

Enrolled
Senate Bill 1510

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CHAPTER

AN ACT

Relating to public safety; creating new provisions; amending ORS 131.615, 137.540, 144.102, 181A.530 and 810.410 and sections 8, 12, 33, 38, 53, 56 and 60, chapter 649, Oregon Laws 2013, and section 7, chapter 98, Oregon Laws 2018; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

STOPS

SECTION 1. ORS 131.615 is amended to read:

131.615. (1) A peace officer who reasonably suspects that a person has committed or is about to commit a crime may stop the person and, after informing the person that the peace officer is a peace officer, make a reasonable inquiry.

(2) The detention and inquiry shall be conducted in the vicinity of the stop and for no longer than a reasonable time.

(3) The inquiry shall be considered reasonable if it is limited to:

(a) The immediate circumstances that aroused the officer's suspicion;

(b) Other circumstances arising during the course of the detention and inquiry that give rise to a reasonable suspicion of criminal activity; and

(c) Ensuring the safety of the officer, the person stopped or other persons present, including an inquiry regarding the presence of weapons.

(4)(a) The inquiry may include a request for consent to search in relation to the circumstances specified in subsection (3) of this section or to search for items of evidence otherwise subject to search or seizure under ORS 133.535 **only if the officer first informs the person that the person has the right to refuse the request.**

(b) **An officer who obtains consent to search under this subsection shall ensure that there is a written, video or audio record that the person gave informed and voluntary consent to search.**

(c) **This subsection does not apply to implied consent searches described in ORS 813.100, 813.131 or 813.135.**

(5) A peace officer making a stop may use the degree of force reasonably necessary to make the stop and ensure the safety of the peace officer, the person stopped or other persons who are present.

SECTION 2. ORS 810.410 is amended to read:

810.410. (1) A police officer may arrest or issue a citation to a person for a traffic crime at any place within or outside the jurisdictional authority of the governmental unit by which the police officer is authorized to act as provided by ORS 133.235 and 133.310.

(2) A police officer may issue a citation to a person for a traffic violation at any place within or outside the jurisdictional authority of the governmental unit by which the police officer is authorized to act:

(a) When the traffic violation is committed in the police officer's presence; or

(b) When the police officer has probable cause to believe an offense has occurred based on a description of the vehicle or other information received from a police officer who observed the traffic violation.

(3) A police officer:

(a) [Shall] **May** not arrest a person for a traffic violation.

(b) May stop and detain a person for a traffic violation for the purposes of investigation reasonably related to the traffic violation, identification and issuance of citation.

(c) May make an inquiry into circumstances arising during the course of a detention and investigation under paragraph (b) of this subsection that give rise to a reasonable suspicion of criminal activity.

(d) May make an inquiry to ensure the safety of the officer, the person stopped or other persons present, including an inquiry regarding the presence of weapons.

(e) May request consent to search in relation to the circumstances referred to in paragraph (c) of this subsection or to search for items of evidence otherwise subject to search or seizure under ORS 133.535[.], **only if the officer first informs the person that the person has the right to refuse the request. If consent is obtained, the officer shall ensure that there is a written, video or audio record that the person gave informed and voluntary consent to search. This subsection does not apply to implied consent searches described in ORS 813.100, 813.131 or 813.135.**

(f) May use the degree of force reasonably necessary to make the stop and ensure the safety of the police officer, the person stopped or other persons present.

(g) May make an arrest of a person as authorized by ORS 133.310 (2) if the person is stopped and detained pursuant to the authority of this section.

(4) When a police officer at the scene of a traffic accident has reasonable grounds, based upon the police officer's personal investigation, to believe that a person involved in the accident has committed a traffic offense in connection with the accident, the police officer may issue to the person a citation for that offense. The authority under this subsection is in addition to any other authority to issue a citation for a traffic offense.

SECTION 3. The amendments to ORS 131.615 and 810.410 by sections 1 and 2 of this 2022 Act apply to stops and searches occurring on or after the operative date specified in section 4 of this 2022 Act.

SECTION 4. The amendments to ORS 131.615 and 810.410 by sections 1 and 2 of this 2022 Act become operative on January 1, 2023.

SECTION 5. Section 6 of this 2022 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 6. (1) Notwithstanding ORS 810.410, a police officer may not initiate a traffic violation stop for unlawful use or failure to use lights under ORS 811.520 or operation without required lighting equipment under ORS 816.330 if the offense is based on the following circumstances:

(a) A headlight that is not in compliance with ORS 816.050 or 816.320, and the vehicle has a headlight that is in compliance;

(b) A taillight that is not in compliance with ORS 816.080 or 816.320, and the vehicle has a taillight that is in compliance;

(c) A brake light that is not in compliance with ORS 816.100 or 816.320, and the vehicle has a brake light that is in compliance;

- (d) A taillight that does not emit red light as required by ORS 816.080 (2); or
 - (e) A registration plate light that is not in compliance with ORS 816.090 or 816.320.
- (2) A police officer may issue a citation for unlawful use or failure to use lights under ORS 811.520 or operation without required lighting equipment under ORS 816.330 based on circumstances described in subsection (1) of this section only if the police officer has already stopped and detained the driver operating the motor vehicle for a separate traffic violation or other offense.

SECTION 7. Section 6 of this 2022 Act applies to conduct alleged to constitute an offense occurring on or after the operative date specified in section 8 of this 2022 Act.

SECTION 8. Section 6 of this 2022 Act becomes operative on January 1, 2023.

COMMUNITY CORRECTIONS

SECTION 9. ORS 181A.530 is amended to read:

181A.530. (1) Except for a person who has requested and obtained an extension from the Department of Public Safety Standards and Training pursuant to subsection (2) of this section, a person may not be employed as a parole and probation officer for more than 18 months unless the person is a citizen of the United States or a nonimmigrant legally admitted to the United States under a Compact of Free Association, and:

(a) The person has been certified as being qualified as a parole and probation officer under provisions of ORS 181A.355 to 181A.689 and the certification has not lapsed or been revoked pursuant to ORS 181A.630, 181A.640 and 181A.650 (1) and not reissued under ORS 181A.650 (2); or

(b) The person is exempted from the certification requirement under ORS 181A.420 (1) and (2).

(2) The department, upon the facts contained in an affidavit accompanying the request for an extension, may find good cause for failure to obtain certification within the time period described in subsection (1) of this section. If the department finds that there is good cause for failure to timely obtain certification, the department may extend for up to one year the period that a person may serve as a parole and probation officer without certification. The grant or denial of an extension is within the sole discretion of the department.

(3) The initial training required for certification as a parole and probation officer, and any mandatory training to maintain certification, must include training in providing trauma-informed care, culturally specific services and de-escalation techniques.

[(3)] (4) The certification of a parole and probation officer shall lapse upon the passage of more than three consecutive months during which period the officer is not employed as a parole and probation officer, unless the officer is on leave from a law enforcement unit. Upon reemployment as a parole and probation officer, the person whose certification has lapsed may apply for certification in the manner provided in ORS 181A.355 to 181A.689.

[(4)] (5) In order to maintain certification, a parole and probation officer who is employed part-time must complete annually at least 20 hours of continuing education approved by the Department of Public Safety Standards and Training.

[(5)] (6) The requirement of citizenship imposed under subsection (1) of this section does not apply to a person employed as a parole and probation officer on September 27, 1987, who continues to serve as a parole and probation officer.

SECTION 10. ORS 137.540 is amended to read:

137.540. (1) The court may sentence the defendant to probation subject to the following general conditions unless specifically deleted by the court. The probationer shall:

(a) Pay fines, restitution or other fees ordered by the court.

[(b) *Not use or possess controlled substances except pursuant to a medical prescription.*]

[(c)] (b) Submit to testing for controlled substance, cannabis or alcohol use if the probationer has a history of substance abuse or if there is a reasonable suspicion that the probationer has illegally used controlled substances.

[(d)] (c) Participate in a substance abuse evaluation as directed by the supervising officer and follow the recommendations of the evaluator if there are reasonable grounds to believe there is a history of substance abuse.

[(e)] (d) Remain in the State of Oregon until written permission to leave is granted by the Department of Corrections or a county community corrections agency.

[(f)] *If physically able, find and maintain gainful full-time employment, approved schooling, or a full-time combination of both. Any waiver of this requirement must be based on a finding by the court stating the reasons for the waiver.*

[(g)] (e) [Change neither employment nor] **Not change** residence without prior permission from the Department of Corrections or a county community corrections agency **and inform the parole and probation officer of any change in employment.**

[(h)] (f) Permit the parole and probation officer to visit the probationer or the probationer's work site or residence and to conduct a walk-through of the common areas and of the rooms in the residence occupied by or under the control of the probationer.

[(i)] (g) Consent to the search of person, vehicle or premises upon the request of a representative of the supervising officer if the supervising officer has reasonable grounds to believe that evidence of a violation will be found, and submit to fingerprinting or photographing, or both, when requested by the Department of Corrections or a county community corrections agency for supervision purposes.

[(j)] (h) Obey all laws, municipal, county, state and federal, **and in circumstances in which state and federal law conflict, obey state law.**

[(k)] (i) Promptly and truthfully answer all reasonable inquiries by the Department of Corrections or a county community corrections agency.

[(L)] (j) Not possess weapons, firearms or dangerous animals.

[(m)] (k) Report as required and abide by the direction of the supervising officer.

[(n)] (L) If recommended by the supervising officer, successfully complete a sex offender treatment program approved by the supervising officer and submit to polygraph examinations at the direction of the supervising officer if the probationer:

(A) Is under supervision for a sex offense under ORS 163.305 to 163.467;

(B) Was previously convicted of a sex offense under ORS 163.305 to 163.467; or

(C) Was previously convicted in another jurisdiction of an offense that would constitute a sex offense under ORS 163.305 to 163.467 if committed in this state.

[(o)] (m) Participate in a mental health evaluation as directed by the supervising officer and follow the recommendation of the evaluator.

[(p)] (n) If required to report as a sex offender under ORS 163A.015, report with the Department of State Police, a city police department, a county sheriff's office or the supervising agency:

(A) When supervision begins;

(B) Within 10 days of a change in residence;

(C) Once each year within 10 days of the probationer's date of birth;

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

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

[(q)] (o) Submit to a risk and needs assessment as directed by the supervising officer and follow reasonable recommendations resulting from the assessment.

(2) In addition to the general conditions, the court may impose any special conditions of probation that are reasonably related to the crime of conviction or the needs of the probationer for the protection of the public or reformation of the probationer, or both, including, but not limited to, that the probationer shall:

(a) For crimes committed prior to November 1, 1989, and misdemeanors committed on or after November 1, 1989, be confined to the county jail or be restricted to the probationer's own residence or to the premises thereof, or be subject to any combination of such confinement and restriction,

such confinement or restriction or combination thereof to be for a period not to exceed one year or one-half of the maximum period of confinement that could be imposed for the offense for which the defendant is convicted, whichever is the lesser.

(b) For felonies committed on or after November 1, 1989:

(A) Be confined in the county jail, or be subject to other custodial sanctions under community supervision, or both, as provided by rules of the Oregon Criminal Justice Commission; and

(B) Comply with any special conditions of probation that are imposed by the supervising officer in accordance with subsection (9) of this section.

(c) For crimes committed on or after December 5, 1996, sell any assets of the probationer as specifically ordered by the court in order to pay restitution.

(d) For crimes constituting delivery of a controlled substance, as those terms are defined in ORS 475.005, or for telephonic harassment under ORS 166.090, or for crimes involving domestic violence, as defined in ORS 135.230, be prohibited from using Internet websites that provide anonymous text message services.

(e) Not use or possess controlled substances except pursuant to a medical prescription.

(3)(a) If a person is released on probation following conviction of stalking under ORS 163.732 (2)(b) or violating a court's stalking protective order under ORS 163.750 (2)(b), the court may include as a special condition of the person's probation reasonable residency restrictions.

(b) If the court imposes the special condition of probation described in this subsection and if at any time during the period of probation the victim moves to a location that causes the probationer to be in violation of the special condition of probation, the court may not require the probationer to change the probationer's residence in order to comply with the special condition of probation.

(4) When a person who is a sex offender is released on probation, the court shall impose as a special condition of probation that the person not reside in any dwelling in which another sex offender who is on probation, parole or post-prison supervision resides, without the approval of the person's supervising parole and probation officer, or in which more than one other sex offender who is on probation, parole or post-prison supervision resides, without the approval of the director of the probation agency that is supervising the person or of the county manager of the Department of Corrections, or a designee of the director or manager. As soon as practicable, the supervising parole and probation officer of a person subject to the requirements of this subsection shall review the person's living arrangement with the person's sex offender treatment provider to ensure that the arrangement supports the goals of offender rehabilitation and community safety. As used in this subsection:

(a) "Dwelling" has the meaning given that term in ORS 469B.100.

(b) "Dwelling" does not include a residential treatment facility or a halfway house.

(c) "Halfway house" means a publicly or privately operated profit or nonprofit residential facility that provides rehabilitative care and treatment for sex offenders.

(d) "Sex offender" has the meaning given that term in ORS 163A.005.

(5)(a) If the person is released on probation following conviction of a sex crime, as defined in ORS 163A.005, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18 years of age, the court, if requested by the victim, shall include as a special condition of the person's probation that the person not reside within three miles of the victim unless:

(A) The victim resides in a county having a population of less than 130,000 and the person is required to reside in that county;

(B) The person demonstrates to the court by a preponderance of the evidence that no mental intimidation or pressure was brought to bear during the commission of the crime;

(C) The person demonstrates to the court by a preponderance of the evidence that imposition of the condition will deprive the person of a residence that would be materially significant in aiding in the rehabilitation of the person or in the success of the probation; or

(D) The person resides in a halfway house. As used in this subparagraph, "halfway house" means a publicly or privately operated profit or nonprofit residential facility that provides rehabilitative care and treatment for sex offenders.

(b) A victim may request imposition of the special condition of probation described in this subsection at the time of sentencing in person or through the prosecuting attorney.

(c) If the court imposes the special condition of probation described in this subsection and if at any time during the period of probation the victim moves to within three miles of the probationer's residence, the court may not require the probationer to change the probationer's residence in order to comply with the special condition of probation.

(6) When a person who is a sex offender, as defined in ORS 163A.005, is released on probation, the Department of Corrections or the county community corrections agency, whichever is appropriate, shall notify the city police department, if the person is going to reside within a city, and the county sheriff's office of the county in which the person is going to reside of the person's release and the conditions of the person's release.

(7) Failure to abide by all general and special conditions of probation may result in arrest, modification of conditions, revocation of probation or imposition of structured, intermediate sanctions in accordance with rules adopted under ORS 137.595.

(8) The court may order that probation be supervised by the court.

(9)(a) The court may at any time modify the conditions of probation.

(b) When the court orders a defendant placed under the supervision of the Department of Corrections or a community corrections agency, the supervising officer may file with the court a proposed modification to the special conditions of probation. The supervising officer shall provide a copy of the proposed modification to the district attorney and the probationer, and shall notify the probationer of the right to file an objection and have a hearing as described in subparagraph (A) of this paragraph. The notice requirement may be satisfied by providing the probationer with a copy of a form developed in accordance with rules adopted under ORS 137.595 (2)(b) that describes the right to a hearing. If the district attorney or probationer:

(A) Files an objection to the proposed modification less than five judicial days after the proposed modification was filed, the court shall schedule a hearing no later than 10 judicial days after the proposed modification was filed, unless the court finds good cause to schedule a hearing at a later time.

(B) Does not file an objection to the proposed modification less than five judicial days after the proposed modification was filed, the proposed modification becomes effective five judicial days after the proposed modification was filed.

(10) A court may not order revocation of probation as a result of the probationer's failure to pay restitution unless the court determines from the totality of the circumstances that the purposes of the probation are not being served.

(11) **If the court ordered as a special condition of probation that the probationer find and maintain employment**, it is not a cause for revocation of probation that the probationer failed to apply for or accept employment at any workplace where there is a labor dispute in progress. As used in this subsection, "labor dispute" has the meaning for that term provided in ORS 662.010.

(12) As used in this section, "attends," "institution of higher education," "works" and "carries on a vocation" have the meanings given those terms in ORS 163A.005.

SECTION 11. ORS 144.102 is amended to read:

144.102. (1) The State Board of Parole and Post-Prison Supervision or local supervisory authority responsible for correctional services for a person shall specify in writing the conditions of post-prison supervision imposed under ORS 144.096. A copy of the conditions must be given to the person upon release from prison or jail.

(2) The board or the supervisory authority shall determine, and may at any time modify, the conditions of post-prison supervision, which may include, among other conditions, that the person shall:

(a) Comply with the conditions of post-prison supervision as specified by the board or supervisory authority.

(b) Be under the supervision of the Department of Corrections and its representatives or other supervisory authority and abide by their direction and counsel.

- (c) Answer all reasonable inquiries of the board, the department or the supervisory authority.
 - (d) Report to the parole officer as directed by the board, the department or the supervisory authority.
 - (e) Not own, possess or be in control of any weapon.
 - (f) Respect and obey all municipal, county, state and federal laws, **and in circumstances in which state and federal law conflict, obey state law.**
 - (g) Understand that the board or supervisory authority may, at its discretion, punish violations of post-prison supervision.
 - (h) Attend a victim impact treatment session in a county that has a victim impact program.
 - (i) For crimes constituting delivery of a controlled substance, as those terms are defined in ORS 475.005, or for telephonic harassment under ORS 166.090, or for crimes involving domestic violence, as defined in ORS 135.230, be prohibited from using Internet websites that provide anonymous text message services.
- (3) If the person is required to report as a sex offender under ORS 163A.010, the board or supervisory authority shall include as a condition of post-prison supervision that the person report with the Department of State Police, a city police department, a county sheriff's office or the supervising agency:
- (a) When supervision begins;
 - (b) Within 10 days of a change in residence;
 - (c) Once each year within 10 days of the person's date of birth;
 - (d) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; and
 - (e) Within 10 days of a change in work, vocation or attendance status at an institution of higher education.
- (4)(a) The board or supervisory authority may establish special conditions that the board or supervisory authority considers necessary because of the individual circumstances of the person on post-prison supervision.
- (b) If the person is on post-prison supervision following conviction of a sex crime, as defined in ORS 163A.005, the board or supervisory authority shall include all of the following as special conditions of the person's post-prison supervision:
- (A) Agreement to comply with a curfew set by the board, the supervisory authority or the supervising officer.
 - (B) A prohibition against contacting a person under 18 years of age without the prior written approval of the board, supervisory authority or supervising officer.
 - (C) A prohibition against being present more than one time, without the prior written approval of the board, supervisory authority or supervising officer, at a place where persons under 18 years of age regularly congregate.
 - (D) In addition to the prohibition under subparagraph (C) of this paragraph, a prohibition against being present, without the prior written approval of the board, supervisory authority or supervising officer, at, or on property adjacent to, a school, child care center, playground or other place intended for use primarily by persons under 18 years of age.
 - (E) A prohibition against working or volunteering at a school, child care center, park, playground or other place where persons under 18 years of age regularly congregate.
 - (F) Entry into and completion of or successful discharge from a sex offender treatment program approved by the board, supervisory authority or supervising officer. The program may include polygraph and plethysmograph testing. The person is responsible for paying for the treatment program.
 - (G) A prohibition against direct or indirect contact with the victim, unless approved by the victim, the person's treatment provider and the board, supervisory authority or supervising officer.
 - (H) Unless otherwise indicated for the treatment required under subparagraph (F) of this paragraph, a prohibition against viewing, listening to, owning or possessing sexually stimulating visual or auditory materials that are relevant to the person's deviant behavior.

(I) Agreement to consent to a search of the person or the vehicle or residence of the person upon the request of a representative of the board or supervisory authority if the representative has reasonable grounds to believe that evidence of a violation of a condition of post-prison supervision will be found.

(J) Participation in random polygraph examinations to obtain information for risk management and treatment. The person is responsible for paying the expenses of the examinations. The results of a polygraph examination under this subparagraph may not be used in evidence in a hearing to prove a violation of post-prison supervision.

(K) Maintenance of a driving log and a prohibition against driving a motor vehicle alone unless approved by the board, supervisory authority or supervising officer.

(L) A prohibition against using a post-office box unless approved by the board, supervisory authority or supervising officer.

(M) A prohibition against residing in a dwelling in which another sex offender who is on probation, parole or post-prison supervision resides unless approved by the board, supervisory authority or supervising officer, or in which more than one other sex offender who is on probation, parole or post-prison supervision resides unless approved by the board or the director of the supervisory authority, or a designee of the board or director. As soon as practicable, the supervising officer of a person subject to the requirements of this subparagraph shall review the person's living arrangement with the person's sex offender treatment provider to ensure that the arrangement supports the goals of offender rehabilitation and community safety.

(c)(A) If the person is on post-prison supervision following conviction of a sex crime, as defined in ORS 163A.005, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18 years of age, the board or supervisory authority, if requested by the victim, shall include as a special condition of the person's post-prison supervision that the person not reside within three miles of the victim unless:

(i) The victim resides in a county having a population of less than 130,000 and the person is required to reside in that county under subsection (7) of this section;

(ii) The person demonstrates to the board or supervisory authority by a preponderance of the evidence that no mental intimidation or pressure was brought to bear during the commission of the crime;

(iii) The person demonstrates to the board or supervisory authority by a preponderance of the evidence that imposition of the condition will deprive the person of a residence that would be materially significant in aiding in the rehabilitation of the person or in the success of the post-prison supervision; or

(iv) The person resides in a halfway house.

(B) A victim may request imposition of the special condition of post-prison supervision described in this paragraph at the time of sentencing in person or through the prosecuting attorney. A victim's request may be included in the judgment document.

(C) If the board or supervisory authority imposes the special condition of post-prison supervision described in this paragraph and if at any time during the period of post-prison supervision the victim moves to within three miles of the person's residence, the board or supervisory authority may not require the person to change the person's residence in order to comply with the special condition of post-prison supervision.

(d)(A) If a person is on post-prison supervision following conviction of stalking under ORS 163.732 (2)(b) or violating a court's stalking protective order under ORS 163.750 (2)(b), the board or supervisory authority may include as a special condition of the person's post-prison supervision reasonable residency restrictions.

(B) If the board or supervisory authority imposes the special condition of post-prison supervision described in this paragraph and if at any time during the period of post-prison supervision the victim moves to a location that causes the person to be in violation of the special condition of post-prison supervision, the board or supervisory authority may not require the person to change the person's residence in order to comply with the special condition of post-prison supervision.

(5)(a) The board or supervisory authority may require the person to pay, as a condition of post-prison supervision, compensatory fines, restitution or attorney fees:

(A) As determined, imposed or required by the sentencing court; or

(B) When previously required as a condition of any type of supervision that is later revoked.

(b) The board may require a person to pay restitution as a condition of post-prison supervision imposed for an offense other than the offense for which the restitution was ordered if the person:

(A) Was ordered to pay restitution as a result of another conviction; and

(B) Has not fully paid the restitution by the time the person has completed the period of post-prison supervision imposed for the offense for which the restitution was ordered.

(6) A person's failure to apply for or accept employment at a workplace where there is a labor dispute in progress does not constitute a violation of the conditions of post-prison supervision.

(7)(a) When a person is released from imprisonment on post-prison supervision, the board shall order as a condition of post-prison supervision that the person reside for the first six months after release in the county that last supervised the person, if the person was on active supervision as an adult for a felony at the time of the offense that resulted in the imprisonment.

(b) If the person was not on active supervision as an adult for a felony at the time of the offense that resulted in the imprisonment, the board shall order as a condition of post-prison supervision that the person reside for the first six months after release in the county where the person resided at the time of the offense that resulted in the imprisonment.

(c) For purposes of paragraph (b) of this subsection:

(A) The board shall determine the county where the person resided at the time of the offense by examining records such as:

(i) An Oregon driver license, regardless of its validity;

(ii) Records maintained by the Department of Revenue;

(iii) Records maintained by the Department of State Police;

(iv) Records maintained by the Department of Human Services;

(v) Records maintained by the Department of Corrections; and

(vi) Records maintained by the Oregon Health Authority.

(B) If the person did not have an identifiable address at the time of the offense, or the address cannot be determined, the person is considered to have resided in the county where the offense occurred.

(C) If the person is serving multiple sentences, the county of residence is determined according to the date of the last arrest resulting in a conviction.

(D) In determining the person's county of residence, the board may not consider offenses committed by the person while the person was incarcerated in a Department of Corrections facility.

(d) Upon motion of the board, the supervisory authority, the person, a victim or a district attorney, the board may waive the residency condition under paragraph (b) of this subsection only after making a finding that one of the following conditions has been met:

(A) The person provides proof of employment with no set ending date in a county other than the county of residence determined under paragraph (c) of this section;

(B) The person is found to pose a significant danger to a victim of the person's crime residing in the county of residence, or a victim or victim's family residing in the county of residence is found to pose a significant danger to the person;

(C) The person has a spouse or biological or adoptive family residing in a county other than the county of residence who will be materially significant in aiding in the rehabilitation of the person and in the success of the post-prison supervision;

(D) As another condition of post-prison supervision, the person is required to participate in a treatment program that is not available in the county of residence;

(E) The person requests release to another state; or

(F) The board finds other good cause for the waiver.

(e) The board shall consider eligibility for transitional housing programs and residential treatment programs when determining whether to waive the residency condition under paragraph (b) of

this subsection, and the acceptance of the person into a transitional housing program or a residential treatment program constitutes good cause as described in paragraph (d)(F) of this subsection.

(8) As used in this section:

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

(b)(A) "Dwelling" has the meaning given that term in ORS 469B.100.

(B) "Dwelling" does not mean a residential treatment facility or a halfway house.

(c) "Halfway house" means a residential facility that provides rehabilitative care and treatment for sex offenders.

(d) "Labor dispute" has the meaning given that term in ORS 662.010.

SECTION 12. The Department of Corrections, in consultation with county community corrections agencies, community members, including persons currently or formerly under supervision, and organizations that provide culturally specific services, shall adopt rules for standards concerning the location of supervision visits, the frequency of visits and the manner of reporting, for persons on supervision. The rules must take into account evidence-based practices and must require consideration of the risks, needs and responsivity of each supervised person and the goals for completion of supervision. The rules must include a reporting process that is designed to minimize disruptions to the life of the supervised person and avoid unnecessary hardships, while offering the supervised person a broad array of reporting options, and that is focused on the success of the person on supervision.

JUSTICE REINVESTMENT (Justice Reinvestment Equity Program)

SECTION 13. Notwithstanding any other provision of law, the General Fund appropriation made to the Emergency Board by section 168, chapter 669, Oregon Laws 2021, for the biennium beginning July 1, 2021, for allocation to the Oregon Criminal Justice Commission for a Transforming Justice Initiative, is decreased by \$10,000,000.

SECTION 14. In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Criminal Justice Commission, for the biennium ending June 30, 2023, out of the General Fund, the amount of \$10,000,000, for distribution to the Northwest Health Foundation Fund II to carry out the provisions of section 15 of this 2022 Act.

SECTION 15. (1) The Oregon Criminal Justice Commission shall distribute the moneys received pursuant to section 14 of this 2022 Act to the Northwest Health Foundation Fund II to fund the Justice Reinvestment Equity Program. The program shall consist of the provision of subgrants and technical assistance by the Northwest Health Foundation Fund II to culturally specific organizations and culturally responsive service providers for the following purposes:

- (a) Mental health and substance use disorder treatment;**
- (b) Maternal health services;**
- (c) Trauma-informed restorative justice services;**
- (d) Violence reduction programs, including but not limited to violence interruption mentors or after-school programs focused on art, music, theater or dance;**
- (e) Crisis intervention without police involvement;**
- (f) Reentry programs that are connected to education, workforce development and transitional supports;**
- (g) Long-term supportive housing;**
- (h) Support for setting aside conviction records;**
- (i) Pretrial release support;**
- (j) Services for victims, including incarcerated victims or victims on pretrial release;**
- (k) Programs for persons, and families of persons, who are currently or were formerly incarcerated;**

(L) Programs designed to reduce recidivism and reduce contact with the criminal justice system;

(m) Programs for persons who have been impacted by police violence, either directly or through a family member; or

(n) Planning grants and technical assistance to support the development of new culturally specific services, or to strengthen existing services, that are aligned with the other purposes described in this subsection.

(2) Recognizing that systemic racism exists within this state and within the criminal justice system, and that culturally specific organizations and culturally responsive services must be expanded to address those disparities, the purpose of the Justice Reinvestment Equity Program is to promote racial equity, reduce racial disparities, reduce recidivism and decrease a county's utilization of imprisonment in a Department of Corrections institution, all while protecting public safety and holding offenders accountable.

(3) Notwithstanding subsection (1) of this section, up to three percent of funds distributed under this section may be used by the Northwest Health Foundation Fund II for administrative costs.

(4) The Oregon Criminal Justice Commission may adopt rules to carry out the provisions of this section.

(5) As used in this section:

(a) "Administrative costs" means all costs incurred throughout the administration of the Justice Reinvestment Equity Program that are not directly related to the delivery of program services or projects.

(b) "Culturally responsive service" means a service that is respectful of, and relevant to, the beliefs, practices, cultures and linguistic needs of diverse consumer or client populations and communities whose members identify as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home. A culturally responsive service has the capacity to respond to the issues of diverse communities and require knowledge and capacity at systemic, organizational, professional and individual levels of intervention.

(c) "Culturally specific organization" means an organization, or a program within an organization, that serves a particular cultural community, that is primarily staffed and led by members of that community and that demonstrates self-advocacy, positive cultural identity and intimate knowledge of the lived experience of the community, including but not limited to:

(A) The impact of structural and individual racism or discrimination on the community;

(B) Specific disparities in access to services and resources experienced by the community; and

(C) Community strengths, cultural practices, beliefs and traditions.

SECTION 16. In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Criminal Justice Commission, for the biennium ending June 30, 2023, out of the General Fund, the amount of \$200,000, for the purpose of carrying out section 16a of this 2022 Act.

SECTION 16a. (1) The Oregon Criminal Justice Commission shall evaluate the implementation of the Justice Reinvestment Equity Program and monitor the progress of subgrants provided by the Northwest Health Foundation Fund II under section 15 of this 2022 Act.

(2) The commission shall convene a stakeholder group to assist with the evaluation described in subsection (1) of this section. The group must be composed of culturally diverse persons with expertise in culturally responsive evaluations, persons with expertise in criminal justice issues and subgrantees receiving funds under section 15 of this 2022 Act.

(3) The evaluator conducting the evaluation described in subsection (1) of this section must have expertise in racial equity, facilitation of community-based participatory evaluation

methods and demonstrated experience with facilitating inclusive processes with diverse communities.

(4) No later than September 30, 2024, the commission shall provide a report detailing the progress of the evaluation described in subsection (1) of this section to the Legislative Assembly, in the manner provided in ORS 192.245, and shall include recommendations for additional evaluation needs.

SECTION 17. Section 16a of this 2022 Act is repealed on January 2, 2025.

(Justice Reinvestment Program Modifications)

SECTION 18. Section 53, chapter 649, Oregon Laws 2013, is amended to read:

Sec. 53. (1)(a) In consultation with the Justice Reinvestment Grant Review Committee established under subsection (2) of this section, the Oregon Criminal Justice Commission shall administer the Justice Reinvestment Program described in this section. From funds appropriated to the commission for purposes of the program, the commission shall award grants to counties that establish a process to assess offenders and provide a continuum of community-based sanctions, services and programs that are designed to reduce recidivism and decrease the county's utilization of imprisonment in a Department of Corrections institution while protecting public safety and holding offenders accountable.

(b) Notwithstanding paragraph (a) of this subsection, no less than 10 percent of grant funds awarded under this section must be distributed to community-based nonprofit organizations that provide services to victims of crime, **with priority given to culturally specific organizations and culturally responsive services.**

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

(a) The Governor shall appoint the following seven members:

(A) One member shall be a district attorney.

(B) One member shall be a county sheriff.

(C) One member shall be a chief of police.

(D) One member shall be a county commissioner.

(E) One member shall be a community corrections director who is not a sheriff.

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

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

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

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

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

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

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

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

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

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

(b) The grant application must include a statement of commitment, from the relevant stakeholders of the service or program for which the county is requesting funding and including the district attorney, presiding judge and community corrections director, to reduce recidivism and de-

crease the county's utilization of imprisonment in Department of Corrections facilities while protecting public safety and holding offenders accountable.

(5)(a) During a grant application period established by the commission, the proportion of grant funds available to each county shall be determined in accordance with the formula used to distribute baseline funding under ORS 423.483.

(b) At the conclusion of the grant application period, the commission shall award grants [*to counties*] in accordance with rules adopted by the commission. If unallocated funds remain at the conclusion of the grant acceptance period, the commission may establish a supplemental grant period and distribute the unallocated funds.

(6)(a) The commission shall regularly evaluate the community-based sanctions, services and programs funded under this section. The commission shall specifically assess the extent to which each county is reducing 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.

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

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

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

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

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

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

(c) A requirement that the grant review committee consider, when approving grant applications, each county's historical reduction of 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.

(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.

(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 decline to grant the full grant amount requested by a county, provide technical assistance, withhold approved grant funds or terminate further distribution of the grant award.

(b) If the commission takes an 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.

(10) As used in this section:

(a) [*Community-based programs*] "**Community-based program**" includes:

(A) Work release programs;

(B) Structured, transitional leave programs;

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

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

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

(b) "County" includes a regional collection of counties.

(c) "**Culturally responsive service**" means a service that is respectful of, and relevant to, the beliefs, practices, cultures and linguistic needs of diverse consumer or client populations and communities whose members identify as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home. A culturally responsive service has the capacity to respond to the issues of diverse communities and require knowledge and capacity at systemic, organizational, professional and individual levels of intervention.

(d) "**Culturally specific organization**" means an organization, or a program within an organization, that serves a particular cultural community, that is primarily staffed and led by members of that community and that demonstrates self-advocacy, positive cultural identity and intimate knowledge of the lived experience of the community, including but not limited to:

(A) The impact of structural and individual racism or discrimination on the community;

(B) Specific disparities in access to services and resources experienced by the community; and

(C) Community strengths, cultural practices, beliefs and traditions.

(House Bill 3194 (2013) Sunset Extensions)

SECTION 19. Section 56, chapter 649, Oregon Laws 2013, is amended to read:

Sec. 56. Sections 52 and 53, [of this 2013 Act] **chapter 649, Oregon Laws 2013**, are repealed on July 1, [2023] **2024**.

SECTION 20. Section 60, chapter 649, Oregon Laws 2013, is amended to read:

Sec. 60. Section 59, [of this 2013 Act] **chapter 649, Oregon Laws 2013**, is repealed on July 1, [2023] **2024**.

SECTION 21. Section 7, chapter 98, Oregon Laws 2018, is amended to read:

Sec. 7. Section 5, [of this 2018 Act] **chapter 98, Oregon Laws 2018**, is repealed on July 1, [2023] **2024**.

SECTION 22. Section 8, chapter 649, Oregon Laws 2013, is amended to read:

Sec. 8. (1) The amendments to ORS 137.717 by section 7, [of this 2013 Act] **chapter 649, Oregon Laws 2013**, become operative on July 1, [2023] **2024**.

(2) The amendments to ORS 137.717 by section 7, [of this 2013 Act] **chapter 649, Oregon Laws 2013**, apply to crimes committed on or after July 1, [2023] **2024**.

SECTION 23. Section 12, chapter 649, Oregon Laws 2013, is amended to read:

Sec. 12. (1) [Section 11 of this 2013 Act] **ORS 475.934** becomes operative on July 1, [2023] **2024**.

(2) [Section 11 of this 2013 Act] **ORS 475.934** applies to crimes committed on or after July 1, [2023] **2024**.

SECTION 24. Section 33, chapter 649, Oregon Laws 2013, is amended to read:

Sec. 33. Section 29, [of this 2013 Act] **chapter 649, Oregon Laws 2013**, is repealed on July 1, [2023] **2024**.

SECTION 25. Section 38, chapter 649, Oregon Laws 2013, is amended to read:

Sec. 38. (1) The amendments to ORS 40.015, 144.096, 144.101 and 144.106 by sections 34 to 37, [of this 2013 Act] **chapter 649, Oregon Laws 2013**, become operative on July 1, [2023] **2024**.

(2) The repeal of section 29, [of this 2013 Act] **chapter 649, Oregon Laws 2013**, by section 33, [of this 2013 Act] **chapter 649, Oregon Laws 2013**, and the amendments to ORS 40.015, 144.096, 144.101 and 144.106 by sections 34 to 37, [of this 2013 Act] **chapter 649, Oregon Laws 2013**, do not affect the jurisdiction of a reentry court over a person sentenced under section 29, [of this 2013 Act] **chapter 649, Oregon Laws 2013**.

CRIMINAL JUSTICE DATA REPORTING

SECTION 26. (1)(a) The Oregon Criminal Justice Commission, in consultation with the Department of Corrections, shall collect data concerning the imposition of supervision conditions on persons on probation or post-prison supervision.

(b) The commission shall review the data described in paragraph (a) of this subsection and make the data, disaggregated by race, ethnicity, gender and county, available to the public in a clear and accessible format, either in a report or on the website of the commission.

(2)(a) The Oregon Criminal Justice Commission, in coordination with the Department of Corrections, shall collect data concerning the number of persons on supervision, persons revoked from supervision and sentenced to incarceration, and persons sanctioned for violating conditions of supervision and serving a sanction in a local correctional facility.

(b) The commission shall review the data described in paragraph (a) of this subsection and make the data, disaggregated by race, ethnicity, gender and county, available to the public in a clear and accessible format, either in a report or on the website of the commission.

(c) The Department of Corrections, community corrections agencies and local supervisory authorities shall, at intake of a person on supervision, collect and maintain information concerning the person's race, ethnicity and gender, according to standardized designations in census data, and shall at least annually provide the data to the commission.

SECTION 27. Section 26 of this 2022 Act is repealed on January 2, 2033.

SECTION 28. (1) No later than January 15, 2024, the Oregon Criminal Justice Commission shall report to the relevant committees of the Legislative Assembly, in the manner provided under ORS 192.245, the following information:

(a)(A) The amount and percentage of Justice Reinvestment Program funds provided to counties for community-based sanctions, services and programs;

(B) The specific sanctions, services and programs that received program funds, disaggregated by county; and

(C) The populations served by the sanctions, services and programs that received program funds, disaggregated by race, ethnicity, gender and county; and

(b) The amount and percentage of Justice Reinvestment Program funds provided to community-based nonprofit organizations that provide services to victims of crime, disaggregated by county, culturally specific organization and culturally responsive service provider.

(2) No later than January 15, 2024, the Oregon Criminal Justice Commission shall report to the relevant committees of the Legislative Assembly, in the manner provided under ORS 192.245, the following information:

(a) The amount of Justice Reinvestment Equity Program funds provided to culturally specific programs, disaggregated by county and population served; and

(b) The amount of Justice Reinvestment Equity Program funds provided to culturally responsive service providers, disaggregated by county and population served.

(3) As used in this section, "culturally responsive service" and "culturally specific organization" have the meanings given those terms in section 53, chapter 649, Oregon Laws 2013.

SECTION 29. Section 28 of this 2022 Act is repealed on July 1, 2024.

APPROPRIATION

SECTION 30. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Criminal Justice Commission by section 1, chapter 379, Oregon Laws

2021, for the biennium ending June 30, 2023, is increased by \$421,857, for implementation of the provisions of this 2022 Act.

CAPTIONS

SECTION 31. The unit captions used in this 2022 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2022 Act.

EMERGENCY CLAUSE

SECTION 32. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.

Passed by Senate March 1, 2022

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House March 3, 2022

.....
Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2022

Approved:

.....M.,....., 2022

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2022

.....
Shemia Fagan, Secretary of State