



Legislative Testimony

OREGON DEPARTMENT OF CORRECTIONS

January 28, 2025

The Honorable Kathleen Taylor, Chair
Senate Committee on Labor and Business

Subject: Senate Bill 879

What the bill does:

This proposed legislation makes changes to how a person can rebut a presumption that certain people are not able to pay child support. It modifies the procedure for rebutting presumption of inability to pay child support when an obligor earns wages from work performed while incarcerated at a Department of Corrections (DOC) institution or when a patient at the Oregon Health Authority (OHA) state hospital.

If passed, DOC, OHA, and Oregon Correction Enterprises (OCE), would be required to identify patients at the state hospital and adults in custody (AICs) incarcerated in DOC institutions who receive compensation for work performed. This information would then be provided to the administrator.

Clarifications needed:

- The administrator referenced in Section 2(1).
- The level of detail required for reporting agencies.

Potential impacts to DOC and AICs:

- Reporting deposit details from DOC's AIC banking system will require manual retrieval. DOC would need to establish an updated file structure to support necessary reconciliation, monitoring, and reporting functions.
- AICs navigating the legal implications of SB 879 may result in an increased demand on institutional law libraries and access to courts.
- Historically, any proposed legislation impacting AICs requires a comprehensive communication strategy to mitigate confusion amongst the AIC population.
- Any change in prison economics has the potential to impact operational safety and security.

About the Oregon Department of Corrections:

- DOC employs about 4,500 staff members at 12 institutions, two county community corrections offices, and several centralized support facilities throughout the state.
- The agency is responsible for the care and custody of over 12,000 adults sentenced to more than 12 months of incarceration.
- DOC provides direct or indirect supervision of 31,000 offenders on felony supervision in the community.

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Outstanding questions:

1. Does SB 879 intend to focus on those child support payments that are in arrears or those that would be currently owed, pending a reinstated court order?
2. If a suspended support order is reinstated, is it possible that a recalculation of wages would result in a support payment that is less than previously determined?
3. Oregon Correction Enterprises (OCE) administers the Prison Industry Enhancement Certification Program (PIECP) for AICs who make a prevailing wage. Does OCE already provide the requested information to the Department of Justice's Child Support Division?
4. AICs are not considered state employees and as such, do not receive wages. AICs do, however, receive discretionary awards (Performance Recognition Awards System - PRAS), which are not legally considered compensation in accordance with Oregon's Constitution. Does SB 879 seek to view PRAS as wages?
5. Is AIC trust account information considered personal financial information? If so, how would DOC uphold its fiduciary responsibilities regarding privacy?

Legal framework consulted for this testimony:

- United States Constitution, 13th Amendment.
- Oregon Constitution, Article I, Section 41, Subsection 11.
- Oregon Revised Statutes:
 - 421.437 Compensation of adults in custody.
 - 421.442 Creation of accounts and subaccounts relating to prison work and on-the-job training programs.
- Oregon Rules:
 - OAR 291-062-0160 Alternative Incarceration Program Prison Management
 - OAR 291-158-0015 AIC Trust Accounts

Thank you for your time and consideration.

Submitted by:

Oregon Department of Corrections