

A-Engrossed House Bill 2632

Ordered by the House April 10
Including House Amendments dated April 10

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of House Interim Committee on Judiciary for Representative Jason Kropf)

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 renames specialty courts to treatment courts and tells the Chief Justice to take certain actions related to treatment courts. (Flesch Readability Score: 60.6).

[Digest: The Act tells the CJC to do a study. (Flesch Readability Score: 100.0).]

[Directs the Oregon Criminal Justice Commission to study issues related to specialty courts, and to provide the results of the study to the appropriate interim committees of the Legislative Assembly no later than December 31, 2026.]

[Sunsets January 2, 2027.]

Directs the Chief Justice of the Supreme Court to appoint an advisory committee on treatment courts.

Changes the defined term “specialty court” to “treatment court” and modifies the definition. Directs the Chief Justice to designate a case management system for maintaining treatment court records. Directs treatment court programs to use the system for case management.

A BILL FOR AN ACT

Relating to specialty courts; creating new provisions; and amending ORS 3.450, 131A.360, 131A.365, 135.973, 135.985, 137.372, 137.532, 137.656, 137.680 and 423.150 and section 53, chapter 649, Oregon Laws 2013.

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

SECTION 1. (1) The Chief Justice of the Supreme Court shall appoint a statewide advisory committee on treatment courts to make recommendations to the Chief Justice on issues relating to the administration, funding, accountability and eligibility criteria for treatment courts.

(2) When appointing members of the advisory committee, the Chief Justice shall consider the diversity of the state and include representatives of the following:

- (a) Circuit court judges;**
- (b) Treatment court coordinators;**
- (c) Prosecutors;**
- (d) Public defense providers;**
- (e) Behavioral health treatment providers;**
- (f) Alcohol and drug treatment providers;**
- (g) Certified recovery mentors or peer support specialists;**
- (h) Community corrections agencies;**
- (i) Law enforcement;**
- (j) County governments;**

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.

- (k) County juvenile departments;
- (L) The Department of Veterans' Affairs;
- (m) The Oregon Youth Authority;
- (n) The Department of Human Services;
- (o) The Oregon Criminal Justice Commission; and
- (p) The Oregon Health Authority.

(3) The Chief Justice shall determine the terms of the members of the advisory committee, and may appoint as members additional individuals or representatives of groups or entities not described in subsection (2) of this section.

(4) The advisory committee shall meet at the call of the Chief Justice.

(5) The advisory committee shall be staffed by the Judicial Department.

(6) Members of the advisory committee are not entitled to compensation or reimbursement for expenses and serve as volunteers on the advisory committee.

(7) All agencies of state government, as defined in ORS 174.111, are directed to assist the advisory committee in the performance of the duties of the advisory committee and, to the extent permitted by laws relating to confidentiality, to furnish information and advice the members of the advisory committee consider necessary to perform their duties.

(8) As used in this section, "treatment court" has the meaning given that term in ORS 137.680.

SECTION 2. ORS 137.680 is amended to read:

137.680. (1) As used in this section, [*specialty courts*] "**treatment courts**" means [*drug court programs*] **treatment court programs** as defined in ORS 3.450[, *veterans' courts, mental health courts or any other similar court or docketing system*].

(2)(a) The Oregon Criminal Justice Commission shall serve as a clearinghouse and information center for the collection, preparation, analysis and dissemination of the best practices applicable to [*specialty*] **treatment** courts.

(b) After consulting with the Judicial Department, the commission shall develop **and maintain** evidence-based standards that may be applied to [*specialty*] **treatment** courts. The standards must:

(A) Be designed to reduce recidivism in a cost-effective manner; and

(B) When appropriate, target medium-risk and high-risk offenders.

(3) The Chief Justice of the Supreme Court may issue an order applicable to [*specialty*] **treatment** courts. The order may include a requirement that a circuit court that operates a [*specialty*] **treatment** court review the standards described in subsection (2) of this section.

SECTION 3. ORS 3.450, as amended by section 15, chapter 73, Oregon Laws 2024, is amended to read:

3.450. (1) As used in this section:

[(a) "*Drug court program*" means a program in which:]

[(A) *Individuals who are before the court obtain treatment for substance abuse issues and report regularly to the court on the progress of their treatment; and*]

[(B) *A local drug court team, consisting of the court, agency personnel and treatment and service providers, monitors the individuals' participation in treatment.*]

[(b)] (a) "Individual-provider relationship" includes a relationship between an individual and a physician, a physician associate or nurse practitioner.

(b)(A) "**Treatment court program**" means a program:

(i) In which individuals are before the court to obtain treatment for substance abuse is-

1 **sues, mental health issues or other behavioral health issues and report regularly to the court**
 2 **on the progress of their treatment;**

3 **(ii) In which a local treatment court team, consisting of the court, agency personnel and**
 4 **treatment and service providers, monitors the individual's participation in treatment; and**

5 **(iii) That substantially adheres to the treatment court standards developed by the Oregon**
 6 **Criminal Justice Commission under ORS 137.680.**

7 **(B) "Treatment court" includes an adult drug court, a veterans' treatment court, a ju-**
 8 **venile treatment court, a treatment court for driving while under the influence of**
 9 **intoxicants offenses, a mental health court, a family treatment court or any other similar**
 10 **court that meets the requirements of subparagraph (A) of this paragraph.**

11 (2)(a) The governing body of a county or a treatment provider may establish fees that individuals
 12 participating in a *[drug]* **treatment** court program may be required to pay for treatment and other
 13 services provided as part of the *[drug]* **treatment** court program.

14 (b) A court may order an individual participating in a *[drug]* **treatment** court program to pay
 15 fees to participate in the program. Fees imposed under this subsection may not be paid to the court.

16 (3) Records that are maintained by the circuit court specifically for the purpose of a *[drug]*
 17 **treatment** court program must be maintained separately from other court records. **The Chief**
 18 **Justice of the Supreme Court shall designate a case management system to be used for**
 19 **maintaining treatment court program records, and the records for each treatment court**
 20 **program must be maintained in the designated system for any treatment court program**
 21 **provided with access to the system. The treatment court program shall use the case man-**
 22 **agement system for case management, monitoring and evaluation as required by the stan-**
 23 **dards developed pursuant to ORS 137.680.** Records maintained by a circuit court specifically for
 24 the purpose of a *[drug]* **treatment** court program are confidential and may not be disclosed except
 25 in accordance with regulations adopted under 42 U.S.C. 290dd-2, including under the circumstances
 26 described in subsections (4) to (7) of this section.

27 (4) If the individual who is the subject of the record gives written consent, a record described
 28 in subsection (3) of this section may be disclosed to members of the local *[drug]* **treatment** court
 29 team in order to develop treatment plans, monitor progress in treatment and determine outcomes
 30 of participation in the *[drug]* **treatment** court program.

31 (5) A record described in subsection (3) of this section may not be introduced into evidence in
 32 any legal proceeding other than the *[drug]* **treatment** court program unless:

33 (a) The individual who is the subject of the record gives written consent for introduction of the
 34 record; or

35 (b) The court finds good cause for introduction. In determining whether good cause exists for
 36 purposes of this paragraph, the court shall weigh the public interest and the need for disclosure
 37 against the potential injury caused by the disclosure to:

38 (A) The individual who is the subject of the record;

39 (B) The individual-provider relationship; and

40 (C) The treatment services being provided to the individual who is the subject of the record.

41 (6) A court, the State Court Administrator, the Alcohol and Drug Policy Commission or the
 42 Oregon Criminal Justice Commission:

43 (a) May use records described in subsection (3) of this section and other *[drug]* **treatment** court
 44 program information to track and develop statistics about the effectiveness, costs and other areas
 45 of public interest concerning *[drug]* **treatment** court programs.

(b) May release statistics developed under paragraph (a) of this subsection and analyses based on the statistics to the public.

(7) Statistics and analyses released under subsection (6) of this section may not contain any information that identifies an individual participant in a *[drug]* **treatment** court program.

SECTION 4. ORS 131A.360 is amended to read:

131A.360. (1) The provisions of this section apply only to a forfeiting agency other than the state, and apply only to forfeiture proceeds arising out of prohibited conduct as described in ORS 131A.005 (12)(a), (b) and (c).

(2) If the forfeiting agency is not a county, the forfeiting agency shall enter into an agreement, under ORS chapter 190, with the county in which the property was seized to provide a portion of the forfeiture proceeds to the county.

(3) After entry of a judgment of forfeiture, a forfeiting agency shall first pay from the forfeiture proceeds the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, including costs, disbursements and attorney fees as defined in ORCP 68 A, special expenses such as the provision of currency for undercover law enforcement operations, the cost of disabling a hidden compartment in a motor vehicle and the expenses of maintaining the seized property. The forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and operation of a seizing or forfeiting agency under this subsection.

(4) After payment of costs under subsection (3) of this section, the forfeiting agency shall:

(a) Deduct an amount equal to five percent of the forfeiture proceeds and deposit that amount in the Illegal Drug Cleanup Fund established under ORS 475.495 for the purposes specified in ORS 475.495 (5) and (6);

(b) Deduct an amount equal to 2.5 percent of the forfeiture proceeds and deposit that amount in the Asset Forfeiture Oversight Account;

(c) Deduct an amount equal to 20 percent of the forfeiture proceeds and deposit that amount in the Oregon Criminal Justice Commission Account established under ORS 137.662 for support for *[specialty]* **treatment** courts as defined in ORS 137.680;

(d) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in the Department of Early Learning and Care Fund established under ORS 326.435 for disbursement to Relief Nursery programs as defined in ORS 417.786; and

(e) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in an account established or designated by the State Treasurer in the higher education qualified tuition savings program of the Oregon 529 Savings Network for disbursement to the scholarship program for children of public safety officers established under ORS 348.270.

(5) If the forfeiting agency has entered into an agreement with a county under subsection (2) of this section, after paying costs under subsection (3) of this section and making the deductions required by subsection (4) of this section, the forfeiting agency shall pay the county the amounts required by the agreement.

(6) After making all payments and deductions required by subsections (3), (4) and (5) of this section, the forfeiting agency may use the remaining forfeiture proceeds, including amounts received by a county under subsection (5) of this section or by any other public body under an intergovernmental agreement entered into under ORS 131A.355, only for:

(a) The purchase of equipment necessary for the enforcement of laws relating to the unlawful delivery, distribution, manufacture or possession of controlled substances;

(b) Currency for undercover law enforcement operations;

(c) Drug awareness and drug education programs offered in middle schools and high schools;

(d) The expenses of a forfeiting agency in operating joint narcotic operations with other forfeiting agencies pursuant to the terms of an intergovernmental agreement, including paying for rental space, utilities and office equipment;

(e) Expenses of a district attorney in criminal prosecutions for unlawful delivery, distribution, manufacture or possession of controlled substances, as determined through intergovernmental agreement between the forfeiting agency and the district attorney;

(f) Drug treatment and programs that support drug treatment; and

(g) A CASA Volunteer Program as defined in ORS 184.489.

(7) Notwithstanding subsection (6) of this section, growing equipment and laboratory equipment seized by a forfeiting agency that was used, or intended for use, in the manufacturing of controlled substances may be donated to a public school, community college or institution of higher education.

(8) A forfeiting agency shall sell as much property as may be needed to make the distributions required by this section. Distributions required under subsection (4) of this section must be made once every three months and are due within 20 days of the end of each quarter. No interest shall accrue on amounts that are paid within the period specified by this subsection.

SECTION 5. ORS 131A.365 is amended to read:

131A.365. (1) The provisions of this section apply only when the forfeiting agency is the state, and apply only to forfeiture proceeds arising out of prohibited conduct as described in ORS 131A.005 (12)(a), (b) and (c).

(2) After entry of a judgment of forfeiture, a forfeiting agency shall first pay from the forfeiture proceeds the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, including costs, disbursements and attorney fees as defined in ORCP 68 A, special expenses such as the provision of currency for undercover law enforcement operations, the cost of disabling a hidden compartment in a motor vehicle and the expenses of maintaining the seized property. The forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and operation of a seizing or forfeiting agency under this subsection. Any amount paid to or retained by the Department of Justice under this subsection shall be deposited in the Criminal Justice Revolving Account in the State Treasury. Any amount paid to or retained by the Oregon State Police under this subsection shall be deposited in the State Police Account.

(3) After payment of costs under subsection (2) of this section, the forfeiting agency shall:

(a) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in the Illegal Drug Cleanup Fund established under ORS 475.495 for the purposes specified in ORS 475.495 (5) and (6);

(b) Deduct an amount equal to three percent of the forfeiture proceeds, not to exceed \$50,000 in a biennium, and deposit that amount in the Asset Forfeiture Oversight Account;

(c) Deduct an amount equal to 20 percent of the forfeiture proceeds and deposit that amount in the Oregon Criminal Justice Commission Account established under ORS 137.662 for support for [specialty] **treatment** courts as defined in ORS 137.680;

(d) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in the Department of Early Learning and Care Fund established under ORS 326.435 for disbursement to Relief Nursery programs as defined in ORS 417.786; and

(e) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in an account established or designated by the State Treasurer in the higher education qualified tuition savings program of the Oregon 529 Savings Network for disbursement to the scholarship program

1 for children of public safety officers established under ORS 348.270.

2 (4) If the forfeiting agency has entered into an intergovernmental agreement with another public
3 body under ORS 131A.355, or has entered into an agreement with any other law enforcement agency
4 of the state relating to distribution of forfeiture proceeds, after paying costs under subsection (2)
5 of this section and making the deductions required by subsection (3) of this section, the forfeiting
6 agency shall pay an equitable portion of the forfeiture proceeds to each agency participating in the
7 seizure or forfeiture as provided by the agreement.

8 (5) After making all payments and deductions required by subsections (2), (3) and (4) of this
9 section, the forfeiting agency shall distribute the remaining forfeiture proceeds as follows:

10 (a) If no law enforcement agency other than the Department of Justice participated in the sei-
11 zure or forfeiture, the remaining forfeiture proceeds, and forfeiture proceeds received by the De-
12 partment of Justice under subsection (4) of this section, shall be divided between the Criminal
13 Justice Revolving Account and the Special Crime and Forfeiture Account according to the following
14 schedule:

15 (A) One hundred percent of the first \$200,000 accumulated shall be deposited in the Criminal
16 Justice Revolving Account.

17 (B) Seventy-five percent of the next \$200,000 shall be deposited in the Criminal Justice Revolv-
18 ing Account and the balance in the Special Crime and Forfeiture Account.

19 (C) Fifty percent of the next \$200,000 shall be deposited in the Criminal Justice Revolving Ac-
20 count and the balance in the Special Crime and Forfeiture Account.

21 (D) Twenty-five percent of the next \$200,000 shall be deposited in the Criminal Justice Revolving
22 Account and the balance in the Special Crime and Forfeiture Account.

23 (E) One hundred percent of all additional sums shall be deposited in the Special Crime and
24 Forfeiture Account.

25 (b) If no law enforcement agency other than the Department of State Police participated in the
26 seizure or forfeiture, the remaining proceeds, and proceeds received by the Department of State
27 Police under subsection (4) of this section, shall be divided between the State Police Account and
28 the Special Crime and Forfeiture Account according to the following schedule:

29 (A) One hundred percent of the first \$600,000 accumulated shall be deposited in the State Police
30 Account.

31 (B) Seventy-five percent of the next \$300,000 shall be deposited in the State Police Account and
32 the balance in the Special Crime and Forfeiture Account.

33 (C) Fifty percent of the next \$200,000 shall be deposited in the State Police Account and the
34 balance in the Special Crime and Forfeiture Account.

35 (D) Twenty-five percent of the next \$200,000 shall be deposited in the State Police Account and
36 the balance in the Special Crime and Forfeiture Account.

37 (E) One hundred percent of all additional sums shall be deposited in the Special Crime and
38 Forfeiture Account.

39 (6) Forfeiture proceeds distributed under subsection (5) of this section may be used only for:

40 (a) The purchase of equipment necessary for the enforcement of laws relating to the unlawful
41 delivery, distribution, manufacture or possession of controlled substances;

42 (b) Currency for undercover law enforcement operations;

43 (c) Drug awareness and drug education programs offered in middle schools and high schools; and

44 (d) The expenses of a forfeiting agency in operating joint narcotic operations with other for-
45 feiting agencies pursuant to the terms of an intergovernmental agreement, including paying for

rental space, utilities and office equipment.

(7) A forfeiting agency shall sell as much property as may be needed to make the distributions required by this section. Distributions required under subsection (3) of this section must be made once every three months and are due within 20 days of the end of each quarter. No interest shall accrue on amounts that are paid within the period specified by this subsection.

SECTION 6. ORS 135.973 is amended to read:

135.973. (1) As used in this section, [*specialty court*] "**treatment court**" has the meaning given that term in ORS 137.680.

(2) An individual may not be denied entry into a [*specialty*] **treatment court** in this state solely for the reason that the individual is taking, or intends to take, medication prescribed by a licensed health care practitioner for the treatment of drug abuse or dependency.

SECTION 7. ORS 135.985 is amended to read:

135.985. (1) As used in this section, "servicemember" means a person who is a member, or who served as a member, of the Armed Forces of the United States, the reserve components of the Armed Forces of the United States or the National Guard.

(2) At the time of arraignment on a criminal charge, the court shall inform the defendant that the defendant's status as a servicemember may make the defendant eligible for treatment programs, diversion, [*specialty*] **treatment courts** or mitigated sentencing, and that the defendant may obtain information about these options by consulting with the defendant's attorney.

(3) In a criminal proceeding the defendant's attorney may, with the permission of the defendant, notify the court that the defendant is a servicemember.

(4) The fact that a defendant is a servicemember may not be used as an aggravating factor in determining the defendant's sentence.

SECTION 8. ORS 137.372 is amended to read:

137.372. (1)(a) Notwithstanding the provisions of ORS 137.370 (2), an offender who has been revoked from a probationary sentence for a felony committed on or after November 1, 1989, and whose sentence was imposed as a downward dispositional departure under the rules of the Oregon Criminal Justice Commission, shall receive credit for the time served in jail after arrest and before commencement of the probationary sentence and for the time served in jail as part of the probationary sentence. However, if the credit for the time served in jail as described in this paragraph is greater than 90 days, the sentencing judge may limit or deny credit for any of that time that exceeds 90 days.

(b) Notwithstanding the provisions of ORS 137.370 (2), an offender who has been revoked from a probationary sentence for a felony committed on or after November 1, 1989, and whose sentence was imposed as a presumptive or optional probationary sentence under the rules of the Oregon Criminal Justice Commission, shall receive credit for the time served in jail after arrest and before commencement of the probationary sentence and for the time served in jail as part of the probationary sentence, unless the sentencing judge orders otherwise.

(2) Notwithstanding the provisions of ORS 137.370 (2), an offender who is sentenced to imprisonment in the custody of the Department of Corrections following the failure to complete a diversion program described in ORS 430.450 to 430.555 or a [*specialty*] **treatment court** program in which the offender was not on probation shall receive credit for the time served in jail after arrest and before commencement of the program and for the time served in jail as a sanction for violating the terms of the program, unless the sentencing judge orders otherwise.

(3) Notwithstanding the provisions of ORS 137.320 (4), an offender who has been ordered con-

1 fined as part of a probationary sentence for a felony committed on or after July 18, 1995, shall re-
 2 ceive credit for the time served in jail after arrest and before commencement of the term unless the
 3 sentencing judge orders otherwise.

4 (4) As used in this section, [*“specialty court”*] **“treatment court”** has the meaning given that
 5 term in ORS 137.680.

6 **SECTION 9.** ORS 137.532 is amended to read:

7 137.532. (1)(a) Whenever a person is charged with a misdemeanor or a Class C felony, other than
 8 driving while under the influence of intoxicants, and has been formally accepted into a [*specialty*]
 9 **treatment** court, the court, with the consent of the district attorney and the person, may defer
 10 further proceedings and place the person on probation. The terms of the probation shall be defined
 11 by a probation agreement.

12 (b) A probation agreement carries the understanding that if the defendant fulfills the terms of
 13 the agreement, the criminal charges filed against the defendant will be dismissed with prejudice.

14 (c) The agreement must contain a waiver of the following rights of the defendant with respect
 15 to each criminal charge:

16 (A) The right to a speedy trial and trial by jury;

17 (B) The right to present evidence on the defendant's behalf;

18 (C) The right to confront and cross-examine witnesses against the defendant;

19 (D) The right to contest evidence presented against the defendant, including the right to object
 20 to hearsay evidence; and

21 (E) The right to appeal from a judgment of conviction resulting from an adjudication of guilt
 22 entered under subsection (2) of this section, unless the appeal is based on an allegation that the
 23 sentence exceeds the maximum allowed by law or constitutes cruel and unusual punishment.

24 (d) The agreement must include a requirement that the defendant pay any restitution owed to
 25 the victim as determined by the court, and any fees for court-appointed counsel ordered by the court
 26 under ORS 135.050.

27 (e) The agreement may not contain a requirement that the defendant enter a plea of guilty or
 28 no contest on any charge in the accusatory instrument.

29 (f) Entering into a probation agreement does not constitute an admission of guilt and is not
 30 sufficient to warrant a finding or adjudication of guilt by a court.

31 (g) Police reports or other documents associated with the criminal charges in a court file other
 32 than the probation agreement may not be admitted into evidence, and do not establish a factual
 33 basis for finding the defendant guilty, unless the court resumes criminal proceedings and enters an
 34 adjudication of guilt under subsection (2) of this section.

35 (2) Upon violation of a term or condition of the probation agreement, the court may resume the
 36 criminal proceedings and may find the defendant guilty of the offenses in the accusatory instrument
 37 in accordance with the waiver of rights in the probation agreement. The defendant may not contest
 38 the sufficiency of the evidence establishing the defendant's guilt of the offenses in the accusatory
 39 instrument.

40 (3) Upon fulfillment of the terms and conditions of the probation agreement, the court shall
 41 discharge the person and dismiss the proceedings against the person. Discharge and dismissal under
 42 this section shall be without adjudication of guilt and is not a conviction for purposes of this section
 43 or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. There
 44 may be only one discharge and dismissal under this section with respect to any person.

45 (4) In the event that the period of probation under this section expires, but the terms and con-

ditions of the probation agreement have not been fulfilled and no probation violation proceeding was initiated prior to the expiration of the period of probation, the court may not discharge the person and dismiss the proceedings against the person. The court shall instead issue an order requiring the person to appear and to show cause why the court should not enter an adjudication of guilt as described in subsection (2) of this section due to the failure of the person to fulfill the terms and conditions of the probation agreement prior to expiration of the period of probation. At the hearing on the order to show cause, after considering any evidence or argument from the district attorney and the person, the court may:

(a) Order a new period of probation to allow the person to fulfill the terms and conditions of the probation agreement; or

(b) Enter an adjudication of guilt as described in subsection (2) of this section.

(5) Nothing in this section is intended to restrict a person's participation in a [*specialty*] **treatment** court or conditional discharge under ORS 475.245.

(6) As used in this section, [*specialty court*] "**treatment court**" has the meaning given that term in ORS 137.680.

SECTION 10. ORS 137.656 is amended to read:

137.656. (1) The purpose of the Oregon Criminal Justice Commission is to improve the effectiveness and efficiency of state and local criminal justice systems by providing a centralized and impartial forum for statewide policy development and planning.

(2) The primary duty of the commission is to develop and maintain a state criminal justice policy and comprehensive, long-range plan for a coordinated state criminal justice system that encompasses public safety, offender accountability, crime reduction and prevention and offender treatment and rehabilitation. The plan must include, but need not be limited to, recommendations regarding:

(a) Capacity, utilization and type of state and local prison and jail facilities;

(b) Implementation of community corrections programs;

(c) Alternatives to the use of prison and jail facilities;

(d) Appropriate use of existing facilities and programs;

(e) Whether additional or different facilities and programs are necessary;

(f) Methods of assessing the effectiveness of juvenile and adult correctional programs, devices and sanctions in reducing future criminal conduct by juvenile and adult offenders;

(g) Methods of reducing the risk of future criminal conduct; and

(h) The effective utilization of local public safety coordinating councils.

(3) Other duties of the commission are:

(a) To conduct joint studies by agreement with other state agencies, boards or commissions on any matter within the jurisdiction of the commission.

(b) To provide Oregon criminal justice analytical and statistical information to federal agencies and serve as a clearinghouse and information center for the collection, preparation, analysis and dissemination of information on state and local sentencing practices.

(c) To provide technical assistance and support to local public safety coordinating councils.

(d) To receive grant applications to start or expand [*drug*] **treatment** court programs as defined in ORS 3.450, to make rules to govern the grant process and to award grant funds according to the rules.

(e) To prepare the racial and ethnic impact statements described in ORS 137.683 and 137.685.

(f) To assess the extent to which each county is reducing racial and ethnic disparities in its correctional population.

(4) The commission shall establish by rule the information that must be submitted under ORS 137.010 (9) and the methods for submitting the information. A rule adopted under this subsection must be approved by the Chief Justice of the Supreme Court before it takes effect.

(5) The commission may:

(a) Apply for and receive gifts and grants from any public or private source.

(b) Award grants from funds appropriated by the Legislative Assembly to the commission or from funds otherwise available from any other source, for the purpose of carrying out the duties of the commission.

(c) Adopt rules to carry out the provisions of this subsection.

SECTION 11. ORS 423.150 is amended to read:

423.150. (1) The Department of Corrections shall:

(a) Provide appropriate treatment services to drug-addicted persons in the custody of the department who are at a high or medium risk of reoffending and who have moderate to severe treatment needs; and

(b) Make grants to counties in order to provide supplemental funding for:

(A) The operation of local jails;

(B) Appropriate treatment services for drug-addicted persons on probation, parole or post-prison supervision; or

(C) The intensive supervision of drug-addicted persons on probation, parole or post-prison supervision, including the incarceration of drug-addicted persons who have violated the terms and conditions of probation, parole or post-prison supervision.

(2) The Oregon Criminal Justice Commission shall make grants to counties in order to provide supplemental funding for *[drug]* **treatment** courts for drug-addicted persons, including the costs of appropriate treatment services and the incarceration of persons who have violated the terms and conditions of a *[drug]* **treatment** court.

(3)(a) The appropriate legislative committee shall periodically conduct oversight hearings on the effectiveness of this section.

(b) The Oregon Criminal Justice Commission shall periodically conduct independent evaluations of the programs funded by this section for their effectiveness in reducing criminal behavior in a cost-effective manner and shall report the findings to the Alcohol and Drug Policy Commission.

(4) The Department of Corrections shall determine which persons are eligible for treatment under subsection (1)(a) of this section using an actuarial risk assessment tool.

(5) The department shall adopt rules to administer the grant program described in subsection (1)(b) of this section.

(6) Prior to adopting the rules described in subsection (5) of this section, the department shall consult with a broad-based committee that includes representatives of:

(a) County boards of commissioners;

(b) County sheriffs;

(c) District attorneys;

(d) County community corrections;

(e) The Oregon Criminal Justice Commission;

(f) Presiding judges of the judicial districts of this state;

(g) Public defenders; and

(h) Treatment providers.

(7) In determining which grant proposals to fund within each county, the department shall:

(a) Consult with the committee described in subsection (6) of this section;

(b) Give priority to those proposals that are best designed to reduce crime and drug addiction;
and

(c) Be guided by evidence-based and tribal-based practices, risk assessment tools or other research-based considerations.

(8) Nothing in this section:

(a) Creates any claim, right of action or civil liability; or

(b) Requires a supervisory authority or the Department of Corrections to provide treatment to any individual under the authority's supervision or in the custody of the department.

(9) As used in this section:

(a) "Drug-addicted person" means a person who has lost the ability to control the personal use of controlled substances, cannabis or alcohol, or who uses controlled substances, cannabis or alcohol to the extent that the health of the person or that of others is substantially impaired or endangered or the social or economic function of the person is substantially disrupted. A drug-addicted person may be physically dependent, a condition in which the body requires a continuing supply of a controlled substance, cannabis or alcohol to avoid characteristic withdrawal symptoms, or psychologically dependent, a condition characterized by an overwhelming mental desire for continued use of a controlled substance, cannabis or alcohol.

(b) "Intensive supervision" means the active monitoring of a person's performance in a treatment program by a parole and probation officer and the imposition of sanctions, or request to a court for sanctions, if the person fails to abide by the terms and conditions of a treatment program.

SECTION 12. Section 53, chapter 649, Oregon Laws 2013, as amended by section 54, chapter 649, Oregon Laws 2013, section 1, chapter 598, Oregon Laws 2019, and section 18, chapter 78, Oregon Laws 2022, is amended to read:

Sec. 53. (1)(a) In consultation with the Justice Reinvestment Grant Review Committee established under subsection (2) of this section, the Oregon Criminal Justice Commission shall administer the Justice Reinvestment Program described in this section. From funds appropriated to the commission for purposes of the program, the commission shall award grants to counties that establish a process to assess offenders and provide a continuum of community-based sanctions, services and programs that are designed to reduce recidivism and decrease the county's utilization of imprisonment in a Department of Corrections institution while protecting public safety and holding offenders accountable.

(b) Notwithstanding paragraph (a) of this subsection, no less than 10 percent of grant funds awarded under this section must be distributed to community-based nonprofit organizations that provide services to victims of crime, with priority given to culturally specific organizations and culturally responsive services.

(2) The Justice Reinvestment Grant Review Committee is established, consisting of the following members:

(a) The Governor shall appoint the following seven members:

(A) One member shall be a district attorney.

(B) One member shall be a county sheriff.

(C) One member shall be a chief of police.

(D) One member shall be a county commissioner.

(E) One member shall be a community corrections director who is not a sheriff.

(F) Two members shall be representatives of community-based organizations that provide ser-

1 vices for underserved racial, ethnic or minority communities.

2 (b) The Chief Justice of the Supreme Court shall appoint one nonvoting member who is a judge.

3 (c) The President of the Senate shall appoint two nonvoting members from among members of
4 the Senate.

5 (d) The Speaker of the House of Representatives shall appoint two nonvoting members from
6 among members of the House of Representatives.

7 (3)(a) A majority of the voting members of the committee constitutes a quorum for the trans-
8 action of business.

9 (b) The committee shall elect one of its members to serve as chairperson.

10 (c) If there is a vacancy for any cause, the appointing authority shall make an appointment to
11 become effective immediately.

12 (d) The committee shall meet at times and places specified by the call of the chairperson or a
13 majority of the voting members of the committee.

14 (e) Legislative members of the committee shall be entitled to payment of compensation and ex-
15 penses under ORS 171.072, payable from funds appropriated to the Legislative Assembly.

16 (4)(a) An application for a grant described in this section must be submitted by a local public
17 safety coordinating council convened under ORS 423.560.

18 (b) The grant application must include a statement of commitment, from the relevant
19 stakeholders of the service or program for which the county is requesting funding and including the
20 district attorney, presiding judge and community corrections director, to reduce recidivism and de-
21 crease the county's utilization of imprisonment in Department of Corrections facilities while pro-
22 tecting public safety and holding offenders accountable.

23 (5)(a) During a grant application period established by the commission, the proportion of grant
24 funds available to each county shall be determined in accordance with the formula used to distribute
25 baseline funding under ORS 423.483.

26 (b) At the conclusion of the grant application period, the commission shall award grants in ac-
27 cordance with rules adopted by the commission. If unallocated funds remain at the conclusion of the
28 grant acceptance period, the commission may establish a supplemental grant period and distribute
29 the unallocated funds.

30 (6)(a) The commission shall regularly evaluate the community-based sanctions, services and
31 programs funded under this section. The commission shall specifically assess the extent to which
32 each county is reducing utilization of imprisonment in Department of Corrections facilities by
33 offenders convicted of felonies under ORS 137.717, 475.752 to 475.980, 811.182, 813.010 or 813.011.

34 (b) The commission shall report the results of an evaluation conducted under this section to a
35 committee of the Legislative Assembly related to the judiciary.

36 (7)(a) Before applying for grant funds to administer a community-based program described in
37 subsection (10)(a)(D) of this section, the county must obtain the consent of the presiding judge of the
38 judicial district in which the county is located.

39 (b) A grant application to administer a community-based program described in subsection
40 (10)(a)(D) of this section must include the costs of appointed counsel.

41 (8) After consulting with the Justice Reinvestment Grant Review Committee, the commission
42 shall adopt rules to administer the Justice Reinvestment Program. The rules must include:

43 (a) A methodology for reviewing and approving grant applications and distributing grant funds.
44 Rules described in this paragraph must provide the Justice Reinvestment Grant Review Committee
45 with the ability to approve grant applications for submission for final approval by the commission.

1 The commission may either approve the grant application or return the application for reconsideration by the committee.

3 (b) A process for evaluating the efficacy of community-based sanctions, services and programs funded under this section.

5 (c) A requirement that the grant review committee consider, when approving grant applications, each county's historical reduction of utilization of imprisonment in Department of Corrections facilities by offenders convicted of felonies under ORS 137.717, 475.752 to 475.980, 811.182, 813.010 or 813.011.

9 (d) Provisions allowing the grant review committee to submit to the commission, and the commission to approve, provisional funding plans for counties applying for grants under this section.

11 (9)(a) If a county does not reduce utilization of imprisonment in Department of Corrections facilities by offenders convicted of felonies under ORS 137.717, 475.752 to 475.980, 811.182, 813.010 or 813.011, upon request of the grant review committee, the commission shall decline to grant the full grant amount requested by a county, provide technical assistance, withhold approved grant funds or terminate further distribution of the grant award.

16 (b) If the commission takes an action described in paragraph (a) of this subsection, any remaining moneys may be redistributed by the commission through a supplemental grant program. Priority shall be given to counties funding programs for historically underserved communities including rural communities, racial, ethnic and minority communities and tribal communities. Rural counties may apply for supplemental grants in cooperation with other rural counties.

21 (10) As used in this section:

22 (a) "Community-based program" includes:

23 (A) Work release programs;

24 (B) Structured, transitional leave programs;

25 (C) Evidence-based programs designed to reduce recidivism that include the balanced administration of sanctions, supervision and treatment;

27 (D) Administering a reentry court under section 29, chapter 649, Oregon Laws 2013; and

28 (E) [*Specialty*] **Treatment** courts aimed at medium-risk and high-risk offenders.

29 (b) "County" includes a regional collection of counties.

30 (c) "Culturally responsive service" means a service that is respectful of, and relevant to, the beliefs, practices, cultures and linguistic needs of diverse consumer or client populations and communities whose members identify as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home. A culturally responsive service has the capacity to respond to the issues of diverse communities and require knowledge and capacity at systemic, organizational, professional and individual levels of intervention.

37 (d) "Culturally specific organization" means an organization, or a program within an organization, that serves a particular cultural community, that is primarily staffed and led by members of that community and that demonstrates self-advocacy, positive cultural identity and intimate knowledge of the lived experience of the community, including but not limited to:

41 (A) The impact of structural and individual racism or discrimination on the community;

42 (B) Specific disparities in access to services and resources experienced by the community; and

43 (C) Community strengths, cultural practices, beliefs and traditions.