

HB 2465 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/12

WHAT THE MEASURE DOES:

Adds "a parole and probation officer as described in ORS 181A.355" to the definition of *custody* in ORS 162.135, which relates to the crimes of escape in the first, second, and third degrees. Modifies the definition of *unauthorized departure* to include the failure to return to "confinement" instead of the failure to return to "custody" when a person is temporarily released from a correctional facility. Provides that parole and probation officers may access Department of Transportation drivers license photos. Changes "adult in custody" to "a person confined in" a facility.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

A person can commit the crime of escape by *escaping* from *custody*. *Escape* means "the unlawful departure of a person from custody or a correctional facility." ORS 162.135(5). *Custody*, under the current law, "means the imposition of actual or constructive restraint by a peace officer pursuant to an arrest or court order, but does not include detention in a correctional facility, youth correction facility or a state hospital." ORS 162.135(4). Escape can be in the first degree (Class B felony), second degree (Class C felony), or third degree (Class A misdemeanor), depending on the specific conduct or circumstances.