

A-Engrossed
Senate Bill 836

Ordered by the Senate April 29
Including Senate Amendments dated April 29

Sponsored by Senator DEMBROW

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.

Directs Department of Corrections to consider all other alternatives before suspending[,] or terminating [*or taking other specified action concerning*] alternative incarceration program **in its entirety for more than five consecutive days**. Requires department to provide report to Legislative Assembly committees related to judiciary within 14 days of [*suspending or terminating program or taking other action*] **such suspension or termination**. **Requires department to regularly report to committees concerning other program interruptions**.

Requires department to communicate with adults in custody participating in alternative incarceration program concerning changes to and decisions concerning program and effect on release dates.

Requires that alternative incarceration programs be trauma-informed[,] **and** gender-responsive [*and available at all department facilities*].

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the administration of alternative incarceration programs; creating new provisions;
3 amending ORS 421.504, 421.506 and 421.512; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 421.502 to**
6 **421.512.**

7 **SECTION 2. (1) The Department of Corrections may not suspend or terminate an alter-**
8 **native incarceration program in its entirety for more than five consecutive days unless the**
9 **department has considered all other alternative actions, including modification of the pro-**
10 **gram or the delivery of the program by correspondence or other remote means, and deter-**
11 **mined that continuing to deliver the program is not feasible.**

12 **(2) If the department suspends or terminates an alternative incarceration program as**
13 **described in subsection (1) of this section, the department shall, within 14 days of the action,**
14 **provide a report to the committees of the Legislative Assembly related to the judiciary, in**
15 **the manner provided in ORS 192.245, describing:**

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

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

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

22 **(a) How often an alternative incarceration program is interrupted in its entirety, and the**

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 **length of each interruption; and**

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

5 **SECTION 3.** Section 4 of this 2021 Act is added to and made a part of ORS 421.502 to
6 **421.512.**

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

11 **(2) The department shall establish a process to ensure that alternative incarceration**
12 **program counselors adequately communicate with adults in custody who are participating in**
13 **the program, including providing accurate information about the alternative incarceration**
14 **program and changes to or decisions concerning the program.**

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

18 **SECTION 5.** ORS 421.504 is amended to read:

19 421.504. (1) The Department of Corrections, in consultation with the Oregon Criminal Justice
20 Commission, shall establish a special alternative incarceration program stressing a highly structured
21 and regimented routine. The program:

22 (a) Shall reflect evidence-based practices;

23 (b) Shall include a component of intensive self-discipline, physical work and physical exercise;

24 (c) Shall provide for cognitive restructuring in conformance with generally accepted
25 rehabilitative standards;

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

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

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

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

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

37 **SECTION 6.** ORS 421.506 is amended to read:

38 421.506. The Department of Corrections shall establish an intensive alternative incarceration
39 addiction program. The program shall:

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

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

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

44 (4) Provide for cognitive restructuring to enable offenders participating in the program to con-
45 front and alter their criminal thinking patterns;

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

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

3 [~~6~~] **(7) Be at least 270 days' duration.**

4 **SECTION 7.** ORS 421.512 is amended to read:

5 421.512. (1) The Department of Corrections shall adopt rules to carry out the provisions of ORS
6 421.504, 421.506 and 421.508 **and sections 2 and 4 of this 2021 Act.**

7 (2) The Oregon Criminal Justice Commission shall adopt or amend rules as necessary to inte-
8 grate the programs into sentencing guidelines.

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

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