

HB 2890 A STAFF MEASURE SUMMARY

House Committee On Judiciary

Action Date: 04/04/23

Action: Do pass with amendments and be referred to Ways and Means by prior reference.
(Printed A-Eng.)

Vote: 10-0-0-0

Yeas: 10 - Andersen, Bynum, Chaichi, Conrad, Kropf, Lewis, Morgan, Reynolds, Tran, Wallan

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 3/28, 4/4

WHAT THE MEASURE DOES:

Directs the Corrections Ombudsman to consult with adults in custody (AICs), family members of AICs, and the Department of Corrections (DOC) to inform and support DOC's continuous quality improvement efforts. Requires the ombudsman, within six months of being appointed, to provide a report to the Governor and to the Legislative Assembly. The report must identify staffing and resources needed to fulfill the statutory powers and duties of the ombudsman. Directs DOC to ensure all persons in DOC institutions have access to mental health and substance use disorder treatment and services during the entire period of incarceration, including access to evidence-based medication-assisted treatment options.

ISSUES DISCUSSED:

- House Bill 3035 (2021) Task Force on Corrections Medical Care
- AICs are constitutionally entitled to medical care; lack of resources is not a legal defense for not providing proper medical treatment for serious medical needs for persons in custody
- Understanding of evidence-based care and whether it should be defined in the bill
- AIC habeas claims
- Preventative care
- Electronic Health Records (EHR)
- Personal electronic devices as contraband

EFFECT OF AMENDMENT:

Removes Section 6, regarding personal electronic devices.

BACKGROUND:

The Office of the Corrections Ombudsman reviews AIC grievances, and has an independent role in resolving AIC complaints. The Office was established within the Governor's Office in 1977, requiring the Ombudsman to be "a person of recognized judgment, objectivity and integrity who is qualified by training and experience to analyze problems of law enforcement, corrections administration and public policy." The Ombudsman has broad statutory authority to "investigate, on complaint or on the ombudsman's own motion, any action" by DOC or DOC staff "without regard to its finality." The Ombudsman also has the power to subpoena records, documents, and individuals, as well as inspect any DOC premises without notice. (ORS 423.400-423.450).

Although the Office of the Corrections Ombudsman has existed since 1977, funding for it has been inconsistent, including discontinuation in the early 2000's. Funding for the office was temporarily restored in 2021, but the position was not filled because funding was not included in the 2021-2023 biennium budget. Funding was again restored for the Corrections Ombudsman during the 2022 legislative session in House Bill 5202 (2022), Sect. 347.

HB 2890 A STAFF MEASURE SUMMARY

House Bill 2890 A directs the Corrections Ombudsman to support DOC's quality improvement efforts, requires a report to the Governor and the Legislative Assembly on needed resources, and requires DOC to ensure mental health treatment for all persons in the physical custody of DOC.