Requested by Representative NELSON

PROPOSED AMENDMENTS TO
HOUSE BILL 2555

1   On page 1 of the printed bill, delete lines 6 through 27.

2   On page 2, delete lines 1 through 33 and insert:

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4   "**FAMILY SENTENCING ALTERNATIVE PROGRAM**

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6   "**SECTION 1. (1) The Department of Corrections, in partnership**

7   **with the circuit court and community corrections agencies of partic-**

8   **ipating counties and the Department of Human Services, shall estab-**

9   **lish the Family Sentencing Alternative Program.**

10   "**(2)(a) A defendant is eligible for the Family Sentencing Alternative**

11   **Program if:**

12   "**(A) The defendant's presumptive sentence under the sentencing**

13   **guidelines of the Oregon Criminal Justice Commission is a term of**

14   **imprisonment in the legal and physical custody of the Department of**

15   **Corrections of at least one year; and**

16   "**(B) The defendant:**

17   "**(i) Is pregnant at the time of sentencing;**

18   "**(ii) Is the parent or legal guardian of a minor child and had phys-**

19   **ical custody of the child at the time of the arrest or sentencing; or**

20   "**(iii) Has a caregiver relationship, as defined in subsection (10) of**

21   **this section, with a minor child.**

1 "(b) The community corrections agency shall provide the defendant, district attorney and circuit court a presentence analysis of whether a defendant meets the eligibility requirements of a caregiver relationship.

"(3)(a) If the defendant meets the eligibility requirements described in subsection (2) of this section and is eligible for a downward dispositional departure under the rules of the Oregon Criminal Justice Commission, the court may order that the defendant sign a release authorizing the Department of Human Services to provide the community corrections agency with written confirmation of, and consultation concerning, any open or current juvenile dependency proceeding or any prior substantiated allegation of abuse or neglect involving the defendant and a minor child.

"(b) The court may consider eligibility in the Family Sentencing Alternative Program as a mitigating factor when determining whether to sentence the defendant to probation, with a requirement that the defendant participate in the program as a condition of probation, as a downward dispositional departure under the rules of the commission.

"(4) After receipt of the information described in subsection (3) of this section, the community corrections agency, in consultation with the Department of Human Services, shall determine if the Family Sentencing Alternative Program is an appropriate program for the defendant and, if the program is appropriate and the defendant is sentenced to a term of probation, require participation in the program for the probationary sentence. In addition to the conditions of probation ordered under ORS 137.540, the defendant may be required to comply with any additional conditions relating to the program, including but not limited to:

"(a) Geographical restrictions, including house arrest and electronic surveillance;

1 "(b) Participation in vocational training; and

2 "(c) Completion of:

3 "(A) Parenting skills classes;

4 "(B) Drug or alcohol treatment;

5 "(C) Mental health treatment; or

6 "(D) Life skills classes.

7 "(5) The Department of Human Services and community corrections

8 agencies shall cooperate with the Department of Corrections in im-

9 plementing the Family Sentencing Alternative Program described in

10 this section.

11 "(6) The Department of Human Services and the Department of

12 Corrections shall jointly submit a report concerning the Family Sen-

13 tencing Alternative Program, which must include program outcomes

14 and data related to the efficacy of the program, and which may include

15 recommendations for legislation in the manner provided by ORS

16 192.245, to the interim committees of the Legislative Assembly related

17 to the judiciary no later than January 1 of each year.

18 "(7) The Department of Corrections shall establish a process for

19 selecting counties to participate in the Family Sentencing Alternative

20 Program.

21 "(8) The Department of Corrections and the Department of Human

22 Services may adopt rules to carry out the provisions of this section.

23 "(9) Services provided under the Family Sentencing Alternative

24 Program must be culturally specific and gender-responsive whenever

25 possible.

26 "(10)(a) As used in this section, 'caregiver relationship' means a

27 relationship between a defendant and a minor child:

28 "(A) That has existed:

29 "(i) For the 12 months immediately preceding the arrest or sen-

30 tencing of the defendant; or

1   "(ii) For half of the child's life if the child is less than two years
2 of age;

3   "(B) In which the defendant had physical custody of the child, reg-
4 ularly provided 24-hour care for the child or resided in the same
5 household as the child;

6   "(C) In which the defendant provided the child on a regular basis
7 with the love, nurturing and other necessities required to meet the
8 child's psychological and physical needs; and

9   "(D) On which the child depended to meet the child's needs.

10   "(b) 'Caregiver relationship' does not include a relationship between
11 a child and a defendant who is the nonrelated foster parent of the child
12 unless the relationship continued for a period of at least 12 consecutive
13 months or for at least 24 cumulative months.".

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