

HB 2465 -2 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/12, 3/4

WHAT THE MEASURE DOES:

The measure 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 degree*. The measure makes non-substantive technical changes to the definitions of "contraband." And the measure provides that parole and probation officers may access Department of Transportation drivers license photos.

REVENUE: Has minimal revenue impact.

FISCAL: Has minimal fiscal impact.

ISSUES DISCUSSED:

- Emergency clause

EFFECT OF AMENDMENT:

-2 The amendment declares an emergency and makes section one of the measure effective on passage.

REVENUE: Has minimal revenue impact.

FISCAL: Has minimal fiscal impact.

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. While "custody" under ORS 162.135(4) does not currently mention parole or probation officers, other statutes in the section specifically include "a peace officer or parole and probation officer" in crimes like *interfering with a peace officer or parole and probation officer* and *resisting arrest*. ORS 162.247; .315. Under the current version of ORS 807.115, law enforcement officials and Department of Transportation employees acting in an official capacity may access digital images of drivers license photos.