

SENATE AMENDMENTS TO SENATE BILL 47

By COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION

April 22

1 On page 1 of the printed bill, line 2, after “2013” insert “; and declaring an emergency”.

2 Delete lines 4 through 30 and delete pages 2 and 3 and insert:

3 “**SECTION 1.** Section 53, chapter 649, Oregon Laws 2013, as amended by section 54, chapter
4 649, Oregon Laws 2013, and section 1, chapter 598, Oregon Laws 2019, is amended to read:

5 “**Sec. 53.** (1)(a) In consultation with the Justice Reinvestment Grant Review Committee estab-
6 lished under subsection (2) of this section, the Oregon Criminal Justice Commission shall administer
7 the Justice Reinvestment Program described in this section. From funds appropriated to the com-
8 mission for purposes of the program, the commission shall award grants to counties that establish
9 a process to assess offenders and provide a continuum of community-based sanctions, services and
10 programs that are designed to reduce recidivism and decrease the county’s utilization of
11 imprisonment in a Department of Corrections institution while protecting public safety, [*and*] hold-
12 ing offenders accountable **and ensuring that the Justice Reinvestment Program is effectively**
13 **servicing historically underserved populations in an equitable manner.**

14 “(b) Notwithstanding paragraph (a) of this subsection, no less than 10 percent of grant funds
15 awarded under this section must be distributed to community-based nonprofit organizations that
16 provide services to victims of crime.

17 “(c) **Notwithstanding paragraph (a) of this subsection, no less than 15 percent of grant**
18 **funds awarded under this section must be distributed to build and maintain capacity for**
19 **culturally responsive services within this state that support the goals of the Justice Rein-**
20 **vestment Program. For purposes of this paragraph, a service is within this state if the ser-**
21 **vice serves communities within the geographic boundaries of this state, including**
22 **communities within Indian country or tribal land of a federally recognized Indian tribe within**
23 **the geographic boundaries of this state. To receive funding under this subsection, a service**
24 **must:**

25 “(A) **Provide outreach, support and resources to individuals who are more likely to be**
26 **involved in the criminal justice system due to race, ethnicity, English language proficiency,**
27 **socioeconomic status or geographic location; and**

28 “(B) **Demonstrate a proven ability to provide outreach, support and resources to indi-**
29 **viduals involved in the criminal justice system.**

30 “(d) **Equity must be a guiding principle in:**

31 “(A) **Decision-making concerning grant awards; and**

32 “(B) **The evaluation of services and programs funded under this section.**

33 “(2) The Justice Reinvestment Grant Review Committee is established, consisting of the follow-
34 ing members:

35 “(a) The Governor shall appoint the following [*seven*] **nine** members:

1 “(A) One member shall be a **representative of** district [*attorney*] **attorneys.**

2 “(B) One member shall be a [*county sheriff*] **representative of county sheriffs or chiefs of**
3 **police.**

4 “(C) One member shall be a [*chief of police*] **representative of public defense practitioners.**

5 “(D) One member shall be a **representative of** county [*commissioner*] **commissioners.**

6 “(E) One member shall be a **representative of** community corrections [*director who is not*] **di-**
7 **rectors and may not be** a sheriff.

8 “(F) Two members shall be representatives of community-based organizations that provide ser-
9 vices for underserved racial, ethnic or minority communities.

10 “(G) **Two members shall be individuals with lived experience in the criminal justice sys-**
11 **tem.**

12 “(b) The Chief Justice of the Supreme Court shall appoint one nonvoting member who is a judge.

13 “(c) The President of the Senate shall appoint two nonvoting members from among members of
14 the Senate.

15 “(d) The Speaker of the House of Representatives shall appoint two nonvoting members from
16 among members of the House of Representatives.

17 “(3)(a) A majority of the voting members of the committee constitutes a quorum for the trans-
18 action of business.

19 “(b) The committee shall elect one of its members to serve as chairperson.

20 “(c) If there is a vacancy for any cause, the appointing authority shall make an appointment to
21 become effective immediately.

22 “(d) The committee shall meet at times and places specified by the call of the chairperson or a
23 majority of the voting members of the committee.

24 “(e) Legislative members of the committee shall be entitled to payment of compensation and
25 expenses under ORS 171.072, payable from funds appropriated to the Legislative Assembly.

26 “(4)(a) An application for a grant described in this section must be submitted by a local public
27 safety coordinating council convened under ORS 423.560.

28 “(b) The grant application must include a statement of commitment, from the relevant
29 stakeholders of the service or program for which the county is requesting funding and including the
30 district attorney, presiding judge and community corrections director, to reduce recidivism and de-
31 crease the county’s utilization of imprisonment in Department of Corrections facilities while pro-
32 tecting public safety, [*and*] holding offenders accountable **and ensuring that the Justice**
33 **Reinvestment Program is effectively serving historically underserved populations in an eq-**
34 **uitable manner.**

35 “(5)(a) During a grant application period established by the commission, the proportion of grant
36 funds available to each county **under subsection (1)(a) of this section** shall be determined in ac-
37 cordance with the formula used to distribute baseline funding under ORS 423.483.

38 “(b) At the conclusion of the grant application period, the commission shall award grants to
39 counties in accordance with rules adopted by the commission. If unallocated funds remain at the
40 conclusion of the grant acceptance period, the commission may establish a supplemental grant pe-
41 riod and distribute the unallocated funds.

42 “(6)(a) The commission shall regularly evaluate the community-based sanctions, services and
43 programs funded under this section. The commission shall specifically assess the extent to which
44 each county is reducing utilization of imprisonment in Department of Corrections facilities by
45 offenders convicted of felonies under ORS 137.717, 475.752 to 475.980, 811.182, 813.010 or 813.011.

1 “(b) The commission shall report the results of an evaluation conducted under this section to a
2 committee of the Legislative Assembly related to the judiciary.

3 “(7)(a) Before applying for grant funds to administer a community-based program described in
4 subsection (10)(a)(D) of this section, the county must obtain the consent of the presiding judge of the
5 judicial district in which the county is located.

6 “(b) A grant application to administer a community-based program described in subsection
7 (10)(a)(D) of this section must include the costs of appointed counsel.

8 “(8) After consulting with the Justice Reinvestment Grant Review Committee, the commission
9 shall adopt rules to administer the Justice Reinvestment Program. The rules must include:

10 “(a) A methodology for reviewing and approving grant applications and distributing grant funds.
11 Rules described in this paragraph must provide the Justice Reinvestment Grant Review Committee
12 with the ability to approve grant applications for submission for final approval by the commission.
13 The commission may either approve the grant application or return the application for reconsideration by the committee.

14 “(b) A process for evaluating the efficacy of community-based sanctions, services and programs
15 funded under this section.

16 “(c) A requirement that the grant review committee consider, when approving grant applications,
17 each county’s historical reduction of utilization of imprisonment in Department of Corrections
18 facilities by offenders convicted of felonies under ORS 137.717, 475.752 to 475.980, 811.182, 813.010
19 or 813.011.

20 “(d) Provisions allowing the grant review committee to submit to the commission, and the commission to approve, provisional funding plans for counties applying for grants under this section.

21 “(9)(a) If a county does not reduce utilization of imprisonment in Department of Corrections facilities by offenders convicted of felonies under ORS 137.717, 475.752 to 475.980, 811.182, 813.010 or 813.011, *[upon request of the grant review committee, the commission shall]* **the grant review committee shall recommend that the commission approve one or more of the following remedial actions, and the commission may either approve the action or return the application for reconsideration by the committee:**

22 “(A) Decline to grant the full grant amount requested by a county[.];

23 “(B) Provide technical assistance[.];

24 “(C) Withhold approved grant funds; or

25 “(D) Terminate further distribution of the grant award.

26 “(b) If the commission takes *[an]* **a remedial** action described in paragraph (a) of this subsection, any remaining moneys may be redistributed by the commission through a supplemental grant program. Priority shall be given to counties funding programs for historically underserved communities including rural communities, racial, ethnic and minority communities and tribal communities. Rural counties may apply for supplemental grants in cooperation with other rural counties.

27 “(10) As used in this section:

28 “(a) ‘Community-based programs’ includes:

29 “(A) Work release programs;

30 “(B) Structured, transitional leave programs;

31 “(C) Evidence-based programs designed to reduce recidivism that include the balanced administration of sanctions, supervision and treatment;

32 “(D) Administering a reentry court under section 29 *[of this 2013 Act]*, **chapter 649, Oregon Laws 2013**; and

1 “(E) Specialty courts aimed at medium-risk and high-risk offenders.

2 “(b) ‘County’ includes a regional collection of counties.

3 “(c) **‘Culturally responsive service’ means a service that is respectful of, and relevant to,**
4 **the beliefs, practices, cultures and linguistic needs of diverse consumer or client populations**
5 **and communities whose members identify as having particular cultural or linguistic affil-**
6 **iations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred lan-**
7 **guage or language spoken at home. A culturally responsive service has the capacity to**
8 **respond to the issues of diverse communities and require knowledge and capacity at**
9 **systemic, organizational, professional and individual levels of intervention.**

10 “**SECTION 2. This 2021 Act being necessary for the immediate preservation of the public**
11 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
12 **on its passage.”**

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