

House Bill 2555

Sponsored by Representative NELSON, Senator MANNING JR; Representatives CHAICHI, PHAM H, RUIZ, SMITH G, Senators FREDERICK, GELSER BLOUIN, GORSEK, PHAM K, PROZANSKI, REYNOLDS (Pre-session 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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes changes to a pilot program for family sentencing in court. (Flesch Readability Score: 63.4).

Changes the name of the Family Sentencing Alternative Pilot Program to the Family Sentencing Alternative Program. Makes the program permanent. Modifies eligibility requirements for the program to include all sentences for which a defendant is eligible for a downward dispositional departure.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to sentencing; creating new provisions; amending section 1, chapter 673, Oregon Laws 2017;
3 repealing sections 1 and 4, chapter 830, Oregon Laws 2015; and declaring an emergency.

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

FAMILY SENTENCING ALTERNATIVE PROGRAM

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8 **SECTION 1. (1) The Department of Corrections, in partnership with the circuit court and**
9 **community corrections agencies of participating counties and the Department of Human**
10 **Services, shall establish the Family Sentencing Alternative Program.**

11 **(2) A defendant is eligible for the Family Sentencing Alternative Program if:**

12 **(a) The defendant's presumptive sentence under the sentencing guidelines of the Oregon**
13 **Criminal Justice Commission is a term of imprisonment in the legal and physical custody of**
14 **the Department of Corrections of at least one year; and**

15 **(b) The defendant is pregnant at the time of sentencing, or is the parent, legal guardian**
16 **or primary caretaker of a minor child and at the time of the offense or sentencing had**
17 **physical custody of the child.**

18 **(3)(a) If the defendant meets the eligibility requirements described in subsection (2) of**
19 **this section and is eligible for a downward dispositional departure under the rules of the**
20 **Oregon Criminal Justice Commission, the court may order that the defendant sign a release**
21 **authorizing the Department of Human Services to provide the community corrections agency**
22 **with written confirmation of, and consultation concerning, any open or current juvenile de-**
23 **pendency proceeding or any prior substantiated allegation of abuse or neglect involving the**
24 **defendant and a minor child.**

25 **(b) The court may consider eligibility in the Family Sentencing Alternative Program as**
26 **a mitigating factor when determining whether to sentence the defendant to probation, with**
27 **a requirement that the defendant participate in the program as a condition of probation, as**

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 a downward dispositional departure under the rules of the commission.

2 (4) After receipt of the information described in subsection (3) of this section, the com-
3 munity corrections agency, in consultation with the Department of Human Services, shall
4 determine if the Family Sentencing Alternative Program is an appropriate program for the
5 defendant and, if the program is appropriate and the defendant is sentenced to a term of
6 probation, require participation in the program for the first 12 months of the probationary
7 sentence. In addition to the conditions of probation ordered under ORS 137.540, the defendant
8 may be required to comply with any additional conditions related to the program, including
9 but not limited to:

10 (a) Geographical restrictions, including house arrest and electronic surveillance;

11 (b) Participation in vocational training; and

12 (c) Completion of:

13 (A) Parenting skills classes;

14 (B) Drug or alcohol treatment;

15 (C) Mental health treatment; or

16 (D) Life skills classes.

17 (5) The Department of Human Services and community corrections agencies shall coop-
18 erate with the Department of Corrections in implementing the Family Sentencing Alterna-
19 tive Program described in this section.

20 (6) The Department of Human Services and the Department of Corrections shall jointly
21 submit a report concerning the Family Sentencing Alternative Program, which must include
22 program outcomes and data related to the efficacy of the program, and which may include
23 recommendations for legislation in the manner provided by ORS 192.245, to the interim
24 committees of the Legislative Assembly related to the judiciary no later than January 1 of
25 each year.

26 (7) The Department of Corrections shall establish a process for selecting counties to
27 participate in the Family Sentencing Alternative Program.

28 (8) The Department of Corrections and the Department of Human Services may adopt
29 rules to carry out the provisions of this section.

30 (9) Services provided under the Family Sentencing Alternative Program must be cul-
31 turally specific for each defendant.

32 (10) As used in this section, “caretaker” means an individual who is responsible for the
33 care, control and supervision of a child regardless of biological or legal relationship.

34 **SECTION 2.** (1) Section 1, chapter 830, Oregon Laws 2015, as amended by section 2,
35 chapter 673, Oregon Laws 2017, is repealed.

36 (2) Section 4, chapter 830, Oregon Laws 2015, is repealed.

37 **SECTION 3.** The Legislative Assembly intends that if this 2025 Act becomes law after
38 June 30, 2025, section 1 of this 2025 Act shall be operative retroactively to June 30, 2025. All
39 actions consistent with section 1 of this 2025 Act taken by the Department of Corrections,
40 the Department of Human Services, a circuit court or a community corrections agency of a
41 participating county, after June 30, 2025, and prior to the effective date of this 2025 Act are
42 hereby ratified and approved.

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44 **CONFORMING AMENDMENTS**
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1 **SECTION 4.** Section 1, chapter 673, Oregon Laws 2017, is amended to read:

2 **Sec. 1.** Sections 7, [to] **8 and 10** [of this 2017 Act], **chapter 673, Oregon Laws 2017, section**
3 **5, chapter 98, Oregon Laws 2018, section 1 of this 2025 Act**, the amendments to ORS 137.717 and
4 421.168 [and section 1, chapter 830, Oregon Laws 2015,] by sections [2,] 4, 5 and 6 [of this 2017 Act],
5 **chapter 673, Oregon Laws 2017**, and the repeal of section 16, chapter 649, Oregon Laws 2013, by
6 section 3 [of this 2017 Act], **chapter 673, Oregon Laws 2017**, shall be known and may be cited as
7 the Safety and Savings Act.

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CAPTIONS

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11 **SECTION 5.** The unit captions used in this 2025 Act are provided only for the convenience
12 of the reader and do not become part of the statutory law of this state or express any leg-
13 islative intent in the enactment of this 2025 Act.

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EFFECTIVE DATE

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17 **SECTION 6.** This 2025 Act being necessary for the immediate preservation of the public
18 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect
19 on its passage.

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