

House Bill 3333

Sponsored by Representative SMITH DB

SUMMARY

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

Directs Department of Corrections to develop release matrix with goal of maintaining annual average population of 12,000 adults in custody. Directs department to, pursuant to matrix, release adult in custody or recommend adult in custody for commutation. Directs department to calculate cost to department had released person remained in custody and to transfer equal amount to community corrections programs for specified purposes.

A BILL FOR AN ACT

1 Relating to the Department of Corrections; creating new provisions; and amending ORS 137.750.

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

3 **SECTION 1. (1) The Department of Corrections shall by rule establish a release matrix**
4 **for adults in custody serving sentences for crimes other than person felonies, as that term**
5 **is defined in the rules of the Oregon Criminal Justice Commission. The matrix must:**

6 **(a) Identify adults in custody as candidates for early release based on behavior in cus-**
7 **tody, evidence of rehabilitation, participation in programming and any other relevant criteria**
8 **as determined by the department; and**

9 **(b) Have as a goal the reduction of the population in all department facilities to an annual**
10 **average of 12,000 adults in custody.**

11 **(2)(a) When an adult in custody is identified as a candidate for early release by the de-**
12 **partment using the matrix, and the sentencing court authorized release pursuant to this**
13 **section under ORS 137.751, the department shall release the adult in custody to post-prison**
14 **supervision.**

15 **(b) Notwithstanding paragraph (a) of this subsection, the department may not release an**
16 **adult in custody under this subsection if the resulting total sentence served by the adult in**
17 **custody is less than a sentence required by ORS 164.061, 475.907, 475.925, 475.930 or 813.011.**

18 **(3) When an adult in custody is identified as a candidate for early release by the depart-**
19 **ment using the matrix, but the sentencing court did not authorize release pursuant to this**
20 **section under ORS 137.751, the department shall prepare and submit a recommendation to**
21 **the office of the Governor that the remaining sentence of the adult in custody be commuted.**

22 **(4)(a) When an adult in custody is released under subsection (2) of this section, or re-**
23 **leased after the remaining sentence of the adult in custody is commuted under subsection**
24 **(3) of this section, the department shall calculate, using the remaining time of incarceration**
25 **in the sentence as originally imposed, and the average cost per day for an adult in custody**
26 **in a department facility, the total cost to the department had the released person remained**
27 **in custody.**

28 **(b) Notwithstanding ORS 423.500 to 423.560 or any other law, the department shall**
29 **transfer an amount equal to the total cost to the department had the released person re-**
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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 **mained in custody to the county community corrections program, or community corrections**
2 **division of the department, responsible for supervising the person who is released under this**
3 **section. The community corrections program or division must expend any moneys received**
4 **under this subsection on the following programs for persons on supervision:**

5 **(A) Job training;**

6 **(B) Adult education programs;**

7 **(C) Mental health counseling; and**

8 **(D) Drug and alcohol treatment.**

9 **(c) A community corrections program or the department may contract with private en-**
10 **tities to provide the services described in paragraph (b) of this subsection.**

11 **(5) The department shall adopt rules necessary to carry out the provisions of this sec-**
12 **tion.**

13 **SECTION 2.** ORS 137.750 is amended to read:

14 137.750. (1) When a court sentences a defendant to a term of incarceration upon conviction of
15 a crime, the court shall order on the record in open court as part of the sentence imposed that the
16 defendant may be considered by the executing or releasing authority for any form of temporary
17 leave from custody, reduction in sentence, work release or program of conditional or supervised
18 release authorized by law for which the defendant is otherwise eligible at the time of sentencing,
19 **including release by the Department of Corrections under section 1 of this 2021 Act**, unless
20 the court finds on the record in open court substantial and compelling reasons to order that the
21 defendant not be considered for such leave, release or program.

22 (2) The executing or releasing authority may consider the defendant for a program described in
23 subsection (1) of this section only upon order of the sentencing court appearing in the judgment.

24 (3) As used in this section:

25 (a) "Executing or releasing authority" means the Department of Corrections, State Board of
26 Parole and Post-Prison Supervision, Oregon Youth Authority, Psychiatric Security Review Board,
27 sentencing court or supervisory authority.

28 (b) "Supervisory authority" has the meaning given that term in ORS 144.087.

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