

A-Engrossed
Senate Bill 1560

Ordered by the Senate February 14
Including Senate Amendments dated February 14

Sponsored by Senators DEMBROW, PROZANSKI, MANNING JR; Senators CAMPOS, FREDERICK, JAMA, MEEK, PATTERSON, SOLLMAN, WOODS, Representatives CHAICHI, DEXTER, REYNOLDS (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act creates the Task Force on Compassionate Medical Release. The Act directs the task force to submit a report to the legislature by December 31, 2024. The Act takes effect when it is signed by the Governor. (Flesch Readability Score: 60.3).

[Digest: The Act creates a process by which adults in custody can apply for early medical release from custody. The Act creates a new committee under the parole board that reviews applications and decides when to recommend release. The Act takes effect on the 91st day after sine die. (Flesch Readability Score: 60.1).]

[Establishes the Medical Release Advisory Committee within the State Board of Parole and Post-Prison Supervision. Specifies the qualifications of members of the committee. Establishes procedures by which adults in custody may apply for early medical release from custody and standards by which the committee recommends release. Establishes a cap on the number of applications per month that the committee may consider until January 1, 2027. Provides for appointment of an attorney upon a release recommendation from the committee.]

[Directs the board to accept a release recommendation from the committee unless the applicant poses a danger to another person or the public that outweighs compassionate reasons for release. Directs the board to refer an applicant to the sentencing court for sentences requiring court authorization for early medical release.]

[Establishes procedures for the sentencing court to consider a motion authorizing early medical release and enter a supplemental judgment.]

[Directs the Department of Corrections to inform adults in custody concerning the early medical release process and ensure that application forms are available to all adults in custody. Authorizes the department to directly refer adults in custody to the committee for early medical release. Directs the department to refer to the committee certain adults in custody with terminal illness. Specifies the release process when early medical release is ordered or authorized.]

[Directs the committee to annually report data concerning early medical release to the committees of Legislative Assembly related to the judiciary.]

[Prohibits a prosecuting attorney from conditioning a plea offer on a waiver of early medical release eligibility.]

[Increases the maximum number of board members from five to six.]

[Takes effect on the 91st day following adjournment sine die.]

Establishes the Task Force on Compassionate Medical Release. Directs the task force to submit a report with findings and recommendations for legislation to the interim committees of the Legislative Assembly related to the judiciary by December 31, 2024.

Sunsets on January 2, 2025.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to early medical release from custody; and declaring an emergency.

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

4 **SECTION 1. (1) The Task Force on Compassionate Medical Release is established.**

5 **(2) The task force consists of 23 members appointed as follows:**

6 **(a) The President of the Senate shall appoint two members from among members of the**
7 **Senate.**

8 **(b) The Speaker of the House of Representatives shall appoint two members from among**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **members of the House of Representatives.**

2 **(c) The Governor shall appoint the following members:**

3 **(A) The Corrections Ombudsman appointed under ORS 423.400.**

4 **(B) One member representing the Department of Corrections.**

5 **(C) One member representing the Department of Corrections Health Services program.**

6 **(D) One member representing the Oregon Health Authority.**

7 **(E) One member representing the Department of Justice.**

8 **(F) Two members representing the State Board of Parole and Post-Prison Supervision,**
9 **one of whom is a member of the board.**

10 **(G) One member representing community corrections agencies.**

11 **(H) One member representing district attorneys.**

12 **(I) One member representing either the Oregon Public Defense Commission or the**
13 **Oregon Criminal Defense Lawyers Association.**

14 **(J) One member representing advocates for adults in custody.**

15 **(K) Two members who are medical professionals not employed by the Department of**
16 **Corrections, one of whom has direct experience in providing corrections health services.**

17 **(L) Two members who are crime survivor advocates, at least one of whom has direct**
18 **lived experience as a crime survivor.**

19 **(M) Two members who are former adults in custody, or family members of adults in**
20 **custody, who received or assisted in providing medical care while in the custody of the De-**
21 **partment of Corrections.**

22 **(N) One member with academic legal expertise in the corrections release process.**

23 **(d) The Chief Justice of the Supreme Court shall appoint one member representing the**
24 **Judicial Department.**

25 **(3) The task force shall:**

26 **(a) Examine existing statutes authorizing early medical release from custody and identify**
27 **any barriers that are impeding or delaying the process.**

28 **(b) Examine the criteria by which the board determines public risk when making medical**
29 **release decisions under current law.**

30 **(c) Analyze medical release practices in other states and any recent changes to the pro-**
31 **cess in the federal prison system.**

32 **(d) Review A-engrossed Senate Bill 520 (2023) to determine what modifications are needed**
33 **for future versions of the bill.**

34 **(e) Determine whether the medical release process should draw distinctions between**
35 **those adults in custody who are terminally ill and near death and those who are not near**
36 **death but who are unable to perform activities of daily living independently.**

37 **(f) Determine whether the medical release process should draw distinctions between di-**
38 **rect medical release referrals from the Department of Corrections and petitions for medical**
39 **release from adults in custody.**

40 **(g) Determine the best process for assuring a quality care setting for adults in custody**
41 **who are granted medical release.**

42 **(h) Determine the appropriate burden of proof in medical release decision-making.**

43 **(i) Review the role of ORS 137.218 and the Governor's executive clemency authority for**
44 **qualifying adults in custody serving mandatory minimum sentences.**

45 **(j) Analyze the differences between medical leave and medical release.**

1 **(k) Determine how and when to provide access to legal counsel for adults in custody pe-**
2 **tioning for medical release.**

3 **(L) Calculate the current costs of providing medical care for adults in custody who are**
4 **terminally ill or severely incapacitated.**

5 **(m) Calculate potential savings from reforming the current medical release program.**

6 **(n) Determine the appropriate involvement of crime survivors on the medical release**
7 **process.**

8 **(4) A majority of the voting members of the task force constitutes a quorum for the**
9 **transaction of business.**

10 **(5) Official action by the task force requires the approval of a majority of the voting**
11 **members of the task force.**

12 **(6) The task force shall elect one of its members to serve as chairperson.**

13 **(7) If there is a vacancy for any cause, the appointing authority shall make an appoint-**
14 **ment to become immediately effective.**

15 **(8) The task force shall meet at times and places specified by the call of the chairperson**
16 **or of a majority of the voting members of the task force.**

17 **(9) The task force may adopt rules necessary for the operation of the task force.**

18 **(10) The task force shall submit a report of the task force's findings in the manner pro-**
19 **vided by ORS 192.245, and shall include recommendations for legislation and improvements**
20 **to agency policies and procedures, to the interim committees of the Legislative Assembly**
21 **related to the judiciary no later than December 31, 2024.**

22 **(11) The Legislative Policy and Research Director shall provide staff support to the task**
23 **force.**

24 **(12) Members of the Legislative Assembly appointed to the task force and the Corrections**
25 **Ombudsman are nonvoting members of the task force and may act in an advisory capacity**
26 **only.**

27 **(13) Members of the task force who are not members of the Legislative Assembly are not**
28 **entitled to compensation or reimbursement for expenses and serve as volunteers on the task**
29 **force.**

30 **(14) All agencies of state government, as defined in ORS 174.111, are directed to assist**
31 **the task force in the performance of the duties of the task force and, to the extent permitted**
32 **by laws relating to confidentiality, to furnish information and advice the members of the task**
33 **force consider necessary to perform their duties.**

34 **SECTION 2.** Section 1 of this 2024 Act is repealed on January 2, 2025.

35 **SECTION 3.** This 2024 Act being necessary for the immediate preservation of the public
36 **peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect**
37 **on its passage.**

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