

# House Bill 2934

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Tina Kotek for Oregon Criminal Justice Commission)

## 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 some changes to the CJC's Justice Reinvestment Program. (Flesch Readability Score: 72.6).

Modifies the membership of the Justice Reinvestment Grant Review Committee and the process for reviewing grant applications.

## A BILL FOR AN ACT

1  
2 Relating to the Justice Reinvestment Program; amending section 53, chapter 649, Oregon Laws 2013.

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

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

7 **Sec. 53.** (1)(a) In consultation with the Justice Reinvestment Grant Review Committee estab-  
8 lished under subsection (2) of this section, the Oregon Criminal Justice Commission shall administer  
9 the Justice Reinvestment Program described in this section. From funds appropriated to the com-  
10 mission for purposes of the program, the commission shall award grants to counties that establish  
11 a process to assess offenders and provide a continuum of community-based sanctions, services and  
12 programs that are designed to reduce recidivism and decrease the county's utilization of  
13 imprisonment in a Department of Corrections institution while protecting public safety, [*and*] hold-  
14 ing offenders accountable **and ensuring that the Justice Reinvestment Program is effectively**  
15 **servicing all populations, including historically underserved populations, in an equitable man-**  
16 **ner.**

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

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

23 (a) The Governor shall appoint the following [*seven*] **ten** members:

24 (A) One member shall be a district attorney **or a representative of district attorneys.**

25 (B) One member shall be a county sheriff **or a representative of county sheriffs.**

26 (C) One member shall be a chief of police **or a representative of chiefs of police.**

27 (D) One member shall be a county commissioner **or a representative of county commission-**  
28 **ers.**

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

**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 (F) Two members shall be representatives of community-based organizations that provide ser-  
2 vices for underserved racial, ethnic or minority communities.

3 (G) **One member shall be a public defense practitioner or a representative of public de-  
4 fense practitioners.**

5 (H) **Two members shall be individuals with lived experience in the criminal justice sys-  
6 tem.**

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

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

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

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

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

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

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

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

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

23 (b) The grant application must include a statement of commitment, from the relevant  
24 stakeholders of the service or program for which the county is requesting funding and including the  
25 district attorney, presiding judge and community corrections director, to reduce recidivism and de-  
26 crease the county's utilization of imprisonment in Department of Corrections facilities while pro-  
27 tecting public safety, [and] holding offenders accountable **and ensuring that the Justice  
28 Reinvestment Program is effectively serving all populations, including historically under-  
29 served populations, in an equitable manner.**

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

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

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

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

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

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

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

5 (a) A methodology for reviewing and approving grant applications and distributing grant funds.  
 6 Rules described in this paragraph must provide the Justice Reinvestment Grant Review Committee  
 7 with the ability to approve grant applications for submission for final approval by the commission.  
 8 **The rules must provide that the commission may either approve the grant application or return**  
 9 **the application for reconsideration by the committee with specific instructions for further re-**  
 10 **view. The rules must provide that the commission may return an application only once.**

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

13 (c) A requirement that the grant review committee consider, when approving grant applications,  
 14 each county's historical reduction of utilization of imprisonment in Department of Corrections fa-  
 15 cilities by offenders convicted of felonies under ORS 137.717, 475.752 to 475.980, 811.182, 813.010 or  
 16 813.011.

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

19 (9)(a) If a county does not reduce utilization of imprisonment in Department of Corrections fa-  
 20 cilities by offenders convicted of felonies under ORS 137.717, 475.752 to 475.980, 811.182, 813.010 or  
 21 813.011, upon request of the grant review committee, the commission shall decline to grant the full  
 22 grant amount requested by a county, provide technical assistance, withhold approved grant funds  
 23 or terminate further distribution of the grant award.

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

29 (10) As used in this section:

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

31 (A) Work release programs;

32 (B) Structured, transitional leave programs;

33 (C) Evidence-based programs designed to reduce recidivism that include the balanced adminis-  
 34 tration of sanctions, supervision and treatment;

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

36 (E) Specialty courts aimed at medium-risk and high-risk offenders.

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

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

45 (d) "Culturally specific organization" means an organization, or a program within an organiza-

1 tion, that serves a particular cultural community, that is primarily staffed and led by members of  
2 that community and that demonstrates self-advocacy, positive cultural identity and intimate knowl-  
3 edge of the lived experience of the community, including but not limited to:

- 4 (A) The impact of structural and individual racism or discrimination on the community;
- 5 (B) Specific disparities in access to services and resources experienced by the community; and
- 6 (C) Community strengths, cultural practices, beliefs and traditions.

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