

B-Engrossed House Bill 3069

Ordered by the House June 11
Including House Amendments dated May 28 and June 11

Sponsored by Representative KROPF (Presession 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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act changes grant programs run by the CJC. The Act also makes permanent some provisions of HB 3194 (2013). The Act goes into effect when the Governor signs it. (Flesch Readability Score: 64.1).

Reorganizes most of the individual grant programs administered by the Oregon Criminal Justice Commission into the Oregon Public Safety Coordination Grant Program and the Oregon Law Enforcement Grant Program. Provides that certain local government applicants are subject to grant procedures specified for each reorganized set of programs. Establishes program accounts for those individual grant programs currently without an account. Makes consistent the types of rules adopted for most individual grant programs.

Makes permanent the Justice Reinvestment Program and reentry court provisions. Modifies the distribution of program funds and consolidates provisions related to supplemental grants and other related program provisions into one section.

Modifies the manner in which Oregon Behavioral Health Deflection Program funds are distributed.

Eliminates the Improving People's Access to Community-based Treatment, Supports and Services Grant Review Committee. Directs the commission to administer the Improving People's Access to Community-based Treatment, Supports and Services Program.

Modifies the eligible recipients of the Organized Retail Theft Grant Program.

[Establishes the Jason Myers Public Safety Wellness Grant Program.]

Modifies the membership of the commission.

Repeals sentencing increases from House Bill 3194 (2013) set to become operative on July 1, 2033.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to public safety; creating new provisions; amending ORS 40.015, 137.654, 137.656, 137.686, 137.717, 144.096, 144.101, 144.106, 423.150, 430.230, 430.231, 430.233, 430.238, 430.243, 430.245 and 475C.531 and section 53, chapter 649, Oregon Laws 2013, sections 12 and 13, chapter 673, Oregon Laws 2017, sections 37, 75, 76, 77, 81, 82 and 87, chapter 70, Oregon Laws 2024, and section 1, chapter 80, Oregon Laws 2024; repealing ORS 430.234, 430.235, 430.236 and 475.934 and sections 8, 33, 38, 52 and 56, chapter 649, Oregon Laws 2013, sections 4, 5 and 7, chapter 98, Oregon Laws 2018, and sections 83, 84, 85 and 86, chapter 70, Oregon Laws 2024; and declaring an emergency.

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

OREGON PUBLIC SAFETY COORDINATION GRANT PROGRAM

(General Provisions)

SECTION 1. (1) **The Oregon Public Safety Coordination Grant Program is established within the Oregon Criminal Justice Commission to support the coordination of local public**

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 safety policy with the goal of reducing individuals' involvement with the criminal justice
2 system.

3 (2) The Oregon Public Safety Coordination Grant Program consists of grants awarded to
4 counties by the commission in the following program areas:

5 (a) The Justice Reinvestment Program described in section 53, chapter 649, Oregon Laws
6 2013;

7 (b) The Oregon Treatment Court Grant Program established under section 21 of this 2025
8 Act;

9 (c) The Oregon Behavioral Health Deflection Program established under section 76,
10 chapter 70, Oregon Laws 2024;

11 (d) The Improving People's Access to Community-based Treatment, Supports and Ser-
12 vices Program established in ORS 430.231; and

13 (e) Any other grant programs administered by the commission that provide funding
14 consistent with the goals described in this section.

15 (3) If any of the program areas listed in subsection (2) of this section include eligible
16 applicants other than counties:

17 (a) Grants may not be awarded to those entities using the procedures described in this
18 section.

19 (b) The commission shall, prior to releasing a solicitation for applications under the
20 Oregon Public Safety Coordination Grant Program, select the proportion of funds to be set
21 aside for noncounty applicants.

22 (4) An application for a grant under this section must:

23 (a) Be submitted by a local public safety coordinating council convened under ORS
24 423.560;

25 (b) Include a biennial public safety plan that describes each county's approach to, and
26 defining goals for, reducing individuals' involvement with the criminal justice system;

27 (c) Include a list of budget allocations that indicates how state and other funds are used
28 to sustain the biennial public safety plan;

29 (d) Indicate each program area listed in subsection (2) of this section for which a county
30 is seeking funding;

31 (e) Include a description of how each selected program area is incorporated in the
32 county's biennial public safety plan and administered in accordance with standards and best
33 practices; and

34 (f) Include any elements required by statute or rule for each program area listed in
35 subsection (2) of this section for which a county is seeking funding.

36 (5)(a) Grants awarded under this section must be used to support local programming that
37 adheres to a recipient's biennial public safety plan and to standards or best practices estab-
38 lished for any selected program area listed in subsection (2) of this section.

39 (b) Prior to soliciting grants under this section, the commission shall consult with one
40 to three individuals with expertise in the relevant fields of each program area listed in sub-
41 section (2) of this section to inform the development of criteria or metrics to ensure local
42 programs that are funded adhere to standards or best practices.

43 (6)(a) During a grant application period established by the commission, the proportion
44 of grant funds available to each county shall be determined in accordance with the statutory
45 requirements for each program area listed in subsection (2) of this section.

(b) Eligibility criteria, funding priorities and permitted uses of funds established by statute for each program area listed in subsection (2) of this section apply to grants to counties under this section.

(7)(a) The commission shall adopt rules to administer the Oregon Public Safety Coordination Grant Program. At a minimum, the rules must include:

(A) A methodology for reviewing and approving grant applications and awarding grants;

(B) A process for distributing any unallocated funds;

(C) A process for evaluating the efficacy of programs funded by the Oregon Public Safety Coordination Grant Program;

(D) Provisions related to requests by grant recipients to adjust their grant awards; and

(E) Provisions related to partnerships or collaborations between counties.

(b) For grants in program areas listed in subsection (2) of this section for which entities other than counties may apply, any rules adopted by the commission pursuant to the statute establishing the specific program area shall govern the grant application and award process for noncounty applicants.

(c) For county applicants, any rules adopted by the commission pursuant to the statute establishing the specific program area, including rules establishing definitions or relating to eligibility criteria, funding priorities and permitted uses of funds, generally apply unless in conflict with this section or a rule adopted pursuant to this section.

(8) Counties may request up to 10 percent of program funds for administrative costs.

(9)(a) At the conclusion of the grant application period, the commission shall award Oregon Public Safety Coordination Grant Program funds in accordance with rules adopted by the commission.

(b) Within one year of awarding grant funds, the commission shall evaluate each grant recipient's progress related to the biennial public safety plan and defined goals therein and communicate the results of these evaluations to the recipients.

(c) Before the conclusion of a biennial grant cycle, the commission shall engage in a final performance evaluation of grant recipients.

(d) A county that has demonstrated adherence to the county's public safety plan and to applicable standards and best practices, met or exceeded defined public safety plan goals and avoided state costs related to public safety, as measured by a final performance evaluation completed by the commission, is eligible to receive supplemental funding from the funds apportioned under section 53 (2)(b), chapter 649, Oregon Laws 2013, as follows:

(A) The proportion of funds available to a county under this paragraph shall be determined in accordance with the formula used to distribute baseline funding under ORS 423.483.

(B) If fewer than 36 counties qualify for the receipt of supplemental funding under this paragraph, the funds that remain shall be redistributed to qualifying counties.

(10) As used in this section, "administrative costs" means all costs incurred in the administration of the Oregon Public Safety Coordination Grant Program that are not directly related to the delivery of program services or projects.

(Justice Reinvestment Program)

SECTION 2. Section 52, chapter 649, Oregon Laws 2013, is repealed.

SECTION 3. Section 53, chapter 649, Oregon Laws 2013, as amended by section 54, chapter 649,

Oregon Laws 2013, section 1, chapter 598, Oregon Laws 2019, and section 18, chapter 78, Oregon Laws 2022, 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* to award grants to counties that establish a process to assess *[offenders]* **individuals involved in the criminal justice system** 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]* **such individuals** accountable.

(b) As part of the program described in this section, the commission shall additionally make grants to counties for programs that are designed to reduce recidivism and substance use disorders and that are guided by evidence-based and, if applicable, tribal-based practices, risk and clinical assessment tools or other research-based considerations. The grants may be used to provide supplemental funding for:

(A) The operation of local jails;

(B) Appropriate treatment services for persons with substance use disorder who are on probation, parole or post-prison supervision; or

(C) The intensive supervision of persons with substance use disorder who are on probation, parole or post-prison supervision, including the incarceration of persons with substance use disorder who have violated the terms and conditions of probation, parole or post-prison supervision.

(c) The commission shall further establish a program to award supplemental grant funds to counties for downward departure prison diversion programs as part of the program described in this section. The commission shall use any moneys appropriated to the commission for the supplemental grant program described in this paragraph, including any moneys appropriated to or deposited in the Oregon Public Safety Fund established under section 4 of this 2025 Act for grants described in this paragraph, to award supplemental grant funds for downward departure prison diversion programs to counties selected by the commission to receive the funds.

(2) Funding available to the Justice Reinvestment Program, including funds described in subsection (1)(b) and (c) of this section, shall be apportioned in the following order:

[(b)] (a) [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.

(b) No less than 15 percent of grant funds shall be retained by the commission for the purpose of funding local public safety priorities and awarded to grant recipients who meet the goals described in section 1 (9)(d) of this 2025 Act.

(c) Remaining funds shall be apportioned in accordance with the formula used to distribute baseline funding under ORS 423.483.

(d) The commission may retain up to three percent of the funds described in paragraph (c) of this subsection to support analysis or evaluation of outcome measures related to public safety in this state.

[(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 decrease 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 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)] **(3)(a)** The commission shall regularly evaluate the community-based sanctions, services and programs funded under this section. The commission shall specifically assess:

(A) 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; **and**

(B) The extent to which each county is reducing recidivism 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]* **make** the results of an evaluation conducted under this section

[to a committee of the Legislative Assembly related to the judiciary] **available to the public in a clear and accessible format, either in a report or on the website of the commission.**

[(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.]

(4) The commission may adopt rules to administer the Justice Reinvestment Program, including:

(a) A methodology for reviewing and approving grant applications and awarding grants;

(b) A process for distributing any unallocated funds, with priority given to counties funding programs for historically underserved communities including rural communities, racial, ethnic and minority communities and tribal communities;

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

(d) Provisions related to requests by grant recipients to adjust their grant awards; and

(e) Provisions related to partnerships or collaborations between applicants.

[(10)] (5) As used in this section:

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

[(A) Work release programs;]

[(B) Structured, transitional leave programs;]

1 [(C) Evidence-based programs designed to reduce recidivism that include the balanced adminis-
2 tration of sanctions, supervision and treatment;]

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

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

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

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

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

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

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

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

20 (c) "Intensive supervision" means the active monitoring of a person's performance in a
21 treatment program by a parole and probation officer and the imposition of sanctions, or re-
22 quest to a court for sanctions, if the person fails to abide by the terms and conditions of the
23 treatment program.

24 **SECTION 4.** The Oregon Public Safety Fund is established in the State Treasury, sepa-
25 rate and distinct from the General Fund. All moneys in the fund are continuously appro-
26 priated to the Oregon Criminal Justice Commission for the purpose of carrying out the
27 provisions of section 53, chapter 649, Oregon Laws 2013.

28 **SECTION 4a.** Section 4 of this 2025 Act is amended to read:

29 **Sec. 4.** The Oregon Public Safety Fund is established in the State Treasury, separate and dis-
30 tinct from the General Fund. All moneys in the fund are continuously appropriated to the Oregon
31 Criminal Justice Commission for the purpose of carrying out the provisions of section 53, chapter
32 649, Oregon Laws 2013, and section 1 (9)(d) of this 2025 Act.

33 **SECTION 4b.** The amendments to section 4 of this 2025 Act by section 4a of this 2025 Act
34 become operative on July 1, 2026.

35 **SECTION 5.** Section 56, chapter 649, Oregon Laws 2013, as amended by section 19, chapter
36 78, Oregon Laws 2022, and section 1, chapter 572, Oregon Laws 2023, is repealed.

37 **SECTION 6.** (1) Sections 4 and 5, chapter 98, Oregon Laws 2018, are repealed.

38 (2) Section 7, chapter 98, Oregon Laws 2018, as amended by section 21, chapter 78, Oregon
39 Laws 2022, and section 2, chapter 572, Oregon Laws 2023, is repealed.

40 **SECTION 7.** Any funds appropriated to the Oregon Criminal Justice Commission for the
41 supplemental grant program described in section 5, chapter 98, Oregon Laws 2018, that are
42 remaining on July 1, 2026, shall be deposited in the Oregon Public Safety Fund established
43 under section 4 of this 2025 Act.

44
45 (Oregon Behavioral Health Deflection Program)

1 **SECTION 8.** Section 76, chapter 70, Oregon Laws 2024, is amended to read:

2 **Sec. 76.** (1) As used in this section, “deflection program” means a collaborative program be-
 3 tween law enforcement agencies and behavioral health entities **or community-based social service**
 4 **organizations** that assists individuals who may have substance use disorder, another behavioral
 5 health disorder or co-occurring disorders, **and who often have other service needs**, to create
 6 community-based pathways to treatment, recovery support services, housing, case management or
 7 other services.

8 (2) The Oregon Behavioral Health Deflection Program is established within the *[Improving*
 9 *People’s Access to Community-based Treatment, Supports and Services Grant Review Committee es-*
 10 *tablished under ORS 430.234]* **Oregon Criminal Justice Commission.** The program consists of
 11 grants awarded by the *[committee]* **commission** to counties and federally recognized tribal govern-
 12 ments to fund deflection programs.

13 *[(3)(a)]* (3) The purpose of the program described in this section is to:

14 *[(A)]* (a) Address the need for more deflection programs to assist individuals whose behavioral
 15 health conditions, including substance use disorder, **and other service needs** lead to **a heightened**
 16 **likelihood of** interactions with law enforcement, incarceration, conviction and other engagement
 17 with the criminal justice system.

18 *[(B)]* (b) Track and report data concerning deflection program outcomes in order to determine
 19 the best practices for deflection programs within this state.

20 *[(b) ORS 430.230 to 430.236 do not apply to the program described in this section.]*

21 (4)(a) The *[committee]* **commission** shall develop a grant application process for awarding grants
 22 under this section.

23 (b) An application for a grant under this section may be submitted by a county or *[the]* designee
 24 of a county, *[or by]* a tribal government or designee of a tribal government **or a consortium con-**
 25 **sisting of two or more counties or tribal governments, or designee of a consortium.** Only one
 26 application per county **or tribal government** may be submitted, but the application may request
 27 funding multiple programs within *[a county]* **an applicant’s jurisdiction.**

28 (c) Prior to submitting an application for a grant under this section, the applicant shall coordi-
 29 nate with all partners of the development and administration of the proposed deflection program to
 30 ensure that the partners have the resources necessary to implement the deflection program~~].~~ **as**
 31 **follows:**

32 (A) **For a county or county consortium applicant,** the partners shall include at least a dis-
 33 trict attorney, a law enforcement agency, a community mental health program established under
 34 ORS 430.620 and a provider from a Behavioral Health Resource Network established under ORS
 35 430.389. Partners may also include a treatment provider, a local mental health authority, a tribal
 36 government, a peer support organization, a court or a local government body.

37 (B) **For a tribal government or tribal government consortium applicant, the partners**
 38 **shall include at least a law enforcement agency and either a behavioral health entity or a**
 39 **community-based social service organization.**

40 (d) An application for a grant under this section must contain:

41 (A) A description of the coordination with program partners required by paragraph (c) of this
 42 subsection that has occurred;

43 (B) A description of the individuals who would be eligible for the program and what qualifies
 44 as a successful outcome, formulated in cooperation with the program partners described in para-
 45 graph (c) of this subsection;

(C) **For a county or county consortium applicant**, a description of how the program for which the applicant is seeking funding is culturally and linguistically responsive, trauma-informed and evidence-based;

(D) **For a county or county consortium applicant**, a description of a plan to address language access barriers when communicating program referral options and program procedures to non-English speaking individuals; and

(E) A description of how the program coordinator will communicate with program partners concerning persons participating in the program and any other matter necessary for the administration of the program.

(5) To be eligible for funding under this section, a deflection program:

(a) Must be coordinated by or in consultation with a community mental health program, a local mental health authority or a federally recognized tribal government;

(b) Must have a coordinator with the following program coordinator duties:

(A) Convening deflection program partners as needed for the operation of the program;

(B) Managing grant program funds awarded under this section; and

(C) Tracking and reporting data required by the [*Oregon Criminal Justice*] commission under section 37, [*of this 2024 Act*] **chapter 70, Oregon Laws 2024**;

(c) Must involve the partners described in subsection (4)(c) of this section; and

(d) May involve a partnership with one or more of the following entities:

(A) A first responder agency other than a law enforcement agency;

(B) A community provider;

(C) A treatment provider;

(D) A community-based organization;

(E) A case management provider;

(F) A recovery support services provider; or

(G) Any other individual or entity deemed necessary by the program coordinator to carry out the purposes of the deflection program, including individuals with lived experience with substance use disorder, a behavioral health disorder or co-occurring disorders.

[(6) *During a grant application period established by the committee, the maximum proportion of grant funds available to an applicant shall be determined as follows:*]

[(a) *The proportion of grant funds available to an applicant other than a tribal government shall be determined based on the county formula share employed by the Oversight and Accountability Council established under ORS 430.388, but an applicant may not receive less than \$150,000.*]

[(b) *The committee shall determine the proportion of funds available to an applicant that is a federally recognized tribal government.*]

(6)(a) The commission shall distribute moneys in the Oregon Behavioral Health Deflection Program Account established under section 78, chapter 70, Oregon Laws 2024, as follows:

(A) The commission shall first determine the proportion of funds available to an applicant that is a federally recognized tribal government or a consortium of federally recognized tribal governments.

(B) Following the determination made under subparagraph (A) of this paragraph, the remaining moneys shall be distributed to other applicants as follows:

(i) Twenty-five percent of the moneys shall be distributed to counties based on the county formula share used for the program during the biennium ending June 30, 2025;

(ii) Seventy percent of the moneys shall be distributed to counties based on the formula described in paragraph (b) of this subsection;

(iii) Three percent of the moneys shall be retained by the commission to support grant recipient data collection and analysis or evaluation of outcome measures; and

(iv) Two percent of the moneys shall be retained by the commission to support technical assistance for grant recipients.

(C) Each qualifying county applicant shall receive a grant award of no less than \$300,000.

(b) For purposes of the distribution under paragraph (a)(B)(ii) of this subsection:

(A) The commission shall provide historical data to each applicant to assist applicants in developing a program population projection.

(B) Applicants shall develop a program population projection to submit to the commission. The program population projection shall consist of:

(i) A projection of individuals eligible for deflection based on local program criteria;

(ii) A projection of individuals to be enrolled in the Oregon Behavioral Health Deflection Program within the applicant's local jurisdiction; and

(iii) An explanation describing the methodology used to calculate the program population projection.

(C) The proportion of funds available to an applicant shall be determined by the commission using the combined projections of potential populations served by the Oregon Behavioral Health Deflection Program.

(7)(a) Grant funds awarded under this section may be used for:

(A) Deflection program expenses, including but not limited to law enforcement employees, deputy district attorneys and behavioral health, *[treatment]* **case management or outreach** workers, including peer navigators and mobile crisis and support services workers.

(B) Behavioral health workforce development.

(C) Capital construction of behavioral health treatment infrastructure.

(D) The payment of restitution to a victim, if potential or outstanding restitution is a barrier to program participation.

(E) The purchase of closed-loop referral technology to facilitate referrals to local partners and community-based organizations involved in supporting deflection and jail reentry programs.

(b) Notwithstanding paragraph (a) of this subsection, the *[committee]* **commission** may award planning grants for the development of deflection programs.

[(c) The committee may allocate up to three percent of program funds to support grantee data collection and analysis or evaluation of outcome measures.]

(c) A county or county consortium applicant may request up to 10 percent of program funds for administrative costs. A tribal government or tribal government consortium applicant may request up to the federally negotiated indirect cost rate for the applicant to cover administrative costs.

(8) The *[Oregon Criminal Justice]* commission shall provide staff support to the grant program.

(9) The *[committee and the]* commission may adopt rules to carry out the provisions of this section[,], **including:**

(a) A methodology for reviewing and approving grant applications and awarding grants;

(b) A process for distributing any unallocated funds;

(c) A process for evaluating the efficacy of deflection programs funded under this section;

(d) Provisions related to requests by grant recipients to adjust their grant awards; and

(e) Provisions related to partnerships or collaborations between applicants.

(10) For purposes of this section:

(a) “Successful outcome” means an outcome that recognizes that recovery pathways are necessarily individual and that is measured in engagement in case management services and improvements in quality of life stability factors and public safety.

(b) “Victim” has the meaning given that term in ORS 131.007.

SECTION 9. Section 76, chapter 70, Oregon Laws 2024, as amended by section 8 of this 2025 Act, is amended to read:

Sec. 76. (1) As used in this section, “deflection program” means a collaborative program between law enforcement agencies and behavioral health entities or community-based social service organizations that assists individuals who may have substance use disorder, another behavioral health disorder or co-occurring disorders, and who often have other service needs, to create community-based pathways to treatment, recovery support services, housing, case management or other services.

(2) The Oregon Behavioral Health Deflection Program is established within the Oregon Criminal Justice Commission. The program consists of grants awarded by the commission to counties and federally recognized tribal governments to fund deflection programs.

(3) The purpose of the program described in this section is to:

(a) Address the need for more deflection programs to assist individuals whose behavioral health conditions, including substance use disorder, and other service needs lead to a heightened likelihood of interactions with law enforcement, incarceration, conviction and other engagement with the criminal justice system.

(b) Track and report data concerning deflection program outcomes in order to determine the best practices for deflection programs within this state.

(4)(a) The commission shall develop a grant application process for awarding grants under this section.

(b) An application for a grant under this section may be submitted by a county or designee of a county, a tribal government or designee of a tribal government or a consortium consisting of two or more counties or tribal governments, or designee of a consortium. Only one application per county or tribal government may be submitted, but the application may request funding multiple programs within an applicant’s jurisdiction.

(c) Prior to submitting an application for a grant under this section, the applicant shall coordinate with all partners of the development and administration of the proposed deflection program to ensure that the partners have the resources necessary to implement the deflection program as follows:

(A) For a county or county consortium applicant, the partners shall include at least a district attorney, a law enforcement agency, a community mental health program established under ORS 430.620 and a provider from a Behavioral Health Resource Network established under ORS 430.389. Partners may also include a treatment provider, a local mental health authority, a tribal government, a peer support organization, a court or a local government body.

(B) For a tribal government or tribal government consortium applicant, the partners shall include at least a law enforcement agency and either a behavioral health entity or a community-based social service organization.

(d) An application for a grant under this section must contain:

(A) A description of the coordination with program partners required by paragraph (c) of this subsection that has occurred;

(B) A description of the individuals who would be eligible for the program and what qualifies as a successful outcome, formulated in cooperation with the program partners described in paragraph (c) of this subsection;

(C) For a county or county consortium applicant, a description of how the program for which the applicant is seeking funding is culturally and linguistically responsive, trauma-informed and evidence-based;

(D) For a county or county consortium applicant, a description of a plan to address language access barriers when communicating program referral options and program procedures to non-English speaking individuals; and

(E) A description of how the program coordinator will communicate with program partners concerning persons participating in the program and any other matter necessary for the administration of the program.

(5) To be eligible for funding under this section, a deflection program:

(a) Must be coordinated by or in consultation with a community mental health program, a local mental health authority or a federally recognized tribal government;

(b) Must have a coordinator with the following program coordinator duties:

(A) Convening deflection program partners as needed for the operation of the program;

(B) Managing grant program funds awarded under this section; and

(C) Tracking and reporting data required by the commission under section 37, chapter 70, Oregon Laws 2024;

(c) Must involve the partners described in subsection (4)(c) of this section; and

(d) May involve a partnership with one or more of the following entities:

(A) A first responder agency other than a law enforcement agency;

(B) A community provider;

(C) A treatment provider;

(D) A community-based organization;

(E) A case management provider;

(F) A recovery support services provider; or

(G) Any other individual or entity deemed necessary by the program coordinator to carry out the purposes of the deflection program, including individuals with lived experience with substance use disorder, a behavioral health disorder or co-occurring disorders.

(6)(a) The commission shall distribute moneys in the Oregon Behavioral Health Deflection Program Account established under section 78, chapter 70, Oregon Laws 2024, as follows:

(A) The commission shall first determine the proportion of funds available to an applicant that is a federally recognized tribal government or a consortium of federally recognized tribal governments.

(B) Following the determination made under subparagraph (A) of this paragraph, the remaining moneys shall be distributed to other applicants as follows:

(i) Twenty-five percent of the moneys shall be distributed to counties *[based on the county formula share used for the program during the biennium ending June 30, 2025]* **based on the formula described in paragraph (b) of this subsection;**

(ii) Seventy percent of the moneys shall be distributed to counties based on *[the formula described in paragraph (b) of this subsection]* **a competitive grant program adopted by the com-**

mission by rule and following the priorities described in paragraph (c) of this subsection;

(iii) Three percent of the moneys shall be retained by the commission to support grant recipient data collection and analysis or evaluation of outcome measures; and

(iv) Two percent of the moneys shall be retained by the commission to support technical assistance for grant recipients.

[(C) Each qualifying county applicant shall receive a grant award of no less than \$300,000.]

(b) For purposes of the distribution under paragraph [(a)(B)(ii)] **(a)(B)(i)** of this subsection:

(A) The commission shall provide historical data to each applicant to assist applicants in developing a program population projection.

(B) Applicants shall develop a program population projection to submit to the commission. The program population projection shall consist of:

(i) A projection of individuals eligible for deflection based on local program criteria;

(ii) A projection of individuals to be enrolled in the Oregon Behavioral Health Deflection Program within the applicant's local jurisdiction; and

(iii) An explanation describing the methodology used to calculate the program population projection.

(C) The proportion of funds available to an applicant shall be determined by the commission using the combined projections of potential populations served by the Oregon Behavioral Health Deflection Program, **but a qualifying applicant may not receive less than \$150,000.**

(c) The commission shall prioritize the following when awarding grants under paragraph (a)(B)(ii) of this subsection:

(A) Grant recipients making adequate progress toward meeting program population projections submitted to the commission under paragraph (b) of this subsection;

(B) Programs designed to minimize the number of cases involving unlawful possession of a controlled substance constituting a drug enforcement misdemeanor as described in section 35, chapter 70, Oregon Laws 2024, filed in an applicant's jurisdiction;

(C) Programs that result in satisfactory rates of successful outcomes for program participants;

(D) Programs that prioritize the funding of positions that interact directly with prospective and enrolled program participants;

(E) Programs in rural areas that create regional partnerships; and

(F) Programs that adhere to documented standards and best practices established by the commission for deflection programs.

(7)(a) Grant funds awarded under this section may be used for:

(A) Deflection program expenses, including but not limited to law enforcement employees, deputy district attorneys and behavioral health, case management or outreach workers, including peer navigators and mobile crisis and support services workers.

(B) Behavioral health workforce development.

(C) Capital construction of behavioral health treatment infrastructure.

(D) The payment of restitution to a victim, if potential or outstanding restitution is a barrier to program participation.

(E) The purchase of closed-loop referral technology to facilitate referrals to local partners and community-based organizations involved in supporting deflection and jail reentry programs.

(b) Notwithstanding paragraph (a) of this subsection, the commission may award planning grants for the development of deflection programs.

(c) A county or county consortium applicant may request up to 10 percent of program funds for administrative costs. A tribal government or tribal government consortium applicant may request up to the federally negotiated indirect cost rate for the applicant to cover administrative costs.

(8) The commission shall provide staff support to the grant program.

(9) The commission *[may]* **shall** adopt rules to carry out the provisions of this section, including:

(a) A methodology for reviewing and approving grant applications and awarding grants;

(b) A process for distributing any unallocated funds;

(c) A process for evaluating the efficacy of deflection programs funded under this section;

(d) Provisions related to requests by grant recipients to adjust their grant awards; and

(e) Provisions related to partnerships or collaborations between applicants.

(10) For purposes of this section:

(a) “Successful outcome” means an outcome that recognizes that recovery pathways are necessarily individual and that is measured in engagement in case management services and improvements in quality of life stability factors and public safety.

(b) “Victim” has the meaning given that term in ORS 131.007.

SECTION 10. (1) The amendments to section 76, chapter 70, Oregon Laws 2024, by section 9 of this 2025 Act become operative on July 1, 2027.

(2) The Oregon Criminal Justice Commission may adopt rules and take any other action before the operative date specified in subsection (1) of this section that is necessary to enable the commission, on and after the operative date specified in subsection (1) of this section, to exercise all of the powers, duties and functions conferred on the commission by the amendments to section 76, chapter 70, Oregon Laws 2024, by section 9 of this 2025 Act.

SECTION 11. Section 77, chapter 70, Oregon Laws 2024, is amended to read:

Sec. 77. *[(1)(a)] (1) The [Improving People’s Access to Community-based Treatment, Supports and Services Grant Review Committee established under ORS 430.234, in cooperation with the] Oregon Criminal Justice Commission [and the Oregon Health Authority,] shall monitor the progress of and evaluate program outcomes for applicants that receive grant funds as part of the Oregon Behavioral Health Deflection Program established under section 76, [of this 2024 Act] **chapter 70, Oregon Laws 2024.***

[(b) The committee shall share with the commission any data described in paragraph (a) of this subsection that the commission requires to carry out the commission’s duties under section 37 of this 2024 Act.]

*(2) Beginning no later than [September 30,] **November 1, 2025**, the [committee] **commission** shall annually report, in the manner described in ORS 192.245 [and in conjunction with the report required under ORS 430.245 (3)], the findings of the evaluation described in subsection (1) of this section to the relevant interim committees of the Legislative Assembly.*

SECTION 12. Section 37, chapter 70, Oregon Laws 2024, is amended to read:

Sec. 37. (1) The Oregon Criminal Justice Commission shall establish a statewide system for tracking simple, clear and meaningful data concerning deflection program outcomes, including connections to social services and criminal justice system avoidance, and other data deemed relevant that is timely and easily accessed to inform best practices and improve outcomes for individual program participants.

[(2)(a) No later than 12 months after the effective date of this 2024 Act, the commission shall conduct a study to determine best practices for deflection programs and make recommendations for funding of the Oregon Behavioral Health Deflection Program described in section 76 of this 2024 Act. In

1 *making the recommendations described in this paragraph, the commission shall consider the best*
2 *available information and projections regarding deflection programs in this state.]*

3 [(b)] (2) No later than [18 months after the effective date of this 2024 Act] **February 1, 2027**, the
4 commission shall develop standards and best practices for deflection programs in this state based
5 on information received from the programs and pursuant to sections 76 and 77, [of this 2024 Act]
6 **chapter 70, Oregon Laws 2024.**

7 (3) The commission shall maintain a list of deflection programs operating within this state, and
8 shall make the list publicly available on the website of the commission.

9 (4) As used in this section, “deflection program” means a collaborative program between law
10 enforcement agencies and behavioral health entities **or community-based social service organ-**
11 **izations** that assists individuals who may have substance use disorder, another behavioral health
12 disorder or co-occurring disorders, **and who often have other service needs**, to create
13 community-based pathways to treatment, recovery support services, housing, case management or
14 other services.

15 **SECTION 13.** Section 75, chapter 70, Oregon Laws 2024, is amended to read:

16 **Sec. 75.** (1) For purposes of tracking racial or other demographic disparities in enforcement, the
17 Oregon Criminal Justice Commission shall collect and analyze the following data concerning de-
18 flections, arrests, charges and convictions for unlawful possession of a controlled substance and
19 delivery of a controlled substance offenses:

- 20 (a) The date and location of each deflection and arrest;
- 21 (b) The specific offense for which each person was arrested, charged or convicted; and
- 22 (c) Demographic data for each person deflected, arrested, charged or convicted.

23 (2) Beginning no later than [August 31, 2025] **February 1, 2026**, [and annually thereafter,] the
24 commission shall [provide a report to the interim committees of the Legislative Assembly related to the
25 judiciary, in the manner described in ORS 192.245, containing] **make the results of** an analysis of
26 the data described in this section **available to the public in a clear and accessible format, either**
27 **in a report or on the website of the commission.**

28 (3) In carrying out the commission’s duties under this section, the commission may use any in-
29 formation concerning deflections obtained as part of carrying out the duties of the commission under
30 section 37, [of this 2024 Act] **chapter 70, Oregon Laws 2024**, or as part of the grant program ap-
31 plication, monitoring and evaluation process described in sections 76 and 77, [of this 2024 Act]
32 **chapter 70, Oregon Laws 2024.**

33 (4) Data reported under this section shall be used only for statistical purposes and not for any
34 other purpose. The data reports may not contain information that reveals the identity of any indi-
35 vidual. Data collected by government agencies or held by the Oregon Criminal Justice Commission
36 under this section that may reveal the identity of any individual is exempt from public disclosure
37 in any manner.

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

40 (IMPAIRS Program)

41 **SECTION 14.** ORS 430.231 is amended to read:

42 430.231. (1) The Improving People’s Access to Community-based Treatment, Supports and Ser-
43 vices Program is established in recognition of the shortage of comprehensive community supports
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and services for individuals with mental health or substance use disorders, leading to their involvement with the criminal justice system, hospitalizations and institutional placements. The purpose of the program is to address this need by awarding grants to counties and Oregon's federally recognized Indian tribes to establish evidence-based and tribal-based programs to provide the needed supports and services.

(2) The *[Improving People's Access to Community-based Treatment, Supports and Services Grant Review Committee established in ORS 430.234]* **Oregon Criminal Justice Commission** shall adopt rules for administering the program, including rules:

(a) Identifying the target population of people with frequent criminal justice involvement and behavioral health conditions to be served by the programs funded with the grants;

(b) Prescribing a methodology for the *[committee]* **commission** to review and approve grant applications **and award grants**;

(c) Establishing program or service outcome measures;

(d) Establishing criteria for allowing a *[grantee]* **grant recipient** to use a grant or a portion of a grant to:

(A) Expand the workforce of providers of mental health or substance abuse services in the community; or

(B) Provide permanent, supportive housing for individuals with mental health or substance use disorders; *[and]*

[(e) Allowing the committee to terminate an agreement with an entity that fails to meet the grant requirements or has been found to have misused funds or committed fraud. The ability to meet the grant requirements may be a consideration in future funding or the amount of funding.]

(e) **Establishing a process for distributing any unallocated funds**;

(f) **Establishing a process for evaluating the efficacy of programs and services funded by the grant program**;

(g) **Establishing provisions related to requests by grant recipients to adjust their grant awards; and**

(h) **Establishing provisions related to partnerships or collaborations between applicants.**

(3) The *[committee]* **commission** shall allocate funds in the Improving People's Access to Community-based Treatment, Supports and Services Account established in ORS 430.233 to *[grantees]* **grant recipients**. The funds may not be used for a purpose other than the programs providing supports and services for which the grants were awarded.

(4) **The commission shall designate a percentage of the funds to be set aside and awarded to at least one federally recognized Indian tribe.**

[(4)] (5) If unallocated funds remain at the conclusion of the grant acceptance period, the *[committee]* **commission** may establish a supplemental grant period and distribute the unallocated funds to the counties or Oregon's federally recognized Indian tribes that received grants.

[(5)] (6) Up to 20 percent of the funds in the account may be used for operating a statewide program to support the design and implementation of community-based services, including but not limited to:

(a) Technical assistance to prospective *[grantees]* **grant recipients** in developing proposals, particularly for developing proposals for supportive housing;

(b) Technical assistance to *[grantees]* **grant recipients** for troubleshooting data collection requirements and sharing information with third parties as necessary for carrying out the programs;

(c) Statewide training, provided in-person and remotely, for *[grantees and nongrantees]* **grant**

recipients and others, focused on improving outcomes for the target population;

(d) Making resources available to district attorneys and defense attorneys for consultation on cases involving defendants with complex behavioral health issues;

(e) Developing or strengthening a centralized system to make available to communities practitioners in professional specialties for which there is a shortage, including practitioners of addiction medicine and psychiatry; and

(f) *[A one-time investment in]* **Creating or operating** information technology **systems** to support the data system needs for the evaluation, accountability and innovation components of the program.

[(6)(a)] **(7)(a)** The *[committee]* **commission** shall procure and enter into contracts for goods, services and personal services related to the creation, operation, maintenance and management of information technology systems for the purpose of carrying out this section.

(b) The *[committee shall]* **commission may** procure and enter into contracts for goods, services and personal services related to designing, developing, conducting, performing and completing research, review, audits, statistical analyses, investigations, studies, reports and evaluations for the purpose of carrying out this section.

[(7)] **(8)** Three percent of the funds in the account must be used to support outcome measures, evaluation or both.

[(8)] **(9)** An application for a grant must be submitted by *[the]* **a** federally recognized Indian tribe or *[the local public safety coordinating council on behalf of the]* **a** county and:

(a) Must include:

[(A)] *Letters of support and commitments from community leaders or organizations that are not members of the local public safety coordinating council, including but not limited to:*

[(i)] *Agencies working with homeless individuals;*

[(ii)] *Behavioral health care providers;*

[(iii)] *Coordinated care organizations; and]*

[(iv)] *Local hospitals.]*

[(B)] **(A)** For applications from counties, a report of the input from the local federally recognized Indian tribes and, to the extent feasible, an explanation of how the input was incorporated into the design of the program, supports and services.

[(C)] **(B)** For applications from federally recognized Indian tribes, a report of the input from the *[local public safety coordinating council]* **county** and, to the extent feasible, an explanation of how the input was incorporated into the design of the program, supports and services.

[(D)] **(C)** An agreement to screen all participants receiving supports and services funded by the grants for potential eligibility for medical assistance and to assist eligible participants to apply for medical assistance, including an agreement for a process for sharing data and protecting the confidentiality of recipients among the program participants.

[(E)] **(D)** A process for program partners, participating jails and hospitals to:

(i) Provide information upon admission or at intake about the potential risks and benefits of tribal notification; and

(ii) Offer tribal members the opportunity to disclose their statuses and situations to the federally recognized Indian tribe of their choosing.

(b) May include a request to have more flexibility in using existing state funding to provide supports and services that address the need described in subsection (1) of this section.

(c) May include letters of support and commitments from community leaders or organizations, including but not limited to:

(A) Agencies working with homeless individuals;

(B) Behavioral health care providers;

(C) Coordinated care organizations; and

(D) Local hospitals.

[(9)] (10) [Annually, grantees] **Grant recipients** shall report to the [committee and to the Oregon Health Authority the medical assistance enrollment data in addition to other] **commission on** outcome measures or evaluation metrics collected as part of the grant for participants receiving supports and services provided with funds from the grants.

(11) **Data reported by grant recipients under this section shall be used only for statistical purposes and not for any other purpose. Data reports may not contain information that reveals the identity of any individual. Data collected by grant recipients or government agencies or held by the commission under this section that may reveal the identity of any individual is exempt from public disclosure in any manner.**

SECTION 15. ORS 430.233 is amended to read:

430.233. The Improving People's Access to Community-based Treatment, Supports and Services Account is established in the State Treasury, separate and distinct from the General Fund. All moneys in the account are continuously appropriated to the [Improving People's Access to Community-based Treatment, Supports and Services Grant Review Committee] **Oregon Criminal Justice Commission** for the purpose of carrying out ORS 430.231.

SECTION 16. ORS 430.238 is amended to read:

430.238. (1) The [Improving People's Access to Community-based Treatment, Supports and Services Grant Review Committee established in ORS 430.234] **Oregon Criminal Justice Commission** shall administer a program in which Oregon counties, Oregon's federally recognized Indian tribes or regional consortia of counties or Indian tribes may apply to the [committee] **commission** for state funds for the investments made by the counties, Indian tribes or consortia in comprehensive community supports and services for the target population of the Improving People's Access to Community-based Treatment, Supports and Services Program, for the purpose of enhancing or sustaining the supports and services.

(2) The [committee shall] **commission may** establish priorities for the funds based on **results from outcome measures or evaluation tools or** specified factors such as the size of the population of a county, the utilization of the Oregon State Hospital by the residents of the county and the availability of permanent, supportive housing units.

(3) The [committee] **commission** may provide enhanced funds to encourage regional program projects.

(4) The local investments matched by state funds may not be used to supplant existing sources of funding that could be used to provide supports and services to the target population, including but not limited to:

(a) Medical assistance funding;

(b) Federal grants;

(c) Local funding;

(d) State grants or other state funding; or

(e) Other third-party sources of funding to reimburse the cost of the supports and services.

(5) The county, tribal or regional investment used to leverage a state match may include:

(a) County government or tribal funds.

(b) Financial commitments by entities other than counties or Oregon's federally recognized

tribes that are specifically designated for providing Improving People's Access to Community-based Treatment, Supports and Services Program supports and services.

(c) The value of newly dedicated or donated real estate or other tangible property, including but not limited to:

(A) Land;

(B) Buildings;

(C) Remodeling costs that address the needs identified by the Improving People's Access to Community-based Treatment, Supports and Services Program;

(D) Donated program space;

(E) Vehicles; or

(F) Interest on loans specific to housing, treatment facilities or related construction for the target population.

SECTION 17. ORS 430.243 is amended to read:

430.243. The *[Improving People's Access to Community-based Treatment, Supports and Services Grant Review Committee established in ORS 430.234]* **Oregon Criminal Justice Commission** and the Oregon Health Authority may work together to include coordinated care organizations in the Improving People's Access to Community-based Treatment, Supports and Services Program, as permitted by state and federal law, in a way that provides incentives for coordinated care organizations to provide comprehensive community supports and services, as defined in ORS 430.230, to their members who have mental health or substance use disorders and be appropriately reimbursed for the costs of the supports and services.

SECTION 18. ORS 430.245 is amended to read:

430.245. *[(1) At least once per biennium, the Improving People's Access to Community-based Treatment, Supports and Services Grant Review Committee shall, in conjunction with the Oregon Health Authority, identify:]*

[(a) The costs to state government that were avoided as a result of the Improving People's Access to Community-based Treatment, Supports and Services Program established in ORS 430.231; and]

[(b) Any increased costs to local governments as a result of the program.]

[(2) No later than January 1 of each odd-numbered year, the committee shall submit a report to the Legislative Assembly, in the manner provided by ORS 192.245, that includes the costs described in subsection (1) of this section and describes the methodology employed by the committee in determining the costs.]

[(3) Annually, the committee] **The Oregon Criminal Justice Commission** shall **annually** submit a report, in the manner provided in ORS 192.245, on the outcome measures or the results of evaluations of the *[program]* **Improving People's Access to Community-based Treatment, Supports and Services Program established in ORS 430.231** to the interim committees of the Legislative Assembly related to health and the judiciary and to the Governor.

SECTION 19. ORS 430.234, 430.235 and 430.236 are repealed.

(Treatment Court Grants)

SECTION 20. ORS 423.150 is amended to read:

423.150. (1) The Department of Corrections shall:

(a) Provide appropriate treatment services to *[drug-addicted]* persons **with substance use disorder who are** in the custody of the department *[who are at a high or medium risk of reoffending]*

1 and who have moderate to severe treatment needs; and

2 [(b) *Make grants to counties in order to provide supplemental funding for;*]

3 [(A) *The operation of local jails;*]

4 [(B) *Appropriate treatment services for drug-addicted persons on probation, parole or post-prison*
5 *supervision; or*]

6 [(C) *The intensive supervision of drug-addicted persons on probation, parole or post-prison super-*
7 *vision, including the incarceration of drug-addicted persons who have violated the terms and conditions*
8 *of probation, parole or post-prison supervision.*]

9 [(2) *The Oregon Criminal Justice Commission shall make grants to counties in order to provide*
10 *supplemental funding for drug courts for drug-addicted persons, including the costs of appropriate*
11 *treatment services and the incarceration of persons who have violated the terms and conditions of a*
12 *drug court.*]

13 [(3)(a) *The appropriate legislative committee shall periodically conduct oversight hearings on the*
14 *effectiveness of this section.*]

15 [(b) *The Oregon Criminal Justice Commission shall periodically conduct independent evaluations*
16 *of the programs funded by this section for their effectiveness in reducing criminal behavior in a cost-*
17 *effective manner and shall report the findings to the Alcohol and Drug Policy Commission.*]

18 [(4)] (b) [The Department of Corrections shall] Determine which persons are eligible for treatment
19 under **this** subsection [(1)(a) of this section] using an actuarial risk assessment tool.

20 [(5) *The department shall adopt rules to administer the grant program described in subsection*
21 *(1)(b) of this section.*]

22 [(6) *Prior to adopting the rules described in subsection (5) of this section, the department shall*
23 *consult with a broad-based committee that includes representatives of;*]

24 [(a) *County boards of commissioners;*]

25 [(b) *County sheriffs;*]

26 [(c) *District attorneys;*]

27 [(d) *County community corrections;*]

28 [(e) *The Oregon Criminal Justice Commission;*]

29 [(f) *Presiding judges of the judicial districts of this state;*]

30 [(g) *Public defenders; and*]

31 [(h) *Treatment providers.*]

32 [(7) *In determining which grant proposals to fund within each county, the department shall:*]

33 [(a) *Consult with the committee described in subsection (6) of this section;*]

34 [(b) *Give priority to those proposals that are best designed to reduce crime and drug addiction;*
35 *and*]

36 [(c) *Be guided by evidence-based and tribal-based practices, risk assessment tools or other*
37 *research-based considerations.*]

38 [(8)] (2) Nothing in this section:

39 (a) Creates any claim, right of action or civil liability; or

40 (b) Requires a supervisory authority or the Department of Corrections to provide treatment to
41 any individual under the authority's supervision or in the custody of the department.

42 [(9) *As used in this section:*]

43 [(a) *"Drug-addicted person" means a person who has lost the ability to control the personal use*
44 *of controlled substances, cannabis or alcohol, or who uses controlled substances, cannabis or alcohol*
45 *to the extent that the health of the person or that of others is substantially impaired or endangered or*

the social or economic function of the person is substantially disrupted. A drug-addicted person may be physically dependent, a condition in which the body requires a continuing supply of a controlled substance, cannabis or alcohol to avoid characteristic withdrawal symptoms, or psychologically dependent, a condition characterized by an overwhelming mental desire for continued use of a controlled substance, cannabis or alcohol.]

[(b) "Intensive supervision" means the active monitoring of a person's performance in a treatment program by a parole and probation officer and the imposition of sanctions, or request to a court for sanctions, if the person fails to abide by the terms and conditions of a treatment program.]

SECTION 21. (1) The Oregon Criminal Justice Commission shall establish the Oregon Treatment Court Grant Program to award grants to counties in order to provide supplemental funding for treatment courts. The grants must support the adherence of treatment courts to the standards developed under ORS 137.680 and may fund the costs of appropriate treatment services and the incarceration of persons who have violated the terms and conditions of the treatment court.

(2) The commission may adopt rules to administer the grant program described in this section, including:

- (a) A methodology for reviewing and approving grant applications and awarding grants;**
- (b) A process for distributing any unallocated funds;**
- (c) A process for evaluating the efficacy of treatment courts funded under this section;**
- (d) Provisions related to requests by grant recipients to adjust their grant awards; and**
- (e) Provisions related to partnerships or collaborations between applicants.**

(3) As used in this section, "treatment court" means a specialty court as defined in ORS 137.680, including a drug court program as defined in ORS 3.450.

SECTION 22. The Oregon Treatment Court Grant Program Account is established in the State Treasury, separate and distinct from the General Fund. All moneys in the account are continuously appropriated to the Oregon Criminal Justice Commission for the purpose of carrying out the provisions of ORS 137.656 (3)(d) and 423.150 (2).

SECTION 22a. Section 22 of this 2025 Act is amended to read:

Sec. 22. The Oregon Treatment Court Grant Program Account is established in the State Treasury, separate and distinct from the General Fund. All moneys in the account are continuously appropriated to the Oregon Criminal Justice Commission for the purpose of carrying out the provisions of [ORS 137.656 (3)(d) and 423.150 (2)] **section 21 of this 2025 Act.**

SECTION 22b. The amendments to section 22 of this 2025 Act by section 22a of this 2025 Act become operative on July 1, 2026.

LAW ENFORCEMENT-FOCUSED GRANT PROGRAMS

(General Provisions)

SECTION 23. (1) The Oregon Law Enforcement Grant Program is established within the Oregon Criminal Justice Commission to support local law enforcement in Oregon.

(2) The Oregon Law Enforcement Grant Program consists of grants awarded to cities and counties by the commission in the following program areas:

- (a) The Organized Retail Theft Grant Program established under ORS 137.686;**
- (b) The Illegal Marijuana Market Enforcement Grant Program established under ORS 475C.531;**

(c) The Oregon Jail-Based Medications for Opioid Use Disorder Grant Program established under section 82, chapter 70, Oregon Laws 2024; and

(d) Any other grant programs administered by the commission that provide funding consistent with the goals described in this section.

(3) If any of the program areas listed in subsection (2) of this section include eligible applicants other than cities and counties:

(a) Grants may not be awarded to those entities using the procedures described in this section.

(b) The commission shall, prior to releasing the solicitation for applications for the Oregon Law Enforcement Grant Program, select the proportion of funds to be set aside for applicants other than cities and counties.

(4)(a) During a grant application period established by the commission, the proportion of grant funds available to each city and county shall be determined in accordance with the statutory requirements for each program area listed in subsection (2) of this section.

(b) Eligibility criteria, funding priorities and permitted uses of funds established by statute for each program area listed in subsection (2) of this section apply to grants to cities and counties under this section.

(5)(a) The commission shall adopt rules to administer the Oregon Law Enforcement Grant Program. At a minimum, the rules must include:

(A) A methodology for reviewing and approving grant applications and awarding grants;

(B) A process for distributing any unallocated funds;

(C) A process for evaluating the efficacy of programs funded by the Oregon Law Enforcement Grant Program;

(D) Provisions related to requests by grant recipients to adjust their grant awards; and

(E) Provisions related to partnerships or collaborations between cities and counties.

(b) For grants in program areas listed in subsection (2) of this section for which entities other than cities and counties may apply, any rules adopted by the commission pursuant to the statute establishing the specific program area shall govern the grant application and award process for those applicants.

(c) For city and county applicants, any rules adopted by the commission pursuant to the statute establishing the specific program area, including rules establishing definitions or related to eligibility criteria, funding priorities and permitted uses of funds, generally apply unless in conflict with this section or a rule adopted pursuant to this section.

(6) Cities and counties may request up to 10 percent of program funds for administrative costs.

(7) As used in this section, “administrative costs” means all costs incurred in the administration of the Oregon Law Enforcement Grant Program that are not directly related to the delivery of program services or projects.

(Organized Retail Theft Grant Program)

SECTION 24. ORS 137.686 is amended to read:

137.686. (1) The Organized Retail Theft Grant Program is established to assist:

(a) Cities and counties with the costs incurred by local law enforcement agencies in addressing organized retail theft; and

(b) The Department of [State Police] **Justice** with costs incurred by the department in addressing organized retail theft[; and].

[(c) Community-based organizations in addressing organized retail theft.]

(2) The Oregon Criminal Justice Commission shall administer the grant program described in subsection (1) of this section and shall award the grants described in this section.

(3) The commission *[shall]* **may** adopt rules to administer the grant program[. *Rules adopted under this section must include*], **including**:

(a) A methodology for reviewing and approving grant applications and awarding grants; *[and]*

(b) A process for distributing any unallocated funds;

[(b)] (c) A process for evaluating the efficacy of programs and services funded by the grant program[.];

(d) Provisions related to requests by grant recipients to adjust their grant awards; and

(e) Provisions related to partnerships or collaborations between applicants.

(4) Moneys distributed to grant recipients under this section must be spent on costs associated with addressing and prosecuting organized retail theft **and may be used for the purchase of equipment.**

[(5) The commission shall establish three categories of grants under this section as follows:]

[(a) Grants awarded, on a competitive basis, to cities and counties;]

[(b) Grants awarded, on a competitive basis, to community-based organizations; and]

[(c) Grants awarded to the department.]

(5) As used in this section, “equipment” means any item used by peace officers, deputy district attorneys or retail asset protection investigators in detecting, investigating, documenting or adjudicating organized retail theft activities.

SECTION 25. The Organized Retail Theft Grant Program Account is established in the State Treasury, separate and distinct from the General Fund. All moneys in the account are continuously appropriated to the Oregon Criminal Justice Commission for the purpose of carrying out the provisions of ORS 137.686.

(Illegal Marijuana Market Enforcement Grant Program)

SECTION 26. ORS 475C.531 is amended to read:

475C.531. (1) The Illegal Marijuana Market Enforcement Grant Program is established to assist cities and counties with the costs incurred by local law enforcement agencies and community-based organizations in addressing unlawful marijuana cultivation or distribution operations.

(2) The Oregon Criminal Justice Commission shall administer the grant program described in subsection (1) of this section and shall award the grants described in this section.

(3) The commission *[shall]* **may** adopt rules to administer the grant program[. *Rules adopted under this section must include*], **including**:

(a) A methodology for reviewing and approving grant applications and awarding grants; *[and]*

(b) A process for distributing any unallocated funds;

[(b)] (c) A process for evaluating the efficacy of *[local law enforcement]* programs and services funded by the grant program[.];

(d) Provisions related to requests by grant recipients to adjust their grant awards; and

(e) Provisions related to partnerships or collaborations between applicants.

(4) Moneys distributed to grant recipients under this section must be spent on costs associated

with addressing and prosecuting unlawful marijuana cultivation or distribution operations.

(5) The commission shall prioritize the following when awarding grants under this section:

(a) Providing financial assistance to local law enforcement agencies and district attorneys in rural areas of this state to address unlawful marijuana cultivation or distribution operations;

(b) Supporting local law enforcement agencies and district attorneys in investigating and prosecuting large-scale unlawful marijuana cultivation or distribution operations;

(c) Providing financial assistance to local law enforcement agencies and district attorneys in the investigation and prosecution of organized crime involved in unlawful marijuana cultivation or distribution operations;

(d) Providing financial assistance to local law enforcement agencies and district attorneys in the investigation and prosecution of unlawful marijuana cultivation or distribution operations that divert marijuana outside of this state; and

(e) Providing financial assistance to local law enforcement agencies and community-based organizations in order to address the ongoing humanitarian crisis associated with unlawful marijuana cultivation or distribution operations and to facilitate connections to any necessary assistance and services for individuals impacted by the humanitarian crisis, including but not limited to language translation services and housing and legal assistance.

(Jail-Based Medications for Opioid Use Disorder Grant Program)

SECTION 27. Section 81, chapter 70, Oregon Laws 2024, is amended to read:

Sec. 81. As used in [sections 81 to 86 of this 2024 Act] **section 82, chapter 70, Oregon Laws 2024:**

(1) “Commission” means the Oregon Criminal Justice Commission.

(2) “Local correctional facility” has the meaning given that term in ORS 169.005.

(3) “Tribal correctional facility” means a jail or prison in Oregon that is operated by a federally recognized tribe and confines persons for more than 36 hours.

SECTION 28. Section 82, chapter 70, Oregon Laws 2024, is amended to read:

Sec. 82. (1) The Oregon Jail-Based Medications for Opioid Use Disorder Grant Program is established in the Oregon Criminal Justice Commission to provide opioid use disorder treatment and transition planning services to persons in custody in local correctional facilities and tribal correctional facilities.

(2) The commission, in collaboration with the Oregon Health Authority, shall administer the grant program. At minimum, the commission and authority shall collaborate to provide grant recipients support with technical assistance and best practices.

(3) **The commission shall award grants to cities and counties in Oregon that operate a local correctional facility and to federally recognized tribes in Oregon that operate a tribal correctional facility.**

(4) **At least 10 percent of total moneys awarded to grant recipients must be awarded to local correctional facilities in rural areas, as defined by the commission by rule, or tribal correctional facilities. If any amount of the 10 percent is not awarded during an initial application cycle, the remaining amount may be awarded to any otherwise eligible local correctional facility or tribal correctional facility under a supplemental application cycle.**

(5) **The commission may enter a contract with a third party to provide statewide technical assistance to grant recipients.**

(6) The commission shall consider geographic equity when awarding grant funds.

(7) Moneys awarded to grant recipients under this section may be used to:

(a) Provide medication, telemedicine or any other reasonable treatment to persons in custody with an opioid use disorder.

(b) Develop or operate mobile or nonmobile opioid treatment units.

(c) Administer screenings for opioid use disorder or risk of acute withdrawal.

(d) Facilitate transition planning services for persons in custody who seek or receive opioid use disorder treatment.

(e) Undertake any other actions reasonably calculated to mitigate operational or structural barriers to providing opioid use disorder treatment in local correctional facilities or tribal correctional facilities, including but not limited to mitigating any lack of secure storage for medication.

(8) The commission shall adopt rules necessary to administer the program described in this section. The rules, at minimum, must:

(a) Establish a methodology for reviewing and approving grant applications and awarding grants;

(b) Establish a process for distributing any unallocated funds;

(c) Establish a process for evaluating the efficacy of programs and services funded by the grant program;

(d) Establish provisions related to requests by grant recipients to adjust their grant awards;

(e) Establish provisions related to partnerships or collaborations between applicants;

(f) Require applicants to submit a statement acknowledging that any grant funds received must be expended in accordance with the allowable uses described in subsection (7) of this section;

(g) Require applicants to submit a letter of commitment from each administrator of a local correctional facility or tribal correctional facility who is associated with the application, committing to participate in good faith in the grant program; and

(h) Define "rural" for purposes of this section.

SECTION 29. Section 87, chapter 70, Oregon Laws 2024, is amended to read:

Sec. 87. (1) The Oregon Jail-Based Medications for Opioid Use Disorder Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oregon Jail-Based Medications for Opioid Use Disorder Fund shall be credited to the fund. The fund consists of moneys appropriated or otherwise transferred to the fund by the Legislative Assembly.

(2) Moneys in the fund are continuously appropriated to the Oregon Criminal Justice Commission for the purposes of carrying out sections 81 *[to 86 of this 2024 Act]* and 82, chapter 70, Oregon Laws 2024.

SECTION 30. Sections 83, 84, 85 and 86, chapter 70, Oregon Laws 2024, are repealed.

NOTE: Sections 31 and 32 were deleted by amendment. Subsequent sections were not renumbered.

OREGON CRIMINAL JUSTICE COMMISSION CHANGES

SECTION 33. ORS 137.654 is amended to read:

137.654. (1) There is established the Oregon Criminal Justice Commission consisting of *[nine]*

1 **12** members[. *The Governor shall appoint seven members who are subject to confirmation by the Senate*
 2 *pursuant to section 4, Article III of the Oregon Constitution. The President of the Senate shall appoint*
 3 *one state Senator as a nonvoting member. The Speaker of the House of Representatives shall appoint*
 4 *one state Representative as a nonvoting member. Members serve at the pleasure of the appointing au-*
 5 *thority. The Governor shall appoint members of the commission consistent with the following:] **as fol-**
 6 **lows:***

7 **(a) The Governor shall appoint the following nine members who are subject to confir-**
 8 **mation by the Senate pursuant to Article III, section 4, of the Oregon Constitution:**

9 **(A) One member who is an elected district attorney recommended to the Governor by a**
 10 **statewide nonprofit organization representing Oregon district attorneys.**

11 **(B) One member who is a defense attorney recommended to the Governor by a statewide**
 12 **nonprofit organization representing Oregon criminal defense attorneys.**

13 **(C) One member who is a county sheriff or chief of police recommended to the Governor**
 14 **by a statewide nonprofit organization representing Oregon sheriffs or chiefs of police.**

15 **(D) One member who is a community corrections director who is not a sheriff, recom-**
 16 **mended to the Governor by a statewide nonprofit organization representing Oregon commu-**
 17 **nity corrections directors.**

18 **(E) One member who is a county commissioner recommended to the Governor by a**
 19 **statewide organization representing Oregon county commissioners.**

20 **(F) One member with experience providing community-based treatment for persons with**
 21 **substance use disorder or a behavioral health condition.**

22 **(G) One member who is associated with an academic institution and who has research**
 23 **experience in criminal justice or a related field.**

24 **(H) One member who is a representative of a qualified victim services program, recom-**
 25 **mended to the Governor by a statewide nonprofit organization whose purpose is to support**
 26 **qualified victim services programs, as defined in ORS 147.600.**

27 **(I) One member who is a representative of a community-based organization that provides**
 28 **reentry or social services to underserved racial, ethnic or minority communities, recom-**
 29 **mended to the Governor by an organization that advocates for services that support persons**
 30 **convicted of crimes and families and communities of crime survivors.**

31 **(b) The President of the Senate shall appoint one Senator as a nonvoting member.**

32 **(c) The Speaker of the House of Representatives shall appoint one Representative as a**
 33 **nonvoting member.**

34 **(d) The Chief Justice of the Supreme Court shall appoint a representative of the Judicial**
 35 **Department as a nonvoting member.**

36 **(2) The Governor shall appoint commission members in accordance with the following**
 37 **principles:**

38 **(a) Members shall be appointed with consideration of geographic, racial, ethnic and gender di-**
 39 **versity and lived experience in the criminal justice system.**

40 **(b) Not more than [four] half of the members may belong to the same political party. Party af-**
 41 **filiation is determined by the appropriate entry on official election registration cards.**

42 **[(2)(a)] (3)(a) The term of office of each member is four years or until the end of a legislative**
 43 **member's legislative term, whichever occurs first. Before the expiration of the term of a member, the**
 44 **appointing authority shall appoint a successor whose term begins immediately upon the expiration**
 45 **of the term of the current member. A member is eligible for reappointment but may serve no more**

1 than two consecutive terms.

2 (b) In case of a vacancy for any cause, the appointing authority shall appoint a person to fill
3 the office for the unexpired term. When a person is appointed under this paragraph, the unexpired
4 term may not be considered for purposes of the limitation to two consecutive terms of service.

5 [(3)] (4) The Governor shall appoint one of the commissioners as chairperson, to serve at the
6 pleasure of the Governor. The members of the commission shall elect from among themselves a vice
7 chairperson who shall preside over meetings and exercise the functions of the chairperson during
8 absence or disability of the chairperson. The chairperson and vice chairperson shall execute the
9 duties determined by the commission to be necessary.

10 [(4)] (5) The chairperson shall appoint one member, subject to the approval of the commission,
11 to serve on an executive committee with the chairperson and vice chairperson. The executive com-
12 mittee may exercise the powers and responsibilities of the commission between meetings of the
13 commission. All action taken by the executive committee not previously authorized must be sub-
14 mitted to the commission for approval at the next regular or special meeting.

15 [(5)] (6) A majority of the voting members of the commission constitutes a quorum for the
16 transaction of business.

17 [(6)] (7) The commission shall meet at least once a month, at a time and place determined by
18 the commission. The commission shall also meet at such other times and places as are specified by
19 the call of the chairperson. If a majority of members, in writing, request a special meeting, the
20 chairperson shall designate a time for a special meeting as requested.

21 [(7)] (8) The Governor shall appoint an executive director for the commission who shall be in
22 the exempt service and who shall be responsible for the performance of duties assigned by the
23 commission. Subject to the State Personnel Relations Law, the executive director may employ ap-
24 propriate staff to carry out the duties assigned by the commission.

25 [(8)] (9) Members of the commission are entitled to expenses as provided in ORS 292.495. Subject
26 to the availability of funds, members of a committee established under ORS 137.658 who are not
27 commission members may be reimbursed for actual and necessary travel and other expenses incurred
28 by them in the performance of their official duties, subject to ORS 292.495 (2). Any legislative
29 members are entitled to payment of compensation and expense reimbursement under ORS 171.072,
30 payable from funds appropriated to the Legislative Assembly.

31 [(9)] (10) The commission is subject to the provisions of ORS 291.201 to 291.222 and 291.232 to
32 291.260.

33 [(10)] (11) The commission shall consult with and seek advice and counsel of the Chief Justice
34 of the Supreme Court and the State Court Administrator on any matter that impacts the operation
35 of the courts. The Chief Justice may have a representative participate in any meeting of the com-
36 mission.

37 **SECTION 34. A person who is a member of the Oregon Criminal Justice Commission on**
38 **the effective date of this 2025 Act must be permitted to complete the member's current term**
39 **and, if otherwise eligible under ORS 137.654 (3), is eligible for reappointment.**

40 **SECTION 35. Section 34 of this 2025 Act is repealed on January 2, 2030.**

41 **SECTION 36. ORS 137.656 is amended to read:**

42 137.656. (1) The purpose of the Oregon Criminal Justice Commission is to improve the effec-
43 tiveness and efficiency of state and local criminal justice systems by providing a centralized and
44 impartial forum for statewide policy development and planning.

45 (2) The primary duty of the commission is to develop and maintain a state criminal justice policy

and comprehensive, long-range plan for a coordinated state criminal justice system that encompasses public safety, offender accountability, crime reduction and prevention and offender treatment and rehabilitation. The plan must include, but need not be limited to, recommendations regarding:

- (a) Capacity, utilization and type of state and local prison and jail facilities;
- (b) Implementation of community corrections programs;
- (c) Alternatives to the use of prison and jail facilities;
- (d) Appropriate use of existing facilities and programs;
- (e) Whether additional or different facilities and programs are necessary;
- (f) Methods of assessing the effectiveness of juvenile and adult correctional programs, devices and sanctions in reducing future criminal conduct by juvenile and adult offenders;
- (g) Methods of reducing the risk of future criminal conduct; and
- (h) The effective utilization of local public safety coordinating councils.

(3) Other duties of the commission are:

(a) To conduct joint studies by agreement with other state agencies, boards, [or] commissions **or Oregon Health and Science University** on any matter within the jurisdiction of the commission.

(b) To provide Oregon criminal justice analytical and statistical information to federal agencies and serve as a clearinghouse and information center for the collection, preparation, analysis and dissemination of information on state and local sentencing practices.

(c) To provide technical assistance and support to local public safety coordinating councils.

[(d) To receive grant applications to start or expand drug court programs as defined in ORS 3.450, to make rules to govern the grant process and to award grant funds according to the rules.]

[(e)] (d) To prepare the racial and ethnic impact statements described in ORS 137.683 and 137.685.

[(f)] (e) To assess the extent to which each county is reducing racial and ethnic disparities in its correctional population.

(4) The commission shall establish by rule the information that must be submitted under ORS 137.010 (9) and the methods for submitting the information. A rule adopted under this subsection must be approved by the Chief Justice of the Supreme Court before it takes effect.

(5) The commission may:

(a) Apply for and receive gifts and grants from any public or private source.

(b) Award grants from funds appropriated by the Legislative Assembly to the commission or from funds otherwise available from any other source, for the purpose of carrying out the duties of the commission.

(c) Adopt rules to carry out the provisions of this subsection.

HOUSE BILL 3194 (2013) CHANGES

SECTION 37. ORS 475.934 is repealed.

SECTION 38. Section 8, chapter 649, Oregon Laws 2013, as amended by section 22, chapter 78, Oregon Laws 2022, and section 3, chapter 572, Oregon Laws 2023, is repealed.

SECTION 39. Section 12, chapter 673, Oregon Laws 2017, as amended by section 7, chapter 572, Oregon Laws 2023, is amended to read:

Sec. 12. *[(1)]* The amendments to ORS 137.717 and 421.168 by sections 4 and 5, chapter 673, Oregon Laws 2017, and the repeal of section 16, chapter 649, Oregon Laws 2013, by section 3, chapter 673, Oregon Laws 2017, become operative on January 1, 2018.

1 [(2) *The amendments to ORS 137.717 by section 6, chapter 673, Oregon Laws 2017, become opera-*
2 *tive on July 1, 2033.*]

3 **SECTION 40.** Section 13, chapter 673, Oregon Laws 2017, as amended by section 8, chapter 572,
4 Oregon Laws 2023, is amended to read:

5 **Sec. 13.** (1) The amendments to section 1, chapter 830, Oregon Laws 2015, by section 2, chapter
6 673, Oregon Laws 2017, apply to sentences imposed on or after August 8, 2017.

7 (2) The amendments to ORS 137.717 and 421.168 by sections 4 and 5, chapter 673, Oregon Laws
8 2017, apply to sentences imposed on or after January 1, 2018.

9 [(3) *The amendments to ORS 137.717 by section 6, chapter 673, Oregon Laws 2017, apply to sen-*
10 *tences imposed on or after July 1, 2033.*]

11 **SECTION 41.** ORS 137.717, as amended by section 7, chapter 649, Oregon Laws 2013, section
12 6, chapter 673, Oregon Laws 2017, and section 3, chapter 151, Oregon Laws 2023, is amended to
13 read:

14 137.717. (1) When a court sentences a person convicted of:

15 (a) Aggravated theft in the first degree under ORS 164.057, organized retail theft under ORS
16 164.098, burglary in the first degree under ORS 164.225[*robbery in the third degree under ORS*
17 *164.395*] or aggravated identity theft under ORS 165.803, the presumptive sentence is 24 months of
18 incarceration, unless the rules of the Oregon Criminal Justice Commission prescribe a longer
19 presumptive sentence, if the person has:

20 (A) A previous conviction for aggravated theft in the first degree under ORS 164.057, organized
21 retail theft under ORS 164.098, burglary in the first degree under ORS 164.225, robbery in the third
22 degree under ORS 164.395, robbery in the second degree under ORS 164.405, robbery in the first
23 degree under ORS 164.415 or aggravated identity theft under ORS 165.803;

24 (B) Two or more previous convictions for any combination of the crimes listed in subsection (2)
25 of this section; or

26 (C) A previous conviction for a crime listed in subsection (2) of this section, if the current crime
27 of conviction was committed while the defendant was on supervision for the previous conviction or
28 less than three years after the date the defendant completed the period of supervision for the pre-
29 vious conviction.

30 (b) Unauthorized use of a vehicle under ORS 164.135, mail theft or receipt of stolen mail under
31 ORS 164.162, burglary in the second degree under ORS 164.215, criminal mischief in the first degree
32 under ORS 164.365, computer crime under ORS 164.377, **robbery in the third degree under ORS**
33 **164.395**, forgery in the first degree under ORS 165.013, criminal possession of a forged instrument
34 in the first degree under ORS 165.022, fraudulent use of a credit card under ORS 165.055 (4)(b),
35 possession of a stolen vehicle under ORS 819.300 or trafficking in stolen vehicles under ORS 819.310,
36 the presumptive sentence is 18 months of incarceration, unless the rules of the Oregon Criminal
37 Justice Commission prescribe a longer presumptive sentence, if the person has:

38 (A) A previous conviction for aggravated theft in the first degree under ORS 164.057, organized
39 retail theft under ORS 164.098, unauthorized use of a vehicle under ORS 164.135, burglary in the
40 first degree under ORS 164.225, robbery in the third degree under ORS 164.395, robbery in the sec-
41 ond degree under ORS 164.405, robbery in the first degree under ORS 164.415, possession of a stolen
42 vehicle under ORS 819.300, trafficking in stolen vehicles under ORS 819.310 or aggravated identity
43 theft under ORS 165.803;

44 (B) Two or more previous convictions for any combination of the crimes listed in subsection (2)
45 of this section; or

(C) A previous conviction for a crime listed in subsection (2) of this section, if the current crime of conviction was committed while the defendant was on supervision for the previous conviction or less than three years after the date the defendant completed the period of supervision for the previous conviction.

(c) Theft in the first degree under ORS 164.055 or identity theft under ORS 165.800, the presumptive sentence is 13 months of incarceration, unless the rules of the Oregon Criminal Justice Commission prescribe a longer presumptive sentence, if the person has:

(A) A previous conviction for aggravated theft in the first degree under ORS 164.057, organized retail theft under ORS 164.098, unauthorized use of a vehicle under ORS 164.135, burglary in the first degree under ORS 164.225, robbery in the second degree under ORS 164.405, robbery in the first degree under ORS 164.415, possession of a stolen vehicle under ORS 819.300, trafficking in stolen vehicles under ORS 819.310 or aggravated identity theft under ORS 165.803; or

(B) Four or more previous convictions for any combination of crimes listed in subsection (2) of this section.

(2) The crimes to which subsection (1) of this section applies are:

- (a) Theft in the second degree under ORS 164.045;
- (b) Theft in the first degree under ORS 164.055;
- (c) Aggravated theft in the first degree under ORS 164.057;
- (d) Organized retail theft under ORS 164.098;
- (e) Unauthorized use of a vehicle under ORS 164.135;
- (f) Mail theft or receipt of stolen mail under ORS 164.162;
- (g) Burglary in the second degree under ORS 164.215;
- (h) Burglary in the first degree under ORS 164.225;
- (i) Criminal mischief in the second degree under ORS 164.354;
- (j) Criminal mischief in the first degree under ORS 164.365;
- (k) Computer crime under ORS 164.377;
- (L) Forgery in the second degree under ORS 165.007;
- (m) Forgery in the first degree under ORS 165.013;
- (n) Criminal possession of a forged instrument in the second degree under ORS 165.017;
- (o) Criminal possession of a forged instrument in the first degree under ORS 165.022;
- (p) Fraudulent use of a credit card under ORS 165.055;
- (q) Identity theft under ORS 165.800;
- (r) Possession of a stolen vehicle under ORS 819.300;
- (s) Trafficking in stolen vehicles under ORS 819.310; and
- (t) Any attempt to commit a crime listed in this subsection.

(3)(a) A presumptive sentence described in subsection (1)(a) or (b) of this section shall be increased by two months for each previous conviction the person has that:

(A) Was for any of the crimes listed in subsection (1) or (2) of this section; and

(B) Was not used as a predicate for the presumptive sentence described in subsection (1)(a) or (b) of this section.

(b) Previous convictions may not increase a presumptive sentence described in subsection (1)(a) or (b) of this section by more than 12 months under this subsection.

(4) The court may impose a sentence other than the sentence provided by subsection (1) or (3) of this section if the court imposes:

- (a) A longer term of incarceration that is otherwise required or authorized by law; or

(b) A departure sentence authorized by the rules of the Oregon Criminal Justice Commission based upon findings of substantial and compelling reasons. Unless the law or the rules of the Oregon Criminal Justice Commission allow for imposition of a longer sentence, the maximum departure allowed for a person sentenced under this subsection is double the presumptive sentence provided in subsection (1) or (3) of this section.

(5) Notwithstanding subsection (4)(b) of this section, the court may not sentence a person under subsection (4) of this section to a term of incarceration that exceeds the period of time described in ORS 161.605.

(6) The court shall sentence a person under this section to at least the presumptive sentence described in subsection (1)(a) or (b) or (3) of this section, unless the parties stipulate otherwise or the court finds that:

(a) The person was not on probation, parole or post-prison supervision for a crime listed in subsection (1) of this section at the time of the commission of the current crime of conviction;

(b) The person has not previously received a downward departure from a presumptive sentence for a crime listed in subsection (1) of this section;

(c) The harm or loss caused by the crime is not greater than usual for that type of crime; and

(d) In consideration of the nature of the offense and the harm to the victim, a downward departure will:

(A) Increase public safety;

(B) Enhance the likelihood that the person will be rehabilitated; and

(C) Not unduly reduce the appropriate punishment.

(7) When the court imposes a sentence of probation for a conviction for theft in the first degree or identity theft or under subsection (6) of this section, the supervisory authority as defined in ORS 144.087 may require the person to receive a high level of supervision for at least 12 months, and may extend the period of high-level supervision for all or part of the remaining probationary term.

(8)(a) For a crime committed on or after November 1, 1989, a conviction is considered to have occurred upon the pronouncement of sentence in open court. However, when sentences are imposed for two or more convictions arising out of the same conduct or criminal episode, none of the convictions is considered to have occurred prior to any of the other convictions arising out of the same conduct or criminal episode.

(b) For a crime committed prior to November 1, 1989, a conviction is considered to have occurred upon the pronouncement in open court of a sentence or upon the pronouncement in open court of the suspended imposition of a sentence.

(9) For purposes of this section, previous convictions must be proven pursuant to ORS 137.079.

(10) As used in this section:

(a) "Downward departure" means a downward dispositional departure or a downward durational departure under the rules of the Oregon Criminal Justice Commission.

(b) "Previous conviction" includes:

(A) Convictions occurring before, on or after July 1, 2003; and

(B) Convictions entered in any other state or federal court for comparable offenses.

SECTION 42. (1) Section 33, chapter 649, Oregon Laws 2013, as amended by section 24, chapter 78, Oregon Laws 2022, and section 5, chapter 572, Oregon Laws 2023, is repealed.

(2) Section 38, chapter 649, Oregon Laws 2013, as amended by section 25, chapter 78, Oregon Laws 2022, and section 6, chapter 572, Oregon Laws 2023, is repealed.

SECTION 43. ORS 40.015, as amended by section 37, chapter 649, Oregon Laws 2013, is

amended to read:

40.015. (1) The Oregon Evidence Code applies to all courts in this state except for:

(a) A hearing or mediation before a magistrate of the Oregon Tax Court as provided by ORS 305.501;

(b) The small claims department of a circuit court as provided by ORS 46.415; and

(c) The small claims department of a justice court as provided by ORS 55.080.

(2) The Oregon Evidence Code applies generally to civil actions, suits and proceedings, criminal actions and proceedings and to contempt proceedings except those in which the court may act summarily.

(3) ORS 40.225 to 40.295 relating to privileges apply at all stages of all actions, suits and proceedings.

(4) ORS 40.010 to 40.210 and 40.310 to 40.585 do not apply in the following situations:

(a) The determination of questions of fact preliminary to admissibility of evidence when the issue is to be determined by the court under ORS 40.030.

(b) Proceedings before grand juries, except as required by ORS 132.320.

(c) Proceedings for extradition, except as required by ORS 133.743 to 133.857.

(d) Sentencing proceedings, except proceedings under ORS 138.052 and 163.150, as required by ORS 137.090 or proceedings under ORS 136.765 to 136.785.

(e) Proceedings to revoke probation, except as required by ORS 137.090.

(f) Proceedings conducted in a reentry court under section 29, chapter 649, Oregon Laws 2013.

~~[(f)]~~ **(g)** Issuance of warrants of arrest, bench warrants or search warrants.

~~[(g)]~~ **(h)** Proceedings under ORS chapter 135 relating to conditional release, security release, release on personal recognizance, or preliminary hearings, subject to ORS 135.173.

~~[(h)]~~ **(i)** Proceedings to determine proper disposition of a child in accordance with ORS 419B.325 (2) and 419C.400 (4).

~~[(i)]~~ **(j)** Proceedings under ORS 813.210, 813.215, 813.220, 813.230, 813.250 and 813.255 to determine whether a driving while under the influence of intoxicants diversion agreement should be allowed or terminated.

~~[(j)]~~ **(k)** Proceedings under ORS 147.530 relating to victims' rights, except for the provisions of ORS 40.105 and 40.115.

SECTION 44. ORS 144.096, as amended by section 35, chapter 649, Oregon Laws 2013, section 2, chapter 40, Oregon Laws 2017, section 2, chapter 438, Oregon Laws 2017, and section 27, chapter 213, Oregon Laws 2019, is amended to read:

144.096. (1)(a) The Department of Corrections shall prepare a proposed release plan for an adult in custody and submit the proposed release plan to the State Board of Parole and Post-Prison Supervision prior to the release.

(b) If the proposed release plan is not approved by the board, the board shall return the plan to the department with its recommended modifications. The department shall submit a revised plan to the board prior to the release.

(c) If the revised plan is not acceptable to the board, the board shall determine the provisions of the final plan prior to the release.

(d) The department, in consultation with the board, shall by rule establish deadlines by which a proposed release plan described in paragraph (a) of this subsection and a revised plan described in paragraph (b) of this subsection must be submitted to the board prior to release.

(e) If an adult in custody was sentenced under section 29, chapter 649, Oregon Laws 2013, and the release plan recommends that the adult in custody participate in a reentry court, the board shall provide a copy of the release plan to the reentry court.

(2) The local supervisory authority that is responsible for correctional services for an adult in custody shall prepare a proposed release plan for the adult in custody prior to the release from jail. The local supervisory authority shall approve the release plan under its rules. **If the adult in custody was sentenced under section 29, chapter 649, Oregon Laws 2013, and the supervisory authority recommends that the adult in custody participate in a reentry court, the supervisory authority shall provide a copy of the release plan to the reentry court.**

(3) A release plan prepared under subsection (1) or (2) of this section must include:

(a) A description of support services and program opportunities available to the adult in custody, including any transitional housing or treatment programs to which the adult in custody has been accepted;

(b) The recommended conditions of post-prison supervision;

(c) The level of supervision that shall be consistent with the risk assessment classification of the adult in custody;

(d) Any other conditions and requirements as may be necessary to promote public safety;

(e) For all adults in custody whose sentence to make restitution under ORS 137.106 has been suspended for the term of imprisonment, a restitution payment schedule; and

(f) Any conditions necessary to assist the reformation of the adult in custody.

SECTION 45. ORS 144.101, as amended by section 34, chapter 649, Oregon Laws 2013, is amended to read:

144.101. (1) The State Board of Parole and Post-Prison Supervision has jurisdiction over the imposition of conditions of post-prison supervision and sanctions for violations of those conditions for a person convicted of a felony if:

(a) The term of imprisonment imposed on the person is more than 12 months;

(b) The felony is classified as crime category 8, 9, 10 or 11 of the sentencing guidelines grid of the Oregon Criminal Justice Commission;

(c) The person is subject to a sentence under ORS 137.700 or 137.707;

(d) The person is sentenced as a dangerous offender under ORS 161.725 and 161.737;

(e) The person is subject to a term of post-prison supervision under ORS 144.103;

(f) The person is committed to the custody of the Department of Corrections under ORS 137.124;

(g) The responsibility for correctional services for the person has reverted to the department under ORS 423.483; or

(h) No local supervisory authority is responsible for correctional services for the person under the laws of this state.

(2) Except as provided in subsection (1) of this section, a local supervisory authority has jurisdiction over the imposition of conditions of post-prison supervision and sanctions for violations of those conditions for a person sentenced to a term of imprisonment of 12 months or less.

(3) If a local supervisory authority imposes conditions of post-prison supervision or sanctions for violations of those conditions, the person may request the board to review the conditions or sanctions. The board shall review the request and may, at its discretion, review the conditions and sanctions, under rules adopted by the board.

(4) If a circuit court in a participating county, as defined in section 29, chapter 649, Oregon Laws 2013, enters an order admitting a person into a reentry court under section 29

(3), chapter 649, Oregon Laws 2013, the reentry court has concurrent jurisdiction over the imposition of sanctions for violations of the conditions of post-prison supervision.

[(4)] (5) Nothing in this section affects the jurisdiction of the board over the imposition of conditions of parole and sanctions for violations of those conditions.

SECTION 46. ORS 144.106, as amended by section 36, chapter 649, Oregon Laws 2013, is amended to read:

144.106. (1) Except as otherwise provided by rules of the Department of Corrections and the State Board of Parole and Post-Prison Supervision concerning parole and post-prison supervision violators, the supervisory authority shall use a continuum of administrative sanctions for violations of the conditions of post-prison supervision.

(2) The sanction continuum shall include adjustments to the level of supervision and, as approved by the board or the local supervisory authority that imposed the initial conditions of post-prison supervision:

(a) Modification of or additions to the conditions of supervision; and

(b) Any other appropriate available local sanctions including, but not limited to, jail, community service work, house arrest, electronic surveillance, restitution centers, work release centers, day centers or other local sanctions established by agreement with the supervisory authority.

(3) An offender may not be confined in a restitution center, work release center or jail for more than 15 days for a violation of conditions of post-prison supervision unless:

(a) The Department of Corrections, county corrections agency or supervisory authority imposes a local sanction under subsection (1) of this section; [or]

(b) A reentry court imposes a local sanction under section 29, chapter 649, Oregon Laws 2013; or

[(b)] (c) The board or its designated representative initiates a hearing for the purpose of imposing a sanction under ORS 144.107 or 144.108.

(4) A hearing before the board is not required if the department, a county corrections agency, [or] the supervisory authority **or the court** imposes a local sanction under subsection (3) of this section. However, the board may conduct a hearing under the procedures in ORS 144.343 and 144.347 and impose a different sanction on the offender than that imposed by the department, a county corrections agency, [or] the supervisory authority **or the court**.

CONFORMING AMENDMENTS

SECTION 47. ORS 430.230 is amended to read:

430.230. As used in [ORS 430.230 to 430.236] **this section and ORS 430.231, 430.238 and 430.243:**

(1) “Comprehensive community supports and services” includes:

(a) Community-based mental health or substance use disorder treatment programs;

(b) Community restoration services as defined in ORS 161.355;

(c) Evidence-based and tribal-based programs designed to reduce hospital and jail utilization by target populations; and

(d) Programs aimed at diverting individuals with nonperson criminal charges experiencing mental illness or substance use disorders from the criminal justice system.

(2) “County” includes a single county or a regional consortium of counties.

SECTION 48. Section 1, chapter 80, Oregon Laws 2024, is amended to read:

Sec. 1. (1) The Oregon Health Authority, in consultation with counties and community mental health programs, shall conduct a study to determine the funding required for each community mental health program to provide the services and perform the functions required by law related to individuals with behavioral health disorders in the following age groups:

- (a) Newborns through youth 17 years of age;
- (b) Ages 18 through 25; and
- (c) Ages 26 and older.

(2) The study must include, but is not limited to, the costs of providing the services and performing the functions described in:

- (a) ORS 161.315 to 161.351, 161.355 to 161.371, 161.385 to 161.395 and 161.505 to 161.585.
- (b) ORS 426.005 to 426.390, 426.510 to 426.680, 426.701 and 426.702.
- (c) ORS 430.021, 430.210, 430.230, [to 430.236] **430.231, 430.233**, 430.265 to 430.380, 430.397 to 430.401, 430.405 to 430.565 and 430.610 to 430.880 except ORS 430.630.
- (d) ORS 430.627, 430.628, 430.629 and 430.630.

(3) The authority shall compile a report of the authority's findings about the costs of providing the services and performing the functions described in the sections listed in:

- (a) Subsection (2)(a), (b) and (d) of this section and make the report available on the authority's website no later than January 1, 2025, and every five years thereafter; and
- (b) Subsection (2)(c) of this section and make the report available on the authority's website no later than January 1, 2026, and every five years thereafter.

SECTION 49. Section 1, chapter 80, Oregon Laws 2024, as amended by section 3, chapter 80, Oregon Laws 2024, is amended to read:

Sec. 1. (1) The Oregon Health Authority, in consultation with counties and community mental health programs, shall conduct a study to determine the funding required for each community mental health program to provide the services and perform the functions required by law related to individuals with behavioral health disorders in the following age groups:

- (a) Newborns through youth 17 years of age;
- (b) Ages 18 through 25; and
- (c) Ages 26 and older.

(2) The study must include, but is not limited to, the costs of providing the services and performing the functions described in:

- (a) ORS 161.315 to 161.351, 161.355 to 161.371, 161.385 to 161.395 and 161.505 to 161.585.
- (b) ORS 426.005 to 426.390, 426.510 to 426.680, 426.701 and 426.702.
- (c) ORS 430.021, 430.210, 430.230, [to 430.236] **430.231, 430.233**, 430.265 to 430.380, 430.397 to 430.401, 430.405 to 430.565 and 430.610 to 430.880 except ORS 430.630.
- (d) ORS 430.627, 430.628, 430.629 and 430.630.

(3) The authority shall compile reports of the authority's findings about the costs of providing the services and performing the functions described in subsection (2) of this section every five years and make the reports available on the authority's website.

OPERATIVE DATES

SECTION 50. (1) Sections 1, 7, 21 and 23 of this 2025 Act, the amendments to ORS 137.656, 423.150, 430.230, 430.231, 430.233, 430.238, 430.243, 430.245 and 475C.531 and sections 52 and 53, chapter 649, Oregon Laws 2013, sections 81, 82 and 87, chapter 70, Oregon Laws 2024, and

section 1, chapter 80, Oregon Laws 2024, by sections 2, 3, 14 to 18, 20, 26 to 29, 36 and 47 to 49 of this 2025 Act, and the repeal of ORS 430.234, 430.235 and 430.236 and section 56, chapter 649, Oregon Laws 2013, sections 4, 5 and 7, chapter 98, Oregon Laws 2018, and sections 83, 84, 85 and 86, chapter 70, Oregon Laws 2024, by sections 5, 6, 19 and 30 of this 2025 Act become operative on July 1, 2026.

(2) The Oregon Criminal Justice Commission may adopt rules and take any other action before the operative date specified in subsection (1) of this section that is necessary to enable the commission, on and after the operative date specified in subsection (1) of this section, to exercise all of the powers, duties and functions conferred on the commission by sections 1, 7, 21 and 23 of this 2025 Act, the amendments to ORS 137.656, 423.150, 430.230, 430.231, 430.233, 430.238, 430.243, 430.245 and 475C.531 and sections 52 and 53, chapter 649, Oregon Laws 2013, sections 81, 82 and 87, chapter 70, Oregon Laws 2024, and section 1, chapter 80, Oregon Laws 2024, by sections 2, 3, 14 to 18, 20, 26 to 29, 36 and 47 to 49 of this 2025 Act, and the repeal of ORS 430.234, 430.235 and 430.236 and section 56, chapter 649, Oregon Laws 2013, sections 4, 5 and 7, chapter 98, Oregon Laws 2018, and sections 83, 84, 85 and 86, chapter 70, Oregon Laws 2024, by sections 5, 6, 19 and 30 of this 2025 Act.

APPLICABILITY

SECTION 51. Sections 1, 7, 21 and 23 of this 2025 Act, the amendments to ORS 137.656, 423.150, 430.230, 430.231, 430.233, 430.238, 430.243, 430.245 and 475C.531 and sections 52 and 53, chapter 649, Oregon Laws 2013, sections 81, 82 and 87, chapter 70, Oregon Laws 2024, and section 1, chapter 80, Oregon Laws 2024, by sections 2, 3, 14 to 18, 20, 26 to 29, 36 and 47 to 49 of this 2025 Act, and the repeal of ORS 430.234, 430.235 and 430.236 and section 56, chapter 649, Oregon Laws 2013, sections 4, 5 and 7, chapter 98, Oregon Laws 2018, and sections 83, 84, 85 and 86, chapter 70, Oregon Laws 2024, by sections 5, 6, 19 and 30 of this 2025 Act apply to grants that the Oregon Criminal Justice Commission first advertises or otherwise solicits on or after July 1, 2026.

CAPTIONS

SECTION 52. The unit captions used in this 2025 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 2025 Act.

EMERGENCY CLAUSE

SECTION 53. This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.