

# Senate Bill 47

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Oregon Criminal Justice Commission)

## 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**.

Modifies remedial action procedures when county participating in Justice Reinvestment Program does not reduce utilization of imprisonment in Department of Corrections facilities.

## A BILL FOR AN ACT

1  
2 Relating to the Justice Reinvestment Program; amending section 53, chapter 649, Oregon Laws 2013.

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

4 **SECTION 1.** Section 53, chapter 649, Oregon Laws 2013, as amended by section 54, chapter 649,  
5 Oregon Laws 2013, and section 1, chapter 598, Oregon Laws 2019, is amended to read:

6 **Sec. 53.** (1)(a) In consultation with the Justice Reinvestment Grant Review Committee estab-  
7 lished under subsection (2) of this section, the Oregon Criminal Justice Commission shall administer  
8 the Justice Reinvestment Program described in this section. From funds appropriated to the com-  
9 mission for purposes of the program, the commission shall award grants to counties that establish  
10 a process to assess offenders and provide a continuum of community-based sanctions, services and  
11 programs that are designed to reduce recidivism and decrease the county's utilization of  
12 imprisonment in a Department of Corrections institution while protecting public safety and holding  
13 offenders accountable.

14 (b) Notwithstanding paragraph (a) of this subsection, no less than 10 percent of grant funds  
15 awarded under this section must be distributed to community-based nonprofit organizations that  
16 provide services to victims of crime.

17 (2) The Justice Reinvestment Grant Review Committee is established, consisting of the following  
18 members:

19 (a) The Governor shall appoint the following seven members:

20 (A) One member shall be a district attorney.

21 (B) One member shall be a county sheriff.

22 (C) One member shall be a chief of police.

23 (D) One member shall be a county commissioner.

24 (E) One member shall be a community corrections director who is not a sheriff.

25 (F) Two members shall be representatives of community-based organizations that provide ser-  
26 vices for underserved racial, ethnic or minority communities.

27 (b) The Chief Justice of the Supreme Court shall appoint one nonvoting member who is a judge.

28 (c) The President of the Senate shall appoint two nonvoting members from among members of  
29 the Senate.

30 (d) The Speaker of the House of Representatives shall appoint two nonvoting members from

**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 among members of the House of Representatives.

2 (3)(a) A majority of the voting members of the committee constitutes a quorum for the trans-  
3 action of business.

4 (b) The committee shall elect one of its members to serve as chairperson.

5 (c) If there is a vacancy for any cause, the appointing authority shall make an appointment to  
6 become effective immediately.

7 (d) The committee shall meet at times and places specified by the call of the chairperson or a  
8 majority of the voting members of the committee.

9 (e) Legislative members of the committee shall be entitled to payment of compensation and ex-  
10 penses under ORS 171.072, payable from funds appropriated to the Legislative Assembly.

11 (4)(a) An application for a grant described in this section must be submitted by a local public  
12 safety coordinating council convened under ORS 423.560.

13 (b) The grant application must include a statement of commitment, from the relevant  
14 stakeholders of the service or program for which the county is requesting funding and including the  
15 district attorney, presiding judge and community corrections director, to reduce recidivism and de-  
16 crease the county's utilization of imprisonment in Department of Corrections facilities while pro-  
17 tecting public safety and holding offenders accountable.

18 (5)(a) During a grant application period established by the commission, the proportion of grant  
19 funds available to each county shall be determined in accordance with the formula used to distribute  
20 baseline funding under ORS 423.483.

21 (b) At the conclusion of the grant application period, the commission shall award grants to  
22 counties in accordance with rules adopted by the commission. If unallocated funds remain at the  
23 conclusion of the grant acceptance period, the commission may establish a supplemental grant pe-  
24 riod and distribute the unallocated funds.

25 (6)(a) The commission shall regularly evaluate the community-based sanctions, services and  
26 programs funded under this section. The commission shall specifically assess the extent to which  
27 each county is reducing utilization of imprisonment in Department of Corrections facilities by  
28 offenders convicted of felonies under ORS 137.717, 475.752 to 475.980, 811.182, 813.010 or 813.011.

29 (b) The commission shall report the results of an evaluation conducted under this section to a  
30 committee of the Legislative Assembly related to the judiciary.

31 (7)(a) Before applying for grant funds to administer a community-based program described in  
32 subsection (10)(a)(D) of this section, the county must obtain the consent of the presiding judge of the  
33 judicial district in which the county is located.

34 (b) A grant application to administer a community-based program described in subsection  
35 (10)(a)(D) of this section must include the costs of appointed counsel.

36 (8) After consulting with the Justice Reinvestment Grant Review Committee, the commission  
37 shall adopt rules to administer the Justice Reinvestment Program. The rules must include:

38 (a) A methodology for reviewing and approving grant applications and distributing grant funds.  
39 Rules described in this paragraph must provide the Justice Reinvestment Grant Review Committee  
40 with the ability to approve grant applications for submission for final approval by the commission.  
41 The commission may either approve the grant application or return the application for reconsider-  
42 ation by the committee.

43 (b) A process for evaluating the efficacy of community-based sanctions, services and programs  
44 funded under this section.

45 (c) A requirement that the grant review committee consider, when approving grant applications,

1 each county’s historical reduction of utilization of imprisonment in Department of Corrections fa-  
 2 cilities by offenders convicted of felonies under ORS 137.717, 475.752 to 475.980, 811.182, 813.010 or  
 3 813.011.

4 (d) Provisions allowing the grant review committee to submit to the commission, and the com-  
 5 mission to approve, provisional funding plans for counties applying for grants under this section.

6 (9)(a) If a county does not reduce utilization of imprisonment in Department of Corrections fa-  
 7 cilities by offenders convicted of felonies under ORS 137.717, 475.752 to 475.980, 811.182, 813.010 or  
 8 813.011, *[upon request of the grant review committee, the commission shall]* **the grant review com-  
 9 mittee shall recommend that the commission approve one or more of the following remedial  
 10 actions, and the commission may either approve the action or return the application for re-  
 11 consideration by the committee:**

- 12 (A) Decline to grant the full grant amount requested by a county[.];
- 13 (B) Provide technical assistance[.];
- 14 (C) Withhold approved grant funds; or
- 15 (D) Terminate further distribution of the grant award.

16 (b) If the commission takes *[an]* **a remedial** action described in paragraph (a) of this subsection,  
 17 any remaining moneys may be redistributed by the commission through a supplemental grant pro-  
 18 gram. Priority shall be given to counties funding programs for historically underserved communities  
 19 including rural communities, racial, ethnic and minority communities and tribal communities. Rural  
 20 counties may apply for supplemental grants in cooperation with other rural counties.

21 (10) As used in this section:

22 (a) “Community-based programs” includes:

- 23 (A) Work release programs;
- 24 (B) Structured, transitional leave programs;
- 25 (C) Evidence-based programs designed to reduce recidivism that include the balanced adminis-  
 26 tration of sanctions, supervision and treatment;

27 (D) Administering a reentry court under section 29 *[of this 2013 Act]*, **chapter 649, Oregon  
 28 Laws 2013**; and

29 (E) Specialty courts aimed at medium-risk and high-risk offenders.

30 (b) “County” includes a regional collection of counties.

31