

Requested by Representative BYNUM

**PROPOSED AMENDMENTS TO
HOUSE BILL 2002**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and delete lines 3 through 7 and insert “131.615, 133.865, 137.540, 137.595,
3 137.630, 137.633, 144.089, 144.102, 144.103, 153.039, 169.105, 181A.530 and
4 810.410 and sections 52 and 53, chapter 649, Oregon Laws 2013; repealing ORS
5 423.570; and declaring an emergency.”.

6 Delete lines 9 through 18 and delete pages 2 through 47 and insert:

7

8 **“RESTORATIVE JUSTICE**

9

10 **“SECTION 1. (1) The Oregon Criminal Justice Commission shall**
11 **establish a program to award grants to public and private entities for**
12 **restorative justice programs.**

13 **“(2) The commission shall adopt rules to administer the grant pro-**
14 **gram described in subsection (1) of this section. The rules must:**

15 **“(a) Specify the application process and eligibility criteria for the**
16 **grant program.**

17 **“(b) Include a methodology for reviewing and approving grant ap-**
18 **plications and distributing grant funds.**

19 **“SECTION 2. In addition to and not in lieu of any other appropri-**
20 **ation, there is appropriated to the Oregon Criminal Justice Commis-**
21 **sion, for the biennium beginning July 1, 2021, out of the General Fund,**

1 **the amount of \$_____ for the purpose of funding the grant pro-**
2 **gram described in section 1 of this 2021 Act.**

3
4 **“ARRESTS AND STOPS**

5
6 **“SECTION 3.** ORS 131.615 is amended to read:

7 “131.615. (1) A peace officer who reasonably suspects that a person has
8 committed or is about to commit a crime may stop the person and, after in-
9 forming the person that the peace officer is a peace officer **and of the rea-**
10 **son for the stop**, make a reasonable inquiry.

11 “(2) The detention and inquiry shall be conducted in the vicinity of the
12 stop and for no longer than a reasonable time.

13 “(3) The inquiry shall be considered reasonable if it is limited to:

14 “(a) The immediate circumstances that aroused the officer’s suspicion;

15 “(b) Other circumstances arising during the course of the detention and
16 inquiry that give rise to a reasonable suspicion of criminal activity; and

17 “(c) Ensuring the safety of the officer, the person stopped or other persons
18 present, including an inquiry regarding the presence of weapons.

19 “(4)(a) The inquiry may include a request for consent to search in re-
20 lation to the circumstances specified in subsection (3) of this section or to
21 search for items of evidence otherwise subject to search or seizure under
22 ORS 133.535 **only if the officer first informs the person that the person**
23 **has the right to refuse the request.**

24 “(b) **An officer who obtains consent to search under this subsection**
25 **shall ensure that there is a written, video or audio record that the**
26 **person gave informed and voluntary consent to search.**

27 “(5) A peace officer making a stop may use the degree of force reasonably
28 necessary to make the stop and ensure the safety of the peace officer, the
29 person stopped or other persons who are present.

30 “(6) **If a stop conducted under the authority of this section does not**

1 **result in an arrest or citation, a peace officer shall provide the stopped**
2 **person with the officer’s name and identification number or, if appli-**
3 **cable, a unique identifier assigned to the officer by the officer’s law**
4 **enforcement agency.**

5 **“SECTION 4.** ORS 153.039 is amended to read:

6 “153.039. (1) An enforcement officer may not arrest, stop or detain a per-
7 son for the commission of a violation except to the extent provided in this
8 section and ORS 810.410.

9 “(2)(a) An enforcement officer may stop and detain any person if the of-
10 ficer has reasonable grounds to believe that the person has committed a vi-
11 olation. An enforcement officer may stop and detain any employee, agent or
12 representative of a firm, corporation or other organization if the officer has
13 reasonable grounds to believe that the firm, corporation or other organiza-
14 tion has committed a violation.

15 **“(b) The enforcement officer shall inform a stopped person that the**
16 **enforcement officer is an enforcement officer and of the reason for the**
17 **stop.**

18 “(3) Except as provided in subsection (4) of this section, the period of
19 detention may be only as long as is necessary to:

20 “(a) Establish the identity of the person, firm, corporation or organization
21 believed to have committed the violation;

22 “(b) Conduct any investigation reasonably related to the violation; and

23 “(c) Issue a citation for the violation.

24 “(4) The authority of an enforcement officer to stop and detain a person
25 for a traffic violation as defined by ORS 801.557 is governed by ORS 810.410.

26 **“(5) If a stop conducted under the authority of this section does not**
27 **result in an arrest or citation, an enforcement officer shall provide the**
28 **stopped person with the officer’s name and identification number or,**
29 **if applicable, a unique identifier assigned to the officer by the officer’s**
30 **law enforcement agency.**

1 **“SECTION 5.** ORS 810.410 is amended to read:

2 “810.410. (1) A police officer may arrest or issue a citation to a person for
3 a traffic crime at any place within or outside the jurisdictional authority of
4 the governmental unit by which the police officer is authorized to act as
5 provided by ORS 133.235 and 133.310.

6 “(2) A police officer may issue a citation to a person for a traffic violation
7 at any place within or outside the jurisdictional authority of the govern-
8 mental unit by which the police officer is authorized to act:

9 “(a) When the traffic violation is committed in the police officer’s pres-
10 ence; or

11 “(b) When the police officer has probable cause to believe an offense has
12 occurred based on a description of the vehicle or other information received
13 from a police officer who observed the traffic violation.

14 “(3) A police officer:

15 “(a) [*Shall*] **May** not arrest a person for a traffic violation.

16 “(b) May stop and detain a person for a traffic violation for the purposes
17 of investigation reasonably related to the traffic violation, identification and
18 issuance of citation.

19 “(c) **Shall inform a stopped person that the police officer is a police
20 officer and of the reason for the stop.**

21 “[(c)] (d) May make an inquiry into circumstances arising during the
22 course of a detention and investigation under paragraph (b) of this sub-
23 section that give rise to a reasonable suspicion of criminal activity.

24 “[(d)] (e) May make an inquiry to ensure the safety of the officer, the
25 person stopped or other persons present, including an inquiry regarding the
26 presence of weapons.

27 “[(e)] (f) May request consent to search in relation to the circumstances
28 referred to in paragraph [(c)] (d) of this subsection, or to search for items
29 of evidence otherwise subject to search or seizure under ORS 133.535[.], **only
30 if the officer first informs the person that the person has the right to**

1 **refuse the request. If consent is obtained, the officer shall ensure that**
2 **there is a written, video or audio record that the person gave informed**
3 **and voluntary consent to search.**

4 “[*f*] (g) May use the degree of force reasonably necessary to make the
5 stop and ensure the safety of the police officer, the person stopped or other
6 persons present.

7 “[*g*] (h) May make an arrest of a person as authorized by ORS 133.310
8 (2) if the person is stopped and detained pursuant to the authority of this
9 section.

10 **“(i) Shall provide a person stopped pursuant to the authority of this**
11 **section, if the stop does not result in an arrest or citation, with the**
12 **officer’s name and identification number or, if applicable, a unique**
13 **identifier assigned to the officer by the officer’s law enforcement**
14 **agency.**

15 “(4) When a police officer at the scene of a traffic accident has reasonable
16 grounds, based upon the police officer’s personal investigation, to believe
17 that a person involved in the accident has committed a traffic offense in
18 connection with the accident, the police officer may issue to the person a
19 citation for that offense. The authority under this subsection is in addition
20 to any other authority to issue a citation for a traffic offense.

21 **“SECTION 6. The amendments to ORS 131.615, 153.039 and 810.410**
22 **by sections 3 to 5 of this 2021 Act apply to stops and searches occurring**
23 **on or after the effective date of this 2021 Act.**

24 **“SECTION 7. (1) Notwithstanding ORS 133.055, 133.235 and 133.310,**
25 **a peace officer shall issue a criminal citation to a person in lieu of**
26 **arresting the person if there is no warrant for the person’s arrest, the**
27 **person has not received a citation for the same or greater inclusive**
28 **offense within the previous 24 hours, and the peace officer has proba-**
29 **ble cause to believe the person has committed the following crimes:**

30 **“(a) Unsworn falsification under ORS 162.085;**

1 **“(b) Resisting arrest under ORS 162.315 when there is no accompa-**
2 **nying charge;**

3 **“(c) Theft in the third degree under ORS 164.043;**

4 **“(d) Theft in the second degree under ORS 164.045;**

5 **“(e) Criminal trespass in the second degree by a guest under ORS**
6 **164.243;**

7 **“(f) Criminal trespass in the second degree under ORS 164.245;**

8 **“(g) Criminal trespass at a sports event under ORS 164.278;**

9 **“(h) Offensive littering under ORS 164.805;**

10 **“(i) Unlawful sound recording under ORS 164.865;**

11 **“(j) Forgery in the second degree under ORS 165.007;**

12 **“(k) Criminal possession of a forged instrument in the second de-**
13 **gree under ORS 165.017;**

14 **“(L) Misrepresentation of age by a minor under ORS 165.805;**

15 **“(m) Interfering with public transportation under ORS 166.116;**

16 **“(n) Prostitution under ORS 167.007;**

17 **“(o) Unlawful possession of a controlled substance under ORS**
18 **475.752 (7)(b);**

19 **“(p) Unlawful possession of methadone under ORS 475.824 (2)(c);**

20 **“(q) Unlawful possession of oxycodone under ORS 475.834 (2)(c);**

21 **“(r) Unlawful possession of heroin under ORS 475.854 (2)(c);**

22 **“(s) Unlawful possession of cocaine under ORS 475.884 (2)(c);**

23 **“(t) Unlawful possession of methamphetamine under ORS 475.894**
24 **(2)(c); or**

25 **“(u) An attempt to commit a crime listed in paragraphs (a) to (t)**
26 **of this subsection.**

27 **“(2) A peace officer issuing a criminal citation under this section**
28 **may detain the person only for such time as is reasonably necessary**
29 **to investigate and verify the person’s identity and issue the citation.**

30 **“SECTION 8. Section 9 of this 2021 Act is added to and made a part**

1 of the Oregon Vehicle Code.

2 **“SECTION 9. Notwithstanding ORS 810.410, a police officer may not**
3 **initiate a traffic violation stop for unlawful use or failure to use lights**
4 **under ORS 811.520 or operation without required lighting equipment**
5 **under ORS 816.330 if the offense is based on the following circum-**
6 **stances:**

7 **“(1) A headlight that is not in compliance with ORS 816.050 or**
8 **816.320, and the vehicle has a headlight that is in compliance;**

9 **“(2) A taillight that is not in compliance with ORS 816.080 or 816.320,**
10 **and the vehicle has a taillight that is in compliance;**

11 **“(3) A brake light that is not in compliance with ORS 816.100 or**
12 **816.320, and the vehicle has a brake light that is in compliance;**

13 **“(4) Taillights that do not emit red light as required by ORS 816.080**
14 **(2); or**

15 **“(5) A registration plate light that is not in compliance with ORS**
16 **816.090 or 816.320.**

17 **“SECTION 10. Sections 7 and 9 of this 2021 Act apply to conduct**
18 **alleged to constitute an offense occurring on or after the effective date**
19 **of this 2021 Act.**

20

21 **“JAIL ADMISSION FOR ILL PERSONS**

22

23 **“SECTION 11. ORS 169.105 is amended to read:**

24 **“169.105. [No] A person who is unconscious, seriously injured, seriously**
25 **ill and in need of urgent medical care, in serious need of psychiatric**
26 **care to the extent that the person’s health or safety is significantly**
27 **endangered, or who is otherwise in acute need of medical or psychi-**
28 **atric care, may not [shall] be admitted to custody in a facility described**
29 **in ORS 169.005, but shall instead be taken immediately to the nearest ap-**
30 **propriate medical facility for medical diagnosis, care and treatment.**

1 **“COMMUNITY CORRECTIONS**
2 **“(Parole and Probation Officers)**

3
4 **“SECTION 12. (1) As used in this section, ‘parole and probation of-**
5 **ficer’ has the meaning given that term in ORS 181A.355.**

6 **“(2) Notwithstanding ORS 137.540, a parole and probation officer**
7 **may not visit a person on probation or post-prison supervision at or**
8 **in locations in which individuals seek social services or public benefits,**
9 **or at or in the supervised person’s place of employment, unless:**

10 **“(a) All reasonable attempts at contacting the probationer have**
11 **failed;**

12 **“(b) The location in which individuals seek social services or public**
13 **benefits and the probation and post-prison supervision office are**
14 **housed within the same building;**

15 **“(c) The entity providing public benefits or social services requests**
16 **the visit; or**

17 **“(d) The visit is necessary due to an imminent risk to public safety.**

18 **“(3) For purposes of this section, a home office or home business,**
19 **or a farm or a ranch on which a supervised person resides, is not the**
20 **person’s place of employment.**

21 **“SECTION 13. ORS 181A.530 is amended to read:**

22 **“181A.530. (1) Except for a person who has requested and obtained an**
23 **extension from the Department of Public Safety Standards and Training**
24 **pursuant to subsection (2) of this section, a person may not be employed as**
25 **a parole and probation officer for more than 18 months unless the person is**
26 **a citizen of the United States or a nonimmigrant legally admitted to the**
27 **United States under a Compact of Free Association, and:**

28 **“(a) The person has been certified as being qualified as a parole and**
29 **probation officer under provisions of ORS 181A.355 to 181A.670 and the cer-**
30 **tification has not lapsed or been revoked pursuant to ORS 181A.630, 181A.640**

1 and 181A.650 (1) and not reissued under ORS 181A.650 (2); or

2 “(b) The person is exempted from the certification requirement under ORS
3 181A.420 (1) and (2).

4 “(2) The department, upon the facts contained in an affidavit accompa-
5 nying the request for an extension, may find good cause for failure to obtain
6 certification within the time period described in subsection (1) of this sec-
7 tion. If the department finds that there is good cause for failure to timely
8 obtain certification, the department may extend for up to one year the period
9 that a person may serve as a parole and probation officer without certifica-
10 tion. The grant or denial of an extension is within the sole discretion of the
11 department.

12 “(3) **The initial training required for certification as a parole and**
13 **probation officer, and any mandatory training to maintain certifica-**
14 **tion, must include training in providing trauma-informed care, cul-**
15 **turely specific services and de-escalation techniques.**

16 “[3] (4) The certification of a parole and probation officer shall lapse
17 upon the passage of more than three consecutive months during which period
18 the officer is not employed as a parole and probation officer, unless the of-
19 ficer is on leave from a law enforcement unit. Upon reemployment as a
20 parole and probation officer, the person whose certification has lapsed may
21 apply for certification in the manner provided in ORS 181A.355 to 181A.670.

22 “[4] (5) In order to maintain certification, a parole and probation officer
23 who is employed part-time must complete annually at least 20 hours of con-
24 tinuing education approved by the Department of Public Safety Standards
25 and Training.

26 “[5] (6) The requirement of citizenship imposed under subsection (1) of
27 this section does not apply to a person employed as a parole and probation
28 officer on September 27, 1987, who continues to serve as a parole and pro-
29 bation officer.

30

1 **“(Expansion of Earned Reduction in Supervision)”**

2
3 **“SECTION 14.** ORS 137.633 is amended to read:

4 **“137.633. (1) Except as provided in subsection (4) of this section, a**
5 person convicted of a felony or a designated drug-related misdemeanor and
6 sentenced to probation, **to post-prison supervision** or to the legal and
7 physical custody of the supervisory authority under ORS 137.124 (2) is eligi-
8 ble for a reduction in the period of probation or [*local control*] post-prison
9 supervision for complying with terms of probation or post-prison supervision,
10 including the payment of restitution **to the extent the person is able to**
11 **pay**, and participation in recidivism reduction programs.

12 **“(2) The maximum reduction under this section may not exceed 50 percent**
13 **of the period of probation or [*local control*] post-prison supervision imposed.**

14 **“(3) A reduction under this section may not be used to shorten the period**
15 **of probation or [*local control*] post-prison supervision to less than six months.**

16 **“(4)(a) A person who is eligible for, or who completes, an alternative**
17 **incarceration program under ORS 421.508 or short-term transitional**
18 **leave under ORS 421.168 is eligible for an earned reduction in super-**
19 **vision under this section.**

20 **“(b) If a person is serving a sentence for a sex crime as defined in**
21 **ORS 163A.005, a crime in which the victim was a minor, or a crime**
22 **constituting domestic violence as defined in ORS 135.230, the supervi-**
23 **sory authority shall administer a risk assessment on the person. If the**
24 **person is determined to be high risk, the person is not eligible for an**
25 **earned reduction in supervision under this section.**

26 **“(c) A person serving a sentence for murder in any degree or ag-**
27 **gravated murder is not eligible for an earned reduction in supervision**
28 **under this section.**

29 **“(d) A person serving a term of post-prison supervision under ORS**
30 **144.103 (2) is not eligible for an earned reduction in supervision under**

1 **this section.**

2 “(5) The supervisory authority shall, at the time of intake, notify
3 a supervised person of the ability to earn a reduction in supervision
4 described in this section and shall provide to the person information
5 including, but not limited to, the conditions of eligibility and require-
6 ments to earn a reduction in supervision. The notice required by this
7 subsection shall include the provision to the person of the earned
8 supervision reduction requirements in writing.

9 “(6) The supervisory authority shall provide to a person on super-
10 vision who is eligible for an earned reduction in supervision under this
11 section an update on the person’s progress toward earning the re-
12 duction at each contact with the person and upon request by the per-
13 son.

14 “[4(a)] (7)(a) The Department of Corrections shall adopt rules to carry
15 out the provisions of this section.

16 “(b) The supervisory authority shall comply with the rules adopted under
17 this section.

18 “[5] (8) As used in this section[:],

19 “[a] ‘designated drug-related misdemeanor’ has the meaning given that
20 term in ORS 423.478.

21 “[b] ‘Local control post-prison supervision’ means post-prison supervision
22 that is supervised by a local supervisory authority pursuant to ORS 144.101.]

23

24 “(Changes to Supervision Conditions)

25

26 “**SECTION 15.** ORS 137.540 is amended to read:

27 “137.540. (1) The court may sentence the defendant to probation subject
28 to **any of** the following general conditions [*unless specifically deleted by the*
29 *court*] **if necessary and appropriate in a particular case.** The probationer
30 shall:

1 “(a) Pay [*supervision fees*,] fines, restitution or other fees ordered by the
2 court.

3 “(b) Not use or possess controlled substances except pursuant to a medical
4 prescription.

5 “(c) Submit to testing for controlled substance, cannabis or alcohol use
6 if the probationer has a history of substance abuse or if there is a reasonable
7 suspicion that the probationer has illegally used controlled substances.

8 “(d) Participate in a substance abuse evaluation as directed by the
9 supervising officer and follow the recommendations of the evaluator if there
10 are reasonable grounds to believe there is a history of substance abuse.

11 “(e) Remain in the State of Oregon until written permission to leave is
12 granted by the Department of Corrections or a county community corrections
13 agency.

14 “(f) If physically able, find and maintain gainful full-time employment,
15 approved schooling, or a full-time combination of both. Any waiver of this
16 requirement must be based on a finding by the court stating the reasons for
17 the waiver.

18 “(g) Change neither employment nor residence without prior permission
19 from the Department of Corrections or a county community corrections
20 agency.

21 “(h) Permit the parole and probation officer to visit the probationer or
22 the probationer’s [*work site or*] residence and to conduct a walk-through of
23 the common areas and of the rooms in the residence occupied by or under
24 the control of the probationer.

25 “(i) Consent to the search of person, vehicle or premises upon the request
26 of a representative of the supervising officer if the supervising officer has
27 reasonable grounds to believe that evidence of a violation will be found, and
28 submit to fingerprinting or photographing, or both, when requested by the
29 Department of Corrections or a county community corrections agency for
30 supervision purposes.

1 “(j) Obey all laws, municipal, county, state and federal, **except that with**
2 **regard to the possession and use of controlled substances, the**
3 **probationer shall follow state law.**

4 “(k) Promptly and truthfully answer all reasonable inquiries by the De-
5 partment of Corrections or a county community corrections agency.

6 “(L) Not possess weapons[, *firearms or dangerous animals*].

7 “**(m) Not possess firearms or ammunition.**

8 “**(n) Not possess dangerous animals.**

9 “[*m*] (o) Report as required and abide by the direction of the supervising
10 officer.

11 “[*n*] (p) If recommended by the supervising officer, successfully complete
12 a sex offender treatment program approved by the supervising officer and
13 submit to polygraph examinations at the direction of the supervising officer
14 if the probationer:

15 “(A) Is under supervision for a sex offense under ORS 163.305 to 163.467;

16 “(B) Was previously convicted of a sex offense under ORS 163.305 to
17 163.467; or

18 “(C) Was previously convicted in another jurisdiction of an offense that
19 would constitute a sex offense under ORS 163.305 to 163.467 if committed in
20 this state.

21 “[*o*] (q) Participate in a mental health evaluation as directed by the
22 supervising officer and follow the recommendation of the evaluator.

23 “[*p*] (r) If required to report as a sex offender under ORS 163A.015, re-
24 port with the Department of State Police, a city police department, a county
25 sheriff’s office or the supervising agency:

26 “(A) When supervision begins;

27 “(B) Within 10 days of a change in residence;

28 “(C) Once each year within 10 days of the probationer’s date of birth;

29 “(D) Within 10 days of the first day the person works at, carries on a
30 vocation at or attends an institution of higher education; and

1 “(E) Within 10 days of a change in work, vocation or attendance status
2 at an institution of higher education.

3 “[(q)] (s) Submit to a risk and needs assessment as directed by the
4 supervising officer and follow reasonable recommendations resulting from
5 the assessment.

6 “(2) In addition to the [general] conditions **described in subsection (1)**
7 **of this section**, the court may impose any special conditions of probation
8 that are reasonably related to the crime of conviction or the needs of the
9 probationer for the protection of the public or reformation of the
10 probationer, or both, including, but not limited to, that the probationer shall:

11 “(a) For crimes committed prior to November 1, 1989, and misdemeanors
12 committed on or after November 1, 1989, be confined to the county jail or
13 be restricted to the probationer’s own residence or to the premises thereof,
14 or be subject to any combination of such confinement and restriction, such
15 confinement or restriction or combination thereof to be for a period not to
16 exceed one year or one-half of the maximum period of confinement that could
17 be imposed for the offense for which the defendant is convicted, whichever
18 is the lesser.

19 “(b) For felonies committed on or after November 1, 1989:

20 “(A) Be confined in the county jail, or be subject to other custodial
21 sanctions under community supervision, or both, as provided by rules of the
22 Oregon Criminal Justice Commission; and

23 “(B) Comply with any special conditions of probation that are imposed
24 by the supervising officer in accordance with subsection (9) of this section.

25 “(c) For crimes committed on or after December 5, 1996, sell any assets
26 of the probationer as specifically ordered by the court in order to pay
27 restitution.

28 “(d) For crimes constituting delivery of a controlled substance, as those
29 terms are defined in ORS 475.005, or for telephonic harassment under ORS
30 166.090, or for crimes involving domestic violence, as defined in ORS 135.230,

1 be prohibited from using Internet websites that provide anonymous text
2 message services.

3 “(3)(a) If a person is released on probation following conviction of stalk-
4 ing under ORS 163.732 (2)(b) or violating a court’s stalking protective order
5 under ORS 163.750 (2)(b), the court may include as a special condition of the
6 person’s probation reasonable residency restrictions.

7 “(b) If the court imposes the special condition of probation described in
8 this subsection and if at any time during the period of probation the victim
9 moves to a location that causes the probationer to be in violation of the
10 special condition of probation, the court may not require the probationer to
11 change the probationer’s residence in order to comply with the special con-
12 dition of probation.

13 “(4) When a person who is a sex offender is released on probation, the
14 court shall impose as a special condition of probation that the person not
15 reside in any dwelling in which another sex offender who is on probation,
16 parole or post-prison supervision resides, without the approval of the
17 person’s supervising parole and probation officer, or in which more than one
18 other sex offender who is on probation, parole or post-prison supervision re-
19 sides, without the approval of the director of the probation agency that is
20 supervising the person or of the county manager of the Department of Cor-
21 rections, or a designee of the director or manager. As soon as practicable,
22 the supervising parole and probation officer of a person subject to the re-
23 quirements of this subsection shall review the person’s living arrangement
24 with the person’s sex offender treatment provider to ensure that the ar-
25 rangement supports the goals of offender rehabilitation and community
26 safety. As used in this subsection:

27 “(a) ‘Dwelling’ has the meaning given that term in ORS 469B.100.

28 “(b) ‘Dwelling’ does not include a residential treatment facility or a
29 halfway house.

30 “(c) ‘Halfway house’ means a publicly or privately operated profit or

1 nonprofit residential facility that provides rehabilitative care and treatment
2 for sex offenders.

3 “(d) ‘Sex offender’ has the meaning given that term in ORS 163A.005.

4 “(5)(a) If the person is released on probation following conviction of a sex
5 crime, as defined in ORS 163A.005, or an assault, as defined in ORS 163.175
6 or 163.185, and the victim was under 18 years of age, the court, if requested
7 by the victim, shall include as a special condition of the person’s probation
8 that the person not reside within three miles of the victim unless:

9 “(A) The victim resides in a county having a population of less than
10 130,000 and the person is required to reside in that county;

11 “(B) The person demonstrates to the court by a preponderance of the ev-
12 idence that no mental intimidation or pressure was brought to bear during
13 the commission of the crime;

14 “(C) The person demonstrates to the court by a preponderance of the ev-
15 idence that imposition of the condition will deprive the person of a residence
16 that would be materially significant in aiding in the rehabilitation of the
17 person or in the success of the probation; or

18 “(D) The person resides in a halfway house. As used in this subparagraph,
19 ‘halfway house’ means a publicly or privately operated profit or nonprofit
20 residential facility that provides rehabilitative care and treatment for sex
21 offenders.

22 “(b) A victim may request imposition of the special condition of probation
23 described in this subsection at the time of sentencing in person or through
24 the prosecuting attorney.

25 “(c) If the court imposes the special condition of probation described in
26 this subsection and if at any time during the period of probation the victim
27 moves to within three miles of the probationer’s residence, the court may
28 not require the probationer to change the probationer’s residence in order
29 to comply with the special condition of probation.

30 “(6) When a person who is a sex offender, as defined in ORS 163A.005, is

1 released on probation, the Department of Corrections or the county commu-
2 nity corrections agency, whichever is appropriate, shall notify the city police
3 department, if the person is going to reside within a city, and the county
4 sheriff's office of the county in which the person is going to reside of the
5 person's release and the conditions of the person's release.

6 “(7) Failure to abide by *[all general and special]* **the** conditions of pro-
7 bation may result in arrest, modification of conditions, revocation of pro-
8 bation or imposition of structured, intermediate sanctions in accordance with
9 rules adopted under ORS 137.595.

10 “(8) The court may order that probation be supervised by the court. *[If*
11 *the court orders that probation be supervised by the court, the defendant shall*
12 *pay a fee of \$100 to the court. Fees imposed under this subsection in the circuit*
13 *court shall be deposited by the clerk of the court in the General Fund. Fees*
14 *imposed in a justice court under this subsection shall be paid to the county*
15 *treasurer. Fees imposed in a municipal court under this subsection shall be*
16 *paid to the city treasurer.]*

17 “(9)(a) The court may at any time modify the conditions of probation.

18 “(b) When the court orders a defendant placed under the supervision of
19 the Department of Corrections or a community corrections agency, the
20 supervising officer may file with the court a proposed modification to the
21 special conditions of probation. The supervising officer shall provide a copy
22 of the proposed modification to the district attorney and the probationer. If
23 the district attorney:

24 “(A) Files an objection to the proposed modification less than five judicial
25 days after the proposed modification was filed, the court shall schedule a
26 hearing no later than 10 judicial days after the proposed modification was
27 filed, unless the court finds good cause to schedule a hearing at a later time.

28 “(B) Does not file an objection to the proposed modification less than five
29 judicial days after the proposed modification was filed, the proposed modifi-
30 cation becomes effective five judicial days after the proposed modification

1 was filed.

2 “(10) A court may not order revocation of probation as a result of the
3 probationer’s failure to pay restitution unless the court determines from the
4 totality of the circumstances that the purposes of the probation are not being
5 served.

6 “(11) It is not a cause for revocation of probation that the probationer
7 failed to apply for or accept employment at any workplace where there is a
8 labor dispute in progress. As used in this subsection, ‘labor dispute’ has the
9 meaning for that term provided in ORS 662.010.

10 “[~~(12)~~(a) *If the court determines that a defendant has violated the terms of*
11 *probation, the court shall collect a \$25 fee from the defendant and may impose*
12 *a fee for the costs of extraditing the defendant to this state for the probation*
13 *violation proceeding if the defendant left the state in violation of the conditions*
14 *of the defendant’s probation. The fees imposed under this subsection become*
15 *part of the judgment and may be collected in the same manner as a fine.]*

16 “[~~(b)~~ *Probation violation fees collected under this subsection in the circuit*
17 *court shall be deposited by the clerk of the court in the General Fund.*
18 *Extradition cost fees collected in the circuit court under this subsection shall*
19 *be deposited by the clerk of the court in the Arrest and Return Account es-*
20 *tablished by ORS 133.865. Fees collected in a justice court under this sub-*
21 *section shall be paid to the county treasurer. Fees collected in a municipal*
22 *court under this subsection shall be paid to the city treasurer.]*

23 “[~~(13)~~ **(12)** As used in this section, ‘attends,’ ‘institution of higher edu-
24 cation,’ ‘works’ and ‘carries on a vocation’ have the meanings given those
25 terms in ORS 163A.005.

26 “**SECTION 16.** ORS 144.102 is amended to read:

27 “144.102. (1) The State Board of Parole and Post-Prison Supervision or
28 local supervisory authority responsible for correctional services for a person
29 shall specify in writing the conditions of post-prison supervision imposed
30 under ORS 144.096. A copy of the conditions must be given to the person

1 upon release from prison or jail.

2 “(2) The board or the supervisory authority shall determine, and may at
3 any time modify, the conditions of post-prison supervision, which may in-
4 clude, *[among other conditions]* **if necessary and appropriate for a partic-
5 ular case**, that the person shall:

6 “(a) Comply with the conditions of post-prison supervision as specified by
7 the board or supervisory authority.

8 “(b) Be under the supervision of the Department of Corrections and its
9 representatives or other supervisory authority and abide by their direction
10 and counsel.

11 “(c) Answer all reasonable inquiries of the board, the department or the
12 supervisory authority.

13 “(d) Report to the parole officer as directed by the board, the department
14 or the supervisory authority.

15 “(e) Not own, possess or be in control of any weapon.

16 “(f) Respect and obey all municipal, county, state and federal laws, **ex-
17 cept that with regard to the possession and use of controlled sub-
18 stances, the person shall follow state law.**

19 “(g) Understand that the board or supervisory authority may, at its dis-
20 cretion, punish violations of post-prison supervision.

21 “(h) Attend a victim impact treatment session in a county that has a
22 victim impact program. *[If the board or supervisory authority requires at-
23 tendance under this paragraph, the board or supervisory authority may require
24 the person, as an additional condition of post-prison supervision, to pay a
25 reasonable fee to the victim impact program to offset the cost of the person’s
26 participation. The board or supervisory authority may not order a person to
27 pay a fee in excess of \$5 under this paragraph.]*

28 “(i) For crimes constituting delivery of a controlled substance, as those
29 terms are defined in ORS 475.005, or for telephonic harassment under ORS
30 166.090, or for crimes involving domestic violence, as defined in ORS 135.230,

1 be prohibited from using Internet websites that provide anonymous text
2 message services.

3 “(3) If the person is required to report as a sex offender under ORS
4 163A.010, the board or supervisory authority shall include as a condition of
5 post-prison supervision that the person report with the Department of State
6 Police, a city police department, a county sheriff’s office or the supervising
7 agency:

8 “(a) When supervision begins;

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

10 “(c) Once each year within 10 days of the person’s date of birth;

11 “(d) Within 10 days of the first day the person works at, carries on a
12 vocation at or attends an institution of higher education; and

13 “(e) Within 10 days of a change in work, vocation or attendance status
14 at an institution of higher education.

15 “(4)(a) The board or supervisory authority may establish special condi-
16 tions that the board or supervisory authority considers necessary because
17 of the individual circumstances of the person on post-prison supervision.

18 “(b) If the person is on post-prison supervision following conviction of a
19 sex crime, as defined in ORS 163A.005, the board or supervisory authority
20 shall include all of the following as special conditions of the person’s post-
21 prison supervision:

22 “(A) Agreement to comply with a curfew set by the board, the supervisory
23 authority or the supervising officer.

24 “(B) A prohibition against contacting a person under 18 years of age
25 without the prior written approval of the board, supervisory authority or
26 supervising officer.

27 “(C) A prohibition against being present more than one time, without the
28 prior written approval of the board, supervisory authority or supervising of-
29 ficer, at a place where persons under 18 years of age regularly congregate.

30 “(D) In addition to the prohibition under subparagraph (C) of this para-

1 graph, a prohibition against being present, without the prior written ap-
2 proval of the board, supervisory authority or supervising officer, at, or on
3 property adjacent to, a school, child care center, playground or other place
4 intended for use primarily by persons under 18 years of age.

5 “(E) A prohibition against working or volunteering at a school, child care
6 center, park, playground or other place where persons under 18 years of age
7 regularly congregate.

8 “(F) Entry into and completion of or successful discharge from a sex
9 offender treatment program approved by the board, supervisory authority or
10 supervising officer. The program may include polygraph and plethysmograph
11 testing. The person is responsible for paying for the treatment program.

12 “(G) A prohibition against direct or indirect contact with the victim, un-
13 less approved by the victim, the person’s treatment provider and the board,
14 supervisory authority or supervising officer.

15 “(H) Unless otherwise indicated for the treatment required under subpar-
16 agraph (F) of this paragraph, a prohibition against viewing, listening to,
17 owning or possessing sexually stimulating visual or auditory materials that
18 are relevant to the person’s deviant behavior.

19 “(I) Agreement to consent to a search of the person or the vehicle or
20 residence of the person upon the request of a representative of the board or
21 supervisory authority if the representative has reasonable grounds to believe
22 that evidence of a violation of a condition of post-prison supervision will be
23 found.

24 “(J) Participation in random polygraph examinations to obtain informa-
25 tion for risk management and treatment. The person is responsible for paying
26 the expenses of the examinations. The results of a polygraph examination
27 under this subparagraph may not be used in evidence in a hearing to prove
28 a violation of post-prison supervision.

29 “(K) Maintenance of a driving log and a prohibition against driving a
30 motor vehicle alone unless approved by the board, supervisory authority or

1 supervising officer.

2 “(L) A prohibition against using a post-office box unless approved by the
3 board, supervisory authority or supervising officer.

4 “(M) A prohibition against residing in a dwelling in which another sex
5 offender who is on probation, parole or post-prison supervision resides unless
6 approved by the board, supervisory authority or supervising officer, or in
7 which more than one other sex offender who is on probation, parole or
8 post-prison supervision resides unless approved by the board or the director
9 of the supervisory authority, or a designee of the board or director. As soon
10 as practicable, the supervising officer of a person subject to the requirements
11 of this subparagraph shall review the person’s living arrangement with the
12 person’s sex offender treatment provider to ensure that the arrangement
13 supports the goals of offender rehabilitation and community safety.

14 “(c)(A) If the person is on post-prison supervision following conviction of
15 a sex crime, as defined in ORS 163A.005, or an assault, as defined in ORS
16 163.175 or 163.185, and the victim was under 18 years of age, the board or
17 supervisory authority, if requested by the victim, shall include as a special
18 condition of the person’s post-prison supervision that the person not reside
19 within three miles of the victim unless:

20 “(i) The victim resides in a county having a population of less than
21 130,000 and the person is required to reside in that county under subsection
22 (7) of this section;

23 “(ii) The person demonstrates to the board or supervisory authority by a
24 preponderance of the evidence that no mental intimidation or pressure was
25 brought to bear during the commission of the crime;

26 “(iii) The person demonstrates to the board or supervisory authority by
27 a preponderance of the evidence that imposition of the condition will deprive
28 the person of a residence that would be materially significant in aiding in
29 the rehabilitation of the person or in the success of the post-prison super-
30 vision; or

1 “(iv) The person resides in a halfway house.

2 “(B) A victim may request imposition of the special condition of post-
3 prison supervision described in this paragraph at the time of sentencing in
4 person or through the prosecuting attorney. A victim’s request may be in-
5 cluded in the judgment document.

6 “(C) If the board or supervisory authority imposes the special condition
7 of post-prison supervision described in this paragraph and if at any time
8 during the period of post-prison supervision the victim moves to within three
9 miles of the person’s residence, the board or supervisory authority may not
10 require the person to change the person’s residence in order to comply with
11 the special condition of post-prison supervision.

12 “(d)(A) If a person is on post-prison supervision following conviction of
13 stalking under ORS 163.732 (2)(b) or violating a court’s stalking protective
14 order under ORS 163.750 (2)(b), the board or supervisory authority may in-
15 clude as a special condition of the person’s post-prison supervision reason-
16 able residency restrictions.

17 “(B) If the board or supervisory authority imposes the special condition
18 of post-prison supervision described in this paragraph and if at any time
19 during the period of post-prison supervision the victim moves to a location
20 that causes the person to be in violation of the special condition of post-
21 prison supervision, the board or supervisory authority may not require the
22 person to change the person’s residence in order to comply with the special
23 condition of post-prison supervision.

24 “(5)(a) The board or supervisory authority may require the person to pay,
25 as a condition of post-prison supervision, compensatory fines, restitution or
26 attorney fees:

27 “(A) As determined, imposed or required by the sentencing court; or

28 “(B) When previously required as a condition of any type of supervision
29 that is later revoked.

30 “(b) The board may require a person to pay restitution as a condition of

1 post-prison supervision imposed for an offense other than the offense for
2 which the restitution was ordered if the person:

3 “(A) Was ordered to pay restitution as a result of another conviction; and

4 “(B) Has not fully paid the restitution by the time the person has com-
5 pleted the period of post-prison supervision imposed for the offense for which
6 the restitution was ordered.

7 “(6) A person’s failure to apply for or accept employment at a workplace
8 where there is a labor dispute in progress does not constitute a violation of
9 the conditions of post-prison supervision.

10 “(7)(a) When a person is released from imprisonment on post-prison
11 supervision, the board shall order as a condition of post-prison supervision
12 that the person reside for the first six months after release in the county
13 that last supervised the person, if the person was on active supervision as
14 an adult for a felony at the time of the offense that resulted in the
15 imprisonment.

16 “(b) If the person was not on active supervision as an adult for a felony
17 at the time of the offense that resulted in the imprisonment, the board shall
18 order as a condition of post-prison supervision that the person reside for the
19 first six months after release in the county where the person resided at the
20 time of the offense that resulted in the imprisonment.

21 “(c) For purposes of paragraph (b) of this subsection:

22 “(A) The board shall determine the county where the person resided at
23 the time of the offense by examining records such as:

24 “(i) An Oregon driver license, regardless of its validity;

25 “(ii) Records maintained by the Department of Revenue;

26 “(iii) Records maintained by the Department of State Police;

27 “(iv) Records maintained by the Department of Human Services;

28 “(v) Records maintained by the Department of Corrections; and

29 “(vi) Records maintained by the Oregon Health Authority.

30 “(B) If the person did not have an identifiable address at the time of the

1 offense, or the address cannot be determined, the person is considered to
2 have resided in the county where the offense occurred.

3 “(C) If the person is serving multiple sentences, the county of residence
4 is determined according to the date of the last arrest resulting in a con-
5 viction.

6 “(D) In determining the person’s county of residence, the board may not
7 consider offenses committed by the person while the person was incarcerated
8 in a Department of Corrections facility.

9 “(d) Upon motion of the board, the supervisory authority, the person, a
10 victim or a district attorney, the board may waive the residency condition
11 under paragraph (b) of this subsection only after making a finding that one
12 of the following conditions has been met:

13 “(A) The person provides proof of employment with no set ending date in
14 a county other than the county of residence determined under paragraph (c)
15 of this section;

16 “(B) The person is found to pose a significant danger to a victim of the
17 person’s crime residing in the county of residence, or a victim or victim’s
18 family residing in the county of residence is found to pose a significant
19 danger to the person;

20 “(C) The person has a spouse or biological or adoptive family residing in
21 a county other than the county of residence who will be materially signif-
22 icant in aiding in the rehabilitation of the person and in the success of the
23 post-prison supervision;

24 “(D) As another condition of post-prison supervision, the person is re-
25 quired to participate in a treatment program that is not available in the
26 county of residence;

27 “(E) The person requests release to another state; or

28 “(F) The board finds other good cause for the waiver.

29 “(e) The board shall consider eligibility for transitional housing programs
30 and residential treatment programs when determining whether to waive the

1 residency condition under paragraph (b) of this subsection, and the accept-
2 ance of the person into a transitional housing program or a residential
3 treatment program constitutes good cause as described in paragraph (d)(F)
4 of this subsection.

5 “(8) As used in this section:

6 “(a) ‘Attends,’ ‘carries on a vocation,’ ‘institution of higher education’ and
7 ‘works’ have the meanings given those terms in ORS 163A.005.

8 “(b)(A) ‘Dwelling’ has the meaning given that term in ORS 469B.100.

9 “(B) ‘Dwelling’ does not mean a residential treatment facility or a half-
10 way house.

11 “(c) ‘Halfway house’ means a residential facility that provides
12 rehabilitative care and treatment for sex offenders.

13 “(d) ‘Labor dispute’ has the meaning given that term in ORS 662.010.

14 **“SECTION 17.** ORS 137.630 is amended to read:

15 “137.630. (1) The duties of parole and probation officers appointed pursu-
16 ant to ORS 137.590 or 423.500 to 423.560 are:

17 “(a) To make investigations and reports under ORS 137.530 as are re-
18 quired by the judge of any court having jurisdiction within the county, city
19 or judicial district for which the officer is appointed to serve.

20 “(b) To receive under supervision any person sentenced to probation by
21 any court in the jurisdiction area for which the officers are appointed to
22 serve.

23 “(c) To provide release assistance, and supervise any person placed in a
24 diversion, work release or community services alternative program, by any
25 court in the jurisdiction area for which the officers are appointed to serve.

26 “(d) To give each person under their supervision a statement of the con-
27 ditions of probation or program participation and to instruct the person re-
28 garding the conditions.

29 **“(e) To provide each person under their supervision the ability to**
30 **report by the least onerous means possible that will reasonably sup-**

1 **port the person’s successful completion of supervision while taking**
2 **into consideration the person’s individual circumstances.**

3 “[*e*] (f) To keep informed concerning the conduct and condition of per-
4 sons under their supervision by visiting, requiring reports and otherwise.

5 “[*f*] (g) To use all suitable methods, not inconsistent with the condition
6 of probation or program participation, to aid and encourage persons under
7 their supervision and to effect improvement in their conduct and condition.

8 “[*g*] (h) To keep detailed records of the work done and to make reports
9 to the courts and to the Department of Corrections as the courts require.

10 “[*h*] (i) To perform other duties not inconsistent with the normal and
11 customary functions of parole and probation officers as may be required by
12 any court in the jurisdiction area for which the officers are appointed to
13 serve.

14 “(2) Parole and probation officers of the Department of Corrections have
15 duties as specified by rule adopted by the Director of the Department of
16 Corrections.

17 “(3) Notwithstanding subsection (2) of this section, parole and probation
18 officers may not be required to collect from persons under their supervision
19 any fees to offset the costs of supervising the probation[, *including but not*
20 *limited to those ordered pursuant to ORS 137.540 or 423.570*].

21

22 **“(Limit on Violation Sanctions)”**

23

24 **“SECTION 18.** ORS 137.595 is amended to read:

25 “137.595. (1) The Department of Corrections shall adopt rules to carry out
26 the purposes of chapter 680, Oregon Laws 1993, by establishing a system of
27 structured, intermediate probation violation sanctions that may be imposed
28 by the Department of Corrections or a county community corrections agency,
29 taking into consideration the severity of the violation behavior, the prior
30 violation history, the severity of the underlying criminal conviction, the

1 criminal history of the offender, protection of the community, deterrence, the
2 effective capacity of the state prisons and the availability of appropriate lo-
3 cal sanctions including, but not limited to, jail, community service work,
4 house arrest, electronic surveillance, restitution centers, work release cen-
5 ters, day reporting centers or other local sanctions.

6 “(2) Rules adopted by the Department of Corrections under this section
7 shall establish:

8 “(a) A system of structured, intermediate probation violation sanctions
9 that may be imposed by the Department of Corrections or a county commu-
10 nity corrections agency on a probationer who waives in writing a probation
11 violation hearing, admits or affirmatively chooses not to contest the vio-
12 lations alleged in a probation violation report and consents to the sanctions;

13 “(b) Procedures to provide a probationer with written notice of the
14 probationer’s right to a hearing before the court to determine whether the
15 probationer violated the conditions of probation alleged in a probation vio-
16 lation report, and if so, whether to continue the probationer on probation
17 subject to the same or modified conditions, or order sanctions for any vio-
18 lations and the right to be represented by counsel at the hearing if the
19 probationer is financially eligible;

20 “(c) Procedures for a probationer to waive in writing a probation vio-
21 lation hearing, admit or not contest the violations alleged in the probation
22 violation report and consent to the imposition of structured, intermediate
23 sanctions by the Department of Corrections or a county community cor-
24 rections agency;

25 “(d) The level and type of sanctions that may be imposed by parole and
26 probation officers and by supervisory personnel;

27 “(e) **A prohibition on the imposition of jail confinement as a sanc-**
28 **tion when the probation violation is based solely on the probationer’s**
29 **use of alcohol or a controlled substance, unless all other types of**
30 **sanctions have been imposed on previous violations for the use of al-**

1 **cohol or controlled substances and have failed to deter the conduct;**

2 “[*e*] (f) The level and type of violation behavior warranting a recom-
3 mendation to the court that probation be revoked;

4 “[*f*] (g) Procedures for notifying district attorneys and the courts of
5 probation violations admitted by probationers and the sanctions imposed by
6 the Department of Corrections or county community corrections agencies;
7 and

8 “[*g*] (h) Such other policies or procedures as are necessary to carry out
9 the purposes of chapter 680, Oregon Laws 1993.

10 “(3) Jail confinement imposed as a custodial sanction by the Department
11 of Corrections or a county community corrections agency pursuant to rules
12 adopted under this section may not exceed 60 days per violation report. The
13 total number of days of jail confinement for all violation reports per con-
14 viction may not exceed the maximum number of available jail custody units
15 under rules adopted by the Oregon Criminal Justice Commission.

16 “(4) Nonjail confinement imposed as a custodial sanction by the Depart-
17 ment of Corrections or a county community corrections agency pursuant to
18 rules adopted under this section may not exceed the maximum number of
19 available nonjail custody units under rules adopted by the Oregon Criminal
20 Justice Commission.

21

22 **“(Abolition of Supervision Fees and Conforming Amendments)**

23

24 **“SECTION 19. ORS 423.570 is repealed.**

25 **“SECTION 20. In addition to and not in lieu of any other appropri-
26 ation, there is appropriated to the Department of Corrections, for the
27 biennium beginning July 1, 2021, out of the General Fund, the amount
28 of \$_____ for distribution to counties as reimbursement for mon-
29 eys no longer received due to the repeal of ORS 423.570 by section 19
30 of this 2021 Act.**

1 **SECTION 21.** ORS 133.865 is amended to read:

2 “133.865. (1) The Arrest and Return Account is established separate and
3 distinct from the General Fund. The account consists of moneys deposited
4 into the account under ORS [~~137.540,~~] 144.605 and 161.665, moneys allocated
5 to the account under ORS 137.300 and other moneys received by the Gover-
6 nor for the purpose of paying the costs of extraditing defendants.

7 “(2) Except as provided in subsection (3) of this section, moneys in the
8 account are continuously appropriated to the Governor for the purpose of
9 paying costs incurred in carrying out the provisions of ORS 133.743 to
10 133.857.

11 “(3) Moneys deposited in the Arrest and Return Account under ORS
12 144.605 are continuously appropriated to the Governor for the purpose of
13 paying costs incurred in retaking offenders who have transferred supervision
14 under the Interstate Compact for Adult Offender Supervision described in
15 ORS 144.600.

16 **SECTION 22.** ORS 144.089 is amended to read:

17 “144.089. (1) As used in this section:

18 “(a) ‘Community-based organization’ means a not-for-profit organization
19 or entity or a local or county government.

20 “(b) ‘Community service’ has the meaning given that term under ORS
21 137.126.

22 “(c) ‘Delinquent fees or debts’ means:

23 “(A) Unpaid costs for conviction;

24 “(B) Attorney fees;

25 “(C) Costs related to criminal conviction that a person accumulated while
26 incarcerated; or

27 “(D) Fees of any judgment that includes a monetary obligation that the
28 court or judicial branch is charged with collecting as described in ORS 1.202.

29 “(d) ‘Person’ means an individual who has served a sentence in the legal
30 and physical custody of the Department of Corrections and who is serving

1 an active period of parole or post-prison supervision.

2 “(e) ‘Supervisory authority’ has the meaning given that term under ORS
3 144.087.

4 “(2)(a) The county governing body of each county shall establish a com-
5 munity service exchange program for the county.

6 “(b) The local supervisory authority may determine whether to participate
7 in the community service exchange program.

8 “(c) The local supervisory authority may determine whether a
9 community-based organization qualifies for the community service exchange
10 program.

11 “(d) A person may not participate in the community service exchange
12 program more than once.

13 “(3) The community service exchange program may not result in a waiver
14 of unpaid balances for:

15 “(a) Restitution or compensatory fines imposed under ORS 137.101 to
16 137.109;

17 “(b) Unpaid obligations imposed by a support order under ORS chapter
18 25;

19 “(c) Fines for misdemeanors and felonies under ORS 137.286; or

20 “(d) Fines for traffic offenses.

21 “(4) In order to be eligible to participate in the community service ex-
22 change program, a person must:

23 “(a) Enter into a written agreement with a community-based organization
24 to perform community service in exchange for a waiver of delinquent fees
25 or debts [*and supervision fees*]; and

26 “(b) Obtain the approval of the terms of the written agreement of the lo-
27 cal supervisory authority.

28 “(5) A community-based organization shall supervise and record the com-
29 munity service that a person performs to fulfill the requirements established
30 by the written agreement described under this section. The community-based

1 organization shall notify the local supervisory authority as soon as a person
2 has entered into the community service exchange program and when the
3 person has successfully fulfilled or failed to meet the requirements of the
4 program.

5 “(6) Within 30 days of the local supervisory authority’s receiving notifi-
6 cation that a person is participating in the community service exchange
7 program[:],

8 “[*(a)*] the local supervisory authority shall notify the court of the county
9 in which the person was convicted. Notwithstanding ORS 137.143, upon no-
10 tification from the local supervisory authority, the court shall suspend all
11 collection activity of delinquent fees or debts.

12 “[*(b)* *If a person is under the supervision of a community corrections*
13 *agency, the local supervisory authority shall notify the community corrections*
14 *agency. The community corrections agency or the local supervisory authority*
15 *shall cause all collection of supervision fees, including but not limited to those*
16 *ordered pursuant to ORS 423.570, to be ceased.*]

17 “[*(c)* *If the person is under the supervision of the local supervisory author-*
18 *ity, the local supervisory authority shall cause all collection of supervision fees,*
19 *including but not limited to those ordered pursuant to ORS 423.570, to be*
20 *ceased.*]

21 “(7)(a) When a person has successfully fulfilled the requirements of the
22 community service exchange program, the community-based organization
23 shall notify the local supervisory authority and the local supervisory au-
24 thority shall send a notice of completion to the court of the county in which
25 the person was convicted.

26 “[*(b)* *If the person is under the supervision of the local supervisory au-*
27 *thority, upon notification of completion from the community-based organiza-*
28 *tion, the local supervisory authority shall waive the supervision fees, including*
29 *but not limited to those ordered pursuant to ORS 423.570.*]

30 “[*(c)* *If the person is under the supervision of a community corrections*

1 *agency or other local supervisory authority, upon notification of completion*
2 *from the community-based organization, the local supervisory authority shall*
3 *notify the community corrections agency and the community corrections agency*
4 *or local supervisory authority shall waive the supervision fees, including but*
5 *not limited to those ordered pursuant to ORS 423.570, and the local supervisory*
6 *authority may waive all other fees to offset the costs of supervision.]*

7 “[(d)] (b) Upon notification of completion from the local supervisory au-
8 thority, the court shall update the record of monetary obligations imposed
9 for the convictions to reflect a waiver of delinquent fees or debts.

10 “(8) If a person fails to meet the requirements of the community service
11 exchange program:

12 “(a) The community-based organization shall notify the local supervisory
13 authority and, if applicable, the local supervisory authority shall notify the
14 community corrections agency or other local supervisory authority. [*Upon*
15 *notification, the local supervisory authority or the community corrections*
16 *agency shall resume collection of the supervision fees, including but not limited*
17 *to those ordered pursuant to ORS 423.570.]*

18 “(b) Within 30 days of the local supervisory authority’s receiving notifi-
19 cation from the community-based organization, the local supervisory author-
20 ity shall notify the court of the county in which the person was convicted.

21 “(c) Upon notification from the local supervisory authority, the court
22 shall resume collection of delinquent fees or debts.

23 **“SECTION 23.** ORS 144.103 is amended to read:

24 “144.103. (1) Except as otherwise provided in ORS 137.765 and subsection
25 (2) of this section, any person sentenced to a term of imprisonment for vio-
26 lating or attempting to violate ORS 163.365, 163.375, 163.395, 163.405, 163.408,
27 163.411, 163.425 or 163.427 shall serve a term of active post-prison supervision
28 that continues until the term of the post-prison supervision, when added to
29 the term of imprisonment served, equals the maximum statutory indetermi-
30 nate sentence for the violation.

1 **181A.530 by sections 13 to 18 and 21 to 23 of this 2021 Act and the repeal**
2 **of ORS 423.570 by section 19 of this 2021 Act apply to sentences imposed**
3 **on or after the effective date of this 2021 Act.**

4
5 **“JUSTICE REINVESTMENT PROGRAM CHANGES**

6
7 **“SECTION 25.** Section 52, chapter 649, Oregon Laws 2013, is amended to
8 read:

9 **“Sec. 52.** The Justice Reinvestment Account is established, separate and
10 distinct from the General Fund. All moneys in the account are continuously
11 appropriated to the Oregon Criminal Justice Commission for the purpose of
12 making grants [*to counties*] in accordance with section 53, [*of this 2013 Act*]
13 **chapter 649, Oregon Laws 2013, and for any other purpose authorized**
14 **by law.**

15 **“SECTION 26.** Section 53, chapter 649, Oregon Laws 2013, as amended
16 by section 54, chapter 649, Oregon Laws 2013, and section 1, chapter 598,
17 Oregon Laws 2019, is amended to read:

18 **“Sec. 53.** (1)(a) In consultation with the Justice Reinvestment Grant Re-
19 view Committee established under subsection (2) of this section, the Oregon
20 Criminal Justice Commission shall administer the Justice Reinvestment
21 Program described in this section. From funds appropriated to the commis-
22 sion for purposes of the program, the commission shall award grants to
23 counties that establish a process to assess offenders and provide a continuum
24 of community-based sanctions, services and programs that are designed to
25 reduce recidivism and decrease the county’s utilization of imprisonment in
26 a Department of Corrections institution while protecting public safety and
27 holding offenders accountable.

28 **“(b)** Notwithstanding paragraph (a) of this subsection, no less than [*10*]
29 **15** percent of grant funds awarded under this section must be distributed to
30 community-based nonprofit organizations that provide services to victims of

1 crime, with priority given to culturally specific organizations.

2 “(c)(A) Notwithstanding paragraphs (a) and (b) of this subsection,
3 recognizing that systemic racism exists within this state and within
4 the criminal justice system, and for the purposes of expanding cul-
5 turally specific organizations and culturally responsive services to ad-
6 dress those disparities, no less than 20 percent of grant funds awarded
7 under this section shall be distributed to the Northwest Health Foun-
8 dation Fund II for the purposes of distributing subgrants to culturally
9 specific organizations and culturally responsive service providers. The
10 purposes of the funds distributed under this paragraph are to promote
11 racial equity, reduce racial disparities, reduce recidivism and decrease
12 a county’s utilization of imprisonment in a Department of Corrections
13 institution while protecting public safety and holding offenders ac-
14 countable.

15 “(B) Up to 15 percent of funds distributed under this paragraph may
16 be used by the Northwest Health Foundation Fund II for administra-
17 tive costs or to provide subgrant recipients with technical assistance.

18 “(C) Funds distributed under this paragraph must be distributed to
19 culturally specific organizations and culturally responsive service
20 providers for the following purposes:

21 “(i) Mental health and substance use disorder treatment;

22 “(ii) Maternal health services;

23 “(iii) Trauma-informed restorative justice services;

24 “(iv) Violence reduction programs, including but not limited to vi-
25 olence interruption mentors or after-school programs focused on art,
26 music, theater or dance;

27 “(v) Crisis intervention without police involvement;

28 “(vi) Reentry programs that are connected to education, workforce
29 development and transitional supports;

30 “(vii) Long-term supportive housing;

- 1 **“(viii) Support for setting aside conviction records;**
2 **“(ix) Pretrial release support;**
3 **“(x) Services for victims, including incarcerated victims or victims**
4 **on pretrial release;**
5 **“(xi) Programs for persons, and families of persons, who are cur-**
6 **rently or were formerly incarcerated;**
7 **“(xii) Programs designed to reduce recidivism and reduce contact**
8 **with the criminal justice system;**
9 **“(xiii) Programs for persons who have been impacted by police vi-**
10 **olence, either directly or through a family member; or**
11 **“(xiv) Planning grants and technical assistance to support the de-**
12 **velopment of new culturally specific services, or to strengthen existing**
13 **services, that are aligned with the other purposes described in this**
14 **subparagraph.**

15 “(2) The Justice Reinvestment Grant Review Committee is established,
16 consisting of the following members:

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

18 “(A) One member shall be a district attorney.

19 “(B) One member shall be a county sheriff.

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

21 “(D) One member shall be a county commissioner.

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

24 “(F) Two members shall be representatives of community-based organiza-
25 tions that provide services for underserved racial, ethnic or minority com-
26 munities.

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

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

1 “(d) The Speaker of the House of Representatives shall appoint two non-
2 voting members from among members of the House of Representatives.

3 “(3)(a) A majority of the voting members of the committee constitutes a
4 quorum for the transaction of business.

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

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

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

10 “(e) Legislative members of the committee shall be entitled to payment
11 of compensation and expenses under ORS 171.072, payable from funds appro-
12 priated to the Legislative Assembly.

13 “(4)(a) An application for a grant described in **subsection (1)(a) or (b)**
14 **of** this section must be submitted by a local public safety coordinating
15 council convened under ORS 423.560.

16 “(b) The grant application must include a statement of commitment, from
17 the relevant stakeholders of the service or program for which the county is
18 requesting funding and including the district attorney, presiding judge and
19 community corrections director, to reduce recidivism and decrease the
20 county’s utilization of imprisonment in Department of Corrections facilities
21 while protecting public safety and holding offenders accountable.

22 “(5)(a) During a grant application period established by the commission,
23 the proportion of grant funds available to each county **under subsection**
24 **(1)(a) and (b) of this section** shall be determined in accordance with the
25 formula used to distribute baseline funding under ORS 423.483.

26 “(b) At the conclusion of the grant application period, the commission
27 shall award grants [*to counties*] in accordance with **subsection (1) of this**
28 **section and the** rules adopted by the commission. If unallocated funds re-
29 main at the conclusion of the grant acceptance period, the commission may
30 establish a supplemental grant period and distribute the unallocated funds.

1 “(6)(a) The commission shall regularly evaluate the community-based
2 sanctions, services and programs funded under **subsection (1)(a) or (b) of**
3 this section. The commission shall specifically assess the extent to which
4 each county is reducing utilization of imprisonment in Department of Cor-
5 rections facilities by offenders convicted of felonies under ORS 137.717,
6 475.752 to 475.980, 811.182, 813.010 or 813.011.

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

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

14 “(b) A grant application to administer a community-based program de-
15 scribed in subsection (10)(a)(D) of this section must include the costs of ap-
16 pointed counsel.

17 “(8) After consulting with the Justice Reinvestment Grant Review Com-
18 mittee, the commission shall adopt rules to administer the Justice Reinvest-
19 ment Program. The rules must include:

20 “(a) A methodology for reviewing and approving grant applications and
21 distributing grant funds **under subsection (1)(a) or (b) of this section.**
22 Rules described in this paragraph must provide the Justice Reinvestment
23 Grant Review Committee with the ability to approve grant applications for
24 submission for final approval by the commission. The commission may either
25 approve the grant application or return the application for reconsideration
26 by the committee.

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

29 “(c) A requirement that the grant review committee consider, when ap-
30 proving grant applications, each county’s historical reduction of utilization

1 of imprisonment in Department of Corrections facilities by offenders con-
2 victed 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
5 commission, and the commission to approve, provisional funding plans for
6 counties applying for grants under this section.

7 “(9)(a) If a county does not reduce utilization of imprisonment in De-
8 partment of Corrections facilities by offenders convicted of felonies under
9 ORS 137.717, 475.752 to 475.980, 811.182, 813.010 or 813.011, upon request of
10 the grant review committee, the commission shall decline to grant the full
11 grant amount requested by a county, provide technical assistance, withhold
12 approved grant funds or terminate further distribution of the grant award.

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

20 “(10) As used in this section:

21 “(a) [*Community-based programs*] ‘**Community-based program**’ in-
22 cludes:

23 “(A) Work release programs;

24 “(B) Structured, transitional leave programs;

25 “(C) Evidence-based programs designed to reduce recidivism that include
26 the balanced administration of sanctions, supervision and treatment;

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

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

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

1 “(c) ‘Culturally responsive service’ means a service that is
2 respectful of, and relevant to, the beliefs, practices, cultures and lin-
3 guistic needs of diverse consumer or client populations and commu-
4 nities whose members identify as having particular cultural or
5 linguistic affiliations by virtue of their place of birth, ancestry or
6 ethnic origin, religion, preferred language or language spoken at
7 home. A culturally responsive service has the capacity to respond to
8 the issues of diverse communities and require knowledge and capacity
9 at systemic, organizational, professional and individual levels of
10 intervention.

11 “(d) ‘Culturally specific organization’ means an organization that
12 serves a particular cultural community, that is primarily staffed and
13 led by members of that community and that demonstrates self-
14 advocacy, positive cultural identity and intimate knowledge of the
15 lived experience of the community, including but not limited to:

16 “(A) The impact of structural and individual racism or discrimi-
17 nation on the community;

18 “(B) Specific disparities in access to services and resources experi-
19 enced by the community; and

20 “(C) Community strengths, cultural practices, beliefs and tradi-
21 tions.

22 “SECTION 27. In addition to and not in lieu of any other appropri-
23 ation, there is appropriated to the Oregon Criminal Justice Commis-
24 sion, for the biennium beginning July 1, 2021, out of the General Fund,
25 the amount of \$_____, for deposit into the Justice Reinvestment
26 Account established under section 52, chapter 649, Oregon Laws 2013.

27 “SECTION 28. In addition to and not in lieu of any other appropri-
28 ation, there is appropriated to the Oregon Criminal Justice Commis-
29 sion, for the biennium beginning July 1, 2021, out of the General Fund,
30 the amount of \$200,000, for the purpose of carrying out section 29 of

1 **this 2021 Act.**

2 **“SECTION 29. (1) The Oregon Criminal Justice Commission shall**
3 **evaluate the implementation and monitor the progress of subgrants**
4 **distributed by the Northwest Health Foundation Fund II under section**
5 **53 (1)(c), chapter 649, Oregon Laws 2013, using funds appropriated to**
6 **the commission for such purpose. The expenditure of the funds under**
7 **this subsection may include support for subgrantees participating in**
8 **the evaluation.**

9 **“(2) The commission shall convene a stakeholder group to assist**
10 **with the evaluation described in subsection (1) of this section. The**
11 **group must be composed of culturally diverse persons with expertise**
12 **in culturally responsive evaluations, persons with expertise in criminal**
13 **justice issues and subgrantees receiving funds under section 53 (1)(c),**
14 **chapter 649, Oregon Laws 2013.**

15 **“(3) The evaluator conducting the evaluation described in sub-**
16 **section (1) of this section must have expertise in racial equity, facili-**
17 **tation of community-based participatory evaluation methods and**
18 **demonstrated experience with facilitating inclusive processes with di-**
19 **verse communities.**

20 **“(4) No later than June 30, 2023, the commission shall provide a**
21 **report detailing the progress of the evaluation described in subsection**
22 **(1) of this section to the Legislative Assembly, in the manner provided**
23 **in ORS 192.245, and shall include recommendations for additional**
24 **evaluation needs.**

25

26 **“CRIMINAL JUSTICE DATA REPORTING**

27

28 **“SECTION 30. (1)(a) The Oregon Criminal Justice Commission, in**
29 **consultation with the Department of Corrections, shall collect data**
30 **concerning the imposition of supervision conditions on persons on**

1 **probation or post-prison supervision.**

2 **“(b) The commission shall review the data described in paragraph**
3 **(a) of this subsection and make the data, disaggregated by race,**
4 **ethnicity, gender and county, available to the public in a clear and**
5 **accessible format, either in a report or on the website of the commis-**
6 **sion.**

7 **“(2)(a) The Oregon Criminal Justice Commission, in coordination**
8 **with the Department of Corrections, shall collect data concerning the**
9 **number of persons on supervision, persons revoked from supervision**
10 **and sentenced to incarceration, and persons sanctioned for violating**
11 **conditions of supervision and serving a sanction in a local correctional**
12 **facility.**

13 **“(b) The commission shall review the data described in paragraph**
14 **(a) of this subsection and make the data, disaggregated by race,**
15 **ethnicity, gender and county, available to the public in a clear and**
16 **accessible format, either in a report or on the website of the commis-**
17 **sion.**

18 **“(c) Department of Corrections community corrections and local**
19 **supervisory authorities shall, at intake of a person on supervision,**
20 **collect and maintain information concerning the person’s race,**
21 **ethnicity and gender, according to standardized designations in census**
22 **data, and shall at least annually provide the data to the commission.**

23 **“SECTION 31. Section 30 of this 2021 Act is repealed on January 1,**
24 **2032.**

25 **“SECTION 32. (1) No later than September 15, 2022, the Oregon**
26 **Criminal Justice Commission shall report to the relevant committees**
27 **of the Legislative Assembly, in the manner provided under ORS**
28 **192.245, the following information:**

29 **“(a)(A) The amount and percent of Justice Reinvestment Program**
30 **funds provided to counties for community-based sanctions, services**

1 and programs;

2 “(B) The specific sanctions, services and programs that received
3 program funds, disaggregated by county; and

4 “(C) The populations served by the sanctions, services and programs
5 that received program funds, disaggregated by race, ethnicity, gender
6 and county;

7 “(b)(A) The amount of Justice Reinvestment Program funds pro-
8 vided to culturally specific organizations, disaggregated by county; and

9 “(B) The populations served by the culturally specific organizations
10 that received program funds;

11 “(c)(A) The amount of Justice Reinvestment Program funds pro-
12 vided to culturally responsive service providers, disaggregated by
13 county; and

14 “(B) The populations served by the culturally responsive service
15 providers that received program funds; and

16 “(d)(A) The amount and percentage of Justice Reinvestment Pro-
17 gram funds provided to community-based nonprofit organizations that
18 provide services to victims of crime that are allocated to culturally
19 specific organizations and culturally responsive service providers, dis-
20 aggregated by county; and

21 “(B) The specific organizations that received program funds.

22 “(2) The commission shall publish and regularly update the data
23 described in subsection (1) of this section on the website of the com-
24 mission.

25 “(3) As used in this section, ‘culturally responsive service’ and
26 ‘culturally specific organization’ have the meanings given those terms
27 in section 53, chapter 649, Oregon Laws 2013.

28 **“SECTION 33. Section 32 of this 2021 Act is repealed on July 1, 2023.**

29

30 **“APPROPRIATION FOR REIMAGINE SAFETY FUND**

