

# Senate Bill 689

Sponsored by Senator MANNING JR (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Oregon Criminal Justice Commission to create pilot grant program funding coalitions that create nonpolice response systems to minor instances of crime. Appropriates moneys to commission to fund program.

Requires Department of Corrections to adopt rules requiring supervising officers to provide to eligible persons on supervision quarterly updates on progress toward earning reduction in supervision.

Modifies applicability of earned reduction of supervision changes in House Bill 2172 (2021).

## A BILL FOR AN ACT

1  
2 Relating to crime; creating new provisions; and amending ORS 137.633 and section 2, chapter 450,  
3 Oregon Laws 2021.

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

5 **SECTION 1. (1) The Oregon Criminal Justice Commission shall create a pilot program to**  
6 **fund the creation of nonpolice responses to minor instances of crime. The program shall**  
7 **consist of grants awarded to three coalitions, each consisting of a county government and**  
8 **one or more community-based nonprofit organizations.**

9 **(2) The commission shall by rule develop eligibility criteria and an application process for**  
10 **awarding the grants. In developing the program eligibility criteria and application process,**  
11 **and when selecting coalitions to receive grants, the commission shall consult with:**

12 **(a) Culturally specific nonprofit organizations and service providers that provide outreach**  
13 **services, services for houseless persons and services as part of or associated with the crim-**  
14 **inal justice system; and**

15 **(b) Individuals directly impacted by the criminal justice system.**

16 **(3) The commission shall select to receive a grant one coalition in the Portland metro-**  
17 **politan area, one coalition in the mid-Willamette Valley area and one coalition in central or**  
18 **eastern Oregon.**

19 **(4) A coalition selected to receive a grant shall dedicate 12 to 18 months as a planning**  
20 **period for creating the nonpolice response system. During the planning period, the coalition**  
21 **shall work with the county district attorney, law enforcement agencies and any other rele-**  
22 **vant stakeholders to ensure that the system is operational at the conclusion of the planning**  
23 **period and relevant stakeholders are cooperating to make the system functional.**

24 **(5) A coalition may use grant funds for the following purposes:**

25 **(a) The planning period described in subsection (4) of this section.**

26 **(b) Responding to 9-1-1 or nonemergency police calls concerning the commission of any**  
27 **of the following crimes:**

28 **(A) Theft in the third degree under ORS 164.043;**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (B) Criminal trespass in the second degree by a guest under ORS 164.243;
- 2 (C) Criminal trespass in the second degree under ORS 164.245;
- 3 (D) Criminal trespass at a sports event under ORS 164.278;
- 4 (E) Offensive littering under ORS 164.805;
- 5 (F) Unlawful sound recording under ORS 164.865;
- 6 (G) Criminal possession of a forged instrument in the second degree under ORS 165.017;
- 7 (H) Interfering with public transportation under ORS 166.116;
- 8 (I) Prostitution under ORS 167.007;
- 9 (J) Unlawful possession of a controlled substance under ORS 475.752 constituting a  
10 misdemeanor;
- 11 (K) Unlawful possession of methadone under ORS 475.824 constituting a misdemeanor;
- 12 (L) Unlawful possession of oxycodone under ORS 475.834 constituting a misdemeanor;
- 13 (M) Unlawful possession of heroin under ORS 475.854 constituting a misdemeanor;
- 14 (N) Unlawful possession of cocaine under ORS 475.884 constituting a misdemeanor;
- 15 (O) Unlawful possession of methamphetamine under ORS 475.894 constituting a  
16 misdemeanor; or
- 17 (P) An attempt to commit a crime described in subparagraphs (A) to (O) of this para-  
18 graph.

19 (c) Intensive case management for persons who are contacted by the program to assist  
20 those persons in obtaining any needed services.

21 (d) The provision of culturally specific or culturally responsive services to persons con-  
22 tacted by the program.

23 (e) Proactive outreach to work with houseless and other marginalized persons who are  
24 at risk of coming into contact with the criminal justice system.

25 (6) Throughout the duration of the program, the commission shall create, maintain and  
26 make available on the commission's website a data dashboard detailing the following infor-  
27 mation:

28 (a) The number of persons contacted by the program in each county, using a unique  
29 identifier for each person.

30 (b) The services received by persons who were contacted by the program.

31 (c) The race and ethnicity of each person contacted by the program.

32 (d) The number of misdemeanors charged each month by the district attorney of the  
33 county.

34 (e) The number of persons who were diverted from either first-time engagement or ad-  
35 ditional engagement with the criminal justice system as a result of the program.

36 (f) The number of persons who, after engaging with the program, experienced increased  
37 stabilization in housing, mental health or economic independence.

38 (7) The commission shall adopt rules to carry out the provisions of this section.

39 **SECTION 2.** Section 1 of this 2023 Act is repealed on January 1, 2029.

40 **SECTION 3.** In addition to and not in lieu of any other appropriation, there is appropri-  
41 ated to the Oregon Criminal Justice Commission, for the biennium beginning July 1, 2023,  
42 out of the General Fund, the amount of \$\_\_\_\_\_, for funding the pilot grant program  
43 described in section 1 of this 2023 Act.

44 **SECTION 4.** ORS 137.633 is amended to read:

45 137.633. (1) A person convicted of a felony, a designated drug-related misdemeanor or a desig-

1 nated person misdemeanor and sentenced to probation, to post-prison supervision or to the legal and  
 2 physical custody of the Department of Corrections or the supervisory authority under ORS 137.124  
 3 (2) is eligible for a reduction in the period of probation or post-prison supervision for complying with  
 4 terms of probation or post-prison supervision, including demonstrating a commitment to the payment  
 5 of restitution to the extent the person is able to pay, and participation in recidivism reduction pro-  
 6 grams.

7 (2) The maximum reduction under this section may not exceed 50 percent of the period of pro-  
 8 bation or post-prison supervision imposed.

9 (3) A reduction under this section may not be used to shorten the period of probation or post-  
 10 prison supervision to less than six months.

11 (4) A person serving a sentence described as follows is not eligible for a reduction in the term  
 12 of supervision under this section:

13 (a) A sentence for a crime described in ORS 163.095, 163.107, 163.115, 163.118, 163.125, 163.149,  
 14 163.185, 163.225, 163.235, 163.365, 163.375, 163.395, 163.405, 163.408, 163.411, 163.427, 163.670, 164.325,  
 15 164.415 or 167.017;

16 (b) A sentence for attempt or conspiracy to commit a crime described in ORS 163.095, 163.107  
 17 or 163.115;

18 (c) A sentence for a crime committed prior to November 1, 1989;

19 (d) A sentence imposed under the provisions of ORS 161.610;

20 (e) A sentence imposed under the provisions of ORS 161.725 and 161.735;

21 (f) A sentence imposed under the provisions of ORS 137.635;

22 (g) A sentence imposed under the provisions of ORS 137.690, 164.061, 475.907, 475.925, 475.930  
 23 or 813.011; or

24 (h) A term of supervision subject to ORS 144.103.

25 (5)(a) The Department of Corrections shall adopt rules to carry out the provisions of this sec-  
 26 tion.

27 (b) The rules adopted under this subsection shall include but are not limited to:

28 (A) Rules creating processes for early and ongoing notification of eligibility for an earned re-  
 29 duction in supervision under this section to persons on supervision; *[and]*

30 **(B) Rules requiring supervising officers to provide quarterly updates on progress toward**  
 31 **earning a reduction in supervision under this section to persons on supervision who are eli-**  
 32 **gible for the reduction; and**

33 *[(B)]* (C) Rules establishing consistent standards for determining when a person on supervision  
 34 is in compliance with the requirements for, and has succeeded in, earning a reduction in supervision  
 35 under this section.

36 (c) The supervisory authority shall comply with the rules adopted under this subsection.

37 (6) As used in this section:

38 (a) “Designated drug-related misdemeanor” has the meaning given that term in ORS 423.478.

39 (b) “Designated person misdemeanor” has the meaning given that term in ORS 423.478.

40 **SECTION 5.** Section 2, chapter 450, Oregon Laws 2021, is amended to read:

41 **Sec. 2.** The amendments to ORS 137.633 by section 1, *[of this 2021 Act]* **chapter 450, Oregon**  
 42 **Laws 2021**, apply to sentences imposed **before**, on or after *[the effective date of this 2021 Act]* **Jan-**  
 43 **uary 1, 2022.**