

Enrolled
Senate Bill 836

Sponsored by Senator DEMBROW; Representatives SANCHEZ, SOLLMAN

CHAPTER

AN ACT

Relating to the administration of alternative incarceration programs; creating new provisions; amending ORS 421.504, 421.506 and 421.512; and declaring an emergency.

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

SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 421.502 to 421.512.

SECTION 2. (1) The Department of Corrections may not suspend or terminate an alternative incarceration program in its entirety for more than five consecutive days unless the department has considered all other alternative actions, including modification of the program or the delivery of the program by correspondence or other remote means, and determined that continuing to deliver the program is not feasible.

(2) If the department suspends or terminates an alternative incarceration program as described in subsection (1) of this section, the department shall, within 30 days of the action, report to the committees of the Legislative Assembly related to the judiciary information describing:

(a) The alternative actions that were considered by the department, and an explanation of why the alternative actions were not implemented; and

(b) The department's plan to resume the program as soon as possible.

(3) In addition to the reporting required by subsection (2) of this section, the department shall regularly provide to the committees of the Legislative Assembly related to the judiciary, in the manner provided in ORS 192.245, data concerning:

(a) How often an alternative incarceration program is interrupted in its entirety, and the length of each interruption; and

(b) How often the department takes any other action concerning an alternative incarceration program that results in the delay of the release dates of all adults in custody participating in the program, and the length of the delay of the release dates.

SECTION 3. Section 4 of this 2021 Act is added to and made a part of ORS 421.502 to 421.512.

SECTION 4. (1) The Department of Corrections shall establish a process for providing regular updates and explanations, in writing, to adults in custody participating in an alternative incarceration program about changes to or decisions concerning the program, and any effect on release dates.

(2) The department shall establish a process to ensure that alternative incarceration program counselors adequately communicate with adults in custody who are participating in

the program, including providing accurate information about the alternative incarceration program and changes to or decisions concerning the program.

(3) The department shall designate a staff member at each department facility who shall be accessible to adults in custody to provide accurate information about alternative incarceration programs.

SECTION 5. ORS 421.504 is amended to read:

421.504. (1) The Department of Corrections, in consultation with the Oregon Criminal Justice Commission, shall establish a special alternative incarceration program stressing a highly structured and regimented routine. The program:

(a) Shall reflect evidence-based practices;
(b) Shall include a component of intensive self-discipline, physical work and physical exercise;
(c) Shall provide for cognitive restructuring in conformance with generally accepted rehabilitative standards;

(d) May include a drug and alcohol treatment component that meets the standards promulgated by the Oregon Health Authority pursuant to ORS 430.357; [and]

(e) Shall be trauma-informed and gender-responsive; and

[~~e~~] (f) Shall be at least 270 days' duration.

(2) The department shall provide capital improvements and capital construction necessary for the implementation of the program.

(3) Notwithstanding subsection (1) of this section, the department may convert the special alternative incarceration program required by this section into an intensive alternative incarceration addiction program as described in ORS 421.506 if the department determines that the needs of offenders in the department's custody would be better served by an intensive alternative incarceration addiction program than by the special alternative incarceration program.

SECTION 6. ORS 421.506 is amended to read:

421.506. The Department of Corrections shall establish an intensive alternative incarceration addiction program. The program shall:

(1) Be based on intensive interventions, rigorous personal responsibility and accountability, physical labor and service to the community;

(2) Require strict discipline and compliance with program rules;

(3) Provide 14 hours of highly structured and regimented routine every day;

(4) Provide for cognitive restructuring to enable offenders participating in the program to confront and alter their criminal thinking patterns;

(5) Provide addiction treatment that incorporates proven, research-based interventions; [and]

(6) Be trauma-informed and gender-responsive; and

[~~6~~] (7) Be at least 270 days' duration.

SECTION 7. ORS 421.512 is amended to read:

421.512. (1) The Department of Corrections shall adopt rules to carry out the provisions of ORS 421.504, 421.506 and 421.508 **and sections 2 and 4 of this 2021 Act.**

(2) The Oregon Criminal Justice Commission shall adopt or amend rules as necessary to integrate the programs into sentencing guidelines.

SECTION 8. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by Senate May 4, 2021

Repassed by Senate June 15, 2021

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 10, 2021

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State