

HOUSE AMENDMENTS TO RESOLVE CONFLICTS TO B-ENGROSSED SENATE BILL 755

By JOINT COMMITTEE ON WAYS AND MEANS

June 25

1 On page 2 of the printed B-engrossed bill, line 8, after “(2020);” insert “repealing sections 3 and
2 6, chapter ___, Oregon Laws 2021 (Enrolled Senate Bill 497);”.

3 On page 37, after line 27, insert:

4 “**SECTION 44a. If Senate Bill 497 becomes law, section 3, chapter ___, Oregon Laws 2021**
5 **(Enrolled Senate Bill 497) (amending ORS 423.478), is repealed and ORS 423.478, as amended**
6 **by section 20, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), and section 44 of this**
7 **2021 Act, is amended to read:**

8 “423.478. (1) The Department of Corrections shall:

9 “(a) Operate prisons for offenders sentenced to terms of incarceration for more than 12 months;

10 “(b) Provide central information and data services sufficient to:

11 “(A) Allow tracking of offenders; and

12 “(B) Permit analysis of correlations between sanctions, supervision, services and programs, and
13 future criminal conduct; and

14 “(c) Provide interstate compact administration and jail inspections.

15 “(2) Subject to ORS 423.483, [a] **each** county, in partnership with the department, shall assume
16 responsibility for community-based supervision, sanctions and services for offenders convicted of
17 felonies, [or] designated drug-related misdemeanors **or designated person misdemeanors** who are:

18 “(a) On parole;

19 “(b) On probation;

20 “(c) On post-prison supervision;

21 “(d) Sentenced, on or after January 1, 1997, to 12 months or less incarceration;

22 “(e) Sanctioned, on or after January 1, 1997, by a court or the State Board of Parole and Post-
23 Prison Supervision to 12 months or less incarceration for violation of a condition of parole, pro-
24 bation or post-prison supervision; or

25 “(f) On conditional release under ORS 420A.206.

26 “(3) Notwithstanding the fact that the court has sentenced a person to a term of incarceration,
27 when an offender is committed to the custody of the supervisory authority of a county under ORS
28 137.124 (2) or (4), the supervisory authority may execute the sentence by imposing sanctions other
29 than incarceration if deemed appropriate by the supervisory authority. If the supervisory authority
30 releases a person from custody under this subsection and the person is required to report as a sex
31 offender under ORS 163A.010, the supervisory authority, as a condition of release, shall order the
32 person to report to the Department of State Police, a city police department or a county sheriff’s
33 office or to the supervising agency, if any:

34 “(a) When the person is released;

35 “(b) Within 10 days of a change of residence;

1 “(c) Once each year within 10 days of the person’s birth date;
2 “(d) Within 10 days of the first day the person works at, carries on a vocation at or attends an
3 institution of higher education; and
4 “(e) Within 10 days of a change in work, vocation or attendance status at an institution of
5 higher education.
6 “(4) As used in this section:
7 “(a) ‘Attends,’ ‘institution of higher education,’ ‘works’ and ‘carries on a vocation’ have the
8 meanings given those terms in ORS 163A.005.
9 “(b) ‘Designated drug-related misdemeanor’ means:
10 “(A) Unlawful possession of methadone under ORS 475.824 (2)(b);
11 “(B) Unlawful possession of oxycodone under ORS 475.834 (2)(b);
12 “(C) Unlawful possession of heroin under ORS 475.854 (2)(b);
13 “(D) Unlawful possession of 3,4-methylenedioxyamphetamine under ORS 475.874 (2)(b);
14 “(E) Unlawful possession of cocaine under ORS 475.884 (2)(b); or
15 “(F) Unlawful possession of methamphetamine under ORS 475.894 (2)(b).
16 “(c) ‘Designated person misdemeanor’ means:
17 “(A) Assault in the fourth degree constituting domestic violence if the judgment docu-
18 ment is as described in ORS 163.160 (4);
19 “(B) Menacing constituting domestic violence if the judgment document is as described
20 in ORS 163.190 (3); or
21 “(C) Sexual abuse in the third degree under ORS 163.415.
22 “**SECTION 44b.** If Senate Bill 497 becomes law, section 6, chapter __, Oregon Laws 2021
23 (Enrolled Senate Bill 497), is repealed.
24 “**SECTION 44c.** If Senate Bill 497 becomes law, notwithstanding any other provision of
25 law, the General Fund appropriation made to the Department of Corrections by section 1 (4),
26 chapter _____, Oregon Laws 2021 (Enrolled House Bill 5004), for the biennium beginning
27 July 1, 2021, for community corrections, is increased by \$7,060,171, in order to implement the
28 amendments to ORS 423.478 by section 44a of this 2021 Act.
29 “**SECTION 44d.** If Senate Bill 497 becomes law, sections 44b and 44c of this 2021 Act and
30 the amendments to ORS 423.478 by section 44a of this 2021 Act become operative on January
31 1, 2022.”.
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