

# A-Engrossed House Bill 2002

Ordered by the House June 2  
Including House Amendments dated June 2

Sponsored by Representative BYNUM, Senators MANNING JR, JAMA, Representatives CAMPOS, PHAM, RUIZ, Senator FREDERICK; Representatives ALONSO LEON, DEXTER, GRAYBER, POWER, REYNOLDS, SALINAS, SANCHEZ, SCHOUTEN, VALDERRAMA, WILLIAMS (at the request of Partnership for Safety and Justice, Latino Network, Coalition of Communities of Color, Central City Concern, Red Lodge Transition Services, Bridges to Change, Sponsors, Inc, OCDLA, ACLU of Oregon)

## 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.

*[Converts mandatory minimum sentences for specified felonies other than murder to presumptive sentences. Reduces presumptive sentences for certain crimes. Authorizes court to impose greater or lesser sentence according to sentencing guidelines of Oregon Criminal Justice Commission. Authorizes person receiving presumptive sentence to be eligible for certain programs and sentence reductions.]*

**Directs Oregon Criminal Justice Commission to establish program to award grants for restorative justice programs. Directs commission to report to interim committees of Legislative Assembly related to judiciary concerning awarding of grants. Appropriates moneys to commission for purposes of program.**

**Requires police officer to inform stopped person of right to refuse consent to search. Requires police officer to provide stopped person with specified identifying information if stop does not result in arrest or citation.**

Appropriates moneys from General Fund to Oregon Department of Administrative Services for distribution to Northwest Health Foundation **Fund II** for deposit into Reimagine Safety Fund. **Describes permissible uses of funds and requires reporting to interim committees of Legislative Assembly related to judiciary on use of funds.**

*[Prohibits arrest without warrant for misdemeanor other than person Class A misdemeanor unless offense committed in presence of law enforcement officer.]* Requires law enforcement officers to issue citation in lieu of arrest for specified crimes **in certain circumstances**. Prohibits traffic stop based solely on specified traffic violations **and authorizes issuance of citation to registered owner of motor vehicle by mail.**

Prohibits parole and probation officers from *[carrying firearm while performing official duties]* **contacting probationer** in certain locations **except in certain circumstances**. Requires certain **training for certification and** continuing education for parole and probation officers.

*[Expands earned reduction in term of probation or post-prison supervision.]* Modifies general conditions of probation and post-prison supervision. *[Prohibits revocation of probation or post-prison supervision unless person willfully absconds or is convicted of new felony or person Class A misdemeanor.]* **Provides that parole and probation officers have duty to provide supervised person ability to report by least onerous means.** Prohibits supervision fees.

Modifies Justice Reinvestment Program grant distribution. **Requires that 20 percent of grant funds be distributed to Northwest Health Foundation Fund II for distribution as subgrants. Appropriates moneys to Oregon Criminal Justice Commission for deposit into Justice Reinvestment Account. Directs commission to evaluate subgrant program and report on progress of evaluation to Legislative Assembly. Appropriates moneys to commission for purposes of evaluation.**

Directs Oregon Criminal Justice Commission to collect certain data on imposition of supervision conditions, persons on supervision and expenditures of Justice Reinvestment Program funds and biennially report on data to Legislative Assembly.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1

2 Relating to public safety; creating new provisions; amending ORS 131.615, 133.865, 137.540, 137.630,  
3 144.089, 144.102, 144.103, 153.039, 169.105, 181A.530 and 810.410 and sections 52 and 53, chapter  
4 649, Oregon Laws 2013; repealing ORS 423.570; and declaring an emergency.

**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 Whereas the freedom of movement is protected by the United States Constitution; and

2 Whereas the authority of law enforcement entities is derived from the people whom they serve;

3 and

4 Whereas the criminal-legal system has harmed and failed to protect Black and brown families;

5 and

6 Whereas new public safety solutions must be developed with those who are most over-policed

7 and over-incarcerated; and

8 Whereas new money is needed to equitably build healthy, sustainable and strong families and

9 communities; now, therefore,

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

11  
12 **RESTORATIVE JUSTICE**

13  
14 **SECTION 1. (1) The Oregon Criminal Justice Commission shall establish a program to**  
15 **award grants to public and private entities for restorative justice programs.**

16 **(2) The commission shall adopt rules to administer the grant program described in sub-**  
17 **section (1) of this section. The rules must:**

18 **(a) Define restorative justice for the purpose of grant eligibility criteria.**

19 **(b) Specify the application process and eligibility criteria for the grant program, including**  
20 **a requirement that:**

21 **(A) Each applicant demonstrate in the application coordination with community-based**  
22 **organizations and the ability to work collaboratively with system partners, including local**  
23 **law enforcement entities, courts, district attorneys and defense attorneys.**

24 **(B) Each successful applicant demonstrate in the application how the applicant will cen-**  
25 **ter the experiences of those harmed, encourage those who have caused harm to take re-**  
26 **sponsibility and repair the harm, and support persons who have been harmed, impacted**  
27 **community members and responsible parties in identifying solutions that promote healing,**  
28 **including promoting dialogue and mutual agreement.**

29 **(c) Include a methodology for reviewing and approving grant applications and distributing**  
30 **grant funds.**

31 **(3) The commission shall convene an advisory committee to evaluate and approve grant**  
32 **awards under this section.**

33 **SECTION 2. (1) No later than September 15, 2022, the Oregon Criminal Justice Commis-**  
34 **sion shall report to the interim committees of the Legislative Assembly related to the judi-**  
35 **ciary, in the manner described in ORS 192.245, concerning the commission's progress in**  
36 **adopting rules under section 1 (2) of this 2021 Act and convening an advisory committee un-**  
37 **der section 1 (3) of this 2021 Act, and any grants awarded to date.**

38 **(2) No later than September 15, 2023, the commission shall provide to the interim com-**  
39 **mittees of the Legislative Assembly related to the judiciary, in the manner described in ORS**  
40 **192.245, an update to the information reported under subsection (1) of this section.**

41 **(3) When adopting rules described in section 1 (2)(a) of this 2021 Act defining restorative**  
42 **justice, the commission shall consult with the Racial Justice Council within the Office of the**  
43 **Governor and shall evaluate best practices.**

44 **SECTION 2a. Section 2 of this 2021 Act is repealed on January 1, 2024.**

45 **SECTION 3. In addition to and not in lieu of any other appropriation, there is appropri-**

1 ated to the Oregon Criminal Justice Commission, for the biennium beginning July 1, 2021,  
2 out of the General Fund, the amount of \$4,000,000, for the purpose of funding the grant  
3 program described in section 1 of this 2021 Act.

4  
5 **ARRESTS AND STOPS**  
6

7 **SECTION 4.** ORS 131.615 is amended to read:

8 131.615. (1) A peace officer who reasonably suspects that a person has committed or is about to  
9 commit a crime may stop the person and, after informing the person that the peace officer is a peace  
10 officer, make a reasonable inquiry.

11 (2) The detention and inquiry shall be conducted in the vicinity of the stop and for no longer  
12 than a reasonable time.

13 (3) The inquiry shall be considered reasonable if it is limited to:

14 (a) The immediate circumstances that aroused the officer's suspicion;

15 (b) Other circumstances arising during the course of the detention and inquiry that give rise to  
16 a reasonable suspicion of criminal activity; and

17 (c) Ensuring the safety of the officer, the person stopped or other persons present, including an  
18 inquiry regarding the presence of weapons.

19 (4)(a) The inquiry may include a request for consent to search in relation to the circumstances  
20 specified in subsection (3) of this section or to search for items of evidence otherwise subject to  
21 search or seizure under ORS 133.535 **only if the officer first informs the person that the person**  
22 **has the right to refuse the request.**

23 **(b) An officer who obtains consent to search under this subsection shall ensure that**  
24 **there is a written, video or audio record that the person gave informed and voluntary con-**  
25 **sent to search.**

26 (5) A peace officer making a stop may use the degree of force reasonably necessary to make the  
27 stop and ensure the safety of the peace officer, the person stopped or other persons who are present.

28 **(6) If a stop conducted under the authority of this section does not result in an arrest**  
29 **or citation, a peace officer shall provide the stopped person with the officer's name and**  
30 **identification number or, if applicable, a unique identifier assigned to the officer by the**  
31 **officer's law enforcement agency.**

32 **SECTION 5.** ORS 153.039 is amended to read:

33 153.039. (1) An enforcement officer may not arrest, stop or detain a person for the commission  
34 of a violation except to the extent provided in this section and ORS 810.410.

35 (2)(a) An enforcement officer may stop and detain any person if the officer has reasonable  
36 grounds to believe that the person has committed a violation. An enforcement officer may stop and  
37 detain any employee, agent or representative of a firm, corporation or other organization if the of-  
38 ficer has reasonable grounds to believe that the firm, corporation or other organization has com-  
39 mitted a violation.

40 **(b) The enforcement officer shall inform a stopped person that the enforcement officer**  
41 **is an enforcement officer.**

42 (3) Except as provided in subsection (4) of this section, the period of detention may be only as  
43 long as is necessary to:

44 (a) Establish the identity of the person, firm, corporation or organization believed to have com-  
45 mitted the violation;

1 (b) Conduct any investigation reasonably related to the violation; and

2 (c) Issue a citation for the violation.

3 (4) The authority of an enforcement officer to stop and detain a person for a traffic violation  
4 as defined by ORS 801.557 is governed by ORS 810.410.

5 **(5) If a stop conducted under the authority of this section does not result in an arrest**  
6 **or citation, an enforcement officer shall provide the stopped person with the officer's name**  
7 **and identification number or, if applicable, a unique identifier assigned to the officer by the**  
8 **officer's law enforcement agency.**

9 **SECTION 6.** ORS 810.410 is amended to read:

10 810.410. (1) A police officer may arrest or issue a citation to a person for a traffic crime at any  
11 place within or outside the jurisdictional authority of the governmental unit by which the police  
12 officer is authorized to act as provided by ORS 133.235 and 133.310.

13 (2) A police officer may issue a citation to a person for a traffic violation at any place within  
14 or outside the jurisdictional authority of the governmental unit by which the police officer is au-  
15 thorized to act:

16 (a) When the traffic violation is committed in the police officer's presence; or

17 (b) When the police officer has probable cause to believe an offense has occurred based on a  
18 description of the vehicle or other information received from a police officer who observed the  
19 traffic violation.

20 (3) A police officer:

21 (a) [*Shall*] **May** not arrest a person for a traffic violation.

22 (b) May stop and detain a person for a traffic violation for the purposes of investigation rea-  
23 sonably related to the traffic violation, identification and issuance of citation.

24 **(c) Shall inform a stopped person that the police officer is a police officer.**

25 [*(c)*] **(d)** May make an inquiry into circumstances arising during the course of a detention and  
26 investigation under paragraph (b) of this subsection that give rise to a reasonable suspicion of  
27 criminal activity.

28 [*(d)*] **(e)** May make an inquiry to ensure the safety of the officer, the person stopped or other  
29 persons present, including an inquiry regarding the presence of weapons.

30 [*(e)*] **(f)** May request consent to search in relation to the circumstances referred to in paragraph  
31 [*(c)*] **(d)** of this subsection, or to search for items of evidence otherwise subject to search or seizure  
32 under ORS 133.535[.], **only if the officer first informs the person that the person has the right**  
33 **to refuse the request. If consent is obtained, the officer shall ensure that there is a written,**  
34 **video or audio record that the person gave informed and voluntary consent to search.**

35 [*(f)*] **(g)** May use the degree of force reasonably necessary to make the stop and ensure the  
36 safety of the police officer, the person stopped or other persons present.

37 [*(g)*] **(h)** May make an arrest of a person as authorized by ORS 133.310 (2) if the person is  
38 stopped and detained pursuant to the authority of this section.

39 **(i) Shall provide a person stopped pursuant to the authority of this section, if the stop**  
40 **does not result in an arrest or citation, with the officer's name and identification number**  
41 **or, if applicable, a unique identifier assigned to the officer by the officer's law enforcement**  
42 **agency.**

43 (4) When a police officer at the scene of a traffic accident has reasonable grounds, based upon  
44 the police officer's personal investigation, to believe that a person involved in the accident has  
45 committed a traffic offense in connection with the accident, the police officer may issue to the per-

1 son a citation for that offense. The authority under this subsection is in addition to any other au-  
2 thority to issue a citation for a traffic offense.

3 **SECTION 7. The amendments to ORS 131.615, 153.039 and 810.410 by sections 4 to 6 of this**  
4 **2021 Act apply to stops and searches occurring on or after the effective date of this 2021 Act.**

5 **SECTION 8. (1) Notwithstanding ORS 133.055, 133.235 and 133.310, if a peace officer has**  
6 **probable cause to believe a person has committed a crime described in subsection (2) of this**  
7 **section, the peace officer may not arrest the person, and may issue a criminal citation to the**  
8 **person, if:**

9 (a) **There is no warrant for the person's arrest;**

10 (b) **The person has not been arrested for the same or a greater inclusive offense;**

11 (c) **The person has not been convicted of the same or a greater inclusive offense; and**

12 (d) **The person has not received a citation for the same or a greater inclusive offense**  
13 **within the previous 45 days.**

14 (2) **The crimes to which subsection (1) of this section applies are:**

15 (a) **Unsworn falsification under ORS 162.085;**

16 (b) **Theft in the third degree under ORS 164.043;**

17 (c) **Criminal trespass in the second degree by a guest under ORS 164.243;**

18 (d) **Criminal trespass in the second degree under ORS 164.245;**

19 (e) **Criminal trespass at a sports event under ORS 164.278;**

20 (f) **Offensive littering under ORS 164.805;**

21 (g) **Unlawful sound recording under ORS 164.865;**

22 (h) **Forgery in the second degree under ORS 165.007;**

23 (i) **Criminal possession of a forged instrument in the second degree under ORS 165.017;**

24 (j) **Misrepresentation of age by a minor under ORS 165.805;**

25 (k) **Interfering with public transportation under ORS 166.116;**

26 (L) **Unlawful possession of a controlled substance under ORS 475.752 constituting a**  
27 **misdemeanor;**

28 (m) **Unlawful possession of methadone under ORS 475.824 constituting a misdemeanor;**

29 (n) **Unlawful possession of oxycodone under ORS 475.834 constituting a misdemeanor;**

30 (o) **Unlawful possession of heroin under ORS 475.854 constituting a misdemeanor;**

31 (p) **Unlawful possession of cocaine under ORS 475.884 constituting a misdemeanor;**

32 (q) **Unlawful possession of methamphetamine under ORS 475.894 constituting a**  
33 **misdemeanor; or**

34 (r) **An attempt to commit a crime listed in paragraphs (a) to (q) of this subsection.**

35 (3) **A peace officer issuing a criminal citation under this section may detain the person**  
36 **only for such time as is reasonably necessary to investigate and verify the person's identity**  
37 **and issue the citation.**

38 (4) **Notwithstanding subsections (1) and (3) of this section:**

39 (a) **If the peace officer has probable cause to believe a person has committed criminal**  
40 **trespass in the second degree by a guest under ORS 164.243, criminal trespass in the second**  
41 **degree under ORS 164.245 or criminal trespass at a sports event under ORS 164.278 and is**  
42 **continuing to engage in conduct constituting the offense, prior to issuing a citation the of-**  
43 **ficer shall inform the person concerning the elements of the offense and manner in which**  
44 **the person's conduct constitutes the offense, and shall make reasonable efforts, based on the**  
45 **totality of the circumstances, to persuade the person to discontinue the conduct. If the**

1 person continues to engage in the conduct after the peace officer has acted in accordance  
2 with this paragraph, the peace officer may arrest the person.

3 (b) A peace officer, or any other person authorized by the juvenile court of the county  
4 in which a youth as defined in ORS 419A.004 is found, may take the youth into custody if  
5 there is probable cause to believe that the youth committed an offense that, if committed  
6 by adult, would constitute a crime listed in subsection (2) of this section. The person taking  
7 the youth into custody shall release the youth to the custody of the youth's parent, guardian  
8 or other responsible person in this state pursuant to ORS 419C.100.

9 **SECTION 9.** Section 10 of this 2021 Act is added to and made a part of the Oregon Vehicle  
10 Code.

11 **SECTION 10.** (1) Notwithstanding ORS 810.410, a police officer may not initiate a traffic  
12 violation stop for unlawful use or failure to use lights under ORS 811.520 or operation with-  
13 out required lighting equipment under ORS 816.330 if the offense is based on the following  
14 circumstances:

15 (a) A headlight that is not in compliance with ORS 816.050 or 816.320, and the vehicle has  
16 a headlight that is in compliance;

17 (b) A taillight that is not in compliance with ORS 816.080 or 816.320, and the vehicle has  
18 a taillight that is in compliance;

19 (c) A brake light that is not in compliance with ORS 816.100 or 816.320, and the vehicle  
20 has a brake light that is in compliance;

21 (d) A taillight that does not emit red light as required by ORS 816.080 (2); or

22 (e) A registration plate light that is not in compliance with ORS 816.090 or 816.320.

23 (2)(a) A police officer who is prohibited from initiating a traffic stop under subsection (1)  
24 of this section may issue a written warning or citation for the failure to use lights under  
25 ORS 811.520 or operation without required lighting equipment under ORS 816.330 by mailing  
26 the warning or citation to the registered owner of the vehicle within six business days of the  
27 alleged violation.

28 (b) A person issued a citation under this subsection may respond to the citation by sub-  
29 mitting a certificate of innocence or documentation described in subsection (3) of this sec-  
30 tion.

31 (3) A registered owner of a vehicle may respond by mail to a citation issued under sub-  
32 section (2) of this section by submitting, within 30 days from the mailing of the citation:

33 (a) A certificate of innocence swearing or affirming that the owner was not the driver  
34 of the vehicle at the time of the violation and had not knowingly permitted the vehicle to  
35 be driven or moved on any highway at the time of the violation. A jurisdiction that receives  
36 a certificate of innocence under this paragraph shall dismiss the citation without requiring  
37 a court appearance by the registered owner or any other information from the registered  
38 owner other than the swearing or affirmation.

39 (b) Documentation that the circumstances constituting the basis for the citation have  
40 been repaired or otherwise remedied. A jurisdiction that receives documentation under this  
41 paragraph shall dismiss the citation without requiring a court appearance by the registered  
42 owner or any other information from the registered owner other than the documentation.

43 (4) If the person named as the registered owner of a vehicle in the current records of the  
44 Department of Transportation fails to respond to a citation issued under subsection (2) of  
45 this section, a default judgment under ORS 153.102 may be entered for failure to appear after

1 **notice has been given that the judgment will be entered.**

2 **SECTION 11. Sections 8 and 10 of this 2021 Act apply to conduct alleged to constitute an**  
3 **offense occurring on or after the effective date of this 2021 Act.**

4  
5 **JAIL ADMISSION FOR ILL PERSONS**

6  
7 **SECTION 12. ORS 169.105 is amended to read:**

8 169.105. [No] **A person who is unconscious, seriously injured, seriously ill and in need of**  
9 **urgent medical care or in serious need of psychiatric care to the extent that the person's**  
10 **health or safety is significantly endangered, or who is otherwise in acute need of medical or**  
11 **psychiatric care, may not [shall] be admitted to custody in a facility described in ORS 169.005, but**  
12 **shall instead be taken immediately to the nearest appropriate medical facility for medical diagnosis,**  
13 **care and treatment.**

14  
15 **COMMUNITY CORRECTIONS**  
16 **(Parole and Probation Officers)**

17  
18 **SECTION 13. (1) As used in this section, "parole and probation officer" has the meaning**  
19 **given that term in ORS 181A.355.**

20 **(2) Notwithstanding ORS 137.540, a parole and probation officer may not visit a person**  
21 **on probation or post-prison supervision at or in locations in which individuals seek public**  
22 **benefits, or at or in the supervised person's place of employment, unless:**

23 **(a) All reasonable attempts at contacting the probationer have failed;**

24 **(b) The location in which individuals seek public benefits and the probation and post-**  
25 **prison supervision office are housed within the same building;**

26 **(c) The entity providing public benefits requests the visit; or**

27 **(d) The visit is necessary due to an imminent risk to public safety.**

28 **(3) For purposes of this section, a home office or home business, or a farm or a ranch**  
29 **on which a supervised person resides, is not the person's place of employment.**

30 **SECTION 14. ORS 181A.530 is amended to read:**

31 181A.530. (1) Except for a person who has requested and obtained an extension from the De-  
32 partment of Public Safety Standards and Training pursuant to subsection (2) of this section, a person  
33 may not be employed as a parole and probation officer for more than 18 months unless the person  
34 is a citizen of the United States or a nonimmigrant legally admitted to the United States under a  
35 Compact of Free Association, and:

36 (a) The person has been certified as being qualified as a parole and probation officer under  
37 provisions of ORS 181A.355 to 181A.670 and the certification has not lapsed or been revoked pur-  
38 suant to ORS 181A.630, 181A.640 and 181A.650 (1) and not reissued under ORS 181A.650 (2); or

39 (b) The person is exempted from the certification requirement under ORS 181A.420 (1) and (2).

40 (2) The department, upon the facts contained in an affidavit accompanying the request for an  
41 extension, may find good cause for failure to obtain certification within the time period described  
42 in subsection (1) of this section. If the department finds that there is good cause for failure to timely  
43 obtain certification, the department may extend for up to one year the period that a person may  
44 serve as a parole and probation officer without certification. The grant or denial of an extension is  
45 within the sole discretion of the department.





1 **session and use of controlled substances, the probationer shall follow state law.**

2 (k) Promptly and truthfully answer all reasonable inquiries by the Department of Corrections  
3 or a county community corrections agency.

4 (L) Not possess weapons[, *firearms or dangerous animals*].

5 **(m) Not possess firearms or ammunition.**

6 **(n) Not possess dangerous animals.**

7 [(m)] (o) Report as required and abide by the direction of the supervising officer.

8 [(n)] (p) If recommended by the supervising officer, successfully complete a sex offender treat-  
9 ment program approved by the supervising officer and submit to polygraph examinations at the di-  
10 rection of the supervising officer if the probationer:

11 (A) Is under supervision for a sex offense under ORS 163.305 to 163.467;

12 (B) Was previously convicted of a sex offense under ORS 163.305 to 163.467; or

13 (C) Was previously convicted in another jurisdiction of an offense that would constitute a sex  
14 offense under ORS 163.305 to 163.467 if committed in this state.

15 [(o)] (q) Participate in a mental health evaluation as directed by the supervising officer and  
16 follow the recommendation of the evaluator.

17 [(p)] (r) If required to report as a sex offender under ORS 163A.015, report with the Department  
18 of State Police, a city police department, a county sheriff's office or the supervising agency:

19 (A) When supervision begins;

20 (B) Within 10 days of a change in residence;

21 (C) Once each year within 10 days of the probationer's date of birth;

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

24 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher  
25 education.

26 [(q)] (s) Submit to a risk and needs assessment as directed by the supervising officer and follow  
27 reasonable recommendations resulting from the assessment.

28 (2) In addition to the [general] conditions **described in subsection (1) of this section**, the court  
29 may impose any special conditions of probation that are reasonably related to the crime of con-  
30 viction or the needs of the probationer for the protection of the public or reformation of the  
31 probationer, or both, including, but not limited to, that the probationer shall:

32 (a) For crimes committed prior to November 1, 1989, and misdemeanors committed on or after  
33 November 1, 1989, be confined to the county jail or be restricted to the probationer's own residence  
34 or to the premises thereof, or be subject to any combination of such confinement and restriction,  
35 such confinement or restriction or combination thereof to be for a period not to exceed one year  
36 or one-half of the maximum period of confinement that could be imposed for the offense for which  
37 the defendant is convicted, whichever is the lesser.

38 (b) For felonies committed on or after November 1, 1989:

39 (A) Be confined in the county jail, or be subject to other custodial sanctions under community  
40 supervision, or both, as provided by rules of the Oregon Criminal Justice Commission; and

41 (B) Comply with any special conditions of probation that are imposed by the supervising officer  
42 in accordance with subsection (9) of this section.

43 (c) For crimes committed on or after December 5, 1996, sell any assets of the probationer as  
44 specifically ordered by the court in order to pay restitution.

45 (d) For crimes constituting delivery of a controlled substance, as those terms are defined in ORS

1 475.005, or for telephonic harassment under ORS 166.090, or for crimes involving domestic violence,  
2 as defined in ORS 135.230, be prohibited from using Internet websites that provide anonymous text  
3 message services.

4 (3)(a) If a person is released on probation following conviction of stalking under ORS 163.732  
5 (2)(b) or violating a court's stalking protective order under ORS 163.750 (2)(b), the court may include  
6 as a special condition of the person's probation reasonable residency restrictions.

7 (b) If the court imposes the special condition of probation described in this subsection and if at  
8 any time during the period of probation the victim moves to a location that causes the probationer  
9 to be in violation of the special condition of probation, the court may not require the probationer  
10 to change the probationer's residence in order to comply with the special condition of probation.

11 (4) When a person who is a sex offender is released on probation, the court shall impose as a  
12 special condition of probation that the person not reside in any dwelling in which another sex  
13 offender who is on probation, parole or post-prison supervision resides, without the approval of the  
14 person's supervising parole and probation officer, or in which more than one other sex offender who  
15 is on probation, parole or post-prison supervision resides, without the approval of the director of the  
16 probation agency that is supervising the person or of the county manager of the Department of  
17 Corrections, or a designee of the director or manager. As soon as practicable, the supervising parole  
18 and probation officer of a person subject to the requirements of this subsection shall review the  
19 person's living arrangement with the person's sex offender treatment provider to ensure that the  
20 arrangement supports the goals of offender rehabilitation and community safety. As used in this  
21 subsection:

22 (a) "Dwelling" has the meaning given that term in ORS 469B.100.

23 (b) "Dwelling" does not include a residential treatment facility or a halfway house.

24 (c) "Halfway house" means a publicly or privately operated profit or nonprofit residential facil-  
25 ity that provides rehabilitative care and treatment for sex offenders.

26 (d) "Sex offender" has the meaning given that term in ORS 163A.005.

27 (5)(a) If the person is released on probation following conviction of a sex crime, as defined in  
28 ORS 163A.005, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18  
29 years of age, the court, if requested by the victim, shall include as a special condition of the person's  
30 probation that the person not reside within three miles of the victim unless:

31 (A) The victim resides in a county having a population of less than 130,000 and the person is  
32 required to reside in that county;

33 (B) The person demonstrates to the court by a preponderance of the evidence that no mental  
34 intimidation or pressure was brought to bear during the commission of the crime;

35 (C) The person demonstrates to the court by a preponderance of the evidence that imposition  
36 of the condition will deprive the person of a residence that would be materially significant in aiding  
37 in the rehabilitation of the person or in the success of the probation; or

38 (D) The person resides in a halfway house. As used in this subparagraph, "halfway house" means  
39 a publicly or privately operated profit or nonprofit residential facility that provides rehabilitative  
40 care and treatment for sex offenders.

41 (b) A victim may request imposition of the special condition of probation described in this sub-  
42 section at the time of sentencing in person or through the prosecuting attorney.

43 (c) If the court imposes the special condition of probation described in this subsection and if at  
44 any time during the period of probation the victim moves to within three miles of the probationer's  
45 residence, the court may not require the probationer to change the probationer's residence in order

1 to comply with the special condition of probation.

2 (6) When a person who is a sex offender, as defined in ORS 163A.005, is released on probation,  
3 the Department of Corrections or the county community corrections agency, whichever is appropri-  
4 ate, shall notify the city police department, if the person is going to reside within a city, and the  
5 county sheriff's office of the county in which the person is going to reside of the person's release  
6 and the conditions of the person's release.

7 (7) Failure to abide by *[all general and special]* **the** conditions of probation may result in arrest,  
8 modification of conditions, revocation of probation or imposition of structured, intermediate sanc-  
9 tions in accordance with rules adopted under ORS 137.595.

10 (8) The court may order that probation be supervised by the court. *[If the court orders that*  
11 *probation be supervised by the court, the defendant shall pay a fee of \$100 to the court. Fees imposed*  
12 *under this subsection in the circuit court shall be deposited by the clerk of the court in the General*  
13 *Fund. Fees imposed in a justice court under this subsection shall be paid to the county treasurer. Fees*  
14 *imposed in a municipal court under this subsection shall be paid to the city treasurer.]*

15 (9)(a) The court may at any time modify the conditions of probation.

16 (b) When the court orders a defendant placed under the supervision of the Department of Cor-  
17 rections or a community corrections agency, the supervising officer may file with the court a pro-  
18 posed modification to the special conditions of probation. The supervising officer shall provide a  
19 copy of the proposed modification to the district attorney and the probationer. If the district attor-  
20 ney:

21 (A) Files an objection to the proposed modification less than five judicial days after the proposed  
22 modification was filed, the court shall schedule a hearing no later than 10 judicial days after the  
23 proposed modification was filed, unless the court finds good cause to schedule a hearing at a later  
24 time.

25 (B) Does not file an objection to the proposed modification less than five judicial days after the  
26 proposed modification was filed, the proposed modification becomes effective five judicial days after  
27 the proposed modification was filed.

28 (10) A court may not order revocation of probation as a result of the probationer's failure to  
29 pay restitution unless the court determines from the totality of the circumstances that the purposes  
30 of the probation are not being served.

31 (11) It is not a cause for revocation of probation that the probationer failed to apply for or ac-  
32 cept employment at any workplace where there is a labor dispute in progress. As used in this sub-  
33 section, "labor dispute" has the meaning for that term provided in ORS 662.010.

34 *[(12)(a) If the court determines that a defendant has violated the terms of probation, the court shall*  
35 *collect a \$25 fee from the defendant and may impose a fee for the costs of extraditing the defendant to*  
36 *this state for the probation violation proceeding if the defendant left the state in violation of the con-*  
37 *ditions of the defendant's probation. The fees imposed under this subsection become part of the judg-*  
38 *ment and may be collected in the same manner as a fine.]*

39 *[(b) Probation violation fees collected under this subsection in the circuit court shall be deposited*  
40 *by the clerk of the court in the General Fund. Extradition cost fees collected in the circuit court under*  
41 *this subsection shall be deposited by the clerk of the court in the Arrest and Return Account estab-*  
42 *lished by ORS 133.865. Fees collected in a justice court under this subsection shall be paid to the*  
43 *county treasurer. Fees collected in a municipal court under this subsection shall be paid to the city*  
44 *treasurer.]*

45 *[(13)]* (12) As used in this section, "attends," "institution of higher education," "works" and

1 “carries on a vocation” have the meanings given those terms in ORS 163A.005.

2 **SECTION 16.** ORS 144.102 is amended to read:

3 144.102. (1) The State Board of Parole and Post-Prison Supervision or local supervisory authority  
4 responsible for correctional services for a person shall specify in writing the conditions of post-  
5 prison supervision imposed under ORS 144.096. A copy of the conditions must be given to the person  
6 upon release from prison or jail.

7 (2) The board or the supervisory authority shall determine, and may at any time modify, the  
8 conditions of post-prison supervision, which may include, *[among other conditions]* **if necessary and**  
9 **appropriate for a particular case**, that the person shall:

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

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

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

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

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

18 (f) Respect and obey all municipal, county, state and federal laws, **except that with regard to**  
19 **the possession and use of controlled substances, the person shall follow state law.**

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

22 (h) Attend a victim impact treatment session in a county that has a victim impact program. *[If*  
23 *the board or supervisory authority requires attendance under this paragraph, the board or supervisory*  
24 *authority may require the person, as an additional condition of post-prison supervision, to pay a rea-*  
25 *sonable fee to the victim impact program to offset the cost of the person’s participation. The board or*  
26 *supervisory authority may not order a person to pay a fee in excess of \$5 under this paragraph.]*

27 (i) For crimes constituting delivery of a controlled substance, as those terms are defined in ORS  
28 475.005, or for telephonic harassment under ORS 166.090, or for crimes involving domestic violence,  
29 as defined in ORS 135.230, be prohibited from using Internet websites that provide anonymous text  
30 message services.

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

35 (a) When supervision begins;

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

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

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

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

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

45 (b) If the person is on post-prison supervision following conviction of a sex crime, as defined in

1 ORS 163A.005, the board or supervisory authority shall include all of the following as special con-  
2 ditions of the person's post-prison supervision:

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

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

7 (C) A prohibition against being present more than one time, without the prior written approval  
8 of the board, supervisory authority or supervising officer, at a place where persons under 18 years  
9 of age regularly congregate.

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

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

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

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

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

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

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

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

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

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

45 (c)(A) If the person is on post-prison supervision following conviction of a sex crime, as defined

1 in ORS 163A.005, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18  
2 years of age, the board or supervisory authority, if requested by the victim, shall include as a special  
3 condition of the person's post-prison supervision that the person not reside within three miles of the  
4 victim unless:

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

7 (ii) The person demonstrates to the board or supervisory authority by a preponderance of the  
8 evidence that no mental intimidation or pressure was brought to bear during the commission of the  
9 crime;

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

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

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

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

23 (d)(A) If a person is on post-prison supervision following conviction of stalking under ORS  
24 163.732 (2)(b) or violating a court's stalking protective order under ORS 163.750 (2)(b), the board or  
25 supervisory authority may include as a special condition of the person's post-prison supervision  
26 reasonable residency restrictions.

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

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

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

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

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

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

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

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

43 (7)(a) When a person is released from imprisonment on post-prison supervision, the board shall  
44 order as a condition of post-prison supervision that the person reside for the first six months after  
45 release in the county that last supervised the person, if the person was on active supervision as an

1 adult for a felony at the time of the offense that resulted in the imprisonment.

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

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

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

9 (i) An Oregon driver license, regardless of its validity;

10 (ii) Records maintained by the Department of Revenue;

11 (iii) Records maintained by the Department of State Police;

12 (iv) Records maintained by the Department of Human Services;

13 (v) Records maintained by the Department of Corrections; and

14 (vi) Records maintained by the Oregon Health Authority.

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

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

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

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

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

27 (B) The person is found to pose a significant danger to a victim of the person's crime residing  
28 in the county of residence, or a victim or victim's family residing in the county of residence is found  
29 to pose a significant danger to the person;

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

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

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

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

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

41 (8) As used in this section:

42 (a) "Attends," "carries on a vocation," "institution of higher education" and "works" have the  
43 meanings given those terms in ORS 163A.005.

44 (b)(A) "Dwelling" has the meaning given that term in ORS 469B.100.

45 (B) "Dwelling" does not mean a residential treatment facility or a halfway house.

1 (c) "Halfway house" means a residential facility that provides rehabilitative care and treatment  
2 for sex offenders.

3 (d) "Labor dispute" has the meaning given that term in ORS 662.010.

4 **SECTION 17.** ORS 137.630 is amended to read:

5 137.630. (1) The duties of parole and probation officers appointed pursuant to ORS 137.590 or  
6 423.500 to 423.560 are:

7 (a) To make investigations and reports under ORS 137.530 as are required by the judge of any  
8 court having jurisdiction within the county, city or judicial district for which the officer is appointed  
9 to serve.

10 (b) To receive under supervision any person sentenced to probation by any court in the juris-  
11 diction area for which the officers are appointed to serve.

12 (c) To provide release assistance, and supervise any person placed in a diversion, work release  
13 or community services alternative program, by any court in the jurisdiction area for which the of-  
14 ficers are appointed to serve.

15 (d) To give each person under their supervision a statement of the conditions of probation or  
16 program participation and to instruct the person regarding the conditions.

17 **(e) To provide each person under their supervision the ability to report by the least on-  
18 erous means possible that will reasonably support the person's successful completion of  
19 supervision while taking into consideration the person's individual circumstances.**

20 [(e)] **(f)** To keep informed concerning the conduct and condition of persons under their super-  
21 vision by visiting, requiring reports and otherwise.

22 [(f)] **(g)** To use all suitable methods, not inconsistent with the condition of probation or program  
23 participation, to aid and encourage persons under their supervision and to effect improvement in  
24 their conduct and condition.

25 [(g)] **(h)** To keep detailed records of the work done and to make reports to the courts and to the  
26 Department of Corrections as the courts require.

27 [(h)] **(i)** To perform other duties not inconsistent with the normal and customary functions of  
28 parole and probation officers as may be required by any court in the jurisdiction area for which the  
29 officers are appointed to serve.

30 (2) Parole and probation officers of the Department of Corrections have duties as specified by  
31 rule adopted by the Director of the Department of Corrections.

32 (3) Notwithstanding subsection (2) of this section, parole and probation officers may not be re-  
33 quired to collect from persons under their supervision any fees to offset the costs of supervising the  
34 probation[, *including but not limited to those ordered pursuant to ORS 137.540 or 423.570*].

35  
36 **(Abolition of Supervision Fees and Conforming Amendments)**

37  
38 **SECTION 18.** ORS 423.570 is repealed.

39 **SECTION 19.** In addition to and not in lieu of any other appropriation, there is appro-  
40 priated to the Department of Corrections, for the biennium beginning July 1, 2021, out of the  
41 General Fund, the amount of \$\_\_\_\_\_ for distribution to counties as reimbursement for  
42 moneys no longer received due to the repeal of ORS 423.570 by section 18 of this 2021 Act.

43 **SECTION 20.** ORS 133.865 is amended to read:

44 133.865. (1) The Arrest and Return Account is established separate and distinct from the General  
45 Fund. The account consists of moneys deposited into the account under ORS [137.540,] 144.605 and



1 161.665, moneys allocated to the account under ORS 137.300 and other moneys received by the  
2 Governor for the purpose of paying the costs of extraditing defendants.

3 (2) Except as provided in subsection (3) of this section, moneys in the account are continuously  
4 appropriated to the Governor for the purpose of paying costs incurred in carrying out the provisions  
5 of ORS 133.743 to 133.857.

6 (3) Moneys deposited in the Arrest and Return Account under ORS 144.605 are continuously  
7 appropriated to the Governor for the purpose of paying costs incurred in retaking offenders who  
8 have transferred supervision under the Interstate Compact for Adult Offender Supervision described  
9 in ORS 144.600.

10 **SECTION 21.** ORS 144.089 is amended to read:

11 144.089. (1) As used in this section:

12 (a) "Community-based organization" means a not-for-profit organization or entity or a local or  
13 county government.

14 (b) "Community service" has the meaning given that term under ORS 137.126.

15 (c) "Delinquent fees or debts" means:

16 (A) Unpaid costs for conviction;

17 (B) Attorney fees;

18 (C) Costs related to criminal conviction that a person accumulated while incarcerated; or

19 (D) Fees of any judgment that includes a monetary obligation that the court or judicial branch  
20 is charged with collecting as described in ORS 1.202.

21 (d) "Person" means an individual who has served a sentence in the legal and physical custody  
22 of the Department of Corrections and who is serving an active period of parole or post-prison  
23 supervision.

24 (e) "Supervisory authority" has the meaning given that term under ORS 144.087.

25 (2)(a) The county governing body of each county shall establish a community service exchange  
26 program for the county.

27 (b) The local supervisory authority may determine whether to participate in the community  
28 service exchange program.

29 (c) The local supervisory authority may determine whether a community-based organization  
30 qualifies for the community service exchange program.

31 (d) A person may not participate in the community service exchange program more than once.

32 (3) The community service exchange program may not result in a waiver of unpaid balances for:

33 (a) Restitution or compensatory fines imposed under ORS 137.101 to 137.109;

34 (b) Unpaid obligations imposed by a support order under ORS chapter 25;

35 (c) Fines for misdemeanors and felonies under ORS 137.286; or

36 (d) Fines for traffic offenses.

37 (4) In order to be eligible to participate in the community service exchange program, a person  
38 must:

39 (a) Enter into a written agreement with a community-based organization to perform community  
40 service in exchange for a waiver of delinquent fees or debts [*and supervision fees*]; and

41 (b) Obtain the approval of the terms of the written agreement of the local supervisory authority.

42 (5) A community-based organization shall supervise and record the community service that a  
43 person performs to fulfill the requirements established by the written agreement described under  
44 this section. The community-based organization shall notify the local supervisory authority as soon  
45 as a person has entered into the community service exchange program and when the person has

1 successfully fulfilled or failed to meet the requirements of the program.

2 (6) Within 30 days of the local supervisory authority's receiving notification that a person is  
3 participating in the community service exchange program[.],

4 [(a)] the local supervisory authority shall notify the court of the county in which the person was  
5 convicted. Notwithstanding ORS 137.143, upon notification from the local supervisory authority, the  
6 court shall suspend all collection activity of delinquent fees or debts.

7 [(b) *If a person is under the supervision of a community corrections agency, the local supervisory*  
8 *authority shall notify the community corrections agency. The community corrections agency or the local*  
9 *supervisory authority shall cause all collection of supervision fees, including but not limited to those*  
10 *ordered pursuant to ORS 423.570, to be ceased.*]

11 [(c) *If the person is under the supervision of the local supervisory authority, the local supervisory*  
12 *authority shall cause all collection of supervision fees, including but not limited to those ordered pur-*  
13 *suant to ORS 423.570, to be ceased.*]

14 (7)(a) When a person has successfully fulfilled the requirements of the community service ex-  
15 change program, the community-based organization shall notify the local supervisory authority and  
16 the local supervisory authority shall send a notice of completion to the court of the county in which  
17 the person was convicted.

18 [(b) *If the person is under the supervision of the local supervisory authority, upon notification of*  
19 *completion from the community-based organization, the local supervisory authority shall waive the*  
20 *supervision fees, including but not limited to those ordered pursuant to ORS 423.570.*]

21 [(c) *If the person is under the supervision of a community corrections agency or other local super-*  
22 *visory authority, upon notification of completion from the community-based organization, the local su-*  
23 *pervisory authority shall notify the community corrections agency and the community corrections*  
24 *agency or local supervisory authority shall waive the supervision fees, including but not limited to those*  
25 *ordered pursuant to ORS 423.570, and the local supervisory authority may waive all other fees to offset*  
26 *the costs of supervision.*]

27 [(d)] (b) Upon notification of completion from the local supervisory authority, the court shall  
28 update the record of monetary obligations imposed for the convictions to reflect a waiver of delin-  
29 quent fees or debts.

30 (8) If a person fails to meet the requirements of the community service exchange program:

31 (a) The community-based organization shall notify the local supervisory authority and, if appli-  
32 cable, the local supervisory authority shall notify the community corrections agency or other local  
33 supervisory authority. [*Upon notification, the local supervisory authority or the community corrections*  
34 *agency shall resume collection of the supervision fees, including but not limited to those ordered pur-*  
35 *suant to ORS 423.570.*]

36 (b) Within 30 days of the local supervisory authority's receiving notification from the  
37 community-based organization, the local supervisory authority shall notify the court of the county  
38 in which the person was convicted.

39 (c) Upon notification from the local supervisory authority, the court shall resume collection of  
40 delinquent fees or debts.

41 **SECTION 22.** ORS 144.103 is amended to read:

42 144.103. (1) Except as otherwise provided in ORS 137.765 and subsection (2) of this section, any  
43 person sentenced to a term of imprisonment for violating or attempting to violate ORS 163.365,  
44 163.375, 163.395, 163.405, 163.408, 163.411, 163.425 or 163.427 shall serve a term of active post-prison  
45 supervision that continues until the term of the post-prison supervision, when added to the term of

1 imprisonment served, equals the maximum statutory indeterminate sentence for the violation.

2 (2)(a) A person sentenced to a term of imprisonment for violating one of the offenses listed in  
3 paragraph (b) of this subsection shall serve a term of post-prison supervision that continues for the  
4 rest of the person's life if the person was at least 18 years of age at the time the person committed  
5 the crime.

6 (b) The offenses to which paragraph (a) of this subsection applies are:

7 (A) ORS 163.375 (1)(b);

8 (B) ORS 163.405 (1)(b);

9 (C) ORS 163.411 (1)(b); and

10 (D) ORS 163.235 when the offense is committed in furtherance of the commission or attempted  
11 commission of rape in the first degree, sodomy in the first degree or unlawful sexual penetration in  
12 the first degree if the victim is under 12 years of age.

13 (c) When a person is sentenced to a term of post-prison supervision described in paragraph (a)  
14 of this subsection, the person must be actively supervised for at least the first 10 years of the  
15 post-prison supervision and actively tracked for the remainder of the term. Active tracking may be  
16 done by means of an electronic device attached to the person.

17 (3) A person sentenced to a term of imprisonment for violating ORS 163.185 (1)(b) shall serve a  
18 term of post-prison supervision that continues until the term of the post-prison supervision, when  
19 added to the term of imprisonment served, equals the maximum statutory indeterminate sentence for  
20 the violation.

21 *[(4) Any costs incurred as a result of this section shall be paid by increased post-prison supervision*  
22 *fees under ORS 423.570.]*

23  
24 (Applicability)

25  
26 **SECTION 23.** Section 13 of this 2021 Act, the amendments to ORS 133.865, 137.540, 137.630,  
27 144.089, 144.102, 144.103 and 181A.530 by sections 14 to 17 and 20 to 22 of this 2021 Act and the  
28 repeal of ORS 423.570 by section 18 of this 2021 Act apply to sentences imposed on or after  
29 the effective date of this 2021 Act.

30  
31 **JUSTICE REINVESTMENT PROGRAM CHANGES**

32  
33 **SECTION 24.** Section 52, chapter 649, Oregon Laws 2013, is amended to read:

34 **Sec. 52.** The Justice Reinvestment Account is established, separate and distinct from the Gen-  
35 eral Fund. All moneys in the account are continuously appropriated to the Oregon Criminal Justice  
36 Commission for the purpose of making grants *[to counties]* in accordance with section 53, *[of this*  
37 *2013 Act]* **chapter 649, Oregon Laws 2013, and for any other purpose authorized by law.**

38 **SECTION 25.** Section 53, chapter 649, Oregon Laws 2013, as amended by section 54, chapter  
39 649, Oregon Laws 2013, and section 1, chapter 598, Oregon Laws 2019, is amended to read:

40 **Sec. 53.** (1)(a) In consultation with the Justice Reinvestment Grant Review Committee estab-  
41 lished under subsection (2) of this section, the Oregon Criminal Justice Commission shall administer  
42 the Justice Reinvestment Program described in this section. From funds appropriated to the com-  
43 mission for purposes of the program, the commission shall award grants to counties that establish  
44 a process to assess offenders and provide a continuum of community-based sanctions, services and  
45 programs that are designed to reduce recidivism and decrease the county's utilization of

1 imprisonment in a Department of Corrections institution while protecting public safety and holding  
2 offenders accountable.

3 (b) Notwithstanding paragraph (a) of this subsection, no less than [10] 15 percent of grant funds  
4 awarded under this section must be distributed to community-based nonprofit organizations that  
5 provide services to victims of crime, **with priority given to culturally specific organizations and**  
6 **culturally responsive services.**

7 (c)(A) **Notwithstanding paragraphs (a) and (b) of this subsection, recognizing that**  
8 **systemic racism exists within this state and within the criminal justice system, and for the**  
9 **purposes of expanding culturally specific organizations and culturally responsive services to**  
10 **address those disparities, no less than 20 percent of grant funds awarded under this section**  
11 **shall be distributed to the Northwest Health Foundation Fund II for the purposes of distrib-**  
12 **uting subgrants to culturally specific organizations and culturally responsive service provid-**  
13 **ers. The purposes of the funds distributed under this paragraph are to promote racial equity,**  
14 **reduce racial disparities, reduce recidivism and decrease a county's utilization of**  
15 **imprisonment in a Department of Corrections institution while protecting public safety and**  
16 **holding offenders accountable.**

17 (B) Up to 15 percent of funds distributed under this paragraph may be used by the  
18 Northwest Health Foundation Fund II for administrative costs and to provide subgrant re-  
19 cipients with technical assistance.

20 (C) Funds distributed under this paragraph must be distributed to culturally specific or-  
21 ganizations and culturally responsive service providers for the following purposes:

- 22 (i) Mental health and substance use disorder treatment;
- 23 (ii) Maternal health services;
- 24 (iii) Trauma-informed restorative justice services;
- 25 (iv) Violence reduction programs, including but not limited to violence interruption  
26 mentors or after-school programs focused on art, music, theater or dance;
- 27 (v) Crisis intervention without police involvement;
- 28 (vi) Reentry programs that are connected to education, workforce development and  
29 transitional supports;
- 30 (vii) Long-term supportive housing;
- 31 (viii) Support for setting aside conviction records;
- 32 (ix) Pretrial release support;
- 33 (x) Services for victims, including incarcerated victims or victims on pretrial release;
- 34 (xi) Programs for persons, and families of persons, who are currently or were formerly  
35 incarcerated;
- 36 (xii) Programs designed to reduce recidivism and reduce contact with the criminal justice  
37 system;
- 38 (xiii) Programs for persons who have been impacted by police violence, either directly or  
39 through a family member; or
- 40 (xiv) Planning grants and technical assistance to support the development of new cul-  
41 turally specific services, or to strengthen existing services, that are aligned with the other  
42 purposes described in this subparagraph.

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

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

1 (A) One member shall be a district attorney.

2 (B) One member shall be a county sheriff.

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

4 (D) One member shall be a county commissioner.

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

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

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

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

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

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

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

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

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

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

22 (4)(a) An application for a grant described in **subsection (1)(a) or (b) of this section** must be  
23 submitted by a local public safety coordinating council convened under ORS 423.560.

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

29 (5)(a) During a grant application period established by the commission, the proportion of grant  
30 funds available to each county **under subsection (1)(a) and (b) of this section** shall be determined  
31 in accordance with the formula used to distribute baseline funding under ORS 423.483.

32 (b) At the conclusion of the grant application period, the commission shall award grants [*to*  
33 *counties*] in accordance with **subsection (1) of this section and the** rules adopted by the commis-  
34 sion. If unallocated funds remain at the conclusion of the grant acceptance period, the commission  
35 may establish a supplemental grant period and distribute the unallocated funds.

36 (6)(a) The commission shall regularly evaluate the community-based sanctions, services and  
37 programs funded under **subsection (1)(a) or (b) of this section**. The commission shall specifically  
38 assess the extent to which each county is reducing utilization of imprisonment in Department of  
39 Corrections facilities by offenders convicted of felonies under ORS 137.717, 475.752 to 475.980,  
40 811.182, 813.010 or 813.011.

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

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

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

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

5 (a) A methodology for reviewing and approving grant applications and distributing grant funds  
6 **under subsection (1)(a) or (b) of this section.** Rules described in this paragraph must provide the  
7 Justice Reinvestment Grant Review Committee with the ability to approve grant applications for  
8 submission for final approval by the commission. The commission may either approve the grant ap-  
9 plication or return the application for reconsideration by the committee.

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

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

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

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

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

28 (10) As used in this section:

29 (a) [*Community-based programs*] "**Community-based program**" includes:

30 (A) Work release programs;

31 (B) Structured, transitional leave programs;

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

34 (D) Administering a reentry court under section 29, [*of this 2013 Act*] **chapter 649, Oregon**  
35 **Laws 2013**; and

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

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

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

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

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

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

6 (B) **Specific disparities in access to services and resources experienced by the commu-**  
7 **nity; and**

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

9 **SECTION 26. In addition to and not in lieu of any other appropriation, there is appro-**  
10 **propriated to the Oregon Criminal Justice Commission, for the biennium beginning July 1, 2021,**  
11 **out of the General Fund, the amount of \$8,000,000, for deposit into the Justice Reinvestment**  
12 **Account established under section 52, chapter 649, Oregon Laws 2013.**

13 **SECTION 27. In addition to and not in lieu of any other appropriation, there is appro-**  
14 **propriated to the Oregon Criminal Justice Commission, for the biennium beginning July 1, 2021,**  
15 **out of the General Fund, the amount of \$200,000, for the purpose of carrying out section 28**  
16 **of this 2021 Act.**

17 **SECTION 28. (1) The Oregon Criminal Justice Commission shall evaluate the implemen-**  
18 **tation and monitor the progress of subgrants distributed by the Northwest Health Founda-**  
19 **tion Fund II under section 53 (1)(c), chapter 649, Oregon Laws 2013, using funds appropriated**  
20 **to the commission for such purpose. The expenditure of the funds under this subsection may**  
21 **include support for subgrantees participating in the evaluation.**

22 (2) **The commission shall convene a stakeholder group to assist with the evaluation de-**  
23 **scribed in subsection (1) of this section. The group must be composed of culturally diverse**  
24 **persons with expertise in culturally responsive evaluations, persons with expertise in crimi-**  
25 **nal justice issues and subgrantees receiving funds under section 53 (1)(c), chapter 649,**  
26 **Oregon Laws 2013.**

27 (3) **The evaluator conducting the evaluation described in subsection (1) of this section**  
28 **must have expertise in racial equity, facilitation of community-based participatory evaluation**  
29 **methods and demonstrated experience with facilitating inclusive processes with diverse**  
30 **communities.**

31 (4) **No later than June 30, 2023, the commission shall provide a report detailing the**  
32 **progress of the evaluation described in subsection (1) of this section to the Legislative As-**  
33 **sembly, in the manner provided in ORS 192.245, and shall include recommendations for ad-**  
34 **ditional evaluation needs.**

35 **SECTION 29. Section 28 of this 2021 Act is repealed on July 1, 2023.**

36  
37 **CRIMINAL JUSTICE DATA REPORTING**

38  
39 **SECTION 30. (1)(a) The Oregon Criminal Justice Commission, in consultation with the**  
40 **Department of Corrections, shall collect data concerning the imposition of supervision con-**  
41 **ditions on persons on probation or post-prison supervision.**

42 (b) **The commission shall review the data described in paragraph (a) of this subsection**  
43 **and make the data, disaggregated by race, ethnicity, gender and county, available to the**  
44 **public in a clear and accessible format, either in a report or on the website of the commis-**  
45 **sion.**





1 **priated to the Oregon Department of Administrative Services, for the biennium beginning**  
2 **July 1, 2021, out of the General Fund, the amount of \$1,500,000, for distribution to the**  
3 **Northwest Health Foundation Fund II for deposit into the Reimagine Safety Fund.**

4 **SECTION 35. (1) Permissible uses of the funds received under section 34 of this 2021 Act**  
5 **include, but are not limited, to researching ways to ensure equitable outcomes in public**  
6 **safety, educating impacted communities about the current public safety system and provid-**  
7 **ing a community-driven process to produce recommendations to the Legislative Assembly for**  
8 **public safety reform.**

9 **(2) No later than February 15, 2022, the Northwest Health Foundation Fund II shall pro-**  
10 **vide a report to the committees of the Legislative Assembly related to the judiciary, in the**  
11 **manner provided in ORS 192.245, concerning how the funds received under section 34 of this**  
12 **2021 Act were expended.**

13 **(3) No later than December 15, 2022, the Northwest Health Foundation Fund II shall**  
14 **provide to the interim committees of the Legislative Assembly related to the judiciary, in the**  
15 **manner provided in ORS 192.245, an update to the information provided under subsection (2)**  
16 **of this section.**

17 **SECTION 36. Section 35 of this 2021 Act is repealed on January 1, 2023.**

18  
19 **CAPTIONS**

20  
21 **SECTION 37. The unit captions used in this 2021 Act are provided only for the conven-**  
22 **ience of the reader and do not become part of the statutory law of this state or express any**  
23 **legislative intent in the enactment of this 2021 Act.**

24  
25 **EMERGENCY CLAUSE**

26  
27 **SECTION 38. This 2021 Act being necessary for the immediate preservation of the public**  
28 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**  
29 **on its passage.**

30  
\_\_\_\_\_