



Legislative Testimony

OREGON DEPARTMENT OF CORRECTIONS

January 28, 2021

The Honorable Janelle Bynum, Chair
House Committee on Judiciary

Re: House Bill 2047

Chair Bynum and members of the committee, I am Jeremiah Stromberg, Assistant Director of the Community Corrections Division for the Oregon Department of Corrections (DOC). I am writing in support of HB 2047.

What the Bill Does:

HB 2047 will amend statute to authorize DOC to receive, hold, or dispose of seized property from probationers.

Background Information:

Authority to seize property from adults on probation, post-prison supervision (PPS), or parole is provided for in Oregon Administrative Rule 291.028. However, the statutory authority reference originates from Oregon Revised Statute (ORS) 144.404-409, which specifically pertains to individuals on parole and PPS. In practice, agency parole and probation staff have handled or disposed of seized property in accordance with ORS 144.404-409, regardless of whether someone is on PPS, parole, or probation, but the question of authority remains.

A Department of Justice opinion determined the statute does not cover probationers. It was drafted in the early 90s because seized property was piling up in DOC storage and there was no clear legal authority to dispose of it. At the time, probationers were not included because sentencing courts routinely disposed of seized probationer property at the request of DOC during probation violation proceedings.

ORS 133.623 covers DOC's authority to receive, hold, or dispose of property (regardless of offender status), provided it was seized in conjunction with an arrest. However, the process for holding or disposing of the property is different from that listed for PPS or parole in ORS 144.404-409, and would involve the courts.

HB 2047 is needed to amend ORS 144.404-409 to include probationers in the group of adults on supervision for whom DOC is authorized to receive, hold, or dispose of seized property during an arrest or search for a violation

Requested Action:

For the reasons explained above, the department respectfully requests your support of HB 2047.

Thank you for your time and consideration. I am happy to answer any questions you may have.

Submitted by:

Oregon Department of Corrections

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