

HB 2465 A STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 4/22, 4/29

WHAT THE MEASURE DOES:

The measure adds actual or constructive restraint by "a parole and probation officer" to the definition of "custody" relating to the crimes of *escape in the first, second, and third degree*. The measure makes non-substantive technical changes to the definitions of "contraband." The measure also provides that starting January 1st, 2026, parole and probation officers may access Department of Transportation driver's license photos, and for the other provisions declares an emergency and is effective on passage.

HOUSE VOTE: Ayes, 58; Excused, 2

REVENUE: Has minimal revenue impact

FISCAL: Has minimal fiscal impact

ISSUES DISCUSSED:

- Emergency clause
- Comparison to current statute
- Limits on terms "unlawful departure" and "custody"

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. 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, 162.315. 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 driver's license photos.