

Senate Bill 836

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 **as introduced**.

Directs Department of Corrections to consider all other alternatives before suspending, terminating or taking other specified action concerning alternative incarceration program. Requires department to provide report to Legislative Assembly committees related to judiciary within 14 days of suspending or terminating program or taking other action.

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, 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, or take any other action concerning an alternative**
9 **incarceration program that results in the delay of the release date of the adults in custody**
10 **participating in the program, unless the department has considered all other alternative**
11 **actions, including modification of the program or the delivery of the program by corre-**
12 **spondence or other remote means, and determined that continuing to deliver the program**
13 **is not feasible.**

14 **(2) If the department suspends or terminates an alternative incarceration program, or**
15 **takes any other action concerning an alternative incarceration program that results in the**
16 **delay of the release date of the adults in custody participating in the program, the depart-**
17 **ment shall, within 14 days of the action, provide a report to the committees of the Legislative**
18 **Assembly related to the judiciary, in the manner provided in ORS 192.245, describing:**

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

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

22 **SECTION 3. Section 4 of this 2021 Act is added to and made a part of ORS 421.502 to**
23 **421.512.**

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

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

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

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

9 421.504. (1) The Department of Corrections, in consultation with the Oregon Criminal Justice
10 Commission, shall establish a special alternative incarceration program stressing a highly structured
11 and regimented routine. The program:

12 (a) Shall reflect evidence-based practices;

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

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

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

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

19 **(f) Shall be available at all department facilities; and**

20 *[(e)]* **(g)** Shall be at least 270 days' duration.

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

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

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

29 421.506. The Department of Corrections shall establish an intensive alternative incarceration
30 addiction program. The program shall:

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

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

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

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

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

38 **(6) Shall be trauma-informed and gender-responsive;**

39 **(7) Shall be available at all department facilities; and**

40 *[(6)]* **(8)** Be at least 270 days' duration.

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

42 421.512. (1) The Department of Corrections shall adopt rules to carry out the provisions of ORS
43 421.504, 421.506 and 421.508 **and sections 2 and 4 of this 2021 Act.**

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

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

4
