

SB 47-1
(LC 439)
3/23/21 (JLM/ps)

Requested by SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION

**PROPOSED AMENDMENTS TO
SENATE BILL 47**

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

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

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

7 **“Sec. 53.** (1)(a) In consultation with the Justice Reinvestment Grant Re-
8 view Committee established under subsection (2) of this section, the Oregon
9 Criminal Justice Commission shall administer the Justice Reinvestment
10 Program described in this section. From funds appropriated to the commis-
11 sion for purposes of the program, the commission shall award grants to
12 counties that establish a process to assess offenders and provide a continuum
13 of community-based sanctions, services and programs that are designed to
14 reduce recidivism and decrease the county’s utilization of imprisonment in
15 a Department of Corrections institution while protecting public safety,
16 [and] holding offenders accountable **and ensuring that the Justice Rein-**
17 **vestment Program is effectively serving historically underserved pop-**
18 **ulations in an equitable manner.**

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

1 crime.

2 “(c) Notwithstanding paragraph (a) of this subsection, no less than
3 15 percent of grant funds awarded under this section must be distrib-
4 uted to build and maintain capacity for culturally responsive services
5 within this state that support the goals of the Justice Reinvestment
6 Program. For purposes of this paragraph, a service is within this state
7 if the service serves communities within the geographic boundaries
8 of this state, including communities within Indian country or tribal
9 land of a federally recognized Indian tribe within the geographic
10 boundaries of this state. To receive funding under this subsection, a
11 service must:

12 “(A) Provide outreach, support and resources to individuals who are
13 more likely to be involved in the criminal justice system due to race,
14 ethnicity, English language proficiency, socioeconomic status or ge-
15 ographic location; and

16 “(B) Demonstrate a proven ability to provide outreach, support and
17 resources to individuals involved in the criminal justice system.

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

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

20 “(B) The evaluation of services and programs funded under this
21 section.

22 “(2) The Justice Reinvestment Grant Review Committee is established,
23 consisting of the following members:

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

25 “(A) One member shall be a **representative of** district [*attorney*] **attor-**
26 **neys.**

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

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

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

3 “(E) One member shall be a **representative of** community corrections
4 [*director who is not*] **directors and may not be** a sheriff.

5 “(F) Two members shall be representatives of community-based organiza-
6 tions that provide services for underserved racial, ethnic or minority com-
7 munities.

8 “(G) **Two members shall be individuals with lived experience in the**
9 **criminal justice system.**

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

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

14 “(d) The Speaker of the House of Representatives shall appoint two non-
15 voting members from among members of the House of Representatives.

16 “(3)(a) A majority of the voting members of the committee constitutes a
17 quorum for the transaction of business.

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

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

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

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

26 “(4)(a) An application for a grant described in this section must be sub-
27 mitted by a local public safety coordinating council convened under ORS
28 423.560.

29 “(b) The grant application must include a statement of commitment, from
30 the relevant stakeholders of the service or program for which the county is

1 requesting funding and including the district attorney, presiding judge and
2 community corrections director, to reduce recidivism and decrease the
3 county’s utilization of imprisonment in Department of Corrections facilities
4 while protecting public safety, [*and*] holding offenders accountable **and en-**
5 **suring that the Justice Reinvestment Program is effectively serving**
6 **historically underserved populations in an equitable manner.**

7 “(5)(a) During a grant application period established by the commission,
8 the proportion of grant funds available to each county **under subsection**
9 **(1)(a) of this section** shall be determined in accordance with the formula
10 used to distribute baseline funding under ORS 423.483.

11 “(b) At the conclusion of the grant application period, the commission
12 shall award grants to counties in accordance with rules adopted by the
13 commission. If unallocated funds remain at the conclusion of the grant ac-
14 ceptance period, the commission may establish a supplemental grant period
15 and distribute the unallocated funds.

16 “(6)(a) The commission shall regularly evaluate the community-based
17 sanctions, services and programs funded under this section. The commission
18 shall specifically assess the extent to which each county is reducing utiliza-
19 tion of imprisonment in Department of Corrections facilities by offenders
20 convicted of felonies under ORS 137.717, 475.752 to 475.980, 811.182, 813.010
21 or 813.011.

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

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

29 “(b) A grant application to administer a community-based program de-
30 scribed in subsection (10)(a)(D) of this section must include the costs of ap-

1 pointed counsel.

2 “(8) After consulting with the Justice Reinvestment Grant Review Com-
3 mittee, the commission shall adopt rules to administer the Justice Reinvest-
4 ment Program. The rules must include:

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

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

13 “(c) A requirement that the grant review committee consider, when ap-
14 proving grant applications, each county’s historical reduction of utilization
15 of imprisonment in Department of Corrections facilities by offenders con-
16 victed of felonies under ORS 137.717, 475.752 to 475.980, 811.182, 813.010 or
17 813.011.

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

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

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

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

1 “(C) Withhold approved grant funds; or
2 “(D) Terminate further distribution of the grant award.
3 “(b) If the commission takes [*an*] a **remedial** action described in para-
4 graph (a) of this subsection, any remaining moneys may be redistributed by
5 the commission through a supplemental grant program. Priority shall be
6 given to counties funding programs for historically underserved communities
7 including rural communities, racial, ethnic and minority communities and
8 tribal communities. Rural counties may apply for supplemental grants in
9 cooperation with other rural counties.
10 “(10) As used in this section:
11 “(a) ‘Community-based programs’ includes:
12 “(A) Work release programs;
13 “(B) Structured, transitional leave programs;
14 “(C) Evidence-based programs designed to reduce recidivism that include
15 the balanced administration of sanctions, supervision and treatment;
16 “(D) Administering a reentry court under section 29 [*of this 2013 Act*],
17 **chapter 649, Oregon Laws 2013**; and
18 “(E) Specialty courts aimed at medium-risk and high-risk offenders.
19 “(b) ‘County’ includes a regional collection of counties.
20 “(c) **‘Culturally responsive service’ means a service that is**
21 **respectful of, and relevant to, the beliefs, practices, cultures and lin-**
22 **guistic needs of diverse consumer or client populations and commu-**
23 **nities whose members identify as having particular cultural or**
24 **linguistic affiliations by virtue of their place of birth, ancestry or**
25 **ethnic origin, religion, preferred language or language spoken at**
26 **home. A culturally responsive service has the capacity to respond to**
27 **the issues of diverse communities and require knowledge and capacity**
28 **at systemic, organizational, professional and individual levels of**
29 **intervention.**
30 “**SECTION 2. This 2021 Act being necessary for the immediate**

1 **preservation of the public peace, health and safety, an emergency is**
2 **declared to exist, and this 2021 Act takes effect on its passage.”.**

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