

SB 755-B38
(LC 3429)
6/21/21 (JLM/ps)

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO
B-ENGROSSED SENATE BILL 755**

1 On page 2 of the printed B-engrossed bill, line 8, after “(2020);” insert
2 “repealing sections 3 and 6, chapter ___, Oregon Laws 2021 (Enrolled Senate
3 Bill 497);”.

4 On page 37, after line 27, insert:

5 **“SECTION 44a. If Senate Bill 497 becomes law, section 3, chapter**
6 **___, Oregon Laws 2021 (Enrolled Senate Bill 497) (amending ORS**
7 **423.478), is repealed and ORS 423.478, as amended by section 20, chapter**
8 **2, Oregon Laws 2021 (Ballot Measure 110 (2020)), and section 44 of this**
9 **2021 Act, is amended to read:**

10 “423.478. (1) The Department of Corrections shall:

11 “(a) Operate prisons for offenders sentenced to terms of incarceration for
12 more than 12 months;

13 “(b) Provide central information and data services sufficient to:

14 “(A) Allow tracking of offenders; and

15 “(B) Permit analysis of correlations between sanctions, supervision, ser-
16 vices and programs, and future criminal conduct; and

17 “(c) Provide interstate compact administration and jail inspections.

18 “(2) Subject to ORS 423.483, [a] **each** county, in partnership with the de-
19 partment, shall assume responsibility for community-based supervision,
20 sanctions and services for offenders convicted of felonies, [or] designated
21 drug-related misdemeanors **or designated person misdemeanors** who are:

1 “(a) On parole;
2 “(b) On probation;
3 “(c) On post-prison supervision;
4 “(d) Sentenced, on or after January 1, 1997, to 12 months or less incar-
5 ceration;

6 “(e) Sanctioned, on or after January 1, 1997, by a court or the State Board
7 of Parole and Post-Prison Supervision to 12 months or less incarceration for
8 violation of a condition of parole, probation or post-prison supervision; or

9 “(f) On conditional release under ORS 420A.206.

10 “(3) Notwithstanding the fact that the court has sentenced a person to a
11 term of incarceration, when an offender is committed to the custody of the
12 supervisory authority of a county under ORS 137.124 (2) or (4), the supervi-
13 sory authority may execute the sentence by imposing sanctions other than
14 incarceration if deemed appropriate by the supervisory authority. If the su-
15 pervisory authority releases a person from custody under this subsection and
16 the person is required to report as a sex offender under ORS 163A.010, the
17 supervisory authority, as a condition of release, shall order the person to
18 report to the Department of State Police, a city police department or a
19 county sheriff’s office or to the supervising agency, if any:

20 “(a) When the person is released;

21 “(b) Within 10 days of a change of residence;

22 “(c) Once each year within 10 days of the person’s birth date;

23 “(d) Within 10 days of the first day the person works at, carries on a
24 vocation at or attends an institution of higher education; and

25 “(e) Within 10 days of a change in work, vocation or attendance status
26 at an institution of higher education.

27 “(4) As used in this section:

28 “(a) ‘Attends,’ ‘institution of higher education,’ ‘works’ and ‘carries on a
29 vocation’ have the meanings given those terms in ORS 163A.005.

30 “(b) ‘Designated drug-related misdemeanor’ means:

1 “(A) Unlawful possession of methadone under ORS 475.824 (2)(b);
2 “(B) Unlawful possession of oxycodone under ORS 475.834 (2)(b);
3 “(C) Unlawful possession of heroin under ORS 475.854 (2)(b);
4 “(D) Unlawful possession of 3,4-methylenedioxyamphetamine under
5 ORS 475.874 (2)(b);
6 “(E) Unlawful possession of cocaine under ORS 475.884 (2)(b); or
7 “(F) Unlawful possession of methamphetamine under ORS 475.894 (2)(b).

8 “(c) ‘Designated person misdemeanor’ means:

9 “(A) Assault in the fourth degree constituting domestic violence if
10 the judgment document is as described in ORS 163.160 (4);

11 “(B) Menacing constituting domestic violence if the judgment doc-
12 ument is as described in ORS 163.190 (3); or

13 “(C) Sexual abuse in the third degree under ORS 163.415.

14 “**SECTION 44b.** If Senate Bill 497 becomes law, section 6, chapter
15 ___, Oregon Laws 2021 (Enrolled Senate Bill 497), is repealed.

16 “**SECTION 44c.** If Senate Bill 497 becomes law, notwithstanding any
17 other provision of law, the General Fund appropriation made to the
18 Department of Corrections by section 1 (4), chapter _____, Oregon
19 Laws 2021 (Enrolled House Bill 5004), for the biennium beginning July
20 1, 2021, for community corrections, is increased by \$7,060,171, in order
21 to implement the amendments to ORS 423.478 by section 44a of this
22 2021 Act.

23 “**SECTION 44d.** If Senate Bill 497 becomes law, sections 44b and 44c
24 of this 2021 Act and the amendments to ORS 423.478 by section 44a of
25 this 2021 Act become operative on January 1, 2022.”.

26