

# B-Engrossed House Bill 3078

Ordered by the House June 30  
Including House Amendments dated June 2 and June 30

Sponsored by Representatives PILUSO, SANCHEZ, WILLIAMSON; Representatives KENY-GUYER, LININGER, MARSH, POWER, SOLLMAN

## 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.

Modifies eligibility for Family Sentencing Alternative Pilot Program. Authorizes court to consider program eligibility as mitigating factor justifying downward departure probation sentence.

Increases maximum period of short-term transitional leave for certain Department of Corrections inmates.

Reduces, for crimes of theft in the first degree and identity theft, presumptive sentences and eliminates mandatory sentences when defendant has prior property crime convictions. Increases number of prior property crime convictions required for presumptive sentence for theft in the first degree and identity theft to apply. Authorizes supervisory authority to require person convicted of certain property crimes and sentenced to probation to receive high level of supervision.

*[Appropriates moneys from General Fund to Department of Corrections and Department of Human Services for purpose of funding and expanding Family Sentencing Alternative Pilot Program.]*

**Directs Oregon Criminal Justice Commission to establish program to award supplemental grant funds for county downward departure prison diversion programs.** Appropriates moneys from General Fund to *[Oregon Criminal Justice]* commission for deposit in Justice Reinvestment Account *[and]* **to fund supplemental grants.** **Appropriates moneys** to Department of Justice for *[deposit in Oregon Domestic and Sexual Violence Services Fund]* **services for victims of domestic and sexual violence.**

Directs Oregon Criminal Justice Commission to **monitor downward departure prison diversion programs receiving supplemental grant funds and to** study impact of Act on prison population, recidivism rates and public safety.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to public safety; creating new provisions; amending ORS 137.717 and 421.168 and section  
3 1, chapter 830, Oregon Laws 2015; repealing section 16, chapter 649, Oregon Laws 2013; and  
4 declaring an emergency.

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

6 **SECTION 1. Sections 7 to 10 of this 2017 Act, the amendments to ORS 137.717 and 421.168**  
7 **and section 1, chapter 830, Oregon Laws 2015, by sections 2, 4, 5 and 6 of this 2017 Act and**  
8 **the repeal of section 16, chapter 649, Oregon Laws 2013, by section 3 of this 2017 Act shall**  
9 **be known and may be cited as the Safety and Savings Act.**

## FAMILY SENTENCING ALTERNATIVE PILOT PROGRAM

10  
11  
12  
13 **SECTION 2.** Section 1, chapter 830, Oregon Laws 2015, is amended to read:

14 **Sec. 1.** (1) The Department of Corrections, in partnership with the circuit court and county  
15 community corrections agencies of participating counties and the Department of Human Services,  
16 shall establish the Family Sentencing Alternative Pilot Program.

**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 (2) A defendant is eligible for the Family Sentencing Alternative Pilot Program if:

2 (a) The defendant's presumptive sentence under the sentencing guidelines of the Oregon Crimi-  
3 nal Justice Commission is a term of imprisonment in the legal and physical custody of the Depart-  
4 ment of Corrections of at least one year;

5 (b) The defendant [*has not previously been convicted of, and*] is not currently being sentenced for:

6 (A) A person felony as defined in the rules of the Oregon Criminal Justice Commission;

7 (B) A sex crime as defined in ORS [181.805] **163A.005**; or

8 (C) An offense requiring a specified sentence under ORS 137.635, 137.700, 137.707, 164.061,  
9 475.907, 475.925, 475.930 or [813.010] **813.011**; and

10 (c) The defendant is **pregnant at the time of sentencing, or is** the parent or legal guardian  
11 of a minor child and **at the time of the offense or sentencing** had physical custody of the child  
12 [*at the time of the offense*].

13 (3)(a) If the defendant meets the eligibility requirements described in subsection (2) of this sec-  
14 tion and [*receives*] **is eligible for** a downward dispositional departure under the rules of the Oregon  
15 Criminal Justice Commission, the court may order that the defendant sign a release authorizing the  
16 Department of Human Services to provide the community corrections agency with written confir-  
17 mation of, and consultation concerning, any open or current juvenile dependency proceeding or any  
18 prior substantiated allegation of abuse or neglect involving the defendant and a minor child.

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

23 (4) After receipt of the information described in subsection (3) of this section, the community  
24 corrections agency, in consultation with the Department of Human Services, shall determine if the  
25 Family Sentencing Alternative Pilot Program is an appropriate program for the defendant and, if the  
26 program is appropriate **and the defendant is sentenced to a term of probation**, require partic-  
27 ipation in the program for the first 12 months of the probationary sentence. In addition to the con-  
28 ditions of probation ordered under ORS 137.540, the defendant may be required to comply with any  
29 additional conditions related to the program, including but not limited to:

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

31 (b) Participation in vocational training; and

32 (c) Completion of:

33 (A) Parenting skills classes;

34 (B) Drug or alcohol treatment;

35 (C) Mental health treatment; or

36 (D) Life skills classes.

37 (5) The Department of Human Services and community corrections agencies shall cooperate with  
38 the Department of Corrections in implementing the Family Sentencing Alternative Pilot Program  
39 described in this section.

40 (6) The Department of Human Services and the Department of Corrections shall jointly submit  
41 a report concerning the Family Sentencing Alternative Pilot Program, which must include program  
42 outcomes and data related to the efficacy of the program, and which may include recommendations  
43 for legislation in the manner provided by ORS 192.245, to the interim committees of the Legislative  
44 Assembly related to the judiciary no later than January 1[, 2017] **of each year.**

45 **(7) The Department of Corrections shall establish a process for selecting counties to**

1 **participate in the Family Sentencing Alternative Pilot Program.**

2 **(8) The Department of Corrections and the Department of Human Services may adopt**  
3 **rules to carry out the provisions of this section.**

4  
5 **SHORT-TERM TRANSITIONAL LEAVE**

6  
7 **SECTION 3. Section 16, chapter 649, Oregon Laws 2013, is repealed.**

8 **SECTION 4. ORS 421.168, as amended by section 15, chapter 649, Oregon Laws 2013, is**  
9 **amended to read:**

10 421.168. (1) The Department of Corrections shall establish a short-term transitional leave pro-  
11 gram. The program shall provide inmates with an opportunity to secure appropriate transitional  
12 support when necessary for successful reintegration into the community prior to the inmate's dis-  
13 charge to post-prison supervision.

14 (2) The Department of Corrections shall identify each inmate who is eligible for the short-term  
15 transitional leave program and shall, in conjunction with the supervisory authority for the county  
16 to which the inmate will be released, assist each eligible inmate in preparing a transition plan and  
17 in identifying and applying for an employment, educational or other transitional opportunity in the  
18 community.

19 (3) If the inmate's transition plan is approved by the department and is an essential part of the  
20 inmate's successful reintegration into the community, the department may grant a transitional leave  
21 no more than [30] **120** days prior to the inmate's discharge date.

22 (4) An inmate is not eligible for transitional leave before having served six months of prison  
23 incarceration.

24 (5) The department shall adopt rules to carry out the provisions of this section. The rules must  
25 include a set of release conditions for inmates released on transitional leave status. An inmate on  
26 transitional leave status is subject to immediate return to prison for any violation of the conditions  
27 of release.

28 (6) The provisions of this section do not apply to inmates whose sentences were imposed under  
29 ORS 137.635, **137.690**, 137.700, [or] 137.707, **164.061**, **475.907**, **475.925**, **475.930** or **813.011** or [any  
30 other] **under a** provision of law that prohibits release on any form of temporary leave from custody.

31  
32 **SENTENCING AND SUPERVISION FOR PROPERTY OFFENSES**

33  
34 **SECTION 5. ORS 137.717 is amended to read:**

35 137.717. (1) When a court sentences a person convicted of:

36 (a) Aggravated theft in the first degree under ORS 164.057, burglary in the first degree under  
37 ORS 164.225 or aggravated identity theft under ORS 165.803, the presumptive sentence is 24 months  
38 of incarceration, unless the rules of the Oregon Criminal Justice Commission prescribe a longer  
39 presumptive sentence, if the person has:

40 (A) A previous conviction for aggravated theft in the first degree under ORS 164.057, burglary  
41 in the first degree under ORS 164.225, robbery in the third degree under ORS 164.395, robbery in  
42 the second degree under ORS 164.405, robbery in the first degree under ORS 164.415 or aggravated  
43 identity 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

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

5 (b) [*Theft in the first degree under ORS 164.055,*] Unauthorized use of a vehicle under ORS  
6 164.135, mail theft or receipt of stolen mail under ORS 164.162, burglary in the second degree under  
7 ORS 164.215, criminal mischief in the first degree under ORS 164.365, computer crime under ORS  
8 164.377, robbery in the third degree under ORS 164.395, forgery in the first degree under ORS  
9 165.013, criminal possession of a forged instrument in the first degree under ORS 165.022, fraudulent  
10 use of a credit card under ORS 165.055 (4)(b), [*identity theft under ORS 165.800,*] possession of a  
11 stolen vehicle under ORS 819.300 or trafficking in stolen vehicles under ORS 819.310, the  
12 presumptive sentence is 18 months of incarceration, unless the rules of the Oregon Criminal Justice  
13 Commission prescribe a longer presumptive sentence, if the person has:

14 (A) A previous conviction for aggravated theft in the first degree under ORS 164.057, unau-  
15 thorized use of a vehicle under ORS 164.135, burglary in the first degree under ORS 164.225, robbery  
16 in the third degree under ORS 164.395, robbery in the second degree under ORS 164.405, robbery in  
17 the first degree under ORS 164.415, possession of a stolen vehicle under ORS 819.300, trafficking in  
18 stolen vehicles under ORS 819.310 or aggravated identity theft under ORS 165.803;

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

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

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

28 **(A) A previous conviction for aggravated theft in the first degree under ORS 164.057,**  
29 **unauthorized use of a vehicle under ORS 164.135, burglary in the first degree under ORS**  
30 **164.225, robbery in the second degree under ORS 164.405, robbery in the first degree under**  
31 **ORS 164.415, possession of a stolen vehicle under ORS 819.300, trafficking in stolen vehicles**  
32 **under ORS 819.310 or aggravated identity theft under ORS 165.803; or**

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

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

- 36 (a) Theft in the second degree under ORS 164.045;
- 37 (b) Theft in the first degree under ORS 164.055;
- 38 (c) Aggravated theft in the first degree under ORS 164.057;
- 39 (d) Unauthorized use of a vehicle under ORS 164.135;
- 40 (e) Mail theft or receipt of stolen mail under ORS 164.162;
- 41 (f) Burglary in the second degree under ORS 164.215;
- 42 (g) Burglary in the first degree under ORS 164.225;
- 43 (h) Criminal mischief in the second degree under ORS 164.354;
- 44 (i) Criminal mischief in the first degree under ORS 164.365;
- 45 (j) Computer crime under ORS 164.377;

- 1 (k) Forgery in the second degree under ORS 165.007;
- 2 (L) Forgery in the first degree under ORS 165.013;
- 3 (m) Criminal possession of a forged instrument in the second degree under ORS 165.017;
- 4 (n) Criminal possession of a forged instrument in the first degree under ORS 165.022;
- 5 (o) Fraudulent use of a credit card under ORS 165.055;
- 6 (p) Identity theft under ORS 165.800;
- 7 (q) Possession of a stolen vehicle under ORS 819.300;
- 8 (r) Trafficking in stolen vehicles under ORS 819.310; and
- 9 (s) Any attempt to commit a crime listed in this subsection.

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

- 12 (A) Was for any of the crimes listed in subsection (1) or (2) of this section; and
- 13 (B) Was not used as a predicate for the presumptive sentence described in subsection (1)(a) or  
14 (b) of this section.

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

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

- 19 (a) A longer term of incarceration that is otherwise required or authorized by law; or
- 20 (b) A departure sentence authorized by the rules of the Oregon Criminal Justice Commission  
21 based upon findings of substantial and compelling reasons. Unless the law or the rules of the Oregon  
22 Criminal Justice Commission allow for imposition of a longer sentence, the maximum departure al-  
23 lowed for a person sentenced under this subsection is double the presumptive sentence provided in  
24 subsection (1) or (3) of this section.

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

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

- 31 (a) The person was not on probation, parole or post-prison supervision for a crime listed in  
32 subsection (1) of this section at the time of the commission of the current crime of conviction;
- 33 (b) The person has not previously received a downward departure from a presumptive sentence  
34 for a crime listed in subsection (1) of this section;
- 35 (c) The harm or loss caused by the crime is not greater than usual for that type of crime; and
- 36 (d) In consideration of the nature of the offense and the harm to the victim, a downward de-  
37 parture will:

- 38 (A) Increase public safety;
- 39 (B) Enhance the likelihood that the person will be rehabilitated; and
- 40 (C) Not unduly reduce the appropriate punishment.

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

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

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

9        [(8)] **(9)** For purposes of this section, previous convictions must be proven pursuant to ORS  
10 137.079.

11        [(9)] **(10)** As used in this section:

12        (a) “Downward departure” means a downward dispositional departure or a downward durational  
13 departure under the rules of the Oregon Criminal Justice Commission.

14        (b) “Previous conviction” includes:

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

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

17        **SECTION 6.** ORS 137.717, as amended by section 7, chapter 649, Oregon Laws 2013, is amended  
18 to read:

19        137.717. (1) When a court sentences a person convicted of:

20        (a) Aggravated theft in the first degree under ORS 164.057, burglary in the first degree under  
21 ORS 164.225, robbery in the third degree under ORS 164.395[, *identity theft under ORS 165.800*] or  
22 aggravated identity theft under ORS 165.803, the presumptive sentence is 24 months of  
23 incarceration, unless the rules of the Oregon Criminal Justice Commission prescribe a longer  
24 presumptive sentence, if the person has:

25        (A) A previous conviction for aggravated theft in the first degree under ORS 164.057, burglary  
26 in the first degree under ORS 164.225, robbery in the third degree under ORS 164.395, robbery in  
27 the second degree under ORS 164.405, robbery in the first degree under ORS 164.415 or aggravated  
28 identity theft under ORS 165.803;

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

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

35        (b) [*Theft in the first degree under ORS 164.055,*] Unauthorized use of a vehicle under ORS  
36 164.135, mail theft or receipt of stolen mail under ORS 164.162, burglary in the second degree under  
37 ORS 164.215, criminal mischief in the first degree under ORS 164.365, computer crime under ORS  
38 164.377, forgery in the first degree under ORS 165.013, criminal possession of a forged instrument  
39 in the first degree under ORS 165.022, fraudulent use of a credit card under ORS 165.055 (4)(b),  
40 possession of a stolen vehicle under ORS 819.300 or trafficking in stolen vehicles under ORS 819.310,  
41 the presumptive sentence is 18 months of incarceration, unless the rules of the Oregon Criminal  
42 Justice Commission prescribe a longer presumptive sentence, if the person has:

43        (A) A previous conviction for aggravated theft in the first degree under ORS 164.057, unau-  
44 thorized use of a vehicle under ORS 164.135, burglary in the first degree under ORS 164.225, robbery  
45 in the third degree under ORS 164.395, robbery in the second degree under ORS 164.405, robbery in

1 the first degree under ORS 164.415, possession of a stolen vehicle under ORS 819.300, trafficking in  
2 stolen vehicles under ORS 819.310 or aggravated identity theft under ORS 165.803;

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

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

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

12 (A) **A previous conviction for aggravated theft in the first degree under ORS 164.057,**  
13 **unauthorized use of a vehicle under ORS 164.135, burglary in the first degree under ORS**  
14 **164.225, robbery in the second degree under ORS 164.405, robbery in the first degree under**  
15 **ORS 164.415, possession of a stolen vehicle under ORS 819.300, trafficking in stolen vehicles**  
16 **under ORS 819.310 or aggravated identity theft under ORS 165.803; or**

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

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

20 (a) Theft in the second degree under ORS 164.045;

21 (b) Theft in the first degree under ORS 164.055;

22 (c) Aggravated theft in the first degree under ORS 164.057;

23 (d) Unauthorized use of a vehicle under ORS 164.135;

24 (e) Mail theft or receipt of stolen mail under ORS 164.162;

25 (f) Burglary in the second degree under ORS 164.215;

26 (g) Burglary in the first degree under ORS 164.225;

27 (h) Criminal mischief in the second degree under ORS 164.354;

28 (i) Criminal mischief in the first degree under ORS 164.365;

29 (j) Computer crime under ORS 164.377;

30 (k) Forgery in the second degree under ORS 165.007;

31 (L) Forgery in the first degree under ORS 165.013;

32 (m) Criminal possession of a forged instrument in the second degree under ORS 165.017;

33 (n) Criminal possession of a forged instrument in the first degree under ORS 165.022;

34 (o) Fraudulent use of a credit card under ORS 165.055;

35 (p) Identity theft under ORS 165.800;

36 (q) Possession of a stolen vehicle under ORS 819.300;

37 (r) Trafficking in stolen vehicles under ORS 819.310; and

38 (s) Any attempt to commit a crime listed in this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

20 (d) In consideration of the nature of the offense and the harm to the victim, a downward de-  
21 parture will:

22 (A) Increase public safety;

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

24 (C) Not unduly reduce the appropriate punishment.

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

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

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

38 [(8)] (9) For purposes of this section, previous convictions must be proven pursuant to ORS  
39 137.079.

40 [(9)] (10) As used in this section:

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

43 (b) "Previous conviction" includes:

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

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

APPROPRIATIONS

**SECTION 7.** In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Criminal Justice Commission, for the biennium beginning July 1, 2017, out of the General Fund, the amount of \$7,000,000, to be deposited in the Justice Reinvestment Account described in section 52, chapter 649, Oregon Laws 2013, and expended for the purposes of carrying out the provisions of section 9 of this 2017 Act.

**SECTION 8.** In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Justice, for the biennium beginning July 1, 2017, out of the General Fund, the amount of \$1,000,000, for the Crime Victims' Services Division and services for victims of domestic and sexual violence.

OREGON CRIMINAL JUSTICE COMMISSION

**SECTION 9.** (1) The Oregon Criminal Justice Commission shall establish a program to award supplemental grant funds to counties for downward departure prison diversion programs as part of the Justice Reinvestment Program described in section 53, chapter 649, Oregon Laws 2013. Notwithstanding sections 52 and 53 (1)(a), chapter 649, Oregon Laws 2013, the commission shall use the moneys described in section 7 of this 2017 Act for supplemental grant funds for downward departure prison diversion programs in counties selected by the commission to receive the supplemental grant funds. The commission shall give preference to counties establishing downward departure prison diversion programs on or after the effective date of this 2017 Act.

(2) The commission shall monitor the downward departure prison diversion programs described in subsection (1) of this section and evaluate prison utilization by counties that receive the supplemental grant funds. The commission shall annually report the evaluation findings to the Joint Interim Committee on Ways and Means.

**SECTION 10.** The Oregon Criminal Justice Commission shall study the impact of this 2017 Act on prison utilization, recidivism and public safety and report the results of the study to the interim committees of the Legislative Assembly related to the judiciary, in the manner provided in ORS 192.245, no later than February 1 of each year.

MISCELLANEOUS PROVISIONS

**SECTION 11.** The unit captions used in this 2017 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 2017 Act.

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

(2) The amendments to ORS 137.717 by section 6 of this 2017 Act become operative on July 1, 2023.

**SECTION 13.** (1) The amendments to section 1, chapter 830, Oregon Laws 2015, by section 2 of this 2017 Act apply to sentences imposed on or after the effective date of this 2017 Act.

(2) The amendments to ORS 137.717 and 421.168 by sections 4 and 5 of this 2017 Act apply

1 to sentences imposed on or after January 1, 2018.

2 (3) The amendments to ORS 137.717 by section 6 of this 2017 Act apply to sentences im-  
3 posed on or after July 1, 2023.

4 **SECTION 14.** (1) Section 9 of this 2017 Act is repealed on July 1, 2023.

5 (2) Section 10 of this 2017 Act is repealed on January 2, 2028.

6  
7 **EMERGENCY CLAUSE**

8  
9 **SECTION 15.** This 2017 Act being necessary for the immediate preservation of the public  
10 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect  
11 on its passage.  
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