

Senate Bill 1120

Sponsored by COMMITTEE ON JUDICIARY

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 tells DOC to do many things to improve the experience of adults in custody. (Flesch Readability Score: 68.9).

Requires the Department of Corrections to implement a list of policies for adults in custody, including policies related to gender-responsive, evidence-based and trauma-informed practices at the Coffee Creek Correctional Facility.

A BILL FOR AN ACT

1 Relating to adults in custody; creating new provisions; and amending ORS 144.102.

2
3 Whereas the Gender Informed Practices Assessment report commissioned by the state in 2022
4 found widespread dysfunction in the operations and management of Coffee Creek Correctional Fa-
5 cility; and

6 Whereas Coffee Creek Correctional Facility uses a traditional carceral approach that is neither
7 gender-responsive nor trauma-informed; and

8 Whereas the Gender Informed Practices Assessment report recognized that the traditional
9 carceral approach used by the Department of Corrections throughout its prisons is dominated by a
10 paramilitary, punitive and retaliatory culture and is not trauma-informed, evidence-based, human-
11 centered or appropriate for any justice-involved individual; and

12 Whereas the traditional carceral approach is antithetical to efforts of an adult in custody to
13 rehabilitate and reform; and

14 Whereas about 95 percent of adults in custody will be released from prison and return to live
15 in Oregon communities; and

16 Whereas for the health, well-being and safety of Oregon communities, the Department of
17 Correction's prison culture, systems and operations must shift from the traditional carceral approach
18 to an approach that is gender-responsive, trauma-informed and evidence-based and that prioritizes
19 rehabilitation and reformation over retribution; and

20 Whereas substance use disorders, behavioral health issues, houselessness and difficulties in ed-
21 ucation negatively impact adults in custody at a significantly greater frequency than they impact
22 nonincarcerated individuals in the community; and

23 Whereas recognizing and addressing these issues during incarceration further improves the
24 health and well-being of Oregon communities; and

25 Whereas inadequate nutrition negatively impacts the mental, physical and behavioral health and
26 wellness of adults in custody; and

27 Whereas providing healthy and nutritional meals will support the long-term health and rehabil-
28 itation of adults in custody and reduce health care costs for the Department of Corrections; and

29 Whereas the Department of Corrections shall prioritize forms of discipline that are rooted in

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 positive reinforcement and incentives, rather than negative reinforcement and fear; and

2 Whereas a significant percentage of adults in custody are survivors of abuse or trauma, and the
3 vast majority of women and transgender adults in custody are survivors of domestic abuse, intimate
4 partner violence, sexual assault or other trauma; and

5 Whereas it is the responsibility of the state of Oregon to appropriately care for adults in cus-
6 tody who are survivors of abuse, trauma or violence and not to perpetrate further abuse, trauma
7 or violence against adults in custody; and

8 Whereas an estimated 80 percent of adults in custody at Coffee Creek Correctional Facility are
9 mothers, and prior to incarceration most of these mothers were the primary caregivers for their
10 children, and many plan to resume their parenting role upon release; and

11 Whereas maintaining meaningful contact with an incarcerated parent is essential to a child's
12 well-being and can mitigate the negative impacts of separation; and

13 Whereas ensuring adults in custody have positive connections with children and family members
14 during incarceration reduces recidivism rates, enhances behavioral health outcomes and promotes
15 successful reentry and reintegration; and

16 Whereas pursuant to Article 1, sections 13 and 14, of the Oregon Constitution, the Department
17 of Corrections shall recognize in rule and policy that reentry planning and rehabilitation for each
18 adult in custody starts on the day of admission into custody and remains the highest priority until
19 the release date of the adult in custody; now, therefore,

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

21
22 **LEADERSHIP**
23

24 **SECTION 1. (1) The Department of Corrections shall create a comprehensive leadership**
25 **development, training and retention program to provide staff with the essential knowledge**
26 **on women who are adults in custody, including research and evidence-based practices that**
27 **are needed to properly manage a women's correctional facility.**

28 **(2) The department shall adopt rules to address department policies that create barriers**
29 **to gender-responsive practices.**

30 **(3) The department shall adopt by rule trauma-informed and gender-responsive policies**
31 **that address the unique needs of women who are adults in custody, including rules:**

32 **(a) Implementing gender-responsive management, security and operations across the**
33 **department.**

34 **(b) Addressing the needs of diverse, historically underserved populations.**

35 **(c) Ensuring that departmental initiatives are implemented in accordance with a**
36 **gender-responsive and trauma-informed philosophy.**

37 **(d) Ensuring policies and procedures related to commissary and clothing are gender-**
38 **specific and culturally responsive and accommodate the gender identity of all adults in cus-**
39 **tody.**

40 **(e) Resolving conflicting philosophies and disjointed communication among security and**
41 **all other sections of the department through the development of gender-responsive and**
42 **trauma-informed operational policies and procedures, cross-training programs and team-**
43 **building exercises.**

44 **(f) Ensuring visibility and accessibility of facility leadership and managers to adults in**
45 **custody.**

1 (g) Implementing diverse and robust feedback methods for staff and adults in custody to
2 communicate with leadership and management.

3 **SECTION 2.** As soon as practicable after the effective date of this 2025 Act, the Depart-
4 ment of Corrections shall:

5 (1) Adopt the rules described in section 1 of this 2025 Act; and

6 (2) Ensure that the rules described in section 1 (3) of this 2025 Act are implemented and
7 enforced at Coffee Creek Correctional Facility.

8
9 **STAFFING AND TRAINING**

10
11 **SECTION 3.** (1) The Department of Corrections shall improve hiring protocols for cor-
12 rections officers who work with women, by taking actions that include:

13 (a) Defining the knowledge, attitudes, skills and competencies required to work with
14 women and incorporating these elements into hiring and screening procedures.

15 (b) Ensuring the hiring process identifies candidates with aptitude, interest and experi-
16 ence in working with women.

17 (c) Developing and implementing a pre-employment screening tool to gauge whether a
18 candidate will be able to appropriately work with women.

19 (2) The department shall develop and enhance job descriptions to reflect the responsibil-
20 ity of working with women, including adults in custody with diverse racial, ethnic, gender
21 or social identities. The job descriptions at a minimum must:

22 (a) Define professionalism to include treating all adults in custody with dignity and re-
23 spect.

24 (b) Emphasize the importance of viewing women’s behaviors in the larger ecological
25 context in which they developed.

26 (c) Acknowledge the role of trauma-informed approaches in preventing the
27 revictimization of women.

28 (d) Emphasize the importance of improving facility and community-based outcomes.

29 (3) The Oregon Criminal Justice Commission shall conduct a study to determine the ratio
30 of staff to adults in custody at each Department of Corrections institution sufficient to af-
31 ford each adult in custody a safe environment.

32 **SECTION 4.** The Department of Corrections shall:

33 (1) Ensure that Coffee Creek Correctional Facility implements the pre-employment
34 screening tool described in section 3 (1)(c) of this 2025 Act to help identify candidates for
35 employment who are competent to work with women.

36 (2) Launch a comprehensive, gender-responsive staff training and support protocol that
37 supports staff wellness and is mandated for all management, staff and individuals who make
38 decisions impacting Coffee Creek Correctional Facility.

39
40 **CULTURE**

41
42 **SECTION 5.** (1) The Department of Corrections shall ensure staff adhere to a zero-
43 tolerance policy for communication and behavior that is unprofessional, disrespectful and
44 dehumanizing.

45 (2) The department shall take proactive steps to implement a culture of respect and

1 **dignity, including:**

2 (a) Ensuring that staff are adhering to the zero-tolerance policy described in subsection
 3 (1) of this section, including refraining from the use of derogatory language, swearing, yelling
 4 and the use of racist, sexist, misogynistic, homophobic and transphobic language.

5 (b) Informing staff of the consequences of failing to adhere to the zero-tolerance policy.

6 (c) Actively addressing the code of silence regarding the mistreatment of adults in cus-
 7 tody.

8 (d) Requiring the leadership of the facility to address facility culture annually by dis-
 9 tributing an action plan to all staff and adults in custody that reinforces a culture of respect
 10 and dignity and the zero-tolerance policy described in subsection (1) of this section.

11 (e) Eliminating any element of paramilitary culture or philosophy, including but not
 12 limited to:

13 (A) Titles and rankings.

14 (B) Uniforms.

15 (C) Language.

16 (D) Imagery, symbols and signage.

17 (3) Within the first six months of hiring and every 18 months thereafter, all corrections
 18 officers shall participate in meetings between adults in custody and corrections officers that
 19 are facilitated by a community-based organization for the purpose of cultivating an under-
 20 standing of the unique experiences and difficulties of incarceration.

21 (4)(a) The Department of Public Safety Standards and Training shall review all com-
 22 plaints received about a certified corrections officer, as defined in ORS 181A.355, to deter-
 23 mine whether the allegations in the complaint, if proven, would lead an objectively
 24 reasonable person to conclude that the corrections officer violated employment, training or
 25 certification standards for public safety professionals established by the Board on Public
 26 Safety and Standards and Training.

27 (b) When a complaint is made against a employed corrections officer or a certified cor-
 28 rections officer who is not employed in a certifiable position for conduct that, if proven,
 29 would violate the certification requirements under ORS 181A.410 or any rules adopted under
 30 ORS 181A.410, the department shall present the complaint to the Corrections Policy Com-
 31 mittee described in ORS 181A.375 for disposition.

32
 33 **ACCESS TO COURTS**
 34

35 **SECTION 6.** (1)(a) The Judicial Department shall establish, manage and administer a law
 36 library at each Department of Corrections institution that is modeled after the Multnomah
 37 Circuit Court Legal Resource Center.

38 (b) The Judicial Department shall provide to each adult in custody at a Department of
 39 Corrections institution access to the courts and legal resources to the same extent enjoyed
 40 by the general public.

41 (2) The Department of Corrections shall provide to each adult in custody at a Department
 42 of Corrections institution access to the following at no cost:

43 (a) The courts and legal resources to the same extent enjoyed by the general public.

44 (b) The law library established under subsection (1) of this section at the facility in which
 45 the adult in custody is incarcerated regardless of the claim or legal issue, during regular

1 **business hours, evenings and at least one weekend day per week.**

2 **(c) Legal research materials on tablet computers available from housing units or on**
3 **kiosks.**

4 **(d) Computers and printers for word processing, copying and printing of documents re-**
5 **lated to legal issues, during regular business hours, evenings and at least one weekend day**
6 **per week.**

7 **(e) Telephones for the purpose of calling courts to inquire about court processes or the**
8 **court case of the adult in custody.**

9 **(f) The Internet to conduct legal research, including access to websites for state and**
10 **federal courts and the Oregon State Bar.**

11 **(g) Information about the court case of the adult in custody through electronic state and**
12 **federal databases.**

13 **(h) Forms through the Judicial Department Forms Center website.**

14 **(i) Printed legal forms in the law library free of charge.**

15 **(j) Document copying, envelopes and postage in the law library to mail any documents**
16 **necessary to address any legal issues concerning and identified by the adult in custody.**

17 **(k) Access to private and comfortable rooms that conform to any applicable requirements**
18 **of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) for making legal**
19 **telephone calls, appearing remotely at hearings and taking notes. For purposes of making**
20 **legal telephone calls, an adult in custody must have access within seven days of requesting**
21 **use of the telephone.**

22 **(L) Any court proceeding by telephone or video conference for the entirety of the hear-**
23 **ing.**

24 **(3) The Judicial Department shall:**

25 **(a) Develop and publish detailed policies and procedures for use by court staff to ensure**
26 **consistent and proper processing of fee waiver and deferral requests submitted by adults in**
27 **custody.**

28 **(b) Allow filings to be accepted pending the processing of a fee waiver or deferral request.**

29 **(c) Develop and deliver ongoing training for judicial staff at all courts in this state, in-**
30 **cluding:**

31 **(A) An overview of the policies and procedures of the Judicial Department and Depart-**
32 **ment of Corrections related to the ability of an adult in custody to attend court proceedings**
33 **and communicate with the court.**

34 **(B) Information related to access to justice issues experienced by adults in custody, in-**
35 **cluding barriers to communication with courts, challenges of remote attendance at court**
36 **proceedings and the negative consequences to adults in custody associated with missing a**
37 **court proceeding or attending a court proceeding in person.**

38 **(C) How to identify and secure the appearance of adults in custody.**

39 **(d) Ensure that each adult in custody appears by telephone or video at each court pro-**
40 **ceeding unless the adult in custody or the attorney for the adult in custody voluntarily**
41 **communicates another preference to the court.**

42 **(e) Schedule cases involving telephone or video appearances by adults in custody to begin**
43 **at a specific time and last for a specific duration.**

44 **(4) The Department of Corrections shall establish a dedicated point person at each De-**
45 **partment of Corrections institution to provide the following services:**

1 (a) Be available for adults in custody, attorneys, legal staff or court staff to contact with
 2 questions or concerns regarding legal matters.

3 (b) Coordinate court appearances for an adult in custody or troubleshoot issues con-
 4 cerning the ability of an adult in custody to participate in a hearing.

5 (c) Contact the court if an adult in custody is unable to appear or missed the hearing.

6 (d) Be available for the court to contact if the court experiences connection issues lead-
 7 ing up to or during a hearing.

8 (5) The Judicial Department shall modify hearing notices to include information about
 9 what types of appearances are permitted and how to request each type of appearance.

10 (6) If an adult in custody is transported for an in-person court appearance, the Depart-
 11 ment of Corrections may not cause the adult in custody to lose their housing or job assign-
 12 ments and shall ensure that necessary personal care items, paperwork and medications are
 13 transported with the adult in custody.

14
 15 **OPERATIONAL AND FACILITY IMPROVEMENTS**

16
 17 **SECTION 7. Feasibility study; report.** (1) The Department of Corrections shall conduct a
 18 feasibility study and prepare a report on creating a system of women’s regional justice cen-
 19 ters across this state to function as an alternative model of caring for adults in custody.

20 (2) The department shall submit the report in the manner provided by ORS 192.245, and
 21 may include recommendations for legislation, to the interim committees of the Legislative
 22 Assembly related to the judiciary no later than September 15, 2027.

23 (3) The department shall publish the report on a public-facing website no later than
 24 September 15, 2027.

25 **SECTION 8. Grievances.** (1) The Department of Corrections may not deny a grievance for
 26 reasons of form if the content of the grievance is clear. If a grievance is denied, the de-
 27 partment shall explain the reason for the denial in person and in writing to the adult in
 28 custody.

29 (2) The department shall liberally extend the timelines for filing and appealing grievances.

30 (3) Unless an adult in custody can demonstrate a reasonable basis for being untimely, an
 31 adult in custody shall submit grievances and appeals to the Department of Corrections in-
 32 stitution grievance coordinator or designee on the following timelines:

33 (a) A grievance within 90 calendar days from the date on which the incident or issue
 34 giving rise to the grievance occurred.

35 (b) An initial appeal within 45 calendar days from the date that the grievance coordinator
 36 or designee sent the initial grievance response to the adult in custody.

37 (c) A final appeal within 45 calendar days from the date that the grievance coordinator
 38 or designee sent the initial appeal response to the adult in custody.

39 (4) The department shall:

40 (a) Provide grievance forms in the preferred language of an adult in custody.

41 (b) Establish and maintain an electronic system for adults in custody to access and sub-
 42 mit grievances on tablet computers.

43 (c) Ensure anonymous reporting options.

44 (d) Revisit grievance protocols every three years, including requirements and timelines
 45 for filing grievances and appeals.

1 (e) Provide semiannual in-service training to staff on the components of the grievance
2 protocol and their duties within that protocol.

3 (f) Ensure that adults in custody know their rights and responsibilities regarding griev-
4 ances, including the process and timelines for filing and appeals.

5 (g) Establish a monitoring protocol to identify when staff retaliate against adults in
6 custody who file grievances and a corresponding disciplinary protocol for staff who engage
7 in retaliation.

8 (h) Formally monitor and track staff adherence to grievance protocols, especially during
9 the rollout of improved protocols, through measures such as meeting with adults in custody
10 and staff regularly and distributing anonymous surveys.

11 (i) Establish an electronic system to track data related to grievances, including but not
12 limited to:

13 (A) Staff performance.

14 (B) Trends and issues.

15 (C) Reasons for accepting or denying each filed grievance.

16 (D) Disciplinary, medical and mental health metrics.

17 (j) Collect and digitize all previously filed grievances in its possession for the purpose of
18 generating usable data to inform future improvements to the grievance process.

19 (5) The department may not:

20 (a) Forward or otherwise make available a filed grievance to the individual who is the
21 subject of the grievance.

22 (b) Prevent an adult in custody from filing a tort claim notice under ORS 30.275 because
23 the adult in custody filed a grievance.

24 (c) Retaliate against an adult in custody for assisting another adult in custody with filing
25 a grievance.

26 **SECTION 9. Intake.** (1) The Department of Corrections may use the Coffee Creek
27 Correctional Facility to conduct intake exclusively for adults in custody who will serve the
28 entire length of their sentence at the facility.

29 (2) The department shall conduct intake for all other adults in custody at another De-
30 partment of Corrections institution.

31 (3) The department shall provide women with a gender-responsive and trauma-informed
32 intake process, space and orientation.

33 **SECTION 10. Basic conditions and needs.** (1) The Department of Corrections, in consul-
34 tation with independent health experts, shall establish fresh food and nutrition requirements,
35 support enhanced food quality, variety and portion size and expand the performance recog-
36 nition award system for kitchen workers.

37 (2) The department shall:

38 (a) Accommodate special diets and ensure that all adults in custody with specific nutri-
39 tional needs are able to get those needs met.

40 (b) Provide more nutritious food choices to adults in custody.

41 (c) Ensure work crews have larger sack lunches to provide the adults in custody on the
42 work crew with the necessary caloric energy and nutrition to support their work while away
43 from the Department of Corrections institution.

44 (d) Offer a kitchen program at each Department of Corrections institution that provides
45 vocational education and enrichment beyond the food handler card, supported by staff and

1 adults in custody with professional culinary experience.

2 **SECTION 11. Maintenance and repair.** (1)(a) The Department of Corrections shall con-
 3 tract with an independent third party to audit and prepare a report on the infrastructure
 4 at each Department of Corrections institution every three years. The report must include a
 5 timeline for addressing outstanding issues and a schedule for follow-up reporting.

6 (b) The department shall submit the report, and may include recommendations for leg-
 7 islation, to the interim committees of the Legislative Assembly related to the judiciary no
 8 later than September 15 of each year the audit occurs.

9 (2) At all Department of Corrections institutions, the department shall:

10 (a) Provide modernized HVAC systems with HEPA filtration systems to ensure all adults
 11 in custody have access to appropriate heating, cooling and smoke filtration during wildfire
 12 season.

13 (b) Ensure that the temperature of housing units is between 68 degrees and 76 degrees
 14 Fahrenheit.

15 (c) Provide adequate shaded or covered areas outside for adults in custody to recreate
 16 safely and comfortably.

17 (d) Ensure that all bunk beds are designed to prevent adults in custody from falling off.

18 **SECTION 12.** The Department of Corrections shall comply with section 11 (2)(a) of this
 19 2025 Act by May 1, 2028.

20 **SECTION 13. Facility design and structure.** The Department of Corrections shall:

21 (1) Ensure all cells include a privacy curtain for the cell toilet.

22 (2) Study and implement mitigation measures to reduce noise levels from cell doors
 23 opening and closing, including modifications to door mechanisms and permitting adults in
 24 custody to control their own cell doors during specified hours.

25 (3) Ensure that lights do not impact or inhibit the ability of adults in custody to sleep.

26 (4) Make immediate improvements to the current facility space to ensure that it reflects
 27 a more human-centered, gender-responsive and trauma-informed atmosphere.

28 (5) Enhance and create opportunities for safe areas for adults in custody to engage in
 29 wellness and self-care apart from their cells.

30 (6) Implement at all Department of Corrections institutions visual enhancements in all
 31 units, common spaces and program spaces to improve the mental health and well-being of
 32 adults in custody and staff, including placing items on the walls that offer hope and encour-
 33 agement.

34 (7) Ensure visiting spaces in all Department of Corrections institutions support produc-
 35 tive and nurturing visits with family, children or other approved individuals, including en-
 36 suring that the space:

37 (a) Allows for private conversations.

38 (b) Is child friendly with toys, a changing table and access to healthy and affordable
 39 snacks in a vending machine.

40 (c) Provides the adult in custody sufficient access to their children, family or other ap-
 41 proved individuals.

42 (8) Establish dignified, gender-responsive and trauma-informed spaces on the units where
 43 adults in custody can de-escalate.

44 (9) Implement improvements to the Special Housing Unit space and protocols, including:

45 (a) Installing frosted films for coverage in all cells to ensure that no one can look into

1 the cell when an adult in custody is showering.

2 (b) Removing the floor to ceiling closet-size cages and removing shackles from the wall.

3 (c) Ending the use of tethers or similar items to walk adults in custody around the seg-
 4regation units and implementing alternative approaches to safe and secure movement or
 5transfer practices within the Special Housing Unit that are more human-centered, dignified,
 6gender-responsive and trauma-informed.

7 (d) Allowing adults in custody with a level 3 classification to visit another adult in cus-
 8tody who is in segregation.

9 (10) Redesign the housing units to eliminate open-dorm style housing and replace that
 10housing with divided rooms where small groups of adults in custody can be housed.

11 **SECTION 14.** The Department of Corrections shall comply with section 13 (9) of this 2025
 12Act within six months after the effective date of this 2025 Act.

13 **SECTION 15. Technology.** The Department of Corrections shall:

14 (1) Rescind the current telephone validation requirement.

15 (2) Provide telephone calls and video visits free of charge.

16 (3) Install additional video call kiosks to ensure one kiosk for every four adults in cus-
 17tody.

18 (4) Allow adults in custody to make video calls on tablet computers.

19 (5) Provide each adult in custody with their own tablet computer at all Department of
 20Corrections institutions.

21 (6) Provide Internet access related to websites, applications and other digital resources
 22for adults in custody through a secondary wireless network subject to reasonable re-
 23strictions.

24 (7) Provide access to the computer lab during regular business hours, evenings and at
 25least one weekend day per week for adults in custody to independently work on legal, edu-
 26cational or occupation-related work, including using office, presentation and word-processing
 27software applications that are commonly employed in professional and school settings.

28 **SECTION 16. Unclothed body searches.** The Department of Corrections:

29 (1) May not use routine or randomized unclothed body searching.

30 (2) May use an unclothed body search only upon a determination that probable cause
 31exists and with written approval from a supervisor.

32 (3) May use body scanning devices prior to conducting any unclothed body searches sub-
 33ject to the following policies:

34 (a) A body scanner search may not occur without probable cause to warrant the body
 35scan and prior written approval from a supervisor.

36 (b) The outcome of any body scan must be documented.

37 (c) Refusal of a body scan by an adult in custody does not constitute probable cause.

38 (d) The number of body scans each adult in custody is subjected to must be monitored.

39 (e) The department shall implement a maximum limit on the use of body scans on each
 40adult in custody to ensure safe levels of radiation.

41 (f)(A) The department shall establish medical exemptions by which adults in custody may
 42elect not to undergo a body scan.

43 (B) Invocation of a medical exemption under subparagraph (A) of this paragraph does not
 44alter the probable cause and written approval requirements for conducting an unclothed body
 45search described in paragraph (a) of this subsection.

1 (g) The department shall ensure staff are adequately trained to read body scans accu-
 2 rately, to avoid false identification of contraband and to enforce safe radiation limits.

3 (4) The department may not discipline, retaliate against or coerce an adult in custody for
 4 refusing a body scan or unclothed body search that lacks probable cause.

5 (5) The department shall:

6 (a) Post guidance in areas where unclothed body searches are conducted to remind cor-
 7 rections staff what is appropriate and not appropriate.

8 (b) Ensure staff explain each step of the unclothed body search and its purpose to an
 9 adult in custody before conducting the search, using professional language and a respectful
 10 tone and without additional commentary.

11 (c) Limit punitive responses when unclothed body searches reveal addiction-related
 12 contraband or harmless items.

13 (d) Ensure that if an unclothed body search is conducted, staff shall keep accurate re-
 14 cords of the information regarding the search, including:

15 (A) The name, race and ethnicity of the adult in custody subjected to the search.

16 (B) The name of the officer who ordered or conducted the unclothed body search.

17 (C) When and where the unclothed body search transpired.

18 (D) What alternatives to an unclothed body search were considered.

19 (E) The detailed reason that the unclothed body search was warranted.

20 (F) Any contraband that was recovered from the unclothed body search.

21 (e) Report on a monthly basis to the Corrections Ombudsman the information described
 22 in paragraph (d) of this subsection.

23 (f) Record, maintain and analyze data on the race and ethnicity of adults in custody who
 24 are subjected to unclothed body searches to identify potential discrimination in unclothed
 25 body searching practices.

26 (6) The information described in subsection (5)(d) of this section is a public record for
 27 purposes of ORS 192.311 to 192.478.

28
 29 **DISCIPLINE**

30
 31 **SECTION 17.** (1) The Department of Corrections shall implement a comprehensive
 32 gender-responsive, evidence-based and trauma-informed discipline and sanctions system for
 33 adults in custody.

34 (2) The system described under subsection (1) of this section must incorporate policies
 35 and practices that:

36 (a) Promote positive reinforcement and positively state expectations alongside basic fa-
 37 cility rules that highlight important concepts for women, such as self-care, relational ag-
 38 gression and emotional and physical safety.

39 (b) Encourage circle processes and other restorative approaches that safely and effec-
 40 tively utilize peer mediation or support.

41 (c) Balance support and accountability by acknowledgment of the strengths or assets of
 42 adults in custody as often as challenges.

43 (d) Utilize affirmations, reinforcers and encouragers instead of confrontation.

44 (e) Relay positive behaviors in log books and during shift changes.

45 (f) Set a positive tone at each shift change and utilize collaborative problem-solving

1 techniques to prevent and de-escalate problems.

2 (g) Develop a discipline protocol and misconduct grid that is specific for women given
3 their research-based risks, strengths and needs.

4 (h) Ensure that disciplinary hearings are intentionally designed and facilitated to be
5 trauma-informed, including taking trauma into account as part of any review, analysis or
6 decision-making and incorporating mental health support protocols into the process.

7 (i) Limit the punitive use of segregation and cell-ins by requiring prior exhaustion of all
8 other alternatives.

9 (j) Address the over-broad discretion of officers to impose sanctions. The department
10 shall adopt rules to limit the amount of discretion officers have in determining discipline and
11 to update and expand policies and procedures regarding progressive discipline to ensure the
12 discipline is gender-responsive, trauma-informed, easily understandable and consistently uti-
13 lized.

14 (k) Prioritize the least punitive discipline possible for each type of sanction, including
15 writing essays or performing cleaning tasks.

16 (L) Require the development of training videos to educate corrections officers in reducing
17 inconsistency and utilizing the least punitive actions.

18 (m)(A) Minimize use of punitive cell-ins and other lockdowns to allow adequate exercise,
19 mental stimulation, access to natural light and socializing.

20 (B) Utilize cell-ins only when low-level responses have been ineffective in motivating
21 change.

22 (C) Provide that progressive discipline may not be based on infractions that are more
23 than 60 days old and that face sheets are replaced every 60 days.

24 (n) Limit the number of discipline reports that can be attributed to an adult in custody
25 for a single infraction-related event to one discipline report.

26 (3) The department shall:

27 (a) Adopt rules modifying hearings protocols for adults in custody with a behavioral
28 health diagnosis to allow behavioral health staff to evaluate the ability of an adult in custody
29 to understand an alleged infraction and the hearing process.

30 (b) Dismiss infractions for cases where the alleged infraction is directly associated with
31 an act of self-harm or a suicide attempt.

32 (c) Identify whether the mental health status of the adult in custody contributed to the
33 alleged violation, and, if so, determine whether sanctions should be modified because of the
34 mental health status of the adult in custody.

35 (d) Track conduct orders and misconduct reports.

36 (e) Implement a process for tracking misuse of the discipline process, broken out for
37 each issuing officer, including whether the discipline imposed was appropriate for the mis-
38 conduct. The assistant superintendent of security and the gender-responsive manager shall
39 review the tracking information for compliance with policy. Any misuse of discipline by an
40 officer must be recorded in the officer's personnel file. If a pattern of misuse exists, the
41 department shall impose corrective measures on the officer. The department shall use data
42 described in this paragraph to work collaboratively with behavioral health staff and other
43 staff to address potential underlying causes for misconduct.

44 (f) Adopt rules allowing for the inclusion of positive entries in face sheets.

45 (g) Eliminate the use of disciplinary segregation units or, at minimum, ensure that dis-

1 **ciplinary segregation is a last resort and never exceeds 15 consecutive days.**

2 **(4) The department may not hold adults in custody in segregation during disciplinary in-**
 3 **vestigations.**

4 **(5) The department shall ensure that:**

5 **(a) Within two hours of being placed in restrictive housing, an adult in custody receives**
 6 **any requested book, a pen or pencil, paper, envelopes, the personal address book of the adult**
 7 **in custody, soap, a toothbrush, toothpaste, shampoo and deodorant.**

8 **(b) Adults in custody in restrictive housing are allowed to access, within 24 hours of**
 9 **confinement, three 25-minute visitation periods per week to be conducted via live audiovisual**
 10 **technology.**

11 **(c) Adults in custody in restrictive housing are provided with at least 15 hours per week**
 12 **of structured in-cell programming, which must include visits of at least 30 minutes at least**
 13 **twice per week from the case manager of the adult in custody and at least five times per**
 14 **week from representatives for a variety of other services.**

15 **SECTION 18. Lockdowns. (1) The Department of Corrections shall provide all adults in**
 16 **custody, other than adults in custody with a disciplinary status, a minimum of eight hours**
 17 **out of cell per day.**

18 **(2) The department shall:**

19 **(a) Adopt clear, official and written policies and procedures determining when and how**
 20 **lockdowns can be implemented.**

21 **(b) Digitally record and retain the name of the staff member who initiated a lockdown,**
 22 **the purpose of the lockdown and the length of the lockdown.**

23 **(c) Ensure that all lockdowns are approved by an assistant superintendent of security**
 24 **or a superior of an assistant superintendent of security.**

25 **(d) Provide that a staff member who violates this subsection is disciplined.**

26 **(3) The written policies and procedures adopted under subsection (2) of this section are**
 27 **public records for purposes of ORS 192.311 to 192.478.**

28
 29 **SUPPORT FOR SURVIVORS**

30
 31 **SECTION 19. (1) The Department of Corrections shall ensure that adults in custody have**
 32 **access to linguistically and culturally specific resources and services for survivors of do-**
 33 **mestic violence, intimate partner violence or sexual assault.**

34 **(2) To provide the services described in subsection (1) of this section, the department**
 35 **shall:**

36 **(a) Enter contracts and collaborate with community-based providers with relevant ex-**
 37 **pertise.**

38 **(b) Provide all adults in custody with tablet computers onto which programming can be**
 39 **loaded and accessed for free whenever needed.**

40 **(c) Report quarterly on a public-facing website all available programs for survivors.**

41 **(3) The department shall:**

42 **(a) Identify survivors in a trauma-informed manner as early as possible and connect the**
 43 **survivors with appropriate resources.**

44 **(b) Adopt rules incorporating the identification of survivors into the intake assessment**
 45 **process.**

1 (c) Adopt rules to identify adults in custody who did not disclose prior abuse or trauma
2 at intake and to provide the adults in custody, once they are identified, with appropriate
3 services, including counseling and advocacy programs.

4 (d) Establish a position to oversee survivor services. This position shall conduct ongoing
5 outreach to ensure survivors are able to access and are receiving appropriate services.

6 (4) The department shall engage a consultant or community-based organizations with
7 expertise in gender-responsive and trauma-informed correctional practices to implement a
8 training protocol for all existing and new staff that is designed improve staff professionalism
9 and address any issues regarding accountability for unprofessional, disrespectful or
10 dehumanizing staff behaviors.

11 (5) The department shall adopt rules requiring:

12 (a) All staff members to be trained specifically on trauma-informed and gender-
13 responsive principles at least once per year.

14 (b) Mandated regular review sessions.

15
16 **BEHAVIORAL HEALTH SERVICES**

17
18 **SECTION 20.** (1) The Department of Corrections shall:

19 (a) Implement mental health screening for all adults in custody during intake and con-
20 duct in-depth assessments where indicated.

21 (b) Offer mental health treatment immediately upon intake.

22 (c) Adopt rules establishing a continuum of mental health resources.

23 (d) Ensure that all mental health screenings, assessments, treatments and resources are
24 gender-responsive, culturally specific and designed to address underlying trauma.

25 (2) The department shall:

26 (a) Implement drug and alcohol screening for all adults in custody during intake and
27 conduct in-depth assessments where indicated.

28 (b) Offer detox support and substance use disorder treatment immediately upon intake.

29 (c) Adopt rules establishing a continuum of resources, including twelve-step meetings and
30 other tools, to address substance use disorder.

31 (d) Ensure that substance use disorder screenings, assessments, treatments and re-
32 sources are gender-responsive, culturally-specific and designed to address underlying trauma
33 rather than to simply achieve abstinence.

34 (3) The department shall ensure all adults in custody have access to various self-help
35 materials, including but not limited to books, music, digital content, aural tools and supports
36 and sensory accommodations.

37 (4) The department shall:

38 (a) Maintain a portal containing a comprehensive list of available supports, services and
39 programs at each Department of Corrections institution, including a description of services
40 and their respective time commitment and eligibility requirements, detailed information
41 about how to enroll or gain access on a tablet computer and a portal to view appointments,
42 send inmate communications and request services.

43 (b) Ensure that work schedules for an adult in custody do not interfere with the ability
44 of the adult in custody to access behavioral health supports, either by allowing the adult in
45 custody to miss work for appointments, classes and support groups or by ensuring that these

1 activities are offered and accessible during nonwork hours.

2 (c) Ensure that behavioral health sessions, groups, crisis intervention and dayrooms op-
 3 erate as usual when a prison is on lockdown or modified operations.

4 (5) The department shall develop a robust, facility-wide data collection and management
 5 system that consolidates comprehensive information from each department of the facility
 6 into an organized, exportable database. The database must track individual service data while
 7 maintaining the ability to provide aggregate, deidentified information to agency partners, as
 8 well as disaggregated data to assess racial disparities and promote equity.

9 (6)(a) The department shall partner with Trauma Informed Oregon or other trauma
 10 subject matter experts to conduct and publish an assessment every three years to identify
 11 strategies to make the prison environment trauma-informed.

12 (b) The published assessment must be provided within three months of publication to the
 13 committees or interim committees of the Legislative Assembly related to the judiciary.

14 (c) Within 30 days following publication of the assessment, the department shall submit
 15 an action plan to carry out the recommendations in the assessment to the committees or
 16 interim committees of the Legislative Assembly related to the judiciary.

17
 18 **PRISON RAPE ELIMINATION ACT**

19
 20 **SECTION 21.** (1) There is created in the office of Corrections Ombudsman established in
 21 ORS 423.400 the position of compliance manager to ensure all operations of the Department
 22 of Corrections comply with best practices of the Prison Rape Elimination Act of 2003 (P.L.
 23 108-79, 117 Stat. 972, 34 U.S.C. 30301 to 30309) and related regulations.

24 (2)(a) The department, in collaboration with outside experts, shall develop and implement
 25 specialized training and education for staff and adults in custody, including skills demon-
 26 stration requirements, follow-up assessments and gender-responsive and trauma-informed
 27 implementation of the Prison Rape Elimination Act.

28 (b) The specialized training and education for implementation of the Prison Rape Elimi-
 29 nation Act must include:

30 (A) Appropriate investigation practices.

31 (B) Confidentiality practices.

32 (C) The dynamics of custodial sexual abuse for women and gender diverse populations.

33 (D) Components of institutional culture and its effects on predatory behaviors.

34 (E) Immediate and long-term medical and mental health care needs of survivors of sexual
 35 abuse.

36 (F) Professional boundaries and ethics.

37 (3) The department shall ensure that all adults in custody have confidential and anony-
 38 mous opportunities to share concerns about safety, reporting, responses or investigations
 39 with the Corrections Ombudsman.

40 (4) The department shall establish an oversight board to support compliance with the
 41 Prison Rape Elimination Act. The board must meet at least quarterly to assess all matters
 42 related to compliance with the Prison Rape Elimination Act, including existing policies, best
 43 practices, audit documents, reports, disaggregated data, retaliation monitoring records and
 44 any statutorily required post-incident review reports.

45 (5) Upon request by the board, the department shall provide to the board additional re-

1 ports or data that would be conducive to promoting safety, accountability, transparency and
 2 equity.

3 (6) The Governor shall appoint members to the board, including but not limited to the
 4 Corrections Ombudsman, individuals on the Governor’s advisory panel on gender responsive
 5 practices in corrections and individuals representing organizations with relevant legal and
 6 subject matter expertise.

7 (7) The board shall regularly submit its findings and recommendations as a report in the
 8 manner provided by ORS 192.245, and may include recommendations for legislation, to the
 9 committees or interim committees of the Legislative Assembly related to the judiciary.

10 (8) The department shall:

11 (a) Adopt rules establishing ongoing, automated monitoring to flag issues related to
 12 compliance with the Prison Rape Elimination Act and particular staff members or facilities.
 13 Upon identification, all relevant information must be subject to internal and external review,
 14 including information regarding progressive discipline or other steps that have been taken
 15 in response to issues. This data must be included in the reports submitted under subsection
 16 (7) of this section.

17 (b) Establish more comprehensive data collection regarding reports related to compliance
 18 with the Prison Rape Elimination Act, including demographically disaggregated information
 19 and qualitative analysis using report narratives.

20 (c) Establish an on-site presence for adults in custody to receive counseling services from
 21 professionals who are not employees of the department related to violations of the Prison
 22 Rape Elimination Act.

23 (d) Ensure that adults in custody who report a violation of the Prison Rape Elimination
 24 Act have ongoing and documented input regarding their preference for safe housing options.

25 (e) Establish a reporting mechanism to identify and track adults in custody who have
 26 made reports related to the Prison Rape Elimination Act. The reporting mechanism must
 27 collect and maintain the following information:

28 (A) Whether the adult in custody was placed in segregation following the report.

29 (B) If the adult in custody was placed in segregation following the report, what alterna-
 30 tive options staff considered.

31 (C) What periodic reviews have been conducted.

32 (D) Disaggregated data to allow for any racial, demographic or other disparities to be
 33 identified and remedied.

34
 35 **SUPPORT FOR PARENTS AND FAMILIES**

36
 37 **SECTION 22.** (1) The Department of Corrections shall adopt rules to expand opportunities
 38 for parents, children and families to connect with an adult in custody, including rules es-
 39 tablishing that:

40 (a) Children have a presumptive right to visit a parent who is an adult in custody.

41 (b) Individuals having difficulty being approved to visit a family member who is an adult
 42 in custody must be assigned a dedicated point of contact within the visiting services unit for
 43 individualized assistance.

44 (c) The visiting services unit shall track and report data regarding family members’
 45 visitation applications that are approved or denied, as well as those for which an adminis-

1 trative review is requested, including processing times and outcomes.

2 (d) The visiting services unit shall maintain the data described in paragraph (c) of this
3 subsection in disaggregated form to identify and address disparities and promote equity.

4 (e) The department shall allow a teenage child to visit a parent who is an adult in custody
5 without an accompanying adult if a guardian or caregiver of the child consents.

6 (f) The department shall hold at least four family events per year, including those that
7 can be attended by adult children and other family members.

8 (g) Staff who oversee visitation must receive specialized training regarding trauma-
9 informed interactions with children and families.

10 (2) The department shall:

11 (a) Establish a point of contact for visitors with special needs to arrange for accessibility
12 items in advance.

13 (b) Ensure that the visiting alerts website is updated daily and establish a text alerts
14 system to provide notifications.

15 (c) Allow families who live far from the facility the opportunity to make appointments
16 for visitation, so that they are not turned away if a visitation session has reached maximum
17 capacity.

18 (d) Ensure there are at least two family advocates or an advocate program at each De-
19 partment of Corrections institution.

20 (e) Adopt rules, in collaboration with the Department of Human Services child welfare
21 division and the Judicial Department, to develop a process to facilitate the ability of adults
22 in custody to participate in mediation related to juvenile dependency or family law matters.

23 (3) The Department of Corrections, in cooperation with the Department of Human Ser-
24 vices, shall ensure that adults in custody have meaningful opportunities to participate in
25 cases under the jurisdiction of the Department of Human Services, including but not limited
26 to programs, demonstrating parenting skills, effectively planning for reunification, commu-
27 nication with the Department of Human Services, communication with their juvenile de-
28 pendency attorney and participation in related court hearings.

29 **SECTION 23.** The Department of Corrections shall establish a prison nursery program
30 at Coffee Creek Correctional Facility.

31
32 **TRANSGENDER, NONBINARY AND GENDER DIVERSE ADULTS IN CUSTODY**

33
34 **SECTION 24.** (1) The Department of Corrections, in collaboration with individuals with
35 lived experience, advocacy organization and other agencies or parties with subject matter
36 expertise, shall adopt rules to develop a comprehensive set of policies and procedures in the
37 areas of medical care, behavioral health services, housing and operations for transgender,
38 nonbinary and gender diverse adults in custody. At a minimum, the rules must include:

39 (a) A global policy that addresses staff responsibilities, disclosure of information, facility
40 and agency multidisciplinary teams, housing and training.

41 (b) Procedures to implement the policy provisions.

42 (c) A detailed policy regarding body searches;

43 (d) An employee manual.

44 (e) A guide for transgender, nonbinary and gender diverse adults in custody.

45 (2) At least every three years, the department shall convene the interested parties de-

1 scribed in subsection (1) of this section to review the rules and identify opportunities for
2 improvement.

3 (3) The department shall designate a transgender care specialist at each Department of
4 Corrections institution to provide coordination of efforts and training across staff and adults
5 in custody on best practices for supporting transgender, nonbinary or gender diverse adults
6 in custody. Each transgender care specialist shall have relevant expertise and authority to
7 resolve barriers to care and address issues of noncompliance.

8 (4) The existing Transgender and Intersex Committee at the department shall be ex-
9 panded to include individuals with lived experience and subject matter expertise.

10 (5) The department shall expand training for staff, contractors, volunteers and adults in
11 custody and ensure that training is developed and delivered in collaboration with individuals
12 with lived experience and subject matter expertise. Training for staff, contractors and vol-
13 unteers must address the following topics:

14 (a) An overview of medically necessary gender-affirming treatment pursuant to best
15 practices and guidelines established by the Oregon Health Authority in accordance with
16 chapter 228, Oregon Laws 2023, and delivered by an independent provider of gender-affirming
17 treatment and a representative from the Oregon Health Authority.

18 (b) Best practices for staff to support transgender, nonbinary and gender diverse adults
19 in custody, with respect to matters including mental health assessments, housing, griev-
20 ances, work assignments and non-discrimination.

21 (c) Harmful stereotypes.

22 (d) Preventing, identifying and responding to bullying, harassment and discrimination.

23 (e) Appropriate ways to intervene in misconduct by staff or other adults in custody.

24 (f) Techniques to recognize and intervene when adults in custody are experiencing mental
25 health challenges.

26 (6) The department shall create clear, transparent and flexible gender-affirming treat-
27 ment policies for staff and adults in custody pursuant to guidelines established by the Oregon
28 Health Authority in accordance with chapter 228, Oregon Laws 2023.

29 (7) The department shall ensure:

30 (a) Staff responsible for making decisions regarding housing, medical care or behavioral
31 health have specialized training to address the needs of transgender, nonbinary and gender-
32 diverse adults in custody.

33 (b) Training for behavioral health staff includes a focus on conducting mental health as-
34 sessments for transgender, nonbinary and gender-diverse adults in custody.

35 (8) The department shall invite additional independent gender-affirming care providers
36 to sit on the Gender Nonconforming-Therapeutic Levels of Care Committee to inform and
37 assist with decision-making.

38 (9) The department shall move oversight of gender-affirming care to the medical services
39 division from the behavioral health services division.

40 (10) The department shall make electrolysis and other gender-affirming care services and
41 resources available at all Department of Corrections institutions.

42 (11) The department shall collect the following data and provide it to the Corrections
43 Ombudsman:

44 (a) The amount of time between when an adult in custody submits a form to the de-
45 partment identifying the adult in custody as transgender and making a housing request to

1 when a housing decision is made.

2 (b) The amount of time between when an adult in custody submits a form to the de-
 3 partment identifying the adult in custody as transgender, nonbinary or gender-
 4 nonconforming to when the adult in custody receives a response from the department.

5 (c) The amount of time between when an adult in custody receives a medical recom-
 6 mendation for gender-affirming surgery or treatment to when the recommendation is im-
 7 plemented.

8
 9 **RESEARCH-BASED PROGRAMS**

10
 11 **SECTION 25.** (1) The Department of Corrections shall conduct a comprehensive analysis
 12 of available programs for adults in custody on an annual basis.

13 (2) The department shall view addiction as a serious public health issue, the treatment
 14 of which is a necessity, not a privilege or an incentive.

15 (3) The department shall eliminate punitive responses to drug use that pose barriers to
 16 substance use treatment, ensure all adults in custody have access to substance use treat-
 17 ment and eliminate protocols that punish adults in custody for drug use.

18 (4) The department shall ensure the availability of and access to culturally responsive
 19 programs that address women’s diverse, intersecting identities and experiences.

20
 21 **SUPPORTS FOR REENTRY INTO THE COMMUNITY**

22
 23 **SECTION 26.** (1) The Department of Corrections shall ensure that comprehensive safety
 24 planning resources are made available to survivors of domestic violence, intimate partner
 25 violence or sexual assault, including personalized risk assessments, information about
 26 emergency resources and connections to community support services.

27 (2) The department shall ensure that all adults in custody have access to reentry plan-
 28 ning and a gender-responsive and trauma-informed continuum of care from incarceration
 29 through reentry.

30 (3) The department shall develop and implement a gender-responsive and trauma-
 31 informed continuum of care with interested community parties to ensure that basic and
 32 other needs of adults in custody are addressed well in advance of their release.

33 (4) The department shall ensure case and reentry plans are culturally responsive and
 34 address the diverse, intersecting identities of each adult in custody.

35 (5) The department shall assist each adult in custody with ongoing development of a re-
 36 entry plan, which must include but need not be limited to:

- 37 (a) Arrangements for short-term and long-term housing.
- 38 (b) Contact with children, family members and community supports.
- 39 (c) Parenting needs and supports.
- 40 (d) Employment assistance.
- 41 (e) Transportation needs.
- 42 (f) Information regarding accessing resources within the community.
- 43 (g) Medical care planning.
- 44 (h) Safety planning.
- 45 (i) Technology proficiency.

1 (6) The department shall provide basic necessities to all adults in custody upon release,
 2 including:

- 3 (a) Clothing that does not clearly identify people as being newly released from prison.
- 4 (b) Hygiene items.
- 5 (c) Safe transportation to their community.
- 6 (d) State identification.
- 7 (e) Choice of luggage or bag.

8 (7) The department shall ensure that adults in custody have necessary medical appoint-
 9 ments scheduled prior to release.

10 (8) The department shall ensure that, where there is an identified need, wrap-around
 11 teams create comprehensive care plans for higher-needs adults in custody. These teams
 12 must regularly convene and include providers of behavioral health and medical services,
 13 prescribers and correctional counseling staff.

14 (9) The department shall increase work furlough opportunities for adults in custody.

15
 16 **DASHBOARD**
 17

18 **SECTION 27.** (1) The Department of Corrections shall add the following information to
 19 the existing public-facing disciplinary segregation dashboard:

20 (a) Placements in segregated housing related to post-report Prison Rape Elimination Act
 21 of 2003 (P.L. 108-79, 117 Stat. 972, 34 U.S.C. 30301 to 30309) safety concerns.

22 (b) The number of unclothed body searches conducted in each Department of Corrections
 23 institution, whether any contraband was recovered, the nature of the recovered contraband
 24 and the race and ethnicity of the adult in custody who is subjected to an unclothed body
 25 search.

26 (c) A list and description of all programs and services offered within each Department
 27 of Corrections institution, how many adults in custody are served annually by each program
 28 or service, the eligibility requirements for each program or service, the number of available
 29 spots in each program or service, whether there is a waitlist for each program or service
 30 and how long the average wait time is to participate in each program or service.

31 (d) The number of lockdowns and modified operations per week, the reason for each
 32 lockdown and modified operation and the duration of each lockdown and modified operation.

33 (2) The department shall expand the unusual incident report dashboard to track metrics
 34 that are important for adults in custody, including but not limited to metrics related to:

- 35 (a) Medical or mental health.
- 36 (b) Grievances.
- 37 (c) Discipline.

38 **SECTION 28.** As used in sections 1 to 27 of this 2025 Act, “Department of Corrections
 39 institution” has the meaning given that term in ORS 421.005.

40
 41 **CONDITIONS OF POST-PRISON SUPERVISION**
 42

43 **SECTION 29.** ORS 144.102 is amended to read:

44 144.102. (1) The State Board of Parole and Post-Prison Supervision or local supervisory authority
 45 responsible for correctional services for a person shall specify in writing the conditions of post-

1 prison supervision imposed under ORS 144.096. A copy of the conditions must be given to the person
2 upon release from prison or jail.

3 (2) The board or the supervisory authority shall determine, and may at any time modify, the
4 conditions of post-prison supervision, which may include, among other conditions, that the person
5 shall:

6 (a) Comply with the conditions of post-prison supervision as specified by the board or supervi-
7 sory authority.

8 (b) Be under the supervision of the Department of Corrections and its representatives or other
9 supervisory authority and abide by their direction and counsel.

10 (c) Answer all reasonable inquiries of the board, the department or the supervisory authority.

11 (d) Report to the parole officer as directed by the board, the department or the supervisory au-
12 thority.

13 (e) Not own, possess or be in control of any weapon.

14 (f) Respect and obey all municipal, county, state and federal laws, and in circumstances in which
15 state and federal law conflict, obey state law.

16 (g) Understand that the board or supervisory authority may, at its discretion, punish violations
17 of post-prison supervision.

18 (h) Attend a victim impact treatment session in a county that has a victim impact program.

19 (i) For crimes constituting delivery of a controlled substance, as those terms are defined in ORS
20 475.005, or for telephonic harassment under ORS 166.090, or for crimes involving domestic violence,
21 as defined in ORS 135.230, be prohibited from using Internet websites that provide anonymous text
22 message services.

23 (3) If the person is required to report as a sex offender under ORS 163A.010, the board or su-
24 pervisory authority shall include as a condition of post-prison supervision that the person report
25 with the Department of State Police, a city police department, a county sheriff's office or the
26 supervising agency:

27 (a) When supervision begins;

28 (b) Within 10 days of a change in residence;

29 (c) Once each year within 10 days of the person's date of birth;

30 (d) Within 10 days of the first day the person works at, carries on a vocation at or attends an
31 institution of higher education; and

32 (e) Within 10 days of a change in work, vocation or attendance status at an institution of higher
33 education.

34 (4)(a) The board or supervisory authority may establish special conditions that the board or su-
35 pervisory authority considers necessary because of the individual circumstances of the person on
36 post-prison supervision.

37 (b) If the person is on post-prison supervision following conviction of a sex crime, as defined in
38 ORS 163A.005, the board or supervisory authority shall include all of the following as special con-
39 ditions of the person's post-prison supervision:

40 (A) Agreement to comply with a curfew set by the board, the supervisory authority or the
41 supervising officer.

42 (B) A prohibition against contacting a person under 18 years of age without the prior written
43 approval of the board, supervisory authority or supervising officer.

44 (C) A prohibition against being present more than one time, without the prior written approval
45 of the board, supervisory authority or supervising officer, at a place where persons under 18 years

1 of age regularly congregate.

2 (D) In addition to the prohibition under subparagraph (C) of this paragraph, a prohibition
3 against being present, without the prior written approval of the board, supervisory authority or
4 supervising officer, at, or on property adjacent to, a school, child care center, playground or other
5 place intended for use primarily by persons under 18 years of age.

6 (E) A prohibition against working or volunteering at a school, child care center, park, play-
7 ground or other place where persons under 18 years of age regularly congregate.

8 (F) Entry into and completion of or successful discharge from a sex offender treatment program
9 approved by the board, supervisory authority or supervising officer. The program may include
10 polygraph and plethysmograph testing. The person is responsible for paying for the treatment pro-
11 gram.

12 (G) A prohibition against direct or indirect contact with the victim, unless approved by the
13 victim, the person's treatment provider and the board, supervisory authority or supervising officer.

14 (H) Unless otherwise indicated for the treatment required under subparagraph (F) of this para-
15 graph, a prohibition against viewing, listening to, owning or possessing sexually stimulating visual
16 or auditory materials that are relevant to the person's deviant behavior.

17 (I) Agreement to consent to a search of the person or the vehicle or residence of the person
18 upon the request of a representative of the board or supervisory authority if the representative has
19 reasonable grounds to believe that evidence of a violation of a condition of post-prison supervision
20 will be found.

21 (J) Participation in random polygraph examinations to obtain information for risk management
22 and treatment. The person is responsible for paying the expenses of the examinations. The results
23 of a polygraph examination under this subparagraph may not be used in evidence in a hearing to
24 prove a violation of post-prison supervision.

25 (K) Maintenance of a driving log and a prohibition against driving a motor vehicle alone unless
26 approved by the board, supervisory authority or supervising officer.

27 (L) A prohibition against using a post-office box unless approved by the board, supervisory au-
28 thority or supervising officer.

29 (M) A prohibition against residing in a dwelling in which another sex offender who is on pro-
30 bation, parole or post-prison supervision resides unless approved by the board, supervisory authority
31 or supervising officer, or in which more than one other sex offender who is on probation, parole or
32 post-prison supervision resides unless approved by the board or the director of the supervisory au-
33 thority, or a designee of the board or director. As soon as practicable, the supervising officer of a
34 person subject to the requirements of this subparagraph shall review the person's living arrange-
35 ment with the person's sex offender treatment provider to ensure that the arrangement supports the
36 goals of offender rehabilitation and community safety.

37 (c)(A) If the person is on post-prison supervision following conviction of a sex crime, as defined
38 in ORS 163A.005, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18
39 years of age, the board or supervisory authority, if requested by the victim, shall include as a special
40 condition of the person's post-prison supervision that the person not reside within three miles of the
41 victim unless:

42 (i) The victim resides in a county having a population of less than 130,000 and the person is
43 required to reside in that county under subsection (7) of this section;

44 (ii) The person demonstrates to the board or supervisory authority by a preponderance of the
45 evidence that no mental intimidation or pressure was brought to bear during the commission of the

1 crime;

2 (iii) The person demonstrates to the board or supervisory authority by a preponderance of the
3 evidence that imposition of the condition will deprive the person of a residence that would be
4 materially significant in aiding in the rehabilitation of the person or in the success of the post-prison
5 supervision; or

6 (iv) The person resides in a halfway house.

7 (B) A victim may request imposition of the special condition of post-prison supervision described
8 in this paragraph at the time of sentencing in person or through the prosecuting attorney. A victim's
9 request may be included in the judgment document.

10 (C) If the board or supervisory authority imposes the special condition of post-prison supervision
11 described in this paragraph and if at any time during the period of post-prison supervision the victim
12 moves to within three miles of the person's residence, the board or supervisory authority may not
13 require the person to change the person's residence in order to comply with the special condition
14 of post-prison supervision.

15 (d)(A) If a person is on post-prison supervision following conviction of stalking under ORS
16 163.732 (2)(b) or violating a court's stalking protective order under ORS 163.750 (2)(b), the board or
17 supervisory authority may include as a special condition of the person's post-prison supervision
18 reasonable residency restrictions.

19 (B) If the board or supervisory authority imposes the special condition of post-prison supervision
20 described in this paragraph and if at any time during the period of post-prison supervision the victim
21 moves to a location that causes the person to be in violation of the special condition of post-prison
22 supervision, the board or supervisory authority may not require the person to change the person's
23 residence in order to comply with the special condition of post-prison supervision.

24 (5)(a) The board or supervisory authority may require the person to pay, as a condition of
25 post-prison supervision, compensatory fines, restitution or attorney fees:

26 (A) As determined, imposed or required by the sentencing court; or

27 (B) When previously required as a condition of any type of supervision that is later revoked.

28 (b) The board may require a person to pay restitution as a condition of post-prison supervision
29 imposed for an offense other than the offense for which the restitution was ordered if the person:

30 (A) Was ordered to pay restitution as a result of another conviction; and

31 (B) Has not fully paid the restitution by the time the person has completed the period of post-
32 prison supervision imposed for the offense for which the restitution was ordered.

33 (6) A person's failure to apply for or accept employment at a workplace where there is a labor
34 dispute in progress does not constitute a violation of the conditions of post-prison supervision.

35 (7)(a) When a person is released from imprisonment on post-prison supervision, the board shall
36 order as a condition of post-prison supervision that the person reside for the first six months after
37 release in the county that last supervised the person, if the person was on active supervision as an
38 adult for a felony at the time of the offense that resulted in the imprisonment.

39 (b) If the person was not on active supervision as an adult for a felony at the time of the offense
40 that resulted in the imprisonment, the board shall order as a condition of post-prison supervision
41 that the person reside for the first six months after release in the county where the person resided
42 at the time of the offense that resulted in the imprisonment.

43 (c) For purposes of paragraph (b) of this subsection:

44 (A) The board shall determine the county where the person resided at the time of the offense
45 by examining records such as:

- 1 (i) An Oregon driver license, regardless of its validity;
- 2 (ii) Records maintained by the Department of Revenue;
- 3 (iii) Records maintained by the Department of State Police;
- 4 (iv) Records maintained by the Department of Human Services;
- 5 (v) Records maintained by the Department of Corrections; and
- 6 (vi) Records maintained by the Oregon Health Authority.

7 (B) If the person did not have an identifiable address at the time of the offense, or the address
 8 cannot be determined, the person is considered to have resided in the county where the offense oc-
 9 curred.

10 (C) If the person is serving multiple sentences, the county of residence is determined according
 11 to the date of the last arrest resulting in a conviction.

12 (D) In determining the person’s county of residence, the board may not consider offenses com-
 13 mitted by the person while the person was incarcerated in a Department of Corrections facility.

14 (d) Upon motion of the board, the supervisory authority, the person, a victim or a district at-
 15 torney, the board may waive the residency condition under paragraph (b) of this subsection only
 16 after making a finding that one of the following conditions has been met:

17 (A) The person provides proof of employment with no set ending date in a county other than the
 18 county of residence determined under paragraph (c) of this section;

19 (B) The person is found to pose a significant danger to a victim of the person’s crime residing
 20 in the county of residence, or a victim or victim’s family residing in the county of residence is found
 21 to pose a significant danger to the person;

22 (C) The person has a spouse or biological or adoptive family residing in a county other than the
 23 county of residence who will be materially significant in aiding in the rehabilitation of the person
 24 and in the success of the post-prison supervision;

25 (D) As another condition of post-prison supervision, the person is required to participate in a
 26 treatment program that is not available in the county of residence;

27 (E) The person requests release to another state; or

28 (F) The board finds other good cause for the waiver.

29 (e) The board shall consider eligibility for transitional housing programs and residential treat-
 30 ment programs when determining whether to waive the residency condition under paragraph (b) of
 31 this subsection, and the acceptance of the person into a transitional housing program or a residen-
 32 tial treatment program constitutes good cause as described in paragraph (d)(F) of this subsection.

33 **(f) Upon motion of the person, the board may waive the residency condition under para-**
 34 **graphs (a) or (b) of this subsection if the board finds that the person may be at risk of abuse**
 35 **or harm as a result of residing in the county.**

36 (8) As used in this section:

37 (a) “Attends,” “carries on a vocation,” “institution of higher education” and “works” have the
 38 meanings given those terms in ORS 163A.005.

39 (b)(A) “Dwelling” has the meaning given that term in ORS 469B.100.

40 (B) “Dwelling” does not mean a residential treatment facility or a halfway house.

41 (c) “Halfway house” means a residential facility that provides rehabilitative care and treatment
 42 for sex offenders.

43 (d) “Labor dispute” has the meaning given that term in ORS 662.010.

44
 45 **CAPTIONS**

1 **SECTION 30.** The unit and section captions used in this 2025 Act are provided only for
2 the convenience of the reader and do not become part of the statutory law of this state or
3 express any legislative intent in the enactment of this 2025 Act.

4
