

HB 2632-2
(LC 2898)
4/1/25 (JLM/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Judicial Department)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2632**

1 In line 2 of the printed bill, after “courts” insert “; creating new pro-
2 visions; and amending ORS 3.450, 131A.360, 131A.365, 135.973, 135.985, 137.372,
3 137.532, 137.656, 137.680 and 423.150 and section 53, chapter 649, Oregon Laws
4 2013”.

5 Delete lines 4 through 8 and insert:

6 **“SECTION 1. (1) The Chief Justice of the Supreme Court shall ap-
7 point a statewide advisory committee on treatment courts to make
8 recommendations to the Chief Justice on issues relating to the ad-
9 ministration, funding, accountability and eligibility criteria for treat-
10 ment courts.**

11 **“(2) When appointing members of the advisory committee, the Chief
12 Justice shall consider the diversity of the state and include represen-
13 tatives of the following:**

14 **“(a) Circuit court judges;**

15 **“(b) Treatment court coordinators;**

16 **“(c) Prosecutors;**

17 **“(d) Public defense providers;**

18 **“(e) Behavioral health treatment providers;**

19 **“(f) Alcohol and drug treatment providers;**

20 **“(g) Certified recovery mentors or peer support specialists;**

21 **“(h) Community corrections agencies;**

- 1 “(i) Law enforcement;
2 “(j) County governments;
3 “(k) The Department of Veterans’ Affairs;
4 “(L) The Oregon Youth Authority;
5 “(m) The Department of Human Services;
6 “(n) The Oregon Criminal Justice Commission; and
7 “(o) The Oregon Health Authority.

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

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

14 “(5) The advisory committee shall be staffed by the Judicial De-
15 partment.

16 “(6) Members of the advisory committee are not entitled to com-
17 pensation or reimbursement for expenses and serve as volunteers on
18 the advisory committee.

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

25 “(8) As used in this section, ‘treatment court’ has the meaning
26 given that term in ORS 137.680.

27 “SECTION 2. ORS 137.680 is amended to read:

28 “137.680. (1) As used in this section, [*‘specialty courts’*] ‘**treatment**
29 **courts’** means [*drug court programs*] **treatment court programs** as defined
30 in ORS 3.450[, *veterans’ courts, mental health courts or any other similar court*

1 *or docketing system*].

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

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

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

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

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

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

17 “3.450. (1) As used in this section:

18 “[*(a) ‘Drug court program’ means a program in which:*]

19 “[*(A) Individuals who are before the court obtain treatment for substance*
20 *abuse issues and report regularly to the court on the progress of their treat-*
21 *ment; and]*

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

25 “[*(b)*] **(a)** ‘Individual-provider relationship’ includes a relationship be-
26 tween an individual and a physician, a physician associate or nurse practi-
27 tioner.

28 “**(b)(A) ‘Treatment court program’ means a program:**

29 “**(i) In which individuals are before the court to obtain treatment**
30 **for substance abuse issues, mental health issues or other behavioral**

1 **health issues and report regularly to the court on the progress of their**
2 **treatment;**

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

6 **“(iii) That substantially adheres to the treatment court standards**
7 **developed by the Oregon Criminal Justice Commission under ORS**
8 **137.680.**

9 **“(B) ‘Treatment court’ may include but is not limited to a veterans’**
10 **court, mental health court, family court or any other similar court**
11 **or docketing system that meets the requirements of subparagraph (A)**
12 **of this paragraph.**

13 **“(2)(a) The governing body of a county or a treatment provider may es-**
14 **tablish fees that individuals participating in a [drug] treatment court pro-**
15 **gram may be required to pay for treatment and other services provided as**
16 **part of the [drug] treatment court program.**

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

20 **“(3) Records that are maintained by the circuit court specifically for the**
21 **purpose of a [drug] treatment court program must be maintained separately**
22 **from other court records. The Chief Justice of the Supreme Court shall**
23 **designate a case management system to be used for maintaining**
24 **treatment court program records, and the records for each treatment**
25 **court program must be maintained in the designated system for any**
26 **treatment court program provided with access to the system. Team**
27 **members of the treatment court program shall use the case manage-**
28 **ment system for case management, monitoring and evaluation as re-**
29 **quired by the standards developed pursuant to ORS 137.680. Records**
30 **maintained by a circuit court specifically for the purpose of a [drug] treat-**

1 **ment** court program are confidential and may not be disclosed except in
2 accordance with regulations adopted under 42 U.S.C. 290dd-2, including under
3 the circumstances described in subsections (4) to (7) of this section.

4 “(4) If the individual who is the subject of the record gives written con-
5 sent, a record described in subsection (3) of this section may be disclosed to
6 members of the local [*drug*] **treatment** court team in order to develop
7 treatment plans, monitor progress in treatment and determine outcomes of
8 participation in the [*drug*] **treatment** court program.

9 “(5) A record described in subsection (3) of this section may not be in-
10 troduced into evidence in any legal proceeding other than the [*drug*] **treat-**
11 **ment** court program unless:

12 “(a) The individual who is the subject of the record gives written consent
13 for introduction of the record; or

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

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

19 “(B) The individual-provider relationship; and

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

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

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

28 “(b) May release statistics developed under paragraph (a) of this sub-
29 section and analyses based on the statistics to the public.

30 “(7) Statistics and analyses released under subsection (6) of this section

1 may not contain any information that identifies an individual participant in
2 a [*drug*] **treatment** court program.

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

4 “131A.360. (1) The provisions of this section apply only to a forfeiting
5 agency other than the state, and apply only to forfeiture proceeds arising out
6 of prohibited conduct as described in ORS 131A.005 (12)(a), (b) and (c).

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

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

20 “(4) After payment of costs under subsection (3) of this section, the for-
21 feiting agency shall:

22 “(a) Deduct an amount equal to five percent of the forfeiture proceeds and
23 deposit that amount in the Illegal Drug Cleanup Fund established under ORS
24 475.495 for the purposes specified in ORS 475.495 (5) and (6);

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

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

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

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

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

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

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

23 “(b) Currency for undercover law enforcement operations;

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

26 “(d) The expenses of a forfeiting agency in operating joint narcotic oper-
27 ations with other forfeiting agencies pursuant to the terms of an intergov-
28 ernmental agreement, including paying for rental space, utilities and office
29 equipment;

30 “(e) Expenses of a district attorney in criminal prosecutions for unlawful

1 delivery, distribution, manufacture or possession of controlled substances,
2 as determined through intergovernmental agreement between the forfeiting
3 agency and the district attorney;

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

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

6 “(7) Notwithstanding subsection (6) of this section, growing equipment
7 and laboratory equipment seized by a forfeiting agency that was used, or
8 intended for use, in the manufacturing of controlled substances may be do-
9 nated to a public school, community college or institution of higher educa-
10 tion.

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

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

17 “131A.365. (1) The provisions of this section apply only when the forfeit-
18 ing agency is the state, and apply only to forfeiture proceeds arising out of
19 prohibited conduct as described in ORS 131A.005 (12)(a), (b) and (c).

20 “(2) After entry of a judgment of forfeiture, a forfeiting agency shall first
21 pay from the forfeiture proceeds the costs incurred by seizing and forfeiting
22 agencies in investigating and prosecuting the case, including costs, dis-
23 bursements and attorney fees as defined in ORCP 68 A, special expenses such
24 as the provision of currency for undercover law enforcement operations, the
25 cost of disabling a hidden compartment in a motor vehicle and the expenses
26 of maintaining the seized property. The forfeiting agency may not pay ex-
27 penditures made in connection with the ordinary maintenance and operation
28 of a seizing or forfeiting agency under this subsection. Any amount paid to
29 or retained by the Department of Justice under this subsection shall be de-
30 posited in the Criminal Justice Revolving Account in the State Treasury.

1 Any amount paid to or retained by the Oregon State Police under this sub-
2 section shall be deposited in the State Police Account.

3 “(3) After payment of costs under subsection (2) of this section, the for-
4 feiting agency shall:

5 “(a) Deduct an amount equal to 10 percent of the forfeiture proceeds and
6 deposit that amount in the Illegal Drug Cleanup Fund established under ORS
7 475.495 for the purposes specified in ORS 475.495 (5) and (6);

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

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

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

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

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

1 by the agreement.

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

5 “(a) If no law enforcement agency other than the Department of Justice
6 participated in the seizure or forfeiture, the remaining forfeiture proceeds,
7 and forfeiture proceeds received by the Department of Justice under sub-
8 section (4) of this section, shall be divided between the Criminal Justice
9 Revolving Account and the Special Crime and Forfeiture Account according
10 to the following schedule:

11 “(A) One hundred percent of the first \$200,000 accumulated shall be de-
12 posited in the Criminal Justice Revolving Account.

13 “(B) Seventy-five percent of the next \$200,000 shall be deposited in the
14 Criminal Justice Revolving Account and the balance in the Special Crime
15 and Forfeiture Account.

16 “(C) Fifty percent of the next \$200,000 shall be deposited in the Criminal
17 Justice Revolving Account and the balance in the Special Crime and
18 Forfeiture Account.

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

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

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

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

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

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

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

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

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

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

16 “(b) Currency for undercover law enforcement operations;

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

19 “(d) The expenses of a forfeiting agency in operating joint narcotic oper-
20 ations with other forfeiting agencies pursuant to the terms of an intergov-
21 ernmental agreement, including paying for rental space, utilities and office
22 equipment.

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

28 “**SECTION 6.** ORS 135.973 is amended to read:

29 “135.973. (1) As used in this section, [*specialty court*] ‘**treatment court**’
30 has the meaning given that term in ORS 137.680.

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

5 **“SECTION 7.** ORS 135.985 is amended to read:

6 “135.985. (1) As used in this section, ‘servicemember’ means a person who
7 is a member, or who served as a member, of the Armed Forces of the United
8 States, the reserve components of the Armed Forces of the United States or
9 the National Guard.

10 “(2) At the time of arraignment on a criminal charge, the court shall in-
11 form the defendant that the defendant’s status as a servicemember may make
12 the defendant eligible for treatment programs, diversion, [*specialty*] **treat-**
13 **ment** courts or mitigated sentencing, and that the defendant may obtain in-
14 formation about these options by consulting with the defendant’s attorney.

15 “(3) In a criminal proceeding the defendant’s attorney may, with the per-
16 mission of the defendant, notify the court that the defendant is a
17 servicemember.

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

20 **“SECTION 8.** ORS 137.372 is amended to read:

21 “137.372. (1)(a) Notwithstanding the provisions of ORS 137.370 (2), an
22 offender who has been revoked from a probationary sentence for a felony
23 committed on or after November 1, 1989, and whose sentence was imposed
24 as a downward dispositional departure under the rules of the Oregon Crimi-
25 nal Justice Commission, shall receive credit for the time served in jail after
26 arrest and before commencement of the probationary sentence and for the
27 time served in jail as part of the probationary sentence. However, if the
28 credit for the time served in jail as described in this paragraph is greater
29 than 90 days, the sentencing judge may limit or deny credit for any of that
30 time that exceeds 90 days.

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

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

17 “(3) Notwithstanding the provisions of ORS 137.320 (4), an offender who
18 has been ordered confined as part of a probationary sentence for a felony
19 committed on or after July 18, 1995, shall receive credit for the time served
20 in jail after arrest and before commencement of the term unless the sen-
21 tencing judge orders otherwise.

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

24 “**SECTION 9.** ORS 137.532 is amended to read:

25 “137.532. (1)(a) Whenever a person is charged with a misdemeanor or a
26 Class C felony, other than driving while under the influence of intoxicants,
27 and has been formally accepted into a [*specialty*] **treatment** court, the court,
28 with the consent of the district attorney and the person, may defer further
29 proceedings and place the person on probation. The terms of the probation
30 shall be defined by a probation agreement.

1 “(b) A probation agreement carries the understanding that if the defend-
2 ant fulfills the terms of the agreement, the criminal charges filed against the
3 defendant will be dismissed with prejudice.

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

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

7 “(B) The right to present evidence on the defendant’s behalf;

8 “(C) The right to confront and cross-examine witnesses against the de-
9 fendant;

10 “(D) The right to contest evidence presented against the defendant, in-
11 cluding the right to object to hearsay evidence; and

12 “(E) The right to appeal from a judgment of conviction resulting from an
13 adjudication of guilt entered under subsection (2) of this section, unless the
14 appeal is based on an allegation that the sentence exceeds the maximum al-
15 lowed by law or constitutes cruel and unusual punishment.

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

19 “(e) The agreement may not contain a requirement that the defendant
20 enter a plea of guilty or no contest on any charge in the accusatory instru-
21 ment.

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

25 “(g) Police reports or other documents associated with the criminal
26 charges in a court file other than the probation agreement may not be ad-
27 mitted into evidence, and do not establish a factual basis for finding the
28 defendant guilty, unless the court resumes criminal proceedings and enters
29 an adjudication of guilt under subsection (2) of this section.

30 “(2) Upon violation of a term or condition of the probation agreement, the

1 court may resume the criminal proceedings and may find the defendant guilty
2 of the offenses in the accusatory instrument in accordance with the waiver
3 of rights in the probation agreement. The defendant may not contest the
4 sufficiency of the evidence establishing the defendant's guilt of the offenses
5 in the accusatory instrument.

6 “(3) Upon fulfillment of the terms and conditions of the probation agree-
7 ment, the court shall discharge the person and dismiss the proceedings
8 against the person. Discharge and dismissal under this section shall be
9 without adjudication of guilt and is not a conviction for purposes of this
10 section or for purposes of disqualifications or disabilities imposed by law
11 upon conviction of a crime. There may be only one discharge and dismissal
12 under this section with respect to any person.

13 “(4) In the event that the period of probation under this section expires,
14 but the terms and conditions of the probation agreement have not been ful-
15 filled and no probation violation proceeding was initiated prior to the expi-
16 ration of the period of probation, the court may not discharge the person and
17 dismiss the proceedings against the person. The court shall instead issue an
18 order requiring the person to appear and to show cause why the court should
19 not enter an adjudication of guilt as described in subsection (2) of this sec-
20 tion due to the failure of the person to fulfill the terms and conditions of the
21 probation agreement prior to expiration of the period of probation. At the
22 hearing on the order to show cause, after considering any evidence or argu-
23 ment from the district attorney and the person, the court may:

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

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

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

30 “(6) As used in this section, [*specialty court*] ‘**treatment court**’ has the

1 meaning given that term in ORS 137.680.

2 **“SECTION 10.** ORS 137.656 is amended to read:

3 “137.656. (1) The purpose of the Oregon Criminal Justice Commission is
4 to improve the effectiveness and efficiency of state and local criminal justice
5 systems by providing a centralized and impartial forum for statewide policy
6 development and planning.

7 “(2) The primary duty of the commission is to develop and maintain a
8 state criminal justice policy and comprehensive, long-range plan for a coor-
9 dinated state criminal justice system that encompasses public safety, offender
10 accountability, crime reduction and prevention and offender treatment and
11 rehabilitation. The plan must include, but need not be limited to, recom-
12 mendations regarding:

13 “(a) Capacity, utilization and type of state and local prison and jail fa-
14 cilities;

15 “(b) Implementation of community corrections programs;

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

17 “(d) Appropriate use of existing facilities and programs;

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

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

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

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

24 “(3) Other duties of the commission are:

25 “(a) To conduct joint studies by agreement with other state agencies,
26 boards or commissions on any matter within the jurisdiction of the commis-
27 sion.

28 “(b) To provide Oregon criminal justice analytical and statistical infor-
29 mation to federal agencies and serve as a clearinghouse and information
30 center for the collection, preparation, analysis and dissemination of infor-

1 mation on state and local sentencing practices.

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

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

7 “(e) To prepare the racial and ethnic impact statements described in ORS
8 137.683 and 137.685.

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

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

15 “(5) The commission may:

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

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

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

22 “**SECTION 11.** ORS 423.150 is amended to read:

23 “423.150. (1) The Department of Corrections shall:

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

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

28 “(A) The operation of local jails;

29 “(B) Appropriate treatment services for drug-addicted persons on pro-
30 bation, parole or post-prison supervision; or

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

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

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

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

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

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

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

24 “(a) County boards of commissioners;

25 “(b) County sheriffs;

26 “(c) District attorneys;

27 “(d) County community corrections;

28 “(e) The Oregon Criminal Justice Commission;

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

30 “(g) Public defenders; and

1 “(h) Treatment providers.

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

4 “(a) Consult with the committee described in subsection (6) of this sec-
5 tion;

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

8 “(c) Be guided by evidence-based and tribal-based practices, risk assess-
9 ment tools or other research-based considerations.

10 “(8) Nothing in this section:

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

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

15 “(9) As used in this section:

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

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

30 **“SECTION 12.** Section 53, chapter 649, Oregon Laws 2013, as amended

1 by section 54, chapter 648, Oregon Laws 2013, section 1, chapter 598, Oregon
2 Laws 2019, and section 18, chapter 78, Oregon Laws 2022, is amended to read:

3 **“Sec. 53.** (1)(a) In consultation with the Justice Reinvestment Grant Re-
4 view Committee established under subsection (2) of this section, the Oregon
5 Criminal Justice Commission shall administer the Justice Reinvestment
6 Program described in this section. From funds appropriated to the commis-
7 sion for purposes of the program, the commission shall award grants to
8 counties that establish a process to assess offenders and provide a continuum
9 of community-based sanctions, services and programs that are designed to
10 reduce recidivism and decrease the county’s utilization of imprisonment in
11 a Department of Corrections institution while protecting public safety and
12 holding offenders accountable.

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

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

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

21 “(A) One member shall be a district attorney.

22 “(B) One member shall be a county sheriff.

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

24 “(D) One member shall be a county commissioner.

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

27 “(F) Two members shall be representatives of community-based organiza-
28 tions that provide services for underserved racial, ethnic or minority com-
29 munities.

30 “(b) The Chief Justice of the Supreme Court shall appoint one nonvoting

1 member who is a judge.

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

4 “(d) The Speaker of the House of Representatives shall appoint two non-
5 voting members from among members of the House of Representatives.

6 “(3)(a) A majority of the voting members of the committee constitutes a
7 quorum for the transaction of business.

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

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

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

13 “(e) Legislative members of the committee shall be entitled to payment
14 of compensation and expenses under ORS 171.072, payable from funds appro-
15 priated to the Legislative Assembly.

16 “(4)(a) An application for a grant described in this section must be sub-
17 mitted by a local public safety coordinating council convened under ORS
18 423.560.

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

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

29 “(b) At the conclusion of the grant application period, the commission
30 shall award grants in accordance with rules adopted by the commission. If

1 unallocated funds remain at the conclusion of the grant acceptance period,
2 the commission may establish a supplemental grant period and distribute the
3 unallocated funds.

4 “(6)(a) The commission shall regularly evaluate the community-based
5 sanctions, services and programs funded under this section. The commission
6 shall specifically assess the extent to which each county is reducing utiliza-
7 tion of imprisonment in Department of Corrections facilities by offenders
8 convicted of felonies under ORS 137.717, 475.752 to 475.980, 811.182, 813.010
9 or 813.011.

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

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

17 “(b) A grant application to administer a community-based program de-
18 scribed in subsection (10)(a)(D) of this section must include the costs of ap-
19 pointed counsel.

20 “(8) After consulting with the Justice Reinvestment Grant Review Com-
21 mittee, the commission shall adopt rules to administer the Justice Reinvest-
22 ment Program. The rules must include:

23 “(a) A methodology for reviewing and approving grant applications and
24 distributing grant funds. Rules described in this paragraph must provide the
25 Justice Reinvestment Grant Review Committee with the ability to approve
26 grant applications for submission for final approval by the commission. The
27 commission may either approve the grant application or return the applica-
28 tion for reconsideration by the committee.

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

1 “(c) A requirement that the grant review committee consider, when ap-
2 proving grant applications, each county’s historical reduction of utilization
3 of imprisonment in Department of Corrections facilities by offenders con-
4 victed of felonies under ORS 137.717, 475.752 to 475.980, 811.182, 813.010 or
5 813.011.

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

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

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

22 “(10) As used in this section:

23 “(a) ‘Community-based program’ includes:

24 “(A) Work release programs;

25 “(B) Structured, transitional leave programs;

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

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

30 “(E) [*Specialty*] **Treatment** courts aimed at medium-risk and high-risk

1 offenders.

2 “(b) ‘County’ includes a regional collection of counties.

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

11 “(d) ‘Culturally specific organization’ means an organization, or a pro-
12 gram within an organization, that serves a particular cultural community,
13 that is primarily staffed and led by members of that community and that
14 demonstrates self-advocacy, positive cultural identity and intimate knowl-
15 edge of the lived experience of the community, including but not limited to:

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

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

20 “(C) Community strengths, cultural practices, beliefs and traditions.”.

21
