

HB 2002-6
(LC 1611)
5/24/21 (JLM/ps)

Requested by HOUSE COMMITTEE ON RULES (at the request of Partnership for Safety and Justice, Latino Network, Coalition of Communities of Color, Central City Concern, Red Lodge Transition Services, Bridges to Change, Sponsors, Inc., Oregon Criminal Defense Lawyers Association and American Civil Liberties Union of Oregon)

**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, 137.630,
3 144.089, 144.102, 144.103, 153.039, 169.105, 181A.530 and 810.410 and sections
4 52 and 53, chapter 649, Oregon Laws 2013; repealing ORS 423.570; and de-
5 claring an emergency.

6 “Whereas the freedom of movement is protected by the United States
7 Constitution; and

8 “Whereas the authority of law enforcement entities is derived from the
9 people whom they serve; and

10 “Whereas the criminal-legal system has harmed and failed to protect
11 Black and brown families; and

12 “Whereas new public safety solutions must be developed with those who
13 are most over-policed and over-incarcerated; and

14 “Whereas new money is needed to equitably build healthy, sustainable
15 and strong families and communities; now, therefore,”.

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

17

18 **“RESTORATIVE JUSTICE**

19

20 **“SECTION 1. (1) The Oregon Criminal Justice Commission shall**

1 establish a program to award grants to public and private entities for
2 restorative justice programs.

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

5 “(a) Define restorative justice for the purpose of grant eligibility
6 criteria.

7 “(b) Specify the application process and eligibility criteria for the
8 grant program, including a requirement that:

9 “(A) Each applicant demonstrate in the application coordination
10 with community-based organizations and the ability to work
11 collaboratively with system partners, including local law enforcement
12 entities, courts, district attorneys and defense attorneys.

13 “(B) Each successful applicant demonstrate in the application how
14 the applicant will center the experiences of those harmed, encourage
15 those who have caused harm to take responsibility and repair the
16 harm, and support persons who have been harmed, impacted commu-
17 nity members and responsible parties in identifying solutions that
18 promote healing, including promoting dialogue and mutual agreement.

19 “(c) Include a methodology for reviewing and approving grant ap-
20 plications and distributing grant funds.

21 “(3) The commission shall convene an advisory committee to eval-
22 uate and approve grant awards under this section.

23 “SECTION 2. (1) No later than September 15, 2022, the Oregon
24 Criminal Justice Commission shall report to the interim committees
25 of the Legislative Assembly related to the judiciary, in the manner
26 described in ORS 192.245, concerning the commission’s progress in
27 adopting rules under section 1 (2) of this 2021 Act and convening an
28 advisory committee under section 1 (3) of this 2021 Act, and any grants
29 awarded to date.

30 “(2) No later than September 15, 2023, the commission shall provide

1 to the interim committees of the Legislative Assembly related to the
2 judiciary, in the manner described in ORS 192.245, an update to the
3 information reported under subsection (1) of this section.

4 “(3) When adopting rules described in section 1 (2)(a) of this 2021
5 Act defining restorative justice, the commission shall consult with the
6 Racial Justice Council within the Office of the Governor and shall
7 evaluate best practices.

8 “SECTION 2a. Section 2 of this 2021 Act is repealed on January 1,
9 2024.

10 “SECTION 3. In addition to and not in lieu of any other appropri-
11 ation, there is appropriated to the Oregon Criminal Justice Commis-
12 sion, for the biennium beginning July 1, 2021, out of the General Fund,
13 the amount of \$4,000,000, for the purpose of funding the grant program
14 described in section 1 of this 2021 Act.

15
16 **“ARRESTS AND STOPS**

17
18 “SECTION 4. ORS 131.615 is amended to read:

19 “131.615. (1) A peace officer who reasonably suspects that a person has
20 committed or is about to commit a crime may stop the person and, after in-
21 forming the person that the peace officer is a peace officer, make a reason-
22 able inquiry.

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

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

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

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

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

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

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

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

12 “(6) **If a stop conducted under the authority of this section does not**
13 **result in an arrest or citation, a peace officer shall provide the stopped**
14 **person with the officer’s name and identification number or, if appli-**
15 **cable, a unique identifier assigned to the officer by the officer’s law**
16 **enforcement agency.**

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

18 “153.039. (1) An enforcement officer may not arrest, stop or detain a per-
19 son for the commission of a violation except to the extent provided in this
20 section and ORS 810.410.

21 “(2)(a) An enforcement officer may stop and detain any person if the of-
22 ficer has reasonable grounds to believe that the person has committed a vi-
23 olation. An enforcement officer may stop and detain any employee, agent or
24 representative of a firm, corporation or other organization if the officer has
25 reasonable grounds to believe that the firm, corporation or other organiza-
26 tion has committed a violation.

27 “(b) **The enforcement officer shall inform a stopped person that the**
28 **enforcement officer is an enforcement officer.**

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

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

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

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

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

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

12 **“SECTION 6.** ORS 810.410 is amended to read:

13 “810.410. (1) A police officer may arrest or issue a citation to a person for
14 a traffic crime at any place within or outside the jurisdictional authority of
15 the governmental unit by which the police officer is authorized to act as
16 provided by ORS 133.235 and 133.310.

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

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

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

25 “(3) A police officer:

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

27 “(b) **May** stop and detain a person for a traffic violation for the purposes
28 of investigation reasonably related to the traffic violation, identification and
29 issuance of citation.

30 **“(c) Shall inform a stopped person that the police officer is a police**

1 **officer.**

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

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

8 “[*(e)*] **(f)** May request consent to search in relation to the circumstances
9 referred to in paragraph [*(c)*] **(d)** of this subsection, or to search for items
10 of evidence otherwise subject to search or seizure under ORS 133.535[.], **only**
11 **if the officer first informs the person that the person has the right to**
12 **refuse the request. If consent is obtained, the officer shall ensure that**
13 **there is a written, video or audio record that the person gave informed**
14 **and voluntary consent to search.**

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

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

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

26 “(4) When a police officer at the scene of a traffic accident has reasonable
27 grounds, based upon the police officer’s personal investigation, to believe
28 that a person involved in the accident has committed a traffic offense in
29 connection with the accident, the police officer may issue to the person a
30 citation for that offense. The authority under this subsection is in addition

1 to any other authority to issue a citation for a traffic offense.

2 **“SECTION 7. The amendments to ORS 131.615, 153.039 and 810.410**
3 **by sections 4 to 6 of this 2021 Act apply to stops and searches occurring**
4 **on or after the effective date of this 2021 Act.**

5 **“SECTION 8. (1) Notwithstanding ORS 133.055, 133.235 and 133.310,**
6 **if a peace officer has probable cause to believe a person has committed**
7 **a crime described in subsection (2) of this section, the peace officer**
8 **may not arrest the person, and may issue a criminal citation to the**
9 **person, if:**

10 **“(a) There is no warrant for the person’s arrest;**

11 **“(b) The person has not been arrested for the same or a greater**
12 **inclusive offense;**

13 **“(c) The person has not been convicted of the same or a greater**
14 **inclusive offense; and**

15 **“(d) The person has not received a citation for the same or a**
16 **greater inclusive offense within the previous 45 days.**

17 **“(2) The crimes to which subsection (1) of this section applies are:**

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

19 **“(b) Theft in the third degree under ORS 164.043;**

20 **“(c) Criminal trespass in the second degree by a guest under ORS**
21 **164.243;**

22 **“(d) Criminal trespass in the second degree under ORS 164.245;**

23 **“(e) Criminal trespass at a sports event under ORS 164.278;**

24 **“(f) Offensive littering under ORS 164.805;**

25 **“(g) Unlawful sound recording under ORS 164.865;**

26 **“(h) Forgery in the second degree under ORS 165.007;**

27 **“(i) Criminal possession of a forged instrument in the second degree**
28 **under ORS 165.017;**

29 **“(j) Misrepresentation of age by a minor under ORS 165.805;**

30 **“(k) Interfering with public transportation under ORS 166.116;**

1 **“(L) Unlawful possession of a controlled substance under ORS**
2 **475.752 constituting a misdemeanor;**

3 **“(m) Unlawful possession of methadone under ORS 475.824 consti-**
4 **tuting a misdemeanor;**

5 **“(n) Unlawful possession of oxycodone under ORS 475.834 consti-**
6 **tuting a misdemeanor;**

7 **“(o) Unlawful possession of heroin under ORS 475.854 constituting**
8 **a misdemeanor;**

9 **“(p) Unlawful possession of cocaine under ORS 475.884 constituting**
10 **a misdemeanor;**

11 **“(q) Unlawful possession of methamphetamine under ORS 475.894**
12 **constituting a misdemeanor; or**

13 **“(r) An attempt to commit a crime listed in paragraphs (a) to (q)**
14 **of this subsection.**

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

18 **“(4) Notwithstanding subsections (1) and (3) of this section:**

19 **“(a) If the peace officer has probable cause to believe a person has**
20 **committed criminal trespass in the second degree by a guest under**
21 **ORS 164.243, criminal trespass in the second degree under ORS 164.245**
22 **or criminal trespass at a sports event under ORS 164.278 and is con-**
23 **tinuing to engage in conduct constituting the offense, prior to issuing**
24 **a citation the officer shall inform the person concerning the elements**
25 **of the offense and manner in which the person’s conduct constitutes**
26 **the offense, and shall make reasonable efforts, based on the totality**
27 **of the circumstances, to persuade the person to discontinue the con-**
28 **duct. If the person continues to engage in the conduct after the peace**
29 **officer has acted in accordance with this paragraph, the peace officer**
30 **may arrest the person.**

1 “(b) A peace officer, or any other person authorized by the juvenile
2 court of the county in which a youth as defined in ORS 419A.004 is
3 found, may take the youth into custody if there is probable cause to
4 believe that the youth committed an offense that, if committed by
5 adult, would constitute a crime listed in subsection (2) of this section.
6 The person taking the youth into custody shall release the youth to
7 the custody of the youth’s parent, guardian or other responsible per-
8 son in this state pursuant to ORS 419C.100.

9 “SECTION 9. Section 10 of this 2021 Act is added to and made a part
10 of the Oregon Vehicle Code.

11 “SECTION 10. (1) Notwithstanding ORS 810.410, a police officer may
12 not initiate a traffic violation stop for unlawful use or failure to use
13 lights under ORS 811.520 or operation without required lighting equip-
14 ment under ORS 816.330 if the offense is based on the following cir-
15 cumstances:

16 “(a) A headlight that is not in compliance with ORS 816.050 or
17 816.320, and the vehicle has a headlight that is in compliance;

18 “(b) A taillight that is not in compliance with ORS 816.080 or 816.320,
19 and the vehicle has a taillight that is in compliance;

20 “(c) A brake light that is not in compliance with ORS 816.100 or
21 816.320, and the vehicle has a brake light that is in compliance;

22 “(d) A taillight that does not emit red light as required by ORS
23 816.080 (2); or

24 “(e) A registration plate light that is not in compliance with ORS
25 816.090 or 816.320.

26 “(2)(a) A police officer who is prohibited from initiating a traffic
27 stop under subsection (1) of this section may issue a written warning
28 or citation for the failure to use lights under ORS 811.520 or operation
29 without required lighting equipment under ORS 816.330 by mailing the
30 warning or citation to the registered owner of the vehicle within six

1 **business days of the alleged violation.**

2 **“(b) A person issued a citation under this subsection may respond**
3 **to the citation by submitting a certificate of innocence or documen-**
4 **tation described in subsection (3) of this section.**

5 **“(3) A registered owner of a vehicle may respond by mail to a cita-**
6 **tion issued under subsection (2) of this section by submitting, within**
7 **30 days from the mailing of the citation:**

8 **“(a) A certificate of innocence swearing or affirming that the owner**
9 **was not the driver of the vehicle at the time of the violation and had**
10 **not knowingly permitted the vehicle to be driven or moved on any**
11 **highway at the time of the violation. A jurisdiction that receives a**
12 **certificate of innocence under this paragraph shall dismiss the citation**
13 **without requiring a court appearance by the registered owner or any**
14 **other information from the registered owner other than the swearing**
15 **or affirmation.**

16 **“(b) Documentation that the circumstances constituting the basis**
17 **for the citation have been repaired or otherwise remedied. A jurisdic-**
18 **tion that receives documentation under this paragraph shall dismiss**
19 **the citation without requiring a court appearance by the registered**
20 **owner or any other information from the registered owner other than**
21 **the documentation.**

22 **“(4) If the person named as the registered owner of a vehicle in the**
23 **current records of the Department of Transportation fails to respond**
24 **to a citation issued under subsection (2) of this section, a default**
25 **judgment under ORS 153.102 may be entered for failure to appear after**
26 **notice has been given that the judgment will be entered.**

27 **“SECTION 11. Sections 8 and 10 of this 2021 Act apply to conduct**
28 **alleged to constitute an offense occurring on or after the effective date**
29 **of this 2021 Act.**

30

1 **“JAIL ADMISSION FOR ILL PERSONS**

2
3 **“SECTION 12.** ORS 169.105 is amended to read:

4 **“169.105. [No] A person who is unconscious, seriously injured, seriously**
5 **ill and in need of urgent medical care or in serious need of psychiatric**
6 **care to the extent that the person’s health or safety is significantly**
7 **endangered, or who is otherwise in acute need of medical or psychi-**
8 **atric care, may not [shall] be admitted to custody in a facility described**
9 **in ORS 169.005, but shall instead be taken immediately to the nearest ap-**
10 **propriate medical facility for medical diagnosis, care and treatment.**

11
12 **“COMMUNITY CORRECTIONS**
13 **“(Parole and Probation Officers)**

14
15 **“SECTION 13. (1) As used in this section, ‘parole and probation of-**
16 **ficer’ has the meaning given that term in ORS 181A.355.**

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

21 **“(a) All reasonable attempts at contacting the probationer have**
22 **failed;**

23 **“(b) The location in which individuals seek public benefits and the**
24 **probation and post-prison supervision office are housed within the**
25 **same building;**

26 **“(c) The entity providing public benefits requests the visit; or**

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

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

1 **“SECTION 14.** ORS 181A.530 is amended to read:

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

8 “(a) The person has been certified as being qualified as a parole and
9 probation officer under provisions of ORS 181A.355 to 181A.670 and the cer-
10 tification has not lapsed or been revoked pursuant to ORS 181A.630, 181A.640
11 and 181A.650 (1) and not reissued under ORS 181A.650 (2); or

12 “(b) The person is exempted from the certification requirement under ORS
13 181A.420 (1) and (2).

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

22 **“(3) The initial training required for certification as a parole and**
23 **probation officer, and any mandatory training to maintain certifica-**
24 **tion, must include training in providing trauma-informed care, cul-**
25 **turally specific services and de-escalation techniques.**

26 “[(3)] (4) The certification of a parole and probation officer shall lapse
27 upon the passage of more than three consecutive months during which period
28 the officer is not employed as a parole and probation officer, unless the of-
29 ficer is on leave from a law enforcement unit. Upon reemployment as a
30 parole and probation officer, the person whose certification has lapsed may

1 apply for certification in the manner provided in ORS 181A.355 to 181A.670.

2 “[4] (5) In order to maintain certification, a parole and probation officer
3 who is employed part-time must complete annually at least 20 hours of con-
4 tinuing education approved by the Department of Public Safety Standards
5 and Training.

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

10

11 **“(Changes to Supervision Conditions)”**

12

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

14 “137.540. (1) The court may sentence the defendant to probation subject
15 to **any of** the following general conditions [*unless specifically deleted by the*
16 *court*] **if necessary and appropriate in a particular case.** The probationer
17 shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 “[*n*] **(p)** If recommended by the supervising officer, successfully complete
29 a sex offender treatment program approved by the supervising officer and
30 submit to polygraph examinations at the direction of the supervising officer

1 if the probationer:

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

3 “(B) Was previously convicted of a sex offense under ORS 163.305 to
4 163.467; or

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

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

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

13 “(A) When supervision begins;

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

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

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

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

20 “[*q*] (s) Submit to a risk and needs assessment as directed by the
21 supervising officer and follow reasonable recommendations resulting from
22 the assessment.

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

28 “(a) For crimes committed prior to November 1, 1989, and misdemeanors
29 committed on or after November 1, 1989, be confined to the county jail or
30 be restricted to the probationer’s own residence or to the premises thereof,

1 or be subject to any combination of such confinement and restriction, such
2 confinement or restriction or combination thereof to be for a period not to
3 exceed one year or one-half of the maximum period of confinement that could
4 be imposed for the offense for which the defendant is convicted, whichever
5 is the lesser.

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

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

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

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

15 “(d) For crimes constituting delivery of a controlled substance, as those
16 terms are defined in ORS 475.005, or for telephonic harassment under ORS
17 166.090, or for crimes involving domestic violence, as defined in ORS 135.230,
18 be prohibited from using Internet websites that provide anonymous text
19 message services.

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

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

30 “(4) When a person who is a sex offender is released on probation, the

1 court shall impose as a special condition of probation that the person not
2 reside in any dwelling in which another sex offender who is on probation,
3 parole or post-prison supervision resides, without the approval of the
4 person's supervising parole and probation officer, or in which more than one
5 other sex offender who is on probation, parole or post-prison supervision re-
6 sides, without the approval of the director of the probation agency that is
7 supervising the person or of the county manager of the Department of Cor-
8 rections, or a designee of the director or manager. As soon as practicable,
9 the supervising parole and probation officer of a person subject to the re-
10 quirements of this subsection shall review the person's living arrangement
11 with the person's sex offender treatment provider to ensure that the ar-
12 rangement supports the goals of offender rehabilitation and community
13 safety. As used in this subsection:

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

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

17 “(c) ‘Halfway house’ means a publicly or privately operated profit or
18 nonprofit residential facility that provides rehabilitative care and treatment
19 for sex offenders.

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

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

26 “(A) The victim resides in a county having a population of less than
27 130,000 and the person is required to reside in that county;

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

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

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

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

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

17 “(6) When a person who is a sex offender, as defined in ORS 163A.005, is
18 released on probation, the Department of Corrections or the county commu-
19 nity corrections agency, whichever is appropriate, shall notify the city police
20 department, if the person is going to reside within a city, and the county
21 sheriff’s office of the county in which the person is going to reside of the
22 person’s release and the conditions of the person’s release.

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

27 “(8) The court may order that probation be supervised by the court. [*If*
28 *the court orders that probation be supervised by the court, the defendant shall*
29 *pay a fee of \$100 to the court. Fees imposed under this subsection in the circuit*
30 *court shall be deposited by the clerk of the court in the General Fund. Fees*

1 *imposed in a justice court under this subsection shall be paid to the county*
2 *treasurer. Fees imposed in a municipal court under this subsection shall be*
3 *paid to the city treasurer.]*

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

5 “(b) When the court orders a defendant placed under the supervision of
6 the Department of Corrections or a community corrections agency, the
7 supervising officer may file with the court a proposed modification to the
8 special conditions of probation. The supervising officer shall provide a copy
9 of the proposed modification to the district attorney and the probationer. If
10 the district attorney:

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

15 “(B) Does not file an objection to the proposed modification less than five
16 judicial days after the proposed modification was filed, the proposed modifi-
17 cation becomes effective five judicial days after the proposed modification
18 was filed.

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

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

27 “[*(12)(a) If the court determines that a defendant has violated the terms of*
28 *probation, the court shall collect a \$25 fee from the defendant and may impose*
29 *a fee for the costs of extraditing the defendant to this state for the probation*
30 *violation proceeding if the defendant left the state in violation of the conditions*

1 *of the defendant's probation. The fees imposed under this subsection become*
2 *part of the judgment and may be collected in the same manner as a fine.]*

3 *"[(b) Probation violation fees collected under this subsection in the circuit*
4 *court shall be deposited by the clerk of the court in the General Fund.*
5 *Extradition cost fees collected in the circuit court under this subsection shall*
6 *be deposited by the clerk of the court in the Arrest and Return Account es-*
7 *tablished by ORS 133.865. Fees collected in a justice court under this sub-*
8 *section shall be paid to the county treasurer. Fees collected in a municipal*
9 *court under this subsection shall be paid to the city treasurer.]*

10 *"[(13)] (12) As used in this section, 'attends,' 'institution of higher edu-*
11 *cation,' 'works' and 'carries on a vocation' have the meanings given those*
12 *terms in ORS 163A.005.*

13 **"SECTION 16.** ORS 144.102 is amended to read:

14 "144.102. (1) The State Board of Parole and Post-Prison Supervision or
15 local supervisory authority responsible for correctional services for a person
16 shall specify in writing the conditions of post-prison supervision imposed
17 under ORS 144.096. A copy of the conditions must be given to the person
18 upon release from prison or jail.

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

23 "(a) Comply with the conditions of post-prison supervision as specified by
24 the board or supervisory authority.

25 "(b) Be under the supervision of the Department of Corrections and its
26 representatives or other supervisory authority and abide by their direction
27 and counsel.

28 "(c) Answer all reasonable inquiries of the board, the department or the
29 supervisory authority.

30 "(d) Report to the parole officer as directed by the board, the department

1 or the supervisory authority.

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

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

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

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

15 “(i) For crimes constituting delivery of a controlled substance, as those
16 terms are defined in ORS 475.005, or for telephonic harassment under ORS
17 166.090, or for crimes involving domestic violence, as defined in ORS 135.230,
18 be prohibited from using Internet websites that provide anonymous text
19 message services.

20 “(3) If the person is required to report as a sex offender under ORS
21 163A.010, the board or supervisory authority shall include as a condition of
22 post-prison supervision that the person report with the Department of State
23 Police, a city police department, a county sheriff’s office or the supervising
24 agency:

25 “(a) When supervision begins;

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

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

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

30 “(e) Within 10 days of a change in work, vocation or attendance status

1 at an institution of higher education.

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

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

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

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

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

17 “(D) In addition to the prohibition under subparagraph (C) of this para-
18 graph, a prohibition against being present, without the prior written ap-
19 proval of the board, supervisory authority or supervising officer, at, or on
20 property adjacent to, a school, child care center, playground or other place
21 intended for use primarily by persons under 18 years of age.

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

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

29 “(G) A prohibition against direct or indirect contact with the victim, un-
30 less approved by the victim, the person’s treatment provider and the board,

1 supervisory authority or supervising officer.

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

6 “(I) Agreement to consent to a search of the person or the vehicle or
7 residence of the person upon the request of a representative of the board or
8 supervisory authority if the representative has reasonable grounds to believe
9 that evidence of a violation of a condition of post-prison supervision will be
10 found.

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

16 “(K) Maintenance of a driving log and a prohibition against driving a
17 motor vehicle alone unless approved by the board, supervisory authority or
18 supervising officer.

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

21 “(M) A prohibition against residing in a dwelling in which another sex
22 offender who is on probation, parole or post-prison supervision resides unless
23 approved by the board, supervisory authority or supervising officer, or in
24 which more than one other sex offender who is on probation, parole or
25 post-prison supervision resides unless approved by the board or the director
26 of the supervisory authority, or a designee of the board or director. As soon
27 as practicable, the supervising officer of a person subject to the requirements
28 of this subparagraph shall review the person’s living arrangement with the
29 person’s sex offender treatment provider to ensure that the arrangement
30 supports the goals of offender rehabilitation and community safety.

1 “(c)(A) If the person is on post-prison supervision following conviction of
2 a sex crime, as defined in ORS 163A.005, or an assault, as defined in ORS
3 163.175 or 163.185, and the victim was under 18 years of age, the board or
4 supervisory authority, if requested by the victim, shall include as a special
5 condition of the person’s post-prison supervision that the person not reside
6 within three miles of the victim unless:

7 “(i) The victim resides in a county having a population of less than
8 130,000 and the person is required to reside in that county under subsection
9 (7) of this section;

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

13 “(iii) The person demonstrates to the board or supervisory authority by
14 a preponderance of the evidence that imposition of the condition will deprive
15 the person of a residence that would be materially significant in aiding in
16 the rehabilitation of the person or in the success of the post-prison super-
17 vision; or

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

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

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

29 “(d)(A) If a person is on post-prison supervision following conviction of
30 stalking under ORS 163.732 (2)(b) or violating a court’s stalking protective

1 order under ORS 163.750 (2)(b), the board or supervisory authority may in-
2 clude as a special condition of the person’s post-prison supervision reason-
3 able residency restrictions.

4 “(B) If the board or supervisory authority imposes the special condition
5 of post-prison supervision described in this paragraph and if at any time
6 during the period of post-prison supervision the victim moves to a location
7 that causes the person to be in violation of the special condition of post-
8 prison supervision, the board or supervisory authority may not require the
9 person to change the person’s residence in order to comply with the special
10 condition of post-prison supervision.

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

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

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

17 “(b) The board may require a person to pay restitution as a condition of
18 post-prison supervision imposed for an offense other than the offense for
19 which the restitution was ordered if the person:

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

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

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

27 “(7)(a) When a person is released from imprisonment on post-prison
28 supervision, the board shall order as a condition of post-prison supervision
29 that the person reside for the first six months after release in the county
30 that last supervised the person, if the person was on active supervision as

1 an adult for a felony at the time of the offense that resulted in the
2 imprisonment.

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

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

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

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

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

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

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

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

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

17 “(B) If the person did not have an identifiable address at the time of the
18 offense, or the address cannot be determined, the person is considered to
19 have resided in the county where the offense occurred.

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

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

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

30 “(A) The person provides proof of employment with no set ending date in

1 a county other than the county of residence determined under paragraph (c)
2 of this section;

3 “(B) The person is found to pose a significant danger to a victim of the
4 person’s crime residing in the county of residence, or a victim or victim’s
5 family residing in the county of residence is found to pose a significant
6 danger to the person;

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

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

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

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

16 “(e) The board shall consider eligibility for transitional housing programs
17 and residential treatment programs when determining whether to waive the
18 residency condition under paragraph (b) of this subsection, and the accept-
19 ance of the person into a transitional housing program or a residential
20 treatment program constitutes good cause as described in paragraph (d)(F)
21 of this subsection.

22 “(8) As used in this section:

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

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

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

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

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

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

2 “137.630. (1) The duties of parole and probation officers appointed pursu-
3 ant to ORS 137.590 or 423.500 to 423.560 are:

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

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

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

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

16 **“(e) To provide each person under their supervision the ability to**
17 **report by the least onerous means possible that will reasonably sup-**
18 **port the person’s successful completion of supervision while taking**
19 **into consideration the person’s individual circumstances.**

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

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

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

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

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

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

8
9 **“(Abolition of Supervision Fees and Conforming Amendments)**

10
11 **“SECTION 18. ORS 423.570 is repealed.**

12 **“SECTION 19. In addition to and not in lieu of any other appropri-**
13 **ation, there is appropriated to the Department of Corrections, for the**
14 **biennium beginning July 1, 2021, out of the General Fund, the amount**
15 **of \$_____ for distribution to counties as reimbursement for mon-**
16 **eys no longer received due to the repeal of ORS 423.570 by section 18**
17 **of this 2021 Act.**

18 **“SECTION 20. ORS 133.865 is amended to read:**

19 “133.865. (1) The Arrest and Return Account is established separate and
20 distinct from the General Fund. The account consists of moneys deposited
21 into the account under ORS [*137.540,*] 144.605 and 161.665, moneys allocated
22 to the account under ORS 137.300 and other moneys received by the Gover-
23 nor for the purpose of paying the costs of extraditing defendants.

24 “(2) Except as provided in subsection (3) of this section, moneys in the
25 account are continuously appropriated to the Governor for the purpose of
26 paying costs incurred in carrying out the provisions of ORS 133.743 to
27 133.857.

28 “(3) Moneys deposited in the Arrest and Return Account under ORS
29 144.605 are continuously appropriated to the Governor for the purpose of
30 paying costs incurred in retaking offenders who have transferred supervision

1 under the Interstate Compact for Adult Offender Supervision described in
2 ORS 144.600.

3 **“SECTION 21.** ORS 144.089 is amended to read:

4 “144.089. (1) As used in this section:

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

7 “(b) ‘Community service’ has the meaning given that term under ORS
8 137.126.

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

10 “(A) Unpaid costs for conviction;

11 “(B) Attorney fees;

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

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

16 “(d) ‘Person’ means an individual who has served a sentence in the legal
17 and physical custody of the Department of Corrections and who is serving
18 an active period of parole or post-prison supervision.

19 “(e) ‘Supervisory authority’ has the meaning given that term under ORS
20 144.087.

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

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

25 “(c) The local supervisory authority may determine whether a
26 community-based organization qualifies for the community service exchange
27 program.

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

30 “(3) The community service exchange program may not result in a waiver

1 of unpaid balances for:

2 “(a) Restitution or compensatory fines imposed under ORS 137.101 to
3 137.109;

4 “(b) Unpaid obligations imposed by a support order under ORS chapter
5 25;

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

7 “(d) Fines for traffic offenses.

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

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

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

15 “(5) A community-based organization shall supervise and record the com-
16 munity service that a person performs to fulfill the requirements established
17 by the written agreement described under this section. The community-based
18 organization shall notify the local supervisory authority as soon as a person
19 has entered into the community service exchange program and when the
20 person has successfully fulfilled or failed to meet the requirements of the
21 program.

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

25 “[*a*] the local supervisory authority shall notify the court of the county
26 in which the person was convicted. Notwithstanding ORS 137.143, upon no-
27 tification from the local supervisory authority, the court shall suspend all
28 collection activity of delinquent fees or debts.

29 “[*b*] *If a person is under the supervision of a community corrections*
30 *agency, the local supervisory authority shall notify the community corrections*

1 agency. *The community corrections agency or the local supervisory authority*
2 *shall cause all collection of supervision fees, including but not limited to those*
3 *ordered pursuant to ORS 423.570, to be ceased.*]

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

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

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

17 “[*(c) If the person is under the supervision of a community corrections*
18 *agency or other local supervisory authority, upon notification of completion*
19 *from the community-based organization, the local supervisory authority shall*
20 *notify the community corrections agency and the community corrections agency*
21 *or local supervisory authority shall waive the supervision fees, including but*
22 *not limited to those ordered pursuant to ORS 423.570, and the local supervisory*
23 *authority may waive all other fees to offset the costs of supervision.*]

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

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

29 “(a) The community-based organization shall notify the local supervisory
30 authority and, if applicable, the local supervisory authority shall notify the

1 community corrections agency or other local supervisory authority. [*Upon*
2 *notification, the local supervisory authority or the community corrections*
3 *agency shall resume collection of the supervision fees, including but not limited*
4 *to those ordered pursuant to ORS 423.570.*]

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

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

10 **“SECTION 22.** ORS 144.103 is amended to read:

11 “144.103. (1) Except as otherwise provided in ORS 137.765 and subsection
12 (2) of this section, any person sentenced to a term of imprisonment for vio-
13 lating or attempting to violate ORS 163.365, 163.375, 163.395, 163.405, 163.408,
14 163.411, 163.425 or 163.427 shall serve a term of active post-prison supervision
15 that continues until the term of the post-prison supervision, when added to
16 the term of imprisonment served, equals the maximum statutory indetermi-
17 nate sentence for the violation.

18 “(2)(a) A person sentenced to a term of imprisonment for violating one
19 of the offenses listed in paragraph (b) of this subsection shall serve a term
20 of post-prison supervision that continues for the rest of the person’s life if
21 the person was at least 18 years of age at the time the person committed the
22 crime.

23 “(b) The offenses to which paragraph (a) of this subsection applies are:

24 “(A) ORS 163.375 (1)(b);

25 “(B) ORS 163.405 (1)(b);

26 “(C) ORS 163.411 (1)(b); and

27 “(D) ORS 163.235 when the offense is committed in furtherance of the
28 commission or attempted commission of rape in the first degree, sodomy in
29 the first degree or unlawful sexual penetration in the first degree if the
30 victim is under 12 years of age.

1 “(c) When a person is sentenced to a term of post-prison supervision de-
2 scribed in paragraph (a) of this subsection, the person must be actively
3 supervised for at least the first 10 years of the post-prison supervision and
4 actively tracked for the remainder of the term. Active tracking may be done
5 by means of an electronic device attached to the person.

6 “(3) A person sentenced to a term of imprisonment for violating ORS
7 163.185 (1)(b) shall serve a term of post-prison supervision that continues
8 until the term of the post-prison supervision, when added to the term of
9 imprisonment served, equals the maximum statutory indeterminate sentence
10 for the violation.

11 “[(4) Any costs incurred as a result of this section shall be paid by in-
12 creased post-prison supervision fees under ORS 423.570.]

13

14

“(Applicability)

15

16 “**SECTION 23.** Section 13 of this 2021 Act, the amendments to ORS
17 133.865, 137.540, 137.630, 144.089, 144.102, 144.103 and 181A.530 by sections
18 14 to 17 and 20 to 22 of this 2021 Act and the repeal of ORS 423.570 by
19 section 18 of this 2021 Act apply to sentences imposed on or after the
20 effective date of this 2021 Act.

21

22

“JUSTICE REINVESTMENT PROGRAM CHANGES

23

24 “**SECTION 24.** Section 52, chapter 649, Oregon Laws 2013, is amended to
25 read:

26

27

28

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30

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

1 **by law.**

2 **“SECTION 25.** Section 53, chapter 649, Oregon Laws 2013, as amended
3 by section 54, chapter 649, Oregon Laws 2013, and section 1, chapter 598,
4 Oregon Laws 2019, is amended to read:

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

15 **“(b)** Notwithstanding paragraph (a) of this subsection, no less than [10]
16 **15** percent of grant funds awarded under this section must be distributed to
17 community-based nonprofit organizations that provide services to victims of
18 crime, **with priority given to culturally specific organizations and cul-**
19 **turally responsive services.**

20 **“(c)(A)** Notwithstanding paragraphs (a) and (b) of this subsection,
21 **recognizing that systemic racism exists within this state and within**
22 **the criminal justice system, and for the purposes of expanding cul-**
23 **turally specific organizations and culturally responsive services to ad-**
24 **dress those disparities, no less than 20 percent of grant funds awarded**
25 **under this section shall be distributed to the Northwest Health Foun-**
26 **dation Fund II for the purposes of distributing subgrants to culturally**
27 **specific organizations and culturally responsive service providers. The**
28 **purposes of the funds distributed under this paragraph are to promote**
29 **racial equity, reduce racial disparities, reduce recidivism and decrease**
30 **a county’s utilization of imprisonment in a Department of Corrections**

1 institution while protecting public safety and holding offenders ac-
2 countable.

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

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

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

10 “(ii) Maternal health services;

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

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

15 “(v) Crisis intervention without police involvement;

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

18 “(vii) Long-term supportive housing;

19 “(viii) Support for setting aside conviction records;

20 “(ix) Pretrial release support;

21 “(x) Services for victims, including incarcerated victims or victims
22 on pretrial release;

23 “(xi) Programs for persons, and families of persons, who are cur-
24 rently or were formerly incarcerated;

25 “(xii) Programs designed to reduce recidivism and reduce contact
26 with the criminal justice system;

27 “(xiii) Programs for persons who have been impacted by police vi-
28 olence, either directly or through a family member; or

29 “(xiv) Planning grants and technical assistance to support the de-
30 velopment of new culturally specific services, or to strengthen existing

1 **services, that are aligned with the other purposes described in this**
2 **subparagraph.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 “(6)(a) The commission shall regularly evaluate the community-based
20 sanctions, services and programs funded under **subsection (1)(a) or (b) of**
21 **this section**. The commission shall specifically assess the extent to which
22 each county is reducing utilization of imprisonment in Department of Cor-
23 rections facilities by offenders convicted of felonies under ORS 137.717,
24 475.752 to 475.980, 811.182, 813.010 or 813.011.

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

28 “(7)(a) Before applying for grant funds to administer a community-based
29 program described in subsection (10)(a)(D) of this section, the county must
30 obtain the consent of the presiding judge of the judicial district in which the

1 county is located.

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

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

8 “(a) A methodology for reviewing and approving grant applications and
9 distributing grant funds **under subsection (1)(a) or (b) of this section.**
10 Rules described in this paragraph must provide the Justice Reinvestment
11 Grant Review Committee with the ability to approve grant applications for
12 submission for final approval by the commission. The commission may either
13 approve the grant application or return the application for reconsideration
14 by the committee.

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

17 “(c) A requirement that the grant review committee consider, when ap-
18 proving grant applications, each county’s historical reduction of utilization
19 of imprisonment in Department of Corrections facilities by offenders con-
20 victed of felonies under ORS 137.717, 475.752 to 475.980, 811.182, 813.010 or
21 813.011.

22 “(d) Provisions allowing the grant review committee to submit to the
23 commission, and the commission to approve, provisional funding plans for
24 counties applying for grants under this section.

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

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

8 “(10) As used in this section:

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

11 “(A) Work release programs;

12 “(B) Structured, transitional leave programs;

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

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

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

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

19 “(c) **‘Culturally responsive service’ means a service that is**
20 **respectful of, and relevant to, the beliefs, practices, cultures and lin-**
21 **guistic needs of diverse consumer or client populations and commu-**
22 **nities whose members identify as having particular cultural or**
23 **linguistic affiliations by virtue of their place of birth, ancestry or**
24 **ethnic origin, religion, preferred language or language spoken at**
25 **home. A culturally responsive service has the capacity to respond to**
26 **the issues of diverse communities and require knowledge and capacity**
27 **at systemic, organizational, professional and individual levels of**
28 **intervention.**

29 “(d) **‘Culturally specific organization’ means an organization, or a**
30 **program within an organization, that serves a particular cultural**

1 community, that is primarily staffed and led by members of that
2 community and that demonstrates self-advocacy, positive cultural
3 identity and intimate knowledge of the lived experience of the com-
4 munity, including but not limited to:

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

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

9 “(C) Community strengths, cultural practices, beliefs and tradi-
10 tions.

11 **“SECTION 26.** In addition to and not in lieu of any other appropri-
12 ation, there is appropriated to the Oregon Criminal Justice Commis-
13 sion, for the biennium beginning July 1, 2021, out of the General Fund,
14 the amount of \$8,000,000, for deposit into the Justice Reinvestment
15 Account established under section 52, chapter 649, Oregon Laws 2013.

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

21 **“SECTION 28.** (1) The Oregon Criminal Justice Commission shall
22 evaluate the implementation and monitor the progress of subgrants
23 distributed by the Northwest Health Foundation Fund II under section
24 53 (1)(c), chapter 649, Oregon Laws 2013, using funds appropriated to
25 the commission for such purpose. The expenditure of the funds under
26 this subsection may include support for subgrantees participating in
27 the evaluation.

28 “(2) The commission shall convene a stakeholder group to assist
29 with the evaluation described in subsection (1) of this section. The
30 group must be composed of culturally diverse persons with expertise

1 in culturally responsive evaluations, persons with expertise in criminal
2 justice issues and subgrantees receiving funds under section 53 (1)(c),
3 chapter 649, Oregon Laws 2013.

4 “(3) The evaluator conducting the evaluation described in sub-
5 section (1) of this section must have expertise in racial equity, facili-
6 tation of community-based participatory evaluation methods and
7 demonstrated experience with facilitating inclusive processes with di-
8 verse communities.

9 “(4) No later than June 30, 2023, the commission shall provide a
10 report detailing the progress of the evaluation described in subsection
11 (1) of this section to the Legislative Assembly, in the manner provided
12 in ORS 192.245, and shall include recommendations for additional
13 evaluation needs.

14 “SECTION 29. Section 28 of this 2021 Act is repealed on July 1, 2023.

15
16 **“CRIMINAL JUSTICE DATA REPORTING**

17
18 “SECTION 30. (1)(a) The Oregon Criminal Justice Commission, in
19 consultation with the Department of Corrections, shall collect data
20 concerning the imposition of supervision conditions on persons on
21 probation or post-prison supervision.

22 “(b) The commission shall review the data described in paragraph
23 (a) of this subsection and make the data, disaggregated by race,
24 ethnicity, gender and county, available to the public in a clear and
25 accessible format, either in a report or on the website of the commis-
26 sion.

27 “(2)(a) The Oregon Criminal Justice Commission, in coordination
28 with the Department of Corrections, shall collect data concerning the
29 number of persons on supervision, persons revoked from supervision
30 and sentenced to incarceration, and persons sanctioned for violating

1 conditions of supervision and serving a sanction in a local correctional
2 facility.

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

8 “(c) Department of Corrections community corrections and local
9 supervisory authorities shall, at intake of a person on supervision,
10 collect and maintain information concerning the person’s race,
11 ethnicity and gender, according to standardized designations in census
12 data, and shall at least annually provide the data to the commission.

13 **“SECTION 31.** Section 30 of this 2021 Act is repealed on January 1,
14 2032.

15 **“SECTION 32.** (1) No later than September 15, 2022, the Oregon
16 Criminal Justice Commission shall report to the relevant committees
17 of the Legislative Assembly, in the manner provided under ORS
18 192.245, the following information:

19 “(a)(A) The amount and percent of Justice Reinvestment Program
20 funds provided to counties for community-based sanctions, services
21 and programs;

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

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

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

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

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

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

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

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

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

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

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

19
20 “APPROPRIATION FOR REIMAGINE SAFETY FUND

21
22 “SECTION 34. In addition to and not in lieu of any other appropri-
23 ation, there is appropriated to the Oregon Department of Administra-
24 tive Services, for the biennium beginning July 1, 2021, out of the
25 General Fund, the amount of \$1,500,000, for distribution to the North-
26 west Health Foundation Fund II for deposit into the Reimagine Safety
27 Fund.

28 “SECTION 35. (1) Permissible uses of the funds received under sec-
29 tion 34 of this 2021 Act include, but are not limited, to researching
30 ways to ensure equitable outcomes in public safety, educating im-

1 **pacted communities about the current public safety system and pro-**
2 **viding a community-driven process to produce recommendations to the**
3 **Legislative Assembly for public safety reform.**

4 **“(2) No later than February 15, 2022, the Northwest Health Foun-**
5 **dation Fund II shall provide a report to the committees of the Legis-**
6 **lative Assembly related to the judiciary, in the manner provided in**
7 **ORS 192.245, concerning how the funds received under section 34 of**
8 **this 2021 Act were expended.**

9 **“(3) No later than December 15, 2022, the Northwest Health Foun-**
10 **dation Fund II shall provide to the interim committees of the Legis-**
11 **lative Assembly related to the judiciary, in the manner provided in**
12 **ORS 192.245, an update to the information provided under subsection**
13 **(2) of this section.**

14 **“SECTION 36. Section 35 of this 2021 Act is repealed on January 1,**
15 **2023.**

16
17 **“CAPTIONS**

18
19 **“SECTION 37. The unit captions used in this 2021 Act are provided**
20 **only for the convenience of the reader and do not become part of the**
21 **statutory law of this state or express any legislative intent in the**
22 **enactment of this 2021 Act.**

23
24 **“EMERGENCY CLAUSE**

25
26 **“SECTION 38. This 2021 Act being necessary for the immediate**
27 **preservation of the public peace, health and safety, an emergency is**
28 **declared to exist, and this 2021 Act takes effect on its passage.”.**