

HB 2002 A STAFF MEASURE SUMMARY**House Committee On Rules**

Action Date: 05/27/21
Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)
Vote: 4-3-0-0
Yeas: 4 - Fahey, Holvey, Salinas, Smith Warner
Nays: 3 - Bonham, Drazan, Zika
Fiscal: Fiscal impact issued
Revenue: Revenue impact issued
Prepared By: Gillian Fischer
Meeting Dates: 4/30, 5/27

WHAT THE MEASURE DOES:

Directs the Oregon Criminal Justice Commission (CJC) to establish a program to award grants to public and private entities for restorative justice programs. Requires peace officer or enforcement officer performing a stop to identify themselves as a police officer. Requires police officer to inform person of their right to refuse a request to search. Requires peace officer or enforcement officer to provide officer's name and badge number if a stop does not result in an arrest or citation. Requires peace officer to issue a criminal citation in lieu of arresting a person for certain crimes in circumstances described by measure. Prohibits the initiation of traffic violation stops for unlawful use or failure to use lights or operation without required lighting equipment in circumstances specified in measure. Provides that citations for unlawful use or failure to use lights or operation without required lighting equipment must instead be mailed to the registered owner of the vehicle within six business days of alleged violation. Establishes process for a registered owner of a vehicle to respond to a citation issued by mail. Prohibits admission of any person into a custody facility who is seriously injured, seriously ill and in need of urgent medical care, or in serious need of psychiatric care to the extent that the person's health or safety is significantly endangered, or who is otherwise in acute need of medical or psychiatric care. Prohibits parole and probation officer from visiting persons on supervision at locations in which individuals seek public benefits, or at or in the supervised person's place of employment unless specific circumstances exist. States that certification requirements for parole and probation officers shall include initial and ongoing mandatory trainings in providing trauma-informed care, culturally specific services, and de-escalation techniques. Prohibits a court and the State Board of Parole and Post-Prison Supervision from imposing general conditions of supervision on a defendant unless the court or Board finds the condition necessary and appropriate in the case. Removes payment of supervision fees from conditions that may be imposed as part of a probationary sentence. Eliminates probation violation fees. Requires parole and probation officers to give each person under supervision the ability to report by the least onerous means possible that will reasonably support successful completion of supervision. Requires fifteen percent of grant funds awarded by CJC as part of the Justice Reinvestment Program to be distributed to organizations that provide services to victims of crime, with priority given to culturally specific organizations. Defines culturally responsive service and culturally specific organization. Requires no less than 20 percent of grant funds from the Justice Reinvestment Program to be awarded to culturally specific organizations and culturally responsive service providers. Appropriates funds out of the General Fund for deposit into the Justice Reinvestment Account for purposes of carrying out requirements of measure. Directs CJC to evaluate the implementation and progress of subgrants distributed by Northwest Health Foundation Fund II using funds appropriated for purposes of measure and convene a stakeholder group to assist evaluation. Directs CJC to report to Legislative Assembly detailing the progress of the evaluation no later than June 30, 2023. Directs CJC to collect and review data concerning disparate imposition of supervision conditions based on race, ethnicity, gender, and

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county. Requires data to be available to the public in clear and accessible format. Requires Department of Corrections community corrections and local supervisory authorities to collect and maintain information on supervised individuals concerning the person's race, ethnicity, and gender and provide the data to CJC at least annually. Directs CJC to report to Legislative Assembly specific information regarding the distribution of Justice Reinvestment Program funds no later than September 15, 2022. Appropriates \$1,500,000 of General Fund to the Northwest Health Foundation Fund II for deposit into the Reimagine Safety Fund. Directs uses of the funds to include researching ways to ensure equitable outcomes in public safety, educating impacted communities about the current public safety system, and providing a community-driven process to produce recommendations to Legislative Assembly for public safety reform.

Requires the Northwest Health Foundation Fund II to report to Legislative Assembly concerning how funds were expended by February 15, 2022 and December 15, 2022. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Persons of color killed during contact with police officers
- Development of amendment by stakeholders
- Importance of culturally specific service providers as part of criminal justice system
- Need for competent medical evaluations and care for individuals being admitted to jail facilities
- Background of Reimagine Fund

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Oregon has convened several working groups to analyze the sentencing and corrections policies that drive correctional population and costs, including a 2011 Commission on Public Safety. There are two methods by which length of stay in prison could benefit public safety: incapacitation (the reduction of current criminal involvement because offenders are physically held in prison) and deterrence (the reduction of future criminal involvement because of the increasing severity of the current penalty). Incapacitation is effective at preventing individual offenders from committing crimes but it comes at a substantial cost. Between 2000 and 2010, Oregon's prison rate increased by nearly 50 percent growing to 14,000 inmates with a total biennial corrections budget over \$1.4 billion. The Justice Reinvestment Program is one of the approaches Oregon has taken to spending resources with the goals of reducing recidivism while also decreasing prison use, protecting the public, and holding offenders accountable. Additional statewide efforts to create a more equitable criminal justice system have included decreasing length of supervision for individuals demonstrating substantial compliance with terms of probation, reviewing state-wide pre-trial detention policies and bail reform, and reducing the imposition of and reliance on fines and fees within Oregon's criminal justice system.

In September 2019, House Bill 3289 was enacted and tasked the Oregon Criminal Justice Commission (CJC) with studying several topics related to local and regional correctional facilities. The bill required reporting on several topics including census information, death rates, and medical conditions of adults in custody (including mental and behavioral health). According to the data reported out by the CJC, although jails reported making a good faith effort to adhere to best practices and standards, there exist substantial challenges to adequate provision of physical and behavioral health care in jails.

House Bill 2002 A directs the Oregon Criminal Justice Commission to establish a program to award grants to public and private entities for restorative justice programs, reduces law enforcement stop and arrest authority, limits authority to admit into custody individuals requiring immediate medical care, and directs Justice Reinvestment funds to be distributed to culturally specific and response service providers.