vote: 4-3-0-0
Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski
Nays: 3 - Heard, Linthicum, Thatcher
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Amie Fender-Sosa, Counsel
Meeting Dates: 5/4, 5/18

WHAT THE MEASURE DOES:

Expands authority of Oregon Department of Corrections (DOC) to receive, hold, and dispose of property to include property seized from a person under supervised or conditional release. Defines "supervision." Provides direction for DOC to dispose of forfeited property. Allows a court to determine that things seized are eligible for return. Directs DOC to adopt rules related to petition for return or restoration of seized property.

ISSUES DISCUSSED:

- Current law does not address probation, only parole and custody
- Historically, sentencing courts would dispose of seized property at the request of DOC
- Creates same treatment of property regardless of type of supervision
- Aligns law and practice and clarifies DOC's statutory authority to handle the property of probationers
- Department of Justice opinion

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Oregon Department of Corrections (DOC) has custody of adults sentenced to prison for more than 12 months, housing approximately 14,900 adults in 14 state prisons throughout the state. DOC also provides administrative oversight and funding for the community corrections activities of Oregon's 36 counties. All but two of Oregon's counties (Linn and Douglas) manage the supervision of offenders in those counties who are subject to jail, parole, post-prison supervision, or probation. DOC's community corrections division provides interstate compact administration and jail inspections, as well as central information and data services regarding felons statewide.

House Bill 2047 expands the authority of DOC to receive, hold, and dispose of property to include property seized from a person under supervised or conditional release.