



*Setting the standard for parole boards in evidence-informed decisions,
innovative tools, and effective operations.*

**OREGON BOARD OF PAROLE
&
POST-PRISON SUPERVISION
25500**

**2021 - 2023
AGENCY REQUEST BUDGET**

OREGON BOARD OF PAROLE AND POST-PRISON SUPERVISION 2021-2023 AGENCY REQUEST BUDGET

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CERTIFICATION

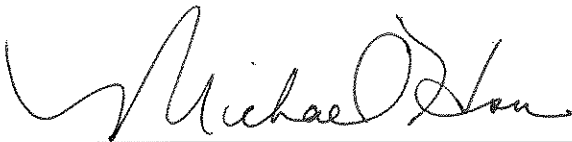
I hereby certify that the accompanying summary and detailed statements are true and correct to the best of my knowledge and belief and that the accuracy of all numerical information has been verified.

Oregon Board of Parole and Post-Prison Supervision

1321 Tandem Ave NE, Salem, Oregon 97301

AGENCY NAME

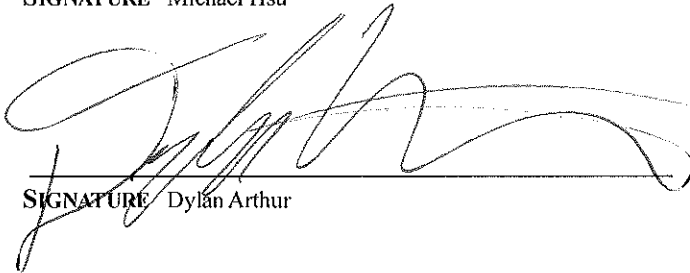
AGENCY ADDRESS



Chairperson

SIGNATURE Michael Hsu

TITLE



Executive Director

SIGNATURE Dylan Arthur

TITLE

Notice: Requests of those agencies headed by a board or commission must be approved by those bodies of official action and signed by the board or commission chairperson. The requests of other agencies must be approved and signed by the agency director or administrator.

2019 Regular Session Bills

There were 2 bills that had a fiscal impact on the budget of the Board. The budget bill, **SB 5528 EN** allocated \$8,781,722 and **HB 5050** which appropriates moneys from the general fund to the emergency board for allocations during biennium and adjusted the budget for the State Board of Parole and Post-Prison Supervision by a reduction in general funds by -\$101,621 plus other funds of \$11,682 for a final budget of **\$8,691,783**.

There were 3 policy bills that do not have a direct fiscal impact on the Board:

1. **SB 1008** - Requires court to include in judgment document age of defendant at time of committing offense if defendant is sentenced to term of incarceration and physical custody of defendant is related to age of defendant at time of committing offense. Provides that a juvenile offender who committed an offense before age 18 and is serving a sentence of imprisonment is eligible for a hearing in front of the State Board of Parole and Post-Prison Supervision (Board) for release on parole or post-prison supervision after 15 years of imprisonment. Allows Board to require the juvenile offender to be examined by a psychiatrist or psychologist. Requires Board to consider and give substantial weight to the fact that a person under 18 years of age is incapable of the same reasoning and impulse control as an adult, the diminished culpability of minors, and a series of delineated mitigating circumstances that cannot be considered as aggravating circumstances. Provides a series of factors for Board to consider when determining whether to release a juvenile offender at the release hearing. Prohibits Board from considering age as an aggravating factor. Provides process for release and supervision.
2. **HB 2045 EN** - Extends deadline by which State Board of Parole and Post-Prison Supervision must perform risk assessment and classification on existing sex offender registrants to December 1, 2026. Updates sex offender registration requirements and deadlines. Amends current deadline for classification of existing sex offender registrants by the State Board of Parole and Post-Prison Supervision (Board) to December 1, 2026. Removes February 1, 2023, deadline for the Oregon State Police (OSP) to enter classifications of existing registrants into the Law Enforcement Data System and instead requires OSP enter the information within a reasonable time after receipt. Makes technical changes. Replaces "unclassified sex offenders" with the statutes specifying the individuals the Board is required to assess and report on progress made to the legislature. Clarifies language relating to persons petitioning review of their sex offender risk assessment classification under ORS 163A.100. States that a petition for review must be

filed within 60 days of receiving notice of the classification in person, or if by mail, the time when the notice is sent. Includes exception when good cause is shown for failure to petition within the 60-day time frame.

3. **HB 3146 EN** - Changes statutory references to "inmate" to "adult in custody."

SB 5528 BUDGET REPORT and MEASURE SUMMARY

Joint Committee On Ways and Means

Prepared By: April McDonald, Department of Administrative Services

Reviewed By: Tim Walker, Legislative Fiscal Office

Board of Parole and Post-Prison Supervision

2019-21

PRELIMINARY

Budget Summary*

	2017-19 Legislatively Approved Budget ⁽¹⁾	2019-21 Current Service Level	2019-21 Committee Recommendation	Committee Change from 2017-19 Leg. Approved	
				\$ Change	% Change
General Fund	\$ 9,048,876	\$ 8,781,722	\$ 8,781,722	\$ (267,154)	(3.0%)
Other Funds Limited	\$ 11,254	\$ 11,682	\$ 11,682	\$ 428	3.8%
Total	\$ 9,060,130	\$ 8,793,404	\$ 8,793,404	\$ (266,726)	(2.9%)

Position Summary

Authorized Positions	28	25	25	(3)
Full-time Equivalent (FTE) positions	28.00	25.00	25.00	(3.00)

⁽¹⁾ Includes adjustments through December 2018

* Excludes Capital Construction expenditures

Summary of Revenue Changes

General Fund supports over 99 percent of the Board of Parole and Post-Prison Supervision's (Board) recommended budget. A small amount of Other Funds income results from the sale of documents and hearing tapes, as well as court-ordered fees paid to the Board. There is essentially no change in the 2019-21 forecasted Other Funds revenue from previous biennia.

Summary of Public Safety Subcommittee Action

The Board works within the criminal justice system to support a safe and just Oregon by protecting citizens' rights and promoting positive offender change while maintaining accountability. The Board aims to achieve this through evidence-based community supervision and intervention, active partnerships in the community and criminal justice system, development of efficient policies, and respect for diversity. Partnerships with the Department of Corrections (DOC) and local supervisory authorities, as well as victim and stakeholder involvement inform the Board's release and post-prison supervision decisions. Additionally, the Board classifies sex offenders to a notification level and determines qualifications for reclassification and relief from registration.

The Subcommittee approved a budget of \$8,793,404 total funds consisting of \$8,781,722 General Fund, \$11,682 Other Funds expenditure limitation, and 25 permanent full-time (25.00 FTE) positions. The approved budget represents a 2.9 percent decrease from the 2017-19 Legislatively Approved Budget.

Summary of Performance Measure Action

See attached “Legislatively Approved 2019-2021 Key Performance Measures.”

PRELIMINARY

DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

Board of Parole and Post-Prison Supervision
 April McDonald -- 503-877-8125

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
2017-19 Legislatively Approved Budget at Dec 2018 *	\$ 9,048,876	\$ -	\$ 11,254	\$ -	\$ -	\$ -	9,060,130	28	28.00
2019-21 Current Service Level (CSL)*	\$ 8,781,722	\$ -	\$ 11,682	\$ -	\$ -	\$ -	8,793,404	25	25.00
TOTAL ADJUSTMENTS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	0	0.00
SUBCOMMITTEE RECOMMENDATION *	\$ 8,781,722	\$ -	\$ 11,682	\$ -	\$ -	\$ -	8,793,404	25	25.00
% Change from 2017-19 Leg Approved Budget	(3.0%)	0.0%	3.8%	0.0%	0.0%	0.0%	(2.9%)	(10.7%)	(10.7%)
% Change from 2019-21 Current Service Level	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

*Excludes Capital Construction Expenditures

PRELIMINARY

Legislatively Approved 2019 - 2021 Key Performance Measures

Published: 5/16/2019 2:29:35 PM

Agency: Parole and Post-Prison Supervision, Board of

Mission Statement:

We support a safe and just Oregon by protecting citizens' rights and promoting positive offender change while maintaining accountability. Through engagement of partners, development of efficient policies, and respect for diversity, our strong, valued workforce strives for a better future for our state.

Legislatively Approved KPMs	Metrics	Agency Request	Last Reported Result	Target 2020	Target 2021
1. PAROLE RECIDIVISM - Percentage of Matrix Inmates (offenders whose crime(s) were committed before November 1, 1989), Dangerous Offenders (sentenced by the court as a dangerous offender pursuant to ORS 161.725 and ORS 161.735), and Aggravated Murderers convicted of a new felony within three years of initial release. (Subset of OBM #64)		Approved	15.80%	8.50%	8.50%
2. ORDER OF SUPERVISION - Percentage of offenders being released from prison where the Board's order of supervision has been received by the community corrections office on or before the offender's release date from prison.		Approved	91.40%	99%	99%
3. VICTIM NOTIFICATION - Percentage of notifications sent to active registered victims no later than 30 days before any hearing conducted by the Board.		Approved	100%	98%	98%
4. ARREST WARRANT - Percentage of warrants received by the Board in which the warrant is issued within 5 days.		Approved	99.99%	94.20%	94.20%
5. REVOCATION - Percentage of revocations for offenders who violate their conditions of parole or post-prison supervision.		Approved	5.83%	10%	10%
6. DISCHARGE OF SUPERVISION - Percentage of expiration (of post-prison supervision or parole) orders that have been completed and mailed within 5 days of an offenders discharge from parole or post-prison supervision.		Approved	96.40%	91.50%	91.50%
7. ADMINISTRATIVE REVIEW - Percentage of administrative review responses completed and mailed within 60 days of receipt of an inmate/offender administrative review request.		Approved	23%	70%	70%
8. CUSTOMER SERVICE - Percent of customers rating satisfaction with the Agency's customer service as good or excellent: overall customer service, timeliness, accuracy, helpfulness, expertise, and availability of information.	Availability of Information	Approved	95%	100%	100%
	Accuracy		97%	100%	100%
	Helpfulness		96%	100%	100%
	Overall		92%	100%	100%
	Expertise		98%	100%	100%
	Timeliness		93%	100%	100%

LFO Recommendation:

Approve the KPM report.

SubCommittee Action:

The Subcommittee approved the KPM report.

Parole & Post Prison Supervision, State Board of LFO Analyst Recommended**Agency Number: 25500****LFO102 - Work Session Presentation Report
2019-21 Biennium****Version: L - 01 - LFO Analyst Recommended
Cross Reference: 25500-000-00-00-00000
Parole & Post Prison Supervision, State Bd of**

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2017-19 Agy. Leg. Adopted	8,868,686	-	11,254	-	-	-	8,879,940	28	28.00
2017-19 Ebds, SS & Admin Act	180,190	-	-	-	-	-	180,190	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2017-19 Leg Approved Budget	9,048,876	-	11,254	-	-	-	9,060,130	28	28.00
2017-19 Leg Approved Budget (Base)	9,048,876	-	11,254	-	-	-	9,060,130	28	28.00
Summary of Base Adjustments	(426,768)	-	-	-	-	-	(426,768)	(3)	(3.00)
2019-21 Base Budget	8,622,108	-	11,254	-	-	-	8,633,362	25	25.00
010: Non-PICS Pers Svc/Vacancy Factor	(100,131)	-	-	-	-	-	(100,131)	-	-
020: Phase In / Out Pgm & One-time Cost	(81,716)	-	-	-	-	-	(81,716)	-	-
030: Inflation & Price List Adjustments	341,461	-	428	-	-	-	341,889	-	-
2019-21 Current Service Level	8,781,722	-	11,682	-	-	-	8,793,404	25	25.00
Adjusted 2019-21 Current Service Level	8,781,722	-	11,682	-	-	-	8,793,404	25	25.00
Total LFO Recommended Packages	-	-	-	-	-	-	-	-	-
2019-21 Legislative Actions	8,781,722	-	11,682	-	-	-	8,793,404	25	25.00
Net change from 2017-19 Leg Approved Budget	(267,154)	-	428	-	-	-	(266,726)	(3)	(3.00)
Percent change from 2017-19 Leg Approved Budget	(3.0%)	0.0%	3.8%	0.0%	0.0%	0.0%	(2.9%)	(10.7%)	(10.7%)
Net change from 2019-21 Adj Current Service Level	-	-	-	-	-	-	-	-	-
Percent change from 2019-21 Adj Current Service Level	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Parole & Post Prison Supervision, State Board of LFO Analyst Recommended**Agency Number: 25500****LFO102 - Work Session Presentation Report
2019-21 Biennium****Version: L - 01 - LFO Analyst Recommended
Cross Reference: 25500-013-00-00-00000****Parole Board**

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2017-19 Agy. Leg. Adopted	8,868,686	-	11,254	-	-	-	8,879,940	28	28.00
2017-19 Ebds, SS & Admin Act	180,190	-	-	-	-	-	180,190	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2017-19 Leg Approved Budget	9,048,876	-	11,254	-	-	-	9,060,130	28	28.00
2017-19 Leg Approved Budget (Base)	9,048,876	-	11,254	-	-	-	9,060,130	28	28.00
Summary of Base Adjustments	(426,768)	-	-	-	-	-	(426,768)	(3)	(3.00)
2019-21 Base Budget	8,622,108	-	11,254	-	-	-	8,633,362	25	25.00
010: Non-PICS Pers Svc/Vacancy Factor	(100,131)	-	-	-	-	-	(100,131)	-	-
020: Phase In / Out Pgm & One-time Cost	(81,716)	-	-	-	-	-	(81,716)	-	-
030: Inflation & Price List Adjustments	341,461	-	428	-	-	-	341,889	-	-
2019-21 Current Service Level	8,781,722	-	11,682	-	-	-	8,793,404	25	25.00
Adjusted 2019-21 Current Service Level	8,781,722	-	11,682	-	-	-	8,793,404	25	25.00
Total LFO Recommended Packages	-	-	-	-	-	-	-	-	-
2019-21 Legislative Actions	8,781,722	-	11,682	-	-	-	8,793,404	25	25.00
Net change from 2017-19 Leg Approved Budget	(267,154)	-	428	-	-	-	(266,726)	(3)	(3.00)
Percent change from 2017-19 Leg Approved Budget	(3.0%)	0.0%	3.8%	0.0%	0.0%	0.0%	(2.9%)	(10.7%)	(10.7%)
Net change from 2019-21 Adj Current Service Level	-	-	-	-	-	-	-	-	-
Percent change from 2019-21 Adj Current Service Level	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Senator Manning**SUBCOMMITTEE RECOMMENDATION****SB 5528****Board of Parole and Post-Prison Supervision**

SB 5528 is the budget bill for Board of Parole and Post-Prison Supervision.

The Public Safety Subcommittee approved a total budget of \$8,793,404. This funding level is a decrease of 2.9% from the 2017-19 legislatively approved budget. The budget includes \$8,781,722 General Fund and \$11,682 Other Funds and 25 positions (25.00 FTE). The Subcommittee also reviewed and approved the agency's key performance measures.

The Public Safety Subcommittee recommends SB 5528 be amended by the –2 amendment and be reported out do pass, as amended.

**REVENUE IMPACT OF
PROPOSED LEGISLATION**
80th Oregon Legislative Assembly
2019 Regular Session
Legislative Revenue Office

Bill Number: SB 5528 - A

Date: 6/3/2019

*Only Impacts on Original or Engrossed
Versions are Considered Official*

NOTICE OF NO REVENUE IMPACT

The Legislative Revenue Office has reviewed the proposed legislation and determined that it has No Impact on state or local revenues analyzed by this office.

Enrolled
Senate Bill 5528

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Oregon Department of Administrative Services)

CHAPTER

AN ACT

Relating to the financial administration of the State Board of Parole and Post-Prison Supervision; and declaring an emergency.

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

SECTION 1. There is appropriated to the State Board of Parole and Post-Prison Supervision, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$8,781,722.

SECTION 2. Notwithstanding any other law limiting expenditures, the amount of \$11,682 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the State Board of Parole and Post-Prison Supervision.

SECTION 3. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect July 1, 2019.

Passed by Senate June 10, 2019

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House June 18, 2019

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

.....
Bev Clarno, Secretary of State

HB 5050 A BUDGET REPORT and MEASURE SUMMARY**Carrier:** Sen. Johnson**Joint Committee On Ways and Means**

Action Date: 06/25/19**Action:** Do pass the A-Eng bill.**Senate Vote****Yeas:** 8 - Beyer, Boles, Frederick, Johnson, Manning Jr, Roblan, Steiner Hayward, Wagner**Abs:** 4 - Girod, Hansell, Heard, Thomsen**House Vote****Yeas:** 8 - Gomberg, Holvey, McLain, McLane, Nosse, Piluso, Rayfield, Stark**Exc:** 1 - Smith G**Prepared By:** Julie Neburka and Theresa McHugh, Legislative Fiscal Office**Reviewed By:** Paul Siebert, Legislative Fiscal Office

Emergency Board**2019-21****Department of Corrections****2017-19**

Budget Summary***Emergency Board**

	<u>2017-19 Legislatively Approved Budget</u>	<u>2019-21 Committee Recommendation</u>	<u>Committee Change</u>
General Fund - General Purpose	-	\$ 75,000,000	\$ 75,000,000
General Fund - Special Purpose Appropriations			
State Agencies for state employee compensation	-	\$ 200,000,000	\$ 200,000,000
State Agencies for non-state worker compensation	-	\$ 20,000,000	\$ 20,000,000
Public Defense services and contract model		\$ 20,000,000	\$ 20,000,000
Grand Jury Recordation	-	\$ 3,000,000	\$ 3,000,000
OHA - Youth with Behavioral Health Needs		\$ 5,700,000	\$ 5,700,000
PDSC and DOC - Unauthorized Use of a Vehicle		\$ 1,000,000	\$ 1,000,000
Secretary of State - SB 861 implementation		\$ 1,146,094	\$ 1,146,094

ADMINISTRATION PROGRAM AREA**Department of Administrative Services**

General Fund		\$ 23,939,562	\$ 23,939,562
General Fund Debt Service		\$ (243,315)	\$ (243,315)
Lottery Funds Debt Service		\$ (2,797,357)	\$ (2,797,357)
Other Funds		\$ 98,343,839	\$ 98,343,839
Other Funds Debt Service		\$ 4,975,884	\$ 4,975,884

Advocacy Commissions Office

General Fund		\$ (3,910)	\$ (3,910)
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Employment Relations Board

General Fund		\$ (24,878)	\$ (24,878)
Other Funds		\$ (17,900)	\$ (17,900)

Oregon Government Ethics Commission

Other Funds		\$ (31,294)	\$ (31,294)
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Office of the Governor

General Fund		\$ 37,976	\$ 37,976
Lottery Funds		\$ (30,060)	\$ (30,060)
Other Funds		\$ (14,162)	\$ (14,162)

Oregon Liquor Control Commission

Other Funds	-	\$ (365,805)	\$ (365,805)
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Budget Summary***Public Employees Retirement System,**

	<u>2017-19 Legislatively Approved Budget</u>	<u>2019-21 Committee Recommendation</u>	<u>Committee Change</u>
Other Funds		\$ (99,540)	\$ (99,540)

Racing Commission

Other Funds		\$ (74,492)	\$ (74,492)
-------------	--	-------------	-------------

Department of Revenue

General Fund		\$ (1,951,713)	\$ (1,951,713)
General Fund Debt Service		\$ (86,500)	\$ (86,500)
Other Funds		\$ (625,879)	\$ (625,879)
Other Funds Debt Service		\$ 90,000	\$ 90,000

Secretary of State

General Fund		\$ 198,280	\$ 198,280
Other Funds		(731,332)	\$ (731,332)
Federal Funds		\$ (6,624)	\$ (6,624)

State Library

General Fund		\$ (2,658)	\$ (2,658)
Other Funds		\$ (54,948)	\$ (54,948)
Federal Funds		\$ (4,478)	\$ (4,478)

State Treasurer

Other Funds		\$ (786,435)	\$ (786,435)
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CONSUMER AND BUSINESS SERVICES PROGRAM AREA**State Board of Accountancy**

Other Funds	-	\$ (41,790)	\$ (41,790)
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Chiropractic Examiners Board

Other Funds	-	\$ (40,563)	\$ (40,563)
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Consumer and Business Services

Other Funds		\$ (1,805,550)	\$ (1,805,550)
Federal Funds		\$ 724,474	\$ 724,474

Construction Contractors Board

Other Funds		\$ (223,798)	\$ (223,798)
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<u>Budget Summary*</u>	<u>2017-19 Legislatively Approved Budget</u>	<u>2019-21 Committee Recommendation</u>	<u>Committee Change</u>
<u>Board of Dentistry</u>			
Other Funds		\$ (55,978)	\$ (55,978)
<u>Health Related Licensing Boards</u>			
Other Funds		\$ (93,931)	\$ (93,931)
<u>Bureau of Labor and Industries</u>			
General Fund		\$ (186,026)	\$ (186,026)
Other Funds		\$ (128,532)	\$ (128,532)
Federal Funds		\$ (19,597)	\$ (19,597)
<u>Licensed Professional Counselors and Therapists. Board of</u>			
Other Funds		\$ (23,995)	\$ (23,995)
<u>Licensed Social Workers, Board of</u>			
Other Funds		\$ (23,401)	\$ (23,401)
<u>Medical Board</u>			
Other Funds		\$ (105,576)	\$ (105,576)
<u>Board of Nursing</u>			
Other Funds		\$ (148,702)	\$ (148,702)
<u>Board of Pharmacy</u>			
Other Funds	-	\$ (93,745)	\$ (93,745)
<u>Oregon Board of Psychology</u>			
Other Funds	-	\$ (19,078)	\$ (19,078)
<u>Public Utility Commission</u>			
Other Funds	-	\$ (337,731)	\$ (337,731)
Federal Funds	-	\$ (6,195)	\$ (6,195)
<u>Real Estate Agency</u>			
Other Funds	-	\$ (87,703)	\$ (87,703)
<u>Tax Practitioners Board</u>			
Other Funds	-	\$ (12,149)	\$ (12,149)

Budget Summary*

**2017-19 Legislatively
Approved Budget**

**2019-21 Committee
Recommendation**

Committee Change

ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAM AREA**Oregon Business Development Department**

General Fund	\$	9,992,396	\$	9,992,396
General Fund Debt Service	\$	2,050,084	\$	2,050,084
Lottery Funds	\$	12,813,582	\$	12,813,582
Lottery Funds Debt Service	\$	(3,691,197)	\$	(3,691,197)
Other Funds	\$	204,671,736	\$	204,671,736
Other Funds Debt Service	\$	157,290	\$	157,290
Other Funds Nonlimited	\$	35,000,000	\$	35,000,000
Federal Funds	\$	(6,078)	\$	(6,078)

Employment Department

Other Funds	\$	(899,214)	\$	(899,214)
Federal Funds	\$	(665,899)	\$	(665,899)

Housing and Community Services Department

General Fund	\$	(941,245)	\$	(941,245)
General Fund Debt Service	\$	9,781,918	\$	9,781,918
Lottery Funds Debt Service	\$	(79,455)	\$	(79,455)
Other Funds	\$	62,397,519	\$	62,397,519
Other Funds Debt Service	\$	1,099	\$	1,099
Federal Funds	\$	(1,035,075)	\$	(1,035,075)

Department of Veterans' Affairs

General Fund	\$	(51,109)	\$	(51,109)
General Fund Debt Service	\$	(1,871,420)	\$	(1,871,420)
Lottery Funds	\$	961,666	\$	961,666
Other Funds	\$	3,912,257	\$	3,912,257

EDUCATION PROGRAM AREA**Department of Education**

General Fund	\$	(125,070)	\$	(125,070)
General Fund Debt Service	\$	(1,345,537)	\$	(1,345,537)
Other Funds	\$	125,770,137	\$	125,770,137
Other Funds Debt Service	\$	9,330	\$	9,330
Federal Funds	\$	(324,415)	\$	(324,415)

Budget Summary***State School Fund**

	<u>2017-19 Legislatively Approved Budget</u>	<u>2019-21 Committee Recommendation</u>	<u>Committee Change</u>
General Fund	\$ 5,101,078	\$ 5,101,078	\$ 5,101,078
Lottery Funds	\$ (5,573,050)	\$ (5,573,050)	\$ (5,573,050)
Other Funds	\$ 471,972	\$ 471,972	\$ 471,972

Higher Education Coordinating Commission

General Fund	\$ 73,809	\$ 73,809	\$ 73,809
Other Funds	\$ 6,385,614	\$ 6,385,614	\$ 6,385,614
Federal Funds	\$ 65,430	\$ 65,430	\$ 65,430

State Support to Community Colleges

General Fund	\$ 975,000	\$ 975,000	\$ 975,000
General Fund Debt Service	\$ (5,763,861)	\$ (5,763,861)	\$ (5,763,861)
Lottery Funds Debt Service	\$ (242,498)	\$ (242,498)	\$ (242,498)
Other Funds Debt Service	\$ 3,126,854	\$ 3,126,854	\$ 3,126,854

State Support to Public Universities

General Fund	\$ 5,653,419	\$ 5,653,419	\$ 5,653,419
General Fund Debt Service	\$ (12,483,243)	\$ (12,483,243)	\$ (12,483,243)
Lottery Funds	\$ 5,859,809	\$ 5,859,809	\$ 5,859,809
Lottery Funds Debt Service	\$ (774,410)	\$ (774,410)	\$ (774,410)
Other Funds Debt Service	\$ 4,876,782	\$ 4,876,782	\$ 4,876,782

State Support to Oregon Health Sciences University

General Fund Debt Service	\$ (48,310)	\$ (48,310)	\$ (48,310)
Other Funds Debt Service	\$ 48,365	\$ 48,365	\$ 48,365

Teacher Standards and Practices

Other Funds	\$ (87,203)	\$ (87,203)	\$ (87,203)
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HUMAN SERVICES PROGRAM AREA**Commission for the Blind**

General Fund	\$ (103,100)	\$ (103,100)	\$ (103,100)
Other Funds	\$ (7,232)	\$ (7,232)	\$ (7,232)
Federal Funds	\$ (115,724)	\$ (115,724)	\$ (115,724)

Budget Summary***Oregon Health Authority**

	<u>2017-19 Legislatively Approved Budget</u>	<u>2019-21 Committee Recommendation</u>	<u>Committee Change</u>
General Fund	\$ 3,296,378	\$ 3,296,378	\$ 3,296,378
General Fund Debt Service	\$ (216,292)	\$ (216,292)	\$ (216,292)
Lottery Funds	\$ (4,929)	\$ (4,929)	\$ (4,929)
Other Funds	\$ 13,711,749	\$ 13,711,749	\$ 13,711,749
Other Funds Debt Service	\$ 216,435	\$ 216,435	\$ 216,435
Federal Funds	\$ 27,649,540	\$ 27,649,540	\$ 27,649,540

Department of Human Services

General Fund	\$ 7,944,508	\$ 7,944,508	\$ 7,944,508
General Fund Debt Service	\$ 1,512,253	\$ 1,512,253	\$ 1,512,253
Other Funds	\$ 43,415,376	\$ 43,415,376	\$ 43,415,376
Federal Funds	\$ 132,642,331	\$ 132,642,331	\$ 132,642,331

Long Term Care Ombudsman

General Fund	\$ (60,461)	\$ (60,461)	\$ (60,461)
Other Funds	\$ (8,161)	\$ (8,161)	\$ (8,161)

Psychiatric Security Review Board

General Fund	\$ (30,871)	\$ (30,871)	\$ (30,871)
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JUDICIAL BRANCH**Judicial Department**

General Fund	\$ 2,077,938	\$ 2,077,938	\$ 2,077,938
General Fund Debt Service	\$ (3,585,266)	\$ (3,585,266)	\$ (3,585,266)
Other Funds	\$ 137,039,553	\$ 137,039,553	\$ 137,039,553
Other Funds Debt Service	\$ 1,300,000	\$ 1,300,000	\$ 1,300,000
Federal Funds	\$ (1,408)	\$ (1,408)	\$ (1,408)

Commission on Judicial Fitness and Disability

General Fund	\$ 16,000	\$ 16,000	\$ 16,000
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Public Defense Services Commission

General Fund	\$ 3,394,972	\$ 3,394,972	\$ 3,394,972
Other Funds	\$ 302,670	\$ 302,670	\$ 302,670

Budget Summary***LEGISLATIVE BRANCH****Legislative Administration Committee**

	<u>2017-19 Legislatively Approved Budget</u>	<u>2019-21 Committee Recommendation</u>	<u>Committee Change</u>
General Fund	\$	1,330,850	\$ 1,330,850
General Fund Debt Service	\$	527,814	\$ 527,814
Other Funds	\$	5,167,447	\$ 5,167,447
Other Funds Debt Service	\$	38,500	\$ 38,500

Legislative Assembly

General Fund	\$	(235,919)	\$ (235,919)
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Legislative Commission on Indian Services

General Fund	\$	(7,244)	\$ (7,244)
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Legislative Counsel

General Fund	\$	(70,545)	\$ (70,545)
Other Funds	\$	(6,086)	\$ (6,086)

Legislative Fiscal Office

General Fund	\$	(30,828)	\$ (30,828)
Other Funds	\$	(15,770)	\$ (15,770)

Legislative Revenue Office

General Fund	\$	(16,951)	\$ (16,951)
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Legislative Policy and Research Office

General Fund	\$	(57,110)	\$ (57,110)
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NATURAL RESOURCES PROGRAM AREA**State Department of Agriculture**

General Fund	\$	916,315	\$ 916,315
Lottery Funds	\$	(68,464)	\$ (68,464)
Other Funds	\$	(595,327)	\$ (595,327)
Federal Funds	\$	(52,494)	\$ (52,494)

Columbia River Gorge Commission

General Fund	\$	109,813	\$ 109,813
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State Department of Energy

General Fund	\$	2,000,000	\$ 2,000,000
Lottery Funds Debt Service	\$	(5)	\$ (5)
Other Funds	\$	1,576,722	\$ 1,576,722
Federal Funds	\$	(7,330)	\$ (7,330)

Budget Summary*

	<u>2017-19 Legislatively Approved Budget</u>	<u>2019-21 Committee Recommendation</u>	<u>Committee Change</u>
<u>Department of Environmental Quality</u>			
General Fund		\$ 51,176	\$ 51,176
General Fund Debt Service		\$ 834,752	\$ 834,752
Lottery Funds		\$ (31,593)	\$ (31,593)
Other Funds		\$ 3,747,167	\$ 3,747,167
Federal Funds		\$ (113,604)	\$ (113,604)
<u>State Department of Fish and Wildlife</u>			
General Fund		\$ 115,083	\$ 115,083
General Fund Debt Service		\$ (324,470)	\$ (324,470)
Lottery Funds		\$ (18,626)	\$ (18,626)
Other Funds		\$ (672,467)	\$ (672,467)
Other Funds Capital Improvement		\$ (4,077)	\$ (4,077)
Federal Funds		\$ (1,187,333)	\$ (1,187,333)
<u>Department of Forestry</u>			
General Fund		\$ 1,340,580	\$ 1,340,580
General Fund Debt Service		\$ (2,470,088)	\$ (2,470,088)
Lottery Funds Debt Service		\$ (61,999)	\$ (61,999)
Other Funds		\$ (1,351,583)	\$ (1,351,583)
Other Funds Debt Service		\$ 151,184	\$ 151,184
Federal Funds		\$ (77,626)	\$ (77,626)
<u>Department of Geology and Mineral Industries</u>			
General Fund		\$ (25,615)	\$ (25,615)
Other Funds		\$ (29,270)	\$ (29,270)
Federal Funds		\$ (19,870)	\$ (19,870)
<u>Department of Land Conservation and Development</u>			
General Fund		\$ 1,794,756	\$ 1,794,756
Other Funds		\$ (2,132)	\$ (2,132)
Federal Funds		\$ (17,182)	\$ (17,182)
<u>Land Use Board of Appeals</u>			
General Fund		\$ (21,627)	\$ (21,627)

Budget Summary***Oregon Marine Board**

	<u>2017-19 Legislatively Approved Budget</u>	<u>2019-21 Committee Recommendation</u>	<u>Committee Change</u>
Other Funds		\$ (92,426)	\$ (92,426)
Federal Funds		\$ (2,643)	\$ (2,643)

Department of Parks and Recreation

Lottery Funds		\$ (416,598)	\$ (416,598)
Lottery Funds Debt Service		\$ (76,557)	\$ (76,557)
Other Funds		\$ 4,212,940	\$ 4,212,940
Other Funds Debt Service		\$ 33,023	\$ 33,023
Federal Funds		\$ (4,620)	\$ (4,620)

Department of State Lands

Lottery Funds Debt Service		\$ (589,920)	\$ (589,920)
Other Funds		\$ 5,538,837	\$ 5,538,837
Federal Funds		\$ 148,732	\$ 148,732

Water Resources Department

General Fund		\$ (435,713)	\$ (435,713)
Lottery Funds Debt Service		\$ (926,818)	\$ (926,818)
Other Funds		\$ 43,734,905	\$ 43,734,905
Other Funds Debt Service		\$ 394	\$ 394
Federal Funds		\$ (1,215)	\$ (1,215)

Watershed Enhancement Board

Lottery Funds		\$ (22,280)	\$ (22,280)
Federal Funds		\$ (6,493)	\$ (6,493)

PUBLIC SAFETY PROGRAM AREA**Department of Corrections**

General Fund		\$ (6,481,181)	\$ (6,481,181)
General Fund Debt Service		\$ 1,073,820	\$ 1,073,820
Other Funds		\$ 5,265,521	\$ 5,265,521
Other Funds Debt Service		\$ 51,378	\$ 51,378

Oregon Criminal Justice Commission

General Fund		\$ 36,193	\$ 36,193
Other Funds		\$ 273,635	\$ 273,635
Federal Funds		\$ (1,216)	\$ (1,216)

Budget Summary***District Attorneys and their Deputies**

	2017-19 Legislatively Approved Budget	2019-21 Committee Recommendation	Committee Change
General Fund		\$ (105,735)	\$ (105,735)

Department of Justice

General Fund		\$ (667,789)	\$ (667,789)
General Fund Debt Service		\$ 1,484,988	\$ 1,484,988
Other Funds		\$ (2,479,020)	\$ (2,479,020)
Federal Funds		\$ (716,952)	\$ (716,952)

Oregon Military Department

General Fund		\$ 179,395	\$ 179,395
General Fund Debt Service		\$ (36,468)	\$ (36,468)
Other Funds		\$ (373,737)	\$ (373,737)
Other Funds Debt Service		\$ 33,000	\$ 33,000
Federal Funds		\$ (691,605)	\$ (691,605)

Oregon Board of Parole and Post-Prison Supervision

General Fund		\$ (101,621)	\$ (101,621)
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Oregon State Police

General Fund		\$ (2,122,021)	\$ (2,122,021)
Lottery Funds		\$ (69,541)	\$ (69,541)
Other Funds		\$ (873,872)	\$ (873,872)
Federal Funds		\$ (23,603)	\$ (23,603)

Department of Public Safety Standards and Training

Other Funds		\$ (290,693)	\$ (290,693)
Federal Funds		\$ 324,810	\$ 324,810

Oregon Youth Authority

General Fund		\$ (1,803,255)	\$ (1,803,255)
General Fund Debt Service		\$ (3,008,574)	\$ (3,008,574)
Other Funds		\$ 772,367	\$ 772,367
Other Funds Debt Service		\$ 95,000	\$ 95,000
Federal Funds		\$ (74,149)	\$ (74,149)

TRANSPORTATION PROGRAM AREA**Department of Aviation**

Other Funds		\$ (32,084)	\$ (32,084)
Federal Funds		\$ (826)	\$ (826)

Budget Summary***Department of Transportation**

	<u>2017-19 Legislatively Approved Budget</u>	<u>2019-21 Committee Recommendation</u>	<u>Committee Change</u>
General Fund Debt Service		\$ (8,904)	\$ (8,904)
Lottery Funds Debt Service		\$ (3,182,760)	\$ (3,182,760)
Other Funds		\$ (3,318,842)	\$ (3,318,842)
Other Funds Debt Service		\$ 8,904	\$ 8,904
Federal Funds		\$ (65,547)	\$ (65,547)

2019-21 Budget Summary

General Fund Total		\$ 380,757,376	\$ 380,757,376
General Fund Debt Service		\$ (14,226,619)	\$ (14,226,619)
Lottery Funds Total		\$ 13,399,916	\$ 13,399,916
Lottery Funds Debt Service		\$ (12,422,976)	\$ (12,422,976)
Other Funds Total		\$ 749,532,835	\$ 749,532,835
Other Funds Debt Service		\$ 15,213,422	\$ 15,213,422
Other Funds Nonlimited		\$ 35,000,000	\$ 35,000,000
Other Funds Capital Improvement		\$ (4,077)	\$ (4,077)
Federal Funds Total		\$ 156,305,516	\$ 156,305,516

* Excludes Capital Construction

2017-19 Supplemental Appropriations**Department of Corrections**

	<u>2017-19 Legislatively Approved Budget</u>	<u>2017-19 Committee Recommendation</u>	<u>Committee Change</u>
General Fund	-	\$ 3,000,000	\$ 3,000,000

<u>2019-21 Position Summary</u>	<u>2017-19 Legislatively Approved Budget</u>	<u>2019-21 Committee Recommendation</u>	<u>Committee Change</u>
ADMINISTRATION PROGRAM AREA			
<u>Department of Administrative Services</u>			
Authorized Positions		2	2
Full-time Equivalent (FTE) positions		2.00	2.00
<u>Oregon Liquor Control Commission</u>			
Authorized Positions		1	1
Full-time Equivalent (FTE) positions		1.00	1.00
<u>Secretary of State</u>			
Authorized Positions		2	2
Full-time Equivalent (FTE) positions		1.75	1.75
CONSUMER AND BUSINESS SERVICES PROGRAM AREA			
<u>Consumer and Business Services</u>			
Authorized Positions		1	1
Full-time Equivalent (FTE) positions		1.00	1.00
ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAM AREA			
<u>Housing and Community Services Department</u>			
Authorized Positions		7	7
Full-time Equivalent (FTE) positions		5.67	5.67
<u>Oregon Business Development Department</u>			
Authorized Positions		1	1
Full-time Equivalent (FTE) positions		0.88	0.88
EDUCATION PROGRAM AREA			
<u>Higher Education Coordinating Commission</u>			
Authorized Positions		10	10
Full-time Equivalent (FTE) positions		9.50	9.50

2019-21 Position Summary

HUMAN SERVICES PROGRAM AREA

Oregon Health Authority

	2017-19 Legislatively Approved Budget	2019-21 Committee Recommendation	Committee Change
Authorized Positions		47	47
Full-time Equivalent (FTE) positions		36.18	36.18

Department of Human Services

Authorized Positions		32	32
Full-time Equivalent (FTE) positions		29.90	29.90

JUDICIAL BRANCH

Judicial Department

Authorized Positions		17	17
Full-time Equivalent (FTE) positions		13.50	13.50

Public Defense Services Commission

Authorized Positions		2	2
Full-time Equivalent (FTE) positions		2.00	2.00

NATURAL RESOURCES PROGRAM AREA

Department of Land Conservation and Development

Authorized Positions		7	7
Full-time Equivalent (FTE) positions		6.00	6.00

Department of Fish and Wildlife

Authorized Positions		-	-
Full-time Equivalent (FTE) positions		(0.50)	(0.50)

Department of Environmental Quality

Authorized Positions		(1)	(1)
Full-time Equivalent (FTE) positions		(1.00)	(1.00)

Department of Energy

Authorized Positions		3	3
Full-time Equivalent (FTE) positions		1.25	1.25

2019-21 Position Summary

TRANSPORTATION PROGRAM AREA

Department of Transportation

	2017-19 Legislatively Approved Budget	2019-21 Committee Recommendation	Committee Change
Authorized Positions		3	3
Full-time Equivalent (FTE) positions		1.26	1.26

Summary of Revenue Changes

The General Fund appropriations made in the bill are within resources available as projected in the May 2019 economic and revenue forecast by the Department of Administrative Services (DAS), Office of Economic Analysis, supplemented by transfers from various agency accounts to the General Fund for general governmental purposes as authorized in HB 2377, plus other actions to reduce state agency expenditures.

Summary of Capital Construction Subcommittee Action

HB 5050 appropriates General Fund to the Emergency Board for general purpose and targeted special purpose appropriations and makes other adjustments to individual agency budgets and position authority as described below.

Emergency Board

The Emergency Board allocates General Fund and provides Lottery Funds, Other Funds, and Federal Funds expenditure limitation to state agencies for unanticipated needs in approved agency budgets when the Legislature is not in session. The Subcommittee appropriated \$75 million General Fund to the Emergency Board for general purposes.

HB 5050 makes seven special purpose appropriations to the Emergency Board, totaling \$250.8 million General Fund. Agencies must make a request to the Emergency Board to access these funds. The seven special purpose appropriations are:

- \$200 million General Fund for state employee compensation changes.
- \$20 million General Fund for allocation to state agencies for compensation changes driven by collective bargaining for workers who are not state employees.

- \$5.7 million General Fund for allocation to the Oregon Health Authority to support interdisciplinary assessment teams to provide consultation, evaluation, and stabilization services to youth with behavioral health needs. This appropriation reflects one of the recommendations of the Children and Youth with Specialized Needs Workgroup and is consistent with SB 1 (2019), which provides the framework for establishing these teams.
- \$20 million General Fund for allocation to the Public Defense Services Commission for activities designed to improve indigent defense caseloads and to implement an improved public defense contract model.
- \$1 million General Fund for allocation to the Public Defense Services Commission and the Department of Corrections or both, for costs relating to prosecutions for the unauthorized use of a vehicle per HB 2328 (2019).
- \$1,146,094 General Fund for allocation to the Secretary of State for costs relating to the implementation prepaid postage on ballot return envelopes per SB 861 (2019).
- \$3 million General Fund for the implementation of grand jury recordation and SB 505 (2017).

With the beginning of the statewide roll-out of grand jury recordation, questions have arisen regarding how grand jury recordation can be delivered in the most efficient, consistent, and economical method across the state given the Legislature's funding of similar recordation services for circuit courts. To this end, the Subcommittee approved the following budget note.

Budget Note

The Judicial Department, District Attorneys, and the Association of Oregon Counties are to report to the Interim Joint Committee on Ways and Means in January of 2020 with a joint plan that provides for the most efficient, consistent, and cost effective delivery of grand jury recordation across the state, including, but not limited to, the assignment by entity of responsibility for: (a) non-attorney staff to manage recording equipment and train grand jurors on the use of recording equipment; (b) non-attorney staff to review and redact grand jury recordings; (c) production of grand jury transcripts; and (d) information technology costs for the day-to-day upkeep of the recording devices and the storage or archiving of recordings.

If these special purpose appropriations are not allocated by the Emergency Board before December 1, 2020, any remaining funds become available to the Emergency Board for general purposes.

The Subcommittee established a reservation within the general purpose Emergency Fund of \$10 million for the Department of Human Services for the Child Welfare program as the agency continues to implement its action plan to improve child safety, stabilize the workforce, and help foster families. The Department may request allocation of the reservation from the Emergency Board for efforts or initiatives not covered within the existing budget upon evidence that the additional funding will result in demonstrative improvements in Oregon's child welfare system.

A second reservation was established within the general purpose Emergency Fund of \$9 million for the Oregon Health Authority for the purpose of supporting community mental health programs. The Oregon Health Authority may request allocation of the reservation from the Emergency Board if any or all of these funds are deemed necessary to maintain the 2017-19 level of on-going community mental health program services funded by the agency.

Adjustments to Approved 2019-21 Agency Budgets

STATEWIDE ADJUSTMENTS

Statewide adjustments reflect budget changes in multiple agencies based on reductions in Department of Administrative Services' assessments and charges for services, Attorney General rates, Secretary of State assessments, and Parks assessments. Statewide adjustments also reflect net reductions to debt service realized through interest rate savings on bond sales, and Other Funds balances and interest earnings that can be applied to debt service. Total savings are \$66.2 million General Fund, \$13.7 million Lottery Funds, \$34 million Other Funds, and \$11 million Federal Funds.

Specific reductions include \$37.1 million total funds from lower Department of Administrative Services assessments and service rates; \$31.1 million total funds from PERS rate updates; \$39.8 million total funds from debt service interest rate savings and refunding of outstanding bonds; \$8.1 million total funds from lower Attorney General rates; and \$2.6 million total funds from lower Secretary of State and Parks assessments.

Section 161 of the budget bill reflects the changes, as described above, for each agency. These adjustments are included in the table at the beginning of the budget report but are not addressed in the individual agency narratives. Additionally, new Other Funds debt service expenditure limitations for multiple agencies are established to accommodate the use of fund balances for debt repayment.

ADMINISTRATION

Department of Administrative Services

The Subcommittee approved various one-time General Fund appropriations to the Department of Administrative Services for the following purposes:

- \$7,500,000 for disbursement to the United Way for census outreach and coordination activities
- \$2,000,000 for disbursement to Clatsop County for the Clatsop County Jail
- \$2,000,000 for disbursement to Innovation Law Lab for Immigration Defense
- \$1,500,000 for disbursement to Josephine County for rural fire protection district start-up costs once the district is created
- \$1,000,000 for disbursement to City of Salem for the Gerry Frank/Salem Rotary Amphitheater
- \$1,000,000 for disbursement to Umatilla-Morrow Head Start for an Early Learning Center
- \$1,000,000 for disbursement to Umatilla County for surface water pumping costs of groundwater rights holders in Critical Groundwater areas
- \$700,000 for disbursement to Central Linn School District for the 6th-8th grade Cobra Academy
- \$500,000 for disbursement to Siuslaw Regional Aquatics Center for renovations of the Mapleton Pool
- \$500,000 for disbursement to Tucker Maxon School for capital improvements
- \$500,000 for disbursement to Association of Oregon Counties for urban growth boundary planning grants to Eastern Oregon Counties
- \$500,000 for disbursement to Oregon Thoroughbred Owners and Breeders Association for safety improvements at race tracks holding race meets and education for thoroughbred owners and breeders
- \$500,000 for disbursement to Lutheran Community Services Northwest for drug abuse programs
- \$500,000 for disbursement to Special Olympics Oregon for sports training and athletic competition
- \$485,000 for disbursement to Clackamas County for Clackamas Women's Services
- \$452,930 for disbursement to Douglas Timber Operators for a Rogue River Sediment Study
- \$400,000 for disbursement to Historic Portland Public Market Foundation for the James Beard Public Market
- \$300,000 for disbursement to City of Independence for a Mid-Willamette Valley Trolley
- \$300,000 for disbursement to Ecumenical Ministries of Oregon for its runaway homeless youth program
- \$250,000 for disbursement to Liberty House of Salem for childhood abuse assessment and support services
- \$175,000 for disbursement to Harney County School District #1J to drill a potable water well
- \$100,000 for disbursement to Save the Salem Peace Mosaic to protect the River of Peace mosaic
- \$30,000 for disbursement to Klamath County to acquire, install, and maintain stream gauges in the Klamath Basin

The Subcommittee added \$61,331,872 Other Funds expenditure limitation for one-time costs of special payments associated with the disbursement of proceeds from 2019-21 Lottery Bond sales; projects are detailed below and approved in HB 5030. Cost of issuance for these projects totals \$1,247,463. There is no debt service allocated in the 2019-21 biennium, as the bonds will not be sold until the spring of 2021. Debt service payments on all the projects described below are estimated to be \$10,581,755 Lottery Funds for the 2021-23 biennium and \$105,334,738 over the life of the bonds.

- \$15,000,000 Other Funds for disbursement to Eugene Family YMCA Facility
- \$10,000,000 Other Funds for disbursement to City of Roseburg - Southern Oregon Medical Workforce Center

- \$5,000,000 Other Funds for disbursement to Oregon Coast Aquarium
- \$5,000,000 Other Funds for disbursement to YMCA of Columbia-Willamette to purchase the Beaverton Hoop YMCA
- \$4,100,000 Other Funds for disbursement to Jefferson County - Health and Wellness Center
- \$3,500,000 Other Funds for disbursement to Parrott Creek Child & Family Services - Building Renovation
- \$2,500,000 Other Funds for disbursement to Center for Hope and Safety - Hope Plaza
- \$2,500,000 Other Funds for disbursement to Wallowa Valley Center for Wellness
- \$2,400,000 Other Funds for disbursement to Port of Cascade Locks - Business Park Expansion
- \$2,331,872 Other Funds for disbursement to Multnomah County School District #7 - Reynolds High School Health Center
- \$2,000,000 Other Funds for disbursement to City of Gresham - Gradin Community Sports Park
- \$2,000,000 Other Funds for disbursement to Curry Health District - Brookings Emergency Room
- \$2,000,000 Other Funds for disbursement to Hacienda Community Development Corporation - Las Adelitas Housing Project
- \$1,600,000 Other Funds for disbursement to Umatilla County Jail - Expansion/Mental Health Facility
- \$1,400,000 Other Funds for disbursement to Port of Morrow - Early Learning Center Expansion

The Subcommittee approved an increase of \$27,405,993 Other Funds expenditure limitation for special payments associated with the disbursement of proceeds from Lottery Bonds issued in previous biennia that have yet to be fully disbursed to grantees.

The Subcommittee added \$10,325,925 Other Funds expenditure limitation for one-time special payments associated with the disbursement of proceeds from Article XI-Q general obligation bond sales; projects are detailed below and approved in HB 5005. Cost of issuance for these projects totals \$199,075. There is no debt service allocated in the 2019-21 biennium, as the bonds will not be sold until the spring of 2021. Total debt service on the projects described below is estimated at \$2,257,480 General Fund for the 2021-23 biennium and \$15,834,095 General Fund over the life of the bonds.

- \$5,325,925 Other Funds for disbursement to the Oregon State Fair for facilities capital improvements
- \$3,000,000 Other Funds for disbursement to the Oregon State Fair for improvements to and repairs of the Horse Barn
- \$2,000,000 Other Funds for disbursement to the Oregon State Fair for improvements to and repairs of the Poultry Barn

The Subcommittee approved \$4,527,721 in additional Other Funds Debt Service to support repayment of Article XI-Q General Obligation bond proceeds approved in HB 5005 that will be issued before the end of the biennium to support DAS projects, and an Other Funds expenditure limitation increase of \$800,000 was included for the cost of issuance of the bonds.

One-time General Fund increases to on-going operating subsidies for the Oregon Historical Society (\$1,250,000) and Oregon Public Broadcasting (\$500,000) were also approved.

The Subcommittee approved a technical adjustment for the Public Records Advocate Office which increased Personal Services by \$113,406 and reduced Services and Supplies in the Department of Administrative Services Chief Operating Office not related to the Public Records Advocate Office by a like amount, for a net zero change. Two limited duration full-time positions (2.00 FTE) were approved (an Operations & Policy Analyst 4 and a State Procurement Analyst) to backfill DAS employees who will be working with the Public Employee Retirement System (PERS) on information technology solutions needed to implement SB 1049, which made significant changes to public employees' retirement. The cost of the DAS positions dedicated full-time to the PERS project to implement SB 1049 will be paid by PERS.

Office of the Governor

A General Fund appropriation of \$250,000 was approved for the Office of the Governor to provide administrative support for the Council on Wildfire Response established by executive order number 19-01. The Council was created to review Oregon's current model for wildfire prevention, preparedness, and response and provide recommendations to strengthen, improve, or replace the existing model. The recommendations of the council will be presented to the Governor no later than September 30, 2019.

Oregon Liquor Control Commission

Other Funds expenditure limitation in the amount of \$233,400 is included for the Oregon Liquor Control Commission to support a permanent, full-time internal auditor position (1.00 FTE). The position will help to evaluate and improve internal processes with the goal of increasing productivity and minimizing risk throughout the agency's various divisions.

Secretary of State

To address the costs of implementing HB 2983 relating to campaign finance, the Subcommittee appropriated \$336,696 General Fund to the Secretary of State's Elections Division and authorized the establishment of two new limited duration Compliance Specialist 2 positions (1.75 FTE). These positions will be used to manually accept, review, and maintain lists of filings; answer questions; conduct investigations; oversee civil penalties and case hearings; and fulfill public records requests. Over time, some of these manual processes will be able to be moved online reducing personal services costs, but potentially incurring one-time information technology expenditures. The agency can report back to the Legislature during the 2020 legislative session on progress in implementing HB 2983.

CONSUMER AND BUSINESS SERVICES

Department of Consumer and Business Services

An increase in Other Funds expenditure limitation of \$262,610 and the authorization to establish a permanent full-time position (1.00 FTE) in the Division of Financial Regulation, working on the Senior Health Insurance Benefit program, was approved by the Subcommittee. The position is being restored from a reduction taken in the agency's 2019 budget bill.

The Subcommittee approved an increase in the Federal Funds expenditure limitation to the Department of Consumer and Business Services of \$780,000 to allow the agency to expend federal grant funds awarded but not fully expended during the 2017-19 biennium from the Centers for Medicare and Medicaid Services for the planning and implementing of certain insurance market reforms under Title 27 of the Public Health Service Act.

ECONOMIC AND COMMUNITY DEVELOPMENT

Oregon Business Development Department

The Subcommittee approved a one-time General Fund appropriation of \$10,000,000 for the Oregon Business Development Department (OBDD) to deposit in the University Innovation Research Fund (UIRF) established in HB 2377. Other Funds limitation of \$10,000,000 was also established to accommodate distribution of monies from the UIRF. The UIRF will support grants to public universities and the Oregon Health and Science University to match competitive federal research awards, increasing the competitiveness of Oregon universities for federal research funds, leveraging federal grants that require matching funds, and supporting innovation and research capacity. Grants will be targeted in priority industries, such as advanced manufacturing, high technology, outdoor gear and apparel, health care innovation, food and beverage, and forestry and wood products.

Lottery Funds expenditure limitation for the Strategic Reserve Fund (SRF) was increased by \$2,000,000, bringing total ongoing Lottery Funds support for SRF to \$8,978,100, not including limitation of \$3,718,693 that was provided to expend the program's estimated beginning balance of committed project awards. The Subcommittee also increased Lottery Funds expenditure limitation by \$5,000,000 for the Oregon Manufacturing and Innovation Center (OMIC) operating and research expenses, bringing total Lottery Funds support for OMIC operations in the Department's budget to \$8,736,800.

The Subcommittee approved increasing Lottery Funds by \$175,350 and Other Funds by \$30,944 in the Operations Division to establish an Internal Auditor 3 position (0.88 FTE). The approved amount includes \$194,794 for personal services and \$11,500 for associated services and supplies expenditures.

The Subcommittee approved one-time Lottery Funds expenditure limitation of \$3,600,001 in the Infrastructure Division for the following projects and programs:

- \$500,000 for City of Sandy - Wastewater System Planning and Permitting
- \$500,000 for Columbia Corridor Drainage Districts Joint Contracting Authority - Levee Ready Columbia
- \$1,600,000 for Port of Port Orford - Port of Port Orford Cannery Redevelopment
- \$1,000,000 for City of Astoria - Warehouse Site Cleanup and Redevelopment
- \$1 for Tide Gates and Culverts Repair and Replacement Program

A lottery allocation of \$6,000,000 for the Tide Gates and Culverts Program is included in HB 5029. The Legislature or Emergency Board will increase the Lottery Funds expenditure limitation for the program after the Department presents a request that includes a proposal, developed in coordination with the Oregon Watershed Enhancement Board, for distributing grants and loans for the repair and replacement of tide gate and culvert infrastructure. The proposal should address eligible recipients, matching fund requirements, maximum awards for planning and construction grants and loans, criteria for prioritizing project requests, and necessary coordination with state, local, and federal agencies, as well as surrounding landowners or other entities, required for project implementation.

The Subcommittee approved one-time Lottery Funds expenditure limitation of \$2,125,000 for the Arts Commission to distribute the following grants:

- \$375,000 for Cottage Theatre - ACT III Theatre Expansion
- \$250,000 for High Desert Museum - By Hand Through Memory Exhibit Renovation and Art of the American West Gallery
- \$1,000,000 for Liberty Theatre - Stage House and Facilities Improvements
- \$500,000 for Oregon Nikkei Endowment - Oregon Nikkei Legacy Center Renovations

Other Funds expenditure limitation was increased by \$191,380,000 for distribution of general obligation and lottery bond proceeds authorized in HB 5005 and HB 5030 for the following projects and programs:

- \$100,000,000 for Seismic Rehabilitation Grant Program - Schools
- \$20,000,000 for Seismic Rehabilitation Grant Program - Emergency Services Facilities
- \$15,000,000 for Levee Grant Program
- \$15,000,000 for Port of Coos Bay - Channel Deepening Project
- \$1,880,000 for City of Mill City - Storm Drainage System Improvements
- \$20,000,000 for City of Salem - Drinking Water System Improvements
- \$7,000,000 for City of Sweet Home - Wastewater Treatment Plant Rehabilitation

- \$7,800,000 for Confederated Tribes of the Warm Springs Reservation - Warm Springs Wastewater Treatment Plant, Water Meter, and Water Distribution System Improvements
- \$1,700,000 for City of Hood River - Waterfront Stormwater Line Replacement
- \$1,500,000 for Beaverton Arts Foundation - Patricia Reser Center for the Arts
- \$1,500,000 for Lincoln City Cultural Center - Cultural Plaza and Exterior Grounds

The Subcommittee also increased Nonlimited Other Funds expenditures by \$35,000,000 for distribution of lottery bond proceeds authorized for the Special Public Works Fund (\$30 million) and the Brownfields Redevelopment Fund (\$5 million).

Other Funds expenditure limitation was increased by a total of \$3,338,294 for costs of issuing the general obligation and lottery revenue bonds authorized for the above projects. Bond proceeds are used to finance these costs.

The Subcommittee also established Other Funds debt service expenditure limitation of \$157,290 to allow the agency to apply excess proceeds and interest earnings to debt service payments in the 2019-21 biennium. An associated decrease in General Fund and Lottery Funds debt service is included in the statewide debt service adjustments table.

Finally, General Fund debt service was increased by \$4,535,118 for payments in the 2019-21 biennium on general obligation bonds authorized for the Seismic Rehabilitation Grant Program. The additional debt service supports issuing \$50.6 million of seismic rehabilitation bonds for schools and \$10.1 million of seismic rehabilitation bonds for emergency services facilities in spring 2020. The remaining seismic rehabilitation bonds, and all lottery revenue bonds authorized for projects and programs in this budget, are scheduled to be sold in spring 2021, with related debt service payments beginning in the 2021-23 biennium.

Housing and Community Services Department

The Subcommittee approved adjustments for the Housing and Community Services Department totaling \$70.1 million total funds. These changes provide for administrative expenses, capital construction investments to create new affordable housing for low income and chronically homeless Oregonians, programs funded by lottery bond proceeds, and expenditure limitation related to the passage of HB 2032. A permanent procurement manager and additional months for a limited research manager (both PEM E) positions will ensure accountability and data-driven decisions related to additional housing investments for the 2019-21 biennium. Expenditure limitation totaling \$376,763 Other Funds and 1.50 FTE in position authority are included for this purpose.

Cost of issuance amounting to \$730,000 Other Funds will allow for \$50 million in Article XI-Q Bonds to finance the construction of an estimated 500 units of permanent supportive housing. The target population for the new permanent supportive housing units will be chronically homeless individuals, including the following: formerly incarcerated people reentering the community, people with a severe and persistent mental illness or substance use disorder, and chronically homeless veterans. Expenditure limitation for administration of rental assistance payments is

included for the estimated 200 units of permanent supportive housing that are anticipated to be available to residents by the last six months of the 2019-21 biennium. Rental assistance payments are financed by a transfer of funding from the Oregon Health Authority in the amount of \$2,932,331 Other Funds. These funds also provide for 2 positions (1.17 FTE). Of the total amount budgeted, \$200,000 is for one-time costs related to procurement and enhancement of a data system to track and deliver rental assistance payments. Staffing costs totaling \$232,331 consist of a Program Analyst 3 for program setup and ongoing oversight and an administrative assistant position to process rent payments and calculate subsidy amounts. The rent subsidy payments are expected to total approximately \$999,996 Other Funds for the last six months of the biennium. Other Funds expenditure limitation in the amount of \$1.5 million will provide a rent guarantee to project investors and management companies but is recommended to be unscheduled.

Costs associated with the issuance of \$150 million in Article XI-Q Bonds for the Local Innovation and Fast Track (LIFT) housing program, which will finance the construction of an estimated 2,168 rental units for low income Oregonians, include the following: \$1,550,000 Other Funds for the cost of issuance, Other Funds expenditure limitation in the amount of \$462,839 and position authority for an additional loan officer (0.50 FTE), a low-income housing tax credit analyst (1.00 FTE), a Fiscal Analyst 3 position for debt management (0.50 FTE), and General Fund in the amount of \$11,370,998 for debt service. Debt service supports issuing \$75.8 million of bonds for the LIFT housing program in spring 2020, and early issuance of bonds for permanent supportive housing.

Other Funds expenditure limitation totaling \$15,278,750 is related to Lottery bond proceeds totaling \$15 million and is for project costs and cost of issuance. The bonds will seed a revolving loan fund that will finance the acquisition of housing properties. This is an effort to keep these properties affordable for residents at 60%-100% of area median income. There is also Other Fund expenditure limitation totaling \$25,407,658 for costs related to Lottery bonds to finance the preservation of existing affordable housing. Proceeds totaling \$25 million will be awarded to finance the preservation of 400 units of affordable housing. This can include publicly supported affordable housing, properties with federal project-based rental assistance contracts, rent subsidies, manufactured dwelling parks, and properties undergoing recapitalization.

An increase in Other Funds expenditure limitation of \$5 million and decrease in Federal Funds expenditure limitation of \$1 million are included for the agency's Housing Stabilization Program, which provides homeless assistance and is funded from Department of Human Services Temporary Assistance to Needy Families (TANF) funds. Other Funds expenditure limitation in the amount of \$10.5 million is included for a housing pilot project pursuant to HB 2032 (2019). The project will competitively award TANF funding to be used in conjunction with local shares of Emergency Housing Assistance (EHA) and other program dollars, to extend the period that families eligible for TANF can receive housing and other assistance to keep them stably housed. Successful applicants for the housing pilot program will be expected to apply federal funds prior to utilizing other funding, to ensure that TANF program funds are fully allocated for housing assistance provided through the pilot program. A limited duration Program Analyst 3 position (0.92 FTE) will design the competitive funding award and monitor program outcomes. This funding is not intended to be included in calculations used to estimate the cost of operations in future biennia.

The Low Income Rental Housing Fund program was eliminated because it was found to be redundant to the agency's Emergency Housing Assistance Program. Costs associated with two positions -- a Research Analyst 2 and a Program Analyst 4 position -- were shifted from General Fund to Other Funds. This change reduced ongoing General Fund operating expenditures by a total of \$935,504, while Other Funds expenditure limitation was increased by \$440,043 to accommodate the shift in position costs.

Oregon Department of Veterans' Affairs

The Subcommittee added Lottery Funds expenditure limitation of \$1,000,000 for a one-time grant to the YMCA of Marion and Polk Counties to construct veterans' affordable housing adjacent to the new YMCA facility in Salem. Other Funds expenditure limitation of \$4,000,000 was established for distribution of lottery bond proceeds authorized in HB 5030 for the veterans' affordable housing project and an additional \$56,603 was provided for costs of issuing the lottery revenue bonds. Bonds are scheduled to be sold in spring 2021, so no debt service payments are due in the 2019-21 biennium. Lottery Funds debt service is estimated to be \$690,005 in the 2021-23 biennium.

EDUCATION

State School Fund

The Subcommittee approved increases of \$5,101,078 General Fund and \$471,972 Other Funds, as well as a decrease of \$5,573,050 Lottery Funds for the State School Fund. This change reflects the final balance of available Lottery Funds across the entire state budget as well as the most recent forecast of Marijuana-related revenues.

Department of Education

A total of \$125,000,000 Other Funds expenditure limitation was approved for the Oregon School Capital Improvement Matching program (OSCIM). The proceeds of the sale of Article XI-P general obligation bonds are used for grants to school districts which match the grants with proceeds of locally issued bonds for the construction and improvement of school district buildings and property. The Subcommittee also approved \$1,090,000 Other Funds expenditure limitation for the issuance costs of the Article XI-P bonds.

Higher Education Coordinating Commission

Funding of \$4,184,935 total funds was included in HB 5047, the Student Success budget bill, for the 2019-21 costs of the education-related Statewide Longitudinal Data System (SLDS). That bill provided General Fund and Other Funds expenditure limitation to the Oregon Department of Education (ODE) for transfer to the Higher Education Coordinating Commission (HECC) for the staffing, data processing, and other costs of the SLDS which will be housed within HECC. These resources (expended by HECC as Other Funds) will support eight existing positions as well as the

addition of one Research Analyst position beginning in the second year of the biennium for a total of nine positions (8.50 FTE). Prior to 2017-19, the SLDS was part of the Chief Education Office which sunsets on June 30, 2019.

A General Fund appropriation of \$975,000 was approved for a one-time grant to Treasure Valley Community College for a portion of the construction costs of a new Career and Technical Center. In 2009, the Legislature approved Article XI-G bonds for the original proposal for this project which was reauthorized in 2013 when the scope of the project was changed to expand and improve an existing building. In 2017, the project was again reauthorized. Later in that year, the federal Economic Development Administration awarded the Community College a grant which is being used as a portion of the required match. This \$975,000 grant will be used to make up the difference between the current cost of the project and the previously estimated amount.

The Subcommittee approved transferring the responsibilities of the Criminal Justice Policy Research Institute's Law Enforcement Contacts Policy & Data Review Committee from Portland State University to the Criminal Justice Commission, thereby consolidating both quantitative and qualitative data collection on traffic and pedestrian stops in one state agency. This action reduced the HECC budget for Public University Statewide Programs by \$276,581 General Fund.

Total funding of \$245,362 (\$122,866 General Fund, \$27,030 Other Funds, and \$95,466 Federal Funds) was approved for a permanent Operations and Policy Analyst 4 position (1.00 FTE) to serve as HECC's Chief Culture, Diversity, and Inclusion Officer and will produce the Affirmative Action Plan, develop diversity and inclusion policies and trainings, analyze policies and procedures to ensure their contribution to the HECC's diversity goals, and review and make recommendations to assist HECC in implementing the Equity Lens within the education and workforce programs.

The Subcommittee approved Other Funds expenditure limitation of \$2,194,431 for the costs of issuance of bonds authorized in HB 5005 (Article XI-G and XI-Q bonds) and in HB 5030 (Lottery Bonds) for public universities and community colleges. Capital construction limitation for new capital projects is provided in HB 5006 and project descriptions are included in HB 5005.

The Subcommittee approved \$2,000,000 General Fund for the Oregon State University (OSU) Extension Service to build fire resilience and resistance by expanding the OSU Forestry Extension pilot fire program into a statewide effort. OSU Forestry and Natural Resources Extension and the College of Forestry will build fire resilience and resistance on lands at risk of catastrophic wildfire by forming cross-boundary partnerships and agreements, delivering landowner education and outreach, producing wildfire risk mitigation plans, assisting private landowners in developing land management plans, and implementing risk mitigation projects to reduce fuels. Regional Wildfire Extension Specialists will be added in six key regions of the state.

The Subcommittee also approved increasing General Fund support for the OSU Agricultural Experiment Station by \$2,270,000 and the OSU Extension Service by \$410,000 for an integrated river basin water quality and quantity program. Funding supports positions in the Agricultural Experiment Station (4.50 FTE) and Agricultural Extension Service (1.30 FTE) that will provide the expertise and capacity for systematic, coordinated regional research and education programs focused on helping to solve Oregon's growing ground and surface water management

challenges. Programs will address increasing water conservation, storage, and instream flows; integrating water and fertilizer management; and increasing irrigation efficiency.

A General Fund appropriation of \$375,000 was approved for two organic agriculture faculty positions in the OSU Extension Service to support the Organic Farming Program at the OSU College of Agricultural Sciences. One position will be located at the OSU Corvallis campus to cover the mid and southern valley regions. The second position will be located at the North Willamette Research and Extension Center and will support crops, growers, and consumers in the north valley and metro regions. Funding is approved to support position costs beginning January 1, 2020, or 18 months of the 2019-21 biennium. The Subcommittee also approved a one-time General Fund appropriation of \$125,000 to continue funding in the Agricultural Experiment Station for the Berry Initiative. The approved amount supports a berry research position at the OSU North Willamette Research and Extension Center.

The Subcommittee approved a one-time General Fund appropriation of \$450,000 for the Oregon Institute of Technology (OIT) to support the Oregon Manufacturing Innovation Center (OMIC) Research & Development (R&D) to begin research with equipment at the Rapid Toolmaking Center for Excellence. A one-time General Fund appropriation of \$300,000 was also approved for OIT system integration funds to develop additive manufacturing and prototyping training capability for students at the Klamath Falls campus.

General Fund debt service was increased by \$955,149 for payments in the 2019-21 biennium on general obligation bonds authorized for distribution to OIT for the OMIC R&D Rapid Toolmaking Center for Excellence facility and research equipment. The debt service supports issuing \$6.6 million of Article XI-Q bonds for the project in October 2019. The remaining general obligation bonds approved for public university and community college projects are scheduled to be sold in spring 2021, with related debt service payments beginning in the 2021-23 biennium.

Lottery Funds support for the Sports Lottery program was increased by \$5,859,809, resulting in total Sports Lottery funding of \$14,099,809. The approved increase is allocated to the four technical and regional public universities, bringing the 2019-21 allocation for each to \$2,440,560 (or \$2,440,561, due to rounding adjustments). Allocations to the remaining universities continue at the level approved in the prior two biennia. Total funding will be distributed to the public universities in the following amounts:

- \$2,440,561 for Eastern Oregon University
- \$2,440,560 for Oregon Institute of Technology
- \$1,030,000 for Oregon State University
- \$2,277,567 for Portland State University
- \$2,440,560 for Southern Oregon University
- \$1,030,000 for University of Oregon
- \$2,440,561 for Western Oregon University

The Subcommittee also approved a reduction of \$349,000 General Fund in the Public University Statewide Programs budget for Dispute Resolution allocated to the University of Oregon's Office for Community Dispute Resolution and increased the budget for the Labor Education and Research Center at the University of Oregon by \$349,000 General Fund.

HUMAN SERVICES

Oregon Health Authority

The Subcommittee approved \$200,000 General Fund for providing fresh Oregon-grown fruits, vegetables, and cut herbs from farmers' markets and roadside stands to eligible low-income seniors under the Senior Farm Direct Nutrition Program. Also included is \$1,000,000 General Fund for the same purpose for eligible individuals through the Women, Infants and Children Program. Both program enhancements are one-time only.

HB 5050 makes General Fund and Federal Funds adjustments related to Medicaid cost containment efforts included in the agency's 2019-21 budget bill (SB 5525). The budget bill includes savings of \$6.7 million General Fund and \$25 million Federal Funds to reflect a reduced annual average growth target of 3.3% for Oregon Health Plan capitation rates. Instead of this adjustment, the Subcommittee approved restoring the annual growth target to 3.4% and replacing it with a non-caseload related General Fund savings target of \$10 million.

The Subcommittee approved a \$6 million General Fund increase for community mental health programs to help ensure, at a minimum, these programs maintain the level of services provided in 2017-19 in light of budget adjustments made in the agency's 2019-21 budget bill based on the declining caseload forecast.

Also included is Other Funds expenditure limitation of \$1.5 million, Federal Funds expenditure limitation of \$1.5 million, and two limited duration positions (1.66 FTE) to support the fiscal impact of HB 2032 (2019). This bill creates a Mental and Behavioral Health Pilot Program to award grants to up to four coordinated care organizations to assess gaps in access to Medicaid behavioral health services by Temporary Assistance for Needy Family recipients. The Other Funds revenue will be realized through a transfer of funds from the Department of Human Services.

As a technical adjustment, the bill reduces the expenditure limitation in the agency's 2019-21 budget bill for Lottery Funds revenue allocated from the Administrative Services Economic Development fund by \$2.5 million and establishes a separate expenditure limitation of \$2.5 million for Lottery Funds revenue allocated from the Veterans' Services Fund. This adjustment is necessary to ensure the transfer of Measure 96 Lottery Funds revenue from the Veterans' Services Fund is authorized to take place to support veterans' behavioral health services, as intended in the agency's budget bill.

The Subcommittee also established Other Funds debt service expenditure limitation of \$216,435 to allow the agency to apply excess proceeds and interest earnings to debt service payments in the 2019-21 biennium.

The Subcommittee established expenditure limitation of \$1.5 million Other Funds, subject to available revenue, from the Community Housing Trust Account (which must be expended in accordance with section 431, chapter 595, Oregon Laws 2009) to support facility improvements to help people with mental illness. The intent of this adjustment is to help more Aid and Assistance patients receive restorative services in the community instead of at the Oregon State Hospital.

To support the ongoing effort by the Department of Human Services to develop and implement the ONE Integrated Eligibility and Medicaid Eligibility (ONE IE & ME) system, the Subcommittee approved \$671,490 General Fund, \$11,216,676 Other Funds expenditure limitation, \$1,638,121 Federal Funds expenditure limitation, and 45 positions (34.52 FTE). Of these positions, 20 are limited duration.

The Subcommittee also approved \$1 million General Fund for competitive grants to support sobering center planning and startup costs. Support for startup costs can include funding for operational expenses during a sobering center's first five years of operations. This funding is one-time and should be phased-out in the 2021-23 budget.

Department of Human Services

The Subcommittee approved two food-related investments in the Self Sufficiency program. The first is \$1,300,000 General Fund, on a one-time basis, for the Oregon Hunger Response Fund, which sustains the 2017-19 funding level. Funding is expected to help the Oregon Food Bank, through its network of 21 regional food banks, acquire and distribute more than one hundred million pounds of food annually to approximately 1,200 food assistance sites.

The second is \$1,500,000 General Fund for the Double Up Food Bucks program, also on a one-time basis, to incentivize fruit and vegetable consumption among Supplemental Nutrition Assistance Program (SNAP) recipients. Under this program, when clients use their SNAP benefit at a farmers' market, the value of that purchase is matched dollar for dollar (up to \$10 per visit), allowing them to take home more healthy food while also providing a financial benefit to local farmers. Eligible products include a variety of fresh, dried, or frozen fruits and vegetables without added sugars, fats, oils, or salt. Mushrooms, cut herbs, dried beans, vegetable starts, and nuts are also allowed under the program.

In the Aging and People with Disabilities (APD) program, the Subcommittee added \$2,235,831 General Fund to restore a budget reduction included in HB 5026, the primary budget bill for the Department of Human Services (DHS). These dollars, which augment federal Older Americans Acts funding, will be distributed to local Area Agencies on Aging to help pay for services including home-delivered meals, support for family caregivers, and transportation to medical appointments.

Another adjustment approved by the Subcommittee for APD is a \$251,600 one-time fund shift from General Fund to Other Funds in the nursing facilities program; this change relies on a projected carryforward balance in the long-term care facility assessment. Then, the General Fund is

used, along with an increase of \$167,188 in Federal Funds expenditure limitation, to pay for two (1.76 FTE) permanent full-time Operations and Policy Analyst 3 positions; these are phased-in effective October 1, 2019. One position will promote the effective use of emergency medical services by residents of licensed long term care settings and the other position will support efforts of the quality measurement council.

For the Intellectual and Developmental Disabilities (IDD) program, the Subcommittee made a budget adjustment to account for SB 274 not moving from the Joint Committee on Ways and Means to the second chamber, due to the measure having unresolvable conflicts with an already enrolled 2019 measure (SB 20). The DHS budget bill, HB 5026, contains increases of \$268,514 General Fund, \$267,674 Federal Funds expenditure limitation, and 3 positions (2.64 FTE) to implement SB 274; these amounts are reversed.

The Subcommittee also discussed provider rate increases approved in HB 5026, the DHS 2019-21 budget bill, and how to best ensure that information on rates for adult foster homes is included in an interim report. As a result, the Subcommittee approved the following budget note:

Budget Note

Under a budget note in the budget report for HB 5026, the Department of Human Services is directed to report, by February 1, 2020, to the Interim Joint Committee on Ways and Means on the transition to new rate models for providers in the Intellectual and Developmental Disabilities program. As part of that report, the Department shall provide a status update on the development of a new rate model for adult foster homes serving people with intellectual and developmental disabilities and note any outcomes or timelines related to union negotiations, since these rates are collectively bargained.

The Subcommittee approved funding for the final development phase, implementation, and transition to Maintenance and Operations (M&O) of an integrated eligibility system, called the Integrated Eligibility (IE) project. This effort integrates enrollment and eligibility activities for several programs at the Department of Human Services (DHS) (Non-MAGI Medicaid, Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and Employment Related Day Care (ERDC)) into the OregonONEligibility (ONE) system used by the Oregon Health Authority (OHA).

Due to schedule changes and issues with the user acceptance testing vendor, the 2019-21 cost estimate for the project has increased over the budget development timeframe; some costs also shifted between biennia. The project's current cost estimate and approved amount for the 2019-21 biennium is \$200,561,925 total funds. This budget includes state staff costs of \$20.7 million, \$94 million for contracted information technology services, \$11.2 million for payments to OHA for its project work, and \$5.8 million for debt service. Other elements addressed in the project plan include cost allocation, contingency, legacy system work, hosting services, disaster recovery, and security enhancements. The state staffing component consists of 33 positions (30.78 FTE) and primarily supports business analytics, system program support, and training activities; 17 of the positions (14.78 FTE) are limited duration for system rollout and short-term training needs.

The bulk of the project budget, at \$139.7 million or 70% of 2019-21 costs, is supported by Federal Funds; this is due to enhanced federal funding (74% federal/26% state) approved for the Design, Development, and Implementation (DDI) phase of the work, which is expected to be closed

out by January 31, 2021. Once the system transitions to M&O in the last six months of the biennium, the federal cost share decreases. General Fund supports \$16.9 million of project costs and debt service; the bulk of the state share will be covered by \$43.9 million in ending balance or new proceeds from Article XI-Q bonds. In HB 5005, the Joint Committee on Ways and Means Subcommittee on Capital Construction approved \$38,165,000 Article XI-Q bonds to finance \$37,500,000 of project costs and \$665,000 for costs of issuing the bonds.

The Joint Legislative Committee on Information Management and Technology (JLCIMT) reviewed the project on June 4, 2019, and recommended conditional approval, contingent on funding availability and subject to completion of several actions. These actions include reporting to JLCIMT during the legislative interim and the 2020 session on project status, progress, and variances to key performance metrics; and developing a mitigation plan for issues and concerns identified by the quality assurance vendor and/or the Legislative Fiscal Office. The mitigation plan is to be provided to JLCIMT no later than November 2019.

JUDICIAL BRANCH

Commission on Judicial Fitness and Disability

The Subcommittee approved an additional \$16,000 for the Commission on Judicial Fitness and Disability to pay for compensation adjustments made at the end of the 2017-19 biennium and for up to 20 hours a month of administrative support. The Commission only has a half-time Executive Director and the amount of materials necessary to provide the volunteer members of the Commission adequate information on specifics of complaints requires additional support work.

Judicial Department

The Subcommittee approved \$1,755,516 General Fund and nine positions (9.00 FTE) for the Oregon Judicial Department to support implementation of SB 24 (2019) and SB 973 (2019) related to supports and services for people with serious mental illness and substance addictions. In addition, two new circuit court judge positions (1.00 FTE) were added, one in Jackson County and one in Marion County, as well as six judicial services specialist positions (3.50 FTE) to be funded with \$1,058,624 General Fund.

Other Funds expenditure limitation of \$410,000 was approved for the cost of issuance of \$28,230,000 in Article XI-Q bonds for the Oregon Judicial Department's Supreme Court Building Renovation Project. The project is to renovate the Oregon Supreme Court building, including seismic updates, energy efficiency improvements, and various systems and safety code upgrades. Bonds will be issued in March 2021.

Additionally, funds were added to the Judicial Department's budget to continue renovating county courthouses. Specifically, \$136,695,000 Other Funds is provided for project costs and the cost of issuing bonds for projects associated with the Clackamas, Lane, and Linn County Courthouses. The budget also includes \$1,300,000 Other Funds expenditure limitation for debt service costs and \$2,000,000 General Fund for planning costs associated with replacing the Benton County Courthouse.

Public Defense Services Commission

The Subcommittee restored one position and \$305,853 Other Funds in the Public Defense Services Commission's Application Contribution Program that was reduced in the agency's 2019-21 budget bill. In addition, effective July 1, 2020, the Parent-Child Representation Program will be extended into Multnomah County with \$3.5 million General Fund and one permanent full-time Deputy General Counsel position (1.00 FTE).

The Subcommittee approved the following two budget notes for the Public Defense Services Commission:

Budget Note

The Oregon Public Defense Services Commission is directed to work with stakeholders to identify data public defense contractors should be required to submit to the Office of Public Defense Services as part of its contractual agreement. It is the Legislature's intent that OPDS, in establishing reporting requirements, obtain data that to the greatest extent possible will allow the agency to determine (1) the level and quality of services provided to each defendant, and (2) improvements in case outcomes for defendants.

Budget Note

The Oregon Public Defense Services Commission shall evaluate options for delivering indigent public defense services and adopt an approach that delivers quality public defense services. In its evaluation of public defense contract options, the Commission is directed to consider the findings of the January 2019 report by the Sixth Amendment Center entitled "The Right to Counsel". As part of its new contract model, the Commission shall require contract attorneys to provide information the Commission determines is needed to demonstrate the level and quality of services provided, and the case outcomes.

LEGISLATIVE BRANCH

Funding is provided to the Legislative Administration Committee (LAC) for the Document Publishing and Management System (DPMS) project, including Other Funds expenditure limitation in the amount of \$5,168,000 for the cost of issuing general obligation bonds and for actual project costs to be incurred during the 2019-21 biennium. In addition, \$766,117 General Fund is provided to LAC for debt service costs associated with

the DPMS project. LAC is also charged with planning for Phase II of the Capitol Accessibility, Maintenance and Safety (CAMS) Project; \$1,361,800 General Fund is appropriated for this planning effort.

NATURAL RESOURCES

Department of Agriculture

The Subcommittee approved four General Fund increases, each of them one-time only, for the Department of Agriculture (ODA) totaling \$1,200,000. First, \$200,000 General Fund was added for the predator control program, which provides pass-through money to the U.S. Department of Agriculture Wildlife Services for predator control services in partnership with the Department of Fish and Wildlife and Oregon counties. A similar one-time appropriation is provided to the Department of Fish and Wildlife. Next, \$300,000 General Fund was provided for additional funding to the Invasive Species Council, and \$100,000 General Fund was added for the collection and testing of water samples from Klamath Lake to analyze for nutrients, including phosphorous, which can lead to harmful algae bloom. Finally, \$600,000 General Fund was added for the replacement of lab equipment.

Columbia River Gorge Commission

The Subcommittee approved an increase of \$109,813 General Fund for the Columbia River Gorge Commission to finance Oregon's share of a new Vital Sign Indicators Land Use Planner position and costs related to replacement of staff laptops and desk top computers. These expenditures were included in the State of Washington's budget for the Commission but were not included in the initial Oregon budget due to revenue uncertainties at the time of passage. With this appropriation, the agency will be able to hire the additional land use planner position since the operating costs of the Commission are to be shared equally by the two states under the Interstate Compact.

Department of Energy

The Subcommittee approved a one-time General Fund appropriation of \$2 million to the Department of Energy for the solar rebate program established in HB 2618. The \$2 million will be deposited into the Rooftop Solar Incentive Fund for the issuance of rebates and to pay for implementation and administration of a solar rebate program. Of the \$2 million, \$1.5 million is available for rebates through Special Payments, with \$500,000 available for administration. The Department will hire three limited duration positions, a Program Manager 3 (0.25 FTE) and two Program Analyst 2 positions (0.50 FTE each). Additionally, the Department will utilize existing personnel to assist with program establishment, implementation, and oversight. Personal Services costs are anticipated to be \$255,258, with \$83,138 for services and supplies and \$161,604 for indirect costs associated with administering the program.

Department of Environmental Quality

The Subcommittee approved a \$250,000 one-time General Fund appropriation to provide grants to local communities for planning and implementation of smoke management plans consistent with Oregon's new smoke management rules. The Department will utilize existing staff to administer and distribute the grant funds.

A technical adjustment was approved to accurately reflect the reduction of a position eliminated in the Department's 2019-21 budget bill (HB 5017). General Fund was reduced from the Land Quality program to reflect the eliminated position; however, the position was funded across three programs, and an adjustment is made to reduce General Fund in Air Quality and Water Quality with a corresponding increase to Land Quality for a net zero impact.

The Subcommittee approved \$5,065,000 Article XI-Q bonds to finance \$5,000,000 of project costs and \$65,000 for costs of issuing the bonds. The Environmental Data Management System (EDMS) project is to develop and implement a customized off-the-shelf software solution that will replace multiple outdated and disparate information technology systems. The EDMS project will modernize and improve business processes by providing a common platform to receive and share environmental information and support e-commerce and web-based interactions. Early estimates indicate the EDMS project will cost around \$18 million to be completed. Also approved is \$834,752 General Fund for the debt service associated with the bonds, which are scheduled to be sold in May 2020.

Department of Fish and Wildlife

The Subcommittee approved a \$200,000 one-time General Fund appropriation for the predator control program, which provides pass-through money to the U.S. Department of Agriculture Wildlife Services for predator control services in partnership with the Department of Agriculture and Oregon counties. A similar one-time appropriation is provided to the Department of Agriculture.

The Subcommittee approved a \$1,352,102 Other Funds expenditure limitation to continue operations of the Leaburg Hatchery. The Department will utilize a portion of the General Fund provided in SB 5510 for steelhead production to raise some of those fish at Leaburg instead of at the Santiam Hatchery. This will allow the Santiam Hatchery to continue to produce its current level of both steelhead and spring chinook, while Leaburg will be able to produce the summer steelhead and transport them to the Santiam waterways. To properly align the Department's budget and position need for the continued operation of Leaburg, there is a reduction of \$866,091 Federal Funds limitation that was carry-forward in the budget from 2017-19, the abolishment of a full-time technician position, and the addition of a half-time senior technician position, leaving a net reduction of 0.50 FTE. Total staffing at Leaburg will be 7 positions (6.50 FTE) funded with Other Funds fishing license revenue.

Department of Forestry

A one-time General Fund appropriation of \$200,000 to the Oregon Department of Forestry was approved to purchase a tract of timber land adjacent to the Santiam State Forest for inclusion in the Santiam State Forest. Purchase of the property is intended to resolve a legal dispute between the current owner and the Department of Forestry regarding access to the roughly 160-acre parcel. Access is limited due to the condition and availability of a logging road crossing existing state forest property that requires rebuilding.

A one-time General Fund appropriation of \$1.7 million to the Oregon Department of Forestry was approved for activities related to slowing or stopping the spread of *Phytophthora ramorum*, the invasive pathogen that causes sudden oak death.

The Subcommittee approved an increase of \$52,035 in the Other Funds expenditure limitation established for the Oregon Department of Forestry to accommodate the payment of bond issuance costs related to bonds issued for the replacement of a shared facility at Toledo. An increase of \$121,559 General Fund and Other Funds expenditure limitation of \$168,904 is included for the payment of debt service on the bonds for the project.

Department of Land Conservation and Development

The Subcommittee approved a one-time General Fund appropriation in the amount of \$2,005,563 and the establishment of seven limited-duration positions (6.00 FTE) for the implementation of HB 2001 and HB 2003 by the Department of Land Conservation and Development. The funding is in addition to General Fund appropriated in HB 2001 and HB 2003 for assistance to local governments and provides for the administrative costs of the agency for implementing the provisions of the bills.

Department of Parks and Recreation

An increase in the Lottery Funds expenditure limitation of \$448,769 was approved by the Subcommittee for the Oregon Parks and Recreation Department. This increase is due to updated projections of Lottery revenues as of the May 2019 revenue forecast. This increase will provide the Department with sufficient capacity to distribute the 12% of lottery revenues allocated to the Department that are dedicated to local parks.

The Subcommittee approved the establishment of an Other Funds expenditure limitation for the Parks and Recreation Department in the amount of \$33,023 for debt service. Investment earnings on non-expended bond proceeds are credited to the agency as Other Funds regardless of the type of bond issuance. These earnings are then expended by the agency to offset the debt service expenditures from the fund type that would otherwise be used. The offsetting reductions to Lottery Funds expenditure limitation for debt service are included in the statewide debt service adjustments.

An increase in the Other Funds expenditure limitation of \$5,106,587 for the Oregon Parks Department was approved by the Subcommittee for the expenditure of lottery bond proceeds for the Oregon Main Street Revitalization program. The funding will be used to provide competitive grants to organizations participating in the Oregon Main Street Network. The program awards grants to acquire, rehabilitate, and construct buildings on properties in designated downtown areas and facility community revitalization that leads to additional private investment, job creation or retention, expansion or establishment of viable businesses, or creating a stronger tax base. Of the total increase, \$106,587 is for the costs of bond issuance.

Department of State Lands

An increase in Federal Funds expenditure limitation of \$154,000 was approved for the Department of State Lands' South Slough National Estuarine Research Reserve. The National Oceanic and Atmospheric Administration awarded a federal grant to the Department to expand the reserve's maintenance compound and enhance security for the reserve's facilities.

The Subcommittee approved an Other Funds expenditure limitation increase in the amount of \$6 million for the Department of State Lands from the Portland Harbor Cleanup Fund. The agency will use the increased limitation to transfer \$6 million from the fund to a trust account established by the state and the city of Portland under a settlement agreement for remedial design with the U.S. Environmental Protection Agency (EPA). The amount transferred will be matched by the city of Portland. Monies in the trust will be transferred to the EPA on an as-needed basis to fund the activities under the agreement.

Water Resources Department

The Subcommittee approved the establishment of an Other Funds expenditure limitation for the Water Resources Department in the amount of \$394 for debt service. Investment earnings on non-expended bond proceeds are credited to the agency as Other Funds regardless of the type of bond issuance. These earnings are then expended by the agency to offset the debt service expenditures from the fund type that would be used otherwise. The offsetting reductions to Lottery Funds expenditure limitation for debt service are included in the statewide debt service adjustments.

The Subcommittee approved a total increase of \$25,521,689 in Other Funds expenditure limitation established for the Water Resources Department for the purpose of making grants, loans, and paying the cost of bond issuance from lottery bond proceeds deposited into the Water Supply Development Fund established under section 3, chapter 784, Oregon Laws 2013. Of the amount of additional limitation provided for the expenditure of net bond proceeds allocated to the fund, \$15,000,000 is for Water Supply Development grants and loans to evaluate, plan, and develop in-stream and out-of-stream water development projects that repair or replace infrastructure to increase the efficiency of water use; provide new or expanded water storage; improve or alter operations of existing water storage facilities in connection with newly developed water; create new, expanded, improved, or altered water distribution, conveyance, or delivery systems in connection with newly developed water; allocate federally stored water; promote water reuse or conservation; provide streamflow protection or restoration; provide for water

management or measurement in connection with newly developed water; and, determine seasonally varying flows in connection with newly developed water. The budget includes \$521,689 for the payment of bond issuance costs. The remaining \$10 million expenditure limitation is for bond proceeds allocated to the fund for the Deschutes Basin Board of Control Piping Project. The funding will be combined with additional state, local, and federal funds to allow the Board of Control to pipe currently open canals for a total project cost of \$99.38 million.

The Subcommittee approved a total increase of \$18,327,563 in the Other Funds expenditure limitation established for the Water Resources Department for the purpose of making grants, loans, and paying the cost of bond issuance from lottery bond proceeds deposited into the Water Supply Fund established by section 10, chapter 906, Oregon Laws 2009. Of the total increase, \$327,563 is for the estimated cost of bond issuance. The budget includes \$14 million for a grant to the Wallowa Lake Irrigation District for the rehabilitation of the Wallowa Lake Dam. The remaining \$4 million is for a grant to the City of Newport for planning, environmental permitting, and design costs to replace the Big Creek Dams.

PUBLIC SAFETY

Department of Corrections

The Subcommittee approved a General Fund appropriation of \$1,650,000 to the Department of Corrections for its Corrections Information System Tool Upgrade project.

The agency's General Fund appropriation for debt service was increased by \$1,579,588 for debt service to be paid in 2019-21 on \$47,835,000 in Article XI-Q bonds for the Department of Corrections' deferred maintenance program, wireless communications system, and camera system. Projects will be undertaken for facility improvements including building envelope, electrical systems, water systems, roofs, HVAC, fire systems and infrastructure improvements; to acquire and install wireless communications systems at 10 correctional facilities for mobile radio communications; and to acquire and install upgraded camera systems at 10 correctional facilities and place additional cameras in strategic locations to improve monitoring of activity. Debt service for bonds issued in 2019-21 is estimated to be \$12,463,107 General Fund in 2021-23.

The Subcommittee approved an increase in Other Funds expenditure limitation of \$724,932 for cost of issuance of \$47,835,000 in Article XI-Q bonds for the Department of Corrections' deferred maintenance program. Bonds will be issued in May 2020 and in March 2021.

An Other Funds expenditure limitation for debt service of \$51,378 was established for the Department of Corrections in order to allow the agency to apply interest earned on bond proceeds to debt service on bonds.

The Subcommittee approved an Other Funds expenditure limitation increase of \$4,585,442 for the Community Corrections program to allocate funding to counties from the Criminal Fines Account for the purpose of planning, operating, and maintaining county juvenile and adult corrections programs and facilities and drug and alcohol programs. The Subcommittee approved the following budget note:

Budget Note:

The Department of Corrections shall require county recipients of Criminal Fines Account disbursements to report annually on the programs and services funded with this allocation and on the number of clients served.

Oregon Department of Justice

The Subcommittee appropriated \$700,000 General Fund to support the Oregon Crime Victims Law Center, as a one-time increase. This will increase General Fund support for the Law Center from the Department of Justice (DOJ) from \$342,081 to \$1,042,081. This increase may supplant the need for DOJ to provide the Law Center with a state grant funded from punitive damage awards. In addition, the Law Center may continue to apply for, and possibly be awarded, federal Victim of Crime Act grant funding, as was the case during the 2017-19 biennium.

Oregon Military Department

The Subcommittee approved an increase in Other Funds expenditure limitation of \$348,000 for cost of issuance of \$22,275,000 in Article XI-Q bonds for Aviation Facility Emergency Enhancement projects in Salem and Pendleton, three Armory Service Life Extension projects at the Owen Summers and Anderson Readiness Center facilities in Salem and at the Jackson Armory in Portland, and construction of exhibit space at the Oregon Military Museum at Camp Withycombe. Bonds are planned to be issued in May 2020, and in March 2021.

The agency's General Fund appropriation for debt service was increased by \$533,528 for debt service on \$22,275,000 in Article XI-Q bonds estimated to be paid in 2019-21. Debt service for these bonds is estimated to be \$4,367,339 General Fund in 2021-23.

For a risk abatement study of the Critical Energy Infrastructure Hub located in Portland, the Subcommittee approved a one-time General Fund appropriation of \$300,000. The Office of Emergency Management will collaborate with the Department of Environmental Quality and the Department of Energy to commission a study that will evaluate the impacts of a catastrophic failure of fuel storage facilities located at the Critical Energy Infrastructure Hub following a Cascadia subduction zone earthquake.

Criminal Justice Commission

The Subcommittee approved adding Other Funds expenditure limitation of \$275,086 to the Criminal Justice Commission's 2019-21 budget to allow the agency to spend a grant award from the Laura and John Arnold Foundation. Oregon is one of five states chosen to participate in the

National Criminal Justice Reform Project and will use the grant funds to gather and establish baseline data on Oregon's pretrial detention system and pretrial jail population.

The Subcommittee approved transferring the responsibilities of the Criminal Justice Policy Research Institute's Law Enforcement Contacts Policy & Data Review Committee responsibilities from Portland State University to the Criminal Justice Commission, thereby consolidating both quantitative and qualitative data collection on traffic and pedestrian stops in one state agency. This action adds \$78,242 General Fund to the Criminal Justice Commission's 2019-21 budget and makes permanent an existing limited-duration Administrative Specialist 2 position.

To address the growth of the Criminal Justice Commission due to the programs, responsibilities, and positions added to the agency's budget through other legislation passed in 2019, an existing Program Analyst 4 is reclassified to a Principal Executive Manager F position, to ensure adequate managerial oversight of the grant programs operated by the Commission. This reclassification has no budget impact in 2019-21.

Department of Public Safety Standards and Training

To accommodate a purchase not anticipated to be received by June 30, 2019, the Subcommittee approved increasing the Department of Public Safety Standards and Training's 2019-21 Federal Funds expenditure limitation by \$325,955 in order to carry forward a grant received from the Federal Emergency Management Agency's Assistance to Firefighters grant program in 2018 for the purchase of a new fire truck. This is a one-time increase in expenditure limitation for the 2019-21 biennium.

Oregon Youth Authority

The Subcommittee approved an increase in Other Funds expenditure limitation of \$774,709 for cost of issuance of \$34,430,000 in Article XI-Q bonds to complete the remodel of seven living unit cottages at the MacLaren Youth Correctional Facility and dormitory spaces at the Rogue Valley Youth Correctional Facility; remodel three medical and dental clinics; renovate the control rooms at the Oak Creek, Rogue Valley, and Eastern Oregon youth correctional facilities; and undertake deferred maintenance projects in 2019-21. Bonds are planned to be issued in October 2019, May 2020, and in March 2021.

The agency's General Fund appropriation for debt service was increased by \$914,307 for debt service to be paid on \$34,430,000 in Article XI-Q bonds in 2019-21. Debt service for these bonds is estimated to be \$6,245,948 General Fund in 2021-23.

Other Funds expenditure limitation for debt service of \$95,000 was established for the Oregon Youth Authority in order to allow the agency to apply interest earned on bond proceeds to debt service on bonds.

TRANSPORTATION

Department of Transportation

The Subcommittee increased the Department of Transportation's (ODOT) Other Funds expenditure limitation, on a one time basis, by \$5,149,463 for ODOT project costs and cost of issuing lottery bonds. This amount consists of \$42,876 for the Sherwood Pedestrian Connectors Project and \$5,106,587 for the Coos Bay Rail Line and Bridge Replacement Project.

Additional one-time Other Funds expenditure limitation of \$1,000,000 was approved for the Neskowin Emergency Egress Project in Tillamook County. The source of funds for this project is the Transportation Operating Fund. The Transportation Operating Fund was also used to provide one-time Other Funds expenditure limitation of \$650,000 to support the upgrade and recapitalization of 44 electric vehicle charging station locations known as the West Coast Electric Highway.

The Subcommittee approved the addition of three limited duration Transportation Service Representative 1 positions (1.26 FTE) and \$221,442 Other Funds expenditure limitation to implement HB 2015 (2019).

Two budget notes were approved, as follows:

Budget Note

The Department of Transportation shall study the I-5 Boone Bridge Project and provide an estimate of the cost to complete the project. The Department shall report back to the Joint Committee on Ways and Means and the Joint Committee on Transportation no later than February 1, 2021.

Budget Note

The Department of Transportation, in coordination with the City of Sherwood, shall report to the Joint Committee on Ways and Means on the results of the City of Sherwood's Pedestrian Connector Project implementation and related feasibility study and submit a funding request for the balance of project costs in February 2020.

Adjustments to 2017-19 Budgets

Department of Corrections

The Subcommittee approved a net-zero rebalance of \$650,000 between General Fund appropriations and appropriated an additional \$3,000,000 General Fund, on a one-time basis only, to the Department of Corrections to address the remainder of a known 2017-19 budget shortfall of \$20.2 million and additional unanticipated expenditures totaling \$23.5 million. Unanticipated expenditures included emergency repairs to facilities, spending on medication for Hepatitis C and for contract medical staff in prisons, computer replacements and necessary software upgrades, and to backfill a federal grant. The agency has mitigated its budget shortfall through management actions such as a hiring freeze on management positions, limiting spending on staff training, reducing inmate alcohol and drug treatment costs, and limiting inmate clothing orders through the end of the biennium, as well as by using Other Funds revenue where available.

Enrolled
House Bill 5050

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Oregon Department of Administrative Services)

CHAPTER

AN ACT

Relating to state financial administration; and declaring an emergency.

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

SECTION 1. In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$75,000,000 for the purposes for which the Emergency Board lawfully may allocate funds.

SECTION 2. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$200,000,000, to be allocated to state agencies for state employee compensation changes for the biennium beginning July 1, 2019.

(2) If any of the moneys appropriated by subsection (1) of this section are not allocated by the Emergency Board prior to December 1, 2020, the moneys remaining on that date become available for any purpose for which the Emergency Board lawfully may allocate funds.

SECTION 3. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$20,000,000, to be allocated to state agencies for compensation changes driven by collective bargaining for workers who are not state employees.

(2) If any of the moneys appropriated by subsection (1) of this section are not allocated by the Emergency Board prior to December 1, 2020, the moneys remaining on that date become available for any purpose for which the Emergency Board lawfully may allocate funds.

SECTION 4. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$20,000,000, to be allocated to the Public Defense Services Commission for caseload activities, including activities designed to improve indigent defense caseloads and to implement an improved public defense contract model.

(2) If any of the moneys appropriated by subsection (1) of this section are not allocated by the Emergency Board prior to December 1, 2020, the moneys remaining on that date become available for any purpose for which the Emergency Board lawfully may allocate funds.

SECTION 5. Notwithstanding any other provision of law, the General Fund appropriation made to the State Department of Fish and Wildlife by section 1 (2), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5510), for the biennium beginning July 1, 2019, for the Wildlife Division, is increased by \$200,000 for the predator control program.

SECTION 6. (1) Notwithstanding any other provision of law, the General Fund appropriation made to the State Department of Agriculture by section 1 (3), chapter __, Oregon Laws 2019 (Enrolled House Bill 5002), for the biennium beginning July 1, 2019, for natural resources, is increased by \$100,000 to conduct water quality monitoring of Klamath Lake.

(2) Notwithstanding any other provision of law, the General Fund appropriation made to the State Department of Agriculture by section 1 (2), chapter __, Oregon Laws 2019 (Enrolled House Bill 5002), for the biennium beginning July 1, 2019, for food safety, is increased by \$200,000 for the predator control program.

(3) Notwithstanding any other provision of law, the General Fund appropriation made to the State Department of Agriculture by section 1 (2), chapter __, Oregon Laws 2019 (Enrolled House Bill 5002), for the biennium beginning July 1, 2019, for food safety, is increased by \$600,000 for lab equipment replacement.

(4) Notwithstanding any other provision of law, the General Fund appropriation made to the State Department of Agriculture by section 1 (3), chapter __, Oregon Laws 2019 (Enrolled House Bill 5002), for the biennium beginning July 1, 2019, for natural resources, is increased by \$300,000 for the Invasive Species Council.

SECTION 7. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Justice by section 1 (4), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5515), for the biennium beginning July 1, 2019, for the Crime Victim and Survivor Services Division, is increased by \$700,000 for the Oregon Crime Victims Law Center.

SECTION 8. Notwithstanding any other provision of law, the General Fund appropriation made to the Columbia River Gorge Commission by section 1, chapter 217, Oregon Laws 2019 (Enrolled House Bill 5009), for the biennium beginning July 1, 2019, is increased by \$109,813 for joint operating expenses.

SECTION 9. (1) Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Corrections by section 1 (4), chapter 573, Oregon Laws 2017, for the biennium ending June 30, 2019, for community corrections, is decreased by \$150,000.

(2) Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Corrections by section 1 (6), chapter 573, Oregon Laws 2017, for the biennium ending June 30, 2019, for capital improvements, is increased by \$150,000.

(3) Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Corrections by section 1 (3), chapter 573, Oregon Laws 2017, for the biennium ending June 30, 2019, for offender management and rehabilitation, is decreased by \$500,000.

(4) Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Corrections by section 1 (1), chapter 573, Oregon Laws 2017, for the biennium ending June 30, 2019, for operations and health services, is increased by \$1,000,000.

(5) Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Corrections by section 1 (2), chapter 573, Oregon Laws 2017, for the biennium ending June 30, 2019, for central administration and administrative services, is increased by \$2,500,000.

SECTION 10. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5533), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from federal funds collected or received by the Department of Public Safety Standards and Training, is increased by \$325,955 for the purchase of a fire truck.

SECTION 11. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5506), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Criminal Justice Commission, is increased by \$275,086 for jail data analysis.

SECTION 12. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Criminal Justice Commission by section 1, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5506), for the biennium beginning July 1, 2019, is increased by \$78,242 for taking reports on police profiling.

SECTION 13. Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (9), chapter __, Oregon Laws 2019 (Enrolled House Bill 5024), for the biennium beginning July 1, 2019, for public university statewide programs, is decreased by \$276,581 for the transfer of the Criminal Justice Policy Research Institute's Law Enforcement Contacts Policy and Data Review Committee responsibilities from Portland State University to the Oregon Criminal Justice Commission.

SECTION 14. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (2), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5504), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of Corrections, for central administration and administrative services, is increased by \$724,932 for the cost of bond issuance.

SECTION 15. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Corrections by section 1 (5), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5504), for the biennium beginning July 1, 2019, for debt service, is increased by \$1,579,588.

SECTION 16. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Corrections, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$1,650,000 for the Corrections Information System Tool Upgrade project.

SECTION 17. Notwithstanding any other law limiting expenditures, the amount of \$51,378 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of Corrections, for debt service.

SECTION 18. Notwithstanding any other law limiting expenditures, the amount of \$95,000 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Youth Authority, for debt service.

SECTION 19. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (2), chapter __, Oregon Laws 2019 (Enrolled House Bill 5031), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and reimbursements from federal service agreements, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled House Bill 5031), collected or received by the Oregon Military Department, for operations, is increased by \$348,000 for the cost of bond issuance.

SECTION 20. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Military Department by section 1 (5), chapter __, Oregon Laws 2019 (Enrolled House Bill 5031), for the biennium beginning July 1, 2019, for debt service, is increased by \$533,528.

SECTION 21. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2, chapter 427, Oregon Laws 2019 (Enrolled Senate Bill 5541), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery

funds and federal funds, collected or received by the Oregon Youth Authority, is increased by \$774,709 for the cost of bond issuance.

SECTION 22. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Youth Authority by section 1 (5), chapter 427, Oregon Laws 2019 (Enrolled Senate Bill 5541), for the biennium beginning July 1, 2019, for debt service, is increased by \$914,307.

SECTION 23. Notwithstanding any other law limiting expenditures, the amount established by section 1 (1), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5519), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Liquor Control Commission, for administrative expenses, is increased by \$233,400 for an internal auditor position.

SECTION 24. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses for operations, from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds from the United States Department of Housing and Urban Development for contract services, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), collected or received by the Housing and Community Services Department, is increased by \$376,763 for management of agency research and procurement responsibilities.

SECTION 25. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses for operations, from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds from the United States Department of Housing and Urban Development for contract services, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), collected or received by the Housing and Community Services Department, is increased by \$730,000 for the cost of issuing bonds for the development of permanent supportive housing.

SECTION 26. Notwithstanding any other law limiting expenditures, the amount of \$2,932,331 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds from the United States Department of Housing and Urban Development for contract services, but excluding lottery funds and federal funds not described in this section, collected or received by the Housing and Community Services Department, for payment of expenses related to rental assistance payments for permanent supportive housing developed with proceeds from bonds issued under the authority of Article XI-Q of the Oregon Constitution.

SECTION 27. Notwithstanding any other provision of law, the General Fund appropriation made to the Housing and Community Services Department by section 5, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), for the biennium beginning July 1, 2019, is increased by \$11,370,998 for debt service.

SECTION 28. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses for operations, from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds from the United States Department of Housing and Urban Development for contract services, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), collected or received by the Housing and Community Services Department, is increased by \$1,550,000 for the cost of issuing bonds for the development of affordable housing for low income households issued un-

der the authority of Article XI-Q of the Oregon Constitution for the Local Innovation and Fast Track Housing Program.

SECTION 29. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses for operations, from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds from the United States Department of Housing and Urban Development for contract services, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), collected or received by the Housing and Community Services Department, is increased by \$462,839 for payment of expenses related to the development of affordable housing for low income households funded with proceeds from bonds issued under the authority of Article XI-Q of the Oregon Constitution for the Local Innovation and Fast Track Housing Program.

SECTION 30. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses for operations, from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds from the United States Department of Housing and Urban Development for contract services, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), collected or received by the Housing and Community Services Department, is increased by \$15,278,750 for the purposes of seeding a revolving loan program within the Housing and Community Services Department to acquire market rate naturally occurring affordable housing, and the cost of issuance.

SECTION 31. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses for operations, from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds from the United States Department of Housing and Urban Development for contract services, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), collected or received by the Housing and Community Services Department, is increased by \$25,407,658 for preservation of manufactured dwelling parks, affordable housing properties with rental assistance contracts, properties undergoing significant recapitalization, publicly supported housing, and the cost of issuance.

SECTION 32. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3 (2), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5524), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from lottery moneys allocated from the Administrative Services Economic Development Fund to the Oregon Business Development Department, for operations, is increased by \$175,350 for the establishment of an internal auditor position.

SECTION 33. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (3), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5524), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Business Development Department, for operations, is increased by \$30,944 for the establishment of an internal auditor position.

SECTION 34. Notwithstanding any other law limiting expenditures, the amount of \$157,290 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses for debt service from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Business Development Department.

SECTION 35. In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Business Development Department, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$10,000,000 for deposit into the University Innovation Research Fund established by section 21, chapter __, Oregon Laws 2019 (Enrolled House Bill 2377).

SECTION 36. Notwithstanding any other law limiting expenditures, the amount of \$10,000,000 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Business Development Department from the University Innovation Research Fund established by section 21, chapter __, Oregon Laws 2019 (Enrolled House Bill 2377).

SECTION 37. Notwithstanding any other law limiting expenditures, the amount of \$1 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from lottery moneys allocated from the Administrative Services Economic Development Fund to the Oregon Business Development Department for a tide gate and culvert repair and replacement grant and loan program.

SECTION 38. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3 (5), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5524), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from lottery moneys allocated from the Administrative Services Economic Development Fund to the Oregon Business Development Department, for infrastructure, is increased by the following amounts for the following purposes:

- (1) City of Sandy for Wastewater System Project Planning and Permitting..... \$ 500,000
- (2) Columbia Corridor Drainage Districts Joint Contracting Authority for Levee Ready Columbia \$ 500,000
- (3) Port of Port Orford for Redevelopment of Port of Port Orford Cannery..... \$ 1,600,000
- (4) City of Astoria for Warehouse Site Cleanup and Redevelopment..... \$ 1,000,000

SECTION 39. Notwithstanding any other law limiting expenditures, the following amounts are established for the biennium beginning July 1, 2019, as the maximum limits for payment of expenses from lottery moneys allocated from the Administrative Services Economic Development Fund to the Oregon Business Development Department, for Arts and Cultural Trust, for the following grants:

- (1) Cottage Theatre, ACT III Theatre Expansion..... \$ 375,000
- (2) High Desert Museum, By Hand Through Memory Exhibit Renovation and Art of the American West Gallery \$ 250,000
- (3) Liberty Theatre, Stage House and Facilities Improvements \$ 1,000,000
- (4) Oregon Nikkei Endowment, Oregon Nikkei Legacy Center Renovations..... \$ 500,000

SECTION 40. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (2), chapter ___, Oregon Laws 2019 (Enrolled Senate Bill 5524), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Business Development Department, for infrastructure, is increased by \$120,000,000 for the seismic rehabilitation grant program.

SECTION 41. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Business Development Department by section 1 (3), chapter ___, Oregon Laws 2019 (Enrolled Senate Bill 5524), for the biennium beginning July 1, 2019, for debt service, is increased by \$4,535,118.

SECTION 42. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (2), chapter ___, Oregon Laws 2019 (Enrolled Senate Bill 5524), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Business Development Department, for infrastructure, is increased by \$68,380,000 for programs and projects financed through the issuance of lottery bonds.

SECTION 43. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (2), chapter ___, Oregon Laws 2019 (Enrolled Senate Bill 5524), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Business Development Department, for infrastructure, is increased by \$3,259,356 for the costs of issuing general obligation and lottery bonds.

SECTION 44. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (4), chapter ___, Oregon Laws 2019 (Enrolled Senate Bill 5524), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Business Development Department, for Arts and Cultural Trust, is increased by \$3,000,000 for projects financed through the issuance of lottery bonds.

SECTION 45. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (4), chapter ___, Oregon Laws 2019 (Enrolled Senate Bill 5524), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Business Development Department, for Arts and Cultural Trust, is increased by \$78,938 for the cost of issuing lottery bonds.

SECTION 46. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3 (1), chapter ___, Oregon Laws 2019 (Enrolled Senate Bill 5524), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from lottery moneys allocated from the Administrative Services Economic Development Fund to the Oregon Business Development Department, for business, innovation and trade, is increased by \$5,000,000 for the Oregon Manufacturing Innovation Center.

SECTION 47. Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (11), chapter ___, Oregon Laws 2019 (Enrolled House Bill 5024), for the biennium beginning July 1, 2019, for the Oregon State University Extension Service, is increased by \$2,000,000 for fire resilience and resistance.

SECTION 48. Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (9), chapter ___, Oregon

Laws 2019 (Enrolled House Bill 5024), for the biennium beginning July 1, 2019, for public university statewide programs, is increased by \$450,000 for the Oregon Institute of Technology to support OMIC Rapid Toolmaking Center of Excellence research.

SECTION 49. Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (9), chapter ___, Oregon Laws 2019 (Enrolled House Bill 5024), for the biennium beginning July 1, 2019, for public university statewide programs, is increased by \$300,000 for the Oregon Institute of Technology to develop additive manufacturing and prototyping training capability.

SECTION 50. Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (16)(e), chapter ___, Oregon Laws 2019 (Enrolled House Bill 5024), for the biennium beginning July 1, 2019, for debt service on outstanding general obligation bonds sold pursuant to Article XI-Q of the Oregon Constitution for the benefit of Oregon public universities, is increased by \$955,149.

SECTION 51. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 6 (1), chapter ___, Oregon Laws 2019 (Enrolled House Bill 5024), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds and funds described in sections 8 to 12, chapter ___, Oregon Laws 2019 (Enrolled House Bill 5024), collected or received by the Higher Education Coordinating Commission, for operations, is increased by \$2,194,431 for the costs of issuing general obligation and lottery bonds.

SECTION 52. Notwithstanding any other law limiting expenditures, the amount of \$136,695,000 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses by the Judicial Department from the Oregon Courthouse Capital Construction and Improvement Fund for the project costs of, and cost of issuing general obligation bonds for, county courthouse projects.

SECTION 53. Notwithstanding any other law limiting expenditures, the amount of \$1,300,000 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses for debt service from fees, moneys or other revenues, including Miscellaneous Receipts, and including reimbursements from federal service agreements, but excluding lottery funds and federal funds not described in this section, collected or received by the Judicial Department.

SECTION 54. In addition to and not in lieu of any other appropriation, there is appropriated to the Judicial Department, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$2,000,000 for planning associated with the replacement of the Benton County Courthouse.

SECTION 55. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (2), chapter 303, Oregon Laws 2019 (Enrolled Senate Bill 5532), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Public Defense Services Commission, for the Contract and Business Services Division, is increased by \$305,853 to restore one position for the Application Contribution Program.

SECTION 56. (1) Notwithstanding any other provision of law, the General Fund appropriation made to the Legislative Administration Committee by section 1 (1), chapter ___, Oregon Laws 2019 (Enrolled Senate Bill 5517), for the biennium beginning July 1, 2019, for general program, is increased by \$1,361,800 for costs related to planning for Phase II of the Capitol Accessibility, Maintenance and Safety Project.

(2) In addition to and not in lieu of any other appropriation, there is appropriated to the Legislative Administration Committee, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$766,117 for payment of expenses of the Legislative Adminis-

tration Committee for debt service for the Document Publishing and Management System project.

(3) Notwithstanding any other law limiting expenditures, the amount of \$5,168,000 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Legislative Administration Committee, for the cost of issuing general obligation bonds and project costs for the Document Publishing and Management System project.

SECTION 57. In addition to and not in lieu of any other appropriation, there is appropriated to the Office of the Governor, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$250,000 for the purpose of providing administrative support to the Governor's Council on Wildfire Response.

SECTION 58. Notwithstanding any other law limiting expenditures, the amount of \$1,000,000 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from lottery moneys allocated from the Veterans' Services Fund established under ORS 406.140 to the Department of Veterans' Affairs for a grant to the Family YMCA of Marion and Polk Counties to construct veterans' affordable housing in Salem.

SECTION 59. Notwithstanding any other law limiting expenditures, the amount of \$4,056,603 is established for the biennium beginning July 1, 2019, from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of Veterans' Affairs for projects financed through the issuance of lottery bonds and associated costs of issuance.

SECTION 60. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (5), chapter __, Oregon Laws 2019 (Enrolled House Bill 5039), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds received as reimbursement from the United States Department of Transportation, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled House Bill 5039), collected or received by the Department of Transportation, for the operations program, is increased by \$42,876 for the Sherwood Pedestrian Connectors project cost and cost of issuing lottery bonds.

SECTION 61. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (13), chapter __, Oregon Laws 2019 (Enrolled House Bill 5039), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds received as reimbursement from the United States Department of Transportation, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled House Bill 5039), collected or received by the Department of Transportation, for rail, is increased by \$5,106,587 for the Oregon International Port of Coos Bay Rail Line Repairs and Bridge Replacement project cost and cost of issuing lottery bonds.

SECTION 62. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (8), chapter __, Oregon Laws 2019 (Enrolled House Bill 5039), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds received as reimbursement from the United States Department of Transportation, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled House Bill 5039), collected or received by the Department of Transportation, for the local government program, is increased by \$1,000,000 for a one-time contribution to support the Neskowin Emergency Egress project in Tillamook County.

SECTION 63. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (7), chapter __, Oregon Laws 2019 (Enrolled House Bill 5039), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses

from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds received as reimbursement from the United States Department of Transportation, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled House Bill 5039), collected or received by the Department of Transportation, for special programs, is increased by \$650,000 to support the upgrade and recapitalization of 44 electric vehicle charging station locations known as the West Coast Electric Highway.

SECTION 64. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (9), chapter __, Oregon Laws 2019 (Enrolled House Bill 5039), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds received as reimbursement from the United States Department of Transportation, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled House Bill 5039), collected or received by the Department of Transportation, for driver and motor vehicle services, is increased by \$221,442 for implementation of chapter __, Oregon Laws 2019 (Enrolled House Bill 2015).

NOTE: Section 65 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 66. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Education by section 1, chapter 218, Oregon Laws 2019 (Enrolled House Bill 5016), for the biennium beginning July 1, 2019, for the State School Fund, is increased by \$5,101,078.

SECTION 67. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2, chapter 218, Oregon Laws 2019 (Enrolled House Bill 5016), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from lottery moneys allocated from the Administrative Services Economic Development Fund to the Department of Education for the State School Fund is decreased by \$5,573,050.

SECTION 68. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3, chapter 218, Oregon Laws 2019 (Enrolled House Bill 5016), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses by the Department of Education from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds, federal funds and funds described in section 4, chapter 218, Oregon Laws 2019 (Enrolled House Bill 5016), collected or received by the Department of Education for the State School Fund, is increased by \$471,972.

SECTION 69. Notwithstanding any other law limiting expenditures, the amount of \$125,000,000 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and proceeds of bonds issued pursuant to Article XI-P of the Oregon Constitution, but excluding lottery funds and federal funds, collected or received by the Department of Education, for matching grants made to school districts for construction or improvement to school facilities through the Oregon School Capital Improvement Matching program.

SECTION 70. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 6 (2), chapter __, Oregon Laws 2019 (Enrolled House Bill 5015), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses, other than expenses described in sections 7 and 10, chapter __, Oregon Laws 2019 (Enrolled House Bill 5015), from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of Education, for operations, is increased by \$1,090,000 for costs of issuance of general obligation bonds.

SECTION 71. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 6 (1), chapter __, Oregon Laws 2019 (Enrolled House Bill 5024), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds and funds described in sections 8 to 12, chapter __, Oregon Laws

2019 (Enrolled House Bill 5024), collected or received by the Higher Education Coordinating Commission, for operations, is increased by \$4,184,935 for the statewide longitudinal data system.

SECTION 72. In addition to and not in lieu of any other appropriation, there is appropriated to the Higher Education Coordinating Commission, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$975,000 for a grant to Treasure Valley Community College for the Career and Technical Center.

SECTION 73. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Environmental Quality by section 1 (1), chapter __, Oregon Laws 2019 (Enrolled House Bill 5017), for the biennium beginning July 1, 2019, for air quality, is increased by \$250,000 for a smoke mitigation grant program.

SECTION 74. Notwithstanding any other provision of law, the General Fund appropriation made to the Public Defense Services Commission by section 1 (2), chapter 303, Oregon Laws 2019 (Enrolled Senate Bill 5532), for the biennium beginning July 1, 2019, for professional services, is increased by \$3,500,000 to extend the Parent Child Representation Program into Multnomah County.

SECTION 75. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$3,000,000, to be allocated for the implementation of grand jury recording and chapter 650, Oregon Laws 2017.

(2) If any of the moneys appropriated by subsection (1) of this section are not allocated by the Emergency Board prior to December 1, 2020, the moneys remaining on that date become available for any purpose for which the Emergency Board lawfully may allocate funds.

SECTION 76. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$5,700,000 to be allocated to the Oregon Health Authority for the support of interdisciplinary assessment teams consistent with the requirements of chapter __, Oregon Laws 2019 (Enrolled Senate Bill 1).

(2) If any of the moneys appropriated by subsection (1) of this section are not allocated by the Emergency Board prior to December 1, 2020, the moneys remaining on that date become available for any purpose for which the Emergency Board lawfully may allocate funds.

SECTION 77. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (5), chapter 302, Oregon Laws 2019 (Enrolled Senate Bill 5527), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from lottery moneys allocated from the Parks and Natural Resources Fund to the State Parks and Recreation Department, for community support and grants, is increased by \$448,769 for the purpose of distributing grant funding for local parks.

SECTION 78. Notwithstanding any other law limiting expenditures, the amount of \$33,023 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the State Parks and Recreation Department, for the payment of debt service.

SECTION 79. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 1 (5), chapter 302, Oregon Laws 2019 (Enrolled Senate Bill 5527), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the State Parks and Recreation Department, for community support and grants, is increased by \$5,106,587 for the expenditure of lottery bond proceeds and costs of bond issuance related to the Oregon Main Street program.

SECTION 80. Notwithstanding any other law limiting expenditures, the amount of \$394 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and in-

cluding federal funds received under cooperative agreements with or contracts from the Bureau of Reclamation of the United States Department of the Interior, the United States Army Corps of Engineers, the United States Geological Survey, the Bonneville Power Administration and the National Fish and Wildlife Foundation, but excluding lottery funds and federal funds not described in this section, collected or received by the Water Resources Department, for the payment of debt service.

SECTION 81. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3 (1), chapter __, Oregon Laws 2019 (Enrolled House Bill 5043), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and including federal funds received under cooperative agreements with or contracts from the Bureau of Reclamation of the United States Department of the Interior, the United States Army Corps of Engineers, the United States Geological Survey, the Bonneville Power Administration and the National Fish and Wildlife Foundation, but excluding lottery funds and federal funds not described in section 3, chapter __, Oregon Laws 2019 (Enrolled House Bill 5043), collected or received by the Water Resources Department, for administrative services, is increased by the following amounts for paying the following costs from the Water Supply Development Account established by ORS 541.656:

- (1) Water Supply Development grants and loans as described in ORS 541.656 (2)(a) \$ 15,000,000
- (2) Deschutes Basin Board of Control piping project..... \$ 10,000,000
- (3) Bond issuance costs..... \$ 521,689

SECTION 82. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3 (1), chapter __, Oregon Laws 2019 (Enrolled House Bill 5043), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and including federal funds received under cooperative agreements with or contracts from the Bureau of Reclamation of the United States Department of the Interior, the United States Army Corps of Engineers, the United States Geological Survey, the Bonneville Power Administration and the National Fish and Wildlife Foundation, but excluding lottery funds and federal funds not described in section 3, chapter __, Oregon Laws 2019 (Enrolled House Bill 5043), collected or received by the Water Resources Department, for administrative services, is increased by the following amounts for paying the following costs from the Water Resources Department Water Supply Fund established by section 10, chapter 906, Oregon Laws 2009:

- (1) City of Newport for planning, environmental permitting and design costs of replacing the Big Creek Dams..... \$ 4,000,000
- (2) Wallowa Lake Irrigation District for rehabilitation of the Wallowa Lake Dam \$ 14,000,000
- (3) Bond issuance costs..... \$ 327,563

SECTION 83. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3 (1), chapter __, Oregon Laws 2019 (Enrolled House Bill 5035), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from federal funds collected or received by the Department of State Lands, for South Slough National Estuarine Research Reserve operations, is increased by \$154,000 for the expenditure of grant funds awarded to the department from the National Oceanic and Atmospheric Administration.

SECTION 84. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2, chapter __, Oregon Laws 2019 (Enrolled House Bill 5035), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses by the Department of State Lands from the Portland Harbor Cleanup Fund established by ORS 274.064, is increased by \$6,000,000 for the purpose of fulfilling financial obligations under a settlement agreement for funding remedial design with the United States Environmental Protection Agency.

SECTION 85. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 1 (5), chapter __, Oregon Laws 2019 (Enrolled House Bill 5011), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of Consumer and Business Services, for the Division of Financial Regulation, is increased by \$262,610 to restore a position reduction in the Senior Health Insurance Benefit Assistance program.

SECTION 86. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 5 (5), chapter __, Oregon Laws 2019 (Enrolled House Bill 5011), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from federal funds collected or received by the Department of Consumer and Business Services, for the Division of Financial Regulation, is increased by \$780,000 to allow for the expenditure of federal grant funding received by the department from the Centers for Medicare and Medicaid Services for planning and implementing insurance market reforms.

SECTION 87. In addition to and not in lieu of any other appropriation, there is appropriated to the State Forestry Department, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$200,000 for the purpose of purchasing an approximately 160-acre timber tract adjacent to the Willamette National Forest Opal Creek Scenic Recreation Area and Santiam State Forest, for addition to the Santiam State Forest.

SECTION 88. In addition to and not in lieu of any other appropriation, there is appropriated to the State Forestry Department, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$1,700,000, for the purpose of reducing the spread of *Phytophthora ramorum* in Oregon.

SECTION 89. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (2), chapter __, Oregon Laws 2019 (Enrolled House Bill 5019), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and including federal funds from the United States Forest Service for fire protection and for research projects, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled House Bill 5019), collected or received by the State Forestry Department, for fire protection, is increased by \$52,035 for bond issuance costs related to general obligation bonds issued for the Toledo Facility Replacement.

SECTION 90. Notwithstanding any other provision of law, the General Fund appropriation made to the State Forestry Department by section 1 (4), chapter __, Oregon Laws 2019 (Enrolled House Bill 5019), for the biennium beginning July 1, 2019, for debt service, is increased by \$121,559 for debt service related to bonds issued for the Toledo Facility Replacement.

SECTION 91. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (6), chapter __, Oregon Laws 2019 (Enrolled House Bill 5019), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and including federal funds from the United States Forest Service for fire protection and for research projects, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled House Bill 5019), collected or received by the State Forestry Department,

for debt service, is increased by \$168,904 for debt service related to bonds issued for the Toledo Facility Replacement.

SECTION 92. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 5a, chapter __, Oregon Laws 2019 (Enrolled House Bill 5024), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses by the Higher Education Coordinating Commission from lottery moneys allocated to the Sports Lottery Account, is increased by \$5,859,809.

SECTION 93. Notwithstanding any other law limiting expenditures, the amount of \$10,500,000 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds from the United States Department of Housing and Urban Development for contract services, but excluding lottery funds and federal funds not described in this section, collected or received by the Housing and Community Services Department, for the TANF Housing Pilot Program created under section 1, chapter __, Oregon Laws 2019 (Enrolled House Bill 2032).

SECTION 94. (1) Notwithstanding any other provision of law, the General Fund appropriation made to the Housing and Community Services Department by section 1, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), for the biennium beginning July 1, 2019, is reduced by \$935,504 to reflect the elimination of the Low-Income Rental Housing Fund program, and to reduce General Fund support for ongoing operating expenditures.

(2) Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses for operations from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds from the United States Department of Housing and Urban Development for contract services, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), collected or received by the Housing and Community Services Department, is increased by \$440,043 for ongoing support of research and program analysis functions.

SECTION 95. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Health Authority by section 1 (1), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5525), for the biennium beginning July 1, 2019, for Health Systems, Health Policy and Analytics, and Public Health, is increased by \$6,700,000 for inflationary expenses for medical assistance programs.

SECTION 96. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 4 (1), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5525), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from federal funds, excluding federal funds described in section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5525), collected or received by the Oregon Health Authority, for Health Systems, Health Policy and Analytics, and Public Health, is increased by \$25,000,000 for inflationary expenses for medical assistance programs.

SECTION 97. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Health Authority by section 1 (1), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5525), for the biennium beginning July 1, 2019, for Health Systems, Health Policy and Analytics, and Public Health, is decreased by \$10,000,000 for savings unrelated, directly or indirectly, to changes in caseloads for medical assistance programs.

SECTION 98. (1) Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3 (1), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5525), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from lottery moneys allocated from the Administrative Services Economic Development Fund to the Oregon Health Authority, for Health Systems and Health Policy and Analytics, is decreased by \$2,500,000.

(2) Notwithstanding any other law limiting expenditures, the amount of \$2,500,000 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from lottery moneys allocated from the Veterans' Services Fund established under ORS 406.140 to the Oregon Health Authority for veterans' behavioral health services.

SECTION 99. Notwithstanding any other law limiting expenditures, the amount of \$216,435 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, tobacco tax receipts, recreational marijuana tax receipts, provider taxes, Medicare receipts and federal funds for indirect cost recovery, Supplemental Security Income recoveries, Women, Infants and Children Program food rebates, the Coordinated School Health Program, the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program and emergency preparedness and response services, but excluding lottery funds and federal funds not described in this section, collected or received by the Oregon Health Authority, for debt service.

SECTION 100. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Health Authority by section 1 (1), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5525), for the biennium beginning July 1, 2019, for Health Systems, Health Policy and Analytics, and Public Health, is increased by \$1,000,000 for providing competitive grants to sobering facilities to support planning and startup costs.

SECTION 101. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Health Authority by section 1 (1), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5525), for the biennium beginning July 1, 2019, for Health Systems, Health Policy and Analytics, and Public Health, is increased by \$200,000 for the Senior Farm Direct Nutrition Program.

SECTION 102. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Health Authority by section 1 (1), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5525), for the biennium beginning July 1, 2019, for Health Systems, Health Policy and Analytics, and Public Health, is increased by \$1,000,000 for the Women, Infants and Children Farm Direct Nutrition Program.

SECTION 103. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Human Services by section 1 (2), chapter __, Oregon Laws 2019 (Enrolled House Bill 5026), for the biennium beginning July 1, 2019, for self-sufficiency and vocational rehabilitation services, is increased by \$1,300,000 for the Oregon Hunger Response Fund.

SECTION 104. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Human Services by section 1 (2), chapter __, Oregon Laws 2019 (Enrolled House Bill 5026), for the biennium beginning July 1, 2019, for self-sufficiency and vocational rehabilitation services, is increased by \$1,500,000 for the Double Up Food Bucks program.

SECTION 105. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Human Services by section 1 (1), chapter __, Oregon Laws 2019 (Enrolled House Bill 5026), for the biennium beginning July 1, 2019, for central services and state assessments and enterprise-wide costs, is increased by \$11,174,770 for the ONE Integrated Eligibility and Medicaid Eligibility System project.

SECTION 106. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Human Services, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$5,757,349 for capital debt service and related costs for outstanding general obligation bonds sold pursuant to Article XI-Q of the Oregon Constitution for the ONE Integrated Eligibility and Medicaid Eligibility System project.

SECTION 107. Notwithstanding any other law limiting expenditures, the amount of \$665,000 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts

and Medicare receipts and including federal funds for indirect cost recovery, Social Security Supplemental Security Income recoveries and the Child Care and Development Fund, but excluding lottery funds and federal funds not described in this section, collected or received by the Department of Human Services, for costs of issuance of general obligation bonds sold pursuant to Article XI-Q of the Oregon Constitution for the ONE Integrated Eligibility and Medicaid Eligibility System project.

SECTION 108. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (1), chapter __, Oregon Laws 2019 (Enrolled House Bill 5026), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and Medicare receipts and including federal funds for indirect cost recovery, Social Security Supplemental Security Income recoveries and the Child Care and Development Fund, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled House Bill 5026), collected or received by the Department of Human Services, for central services and state assessments and enterprise-wide costs, is increased by \$43,233,481 for the ONE Integrated Eligibility and Medicaid Eligibility System project.

SECTION 109. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3 (1), chapter __, Oregon Laws 2019 (Enrolled House Bill 5026), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from federal funds, excluding federal funds described in section 2, chapter __, Oregon Laws 2019 (Enrolled House Bill 5026), collected or received by the Department of Human Services, for central services and state assessments and enterprise-wide costs, is increased by \$139,731,325 for the ONE Integrated Eligibility and Medicaid Eligibility System project.

SECTION 110. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Health Authority by section 1 (1), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5525), for the biennium beginning July 1, 2019, for Health Systems, Health Policy and Analytics, and Public Health, is increased by \$671,490 for the ONE Integrated Eligibility and Medicaid Eligibility System project.

SECTION 111. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 4 (1), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5525), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from federal funds, excluding federal funds described in section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5525), collected or received by the Oregon Health Authority, for Health Systems, Health Policy and Analytics, and Public Health, is increased by \$1,638,121 for the ONE Integrated Eligibility and Medicaid Eligibility System project.

SECTION 112. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (4), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5525), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, tobacco tax receipts, recreational marijuana tax receipts, provider taxes, Medicare receipts and federal funds for indirect cost recovery, Supplemental Security Income recoveries, Women, Infants and Children Program food rebates, the Coordinated School Health Program, the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program and emergency preparedness and response services, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5525), collected or received by the Oregon Health Authority, for shared administrative services, is increased by \$11,216,676 for the ONE Integrated Eligibility and Medicaid Eligibility System project.

SECTION 113. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Department of Administrative Services by section 1 (3), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5502), for the biennium beginning July 1, 2019, for Oregon Public Broadcasting, is increased by \$500,000.

SECTION 114. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Department of Administrative Services by section 1 (4), chapter ___, Oregon Laws 2019 (Enrolled Senate Bill 5502), for the biennium beginning July 1, 2019, for the Oregon Historical Society, is increased by \$1,250,000.

SECTION 115. In addition to and not in lieu of any other appropriation, there are appropriated to the Oregon Department of Administrative Services, for the biennium beginning July 1, 2019, out of the General Fund, the following amounts for the following purposes:

- (1) United Way for census outreach
and coordination activities..... \$ 7,500,000
- (2) Clatsop County for the
Clatsop County Jail..... \$ 2,000,000
- (3) Innovation Law Lab for
immigration defense \$ 2,000,000
- (4) Josephine County for rural
fire protection district
start-up costs after district
is created \$ 1,500,000
- (5) City of Salem for the
Gerry Frank/Salem Rotary
Amphitheater..... \$ 1,000,000
- (6) Umatilla-Morrow Head Start
for an Early Learning Center... \$ 1,000,000
- (7) Umatilla County for surface
water pumping costs of
ground water rights holders in
critical ground water areas \$ 1,000,000
- (8) Central Linn School District
for grade 6-8 Cobra Academy ... \$ 700,000
- (9) Siuslaw Regional Aquatic
Center for renovations of
the Mapleton pool \$ 500,000
- (10) Tucker Maxon School
for capital improvements..... \$ 500,000
- (11) Association of Oregon
Counties for urban growth
boundary planning grants
to Eastern Oregon Counties \$ 500,000
- (12) Oregon Thoroughbred Owners
and Breeders Association
for safety improvements at
race tracks that hold race
meets and education for
thoroughbred owners and
breeders \$ 500,000
- (13) Lutheran Community Services
Northwest for drug abuse
programs..... \$ 500,000
- (14) Clackamas County for
Clackamas Women's Services... \$ 485,000
- (15) Douglas Timber Operators for
a Rogue River Sediment Study. \$ 452,930
- (16) Historical Portland Public

	Market Foundation for the James Beard Public Market	\$ 400,000
(17)	City of Independence for a Mid-Willamette Valley Trolley..	\$ 300,000
(18)	Liberty House of Salem for childhood abuse assessment and support services.....	\$ 250,000
(19)	Harney County School District #1J to drill a potable water well.....	\$ 175,000
(20)	Save the Salem Peace Mosaic to protect the River of Peace mosaic.....	\$ 100,000
(21)	Klamath County to acquire, install and maintain stream gauges in the Klamath Basin....	\$ 30,000
(22)	Special Olympics Oregon for sports training and athletic competition.....	\$ 500,000
(23)	Ecumenical Ministries of Oregon for the Runaway Homeless Youth Program.....	\$ 300,000

SECTION 116. Notwithstanding any other law limiting expenditures, the following amounts are established for the biennium beginning July 1, 2019, as the maximum limits for payment of expenses from lottery bond proceeds collected or received by the Oregon Department of Administrative Services for the following purposes:

(1)	Eugene Family YMCA Facility..	\$ 15,278,251
(2)	City of Roseburg - Southern Oregon Medical Workforce Center	\$ 10,243,438
(3)	Oregon Coast Aquarium	\$ 5,106,587
(4)	YMCA of Columbia-Willamette - Beaverton Hoop YMCA.....	\$ 5,106,587
(5)	Jefferson County - Health and Wellness Center.....	\$ 4,158,104
(6)	Parrott Creek Child & Family Services - Building Renovation..	\$ 3,556,196
(7)	Center for Hope & Safety - Hope Plaza.....	\$ 2,548,087
(8)	Wallowa Valley Center for Wellness.....	\$ 2,548,087
(9)	Port of Cascade Locks - Business Park Expansion.....	\$ 2,445,625
(10)	Multnomah County School District #7 - Reynolds High School Health Center	\$ 2,377,028
(11)	City of Gresham - Gradin Community Sports Park	\$ 2,042,875
(12)	Curry Health District - Brookings Emergency Room.....	\$ 2,042,875
(13)	Hacienda CDC - Las Adelitas Housing Project	\$ 2,042,875

- (14) Umatilla County Jail -
Expansion/Mental Health
Facility..... \$ 1,643,532
- (15) Port of Morrow - Early
Learning Center Expansion \$ 1,439,188
- (16) Special Payments from proceeds
of previously issued bonds..... \$ 27,405,993

SECTION 117. Notwithstanding any other law limiting expenditures, the following amounts are established for the biennium beginning July 1, 2019, as the maximum limits for payment of expenses from proceeds of bonds issued under Article XI-Q of the Oregon Constitution, collected or received by the Oregon Department of Administrative Services, for the following purposes:

- (1) Oregon State Fair
capital improvements..... \$ 5,430,000
- (2) Oregon State Fair Horse Barn . \$ 3,050,000
- (3) Oregon State Fair Poultry Barn \$ 2,045,000

SECTION 118. (1) Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (12), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5502), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds received from charges, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5502), collected or received by the Oregon Department of Administrative Services, for Oregon Department of Administrative Services debt service, is increased by \$4,527,721.

(2) Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (6), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5502), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds received from charges, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5502), collected or received by the Oregon Department of Administrative Services, for Enterprise Asset Management, is increased by \$800,000 for the payment of bond issuance costs associated with bonds issued under Article XI-Q of the Oregon Constitution.

SECTION 119. Notwithstanding any other provision of law, the General Fund appropriation made to the Commission on Judicial Fitness and Disability by section 1 (1), chapter 26, Oregon Laws 2019 (Enrolled Senate Bill 5514), for the biennium beginning July 1, 2019, for administration, is increased by \$16,000 for compensation plan adjustments and administrative support.

SECTION 120. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (4), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5504), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of Corrections, for community corrections, is increased by \$4,585,442 for the purpose of planning, operating and maintaining county juvenile and adult corrections programs and facilities and drug and alcohol programs.

SECTION 121. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$1,000,000, to be allocated to the Oregon Department of Corrections or the Public Defense Services Commission, or both, for costs relating to chapter __, Oregon Laws 2019 (Enrolled House Bill 2328).

(2) If any of the moneys appropriated by subsection (1) of this section are not allocated by the Emergency Board prior to December 1, 2020, the moneys remaining on that date become available for any purpose for which the Emergency Board lawfully may allocate funds.

SECTION 122. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$1,146,094, to be allocated to the Secretary of State for costs relating to chapter __, Oregon Laws 2019 (Enrolled Senate Bill 861).

(2) If any of the moneys appropriated by subsection (1) of this section are not allocated by the Emergency Board prior to December 1, 2020, the moneys remaining on that date become available for any purpose for which the Emergency Board lawfully may allocate funds.

SECTION 123. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Environmental Quality by section 1 (1), chapter __, Oregon Laws 2019 (Enrolled House Bill 5017), for the biennium beginning July 1, 2019, for air quality, is decreased by \$110,247.

SECTION 124. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Environmental Quality by section 1 (2), chapter __, Oregon Laws 2019 (Enrolled House Bill 5017), for the biennium beginning July 1, 2019, for water quality, is decreased by \$88,424.

SECTION 125. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Environmental Quality by section 1 (3), chapter __, Oregon Laws 2019 (Enrolled House Bill 5017), for the biennium beginning July 1, 2019, for land quality, is increased by \$198,671.

SECTION 126. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Environmental Quality by section 1 (5), chapter __, Oregon Laws 2019 (Enrolled House Bill 5017), for the biennium beginning July 1, 2019, for debt service, is increased by \$834,752.

SECTION 127. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (4), chapter __, Oregon Laws 2019 (Enrolled House Bill 5017), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, the proceeds of bonds for the Orphan Site Account and federal funds from congestion mitigation and air quality grants, drinking water protection, beach bacteria monitoring, laboratory accreditation and woodstove grants and for smoke monitoring laboratory services, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled House Bill 5017), collected or received by the Department of Environmental Quality, for agency management, is increased by \$5,065,000 for project costs and for costs of issuing bonds for the Environmental Data Management System.

SECTION 128. Notwithstanding any other law limiting expenditures, the amount of \$1,500,000 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys, or other revenues, but excluding lottery funds and federal funds, collected or received by the Oregon Health Authority, for the Mental and Behavioral Health Pilot Program pursuant to section 2, chapter __, Oregon Laws 2019 (Enrolled House Bill 2032).

SECTION 129. Notwithstanding any other law limiting expenditures, the amount of \$1,500,000 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from federal funds collected or received by the Oregon Health Authority, for the Mental and Behavioral Health Pilot Program pursuant to section 2, chapter __, Oregon Laws 2019 (Enrolled House Bill 2032).

SECTION 129a. Sections 128 and 129 of this 2019 Act become operative on the effective date of chapter __, Oregon Laws 2019 (Enrolled House Bill 2032).

SECTION 130. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Human Services by section 1 (4), chapter __, Oregon Laws

2019 (Enrolled House Bill 5026), for the biennium beginning July 1, 2019, for aging and people with disabilities and intellectual/developmental disabilities programs, is increased by \$2,235,831 for distribution to local Area Agencies on Aging.

SECTION 131. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (4), chapter __, Oregon Laws 2019 (Enrolled House Bill 5026), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and Medicare receipts and including federal funds for indirect cost recovery, Social Security Supplemental Security Income recoveries and the Child Care and Development Fund, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled House Bill 5026), collected or received by the Department of Human Services, for aging and people with disabilities and intellectual/developmental disabilities programs, is increased by \$251,600 for a one-time fund shift of nursing facility program expenditures.

SECTION 132. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3 (4), chapter __, Oregon Laws 2019 (Enrolled House Bill 5026), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from federal funds, excluding federal funds described in section 2, chapter __, Oregon Laws 2019 (Enrolled House Bill 5026), collected or received by the Department of Human Services, for aging and people with disabilities and intellectual/developmental disabilities programs, is increased by \$167,188 for emergency services and quality metrics/council coordination.

SECTION 133. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Human Services by section 1 (4), chapter __, Oregon Laws 2019 (Enrolled House Bill 5026), for the biennium beginning July 1, 2019, for aging and people with disabilities and intellectual/developmental disabilities programs, is decreased by \$268,514 for budget adjustments related to brokerage training and quality assurance work.

SECTION 134. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3 (4), chapter __, Oregon Laws 2019 (Enrolled House Bill 5026), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from federal funds, excluding federal funds described in section 2, chapter __, Oregon Laws 2019 (Enrolled House Bill 5026), collected or received by the Department of Human Services for aging and people with disabilities and intellectual/developmental disabilities programs, is decreased by \$267,674 for budget adjustments related to brokerage training and quality assurance work.

NOTE: Section 135 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 136. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$2,005,563 for the implementation of the provisions of chapter __, Oregon Laws 2019 (Enrolled House Bill 2001), and chapter __, Oregon Laws 2019 (Enrolled House Bill 2003).

SECTION 137. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 4, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from federal funds other than those described in sections 2 and 6, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), collected or received by the Housing and Community Services Department, is decreased by \$1,000,000 for the Housing Stabilization Program.

SECTION 138. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds from the United States Department of Housing and Urban Development for contract services, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5512), collected or received by the Housing and

Community Services Department, is increased by \$5,000,000 for the Housing Stabilization Program.

SECTION 139. Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (11), chapter __, Oregon Laws 2019 (Enrolled House Bill 5024), for the biennium beginning July 1, 2019, for Oregon State University Extension Service, is increased by \$375,000 for two organic agriculture faculty positions.

SECTION 140. Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (1), chapter __, Oregon Laws 2019 (Enrolled House Bill 5024), for the biennium beginning July 1, 2019, for operations, is increased by \$122,866 for a Chief Culture, Diversity and Inclusion position for the commission.

SECTION 141. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 6 (1), chapter __, Oregon Laws 2019 (Enrolled House Bill 5024), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds and funds described in sections 8 to 12, chapter __, Oregon Laws 2019 (Enrolled House Bill 5024), collected or received by the Higher Education Coordinating Commission, for operations, is increased by \$27,030 for a Chief Culture, Diversity and Inclusion position for the commission.

SECTION 142. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 7 (1), chapter __, Oregon Laws 2019 (Enrolled House Bill 5024), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from federal funds, excluding federal funds described in section 10, chapter __, Oregon Laws 2019 (Enrolled House Bill 5024), collected or received by the Higher Education Coordinating Commission, for operations, is increased by \$95,466 for a Chief Culture, Diversity and Inclusion position for the commission.

SECTION 143. Notwithstanding any other law limiting expenditures, the amount of \$410,000 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses by the Judicial Department from the Oregon Courthouse Capital Construction and Improvement Fund for the cost of issuing general obligation bonds for the Supreme Court Building Project.

SECTION 144. Notwithstanding any other provision of law, the General Fund appropriation made to the Judicial Department by section 1 (2), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5513), for the biennium beginning July 1, 2019, for operations, is increased by \$1,755,516 for staff to support implementation of chapter __, Oregon Laws 2019 (Enrolled Senate Bill 24), and chapter __, Oregon Laws 2019 (Enrolled Senate Bill 973).

SECTION 145. Notwithstanding any other provision of law, the General Fund appropriation made to the Judicial Department by section 1 (1), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5513), for the biennium beginning July 1, 2019, for judicial compensation, is increased by \$456,000 to support two circuit court judge positions established in chapter __, Oregon Laws 2019 (Enrolled House Bill 2377).

SECTION 146. Notwithstanding any other provision of law, the General Fund appropriation made to the Judicial Department by section 1 (2), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5513), for the biennium beginning July 1, 2019, for operations, is increased by \$602,624 to support new circuit court judges.

SECTION 147. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3 (1), chapter __, Oregon Laws 2019 (Enrolled Senate Bill 5524), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from lottery moneys allocated from the Administrative Services Economic Development Fund to the Oregon Business Development Department, for business, innovation and trade, is increased by \$2,000,000 for the Strategic Reserve Fund.

SECTION 148. Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (10), chapter ___, Oregon Laws 2019 (Enrolled House Bill 5024), for the biennium beginning July 1, 2019, for Agricultural Experiment Station and the branch extension stations of Oregon State University, is increased by \$125,000 for a berry research position at the North Willamette Research and Extension Center.

SECTION 149. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Military Department by section 1 (3), chapter ___, Oregon Laws 2019 (Enrolled House Bill 5031), for the biennium beginning July 1, 2019, for emergency management, is increased by \$300,000 for a risk abatement study for the Critical Energy Infrastructure Hub.

SECTION 150. Notwithstanding any other provision of law, the General Fund appropriation made to the Secretary of State by section 1 (2), chapter ___, Oregon Laws 2019 (Enrolled House Bill 5034), for the biennium beginning July 1, 2019, for the Elections Division, is increased by \$336,696 for costs associated with implementing campaign finance regulation changes due to passage of chapter ___, Oregon Laws 2019 (Enrolled House Bill 2983).

SECTION 151. Section 150 of this 2019 Act becomes operative on the effective date of chapter ___, Oregon Laws 2019 (Enrolled House Bill 2983).

NOTE: Section 152 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 153. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (1), chapter ___, Oregon Laws 2019 (Enrolled Senate Bill 5510), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and including federal funds from the Pacific Coastal Salmon Recovery Fund, but excluding lottery funds and federal funds not described in section 2, chapter ___, Oregon Laws 2019 (Enrolled Senate Bill 5510), collected or received by the State Department of Fish and Wildlife, for the Fish Division, is increased by \$1,352,102 for the operation of the Leaburg Hatchery.

SECTION 154. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 4 (1), chapter ___, Oregon Laws 2019 (Enrolled Senate Bill 5510), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from federal funds other than those described in section 2, chapter ___, Oregon Laws 2019 (Enrolled Senate Bill 5510), collected or received by the State Department of Fish and Wildlife, for the Fish Division, is decreased by \$866,091.

SECTION 155. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Health Authority by section 1 (1), chapter ___, Oregon Laws 2019 (Enrolled Senate Bill 5525), for the biennium beginning July 1, 2019, for Health Systems, Health Policy and Analytics, and Public Health, is increased by \$6,000,000 for community mental health programs.

SECTION 156. Notwithstanding any other law limiting expenditures, the amount of \$1,500,000 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, tobacco tax receipts, recreational marijuana tax receipts, provider taxes, Medicare receipts and federal funds for indirect cost recovery, Supplemental Security Income recoveries, Women, Infants and Children Program food rebates, the Coordinated School Health Program, the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program and emergency preparedness and response services, but excluding lottery funds and federal funds not described in this section, collected or received by the Oregon Health Authority, for maintaining, repairing, replacing, improving and equipping facilities that serve individuals pursuant to ORS 161.370.

SECTION 157. In addition to and not in lieu of any other appropriation, there is appropriated to the State Department of Energy, for the biennium beginning July 1, 2019, out of

the General Fund, the amount of \$2,000,000 for deposit into the Rooftop Solar Incentive Fund established by section 3, chapter ___, Oregon Laws 2019 (Enrolled House Bill 2618).

SECTION 158. Notwithstanding any other law limiting expenditures, the amount of \$2,000,000 is established for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses by the State Department of Energy from the Rooftop Solar Incentive Fund established by section 3, chapter ___, Oregon Laws 2019 (Enrolled House Bill 2618).

SECTION 159. Sections 157 and 158 of this 2019 Act become operative on the effective date of chapter ___, Oregon Laws 2019 (Enrolled House Bill 2618).

SECTION 160. (1) Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (10), chapter ___, Oregon Laws 2019 (Enrolled House Bill 5024), for the biennium beginning July 1, 2019, for the Agricultural Experiment Station and the branch extension stations of Oregon State University, is increased by \$2,270,000 for an integrated river basin water quality and quantity program.

(2) Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (11), chapter ___, Oregon Laws 2019 (Enrolled House Bill 5024), for the biennium beginning July 1, 2019, for Oregon State University Extension Service, is increased by \$410,000 for an integrated river basin water quality and quantity program.

SECTION 161. Notwithstanding any other provision of law, the authorized appropriations and expenditure limitations for the biennium beginning July 1, 2019, for the following agencies and programs are changed by the amounts specified:

(1) ADMINISTRATION.

Agency/Program/Funds	2019 Oregon Laws Chapter/ Section	\$ Adjustment
Oregon Advocacy Commissions		
Office:		
Operating Expenses		
General Fund	HB 5001 1	-3,910
Oregon Department of Administrative Services:		
Chief Operating Office		
General Fund	SB 5502 1(1)	-3,368
Other funds	SB 5502 2(1)	-54,288
Debt Service		
General Fund	SB 5502 1(6)	-243,315
Chief Financial Office		
Other funds	SB 5502 2(2)	-100,605
Office of the State Chief Information Officer - Policy		
Other funds	SB 5502 2(3)	-248,735
Chief Human Resource Office		
Other funds	SB 5502 2(4)	-124,048
OSCIO - State Data Center		
- Operations		

Other funds	SB 5502 2(5)(a)	-288,959
Enterprise Asset Management		
Other funds	SB 5502 2(6)	-393,145
Enterprise Goods and Services		
Other funds	SB 5502 2(7)	-1,162,748
Business Services		
Other funds	SB 5502 2(8)	-603,766
Debt Service - ODAS		
Other funds	SB 5502 2(12)	+448,163
ODAS Information Technology		
Other funds	SB 5502 2(14)	+9,805
Debt Service and Related Costs for Bonds Issued		
Lottery funds	SB 5502 3	-2,797,357
State Treasury:		
Administrative Expenses		
- Operations		
Other funds	HB 5042 1(1)	-753,344
Administrative Expenses		
- Oregon 529 Savings Network		
Other funds	HB 5042 1(2)	-13,656
Administrative Expenses		
- ORSB		
Other funds	HB 5042 1(3)	-19,435
Oregon Racing Commission:		
Operating Expenses		
Other funds	SB 5535 1	-74,492
Public Employees Retirement System:		
Central Administration Division		
Other funds	HB 5032 1(1)	-21,334
Financial and Administrative Services Division		
Other funds	HB 5032 1(2)	+187,025
Information Services Division		
Other funds	HB 5032 1(3)	-63,820
Operations Division		
Other funds	HB 5032 1(4)	-141,042
Compliance, Audit and Risk Division		
Other funds	HB 5032 1(5)	-60,369
Secretary of State:		
Administrative Services Division		
General Fund	HB 5034 1(1)	-26,571
Other funds	HB 5034 2(1)	-152,303
Elections Division		
General Fund	HB 5034 1(2)	-111,845
Other funds	HB 5034 2(2)	-22

Federal funds	HB 5034 3	-6,624
Archives Division		
Other funds	HB 5034 2(4)	-254,370
Audits Division		
Other funds	HB 5034 2(3)	-195,069
Corporation Division		
Other funds	HB 5034 2(5)	-129,568
Oregon Liquor Control Commission:		
Administrative Expenses		
Other funds	SB 5519 1(1)	-460,180
Marijuana Regulation - Recreational		
Other funds	SB 5519 1(2)	-105,949
Marijuana Regulation - Medical		
Other funds	SB 5519 1(3)	-33,076
Department of Revenue:		
Administration		
General Fund	HB 5033 1(1)	-1,167,647
Other funds	HB 5033 2(1)	-452,775
Property Tax Division		
General Fund	HB 5033 1(2)	-127,017
Other funds	HB 5033 2(2)	-20,725
Personal Tax and Compliance Division		
General Fund	HB 5033 1(3)	-404,910
Other funds	HB 5033 2(3)	-5,839
Business Division		
General Fund	HB 5033 1(4)	-164,655
Other funds	HB 5033 2(4)	-57,579
Information Technology Services Division		
General Fund	HB 5033 1(6)	-87,484
Other funds	HB 5033 2(7)	-9,796
Debt Service		
General Fund	HB 5033 1(8)	-86,500
Other funds	HB 5033 2(11)	+90,000
Collections		
Other funds	HB 5033 2(5)	-59,101
Marijuana Division		
Other funds	HB 5033 2(8)	-11,134
Senior Property Tax Deferral Program		
Other funds	HB 5033 2(9)	-8,930
Employment Relations Board:		
Operating Expenses		
General Fund	SB 5509 1	-24,878
Assessments of Agencies		

Other funds	SB 5509 3	-17,900
Office of the Governor:		
Operating Expenses		
General Fund	HB 5021 1	-212,024
Other funds	HB 5021 4	-14,162
Regional Solutions		
Lottery funds	HB 5021 3	-30,060
Oregon Government Ethics Commission:		
Operating Expenses		
Other funds	HB 5020 1	-31,294
State Library:		
Operating Expenses		
General Fund	SB 5518 1	-2,658
Federal funds	SB 5518 4	-4,478
Operating Expenses		
- Non-Assessments		
Other funds	SB 5518 2	-454
Operating Expenses		
- Assessments		
Other funds	SB 5518 3	-54,494

(2) CONSUMER AND BUSINESS SERVICES.

Agency/Program/Funds	2019	
	Oregon Laws Chapter/Section	\$ Adjustment
Oregon Board of Accountancy:		
Operating Expenses		
Other funds	SB 5501 1	-41,790
State Board of Tax Practitioners:		
Operating Expenses		
Other funds	HB 5036 1	-12,149
Construction Contractors Board:		
Operating Expenses		
Other funds	HB 5010 1	-223,798
Mental Health Regulatory Agency		
Oregon Board of Licensed Professional Counselors and Therapists:		
Other funds	HB 5012 1(1)	-23,995
Oregon Board of Psychology:		
Other funds	HB 5012 2	-19,078
State Board of Chiropractic		

Examiners:		
Operating Expenses		
Other funds	HB 5007 1	-40,563
State Board of Licensed Social Workers:		
Operating Expenses		
Other funds	HB 5008 1	-23,401
Oregon Board of Dentistry:		
Operating Expenses		
Other funds	HB 5013 1	-55,978
Health-Related Licensing Boards:		
State Mortuary and Cemetery Board		
Other funds	HB 5022 1	-29,389
Oregon Board of Naturopathic Medicine		
Other funds	HB 5022 2	-13,354
Occupational Therapy Licensing Board		
Other funds	HB 5022 3	-7,452
Board of Medical Imaging		
Other funds	HB 5022 4	-12,650
State Board of Examiners for Speech-Language Pathology and Audiology		
Other funds	HB 5022 5	-14,222
Oregon State Veterinary Medical Examining Board		
Other funds	HB 5022 6	-16,864
Bureau of Labor and Industries:		
Operating Expenses		
General Fund	SB 5516 1	-186,026
Other funds	SB 5516 2	-110,096
Federal funds	SB 5516 4	-19,597
Wage Security Fund Administration		
Other funds	SB 5516 3(1)	-18,436
Public Utility Commission:		
Utility Program		
Other funds	SB 5534 1(1)	-175,074
Residential Service Protection Fund Administration		
Other funds	SB 5534 1(2)	-20,142
Other funds	SB 5534 1(3)	-133,804
Oregon Board of Maritime Pilots		
Other funds	SB 5534 1(4)	-8,711
Operating Expenses		

Federal funds	SB 5534 2	-6,195
Department of Consumer and Business Services:		
Workers' Compensation Board		
Other funds	HB 5011 1(1)	-112,552
Workers' Compensation Division		
Other funds	HB 5011 1(2)	-430,764
Oregon OSHA		
Other funds	HB 5011 1(3)	-375,753
Federal funds	HB 5011 5(1)	-50,751
Central Services Division		
Other funds	HB 5011 1(4)	-456,899
Federal funds	HB 5011 5(3)	-1,040
Division of Financial Regulation		
Other funds	HB 5011 1(5)	-421,714
Building Codes Division		
Other funds	HB 5011 1(6)	-206,909
Federal funds	HB 5011 5(4)	-971
Health Insurance Exchange - Marketplace Division		
Other funds	HB 5011 2(1)	-57,618
Health Insurance Exchange - Central Services Division		
Other funds	HB 5011 2(2)	-5,165
COFA Premium Assistance Program		
Other funds	HB 5011 3	-786
Senior Health Insurance Benefit Assistance		
Federal funds	HB 5011 5(2)	-2,764
Real Estate Agency: Operating Expenses		
Other funds	SB 5536 1	-87,703
Oregon State Board of Nursing: Operating Expenses		
Other funds	SB 5523 1	-148,702
Oregon Medical Board: Operating Expenses		
Other funds	SB 5522 1	-105,576
State Board of Pharmacy: Operating Expenses		
Other funds	SB 5529 1	-93,745

(3) ECONOMIC DEVELOPMENT.

2019

Agency/Program/Funds	Oregon Laws Chapter/ Section	\$ Adjustment
Oregon Business Development Department:		
Oregon Arts Commission		
General Fund	SB 5524 1(1)	-5,946
Business, Innovation and Trade		
General Fund	SB 5524 1(2)	-1,658
Other funds	SB 5524 2(1)	-26,651
Lottery funds	SB 5524 3(1)	-47,888
Debt Service		
General Fund	SB 5524 1(3)	-2,485,034
Infrastructure		
Other funds	SB 5524 2(2)	-36,924
Lottery funds	SB 5524 3(5)	-6,228
Federal funds	SB 5524 4(2)	-5,259
Operations		
Other funds	SB 5524 2(3)	-6,615
Lottery funds	SB 5524 3(2)	-32,653
Federal funds	SB 5524 4(3)	-819
Arts and Cultural Trust		
Other funds	SB 5524 2(4)	-7,312
Lottery Bond Debt Service		
Lottery funds	SB 5524 3(4)	-3,691,197
Housing and Community Services Department:		
Operating Expenses		
General Fund	SB 5512 1	-5,741
Other funds	SB 5512 2	-280,865
Federal funds	SB 5512 4	-35,075
Debt Service		
General Fund	SB 5512 5	-1,589,080
Other funds	SB 5512 5a	+1,099
Lottery funds	SB 5512 3	-79,455
Department of Veterans' Affairs:		
Services Provided by the Department		
General Fund	SB 5538 1(1)	-51,109
Lottery funds	SB 5538 2(1)	-38,334
Debt Service		
General Fund	SB 5538 1(4)	-1,871,420
Veteran Loans, Oregon Veterans' Homes		
Other funds	SB 5538 3(1)	-144,346
Employment Department: Unemployment Insurance, Shared Services and Workforce Operations,		

and Workforce and Economic Research		
Other funds	SB 5508 1(1)	-742,993
Office of Administrative Hearings		
Other funds	SB 5508 1(2)	-142,736
Modernization Initiative		
Other funds	SB 5508 1(4)	-13,485
Operating Budget		
Federal funds	SB 5508 4	-665,899

(4) EDUCATION.

Agency/Program/Funds	2019	
	Oregon Laws Chapter/ Section	\$ Adjustment
Teacher Standards and Practices Commission: Operating Expenses		
Other funds	SB 5537 1	-87,203
Department of Education: Operations		
General Fund	HB 5015 1(1)	-78,883
Other funds	HB 5015 6(2)	-312,705
Federal funds	HB 5015 8(1)	-323,883
Oregon School for the Deaf		
General Fund	HB 5015 1(2)	-46,187
Other funds	HB 5015 6(3)	-7,158
Federal funds	HB 5015 8(2)	-532
Debt Service for Article XI-P General Obligation Bonds		
General Fund	HB 5015 4	-1,345,537
Article XI-P General Obligation Bonds Debt Service		
Other funds	HB 5015 6(4)	+9,330
Higher Education Coordinating Commission: HECC operations		
General Fund	HB 5024 1(1)	-49,057
Debt Service - XI-G Bonds Community Colleges		
General Fund	HB 5024 1(16)(a)	-5,763,861
Debt Service - XI-G Bonds Public Universities		
General Fund	HB 5024	

	1(16)(c)	-6,587,074
Debt Service - XI-G Bonds		
OHSU		
General Fund	HB 5024	
	1(16)(d)	-48,310
Other funds	HB 5024 6(6)	+48,365
Debt Service - XI-Q Public		
Universities		
General Fund	HB 5024	
	1(16)(e)	-6,851,318
Lottery Debt Service - From		
Administrative Services		
Economic Development Fund		
for Public Universities		
Lottery funds	HB 5024 2	-774,410
Lottery Debt Service		
- From Administrative		
Services Economic		
Development Fund		
for Community Colleges		
Lottery funds	HB 5024 3	-242,498
Operations		
Other funds	HB 5024 6(1)	-20,782
Federal funds	HB 5024 7(1)	-30,036
Debt Service - Lottery,		
XI-G and XI-Q Bonds		
Public Universities		
Other funds	HB 5024 6(4)	+4,876,782
Debt Service - Lottery,		
XI-G Bonds Community		
Colleges		
Other funds	HB 5024 6(5)	+3,126,854

(5) HUMAN SERVICES.

Agency/Program/Funds	2019		\$
	Oregon Laws	Chapter/	
	Section	Adjustment	
Long Term Care Ombudsman:			
General Program and Services			
Provided to Care Facility			
Residents			
General Fund	SB 5520 1(1)	-38,161	
Public Guardian and			
Conservator Program			
General Fund	SB 5520 1(2)	-22,300	
Operating Expenses			

Other funds	SB 5520 2	-8,161
Commission for the Blind:		
Operating Expenses		
General Fund	SB 5503 1	-103,100
Other funds	SB 5503 2	-7,232
Federal funds	SB 5503 3	-115,724
Psychiatric Security Review Board:		
Operating Expenses		
General Fund	SB 5531 1	-30,871
Department of Human Services:		
Central Services and State Assessments and Enterprise-Wide Costs		
General Fund	HB 5026 1(1)	-3,414,064
Other funds	HB 5026 2(1)	-41,669
Federal funds	HB 5026 3(1)	-2,457,536
Self-Sufficiency and Vocational Rehabilitation Services		
General Fund	HB 5026 1(2)	-999,602
Other funds	HB 5026 2(2)	-5,551
Federal funds	HB 5026 3(2)	-1,041,828
Child Welfare		
General Fund	HB 5026 1(3)	-2,772,383
Other funds	HB 5026 2(3)	-21,685
Federal funds	HB 5026 3(3)	-2,313,873
Aging and People With Disabilities and Intellectual/Developmental Disabilities Programs		
General Fund	HB 5026 1(4)	-811,530
Other funds	HB 5026 2(4)	-31,250
Federal funds	HB 5026 3(4)	-1,175,271
Debt Service		
General Fund	HB 5026 1(5)	-4,245,096
Shared Services		
Other funds	HB 5026 2(5)	-634,550
Oregon Health Authority: Health Systems, Health Policy and Analytics, and Public Health		
General Fund	SB 5525 1(1)	-477,621
Other funds	SB 5525 2(1)	-464,672
Federal funds	SB 5525 4(1)	-737,699
Oregon State Hospital		
General Fund	SB 5525 1(2)	-1,797,491
Central Services, State Assessments and Enterprise-Wide Costs		
Other funds	SB 5525 2(3)	+486,993

Lottery funds	SB 5525 3(2)	-59
Federal funds	SB 5525 4(3)	+249,118
Debt Service		
General Fund	SB 5525 1(5)	-216,292
Shared Administrative Services		
Other funds	SB 5525 2(4)	-527,248
Health Systems and Health Policy and Analytics		
Lottery funds	SB 5525 3(1)	-4,870

(6) JUDICIAL BRANCH.

Agency/Program/Funds	2019	
	Oregon Laws Chapter/Section	Adjustment \$
Judicial Department:		
Judicial Compensation		
General Fund	SB 5513 1(1)	-303,123
Operations		
General Fund	SB 5513 1(2)	-2,415,413
Other funds	SB 5513 2(1)	-29,678
Federal funds	SB 5513 3	-1,408
Mandated Payments		
General Fund	SB 5513 1(3)	-17,666
Other funds	SB 5513 2(2)	-200
Debt Service		
General Fund	SB 5513 1(5)	-3,585,266
State Court Facilities and Security Account		
Other funds	SB 5513 2(3)	-4,308
State Court Technology Fund		
Other funds	SB 5513 2(4)	-31,261
Public Defense Services Commission:		
Appellate Division		
General Fund	SB 5532 1(1)	-84,196
Contract and Business Services Division		
General Fund	SB 5532 1(3)	-20,832
Other funds	SB 5532 2(2)	-3,183

(7) LEGISLATIVE BRANCH.

**2019
Oregon Laws**

Agency/Program/Funds	Chapter/ Section	\$ Adjustment
Legislative Administration		
Committee:		
General Program		
General Fund	SB 5517 1(1)	-30,950
Other funds	SB 5517 2(1)	-553
Debt Service		
General Fund	SB 5517 1(2)	-238,303
Other funds	SB 5517 2(2)	+38,500
Legislative Assembly:		
Biennial General Fund		
General Fund	SB 5517 6	-194,383
80th Legislative Assembly		
General Fund	SB 5517 7(1)	-20,542
81st Legislative Assembly		
General Fund	SB 5517 7(2)	-20,994
Legislative Counsel		
Committee:		
Operating Expenses		
General Fund	SB 5517 10	-70,545
Other funds	SB 5517 11	-6,086
Legislative Fiscal		
Officer:		
Operating Expenses		
General Fund	SB 5517 13(1)	-30,828
Other funds	SB 5517 13(2)	-15,770
Legislative Revenue		
Officer:		
Operating Expenses		
General Fund	SB 5517 15	-16,951
Commission on Indian		
Services:		
Operating Expenses		
General Fund	SB 5517 16	-7,244
Legislative Policy and		
Research Committee:		
Operating Expenses		
General Fund	SB 5517 14	-57,110

(8) NATURAL RESOURCES.

2019 Oregon Laws		
Agency/Program/Funds	Chapter/ Section	\$ Adjustment

State Marine Board:		
Administration and Education		
Other funds	SB 5521 1(1)	-74,494
Federal funds	SB 5521 2(1)	-1,586
Marine Law Enforcement		
Other funds	SB 5521 1(2)	-7,064
Facilities Construction and Maintenance		
Other funds	SB 5521 1(3)	-8,225
Federal funds	SB 5521 2(3)	-1,057
Aquatic Invasive Species		
Other funds	SB 5521 1(4)	-2,643
State Department of Energy:		
Operations		
Other funds	SB 5545 2	-423,278
Federal funds	SB 5545 4	-7,330
Energy Efficiency and Sustainable Technology		
Debt Service		
Lottery funds	SB 5545 3	-5
State Department of Geology and Mineral Industries:		
General Fund	SB 5511 1	-25,615
Geologic Survey		
Other funds	SB 5511 2(1)	-17,229
Mined Land Reclamation		
Other funds	SB 5511 2(2)	-12,041
Federal funds	SB 5511 3	-19,870
State Parks and Recreation Department:		
Director's Office		
Other funds	SB 5527 1(1)	-2,962
Lottery funds	SB 5527 2(1)	-2,906
Central Services		
Other funds	SB 5527 1(2)	-613,631
Lottery funds	SB 5527 2(2)	-586,696
Parks Development		
Other funds	SB 5527 1(3)	-1,666
Lottery funds	SB 5527 2(3)	-6,670
Direct Services		
Other funds	SB 5527 1(4)	-268,356
Lottery funds	SB 5527 2(4)	-254,673
Federal funds	SB 5527 4(2)	-583
Community Support and Grants		
Other funds	SB 5527 1(5)	-7,032
Lottery funds	SB 5527 2(5)	-14,422
Federal funds	SB 5527 4(3)	-4,037
Debt Service		

Lottery funds	SB 5527 3	-76,557
Land Use Board of Appeals:		
General Fund	HB 5028 1	-21,627
Water Resources Department:		
Administrative Services		
General Fund	HB 5043 1(1)	-108,184
Other funds	HB 5043 3(1)	-4,099
Field Services		
General Fund	HB 5043 1(2)	-136,226
Other funds	HB 5043 3(2)	-22,027
Federal funds	HB 5043 4(2)	-689
Water Rights and Adjudications		
General Fund	HB 5043 1(3)	-52,065
Other funds	HB 5043 3(3)	-51,430
Federal funds	HB 5043 4(3)	-526
Technical Services		
General Fund	HB 5043 1(4)	-72,311
Other funds	HB 5043 3(4)	-34,578
Director's Office		
General Fund	HB 5043 1(5)	-66,927
Other funds	HB 5043 3(5)	-2,213
Debt Service		
Lottery funds	HB 5043 2	-926,818
Oregon Watershed Enhancement Board:		
Operating Expenses, Activities and Projects		
Lottery funds	SB 5539 5	-22,280
Operations		
Federal funds	SB 5539 7(1)	-6,493
Department of State Lands:		
Common School Fund Programs		
Other funds	HB 5035 1(1)	-454,595
Oregon Removal-Fill Mitigation Fund		
Other funds	HB 5035 1(2)	-529
South Slough National Estuarine Research Reserve Operations		
Other funds	HB 5035 1(3)	-6,039
Federal funds	HB 5035 3(1)	-5,268
Debt Service		
Lottery funds	HB 5035 4	-589,920
State Department of Agriculture:		
Administrative and Support Services		
General Fund	HB 5002 1(1)	-24,908
Other funds	HB 5002 2(1)	-87,191
Food Safety		
General Fund	HB 5002 1(2)	-127,991

Other funds	HB 5002 2(2)	-226,372
Federal funds	HB 5002 4(2)	-6,822
Natural Resources		
General Fund	HB 5002 1(3)	-83,692
Other funds	HB 5002 2(3)	-154,773
Federal funds	HB 5002 4(3)	-25,383
Market Access		
General Fund	HB 5002 1(4)	-47,094
Other funds	HB 5002 2(4)	-126,991
Federal funds	HB 5002 4(4)	-20,289
Parks and Natural Resources Fund		
Lottery funds	HB 5002 3	-68,464
Department of Environmental Quality:		
Air Quality		
General Fund	HB 5017 1(1)	-64,047
Other funds	HB 5017 2(1)	-273,788
Federal funds	HB 5017 5(1)	-34,987
Water Quality		
General Fund	HB 5017 1(2)	-130,439
Other funds	HB 5017 2(2)	-162,556
Federal funds	HB 5017 5(2)	-47,973
Land Quality		
General Fund	HB 5017 1(3)	-4,338
Other funds	HB 5017 2(3)	-265,766
Federal funds	HB 5017 5(3)	-30,644
Agency Management		
Other funds	HB 5017 2(4)	-615,723
Parks and Natural Resources Fund		
Lottery funds	HB 5017 3	-31,593
State Department of Fish and Wildlife:		
Fish Division		
General Fund	SB 5510 1(1)	-69,161
Other funds	SB 5510 2(1)	-513,220
Lottery funds	SB 5510 3(1)	-15,425
Federal funds	SB 5510 4(1)	-253,532
Wildlife Division		
General Fund	SB 5510 1(2)	-14,704
Other funds	SB 5510 2(2)	-256,006
Lottery funds	SB 5510 3(2)	-3,201
Federal funds	SB 5510 4(2)	-53,681
Administrative Services Division		
General Fund	SB 5510 1(3)	-1,052
Other funds	SB 5510 2(3)	-1,255,343
Federal funds	SB 5510 4(3)	-14,029
Debt Service		
General Fund	SB 5510 1(4)	-324,470
Capital Improvement		

Other funds	SB 5510 2(4)	-4,077
State Forestry Department:		
Agency Administration		
General Fund	HB 5019 1(1)	-8,485
Other funds	HB 5019 2(1)	-742,886
Federal funds	HB 5019 4(1)	-10,434
Fire Protection		
General Fund	HB 5019 1(2)	-424,158
Other funds	HB 5019 2(2)	-301,163
Federal funds	HB 5019 4(2)	-44,571
Private Forests		
General Fund	HB 5019 1(3)	-126,777
Other funds	HB 5019 2(4)	-50,028
Federal funds	HB 5019 4(4)	-22,542
Debt Service		
General Fund	HB 5019 1(4)	-2,591,647
Other funds	HB 5019 2(6)	-17,720
State Forests		
Other funds	HB 5019 2(3)	-264,017
Federal funds	HB 5019 4(3)	-79
Equipment Pool		
Other funds	HB 5019 2(7)	-45,428
Facilities Maintenance and Management		
Other funds	HB 5019 2(8)	-96
Debt Service and Costs Relating to Purchase of Land in Gilchrist Forest		
Lottery funds	HB 5019 3	-61,999
Department of Land Conservation and Development:		
Planning Program		
General Fund	HB 5027 1(1)	-210,807
Other funds	HB 5027 2	-2,132
Federal funds	HB 5027 3	-17,182

(9) PUBLIC SAFETY.

Agency/Program/Funds	2019	
	Oregon Laws Chapter/Section	\$ Adjustment
State Board of Parole and Post-Prison Supervision:		
General Fund	SB 5528 1	-101,621
Department of State Police: Patrol Services, Criminal Investigations, Gaming		

Enforcement and Office of the State Fire Marshal		
General Fund	SB 5530 1(1)	-1,366,280
Other funds	SB 5530 2(1)	-476,466
Federal funds	SB 5530 3(1)	-4,408
Fish and Wildlife Enforcement		
General Fund	SB 5530 1(2)	-77,482
Other funds	SB 5530 2(2)	-188,654
Lottery funds	SB 5530 4	-69,541
Federal funds	SB 5530 3(2)	-6,958
Forensic Services and Chief Medical Examiner		
General Fund	SB 5530 1(3)	-227,844
Other funds	SB 5530 2(3)	-5,569
Administrative Services, Agency Support and Criminal Justice Information Services		
General Fund	SB 5530 1(4)	-450,415
Other funds	SB 5530 2(4)	-203,183
Federal funds	SB 5530 3(4)	-6,659
Forensic Services		
Federal funds	SB 5530 3(3)	-5,578
Department of Corrections: Operations and Health Services		
General Fund	SB 5504 1(1)	-2,686,551
Other funds	SB 5504 2(1)	-23,780
Central Administration and Administrative Services		
General Fund	SB 5504 1(2)	-5,253,887
Other funds	SB 5504 2(2)	-21,073
Offender Management and Rehabilitation		
General Fund	SB 5504 1(3)	-136,281
Community Corrections		
General Fund	SB 5504 1(4)	-54,462
Debt Service		
General Fund	SB 5504 1(5)	-505,768
Oregon Criminal Justice Commission:		
General Fund	SB 5506 1	-42,049
Other funds	SB 5506 3	-1,451
Federal funds	SB 5506 4	-1,216
District Attorneys and Deputies: Department of Justice for District Attorneys		
General Fund	HB 5014 1	-105,735
Department of Justice: Office of the Attorney General and Administration		

General Fund	SB 5515 1(1)	-34,259
Other funds	SB 5515 2(1)	-401,353
Appellate Division		
General Fund	SB 5515 1(2)	-14,156
Other funds	SB 5515 2(2)	-159,524
Criminal Justice Division		
General Fund	SB 5515 1(3)	-74,853
Other funds	SB 5515 2(4)	-105,924
Federal funds	SB 5515 3(2)	-15,353
Crime Victim and Survivor Services Division		
General Fund	SB 5515 1(4)	-18,555
Other funds	SB 5515 2(5)	-61,876
Federal funds	SB 5515 3(3)	-177,718
Defense of Criminal Convictions		
General Fund	SB 5515 1(5)	-1,050,206
Division of Child Support		
General Fund	SB 5515 1(6)	-175,760
Other funds	SB 5515 2(8)	-174,311
Federal funds	SB 5515 3(4)	-503,312
Child Support Enforcement Automated System		
Other funds	SB 5515 2(9)	-6,600
Debt Service and Related Costs		
General Fund	SB 5515 1(8)	+1,484,988
Civil Enforcement Division		
Other funds	SB 5515 2(3)	-931,401
Federal funds	SB 5515 3(1)	-20,569
General Counsel Division		
Other funds	SB 5515 2(6)	-439,308
Trial Division		
Other funds	SB 5515 2(7)	-198,723
Oregon Military Department:		
Administration		
Other funds	HB 5031 2(1)	-28,641
Operations		
General Fund	HB 5031 1(2)	-38,119
Other funds	HB 5031 2(2)	-30,007
Federal funds	HB 5031 3(1)	-509,493
Emergency Management		
General Fund	HB 5031 1(3)	-82,486
Other funds	HB 5031 2(3)	-663,089
Federal funds	HB 5031 3(2)	-113,936
Community Support		
Federal funds	HB 5031 3(3)	-67,848
Debt Service		
General Fund	HB 5031 1(5)	-569,996
Other funds	HB 5031 2(5)	+33,000
Capital Improvements		

Federal funds	HB 5031 3(4)	-328
Department of Public Safety Standards and Training:		
Operations		
Other funds	SB 5533 2(1)	-290,693
Federal funds	SB 5533 3	-1,145
Oregon Youth Authority:		
Operations		
General Fund	SB 5541 1(1)	-1,803,255
Other funds	SB 5541 2	-2,342
Federal funds	SB 5541 3	-74,149
Debt Service		
General Fund	SB 5541 1(5)	-3,922,881

(10) TRANSPORTATION.

Agency/Program/Funds	2019	
	Oregon Laws Chapter/Section	\$ Adjustment
Oregon Department of Aviation:		
Operations		
Other funds	HB 5004 1(1)	-30,955
Federal funds	HB 5004 2(1)	-826
Aircraft Registration		
Other funds	HB 5004 1(2)	-521
Pavement Maintenance		
Other funds	HB 5004 1(3)	-608
Department of Transportation:		
Debt Service		
General Fund	HB 5039 1	-8,904
Other funds	HB 5039 2(16)	+8,904
Lottery funds	HB 5039 4	-3,182,760
Maintenance and Emergency Relief Program		
Other funds	HB 5039 2(2)	-2,896,233
Preservation Program		
Other funds	HB 5039 2(3)	-130,410
Bridge Program		
Other funds	HB 5039 2(4)	-167,303
Operations Program		
Other funds	HB 5039 2(5)	-168,997
Modernization Program		
Other funds	HB 5039 2(6)	-234,561
Special Programs		

Other funds	HB 5039 2(7)	-830,974
Local Government Program		
Other funds	HB 5039 2(8)	-58,025
Driver and Motor Vehicle Services		
Other funds	HB 5039 2(9)	-685,116
Motor Carrier Transportation		
Other funds	HB 5039 2(10)	-205,626
Transportation Program Development		
Other funds	HB 5039 2(11)	-242,522
Federal funds	HB 5039 3(2)	-570
Public Transit		
Other funds	HB 5039 2(12)	-18,943
Federal funds	HB 5039 3(3)	-206
Rail		
Other funds	HB 5039 2(13)	-37,373
Federal funds	HB 5039 3(4)	-54,841
Transportation Safety		
Other funds	HB 5039 2(14)	-13,901
Federal funds	HB 5039 3(5)	-9,930
Central Services		
Other funds	HB 5039 2(15)	-4,649,763

SECTION 162. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Passed by House June 30, 2019

.....
 Timothy G. Sekerak, Chief Clerk of House

.....
 Tina Kotek, Speaker of House

Passed by Senate June 30, 2019

.....
 Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

.....
 Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

.....
 Bev Clarno, Secretary of State

SB 1008 B STAFF MEASURE SUMMARY**House Committee On Judiciary****Carrier:** Rep. Noble**Minority Report****Action Date:** 05/21/19**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.) Minority**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Report Signers:** Rep. Duane Stark, Rep. Rick Lewis**Prepared By:** Addie Smith, Counsel**Meeting Dates:** 4/24, 5/21**WHAT THE MEASURE DOES:**

Modifies treatment of youth in criminal justice system. Refers measure to voters for approval or rejection. Requires transfer of physical custody of juvenile defendant to the Oregon Youth Authority (OYA) if a juvenile defendant committed a crime before age 18, but the prosecution and conviction occurred after the juvenile defendant reached age 18 but before reaching age 20. Requires the court to include the age of the juvenile at the time they committed the offense within the judgment if the physical custody of the juvenile defendant is dependent on age. Directs the court to include the earliest age of conviction for a juvenile defendant convicted of multiple offenses. Directs the court to include the age of the juvenile at the earliest occurrence of offense when juvenile has been convicted of an offense occurring within a range of dates. Requires transfer to OYA following resentencing from an appellate or post-conviction relief proceeding. Removes requirement that youth age 15, 16, and 17 charged with criminal offenses specified in ORS 137.707 (Ballot Measure 11, 1994) be automatically waived into adult criminal court. Permits the state to file a motion requesting a waiver hearing subject to the requirements of ORS 419C.349 to determine whether to waive a youth charged with specified offenses into adult court. Requires courts to consider whether the youth can be safely rehabilitated under the jurisdiction of the court. Gives the victim of the alleged offense the right to appear at the waiver hearing and the right to provide the court with information reasonably related to the court's determination. Provides a right to counsel at waiver hearing. Allows state to have a psychiatric evaluation of youth completed for the waiver hearing. Provides that the confidentiality protections of ORS 419A.255 that apply to juvenile cases apply to criminal proceedings that are ultimately transferred back to juvenile court. Makes a juvenile offender convicted of a criminal offense specified in ORS 137.707 (Ballot Measure 11, 1994) eligible for a conditional release hearing pursuant to the requirements of ORS 420A.203 after serving at least one-half of the sentence imposed. Makes any juvenile offender who is in the physical custody of OYA and has a release date that falls after their 25th birthday but before their 27th birthday eligible for a conditional release hearing pursuant to the requirements of ORS 420A.203. Ensures that the parents of a juvenile offender who is under 18 years old receive notice of the conditional release hearing. Ensures that the parents of a victim who is under 18 years old receive notice of the conditional release hearing. Allows the court to delay the conditional release hearing for good cause. Permits the person to waive their right to a conditional release hearing. Prohibits the court from sentencing a juvenile defendant who committed an offense before age 18 to life without parole. Provides a list of factors for the court to consider when sentencing a juvenile defendant who committed an offense before age 18. Requires the court to give substantial weight to a qualifying mental health evaluation of a juvenile defendant who committed an offense before age 18. Requires mental health evaluation to be conducted by a professional whose primary practice is the treatment of adolescents and to include an assessment of the person's degree of insight, judgment, self-awareness, emotional regulation, and impulse control. Prohibits the court from considering the age of the juvenile defendant as an aggravating factor. Requires the court to indicate in the judgment the age of the juvenile defendant at the time of the offense and that the juvenile defendant is eligible for a hearing and release as described by the measure. Provides that a juvenile offender who committed an offense before age 18 and is serving a sentence of imprisonment is eligible

SB 1008 B STAFF MEASURE SUMMARY

for a hearing in front of the State Board of Parole and Post-Prison Supervision (Board) for release on parole or post-prison supervision after 15 years of imprisonment. Allows Board to require the juvenile offender to be examined by a psychiatrist or psychologist. Requires Board to consider and give substantial weight to the fact that a person under 18 years of age is incapable of the same reasoning and impulse control as an adult, the diminished culpability of minors, and a series of delineated mitigating circumstances that cannot be considered as aggravating circumstances. Provides a series of factors for Board to consider when determining whether to release a juvenile offender at the release hearing. Prohibits Board from considering age as an aggravating factor. Provides process for release and supervision. Requires the Department of Justice, in consultation with district attorney victim assistance programs and community-based victim services providers, to develop model policies for providing trauma-informed and culturally specific notice to victims in waiver hearings and conditional release hearings. Requires district attorney victim assistance programs to provide victims with notice, court accompaniment, and referrals to community-based victims services that are culturally specific, when available. Applies to sentences imposed on or after the effective date of the legislation.

ISSUES DISCUSSED:

- Referral to the voters
- Interaction of Ballot Measure 11 (1994) and Ballot Measure 10 (1994)
- Interim work group on juvenile justice
- Supreme Court of the United States and Oregon Supreme Court decisions related to juvenile sentencing
- Development of adolescent brain science research
- Measure not intended to be retroactive
- Importance of victim notice, accompaniment, and services at hearings
- Perspectives of impacted youth and impacted victims
- Data regarding recidivism and disproportionate minority contact in Ballot Measure 11 cases
- History of Ballot Measure 11

EFFECT OF AMENDMENT:

Refers the measure to the voters. Removes effective date of 91st day following adjournment sine die. Removes operative provisions. Applies measure to all sentences imposed on or after the effective date.

BACKGROUND:

Ballot Measure 11, passed by Oregon voters in 1994, requires mandatory minimum sentences for specific serious crimes. It also requires young people ages 15, 16, and 17 charged with Ballot Measure 11 offenses to be automatically prosecuted in adult court and, if convicted, sentenced in adult court. The law took effect on April 1, 1995, and has been codified as ORS 137.700 through 137.712.

During the 2017-2018 interim, the Senate Committee on Judiciary convened a work group to examine the treatment of youth in the juvenile and criminal justice system under ORS 137.700-137.712. The work group was composed of a wide range of local stakeholders and national experts who collectively examined case law, brain science, best practices, national trends, and relevant data to better understand whether Oregon law, and specifically whether ORS 137.700-137.712, ensure justice for victims, effectively protect the public, hold juvenile offenders accountable, and provide opportunities for reformation and rehabilitation that reduce recidivism and promote a productive citizenry. Senate Bill 1008 A is a product of that work group.

Under current law, youth who commit offenses that would be considered crimes if committed by an adult are subject to the jurisdiction of the juvenile court. ORS 419C.005. Three exceptions exist: 1) the mandatory prosecution in adult criminal court of youth age 15, 16, and 17 charged with the serious offenses listed in ORS 137.707; 2) the prosecution of youth age 15, 16, or 17 charged with a Class A or B felony or a specified Class C felony after the juvenile court has, following a hearing under ORS 419C.349, waived them into adult criminal court; and 3) the prosecution of a youth under age 15 charged with one of four serious offenses listed in ORS 419C.352, after the juvenile court has, following a hearing under ORS 419C.349, waived them into adult criminal

SB 1008 B STAFF MEASURE SUMMARY

court.

When a juvenile offender is convicted as an adult in criminal court, but is under age 18 at the time of the committing offense and is under age 20 at the time of sentencing, the juvenile is committed to the Department of Corrections (DOC), but then transferred to the physical custody of the Oregon Youth Authority (OYA). A juvenile offender may be transferred back into the custody of DOC if OYA determines that DOC placement is more appropriate or the juvenile turns 25 years old, whichever occurs first. ORS 137.124(5)(a).

A juvenile defendant waived into adult court, or subject to mandatory adult prosecution but found guilty of a lesser-included offense not contained on the list of serious criminal offenses in ORS 137.707, is eligible for a conditional release hearing. Juvenile defendants tried and sentenced as adults under ORS 137.707 are not eligible for conditional release hearings. Under ORS 420A.203, conditional release hearings require notice be provided to the juvenile, the district attorney, the victim, and the records supervisor of the correctional institution where the person resides. At the release hearing, the juvenile has the right to counsel and the burden of proving by clear and convincing evidence that: 1) they have been rehabilitated and reformed; 2) they would not be a threat to the safety of the victim or community if conditionally released; and, 3) that they will comply with the conditions of release. ORS 420A.203(3)(k). The statute also provides thirteen factors to be considered by the court when deciding to order conditional release. ORS 420A.203(4)(B). If the juvenile meets the burden, the court may order them conditionally released. ORS 420A.203(4)(B).

In recent years, the U.S. Supreme Court has looked closely at the constitutional limits of sentencing juveniles. In *Roper v. Simmons*, 543 U.S. 551 (2005), the U.S. Supreme Court struck down the death penalty for juveniles, finding that it violated the Eighth Amendment's prohibition against cruel and unusual punishment. Then, in *Graham v. Florida*, 560 U.S. 48 (2010), the Court struck down life-without-parole sentences for non-homicide offenses, holding that states must give juveniles the opportunity to obtain release. In *Miller v. Alabama*, 567 U.S. 460 (2012), the Court expanded its decision in *Graham* when it ruled that "the Eighth Amendment forbids a sentencing scheme that mandates life in prison without the possibility of parole for juvenile offenders." Finally, in *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016), the court held that the decision in *Miller* applied retroactively to individuals serving life-without-parole for crimes they committed while juveniles. Twenty-one states currently ban life-without-parole sentences for juveniles.

Senate Bill 1008 B Minority Report 2 requires referral to the voters for approval or rejection. It ensures the transfer of physical custody of juvenile defendant to the Oregon Youth Authority (OYA) if a juvenile defendant committed a crime before age 18, but the prosecution and conviction occurred after the juvenile defendant reached age 18. This measure ends the automatic prosecution of 15-, 16-, and 17-year-olds as adults for Ballot Measure 11 offenses, and authorizes adult prosecution and the imposition of Measure 11 sentences only after the court holds a hearing and waives the person to adult court. The bill authorizes a conditional release hearing (second-look hearing) for a person who received a Measure 11 sentence as a 15-, 16-, or 17-year-old after serving half of the sentence imposed. The bill also authorizes a conditional release hearing (transfer hearing) for a person sentenced to a term of imprisonment for a crime committed when the person was under 18 years of age if the person's release date falls between the person's 25th and 27th birthdays. The bill prohibits the imposition of a life sentence without the possibility of parole on a person who was under age 18 at the time of committing the offense. The bill also authorizes a parole hearing after 15 years of imprisonment for persons sentenced for a crime committed when the person was under 18 years of age. Under this measure, victims receive notice of waiver, second-look, and transfer hearings, as well as a right to be present at those hearings and access to culturally specific and trauma-informed services. All provisions apply to sentences imposed after the effective date.

80th OREGON LEGISLATIVE ASSEMBLY--2019 Regular Session

Enrolled
Senate Bill 1008

Sponsored by COMMITTEE ON JUDICIARY

CHAPTER

AN ACT

Relating to juvenile offender sentencing; creating new provisions; amending ORS 137.071, 137.124, 137.705, 137.707, 137.712, 144.185, 161.610, 161.620, 163.105, 163.115, 163.155, 163A.130, 163A.135, 339.317, 339.319, 339.321, 419C.005, 419C.050, 419C.346, 419C.349, 419C.352, 419C.355, 419C.358, 419C.361, 420.011, 420.081 and 420A.203; prescribing an effective date; and providing for criminal sentence reduction that requires approval by a two-thirds majority.

Be It Enacted by the People of the State of Oregon:**CUSTODY OF JUVENILE OFFENDERS****SECTION 1.** ORS 137.071 is amended to read:

137.071. (1) The judge in a criminal action shall ensure that the creation and filing of a judgment document complies with this section. On appeal, the appellate court may give leave as provided in ORS 19.270 for entry of a judgment document that complies with this section but may not reverse or set aside a judgment, determination or disposition on the sole ground that the judgment document fails to comply with this section.

(2) A judgment document in a criminal action must comply with ORS 18.038. In addition, a judgment document in a criminal action must:

(a) Indicate whether the defendant was determined to be financially eligible for purposes of appointed counsel in the action.

(b) Indicate whether the court appointed counsel for the defendant in the action.

(c) If there is no attorney for the defendant, indicate whether the defendant knowingly waived any right to an attorney after having been informed of that right.

(d) Include the identity of the recorder or reporter for the proceeding or action who is to be served under ORS 138.081.

(e) Include any information specifically required by statute or by court rule.

(f) Specify clearly the court's determination for each charge in the information, indictment or complaint.

(g) Specify clearly the court's disposition, including all legal consequences the court establishes or imposes. If the determination is one of conviction, the judgment document must include any suspension of sentence, forfeiture, imprisonment, cancellation of license, removal from office, monetary obligation, probation, conditions of probation, discharge, restitution, community service and all other sentences and legal consequences imposed by the court. Nothing in this paragraph requires the judgment document to specify any consequences that may result from the determination but are not established or imposed by the court.

(h) Include the identities of the attorney for the state and the attorney, if any, for the defendant.

(i) If the court sentences the defendant to a term of incarceration, and the physical custody of the defendant as determined by ORS 137.124 is related to the age of the defendant at the time of committing an offense, indicate the age of the defendant at the time of committing the offense.

(3) A judgment document in a criminal action that includes a money award, as defined in ORS 18.005, must comply with ORS 18.048.

(4) The requirements of this section do not apply to a judgment document if the action was commenced by the issuance of a uniform citation adopted under ORS 1.525 and the court has used the space on the citation for the entry of a judgment. The exemption provided by this subsection does not apply if any indictment, information or complaint other than a uniform citation is filed in the action.

(5) For the purposes of determining the defendant's age at the time of committing an offense under subsection (2) of this section:

(a) If the defendant is convicted of two or more offenses occurring on different days, the defendant's age shall be calculated using the earliest date.

(b) If the defendant is convicted of an offense occurring within a range of dates, the defendant's age shall be calculated using the date at the beginning of the range.

SECTION 2. ORS 137.124 is amended to read:

137.124. (1) If the court imposes a sentence upon conviction of a felony that includes a term of incarceration that exceeds 12 months:

(a) The court shall not designate the correctional facility in which the defendant is to be confined but shall commit the defendant to the legal and physical custody of the Department of Corrections; and

(b) If the judgment provides that the term of incarceration be served consecutively to a term of incarceration of 12 months or less that was imposed in a previous proceeding by a court of this state upon conviction of a felony, the defendant shall serve any remaining part of the previously imposed term of incarceration in the legal and physical custody of the Department of Corrections.

(2)(a) If the court imposes a sentence upon conviction of a felony that includes a term of incarceration that is 12 months or less, the court shall commit the defendant to the legal and physical custody of the supervisory authority of the county in which the crime of conviction occurred.

(b) Notwithstanding paragraph (a) of this subsection, when the court imposes a sentence upon conviction of a felony that includes a term of incarceration that is 12 months or less, the court shall commit the defendant to the legal and physical custody of the Department of Corrections if the court orders that the term of incarceration be served consecutively to a term of incarceration that exceeds 12 months that was imposed in a previous proceeding or in the same proceeding by a court of this state upon conviction of a felony.

(3) After assuming custody of the convicted person the Department of Corrections may transfer inmates from one correctional facility to another such facility for the purposes of diagnosis and study, rehabilitation and treatment, as best seems to fit the needs of the inmate and for the protection and welfare of the community and the inmate.

(4) If the court imposes a sentence of imprisonment upon conviction of a misdemeanor, it shall commit the defendant to the custody of the supervisory authority of the county in which the crime of conviction occurred.

(5)(a) When a person under 18 years of age at the time of committing the offense and under 20 years of age at the time of sentencing is committed to the Department of Corrections under ORS 137.707 **or due to the fact that criminal proceedings were initiated after the person attained 18 years of age**, the Department of Corrections shall transfer the physical custody of the person to the Oregon Youth Authority as provided in ORS 420.011 if:

(A) The person will complete the sentence imposed before the person attains 25 years of age;

(B) The Department of Corrections and the Oregon Youth Authority determine that, because of the person's age, immaturity, mental or emotional condition or risk of physical harm to the person, the person should not be incarcerated initially in a Department of Corrections institution; or

(C) The person is under 18 years of age at the time of sentencing and commitment.

(b) A person placed in the custody of the Oregon Youth Authority under this subsection who is at least 18 years of age shall be returned to the physical custody of the Department of Corrections whenever the Director of the Oregon Youth Authority, after consultation with the Department of Corrections, determines that the conditions or circumstances that warranted the transfer of custody under this subsection are no longer present.

(c) Notwithstanding ORS 137.320, the sheriff may by agreement with the Department of Corrections transfer the person described in this subsection directly to a youth correction facility for physical custody without first delivering the person to the Department of Corrections. As part of the agreement with the Department of Corrections, the sheriff may designate the county juvenile department or the Oregon Youth Authority to conduct the direct transfer described in this paragraph if the sheriff has entered into a written agreement with the county juvenile department, the Oregon Youth Authority, or both, to provide the direct transfer.

(6)(a) When a person under 18 years of age at the time of committing the offense and under 20 years of age at the time of sentencing is committed to the legal and physical custody of the Department of Corrections or the supervisory authority of a county following waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712, the Department of Corrections or the supervisory authority of a county shall transfer the person to the physical custody of the Oregon Youth Authority for placement as provided in ORS 420.011 (3). The terms and conditions of the person's incarceration and custody are governed by ORS 420A.200 to 420A.206. Notwithstanding ORS 137.320, the sheriff may by agreement with the Department of Corrections or the supervisory authority of a county transfer the person described in this subsection directly to a youth correction facility for physical custody without first delivering the person to the Department of Corrections or supervisory authority of the county. As part of the agreement with the Department of Corrections or supervisory authority of the county, the sheriff may designate the county juvenile department or the Oregon Youth Authority to conduct the direct transfer described in this paragraph if the sheriff has entered into a written agreement with the county juvenile department, the Oregon Youth Authority, or both, to provide the direct transfer.

(b) Notwithstanding ORS 137.320, when a person under 16 years of age is waived under ORS 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370 and subsequently is sentenced to a term of imprisonment in the county jail, the sheriff shall transfer the person to a youth correction facility for physical custody as provided in ORS 420.011 (3).

[(7) If the Director of the Oregon Youth Authority concurs in the decision, the Department of Corrections or the supervisory authority of a county shall transfer the physical custody of a person committed to the Department of Corrections or the supervisory authority of the county under subsection (1) or (2) of this section to the Oregon Youth Authority as provided in ORS 420.011 (2) if:]

[(a) The person was at least 18 years of age but under 20 years of age at the time of committing the felony for which the person is being sentenced to a term of incarceration;]

[(b) The person is under 20 years of age at the time of commitment to the Department of Corrections or the supervisory authority of the county;]

[(c) The person has not been committed previously to the legal and physical custody of the Department of Corrections or the supervisory authority of a county;]

[(d) The person has not been convicted and sentenced to a term of incarceration for the commission of a felony in any other state;]

[(e) The person will complete the term of incarceration imposed before the person attains 25 years of age;]

[(f) The person is likely in the foreseeable future to benefit from the rehabilitative and treatment programs administered by the Oregon Youth Authority;]

[(g) The person does not pose a substantial danger to Oregon Youth Authority staff or persons in the custody of the Oregon Youth Authority; and]

[(h) At the time of the proposed transfer, no more than 50 persons are in the physical custody of the Oregon Youth Authority under this subsection.]

[(8) (7) Notwithstanding the provisions of [subsections] subsection (5)(a)(A) [or (7)] of this section, the department or the supervisory authority of a county may not transfer the physical custody of the person under subsection (5)(a)(A) [or (7)] of this section if the Director of the Oregon Youth Authority, after consultation with the Department of Corrections or the supervisory authority of a county, determines that, because of the person's age, mental or emotional condition or risk of physical harm to other persons, the person should not be incarcerated in a youth correction facility.

[(9) (8) Notwithstanding any other provision of this section, under no circumstances may a person under 18 years of age be incarcerated in a Department of Corrections institution.

(9) If a defendant is transferred under subsection (5) of this section, the defendant shall also be transferred after a resentencing on the same charges resulting from an appellate decision or a post-conviction relief proceeding or for any other reason, even if the defendant is 20 years of age or older at the time of the resentencing.

(10) For the purposes of determining the person's age at the time of committing an offense under this section:

(a) If the person is convicted of two or more offenses occurring on different days, the person's age shall be calculated using the earliest date.

(b) If the person is convicted of an offense occurring within a range of dates, the person's age shall be calculated using the date at the beginning of the range.

SECTION 3. ORS 420.011 is amended to read:

420.011. (1) Except as provided in subsections (2) and (3) of this section, admissions to the youth correction facilities are limited to youth offenders who are at least 12 but less than 19 years of age, found by the juvenile court to have committed an act that if committed by an adult would constitute aggravated murder, murder, a felony or a Class A misdemeanor and placed in the legal custody of the Oregon Youth Authority. A youth offender admitted to a youth correction facility may not be transferred by administrative process to any penal or correctional institution.

(2)(a) In addition to the persons placed in the legal custody of the youth authority under ORS 419C.478 (1) or 419C.481, and with the concurrence of the Director of the Oregon Youth Authority or the director's designee, persons who are committed to the Department of Corrections under ORS 137.124 and meet the requirements of ORS 137.124 (5) [or (7)] may be temporarily assigned to a youth correction facility as provided by ORS 137.124 (5) [or (7)]. A person assigned on such a temporary basis remains within the legal custody of the Department of Corrections and such reassignment is subject to termination by the Director of the Oregon Youth Authority by referring the person back to the Department of Corrections as provided in paragraph (b) of this subsection.

(b) After a person is transferred to the physical custody of the youth authority under ORS 137.124 (5) [or (7)], the Director of the Oregon Youth Authority may refer the person back to the Department of Corrections for physical custody and placement if the director, after consulting with the Department of Corrections, determines that the person is at least 18 years of age and:

(A) Poses a substantial danger to youth authority staff or persons in the custody of the youth authority; or

(B) Is not likely, in the foreseeable future, to benefit from the rehabilitation and treatment programs administered by the youth authority and is appropriate for placement in a Department of Corrections institution.

(3) Any person under 18 years of age at the time of committing the crime and under 20 years of age at the time of sentencing and commitment who, after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712, is sentenced to a term of imprisonment in the custody of the Department of Corrections, and any person under 16 years of age who after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712 is sentenced to a term of

imprisonment in the county jail, shall be temporarily assigned to a youth correction facility by the Department of Corrections, or by the sheriff to whose custody the person has been committed, pursuant to ORS 137.124 (6). The director shall designate the appropriate youth correction facility or schools for such assignment. A person assigned to a youth correction facility under ORS 137.124 (6) and this subsection remains within the legal custody of the Department of Corrections or sheriff to whose custody the person was committed. The assignment of such a person to the youth correction facility is subject, when the person is 18 years of age or older, to termination by the director by referring the person back to the Department of Corrections or the sheriff to serve the balance of the person's sentence. Assignment to a youth correction facility pursuant to ORS 137.124 (6) and this subsection, if not terminated earlier by the director, shall terminate upon the person's attaining the age specified in ORS 420A.010 (5) setting the age limits for which the Oregon Youth Authority may retain legal and physical custody of the person, and the person shall be referred to the Department of Corrections or the sheriff having legal custody of the person to serve the balance of the person's sentence.

(4) Whenever a person committed to the custody of the Department of Corrections is temporarily assigned to a youth correction facility pursuant to this section, the youth authority may provide programs and treatment for the person, and may adopt rules relating to conditions of confinement at the youth correction facility, as the youth authority determines are appropriate. However, the person remains subject to laws and rules of the State Board of Parole and Post-Prison Supervision relating to parole.

(5) For the purposes of determining the person's age at the time of committing an offense under this section:

(a) If the person is convicted of two or more offenses occurring on different days, the person's age shall be calculated using the earliest date.

(b) If the person is convicted of an offense occurring within a range of dates, the person's age shall be calculated using the date at the beginning of the range.

WAIVER TO ADULT COURT

SECTION 4. ORS 137.705 is amended to read:

137.705. (1)(a) As used in this section and ORS 137.707:

(A) "Charged" means the filing of an accusatory instrument in a court of criminal jurisdiction [*alleging the commission of an offense listed in ORS 137.707*].

(B) "Detention facility" has the meaning given that term in ORS 419A.004.

(C) "Prosecuted" includes pretrial and trial procedures, requirements and limitations provided for in criminal cases.

(b) Unless otherwise provided in ORS 137.707, ORS chapters 137 and 138 apply to proceedings under ORS 137.707.

[(2)(a) Notwithstanding ORS 419B.100 and 419C.005, a person 15, 16 or 17 years of age at the time of committing the offense may be charged with the commission of an offense listed in ORS 137.707 and may be prosecuted as an adult.]

[(b) The district attorney shall notify the juvenile court and the juvenile department when a person under 18 years of age is charged with an offense listed in ORS 137.707.]

[(c) The filing of an accusatory instrument in a criminal court under ORS 137.707 divests the juvenile court of jurisdiction in the matter if juvenile court jurisdiction is based on the conduct alleged in the accusatory instrument or any conduct arising out of the same act or transaction. Upon receiving notice from the district attorney under paragraph (b) of this subsection, the juvenile court shall dismiss, without prejudice, the juvenile court proceeding and enter any order necessary to transfer the matter or transport the person to the criminal court for further proceedings. Nothing in this paragraph affects the authority or jurisdiction of the juvenile court with respect to other matters or conduct.]

[(3)(a)] **(2)(a)** *[A person charged with a crime under ORS 137.707 who is 16 or 17 years of age shall]* **If the juvenile court enters an order of waiver under ORS 419C.349 (1)(a), the person**

waived may be charged with the commission of an offense listed in ORS 137.707 and may be prosecuted as an adult. The person may be detained in custody only in a detention facility, unless the person is 16 or 17 years of age and the director of the county juvenile department and the sheriff agree to detain the person in a jail or other place where adults are detained. A person detained in accordance with this paragraph is subject to release on the same terms and conditions as for adults.

(b) If a person [charged with a crime under ORS 137.707] **waived under ORS 419C.349 (1)(a)** is under 16 years of age, the person may not be detained[, either] before conviction, or after conviction but before execution of the sentence, in a jail or other place where adults are detained.

SECTION 5. ORS 137.707 is amended to read:

137.707. [(1)(a) *Notwithstanding any other provision of law, when a person charged with aggravated murder, as defined in ORS 163.095, or an offense listed in subsection (4)(a) of this section is 15, 16 or 17 years of age at the time the offense is committed, and the offense is committed on or after April 1, 1995, or when a person charged with an offense listed in subsection (4)(b) of this section is 15, 16 or 17 years of age at the time the offense is committed, and the offense is committed on or after October 4, 1997, or when a person charged with the offense described in subsection (4)(c) of this section is 15, 16 or 17 years of age at the time the offense is committed and the offense is committed on or after January 1, 2008, the person shall be prosecuted as an adult in criminal court.*]

[(b) *A district attorney, the Attorney General or a juvenile department counselor may not file in juvenile court a petition alleging that a person has committed an act that, if committed by an adult, would constitute aggravated murder or an offense listed in subsection (4) of this section if the person was 15, 16 or 17 years of age at the time the act was committed.*]

[(2)] (1) When a person [charged under this section] **waived under ORS 419C.349 (1)(a)** is convicted of an offense listed in subsection (4) of this section, the court shall impose at least the presumptive term of imprisonment provided for the offense in subsection (4) of this section. The court may impose a greater presumptive term if otherwise permitted by law, but may not impose a lesser term. The person is not, during the service of the term of imprisonment, eligible for release on post-prison supervision or any form of temporary leave from custody. The person is not eligible for any reduction in[, or based on,] the minimum sentence for any reason under ORS 421.121 or any other provision of law. **The person is eligible for a hearing and conditional release under ORS 420A.203 and 420A.206.**

(2) ORS 138.052, 163.105 and 163.150 apply to sentencing a person prosecuted under this section and convicted of aggravated murder under ORS 163.095 except that a person who was under 18 years of age at the time the offense was committed is not subject to a sentence of death **or life imprisonment without the possibility of release or parole.**

(3) The court shall commit the person to the legal and physical custody of the Department of Corrections.

(4) The offenses to which this section applies and the presumptive sentences are:

-
- (a)(A) Murder, as defined in
ORS 163.115.300 months
 - (B) Attempt or conspiracy
to commit aggravated
murder, as defined
in ORS 163.095.120 months
 - (C) Attempt or conspiracy
to commit murder, as
defined in ORS 163.115.90 months
 - (D) Manslaughter in the
first degree, as defined
in ORS 163.118.120 months

- (E) Manslaughter in the second degree, as defined in ORS 163.125.....75 months
- (F) Assault in the first degree, as defined in ORS 163.185.....90 months
- (G) Assault in the second degree, as defined in ORS 163.175.....70 months
- (H) Kidnapping in the first degree, as defined in ORS 163.235.....90 months
- (I) Kidnapping in the second degree, as defined in ORS 163.225.....70 months
- (J) Rape in the first degree, as defined in ORS 163.375....100 months
- (K) Rape in the second degree, as defined in ORS 163.365.....75 months
- (L) Sodomy in the first degree, as defined in ORS 163.405.....100 months
- (M) Sodomy in the second degree, as defined in ORS 163.395.....75 months
- (N) Unlawful sexual penetration in the first degree, as defined in ORS 163.411.....100 months
- (O) Unlawful sexual penetration in the second degree, as defined in ORS 163.408.....75 months
- (P) Sexual abuse in the first degree, as defined in ORS 163.427.....75 months
- (Q) Robbery in the first degree, as defined in ORS 164.415.....90 months
- (R) Robbery in the second degree, as defined in ORS 164.405.....70 months
- (b)(A) Arson in the first degree, as defined in ORS 164.325, when the offense represented a threat of serious physical injury.....90 months
- (B) Using a child in a display of sexually explicit conduct, as defined in

- ORS 163.670.....70 months
- (C) Compelling prostitution,
as defined in ORS 167.017
(1)(a), (b) or (d).....70 months
- (c) Aggravated vehicular
homicide, as defined in
ORS 163.149.....240 months
-

(5) If a person charged with an offense under this section is found guilty of a lesser included offense and the lesser included offense is:

(a) An offense listed in subsection (4) of this section, the court shall sentence the person as provided in [subsection (2)] **subsections (1) and (2)** of this section.

(b) Not an offense listed in subsection (4) of this section:

(A) But constitutes an offense for which waiver is authorized under ORS 419C.349 (1)(b), the court, upon motion of the district attorney, shall hold a hearing to determine whether to retain jurisdiction or to transfer the case to juvenile court for disposition. In determining whether to retain jurisdiction, the court shall consider the criteria for waiver in ORS 419C.349. If the court retains jurisdiction, the court shall sentence the person as an adult under sentencing guidelines. If the court does not retain jurisdiction, the court shall:

(i) Order that a presentence report be prepared;

(ii) Set forth in a memorandum any observations and recommendations that the court deems appropriate; [and]

(iii) Enter an order transferring the case to the juvenile court for disposition under ORS 419C.067 and 419C.411; **and**

(iv) Enter an order providing that all court records of the case are subject to the same limitations on inspection, copying and disclosure of records, reports and materials as those set forth under ORS 419A.255.

(B) And is not an offense for which waiver is authorized under ORS 419C.349 (1)(b), the court may not sentence the person. The court shall:

(i) Order that a presentence report be prepared;

(ii) Set forth in a memorandum any observations and recommendations that the court deems appropriate; [and]

(iii) Enter an order transferring the case to the juvenile court for disposition under ORS 419C.067 and 419C.411; **and**

(iv) Enter an order providing that all court records of the case are subject to the same limitations on inspection, copying and disclosure of records, reports and materials as those set forth under ORS 419A.255.

(6) When a person is charged under this section, other offenses based on the same act or transaction shall be charged as separate counts in the same accusatory instrument and consolidated for trial, whether or not the other offenses are aggravated murder or offenses listed in subsection (4) of this section. If it appears, upon motion, that the state or the person charged is prejudiced by the joinder and consolidation of offenses, the court may order an election or separate trials of counts or provide whatever other relief justice requires.

(7)(a) If a person charged and tried as provided in subsection (6) of this section is found guilty of aggravated murder or an offense listed in subsection (4) of this section and one or more other offenses, the court shall impose the sentence for aggravated murder or the offense listed in subsection (4) of this section as provided in [subsection (2)] **subsections (1) and (2)** of this section and shall impose sentences for the other offenses as otherwise provided by law.

(b) If a person charged and tried as provided in subsection (6) of this section is not found guilty of aggravated murder or an offense listed in subsection (4) of this section, but is found guilty of one of the other charges that constitutes an offense for which waiver is authorized under ORS 419C.349

(1)(b), the court, upon motion of the district attorney, shall hold a hearing to determine whether to retain jurisdiction or to transfer the case to juvenile court for disposition. In determining whether to retain jurisdiction, the court shall consider the criteria for waiver in ORS 419C.349. If the court retains jurisdiction, the court shall sentence the person as an adult under sentencing guidelines. If the court does not retain jurisdiction, the court shall:

(A) Order that a presentence report be prepared;

(B) Set forth in a memorandum any observations and recommendations that the court deems appropriate; *[and]*

(C) Enter an order transferring the case to the juvenile court for disposition under ORS 419C.067 and 419C.411; **and**

(D) Enter an order providing that all court records of the case are subject to the same limitations on inspection, copying and disclosure of records, reports and materials as those set forth under ORS 419A.255.

SECTION 6. ORS 419C.349 is amended to read:

419C.349. (1) *[The juvenile court, after a hearing]* Except as otherwise provided in ORS 419C.364 or 419C.370, *[may waive a youth to a circuit, justice or municipal court of competent jurisdiction for prosecution as an adult if]* **the juvenile court shall conduct a waiver hearing when:**

[(1) The youth is 15 years of age or older at the time of the commission of the alleged offense;]

[(2) The youth, except as otherwise provided in ORS 419C.364 and 419C.370, is alleged to have committed a criminal offense constituting:]

(a) The state files a motion requesting a waiver hearing in a case in which a petition has been filed alleging that a youth has committed an act when the youth was 15, 16 or 17 years of age that, if committed by an adult, would constitute aggravated murder or an offense listed in ORS 137.707; or

(b) The state files a motion requesting a waiver hearing in a case in which a petition has been filed alleging that a youth has committed an act when the youth was 15, 16 or 17 years of age that, if committed by an adult, would constitute:

[(a) Murder under ORS 163.115 or any aggravated form thereof;]

[(b)] (A) A Class A or Class B felony;

[(c)] (B) Any of the following Class C felonies:

[(A)] (i) Escape in the second degree under ORS 162.155;

[(B)] (ii) Assault in the third degree under ORS 163.165;

[(C)] (iii) Coercion under ORS 163.275 (1)(a);

[(D)] (iv) Arson in the second degree under ORS 164.315; or

[(E)] (v) Robbery in the third degree under ORS 164.395;

[(d)] (C) Any Class C felony in which the youth used or threatened to use a firearm; or

*[(e)] (D) Any other [felony or any misdemeanor if the youth and the state stipulate to the waiver;] **crime that the state and the youth stipulate is subject to waiver.***

(2) After the hearing, the juvenile court may waive the youth to a circuit, justice or municipal court of competent jurisdiction if:

[(3)] (a) The youth at the time of the alleged offense was of sufficient sophistication and maturity to appreciate the nature and quality of the conduct involved; and

[(4)] (b) The juvenile court, after considering the following criteria, determines by a preponderance of the evidence that retaining jurisdiction will not serve the best interests of the youth and of society and therefore is not justified:

*[(a)] (A) The amenability of the youth to treatment and rehabilitation given the techniques, facilities and personnel for rehabilitation available to the juvenile court and to the criminal court [which] **that would have jurisdiction after transfer;***

*[(b)] (B) The protection required by the community, given the seriousness of the offense alleged, **and whether the youth can be safely rehabilitated under the jurisdiction of the juvenile court;***

[(c)] (C) The aggressive, violent, premeditated or willful manner in which the offense was alleged to have been committed;

[(d)] (D) The previous history of the youth, including:

[(A)] (i) Prior treatment efforts and out-of-home placements; and

[(B)] (ii) The physical, emotional and mental health of the youth;

[(e)] (E) The youth's prior record of acts [which] **that** would be crimes if committed by an adult;

[(f)] (F) The gravity of the loss, damage or injury caused or attempted during the offense;

[(g)] (G) The prosecutive merit of the case against the youth; and

[(h)] (H) The desirability of disposing of all cases in one trial if there were adult co-offenders.

(3) The victim of the alleged offense has the right to appear at a hearing under this section and to provide the court with any information reasonably related to the court's determination.

(4) The right to counsel, and the appointment of counsel under ORS 419C.200, applies to a hearing under this section.

(5) The state has the right to have at least one psychiatrist or licensed psychologist of its selection examine the youth concerning the determination of whether to waive the youth under this section.

SECTION 7. ORS 161.610 is amended to read:

161.610. (1) As used in this section, "firearm" has the meaning given that term in ORS 166.210.

(2) The use or threatened use of a firearm, whether operable or inoperable, by a defendant during the commission of a felony may be pleaded in the accusatory instrument and proved at trial as an element in aggravation of the crime as provided in this section. When a crime is so pleaded, the aggravated nature of the crime may be indicated by adding the words "with a firearm" to the title of the offense. The unaggravated crime shall be considered a lesser included offense.

(3) Notwithstanding the provisions of ORS 161.605 or 137.010 (3) and except as otherwise provided in subsection (6) of this section, if a defendant is convicted of a felony having as an element the defendant's use or threatened use of a firearm during the commission of the crime, the court shall impose at least the minimum term of imprisonment as provided in subsection (4) of this section. Except as provided in ORS 144.122 and 144.126 and subsection (5) of this section, in no case shall any person punishable under this section become eligible for work release, parole, temporary leave or terminal leave until the minimum term of imprisonment is served, less a period of time equivalent to any reduction of imprisonment granted for good time served or time credits earned under ORS 421.121, nor shall the execution of the sentence imposed upon such person be suspended by the court.

(4) The minimum terms of imprisonment for felonies having as an element the defendant's use or threatened use of a firearm in the commission of the crime shall be as follows:

(a) Except as provided in subsection (5) of this section, upon the first conviction for such felony, five years, except that if the firearm is a machine gun, short-barreled rifle, short-barreled shotgun or is equipped with a firearms silencer, the term of imprisonment shall be 10 years.

(b) Upon conviction for such felony committed after punishment pursuant to paragraph (a) of this subsection or subsection (5) of this section, 10 years, except that if the firearm is a machine gun, short-barreled rifle, short-barreled shotgun or is equipped with a firearms silencer, the term of imprisonment shall be 20 years.

(c) Upon conviction for such felony committed after imprisonment pursuant to paragraph (b) of this subsection, 30 years.

(5) If it is the first time that the defendant is subject to punishment under this section, rather than impose the sentence otherwise required by subsection (4)(a) of this section, the court may:

(a) For felonies committed prior to November 1, 1989, suspend the execution of the sentence or impose a lesser term of imprisonment, when the court expressly finds mitigating circumstances justifying such lesser sentence and sets forth those circumstances in its statement on sentencing; or

(b) For felonies committed on or after November 1, 1989, impose a lesser sentence in accordance with the rules of the Oregon Criminal Justice Commission.

(6) When a defendant who is convicted of a felony having as an element the defendant's use or threatened use of a firearm during the commission of the crime is a person who was waived [from juvenile court] under ORS 137.707 (5)(b)(A), 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370, the court is not required to impose a minimum term of imprisonment under this section.

SECTION 8. ORS 161.620 is amended to read:

161.620. Notwithstanding any other provision of law, a sentence imposed upon any person waived [from the juvenile court] under ORS 419C.349, 419C.352, 419C.364 or 419C.370 shall not include any sentence of death or life imprisonment without the possibility of release or parole nor imposition of any mandatory minimum sentence except that a mandatory minimum sentence under:

(1) ORS 137.707 shall be imposed, except as provided in ORS 137.712;

[(1)] **(2)** ORS 163.105 (1)(c) shall be imposed; and

[(2)] **(3)** ORS 161.610 may be imposed.

SECTION 9. ORS 163A.130 is amended to read:

163A.130. (1) A person required to report as a sex offender under ORS 163A.025 (1)(a), (b) or (c), or required to report as a sex offender under the laws of another state as a result of an adjudication in an Oregon juvenile court, may file a petition for an order relieving the person of the obligation to report. The person must pay the filing fee established under ORS 21.135. If the person resides:

(a) In this state and is required to report under ORS 163A.025 (2) or (3), the petition must be filed in the juvenile court in which the person was adjudicated for the act that requires reporting.

(b) In another state and is required to report under ORS 163A.025 (4), the petition must be filed in the juvenile court in the county in which the person attends school or works.

(c) In another state and is required to report under the laws of the other state, the petition must be filed in the juvenile court in which the person was adjudicated for the act that requires reporting.

(2) If the act giving rise to the obligation to report would constitute:

(a) A Class A or Class B felony sex crime if committed by an adult, the petition may be filed no sooner than two years after the termination of juvenile court jurisdiction over the person or, if the person is placed under the jurisdiction of the Psychiatric Security Review Board, no sooner than two years after the person is discharged from the jurisdiction of the board.

(b) A Class C felony sex crime if committed by an adult, the petition may be filed no sooner than 30 days before the termination of juvenile court jurisdiction over the person or, if the person is placed under the jurisdiction of the Psychiatric Security Review Board, no sooner than 30 days before the person is discharged from the jurisdiction of the board.

(3)(a) The juvenile court in which a petition under this section is filed may transfer the matter to the juvenile court of the county that last supervised the person if the court determines that the convenience of the parties, the victim and witnesses require the transfer.

(b) The juvenile court has exclusive original jurisdiction in any proceeding under this section.

(c) The person, the district attorney and the juvenile department are parties to a hearing on a petition filed under this section.

(4) The person filing the petition has the burden of proving by clear and convincing evidence that the person is rehabilitated and does not pose a threat to the safety of the public. In determining whether the person has met the burden of proof, the juvenile court may consider but need not be limited to considering:

(a) The extent and impact of any physical or emotional injury to the victim;

(b) The nature of the act that subjected the person to the obligation of reporting as a sex offender;

(c) Whether the person used or threatened to use force in committing the act;

(d) Whether the act was premeditated;

(e) Whether the person took advantage of a position of authority or trust in committing the act;

(f) The age of any victim at the time of the act, the age difference between any victim and the person and the number of victims;

(g) The vulnerability of the victim;

(h) Other acts committed by the person that would be crimes if committed by an adult and criminal activities engaged in by the person before and after the adjudication;

(i) Statements, documents and recommendations by or on behalf of the victim or the parents of the victim;

(j) The person's willingness to accept personal responsibility for the act and personal accountability for the consequences of the act;

(k) The person's ability and efforts to pay the victim's expenses for counseling and other trauma-related expenses or other efforts to mitigate the effects of the act;

(L) Whether the person has participated in and satisfactorily completed a sex offender treatment program or any other intervention, and if so the juvenile court may also consider:

(A) The availability, duration and extent of the treatment activities;

(B) Reports and recommendations from the providers of the treatment;

(C) The person's compliance with court, board or supervision requirements regarding treatment; and

(D) The quality and thoroughness of the treatment program;

(m) The person's academic and employment history;

(n) The person's use of drugs or alcohol before and after the adjudication;

(o) The person's history of public or private indecency;

(p) The person's compliance with and success in completing the terms of supervision;

(q) The results of psychological examinations of the person;

(r) The protection afforded the public by the continued existence of the records; and

(s) Any other relevant factors.

(5) In a hearing under this section, the juvenile court may receive testimony, reports and other evidence without regard to whether the evidence is admissible under ORS 40.010 to 40.210 and 40.310 to 40.585 if the evidence is relevant to the determination and findings required under this section. As used in this subsection, "relevant evidence" has the meaning given that term in ORS 40.150.

(6) When a petition is filed under this section, the state has the right to have a psychosexual evaluation of the person conducted. The state shall file notice with the juvenile court of its intention to have the person evaluated. If the person objects to the evaluator chosen by the state, the juvenile court for good cause shown may direct the state to select a different evaluator.

(7) As soon as practicable after a petition has been filed under this section, the district attorney or juvenile department shall make a reasonable effort to notify the victim of the crime that the person has filed a petition seeking relief under this section and, if the victim has requested, to inform the victim of the date, time and place of a hearing on the petition in advance of the hearing.

(8)(a) When a petition filed under this section is filed:

(A) While the person is under the jurisdiction of the juvenile court or the Psychiatric Security Review Board or less than three years after the date the jurisdiction is terminated, the court shall hold a hearing no sooner than 60 days and no later than 120 days after the date of filing.

(B) Three years or more after the date the juvenile court or board jurisdiction is terminated, the court shall hold a hearing no sooner than 90 days and no later than 150 days after the date of filing.

(b) Notwithstanding paragraph (a) of this subsection, upon a showing of good cause, the court may extend the period of time in which a hearing on the petition must be held.

(9)(a) When the person proves by clear and convincing evidence that the person is rehabilitated and does not pose a threat to the safety of the public, the court shall grant the petition.

(b) Notwithstanding paragraph (a) of this subsection, the court may not grant a petition filed under this section before the date the juvenile court or board jurisdiction over the person is terminated.

(10) When a juvenile court enters an order relieving a person of the requirement to report under ORS 163A.025, the person shall send a certified copy of the juvenile court order to the Department of State Police.

(11) If a person commits an act [*that could be charged as a sex crime listed in ORS 137.707*] **for which the person could be waived under ORS 419C.349 (1)(a)** and the person is 15, 16 or 17 years of age at the time the act is committed, the state and the person may stipulate that the person may not petition for relief under this section as part of an agreement that the [*person be subject to the jurisdiction of the juvenile court rather than being prosecuted as an adult under ORS 137.707*] **state not file a motion requesting waiver under ORS 419C.349 (1)(a)**.

(12) When a petition is filed under subsection (2)(b) of this section before the termination of juvenile court or board jurisdiction, if the person, or the parent or guardian of the person if the person is less than 18 years of age, requests counsel and is without sufficient financial means to employ suitable counsel to represent the person, for purposes of the petition described in this section, the court shall appoint suitable counsel to represent the person. Appointment of counsel under this subsection is subject to ORS 419C.200, 419C.203, 419C.206 and 419C.209.

SECTION 10. ORS 163A.135 is amended to read:

163A.135. (1) Except as provided in subsection (7) of this section, a person required to report under ORS 163A.025 (1)(d) may file a petition in the juvenile court for an order relieving the person of the duty to report. The person must pay the filing fee established under ORS 21.135. If the person resides:

(a) In this state and is required to report under ORS 163A.025 (2) or (3), the petition must be filed in the juvenile court of the county in which the person resides.

(b) In another state and is required to report under ORS 163A.025 (4), the petition must be filed in the juvenile court of the county in which the person attends school or works.

(2) If the act giving rise to the obligation to report would constitute:

(a) A Class A or Class B felony sex crime if committed in this state by an adult, the petition may be filed no sooner than two years after the termination of the other United States court's jurisdiction over the person.

(b) A Class C felony sex crime if committed in this state by an adult, the petition may be filed no sooner than 30 days before the termination of the other United States court's jurisdiction over the person.

(3) The person filing the petition must submit with the petition all releases and waivers necessary to allow the district attorney for the county in which the petition is filed to obtain the following documents from the jurisdiction in which the person was adjudicated for the act for which reporting is required:

(a) The juvenile court petition;

(b) The dispositional report to the court;

(c) The order of adjudication or jurisdiction;

(d) Any other relevant court documents;

(e) The police report relating to the act for which reporting is required;

(f) The order terminating jurisdiction for the act for which reporting is required; and

(g) The evaluation and treatment records or reports of the person that are related to the act for which reporting is required.

(4) A person filing a petition under this section has the burden of proving by clear and convincing evidence that the person is rehabilitated and does not pose a threat to the safety of the public.

(5) Unless the court finds good cause for a continuance, the court shall hold a hearing on the petition no sooner than 90 days and no later than 150 days after the date the petition is filed.

(6) If a person who files a petition under this section is required to report as a sex offender for having committed an act that if committed in this state could have subjected the person to [*prosecution as an adult under ORS 137.707*] **waiver under ORS 419C.349 (1)(a)**, the court may not grant the petition notwithstanding the fact that the person has met the burden of proof established in subsection (4) of this section unless the court determines that to do so is in the interest of public safety.

(7) This section does not apply to a person who is required to register as a sex offender for life in the jurisdiction in which the offense occurred.

(8) In a hearing under this section, the court may receive testimony, reports and other evidence without regard to whether the evidence is admissible under ORS 40.010 to 40.210 and 40.310 to 40.585 if the evidence is relevant to the determination and findings required under this section. As used in this subsection, “relevant evidence” has the meaning given that term in ORS 40.150.

(9) If the court is satisfied by clear and convincing evidence that the person is rehabilitated and that the person does not pose a threat to the safety of the public, the court shall enter an order relieving the person of the duty to report. When the court enters an order under this subsection, the person shall send a certified copy of the court order to the Department of State Police.

SECTION 11. ORS 339.317 is amended to read:

339.317. (1)(a) No later than five days after a person under 18 years of age is [*charged with a crime under ORS 137.707 or is*] waived under ORS 419C.349, 419C.352 or 419C.364, the district attorney or city attorney, if the person is waived to municipal court or, in the case of a juvenile department that has agreed to be responsible for providing the notice required under this section, the juvenile department shall give notice of the charge to the school administrator of the school attended by the person or to the school administrator of the school district in which the person resides. For purposes of this section, “school administrator” has the meaning given that term in ORS 419A.305.

(b) The district attorney, city attorney or juvenile department shall include in the notice the following:

- (A) The crime with which the person is charged;
- (B) The name and date of birth of the person;
- (C) The names and addresses of the person’s parents or guardians;
- (D) The name and contact information of the attorney for the person, if known;
- (E) The name and contact information of the individual to contact for further information about the notice;
- (F) Any conditions of release or terms of probation; and
- (G) Any other conditions required by the court.

(2) A person who sends records under this section is not civilly or criminally liable for failing to disclose the information under this section.

SECTION 12. ORS 339.319 is amended to read:

339.319. (1)(a) When a person under 18 years of age is convicted of a crime [*under ORS 137.707 or*] following waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370 (1)(b), the agency supervising the person or, in the case of a juvenile department that has agreed to be responsible for providing the notice required under this section, the juvenile department shall give notice of the conviction within five days following sentencing to the school administrator of the school attended by the person or to the school administrator of the school district in which the person resides. For purposes of this section, “school administrator” has the meaning given that term in ORS 419A.305.

(b) The agency supervising the person or the juvenile department shall include in the notice:

- (A) The name and date of birth of the person;
- (B) The names and addresses of the person’s parents or guardians;
- (C) The crime of conviction;
- (D) The sentence imposed;
- (E) The name and contact information of the attorney for the person, if known;
- (F) The name and contact information of the individual to contact for further information about the notice;

(G) Any conditions of release or terms of probation including, but not limited to, whether school attendance is a condition of the release; and

- (H) Any other conditions required by the court.

(2) An agency supervising a person or anyone employed by or acting on behalf of an agency supervising a person who sends records under this section is not civilly or criminally liable for failing to disclose the information under this section.

SECTION 13. ORS 339.321 is amended to read:

339.321. (1) No later than 15 days before the release or discharge of a person committed to the legal custody of the Department of Corrections or the supervisory authority of a county [*under ORS 137.707 or*] following waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370, the department or supervisory authority or, in the case of a juvenile department that has agreed to be responsible for providing the notice required under this section, the juvenile department shall notify the following of the release or discharge if the person is under 21 years of age at the time of the release:

(a) Law enforcement agencies in the community in which the person is going to reside; and
 (b) The school administrator of the school the person will attend or the school administrator of the school district in which the person will reside.

(2) The department, supervisory authority or the juvenile department shall include in the notification:

(a) The name and date of birth of the person;
 (b) The date of release or discharge;
 (c) The person's address;
 (d) The names and addresses of the person's parents or guardians;
 (e) The name and contact information of the attorney for the person, if known;
 (f) The name and contact information of the individual to contact for further information about the notice;

(g) Any conditions of release or terms of probation including, but not limited to, the type of supervision under which the person is released and whether school attendance is a condition of release; and

(h) Any other conditions required by the court.

(3) The department, supervisory authority or anyone employed by or acting on behalf of the department or supervisory authority who sends records under this section is not civilly or criminally liable for failing to disclose the information under this section.

(4) As used in this section, "school administrator" has the meaning given that term in ORS 419A.305.

SECTION 14. ORS 419C.005 is amended to read:

419C.005. (1) [*Except as otherwise provided in ORS 137.707,*] The juvenile court has exclusive original jurisdiction in any case involving a person who is under 18 years of age and who has committed an act that is a violation, or that if done by an adult would constitute a violation, of a law or ordinance of the United States or a state, county or city.

(2) The provisions of subsection (1) of this section do not prevent a court of competent jurisdiction from entertaining a civil action or suit involving a youth.

(3) The court does not have jurisdiction as provided in subsection (1) of this section after a minor has been emancipated pursuant to ORS 419B.550 to 419B.558.

(4) The court's jurisdiction over a person under this section or ORS 419C.067 continues until one of the following occurs:

(a) The court dismisses a petition filed under this chapter or waives the case under ORS 419C.340. If jurisdiction is based on a previous adjudication, then dismissal or waiver of a later case does not terminate jurisdiction under the previous case unless the court so orders.

(b) The court transfers jurisdiction of the case as provided in ORS 419C.053, 419C.056 and 419C.059.

(c) The court enters an order terminating jurisdiction.

(d) The person becomes 25 years of age.

(e) The court places the person under the jurisdiction of the Psychiatric Security Review Board as provided in ORS 419C.529. If the court also has jurisdiction over the person based on a previous adjudication under this chapter or ORS chapter 419B, placing a person under the jurisdiction of the

board in a later case does not terminate wardship under the previous case unless the court so orders.

SECTION 15. ORS 419C.050 is amended to read:

419C.050. *[Except as otherwise provided in ORS 137.707,]* If during the pendency of a proceeding involving an allegation of a crime in any court other than a juvenile court it is ascertained that the age of the person who is the subject of the proceeding is such that the matter is within the exclusive jurisdiction of the juvenile court, it is the duty of the court in which the proceeding is pending to transfer the proceeding to the juvenile court of the county in which the proceeding is pending. The clerk of the court transferring the proceeding shall notify the clerk of the juvenile court of the transfer.

SECTION 16. ORS 419C.346 is amended to read:

419C.346. If the juvenile court waives a youth to another court under ORS 419C.349 (1)(b) or [419C.355 and] 419C.370 for disposition as an adult, the juvenile court nevertheless may retain jurisdiction over the youth's parents or guardians under ORS 419C.570. However, if the court enters an order of waiver under ORS **419C.349 (1)(a)** or 419C.364, jurisdiction over the parents or guardians under ORS 419C.570 shall terminate.

SECTION 17. ORS 419C.352 is amended to read:

419C.352. The juvenile court, after a hearing, except as provided in ORS 419C.364 or 419C.370, may waive a youth under 15 years of age at the time the act was committed to circuit court for prosecution as an adult if:

- (1) The youth is represented by counsel during the waiver proceedings;
- (2) The juvenile court makes the findings required under ORS 419C.349 [(3) and (4)] **(2)**; and
- (3) The youth is alleged to have committed an act or acts that if committed by an adult would constitute one or more of the following crimes:
 - (a) Murder or any aggravated form thereof under ORS 163.095 or 163.115;
 - (b) Rape in the first degree under ORS 163.375 (1)(a);
 - (c) Sodomy in the first degree under ORS 163.405 (1)(a); or
 - (d) Unlawful sexual penetration in the first degree under ORS 163.411 (1)(a).

SECTION 18. ORS 419C.355 is amended to read:

419C.355. The juvenile court shall make a specific, detailed, written finding of fact to support *[any determination]* **the findings made** under ORS 419C.349 [(3) and (4)] **(2)**.

SECTION 19. ORS 419C.358 is amended to read:

419C.358. (1) **Except as otherwise provided in subsection (2) of this section and ORS 137.707 (6)**, when a person is waived for prosecution as an adult, the person shall be waived only on the actual charges justifying the waiver under ORS 419C.349 [(2)] or 419C.352, as the case may be.

(2) Any nonwaivable charges arising out of the same act or transaction as the waivable charge shall be consolidated with the waivable charge *[for purposes of conducting the adjudicatory hearing on the nonwaivable charges]*.

SECTION 20. ORS 419C.361 is amended to read:

419C.361. (1)(a) Notwithstanding that the juvenile court has waived the case under ORS 419C.349, 419C.352, [419C.355, 419C.358,] 419C.364, [419C.367 and] or 419C.370, the court of waiver shall return the case to the juvenile court unless an accusatory instrument is filed in the court of waiver alleging, in the case of a person under [16] **15** years of age, a crime listed in ORS 419C.352 or, in the case of any other person, a crime *[listed in ORS 419C.349 (2). Also in the case of a waived person,]* **described in ORS 419C.349 (1)**.

(b) When a trial has been held in the court of waiver upon an accusatory instrument alleging a crime listed in ORS 419C.349 [(2)] (1)(b) or 419C.352, as the case may be, and the person is found guilty of any lesser included offense that is not itself a waivable offense, the trial court shall not sentence the defendant therein, but the trial court shall order a presentence report to be made in the case, shall set forth in a memorandum such observations as the court may make regarding the case and shall then return the case to the juvenile court in order that the juvenile court make dis-

position in the case based upon the guilty finding in the court of waiver. Disposition shall be as if the juvenile court itself had found the youth to be in its jurisdiction pursuant to ORS 419C.005. The records and consequences of the case shall, in all respects, be as if the juvenile court itself had found the youth to be in its jurisdiction pursuant to ORS 419C.005. When the person is found guilty of a nonwaivable charge that was consolidated with a waivable charge under ORS 419C.358, the case shall be returned to the juvenile court for disposition as provided in this subsection for lesser included offenses.

(2) Nothing in this section or ORS 419C.358 applies to a waiver under ORS 419C.364 or 419C.370.

SECTION 21. ORS 420.081 is amended to read:

420.081. (1) The total population of youth offenders confined in the youth correction facilities may not exceed the design capacity of the facilities designated for close custody purposes by the Director of the Oregon Youth Authority. The total population limit shall include offenders in the youth correction facility who were waived by the juvenile court to be prosecuted as adults [*or who were prosecuted as adults under ORS 137.707*].

(2) The director by rule shall determine reasonable standards for care and treatment of youth offenders housed in youth correction facilities. Within the total limit established under subsection (1) of this section, the Director of the Oregon Youth Authority shall establish and impose a maximum allowable population level for each youth correction facility. The maximum allowable population shall not exceed the design capacity for the facility and shall be further limited by the ability of the facility to meet the standard of care and treatment established by rule under this subsection, protect communities, hold youth offenders accountable for their behavior and improve the competency of youth offenders to become responsible and productive members of their communities.

(3) The director by rule shall establish criteria upon which the decision to place a youth in a youth correction facility must be based, and which, in turn, shall be based upon behaviors and characteristics of youths otherwise eligible for commitment to a youth correction facility.

(4) After conferring with the juvenile court judges, the director shall develop and implement by rule, a method of controlling admissions to the youth correction facilities so as not to exceed maximum levels determined under subsections (1) and (2) of this section.

SECOND LOOK

SECTION 22. ORS 420A.203 is amended to read:

420A.203. (1)(a) This section and ORS 420A.206 apply only to [*persons*] **a person** who:

(A) [*Were*] **Was** under 18 years of age at the time of the commission of the offense for which the [*persons were*] **person was** sentenced to a term of imprisonment, who committed the offense on or after June 30, 1995, and who [*were*] **was**:

[*(A)*] (i) Sentenced to a term of imprisonment of at least 24 months following waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370; or

[*(B)*] (ii) Sentenced to a term of imprisonment of at least 24 months under ORS 137.707 [*(5)(b)(A)* or *(7)(b).*] **or 137.712; or**

(B)(i) Was under 18 years of age at the time of the commission of all offenses for which the person was sentenced to a term of imprisonment;

(ii) Is in the physical custody of the Oregon Youth Authority; and

(iii) Has a projected release date, as determined by the Department of Corrections, that falls on or after the person's 25th birthday and before the person's 27th birthday.

(b) When a person described in paragraph (a)(A) of this subsection has served one-half of the sentence imposed **or when a person described in paragraph (a)(B) of this subsection attains 24 years and six months of age**, the sentencing court shall determine what further commitment or disposition is appropriate as provided in this section. As used in this subsection and subsection (2) of this section, "sentence imposed" means the total period of mandatory incarceration imposed for all convictions resulting from a single prosecution or criminal proceeding not including any reduction in the sentence under ORS 421.121 or any other statute.

(2)(a) No more than 120 days and not less than 60 days before the date on which a person has served one-half of the sentence imposed **or attains 24 years and six months of age**, the Oregon Youth Authority or the Department of Corrections, whichever has physical custody of the person, shall file in the sentencing court a notice and request that the court set a time and place for the hearing required under this section. The youth authority or department shall serve the person with a copy of the notice and request for hearing on or before the date of filing.

(b) Upon receiving the notice and request for a hearing under paragraph (a) of this subsection, the sentencing court shall schedule a hearing for a date not more than 30 days after the date on which the person will have served one-half of the sentence imposed **or attains 24 years and six months of age**, or such later date as is agreed upon by the parties.

(c) The court shall notify the following of the time and place of the hearing:

(A) The person and, **if the person is under 18 years of age**, the person's parents;

(B) The records supervisor of the correctional institution in which the person is incarcerated; and

(C) The district attorney who prosecuted the case.

(d) The court shall make reasonable efforts to notify the following of the time and place of the hearing:

(A) The victim and, **if the victim is under 18 years of age**, the victim's parents or legal guardian; and

(B) Any other person who has filed a written request with the court to be notified of any hearing concerning the transfer, discharge or release of the person.

(e) Notwithstanding paragraph (b) of this subsection, the court may delay the hearing for good cause.

(3) In a hearing under this section:

(a) The person and the state are parties to the proceeding.

(b) The person has the right to appear with counsel. If the person requests that the court appoint counsel and the court determines that the person is financially eligible for appointed counsel at state expense, the court shall order that counsel be appointed.

(c) The district attorney represents the state.

(d) The court shall determine admissibility of evidence as if the hearing were a sentencing proceeding.

(e) The court may consider, when relevant, written reports of the Oregon Youth Authority, the Department of Corrections and qualified experts, in addition to the testimony of witnesses. Within a reasonable time before the hearing, as determined by the court, the person must be given the opportunity to examine all reports and other documents concerning the person that the state, the Oregon Youth Authority or the Department of Corrections intends to submit for consideration by the court at the hearing.

(f) Except as otherwise provided by law or by order of the court based on good cause, the person must be given access to the records maintained in the person's case by the Oregon Youth Authority and the Department of Corrections.

(g) The person may examine all of the witnesses called by the state, may subpoena and call witnesses to testify on the person's behalf and may present evidence and argument. The court may permit witnesses to appear by telephone or other two-way electronic communication device.

(h) The hearing must be recorded.

(i) The hearing and the record of the hearing are open to the public.

(j) The question to be decided is which of the dispositions provided in subsection (4) of this section should be ordered in the case.

(k) The person has the burden of proving by clear and convincing evidence that the person has been rehabilitated and reformed, and if conditionally released, the person would not be a threat to the safety of the victim, the victim's family or the community and that the person would comply with the release conditions.

(4)(a) At the conclusion of the hearing and after considering and making findings regarding each of the factors in paragraph (b) of this subsection, the court shall order one of the following dispositions:

(A) Order that the person serve the entire remainder of the sentence of imprisonment imposed, taking into account any reduction in the sentence under ORS 421.121 or any other statute, with the person's physical custody determined under ORS 137.124, 420.011 and 420A.200.

(B) Order that the person be conditionally released under ORS 420A.206 at such time as the court may order, if the court finds that the person:

- (i) Has been rehabilitated and reformed;
- (ii) Is not a threat to the safety of the victim, the victim's family or the community; and
- (iii) Will comply with the conditions of release.

(b) In making the determination under this section, the court shall consider:

(A) The experiences and character of the person before and after commitment to the Oregon Youth Authority or the Department of Corrections;

(B) The person's juvenile and criminal records;

(C) The person's mental, emotional and physical health;

(D) The gravity of the loss, damage or injury caused or attempted, during or as part of the criminal act for which the person was convicted and sentenced;

(E) The manner in which the person committed the criminal act for which the person was convicted and sentenced;

(F) The person's efforts, participation and progress in rehabilitation programs since the person's conviction;

(G) The results of any mental health or substance abuse treatment;

(H) Whether the person demonstrates accountability and responsibility for past and future conduct;

(I) Whether the person has made and will continue to make restitution to the victim and the community;

(J) Whether the person will comply with and benefit from all conditions that will be imposed if the person is conditionally released;

(K) The safety of the victim, the victim's family and the community;

(L) The recommendations of the district attorney, the Oregon Youth Authority and the Department of Corrections; and

(M) Any other relevant factors or circumstances raised by the state, the Oregon Youth Authority, the Department of Corrections or the person.

(5) The court shall provide copies of its disposition order under subsection (4) of this section to the parties, to the records supervisor of the correctional institution in which the person is incarcerated and to the manager of the institution-based records office of the Department of Corrections.

(6) The person or the state may appeal an order entered under this section. On appeal, the appellate court's review is limited to claims that:

(a) The disposition is not authorized under this section;

(b) The court failed to comply with the requirements of this section in imposing the disposition;

or

(c) The findings of the court are not supported by substantial evidence in the record.

(7) A person described in subsection (1)(a)(B) of this section may waive a hearing under this section.

SECTION 23. ORS 137.712 is amended to read:

137.712. (1)(a) Notwithstanding ORS 137.700 and 137.707, when a person is convicted of manslaughter in the second degree as defined in ORS 163.125, assault in the second degree as defined in ORS 163.175 (1)(b), kidnapping in the second degree as defined in ORS 163.225, rape in the second degree as defined in ORS 163.365, sodomy in the second degree as defined in ORS 163.395, unlawful sexual penetration in the second degree as defined in ORS 163.408, sexual abuse in the first

degree as defined in ORS 163.427 (1)(a)(A) or robbery in the second degree as defined in ORS 164.405, the court may impose a sentence according to the rules of the Oregon Criminal Justice Commission that is less than the minimum sentence that otherwise may be required by ORS 137.700 or 137.707 if the court, on the record at sentencing, makes the findings set forth in subsection (2) of this section and finds that a substantial and compelling reason under the rules of the Oregon Criminal Justice Commission justifies the lesser sentence. When the court imposes a sentence under this subsection, the person is eligible for a reduction in the sentence as provided in ORS 421.121 and any other statute **and is eligible for a hearing and conditional release under ORS 420A.203 and 420A.206.**

(b) In order to make a dispositional departure under this section, the court must make the following additional findings on the record:

(A) There exists a substantial and compelling reason not relied upon in paragraph (a) of this subsection;

(B) A sentence of probation will be more effective than a prison term in reducing the risk of offender recidivism; and

(C) A sentence of probation will better serve to protect society.

(2) A conviction is subject to subsection (1) of this section only if the sentencing court finds on the record by a preponderance of the evidence:

(a) If the conviction is for manslaughter in the second degree:

(A) That the victim was a dependent person as defined in ORS 163.205 who was at least 18 years of age;

(B) That the defendant is the mother or father of the victim;

(C) That the death of the victim was the result of an injury or illness that was not caused by the defendant;

(D) That the defendant treated the injury or illness solely by spiritual treatment in accordance with the religious beliefs or practices of the defendant and based on a good faith belief that spiritual treatment would bring about the victim's recovery from the injury or illness;

(E) That no other person previously under the defendant's care has died or sustained significant physical injury as a result of or despite the use of spiritual treatment, regardless of whether the spiritual treatment was used alone or in conjunction with medical care; and

(F) That the defendant does not have a previous conviction for a crime listed in subsection (4) of this section or for criminal mistreatment in the second degree.

(b) If the conviction is for assault in the second degree:

(A) That the victim was not physically injured by means of a deadly weapon;

(B) That the victim did not suffer a significant physical injury; and

(C) That the defendant does not have a previous conviction for a crime listed in subsection (4) of this section.

(c) If the conviction is for kidnapping in the second degree:

(A) That the victim was at least 12 years of age at the time the crime was committed; and

(B) That the defendant does not have a previous conviction for a crime listed in subsection (4) of this section.

(d) If the conviction is for robbery in the second degree:

(A) That the victim did not suffer a significant physical injury;

(B) That, if the defendant represented by words or conduct that the defendant was armed with a dangerous weapon, the representation did not reasonably put the victim in fear of imminent significant physical injury;

(C) That, if the defendant represented by words or conduct that the defendant was armed with a deadly weapon, the representation did not reasonably put the victim in fear of imminent physical injury; and

(D) That the defendant does not have a previous conviction for a crime listed in subsection (4) of this section.

(e) If the conviction is for rape in the second degree, sodomy in the second degree or sexual abuse in the first degree:

(A) That the victim was at least 12 years of age, but under 14 years of age, at the time of the offense;

(B) That the defendant does not have a prior conviction for a crime listed in subsection (4) of this section;

(C) That the defendant has not been previously found to be within the jurisdiction of a juvenile court for an act that would have been a felony sexual offense if the act had been committed by an adult;

(D) That the defendant was no more than five years older than the victim at the time of the offense;

(E) That the offense did not involve sexual contact with any minor other than the victim; and

(F) That the victim's lack of consent was due solely to incapacity to consent by reason of being under 18 years of age at the time of the offense.

(f) If the conviction is for unlawful sexual penetration in the second degree:

(A) That the victim was 12 years of age or older at the time of the offense;

(B) That the defendant does not have a prior conviction for a crime listed in subsection (4) of this section;

(C) That the defendant has not been previously found to be within the jurisdiction of a juvenile court for an act that would have been a felony sexual offense if the act had been committed by an adult;

(D) That the defendant was no more than five years older than the victim at the time of the offense;

(E) That the offense did not involve sexual contact with any minor other than the victim;

(F) That the victim's lack of consent was due solely to incapacity to consent by reason of being under 18 years of age at the time of the offense; and

(G) That the object used to commit the unlawful sexual penetration was the hand or any part thereof of the defendant.

(3) In making the findings required by subsections (1) and (2) of this section, the court may consider any evidence presented at trial and may receive and consider any additional relevant information offered by either party at sentencing.

(4) The crimes to which subsection (2)(a)(F), (b)(C), (c)(B), (d)(D), (e)(B) and (f)(B) of this section refer are:

(a) A crime listed in ORS 137.700 (2) or 137.707 (4);

(b) Escape in the first degree, as defined in ORS 162.165;

(c) Aggravated murder, as defined in ORS 163.095;

(d) Criminally negligent homicide, as defined in ORS 163.145;

(e) Assault in the third degree, as defined in ORS 163.165;

(f) Criminal mistreatment in the first degree, as defined in ORS 163.205 (1)(b)(A);

(g) Rape in the third degree, as defined in ORS 163.355;

(h) Sodomy in the third degree, as defined in ORS 163.385;

(i) Sexual abuse in the second degree, as defined in ORS 163.425;

(j) Stalking, as defined in ORS 163.732;

(k) Burglary in the first degree, as defined in ORS 164.225, when it is classified as a person felony under the rules of the Oregon Criminal Justice Commission;

(L) Arson in the first degree, as defined in ORS 164.325;

(m) Robbery in the third degree, as defined in ORS 164.395;

(n) Intimidation in the first degree, as defined in ORS 166.165;

(o) Promoting prostitution, as defined in ORS 167.012; and

(p) An attempt or solicitation to commit any Class A or B felony listed in paragraphs (a) to (L) of this subsection.

(5) Notwithstanding ORS 137.545 (5)(b), if a person sentenced to probation under this section violates a condition of probation by committing a new crime, the court shall revoke the probation and impose the presumptive sentence of imprisonment under the rules of the Oregon Criminal Justice Commission.

(6) As used in this section:

(a) "Conviction" includes, but is not limited to:

(A) A juvenile court adjudication finding a person within the court's jurisdiction under ORS 419C.005, if the person was at least 15 years of age at the time the person committed the offense that brought the person within the jurisdiction of the juvenile court. "Conviction" does not include a juvenile court adjudication described in this subparagraph if the person successfully asserted the defense set forth in ORS 419C.522.

(B) A conviction in another jurisdiction for a crime that if committed in this state would constitute a crime listed in subsection (4) of this section.

(b) "Previous conviction" means a conviction that was entered prior to imposing sentence on the current crime provided that the prior conviction is based on a crime committed in a separate criminal episode. "Previous conviction" does not include a conviction for a Class C felony, including an attempt or solicitation to commit a Class B felony, or a misdemeanor, unless the conviction was entered within the 10-year period immediately preceding the date on which the current crime was committed.

(c) "Significant physical injury" means a physical injury that:

(A) Creates a risk of death that is not a remote risk;

(B) Causes a serious and temporary disfigurement;

(C) Causes a protracted disfigurement; or

(D) Causes a prolonged impairment of health or the function of any bodily organ.

LIFE IMPRISONMENT

SECTION 24. (1) A court may not impose a sentence of life imprisonment without the possibility of release or parole on a person who was under 18 years of age at the time of committing the offense.

(2) In determining the appropriate sentence for a person who was under 18 years of age at the time of committing the offense, if the court is provided information concerning the following circumstances, or any other relevant circumstances, the court shall consider those circumstances in imposing the sentence:

(a) The person's age, intellectual capacity and impetuosity at the time of the offense.

(b) The person's family and community environment, history of trauma and prior involvement in the juvenile dependency system at the time of the offense.

(c) The person's ability at the time of the offense to appreciate the risks and consequences of the conduct constituting the offense.

(d) The person's community involvement prior to the offense.

(e) Any peer or familial pressure to which the person was subjected at the time of the offense.

(f) Whether and to what extent an adult was involved in the commission of the offense.

(g) The person's capacity for rehabilitation.

(h) The person's school records and special education evaluations.

(i) Any other mitigating factors or circumstances presented by the person.

(3)(a) If the court is provided with a report of a mental health evaluation of the person, the court shall give the evaluation substantial weight in imposing the sentence if:

(A) The evaluation was conducted by a psychiatrist or psychologist whose primary practice involves the treatment of adolescents; and

(B) The report includes the assessment of the person's degree of insight, judgment, self-awareness, emotional regulation and impulse control.

(b) Paragraph (a) of this subsection does not constitute a requirement that a person obtain or submit an evaluation for sentencing.

(4) When sentencing a person who was under 18 years of age at the time of committing the offense, under no circumstances may the court consider the age of the person as an aggravating factor.

(5) When sentencing a person who was under 18 years of age at the time of committing an offense to a term of imprisonment, the court shall indicate in the judgment:

(a) The age of the person at the time of committing the offense; and

(b) That the person is eligible for a hearing and release under section 25 of this 2019 Act.

SECTION 25. (1)(a) A person convicted of an offense or offenses committed when the person was under 18 years of age, who is serving a sentence of imprisonment for the offense or offenses, is eligible for release on parole or post-prison supervision as provided in this section after the person has served 15 years of imprisonment.

(b) Nothing in this section is intended to prevent a person from being released prior to serving 15 years of imprisonment under any other provision of law.

(c) As used in this subsection, “served 15 years of imprisonment” means that 15 years have passed since the person began serving the sentence, including pretrial incarceration but not including any reduction in sentence under ORS 421.121 or any other statute.

(2) This section applies notwithstanding the fact that the person was:

(a) Sentenced to a minimum sentence under ORS 163.105, 163.115 or 163.155.

(b) Sentenced to a mandatory minimum sentence under ORS 137.700, 137.707 or 137.717, a determinate sentence under ORS 137.635 or a sentence required by any other provision of law.

(c) Sentenced to two or more consecutive sentences under ORS 137.123.

(3) When a person eligible for release on parole or post-prison supervision as described in subsection (1) of this section has served 15 years of imprisonment, the State Board of Parole and Post-Prison Supervision shall hold a hearing. The hearing must provide the person a meaningful opportunity to be released on parole or post-prison supervision.

(4) The board may require the person, before holding a hearing described in this section, to be examined by a psychiatrist or psychologist with expertise in adolescent development. Within 60 days of the evaluation, the examining psychiatrist or psychologist shall file a written report of the findings and conclusions of the examination with the board. A certified copy of the report shall be provided to the person and the person’s attorney.

(5) During a hearing under this section, the board shall consider and give substantial weight to the fact that a person under 18 years of age is incapable of the same reasoning and impulse control as an adult and the diminished culpability of minors as compared to that of adults. The board shall also consider the following circumstances, if relevant to the specific person and offense:

(a) The age and immaturity of the person at the time of the offense.

(b) Whether and to what extent an adult was involved in the offense.

(c) The person’s family and community circumstances at the time of the offense, including any history of abuse, trauma and involvement in the juvenile dependency system.

(d) The person’s subsequent emotional growth and increased maturity during the person’s imprisonment.

(e) The person’s participation in rehabilitative and educational programs while in custody if such programs have been made available to the person and use of self-study for self-improvement.

(f) A mental health diagnosis.

(g) Any other mitigating factors or circumstances presented by the person.

(6) Under no circumstances may the board consider the age of the person as an aggravating factor.

(7) If the board finds that, based on the consideration of the age and immaturity of the person at the time of the offense and the person's behavior thereafter, the person has demonstrated maturity and rehabilitation, the board shall release the person as follows:

(a) For a person sentenced under ORS 163.105, 163.115 or 163.155, the board shall set a release date that is not more than 60 days from the date of the hearing and, notwithstanding section 28, chapter 790, Oregon Laws 1989, the person shall be released on parole in accordance with ORS 144.125, 144.260 and 144.270.

(b) A person sentenced to a term of imprisonment under a provision of law other than ORS 163.105, 163.115 or 163.155 shall be released on post-prison supervision in accordance with ORS 144.096 and 144.098 within 60 days of the date of the hearing.

(8) Unless the context requires otherwise, the provisions of ORS 144.260 to 144.380 apply to a person released on parole under subsection (7)(a) of this section.

(9) If the board determines that the person has not demonstrated maturity and rehabilitation under subsection (7) of this section, the board may postpone a subsequent hearing to a date that is at least two years but no more than 10 years from the date of the hearing.

(10) The person may waive a hearing under this section. Notwithstanding waiver of the hearing, the board shall hold a hearing under this section upon the person's written request.

(11) The board shall provide notice of the hearing to:

(a) The district attorney of the county in which the person was convicted; and

(b) The victim of any offense for which the person is serving a sentence, if the victim requests to be notified and furnishes the board with a current address.

(12) A person has the right to counsel, including counsel appointed at board expense, at a hearing under this section.

(13) The board may adopt rules to carry out the provisions of this section.

SECTION 26. ORS 144.185 is amended to read:

144.185. Before making a determination regarding a prisoner's release on parole as provided by ORS 144.125 or section 25 of this 2019 Act, the State Board of Parole and Post-Prison Supervision may cause to be brought before it current records and information regarding the prisoner, including:

(1) Any relevant information which may be submitted by the prisoner, the prisoner's attorney, the victim of the crime, the Department of Corrections, or by other persons;

(2) The presentence investigation report specified in ORS 144.791 or if no such report has been prepared, a report of similar content prepared by institutional staff;

(3) The reports of any physical, mental and psychiatric examinations of the prisoner;

(4) The prisoner's parole plan; and

(5) Other relevant information concerning the prisoner as may be reasonably available.

SECTION 27. ORS 163.105 is amended to read:

163.105. Notwithstanding the provisions of ORS chapter 144 and ORS 421.450 to 421.490:

(1)(a) Except as otherwise provided in ORS 137.707, when a defendant is convicted of aggravated murder as defined by ORS 163.095, the defendant shall be sentenced, pursuant to ORS 163.150, to death, life imprisonment without the possibility of release or parole or life imprisonment.

(b) A person sentenced to life imprisonment without the possibility of release or parole under this section shall not have that sentence suspended, deferred or commuted by any judicial officer, and the State Board of Parole and Post-Prison Supervision may not parole the prisoner nor reduce the period of confinement in any manner whatsoever. The Department of Corrections or any executive official may not permit the prisoner to participate in any sort of release or furlough program.

(c) If sentenced to life imprisonment, the court shall order that the defendant shall be confined for a minimum of 30 years without possibility of parole[,] or release to post-prison supervision **except as provided in section 25 of this 2019 Act, and without the possibility of** release on work release or any form of temporary leave or employment at a forest or work camp.

(2) At any time after completion of a minimum period of confinement pursuant to subsection (1)(c) of this section, the State Board of Parole and Post-Prison Supervision, upon the petition of a prisoner so confined, shall hold a hearing to determine if the prisoner is likely to be rehabilitated

within a reasonable period of time. The sole issue is whether or not the prisoner is likely to be rehabilitated within a reasonable period of time. At the hearing, the prisoner has:

(a) The burden of proving by a preponderance of the evidence the likelihood of rehabilitation within a reasonable period of time;

(b) The right, if the prisoner is without sufficient funds to employ an attorney, to be represented by legal counsel, appointed by the board, at board expense; and

(c) The right to a subpoena upon a showing of the general relevance and reasonable scope of the evidence sought, provided that any subpoena issued on behalf of the prisoner must be issued by the State Board of Parole and Post-Prison Supervision pursuant to rules adopted by the board.

(3) If, upon hearing all of the evidence, the board, upon a unanimous vote of three board members or, if the chairperson requires all voting members to participate, a unanimous vote of all voting members, finds that the prisoner is capable of rehabilitation and that the terms of the prisoner's confinement should be changed to life imprisonment with the possibility of parole, release to post-prison supervision or work release, it shall enter an order to that effect and the order shall convert the terms of the prisoner's confinement to life imprisonment with the possibility of parole, release to post-prison supervision or work release and may set a release date. Otherwise the board shall deny the relief sought in the petition.

(4) If the board denies the relief sought in the petition, the board shall determine the date of the subsequent hearing, and the prisoner may petition for an interim hearing, in accordance with ORS 144.285.

(5) The board's final order shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the underlying facts supporting the findings as to each contested issue of fact and as to each ultimate fact required to support the board's order.

SECTION 28. ORS 163.115 is amended to read:

163.115. (1) Except as provided in ORS 163.118 and 163.125, criminal homicide constitutes murder:

(a) When it is committed intentionally, except that it is an affirmative defense that, at the time of the homicide, the defendant was under the influence of an extreme emotional disturbance;

(b) When it is committed by a person, acting either alone or with one or more persons, who commits or attempts to commit any of the following crimes and in the course of and in furtherance of the crime the person is committing or attempting to commit, or during the immediate flight therefrom, the person, or another participant if there be any, causes the death of a person other than one of the participants:

(A) Arson in the first degree as defined in ORS 164.325;

(B) Criminal mischief in the first degree by means of an explosive as defined in ORS 164.365;

(C) Burglary in the first degree as defined in ORS 164.225;

(D) Escape in the first degree as defined in ORS 162.165;

(E) Kidnapping in the second degree as defined in ORS 163.225;

(F) Kidnapping in the first degree as defined in ORS 163.235;

(G) Robbery in the first degree as defined in ORS 164.415;

(H) Any felony sexual offense in the first degree defined in this chapter;

(I) Compelling prostitution as defined in ORS 167.017; or

(J) Assault in the first degree, as defined in ORS 163.185, and the victim is under 14 years of age, or assault in the second degree, as defined in ORS 163.175 (1)(a) or (b), and the victim is under 14 years of age; or

(c) By abuse when a person, recklessly under circumstances manifesting extreme indifference to the value of human life, causes the death of a child under 14 years of age or a dependent person, as defined in ORS 163.205, and:

(A) The person has previously engaged in a pattern or practice of assault or torture of the victim or another child under 14 years of age or a dependent person; or

(B) The person causes the death by neglect or maltreatment.

(2) An accusatory instrument alleging murder by abuse under subsection (1)(c) of this section need not allege specific incidents of assault or torture.

(3) It is an affirmative defense to a charge of violating subsection (1)(b) of this section that the defendant:

- (a) Was not the only participant in the underlying crime;
- (b) Did not commit the homicidal act or in any way solicit, request, command, importune, cause or aid in the commission thereof;
- (c) Was not armed with a dangerous or deadly weapon;
- (d) Had no reasonable ground to believe that any other participant was armed with a dangerous or deadly weapon; and
- (e) Had no reasonable ground to believe that any other participant intended to engage in conduct likely to result in death.

(4) It is an affirmative defense to a charge of violating subsection (1)(c)(B) of this section that the victim was a dependent person who was at least 18 years of age and was under care or treatment solely by spiritual means pursuant to the religious beliefs or practices of the dependent person or the guardian of the dependent person.

(5) Except as otherwise provided in ORS 163.155 **and section 25 of this 2019 Act**:

(a) A person convicted of murder, who was at least 15 years of age at the time of committing the murder, shall be punished by imprisonment for life.

(b) When a defendant is convicted of murder under this section, the court shall order that the defendant shall be confined for a minimum of 25 years without possibility of parole, release to post-prison supervision, release on work release or any form of temporary leave or employment at a forest or work camp.

(c) At any time after completion of a minimum period of confinement pursuant to paragraph (b) of this subsection, the State Board of Parole and Post-Prison Supervision, upon the petition of a prisoner so confined, shall hold a hearing to determine if the prisoner is likely to be rehabilitated within a reasonable period of time. The sole issue is whether the prisoner is likely to be rehabilitated within a reasonable period of time. At the hearing the prisoner has:

(A) The burden of proving by a preponderance of the evidence the likelihood of rehabilitation within a reasonable period of time;

(B) The right, if the prisoner is without sufficient funds to employ an attorney, to be represented by legal counsel, appointed by the board, at board expense; and

(C) The right to a subpoena upon a showing of the general relevance and reasonable scope of the evidence sought, provided that any subpoena issued on behalf of the prisoner must be issued by the State Board of Parole and Post-Prison Supervision pursuant to rules adopted by the board.

(d) If, upon hearing all of the evidence, the board, upon a unanimous vote of three board members or, if the chairperson requires all voting members to participate, a unanimous vote of all voting members, finds that the prisoner is capable of rehabilitation and that the terms of the prisoner's confinement should be changed to life imprisonment with the possibility of parole, release to post-prison supervision or work release, it shall enter an order to that effect and the order shall convert the terms of the prisoner's confinement to life imprisonment with the possibility of parole, release to post-prison supervision or work release and may set a release date. Otherwise, the board shall deny the relief sought in the petition.

(e) If the board denies the relief sought in the petition, the board shall determine the date of the subsequent hearing, and the prisoner may petition for an interim hearing, in accordance with ORS 144.285.

(f) The board's final order shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the underlying facts supporting the findings as to each contested issue of fact and as to each ultimate fact required to support the board's order.

(6) As used in this section:

(a) “Assault” means the intentional, knowing or reckless causation of physical injury to another person. “Assault” does not include the causation of physical injury in a motor vehicle accident that occurs by reason of the reckless conduct of a defendant.

(b) “Neglect or maltreatment” means a violation of ORS 163.535, 163.545 or 163.547 or a failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of a child under 14 years of age or a dependent person. This paragraph is not intended to replace or affect the duty or standard of care required under ORS chapter 677.

(c) “Pattern or practice” means one or more previous episodes.

(d) “Torture” means the intentional infliction of intense physical pain upon an unwilling victim as a separate objective apart from any other purpose.

SECTION 29. ORS 163.155 is amended to read:

163.155. (1) When a defendant, who was at least 15 years of age at the time of committing the murder, is convicted of murdering a pregnant victim under ORS 163.115 (1)(a) and the defendant knew that the victim was pregnant, the defendant shall be sentenced to life imprisonment without the possibility of release or parole **if the person was at least 18 years of age at the time of committing the offense** or to life imprisonment. The court shall conduct a sentencing proceeding to determine whether the defendant shall be sentenced to life imprisonment without the possibility of release or parole as described in subsection (4) of this section or to life imprisonment as described in subsection (5) of this section. If the defendant waives all rights to a jury sentencing proceeding, the court shall conduct the sentencing proceeding as the trier of fact. The procedure for the sentencing proceeding, whether before a court or a jury, shall follow the procedure of ORS 163.150 (1)(a), as modified by this section.

(2) Following the presentation of evidence and argument under subsection (1) of this section, the court shall instruct the jury that the trial court shall sentence the defendant to life imprisonment without the possibility of release or parole as described in subsection (4) of this section, unless after considering all of the evidence submitted, 10 or more members of the jury find there are sufficient mitigating circumstances to warrant life imprisonment with the possibility of release or parole as described in subsection (5) of this section. If 10 or more members of the jury do not find there are sufficient mitigating circumstances to warrant life imprisonment with the possibility of release or parole, the trial court shall sentence the defendant to life imprisonment without the possibility of release or parole as described in subsection (4) of this section. If 10 or more members of the jury find there are sufficient mitigating circumstances to warrant life imprisonment with the possibility of release or parole, the trial court shall sentence the defendant to life imprisonment as described in subsection (5) of this section.

(3) Nothing in this section precludes the court from sentencing the defendant to life imprisonment, as described in subsection (5) of this section, or life imprisonment without the possibility of release or parole, as described in subsection (4) of this section, pursuant to a stipulation of sentence or stipulation of sentencing facts agreed to and offered by both parties if the defendant waives all rights to a jury sentencing proceeding.

(4) A sentence of life imprisonment without the possibility of release or parole under this section may not be suspended, deferred or commuted by any judicial officer, and the State Board of Parole and Post-Prison Supervision may neither parole the prisoner nor reduce the period of confinement in any manner whatsoever. The Department of Corrections or any executive official may not permit the prisoner to participate in any sort of release or furlough program.

(5) If the defendant is sentenced to life imprisonment, the court shall order that the defendant be confined for a minimum of 30 years without possibility of parole[,] **or** release to post-prison supervision **except as provided in section 25 of this 2019 Act, and without the possibility of** release on work release or any form of temporary leave or employment at a forest or work camp.

(6) At any time after completion of the minimum period of confinement pursuant to subsection (5) of this section, the board, upon the petition of a prisoner so confined, shall hold a hearing to determine if the prisoner is likely to be rehabilitated within a reasonable period of time. The sole issue shall be whether the prisoner is likely to be rehabilitated within a reasonable period of time.

The proceeding shall be conducted in the manner prescribed for a contested case hearing under ORS chapter 183, except that:

(a) The prisoner has the burden of proving by a preponderance of the evidence the likelihood of rehabilitation within a reasonable period of time;

(b) The prisoner has the right, if the prisoner is without sufficient funds to employ an attorney, to be represented by legal counsel, appointed by the board, at board expense; and

(c) The prisoner has the right to a subpoena upon a showing of the general relevance and reasonable scope of the evidence sought, provided that any subpoena issued on behalf of the prisoner must be issued by the board pursuant to rules adopted by the board.

(7) If, upon hearing all of the evidence, the board, upon a unanimous vote of three board members or, if the chairperson requires all voting members to participate, a unanimous vote of all voting members, finds that the prisoner is capable of rehabilitation and that the terms of the prisoner's confinement should be changed to life imprisonment with the possibility of parole, release on post-prison supervision or work release, it shall enter an order to that effect and the order shall convert the terms of the prisoner's confinement to life imprisonment with the possibility of parole, release on post-prison supervision or work release and may set a release date. Otherwise the board shall deny the relief sought in the petition.

(8) Not less than two years after the denial of the relief sought in a petition under this section, the prisoner may petition again for a change in the terms of confinement. Further petitions for a change may be filed at intervals of not less than two years thereafter.

VICTIM NOTIFICATION

SECTION 30. (1) The division of the Department of Justice providing victim and survivor services shall, in consultation with district attorney victim assistance programs and community-based victim service providers, develop model policies for providing notice to victims concerning waiver hearings under ORS 419C.349 (1)(a) and hearings conducted pursuant to ORS 420A.203. The policies must ensure that victim notification is provided in a trauma-informed and culturally specific manner.

(2) Prior to a waiver hearing under ORS 419C.349 (1)(a) or a hearing conducted pursuant to ORS 420A.203, notice of the hearing shall be provided to the victim of the offense by the district attorney's victim assistance program in accordance with the model policies described in subsection (1) of this section, and in a manner that informs the victim of the victim's rights. The district attorney's victim assistance program shall also provide to the victim accompaniment to court hearings and referrals to community-based victim services that are, where available, culturally specific.

MISCELLANEOUS

SECTION 31. (1) Sections 24 and 25 of this 2019 Act and the amendments to ORS 137.071, 137.124, 137.705, 137.707, 137.712, 144.185, 161.610, 161.620, 163.105, 163.115, 163.155, 163A.130, 163A.135, 339.317, 339.319, 339.321, 419C.005, 419C.050, 419C.346, 419C.349, 419C.352, 419C.355, 419C.358, 419C.361, 420.011, 420.081 and 420A.203 by sections 1 to 23 and 26 to 29 of this 2019 Act become operative on January 1, 2020.

(2) The State Board of Parole and Post-Prison Supervision, the Oregon Youth Authority, the Department of Corrections and the Judicial Department may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the board, authority or department to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the board, authority or department by sections 24 and 25 of this 2019 Act and the amendments to ORS 137.071, 137.124, 137.705, 137.707, 137.712, 144.185, 161.610, 161.620, 163.105, 163.115, 163.155, 163A.130, 163A.135, 339.317, 339.319, 339.321, 419C.005, 419C.050, 419C.346, 419C.349, 419C.352, 419C.355,

419C.358, 419C.361, 420.011, 420.081 and 420A.203 by sections 1 to 23 and 26 to 29 of this 2019 Act.

SECTION 32. Sections 24 and 25 of this 2019 Act and the amendments to ORS 137.071, 137.124, 137.705, 137.707, 137.712, 144.185, 161.610, 161.620, 163.105, 163.115, 163.155, 163A.130, 163A.135, 339.317, 339.319, 339.321, 419C.005, 419C.050, 419C.346, 419C.349, 419C.352, 419C.355, 419C.358, 419C.361, 420.011, 420.081 and 420A.203 by sections 1 to 23 and 26 to 29 of this 2019 Act apply to sentences imposed on or after January 1, 2020.

SECTION 33. The unit captions used in this 2019 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2019 Act.

SECTION 34. This 2019 Act takes effect on the 91st day after the date on which the 2019 regular session of the Eightieth Legislative Assembly adjourns sine die.

Passed by Senate April 16, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 23, 2019

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

.....
Bev Clarno, Secretary of State

HB 2045 B STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary**Action Date:** 05/22/19**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 7-0-0-0**Yeas:** 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Gillian Fischer, Counsel**Meeting Dates:** 4/16, 5/22**WHAT THE MEASURE DOES:**

Updates sex offender registration requirements and deadlines. Amends current deadline for classification of existing sex offender registrants by the State Board of Parole and Post-Prison Supervision (Board) to December 1, 2026. Removes February 1, 2023, deadline for the Oregon State Police (OSP) to enter classifications of existing registrants into the Law Enforcement Data System and instead requires OSP enter the information within a reasonable time after receipt. Makes technical changes. Replaces "unclassified sex offenders" with the statutes specifying the individuals the Board is required to assess and report on progress made to the legislature. Clarifies language relating to persons petitioning review of their sex offender risk assessment classification under ORS 163A.100. States that a petition for review must be filed within 60 days of receiving notice of the classification in person, or if by mail, the time when the notice is sent. Includes exception when good cause is shown for failure to petition within the 60-day time frame. Adds to the circumstances when juvenile courts must ensure that a person required to report as a sex offender complete a form documenting their reporting obligations to include when the person has waived their right to a hearing on the issue of reporting as a sex offender. Requires juvenile courts to forward any order directing a person to register as a sex offender to the Department of State Police. Requires registered sex offenders to report to specified reporting agencies within 10 days of a legal change of name. Requires registered sex offenders report at least 21 days prior to any intended travel outside of the United States. Adds failing to report at least 21 days prior to any intended travel outside the United States and failing to report a legal change of name within 10 days to the list of acts constituting the crime of failure to report as a sex offender listed in ORS 163A.040. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Meeting current deadline for classification of existing registrants would require 30 additional staff
- Transient individuals challenged due to inability to regularly receive mailed notices of reporting updates or deadlines
- Information-sharing with foreign countries relating to registrants' travel plans
- Criminal consequences for failing to report a legal name change or international travel plans

EFFECT OF AMENDMENT:

Makes technical change.

BACKGROUND:

In 2013, the Legislative Assembly enacted House Bill 2549, which directed the Department of Corrections (DOC) to adopt a sex offender risk assessment tool for use in classifying sex offenders based on the statistical likelihood that an individual sex offender will commit another sex crime. The assessment and classification is to be done prior to an individual's release from DOC's custody or within 60 days of being placed on community supervision. The measure also applied retroactively, directing DOC to classify all sex offenders who were required to report before the implementation of the system, as well as those required to report in the future. The original deadline

This summary has not been adopted or officially endorsed by action of the committee.

HB 2045 B STAFF MEASURE SUMMARY

set forth in the 2013 legislation was extended by the legislative assembly in 2015, and then again in 2017, to provide the Board more time to comply with the directive of the legislation related to unclassified registrants. The State Board of Parole and Post-Prison Supervision assumed the task in place of DOC as part of the 2015 legislation (HB 2320). Offenders are classified as level one, two, or three for risk of re-offense, with a level one presenting the lowest risk of re-offending and a level three the highest. The statute allows any sex offender classified as a level two or a three to petition for review of their classification. A petition for review must be filed no later than 60 days after the person receives notice of the classification.

ORS 163A.020 states the circumstances under which a registered sex offender must report, in person, to the appropriate authority. The current statute does not require a legal change of name be reported at the time of the change. A change of name would only be reported at a subsequent required reporting event, for example, an annual report. The federal Sex Offender Registration and Notification Act (SORNA) requires sex offenders to report, in person, within three days of any legal change of name and 21 days prior to any intended travel outside of the United States.

Juvenile courts are required to ensure a person who is found to be within their jurisdiction under ORS 419C.005, and having been found responsible for having committed an act constituting a felony sex crime, complete a form acknowledging notice of their reporting requirements. Currently, ORS 163A.030 only requires this form when an order is entered by the court after a hearing on the issue of reporting requirements.

House Bill 2045 B combines several sex offender registration updates. First, it extends the deadline for classifying existing sex offenders to December 1, 2026. It also clarifies when notice of classification is presumed to have occurred. HB 2045 B updates Oregon reporting requirements to more closely mirror the federal requirements. HB 2045 B amends the statute to require the reporting requirements form be completed and forwarded, along with the court order to report, to the Department of State Police when a person has also waived their right to the available hearing or has failed to appear at a hearing.

80th OREGON LEGISLATIVE ASSEMBLY--2019 Regular Session

A-Engrossed House Bill 2045

Ordered by the House March 4
Including House Amendments dated March 4

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for State Board of Parole and Post-Prison Supervision)

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.

[Removes] **Extends** deadline by which State Board of Parole and Post-Prison Supervision must perform risk assessment and classification on existing sex offender registrants **to December 1, 2026**. Directs board to biennially report to Legislative Assembly beginning February 1, 2021, **until December 1, 2026**, on assessment and classification progress.

Removes deadline by which Department of State Police must enter results of classification into Law Enforcement Data System. Directs department to enter results within reasonable time after receipt.

Restores until January 1, 2022, statutory references to predatory sex offenders for adult offenders not yet classified into risk level.

Requires sex offender to report within 10 days of legal change of name. Punishes failure to report change of name by maximum of 364 days' imprisonment, \$6,250 fine, or both. If sex crime requiring reporting is felony, punishes failure to report change of name by maximum of five years' imprisonment, \$125,000 fine, or both.

Requires sex offender to report 21 days prior to intended travel outside United States. Punishes failure to report intended travel by maximum of 364 days' imprisonment, \$6,250 fine, or both.

Requires juvenile court to ensure that person who waives right to hearing on issue of reporting as sex offender completes form documenting person's obligation to report. Requires court to send form to Department of State Police. Requires court to send any order concerning sex offender reporting to Department of State Police, including order requiring person to report after failing to appear at hearing.

Requires that person classified as level two or level three sex offender file petition for review no later than 60 days after notice provided or mailed to person unless good cause is shown.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to sex offenders; creating new provisions; amending ORS 90.630, 144.641, 163.476, 163.479,
3 163A.010, 163A.015, 163A.020, 163A.025, 163A.030, 163A.040, 163A.105 and 419A.255 and section
4 7, chapter 708, Oregon Laws 2013; and declaring an emergency.

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

6 **SECTION 1.** Section 7, chapter 708, Oregon Laws 2013, as amended by section 27, chapter 820,
7 Oregon Laws 2015, section 31, chapter 442, Oregon Laws 2017, and section 1, chapter 488, Oregon
8 Laws 2017, is amended to read:

9 **Sec. 7.** (1) As used in this section and ORS 163A.200 to 163A.210:

10 (a) "Event triggering the obligation to make an initial report" has the meaning given that term
11 in ORS 163A.110.

12 (b) "Existing registrant" means a person for whom the event triggering the obligation to make
13 an initial report under ORS 163A.010 (3)(a)(A), 163A.015 (4)(a)(A) or 163A.020 (1)(a)(A), (2)(a)(A) or
14 (3)(a)(A) occurs before January 1, 2014.

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 (2)(a) No later than December 1, [2022] **2026**, The State Board of Parole and Post-Prison Super-
2 vision shall classify existing registrants in one of the levels described in ORS 163A.100. [*No later*
3 *than February 1, 2023,*] The Department of State Police shall enter the results of the classifications
4 described in this section into the Law Enforcement Data System **within a reasonable time after**
5 **receipt.**

6 (b) The board shall classify an existing registrant as a level three sex offender under ORS
7 163A.100 (3), if:

8 (A) The person was previously designated a predatory sex offender and the designation was
9 made after the person was afforded notice and an opportunity to be heard as to all factual questions
10 at a meaningful time and in a meaningful manner; or

11 (B) The person is a sexually violent dangerous offender under ORS 137.765.

12 (c) The Psychiatric Security Review Board may complete the risk assessment of an existing
13 registrant who is under the jurisdiction of the Psychiatric Security Review Board, regardless of
14 whether the person has been found guilty except for insanity of a sex crime or was previously con-
15 victed of a sex crime, if the State Board of Parole and Post-Prison Supervision and the Psychiatric
16 Security Review Board mutually agree that the Psychiatric Security Review Board has adequate
17 resources to perform the assessment and that the performance of the assessment by the Psychiatric
18 Security Review Board would assist in classifying the existing registrant in a more timely manner.

19 (3) As soon as practicable following the classification of an existing registrant under this sec-
20 tion, the classifying board shall notify the person of the classification by mail.

21 (4)(a) An existing registrant who seeks review of a classification made under this section as a
22 level two or level three sex offender as described in ORS 163A.100 may petition the classifying board
23 for review. The petition may be filed no later than 60 days after the board provides the notice de-
24 scribed in subsection (3) of this section.

25 (b) Upon receipt of a petition described in this subsection, the classifying board shall afford the
26 person an opportunity to be heard as to all factual questions related to the classification.

27 (c) After providing the person with notice and an opportunity to be heard in accordance with
28 this subsection, the board shall classify the person in accordance with the classifications described
29 in ORS 163A.100, based on all of the information available to the classifying board.

30 (5) The boards shall adopt rules to carry out the provisions of this section.

31 (6) An existing registrant may not petition for reclassification or relief from the obligation to
32 report as a sex offender as provided in ORS 163A.125 until either all existing registrants have been
33 classified in one of the levels described in ORS 163A.100 or December 1, 2018, whichever occurs
34 first.

35 (7) Notwithstanding ORS 163A.225 or any other provision of law, the Department of State Police
36 may until December 1, 2018, continue to use the Internet to make information available to the public
37 concerning any adult sex offender designated as predatory as authorized by the law in effect on
38 December 31, 2013.

39 (8)(a) If the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Re-
40 view Board does not classify an existing registrant under ORS 163A.100 because the person has
41 failed or refused to participate in a sex offender risk assessment as directed by the State Board of
42 Parole and Post-Prison Supervision or the Psychiatric Security Review Board, the appropriate board
43 shall classify the person as a level three sex offender under ORS 163A.100 (3).

44 (b) If an existing registrant classified as a level three sex offender under this subsection notifies
45 the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board of

1 the willingness to participate in a sex offender risk assessment, the appropriate board shall perform
2 the assessment and classify the existing registrant in one of the levels described in ORS 163A.100.

3 (9) The State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review
4 Board may reassess or reclassify an existing registrant placed in one of the levels described in ORS
5 163A.100 under this section if the classifying board determines that a factual mistake caused an
6 erroneous assessment or classification.

7 **SECTION 2. Beginning February 1, 2021, and biennially thereafter, the State Board of**
8 **Parole and Post-Prison Supervision shall report to the Legislative Assembly, in the manner**
9 **provided in ORS 192.245, on:**

10 (1) **The progress made in assessing and classifying existing registrants as defined in sec-**
11 **tion 7, chapter 708, Oregon Laws 2013, and other sex offenders the board is directed to assess**
12 **and classify under ORS 163A.105, 163A.110 and 163A.115; and**

13 (2) **Efforts to reduce the cost and increase the efficiency and accuracy of the assess-**
14 **ments.**

15 **SECTION 3.** ORS 90.630, as amended by section 22, chapter 820, Oregon Laws 2015, is amended
16 to read:

17 90.630. (1) Except as provided in subsection (4) of this section, the landlord may terminate a
18 rental agreement that is a month-to-month or fixed term tenancy for space for a manufactured
19 dwelling or floating home by giving to the tenant not less than 30 days' notice in writing before the
20 date designated in the notice for termination if the tenant:

21 (a) Violates a law or ordinance related to the tenant's conduct as a tenant, including but not
22 limited to a material noncompliance with ORS 90.740;

23 (b) Violates a rule or rental agreement provision related to the tenant's conduct as a tenant and
24 imposed as a condition of occupancy, including but not limited to a material noncompliance with a
25 rental agreement regarding a program of recovery in drug and alcohol free housing;

26 (c) Is classified as a level three sex offender under ORS 163A.100 (3) **or is an unclassified adult**
27 **sex offender designated as predatory prior to January 1, 2014; or**

28 (d) Fails to pay a:

29 (A) Late charge pursuant to ORS 90.260;

30 (B) Fee pursuant to ORS 90.302; or

31 (C) Utility or service charge pursuant to ORS 90.534 or 90.536.

32 (2) A violation making a tenant subject to termination under subsection (1) of this section in-
33 cludes a tenant's failure to maintain the space as required by law, ordinance, rental agreement or
34 rule, but does not include the physical condition of the dwelling or home. Termination of a rental
35 agreement based upon the physical condition of a dwelling or home shall only be as provided in ORS
36 90.632.

37 (3) The notice required by subsection (1) of this section shall state facts sufficient to notify the
38 tenant of the reasons for termination of the tenancy and state that the tenant may avoid termination
39 by correcting the violation as provided in subsection (4) of this section.

40 (4) The tenant may avoid termination of the tenancy by correcting the violation within the
41 30-day period specified in subsection (1) of this section. However, if substantially the same act or
42 omission that constituted a prior violation of which notice was given recurs within six months after
43 the date of the notice, the landlord may terminate the tenancy upon at least 20 days' written notice
44 specifying the violation and the date of termination of the tenancy.

45 (5) Notwithstanding subsection (3) or (4) of this section, a tenant who is given a notice of ter-

1 mination under subsection (1)(c) of this section does not have a right to correct the violation. A
2 notice given to a tenant under subsection (1)(c) of this section must state that the tenant does not
3 have a right to avoid the termination.

4 (6) This section does not limit a landlord's right to terminate a tenancy for nonpayment of rent
5 under ORS 90.394 or for other cause under ORS 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying
6 with ORS 105.105 to 105.168.

7 (7) A tenancy terminates on the date designated in the notice and without regard to the expi-
8 ration of the period for which, by the terms of the rental agreement, rents are to be paid. Unless
9 otherwise agreed, rent is uniformly apportionable from day to day.

10 (8) Notwithstanding any other provision of this section or ORS 90.394, 90.396 or 90.398, the
11 landlord may terminate the rental agreement for space for a manufactured dwelling or floating home
12 because of repeated late payment of rent by giving the tenant not less than 30 days' notice in
13 writing before the date designated in that notice for termination and may take possession as pro-
14 vided in ORS 105.105 to 105.168 if:

15 (a) The tenant has not paid the monthly rent prior to the eighth day of the rental period as
16 described in ORS 90.394 (2)(a) or the fifth day of the rental period as described in ORS 90.394 (2)(b)
17 in at least three of the preceding 12 months and the landlord has given the tenant a nonpayment
18 of rent termination notice pursuant to ORS 90.394 (2) during each of those three instances of non-
19 payment;

20 (b) The landlord warns the tenant of the risk of a 30-day notice for termination with no right
21 to correct the cause, upon the occurrence of a third nonpayment of rent termination notice within
22 a 12-month period. The warning must be contained in at least two nonpayment of rent termination
23 notices that precede the third notice within a 12-month period or in separate written notices that
24 are given concurrent with, or a reasonable time after, each of the two nonpayment of rent termi-
25 nation notices; and

26 (c) The 30-day notice of termination states facts sufficient to notify the tenant of the cause for
27 termination of the tenancy and is given to the tenant concurrent with or after the third or a sub-
28 sequent nonpayment of rent termination notice.

29 (9) Notwithstanding subsection (4) of this section, a tenant who receives a 30-day notice of ter-
30 mination pursuant to subsection (8) of this section does not have a right to correct the cause for the
31 notice.

32 (10) The landlord may give a copy of the notice required by subsection (8) of this section to any
33 lienholder of the manufactured dwelling or floating home by first class mail with certificate of
34 mailing or by any other method allowed by ORS 90.150 (2) and (3). A landlord is not liable to a
35 tenant for any damages incurred by the tenant as a result of the landlord giving a copy of the notice
36 in good faith to a lienholder. A lienholder's rights and obligations regarding an abandoned manu-
37 factured dwelling or floating home shall be as provided under ORS 90.675.

38 **SECTION 4.** ORS 144.641, as amended by section 23, chapter 820, Oregon Laws 2015, is
39 amended to read:

40 144.641. As used in this section and ORS 144.642, 144.644 and 144.646:

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

42 (2) "Dwelling" does not include a residential treatment facility or a halfway house.

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

45 (4) "Locations where children are the primary occupants or users" includes, but is not limited

1 to, public and private elementary and secondary schools and licensed child care centers.

2 (5) "Sex offender" means:

3 (a) A sexually violent dangerous offender as defined in ORS 137.765; [or]

4 (b) A level three sex offender under ORS 163A.100 (3)[.]; **or**

5 **(c) An unclassified adult sex offender designated as predatory prior to January 1, 2014.**

6 (6) "Transitional housing" means housing intended to be occupied by a sex offender for 45 days
7 or less immediately after release from incarceration.

8 **SECTION 5.** ORS 163.476, as amended by section 24, chapter 820, Oregon Laws 2015, is
9 amended to read:

10 163.476. (1) A person commits the crime of unlawfully being in a location where children regu-
11 larly congregate if the person:

12 (a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

13 (B) Has been classified as a level three sex offender under ORS 163A.100 (3) **or is an unclas-**
14 **sified adult sex offender designated as predatory prior to January 1, 2014**, and does not have
15 written approval from the State Board of Parole and Post-Prison Supervision or the person's super-
16 visory authority or supervising officer to be in or upon the specific premises;

17 (C) Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a sex
18 crime; or

19 (D) Has been given a similar designation or been sentenced under a similar law of another ju-
20 risdiction; and

21 (b) Knowingly enters or remains in or upon premises where persons under 18 years of age reg-
22 ularly congregate.

23 (2) As used in this section:

24 (a) "Premises where persons under 18 years of age regularly congregate" means schools, child
25 care centers, playgrounds, other places intended for use primarily by persons under 18 years of age
26 and places where persons under 18 years of age gather for regularly scheduled educational and
27 recreational programs.

28 (b) "Sex crime" has the meaning given that term in ORS 163A.005.

29 (3) Unlawfully being in a location where children regularly congregate is a Class A
30 misdemeanor.

31 **SECTION 6.** ORS 163.479, as amended by section 25, chapter 820, Oregon Laws 2015, is
32 amended to read:

33 163.479. (1) A person commits the crime of unlawful contact with a child if the person:

34 (a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

35 (B) Has been classified as a level three sex offender under ORS 163A.100 (3);

36 **(C) Is an unclassified adult sex offender designated as predatory prior to January 1, 2014;**

37 [(C)] **(D)** Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a
38 sex crime; or

39 [(D)] **(E)** Has been given a similar designation or been sentenced under a similar law of another
40 jurisdiction; and

41 (b) Knowingly contacts a child with the intent to commit a crime or for the purpose of arousing
42 or satisfying the sexual desires of the person or another person.

43 (2) As used in this section:

44 (a) "Child" means a person under 18 years of age.

45 (b) "Contact" means to communicate in any manner.

1 (c) "Sex crime" has the meaning given that term in ORS 163A.005.

2 (3) Unlawful contact with a child is a Class C felony.

3 **SECTION 7.** ORS 90.630, as amended by section 22, chapter 820, Oregon Laws 2015, and section
4 3 of this 2019 Act, is amended to read:

5 90.630. (1) Except as provided in subsection (4) of this section, the landlord may terminate a
6 rental agreement that is a month-to-month or fixed term tenancy for space for a manufactured
7 dwelling or floating home by giving to the tenant not less than 30 days' notice in writing before the
8 date designated in the notice for termination if the tenant:

9 (a) Violates a law or ordinance related to the tenant's conduct as a tenant, including but not
10 limited to a material noncompliance with ORS 90.740;

11 (b) Violates a rule or rental agreement provision related to the tenant's conduct as a tenant and
12 imposed as a condition of occupancy, including but not limited to a material noncompliance with a
13 rental agreement regarding a program of recovery in drug and alcohol free housing;

14 (c) Is classified as a level three sex offender under ORS 163A.100 (3) [*or is an unclassified adult*
15 *sex offender designated as predatory prior to January 1, 2014*]; or

16 (d) Fails to pay a:

17 (A) Late charge pursuant to ORS 90.260;

18 (B) Fee pursuant to ORS 90.302; or

19 (C) Utility or service charge pursuant to ORS 90.534 or 90.536.

20 (2) A violation making a tenant subject to termination under subsection (1) of this section in-
21 cludes a tenant's failure to maintain the space as required by law, ordinance, rental agreement or
22 rule, but does not include the physical condition of the dwelling or home. Termination of a rental
23 agreement based upon the physical condition of a dwelling or home shall only be as provided in ORS
24 90.632.

25 (3) The notice required by subsection (1) of this section shall state facts sufficient to notify the
26 tenant of the reasons for termination of the tenancy and state that the tenant may avoid termination
27 by correcting the violation as provided in subsection (4) of this section.

28 (4) The tenant may avoid termination of the tenancy by correcting the violation within the
29 30-day period specified in subsection (1) of this section. However, if substantially the same act or
30 omission that constituted a prior violation of which notice was given recurs within six months after
31 the date of the notice, the landlord may terminate the tenancy upon at least 20 days' written notice
32 specifying the violation and the date of termination of the tenancy.

33 (5) Notwithstanding subsection (3) or (4) of this section, a tenant who is given a notice of ter-
34 mination under subsection (1)(c) of this section does not have a right to correct the violation. A
35 notice given to a tenant under subsection (1)(c) of this section must state that the tenant does not
36 have a right to avoid the termination.

37 (6) This section does not limit a landlord's right to terminate a tenancy for nonpayment of rent
38 under ORS 90.394 or for other cause under ORS 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying
39 with ORS 105.105 to 105.168.

40 (7) A tenancy terminates on the date designated in the notice and without regard to the expi-
41 ration of the period for which, by the terms of the rental agreement, rents are to be paid. Unless
42 otherwise agreed, rent is uniformly apportionable from day to day.

43 (8) Notwithstanding any other provision of this section or ORS 90.394, 90.396 or 90.398, the
44 landlord may terminate the rental agreement for space for a manufactured dwelling or floating home
45 because of repeated late payment of rent by giving the tenant not less than 30 days' notice in

1 writing before the date designated in that notice for termination and may take possession as pro-
2 vided in ORS 105.105 to 105.168 if:

3 (a) The tenant has not paid the monthly rent prior to the eighth day of the rental period as
4 described in ORS 90.394 (2)(a) or the fifth day of the rental period as described in ORS 90.394 (2)(b)
5 in at least three of the preceding 12 months and the landlord has given the tenant a nonpayment
6 of rent termination notice pursuant to ORS 90.394 (2) during each of those three instances of non-
7 payment;

8 (b) The landlord warns the tenant of the risk of a 30-day notice for termination with no right
9 to correct the cause, upon the occurrence of a third nonpayment of rent termination notice within
10 a 12-month period. The warning must be contained in at least two nonpayment of rent termination
11 notices that precede the third notice within a 12-month period or in separate written notices that
12 are given concurrent with, or a reasonable time after, each of the two nonpayment of rent termi-
13 nation notices; and

14 (c) The 30-day notice of termination states facts sufficient to notify the tenant of the cause for
15 termination of the tenancy and is given to the tenant concurrent with or after the third or a sub-
16 sequent nonpayment of rent termination notice.

17 (9) Notwithstanding subsection (4) of this section, a tenant who receives a 30-day notice of ter-
18 mination pursuant to subsection (8) of this section does not have a right to correct the cause for the
19 notice.

20 (10) The landlord may give a copy of the notice required by subsection (8) of this section to any
21 lienholder of the manufactured dwelling or floating home by first class mail with certificate of
22 mailing or by any other method allowed by ORS 90.150 (2) and (3). A landlord is not liable to a
23 tenant for any damages incurred by the tenant as a result of the landlord giving a copy of the notice
24 in good faith to a lienholder. A lienholder's rights and obligations regarding an abandoned manu-
25 factured dwelling or floating home shall be as provided under ORS 90.675.

26 **SECTION 8.** ORS 144.641, as amended by section 23, chapter 820, Oregon Laws 2015, and sec-
27 tion 4 of this 2019 Act, is amended to read:

28 144.641. As used in this section and ORS 144.642, 144.644 and 144.646:

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

30 (2) "Dwelling" does not include a residential treatment facility or a halfway house.

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

33 (4) "Locations where children are the primary occupants or users" includes, but is not limited
34 to, public and private elementary and secondary schools and licensed child care centers.

35 (5) "Sex offender" means:

36 (a) A sexually violent dangerous offender as defined in ORS 137.765; **or**

37 (b) A level three sex offender under ORS 163A.100 (3); *or*.

38 *[(c) An unclassified adult sex offender designated as predatory prior to January 1, 2014.]*

39 (6) "Transitional housing" means housing intended to be occupied by a sex offender for 45 days
40 or less immediately after release from incarceration.

41 **SECTION 9.** ORS 163.476, as amended by section 24, chapter 820, Oregon Laws 2015, and sec-
42 tion 5 of this 2019 Act, is amended to read:

43 163.476. (1) A person commits the crime of unlawfully being in a location where children regu-
44 larly congregate if the person:

45 (a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

1 (B) Has been classified as a level three sex offender under ORS 163A.100 (3) [*or is an unclassi-*
 2 *fied adult sex offender designated as predatory prior to January 1, 2014*], and does not have written
 3 approval from the State Board of Parole and Post-Prison Supervision or the person's supervisory
 4 authority or supervising officer to be in or upon the specific premises;

5 (C) Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a sex
 6 crime; or

7 (D) Has been given a similar designation or been sentenced under a similar law of another ju-
 8 risdiction; and

9 (b) Knowingly enters or remains in or upon premises where persons under 18 years of age reg-
 10 ularly congregate.

11 (2) As used in this section:

12 (a) "Premises where persons under 18 years of age regularly congregate" means schools, child
 13 care centers, playgrounds, other places intended for use primarily by persons under 18 years of age
 14 and places where persons under 18 years of age gather for regularly scheduled educational and
 15 recreational programs.

16 (b) "Sex crime" has the meaning given that term in ORS 163A.005.

17 (3) Unlawfully being in a location where children regularly congregate is a Class A
 18 misdemeanor.

19 **SECTION 10.** ORS 163.479, as amended by section 25, chapter 820, Oregon Laws 2015, and
 20 section 6 of this 2019 Act, is amended to read:

21 163.479. (1) A person commits the crime of unlawful contact with a child if the person:

22 (a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

23 (B) Has been classified as a level three sex offender under ORS 163A.100 (3);

24 [*(C) Is an unclassified adult sex offender designated as predatory prior to January 1, 2014;*]

25 [*(D)*] (C) Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a
 26 sex crime; or

27 [*(E)*] (D) Has been given a similar designation or been sentenced under a similar law of another
 28 jurisdiction; and

29 (b) Knowingly contacts a child with the intent to commit a crime or for the purpose of arousing
 30 or satisfying the sexual desires of the person or another person.

31 (2) As used in this section:

32 (a) "Child" means a person under 18 years of age.

33 (b) "Contact" means to communicate in any manner.

34 (c) "Sex crime" has the meaning given that term in ORS 163A.005.

35 (3) Unlawful contact with a child is a Class C felony.

36 **SECTION 11.** ORS 163A.010 is amended to read:

37 163A.010. (1) The agency to which a person reports under subsection (3) of this section shall
 38 complete a sex offender registration form concerning the person when the person reports under
 39 subsection (3) of this section.

40 (2) Subsection (3) of this section applies to a person who:

41 (a) Is discharged, paroled or released on any form of supervised or conditional release from a
 42 jail, prison or other correctional facility or detention facility in this state at which the person was
 43 confined as a result of:

44 (A) Conviction of a sex crime or a crime for which the person would have to register as a sex
 45 offender under federal law; or

- 1 (B) Having been found guilty except for insanity of a sex crime;
- 2 (b) Is paroled to this state under ORS 144.610 after being convicted in another United States
3 court of a crime:
- 4 (A) That would constitute a sex crime if committed in this state; or
- 5 (B) For which the person would have to register as a sex offender in that court's jurisdiction,
6 or as required under federal law, regardless of whether the crime would constitute a sex crime in
7 this state; or
- 8 (c) Is discharged by the court under ORS 161.329 after having been found guilty except for in-
9 sanity of a sex crime.
- 10 (3)(a) A person described in subsection (2) of this section shall report, in person, to the Depart-
11 ment of State Police, a city police department or a county sheriff's office, in the county to which the
12 person was discharged, paroled or released or in which the person was otherwise placed:
- 13 (A) Within 10 days following discharge, release on parole, post-prison supervision or other
14 supervised or conditional release;
- 15 (B) Within 10 days of a change of residence;
- 16 (C) **Within 10 days of a legal change of name;**
- 17 [(C)] (D) Once each year within 10 days of the person's birth date, regardless of whether the
18 person changed residence;
- 19 [(D)] (E) Within 10 days of the first day the person works at, carries on a vocation at or attends
20 an institution of higher education; [and]
- 21 [(E)] (F) Within 10 days of a change in work, vocation or attendance status at an institution of
22 higher education[.]; **and**
- 23 (G) **At least 21 days prior to any intended travel outside of the United States.**
- 24 (b) If a person required to report under this subsection has complied with the initial reporting
25 requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in per-
26 son, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the De-
27 partment of State Police, a city police department or a county sheriff's office, in the county of the
28 person's last reported residence.
- 29 (c) Notwithstanding paragraphs (a) and (b) of this subsection, during the period of supervision
30 or custody authorized by law, the Oregon Youth Authority may authorize a youth offender commit-
31 ted to its supervision and custody by order of the juvenile court or a person placed in its physical
32 custody under ORS 137.124 or any other provision of law to report to the authority regardless of the
33 youth offender's or the person's last reported residence.
- 34 (d) In the event that a person reports to the authority under this subsection, the authority shall
35 register the person.
- 36 (e) The obligation to report under this subsection terminates if the conviction or adjudication
37 that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.
- 38 (4) As part of the registration and reporting requirements of this section:
- 39 (a) The person required to report shall:
- 40 (A) Provide the information necessary to complete the sex offender registration form and sign
41 the form as required; and
- 42 (B) Submit to the requirements described in paragraph (b) of this subsection.
- 43 (b) The Department of State Police, Oregon Youth Authority, city police department or county
44 sheriff's office:
- 45 (A) Shall photograph the person when the person initially reports under this section and each

1 time the person reports annually under this section;

2 (B) May photograph the person or any identifying scars, marks or tattoos located on the person
3 when the person reports under any of the circumstances described in this section; and

4 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file
5 of the Department of State Police.

6 **SECTION 12.** ORS 163A.015 is amended to read:

7 163A.015. (1) The agency to which a person reports under subsection (4) of this section shall
8 complete a sex offender registration form concerning the person when the person reports under
9 subsection (4) of this section.

10 (2) Subsection (4) of this section applies to a person who is discharged, released or placed on
11 probation:

12 (a) By the court after being convicted in this state of a sex crime;

13 (b) By a federal court after being convicted of a crime for which the person would have to
14 register as a sex offender under federal law, regardless of whether the crime would constitute a sex
15 crime in this state; or

16 (c) To or in this state under ORS 144.610 after being convicted in another United States court
17 of a crime:

18 (A) That would constitute a sex crime if committed in this state; or

19 (B) For which the person would have to register as a sex offender in that court's jurisdiction,
20 regardless of whether the crime would constitute a sex crime in this state.

21 (3) The court shall ensure that the person completes a form that documents the person's obli-
22 gation to report under ORS 163A.010 or this section. No later than three working days after the
23 person completes the form required by this subsection, the court shall ensure that the form is sent
24 to the Department of State Police.

25 (4)(a) A person described in subsection (2) of this section shall report, in person, to the Depart-
26 ment of State Police, a city police department or a county sheriff's office, in the county to which the
27 person was discharged or released or in which the person was placed on probation:

28 (A) Within 10 days following discharge, release or placement on probation;

29 (B) Within 10 days of a change of residence;

30 (C) **Within 10 days of a legal change of name;**

31 [~~C~~] (D) Once each year within 10 days of the person's birth date, regardless of whether the
32 person changed residence;

33 [~~D~~] (E) Within 10 days of the first day the person works at, carries on a vocation at or attends
34 an institution of higher education; [~~and~~]

35 [~~E~~] (F) Within 10 days of a change in work, vocation or attendance status at an institution of
36 higher education[.]; **and**

37 (G) **At least 21 days prior to any intended travel outside of the United States.**

38 (b) If a person required to report under this subsection has complied with the initial reporting
39 requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in per-
40 son, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the De-
41 partment of State Police, a city police department or a county sheriff's office, in the county of the
42 person's last reported residence.

43 (c) The obligation to report under this subsection terminates if the conviction or adjudication
44 that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

45 (5) As part of the registration and reporting requirements of this section:

1 (a) The person required to report shall:

2 (A) Provide the information necessary to complete the sex offender registration form and sign
3 the form as required; and

4 (B) Submit to the requirements described in paragraph (b) of this subsection.

5 (b) The Department of State Police, the city police department or the county sheriff's office:

6 (A) Shall photograph the person when the person initially reports under this section and each
7 time the person reports annually under this section;

8 (B) May photograph the person or any identifying scars, marks or tattoos located on the person
9 when the person reports under any of the circumstances described in this section; and

10 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file
11 of the Department of State Police.

12 **SECTION 13.** ORS 163A.020 is amended to read:

13 163A.020. (1)(a) When a person described in subsection (6) of this section moves into this state
14 and is not otherwise required by ORS 163A.010, 163A.015 or 163A.025 to report, the person shall
15 report, in person, to the Department of State Police, a city police department or a county sheriff's
16 office, in the county of the person's residence:

17 (A) No later than 10 days after moving into this state;

18 (B) Within 10 days of a change of residence;

19 **(C) Within 10 days of a legal change of name;**

20 ~~[(C)]~~ **(D)** Once each year within 10 days of the person's birth date, regardless of whether the
21 person changed residence;

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

24 ~~[(E)]~~ **(F)** Within 10 days of a change in work, vocation or attendance status at an institution of
25 higher education[.]; **and**

26 **(G) At least 21 days prior to any intended travel outside of the United States.**

27 (b) If a person required to report under this subsection has complied with the initial reporting
28 requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in per-
29 son, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the De-
30 partment of State Police, a city police department or a county sheriff's office, in the county of the
31 person's last reported residence.

32 (2)(a) When a person described in ORS 163A.010 (2) or 163A.015 (2) or subsection (6) of this
33 section attends school or works in this state, resides in another state and is not otherwise required
34 by ORS 163A.010, 163A.015 or 163A.025 to report, the person shall report, in person, to the Depart-
35 ment of State Police, a city police department or a county sheriff's office, in the county in which the
36 school or place of work is located, no later than 10 days after:

37 (A) The first day of school attendance or the 14th day of employment in this state; *[and]*

38 (B) A change in school enrollment or employment[.]; **and**

39 **(C) A legal change of name.**

40 (b) As used in this subsection, "attends school" means enrollment in any type of school on a
41 full-time or part-time basis.

42 (3)(a) When a person described in subsection (6) of this section resides in this state at the time
43 of the conviction or adjudication giving rise to the obligation to report, continues to reside in this
44 state following the conviction or adjudication and is not otherwise required by ORS 163A.010,
45 163A.015 or 163A.025 to report, the person shall report, in person, to the Department of State Police,

1 a city police department or a county sheriff's office, in the county of the person's residence:

2 (A) Within 10 days following:

3 (i) Discharge, release on parole or release on any form of supervised or conditional release, from
4 a jail, prison or other correctional facility or detention facility; or

5 (ii) Discharge, release or placement on probation, by another United States court;

6 (B) Within 10 days of a change of residence;

7 **(C) Within 10 days of a legal change of name;**

8 ~~[(C)]~~ **(D)** Once each year within 10 days of the person's birth date, regardless of whether the
9 person has changed residence;

10 ~~[(D)]~~ **(E)** Within 10 days of the first day the person works at, carries on a vocation at or attends
11 an institution of higher education; *[and]*

12 ~~[(E)]~~ **(F)** Within 10 days of a change in work, vocation or attendance status at an institution of
13 higher education[.]; **and**

14 **(G) At least 21 days prior to any intended travel outside of the United States.**

15 (b) If a person required to report under this subsection has complied with the applicable initial
16 reporting requirement under paragraph (a)(A) of this subsection, the person shall subsequently re-
17 port, in person, in the circumstances specified in paragraph (a) of this subsection, as applicable, to
18 the Department of State Police, a city police department or a county sheriff's office, in the county
19 of the person's last reported residence.

20 (4) When a person reports under this section, the agency to which the person reports shall
21 complete a sex offender registration form concerning the person.

22 (5) The obligation to report under this section terminates if the conviction or adjudication that
23 gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

24 (6) Subsections (1) to (5) of this section apply to a person convicted in another United States
25 court of a crime:

26 (a) That would constitute a sex crime if committed in this state; or

27 (b) For which the person would have to register as a sex offender in that court's jurisdiction,
28 or as required under federal law, regardless of whether the crime would constitute a sex crime in
29 this state.

30 (7) As part of the registration and reporting requirements of this section:

31 (a) The person required to report shall:

32 (A) Provide the information necessary to complete the sex offender registration form and sign
33 the form as required; and

34 (B) Submit to the requirements described in paragraph (b) of this subsection.

35 (b) The Department of State Police, the city police department or the county sheriff's office:

36 (A) Shall photograph the person when the person initially reports under this section, each time
37 the person reports annually under subsection ~~[(1)(a)(C) or (3)(a)(C)]~~ **(1)(a)(D) or (3)(a)(D)** of this
38 section and each time the person reports under subsection (2)(a)(B) of this section;

39 (B) May photograph the person or any identifying scars, marks or tattoos located on the person
40 when the person reports under any of the circumstances described in this section; and

41 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file
42 of the Department of State Police.

43 **SECTION 14.** ORS 163A.025 is amended to read:

44 163A.025. (1) A person found to be within the jurisdiction of the juvenile court under ORS
45 419C.005, or found by the juvenile court to be responsible except for insanity under ORS 419C.411,

1 for having committed an act that, if committed by an adult, would constitute a felony sex crime shall
2 report as a sex offender as described in subsections (2) to (4) of this section, unless the juvenile
3 court enters an order under ORS 163A.130 or 163A.135 relieving the person of the obligation to re-
4 port, if:

5 (a) The person has been ordered under ORS 163A.030 to report as a sex offender;

6 (b) The person was adjudicated, and the jurisdiction of the juvenile court or the Psychiatric
7 Security Review Board over the person ended, prior to August 12, 2015;

8 (c) The person was adjudicated prior to August 12, 2015, and the jurisdiction of the juvenile
9 court or the Psychiatric Security Review Board over the person ended after August 12, 2015, and
10 before April 4, 2016; or

11 (d) The person has been found in a juvenile adjudication in another United States court to have
12 committed an act while the person was under 18 years of age that would constitute a felony sex
13 crime if committed in this state by an adult.

14 (2) A person described in subsection (1)(a) or (d) of this section, or a person described in sub-
15 section (1)(c) of this section who did not make an initial report prior to April 4, 2016, who resides
16 in this state shall make an initial report, in person, to the Department of State Police, a city police
17 department or a county sheriff's office as follows:

18 (a) The person shall report no later than 10 days after the date of the court order requiring the
19 person to report under ORS 163A.030;

20 (b) If the person is adjudicated for the act giving rise to the obligation to report in another
21 United States court and the person is found to have committed an act that if committed by an adult
22 in this state would constitute:

23 (A) A Class A or Class B felony sex crime:

24 (i) If the person is not a resident of this state at the time of the adjudication, the person shall
25 make the initial report to the Department of State Police, a city police department or a county
26 sheriff's office, in the county of the person's residence, no later than 10 days after the date the
27 person moves into this state; or

28 (ii) If the person is a resident of this state at the time of the adjudication, the person shall make
29 the initial report to the Department of State Police, a city police department or a county sheriff's
30 office, in the county of the person's residence, no later than 10 days after the date the person is
31 discharged, released or placed on probation or any other form of supervised or conditional release
32 by the other United States court or, if the person is confined in a correctional facility by the other
33 United States court, no later than 10 days after the date the person is discharged or otherwise re-
34 leased from the facility.

35 (B) A Class C felony sex crime:

36 (i) If the person is not a resident of this state at the time of the adjudication, the person shall
37 make the initial report to the Department of State Police, a city police department or a county
38 sheriff's office, in the county of the person's residence, no later than six months after the date the
39 person moves into this state; or

40 (ii) If the person is a resident of this state at the time of the adjudication, the person shall make
41 the initial report to the Department of State Police, a city police department or a county sheriff's
42 office, in the county of the person's residence, no later than 10 days after the date the person is
43 discharged, released or placed on probation or any other form of supervised or conditional release
44 by the other United States court or, if the person is confined in a correctional facility by the other
45 United States court, no later than 10 days after the date the person is discharged or otherwise re-

1 leased from the facility; or

2 (c) For persons described in subsection (1)(c) of this section who did not make an initial report
3 prior to April 4, 2016, the person shall report no later than 120 days after April 4, 2016.

4 (3) After making the initial report described in subsection (2) of this section or, for a person
5 described in subsection (1)(c) of this section who made an initial report prior to April 4, 2016, or a
6 person described in subsection (1)(b) of this section, beginning after April 4, 2016, the person shall
7 report, in person, to the Department of State Police, a city police department or a county sheriff's
8 office, in the county of the person's last reported residence:

9 (a) Within 10 days of a change of residence;

10 **(b) Within 10 days of a legal change of name;**

11 [(b)] (c) Once each year within 10 days of the person's birth date, regardless of whether the
12 person changed residence;

13 [(c)] (d) Within 10 days of the first day the person works at, carries on a vocation at or attends
14 an institution of higher education; [and]

15 [(d)] (e) Within 10 days of a change in work, vocation or attendance status at an institution of
16 higher education[.]; **and**

17 **(f) At least 21 days prior to any intended travel outside of the United States.**

18 (4) When a person described in subsection (1) of this section attends school or works in this
19 state, resides in another state and is not otherwise required to report as a sex offender under this
20 section or ORS 163A.010, 163A.015 or 163A.020, the person shall report, in person, to the Depart-
21 ment of State Police, a city police department or a county sheriff's office, in the county in which the
22 person attends school or works, no later than 10 days after:

23 (a) The first day of school attendance or the 14th day of employment in this state; [and]

24 (b) A change in school enrollment or employment[.]; **and**

25 **(c) A legal change of name.**

26 (5) The agency to which a person reports under this section shall complete a sex offender reg-
27 istration form concerning the person when the person reports under this section.

28 (6) As part of the registration and reporting requirements of this section:

29 (a) The person required to report shall:

30 (A) Provide the information necessary to complete the sex offender registration form and sign
31 the form as required; and

32 (B) Submit to the requirements described in paragraph (b) of this subsection.

33 (b) The Department of State Police, Oregon Youth Authority, county juvenile department, city
34 police department or county sheriff's office:

35 (A) Shall photograph the person when the person initially reports under this section and each
36 time the person reports annually under this section;

37 (B) May photograph the person or any identifying scars, marks or tattoos located on the person
38 when the person reports under any of the circumstances described in this section; and

39 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file
40 of the Department of State Police.

41 (7) The obligation to report under this section is terminated if the adjudication that gave rise
42 to the obligation is reversed or vacated.

43 (8) Notwithstanding subsections (2) and (3) of this section:

44 (a) The Oregon Youth Authority may authorize a youth offender committed to its custody and
45 supervision by order of the juvenile court, or a person placed in its physical custody under ORS

1 137.124 or any other provision of law, to report to the authority regardless of the youth offender's
2 or the person's last reported residence.

3 (b) A county juvenile department may authorize a youth offender or young person, as those
4 terms are defined in ORS 419A.004, to report to the department, regardless of the county of the
5 youth offender's or the young person's last reported residence.

6 (c) In the event that a person reports to the authority or the department under this subsection,
7 the authority or the department shall register the person.

8 **SECTION 15.** ORS 163A.040 is amended to read:

9 163A.040. (1) A person who is required to report as a sex offender in accordance with the ap-
10 plicable provisions of ORS 163A.010, 163A.015, 163A.020 or 163A.025 and who has knowledge of the
11 reporting requirement commits the crime of failure to report as a sex offender if the person:

12 (a) Fails to make the initial report to an agency;

13 (b) Fails to report when the person works at, carries on a vocation at or attends an institution
14 of higher education;

15 (c) Fails to report following a change of school enrollment or employment status, including en-
16 rollment, employment or vocation status at an institution of higher education;

17 (d) Fails to report following a change of residence;

18 **(e) Fails to report a legal change of name;**

19 [(e)] **(f)** Fails to make an annual report;

20 [(f)] **(g)** Fails to provide complete and accurate information;

21 [(g)] **(h)** Fails to sign the sex offender registration form as required;

22 [(h)] **(i)** Fails or refuses to participate in a sex offender risk assessment as directed by the State
23 Board of Parole and Post-Prison Supervision, Psychiatric Security Review Board, Oregon Health
24 Authority or supervisory authority; [or]

25 [(i)] **(j)** Fails to submit to fingerprinting or to having a photograph taken of the person's face,
26 identifying scars, marks or tattoos[.]; **or**

27 **(k) Fails to report prior to any intended travel outside of the United States.**

28 (2)(a) It is an affirmative defense to a charge of failure to report under subsection (1)(d) of this
29 section by a person required to report under ORS 163A.010 (3)(a)(B), 163A.015 (4)(a)(B) or 163A.025
30 (3)(a) that the person reported, in person, within 10 days of a change of residence to the Department
31 of State Police, a city police department or a county sheriff's office, in the county of the person's
32 new residence, if the person otherwise complied with all reporting requirements.

33 (b) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this
34 section by a person required to report under ORS 163A.025 (2)(b)(A)(i) that the person reported, in
35 person, to the Department of State Police in Marion County, Oregon, within 10 days of moving into
36 this state.

37 (c) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this
38 section by a person required to report under ORS 163A.025 (2)(b)(B)(i) that the person reported, in
39 person, to the Department of State Police in Marion County, Oregon, within six months of moving
40 into this state.

41 (d) It is an affirmative defense to a charge of failure to report under subsection (1) of this sec-
42 tion by a person required to report under ORS 163A.025 (2)(b)(A)(ii) or (B)(ii) that the person re-
43 ported, in person, to the Department of State Police in Marion County, Oregon, if the person
44 otherwise complied with all reporting requirements.

45 (e) It is an affirmative defense to a charge of failure to report under subsection (1) of this sec-

tion by a person required to report under ORS 163A.025 (3) that the person reported, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, if the person otherwise complied with all reporting requirements.

(f) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.010 (3) that the person reported to the Oregon Youth Authority if the person establishes that the authority registered the person under ORS 163A.010 (3)(c).

(g) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.025 (2) or (3) that the person reported to the Oregon Youth Authority or a county juvenile department if the person establishes that the authority or department registered the person under ORS 163A.025 (8).

(3)(a) Except as otherwise provided in paragraph (b) of this subsection, failure to report as a sex offender is a Class A misdemeanor.

(b) Failure to report as a sex offender is a Class C felony if the person violates:

(A) Subsection (1)(a) of this section; or

(B) Subsection (1)(b), (c), (d), (e) or [(g)] (h) of this section and the crime for which the person is required to report is a felony.

(4) A person who fails to sign and return an address verification form as required by ORS 163A.035 (4) commits a violation.

SECTION 16. ORS 163A.040, as amended by section 2, chapter 418, Oregon Laws 2017, is amended to read:

163A.040. (1) A person who is required to report as a sex offender in accordance with the applicable provisions of ORS 163A.010, 163A.015, 163A.020 or 163A.025 and who has knowledge of the reporting requirement commits the crime of failure to report as a sex offender if the person:

(a) Fails to make the initial report to an agency;

(b) Fails to report when the person works at, carries on a vocation at or attends an institution of higher education;

(c) Fails to report following a change of school enrollment or employment status, including enrollment, employment or vocation status at an institution of higher education;

(d) Moves to a new residence and fails to report the move and the person's new address;

(e) Fails to report a legal change of name;

[(e)] (f) Fails to make an annual report;

[(f)] (g) Fails to provide complete and accurate information;

[(g)] (h) Fails to sign the sex offender registration form as required;

[(h)] (i) Fails or refuses to participate in a sex offender risk assessment as directed by the State Board of Parole and Post-Prison Supervision, Psychiatric Security Review Board, Oregon Health Authority or supervisory authority; [or]

[(i)] (j) Fails to submit to fingerprinting or to having a photograph taken of the person's face, identifying scars, marks or tattoos[.]; or

(k) Fails to report prior to any intended travel outside of the United States.

(2)(a) It is an affirmative defense to a charge of failure to report under subsection (1)(d) of this section by a person required to report under ORS 163A.010 (3)(a)(B), 163A.015 (4)(a)(B) or 163A.025 (3)(a) that the person reported, in person, within 10 days of a change of residence to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's new residence, if the person otherwise complied with all reporting requirements.

1 (b) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this
2 section by a person required to report under ORS 163A.025 (2)(b)(A)(i) that the person reported, in
3 person, to the Department of State Police in Marion County, Oregon, within 10 days of moving into
4 this state.

5 (c) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this
6 section by a person required to report under ORS 163A.025 (2)(b)(B)(i) that the person reported, in
7 person, to the Department of State Police in Marion County, Oregon, within six months of moving
8 into this state.

9 (d) It is an affirmative defense to a charge of failure to report under subsection (1) of this sec-
10 tion by a person required to report under ORS 163A.025 (2)(b)(A)(ii) or (B)(ii) that the person re-
11 ported, in person, to the Department of State Police in Marion County, Oregon, if the person
12 otherwise complied with all reporting requirements.

13 (e) It is an affirmative defense to a charge of failure to report under subsection (1) of this sec-
14 tion by a person required to report under ORS 163A.025 (3) that the person reported, in person, to
15 the Department of State Police, a city police department or a county sheriff's office, in the county
16 of the person's residence, if the person otherwise complied with all reporting requirements.

17 (f) It is an affirmative defense to a charge of failure to report under subsection (1) of this section
18 by a person required to report under ORS 163A.010 (3) that the person reported to the Oregon Youth
19 Authority if the person establishes that the authority registered the person under ORS 163A.010
20 (3)(c).

21 (g) It is an affirmative defense to a charge of failure to report under subsection (1) of this sec-
22 tion by a person required to report under ORS 163A.025 (2) or (3) that the person reported to the
23 Oregon Youth Authority or a county juvenile department if the person establishes that the authority
24 or department registered the person under ORS 163A.025 (8).

25 (3)(a) Except as otherwise provided in paragraph (b) of this subsection, failure to report as a sex
26 offender is a Class A misdemeanor.

27 (b) Failure to report as a sex offender is a Class C felony if the person violates:

28 (A) Subsection (1)(a) of this section; or

29 (B) Subsection (1)(b), (c), (d), (e) or [(g)] (h) of this section and the crime for which the person
30 is required to report is a felony.

31 (4) A person who fails to sign and return an address verification form as required by ORS
32 163A.035 (4) commits a violation.

33 **SECTION 17.** ORS 163A.030 is amended to read:

34 163A.030. (1)(a) Except as provided in subsection (6) of this section, the juvenile court shall hold
35 a hearing on the issue of reporting as a sex offender by a person who has been found to be within
36 the jurisdiction of the juvenile court under ORS 419C.005, or found by the juvenile court to be re-
37 sponsible except for insanity under ORS 419C.411, for having committed an act that if committed
38 by an adult would constitute a felony sex crime if:

39 (A) The person was adjudicated on or after August 12, 2015; or

40 (B) The person was adjudicated before August 12, 2015, and was still under the jurisdiction of
41 the juvenile court or the Psychiatric Security Review Board on April 4, 2016.

42 (b) Unless the court continues the hearing described in this section for good cause, the hearing
43 must be held:

44 (A) During the six-month period before the termination of juvenile court jurisdiction over the
45 person; or

1 (B) During the six-month period after the court receives the notice described in subsection (2)
2 of this section from the Psychiatric Security Review Board, if the person was placed under the ju-
3 risdiction of the board.

4 (c) The court shall notify the person of the person's right to a hearing under this section upon
5 finding the person within the jurisdiction of the juvenile court under ORS 419C.005.

6 (2)(a) The county or state agency responsible for supervising the person shall notify the person
7 and the juvenile court when the agency determines that termination of jurisdiction is likely to occur
8 within six months.

9 (b) If the Psychiatric Security Review Board discharges a person prior to the end of the board's
10 jurisdiction over the person, the board shall notify the juvenile court within three business days
11 after the discharge date.

12 (3) Upon receipt of the notice described in subsection (2) of this section, the court shall:

13 (a) Appoint an attorney for the person as described in subsection (4) of this section;

14 (b) Set an initial hearing date; and

15 (c) Notify the parties and the juvenile department or the Psychiatric Security Review Board, if
16 the department or board is supervising or has jurisdiction over the person, of the hearing at least
17 60 days before the hearing date.

18 (4)(a) A person who is the subject of a hearing under this section has the right to be represented
19 by a suitable attorney possessing skills and experience commensurate with the nature and com-
20 plexity of the case, to consult with the attorney prior to the hearing and, if financially eligible, to
21 have a suitable attorney appointed at state expense.

22 (b) In order to comply with the right to counsel under paragraph (a) of this subsection, the court
23 may:

24 (A) Continue the appointment of the attorney appointed under ORS 419C.200 at the time of dis-
25 position;

26 (B) Set a date prior to the hearing under this section in order to reappoint the attorney ap-
27 pointed under ORS 419C.200; or

28 (C) Appoint or reappoint an attorney at any time in response to a request by the person who
29 is the subject of a hearing under this section.

30 (5)(a) The district attorney shall notify the victim prior to the hearing of the right to appear and
31 the right to be heard under ORS 419C.273.

32 (b) If the person is under the jurisdiction of the Psychiatric Security Review Board, the board
33 shall notify the following of the hearing:

34 (A) The mental health agency providing services to the person, if any;

35 (B) The person's board defense attorney; and

36 (C) The assistant attorney general representing the state at board hearings.

37 (6)(a) A person may waive the right to the hearing described in this section **only after receiv-**
38 **ing the notice described in subsection (2)(a) of this section and** after consultation with the
39 person's attorney. If the court finds that the person has knowingly waived the right to a hearing,
40 the court shall enter an order requiring the person to report as a sex offender under ORS 163A.025.

41 (b) If a person fails to appear at a hearing described in this section, the court may enter an
42 order requiring the person to report as a sex offender under ORS 163A.025.

43 (7) At the hearing described in subsection (1) of this section:

44 (a) The district attorney, the victim, the person and the juvenile department or a representative
45 of the Oregon Youth Authority shall have an opportunity to be heard.

1 (b) The person who is the subject of the hearing has the burden of proving by clear and con-
2 vincing evidence that the person is rehabilitated and does not pose a threat to the safety of the
3 public. If the court finds that the person has not met the burden of proof, the court shall enter an
4 order requiring the person to report as a sex offender under ORS 163A.025.

5 (8) In determining whether the person has met the burden of proof, the juvenile court may
6 consider but need not be limited to considering:

7 (a) The extent and impact of any physical or emotional injury to the victim;

8 (b) The nature of the act that subjected the person to the duty of reporting as a sex offender;

9 (c) Whether the person used or threatened to use force in committing the act;

10 (d) Whether the act was premeditated;

11 (e) Whether the person took advantage of a position of authority or trust in committing the act;

12 (f) The age of any victim at the time of the act, the age difference between any victim and the
13 person and the number of victims;

14 (g) The vulnerability of the victim;

15 (h) Other acts committed by the person that would be crimes if committed by an adult and
16 criminal activities engaged in by the person before and after the adjudication;

17 (i) Statements, documents and recommendations by or on behalf of the victim or the parents of
18 the victim;

19 (j) The person's willingness to accept personal responsibility for the act and personal account-
20 ability for the consequences of the act;

21 (k) The person's ability and efforts to pay the victim's expenses for counseling and other
22 trauma-related expenses or other efforts to mitigate the effects of the act;

23 (L) Whether the person has participated in and satisfactorily completed a sex offender treatment
24 program or any other intervention, and if so the juvenile court may also consider:

25 (A) The availability, duration and extent of the treatment activities;

26 (B) Reports and recommendations from the providers of the treatment;

27 (C) The person's compliance with court, board or supervision requirements regarding treatment;

28 and

29 (D) The quality and thoroughness of the treatment program;

30 (m) The person's academic and employment history;

31 (n) The person's use of drugs or alcohol before and after the adjudication;

32 (o) The person's history of public or private indecency;

33 (p) The person's compliance with and success in completing the terms of supervision;

34 (q) The results of psychological examinations of the person;

35 (r) The protection afforded the public by records of sex offender registration; and

36 (s) Any other relevant factors.

37 (9) In a hearing under this section, the juvenile court may receive testimony, reports and other
38 evidence, without regard to whether the evidence is admissible under ORS 40.010 to 40.210 and
39 40.310 to 40.585, if the evidence is relevant evidence related to the determination and findings re-
40 quired under this section. As used in this subsection, "relevant evidence" has the meaning given
41 that term in ORS 40.150.

42 (10)(a) In a hearing under this section, the Oregon Youth Authority or the juvenile department,
43 if either agency is supervising the person, or the Psychiatric Security Review Board, if the board
44 has jurisdiction over the person, shall file with the juvenile court the following records and mate-
45 rials in the possession of the agency or board at least 45 days prior to the hearing unless good cause

1 is shown:

2 (A) Evaluations and treatment records concerning the person conducted by a clinician or pro-
3 gram operating under the standards of practice for the evaluation and treatment of juvenile sex
4 offenders adopted by the Sex Offender Treatment Board under ORS 675.400, and recommendations
5 contained therein regarding the need for the person to register in order to protect the public from
6 future sex crimes;

7 (B) All examination preparation material and examination records from polygraph examinations
8 conducted by or for the treatment provider, juvenile department or Oregon Youth Authority; and

9 (C) The Psychiatric Security Review Board exhibit file.

10 (b) Any records and materials filed with the court under this subsection shall be made available
11 to the parties in accordance with ORS 419A.255.

12 (11)(a) When the juvenile court enters an order described in subsection (6)(a) or (7)(b) of this
13 section, the court shall ensure that the person completes a form that documents the person's obli-
14 gation to report under ORS 163A.025. No later than three business days after the person completes
15 the form required by this subsection, the court shall ensure that the form is sent to the Department
16 of State Police.

17 **(b) If the court enters an order under this section, no later than three business days**
18 **after entry of the order, the court shall ensure that the order is sent to the Department of**
19 **State Police.**

20 (12) Notwithstanding ORS 419C.005 (4)(c), (d) and (e), the juvenile court retains jurisdiction over
21 a person for purposes of this section.

22 (13) As used in this section, "parties" means the person, the state as represented by the district
23 attorney or the juvenile department, and the Oregon Youth Authority or other child care agency,
24 if the person is temporarily committed to the authority or agency.

25 **SECTION 18.** ORS 419A.255 is amended to read:

26 419A.255. (1)(a) The clerk of the court shall maintain a record of each case and a supplemental
27 confidential file for each case, except as otherwise provided in ORS 7.120.

28 (b) The record of the case shall be withheld from public inspection but is open to inspection by
29 the following:

30 (A) The judge of the juvenile court and those acting under the judge's direction;

31 (B) The child;

32 (C) The ward;

33 (D) The youth;

34 (E) The youth offender;

35 (F) The parent or guardian of the child, ward, youth or youth offender;

36 (G) The guardian ad litem for the parent;

37 (H) A person allowed to intervene in a proceeding involving the child, ward, youth or youth
38 offender;

39 (I) The court appointed special advocate, and a representative of a CASA Volunteer Program
40 as defined in ORS 184.489, when reasonably necessary for the appointment or supervision of court
41 appointed special advocates;

42 (J) The attorneys or prospective appellate attorneys for any of the persons listed in subpara-
43 graphs (B) to (I) of this paragraph;

44 (K) The surrogate;

45 (L) Service providers in the case;

- 1 (M) The district attorney or assistant attorney general representing a party in the case;
2 (N) The juvenile department;
3 (O) The Department of Human Services;
4 (P) The Oregon Youth Authority; and
5 (Q) Any other person or entity allowed by the court pursuant to ORS 419A.258.
6 (c) The following are entitled to copies of the record of the case:
7 (A) The judge of the juvenile court and those acting under the judge's direction;
8 (B) A party to the extent permitted under ORS 419B.875 (2) or 419C.285 (2);
9 (C) A guardian ad litem for a parent to the same extent the parent is permitted to copies under
10 ORS 419B.875 (2) or 419C.285 (2);
11 (D) Persons listed in paragraph (b)(J) to (P) of this subsection; and
12 (E) Any other person or entity allowed by the court pursuant to ORS 419A.258.
13 (2)(a) Reports and other material relating to the child, ward, youth or youth offender's history
14 and prognosis in the record of the case or the supplemental confidential file are privileged and, ex-
15 cept at the request of the child, ward, youth or youth offender, shall be withheld from public in-
16 spection except that inspection is permitted as set forth in subsection (1)(b) of this section and
17 paragraph (b) of this subsection. The offer or admission of reports and other material in the record
18 of the case or the supplemental confidential file as exhibits in a hearing or trial does not waive or
19 otherwise change the privileged status of the reports and other material, except for purposes of the
20 hearing or trial in which the reports and other material are offered or admitted. Once offered as
21 an exhibit, reports and other material relating to the child, ward, youth or youth offender's history
22 and prognosis that were maintained in the supplemental confidential file become part of the record
23 of the case but are subject to paragraph (e) of this subsection.
24 (b) A supplemental confidential file is open to inspection by the following:
25 (A) The judge of the juvenile court and those acting under the judge's direction;
26 (B) The parent or guardian of the child or ward in a dependency case;
27 (C) The guardian ad litem for the parent of a child or ward in a dependency case;
28 (D) The parent or guardian of the youth or youth offender in a delinquency case if the youth
29 or youth offender consents to, or the court authorizes, inspection;
30 (E) The guardian ad litem for the parent of a youth or youth offender in a delinquency case if
31 the youth or youth offender consents to, or the court authorizes, inspection;
32 (F) A person allowed to intervene in a proceeding involving the child, ward, youth or youth
33 offender;
34 (G) The court appointed special advocate, and a representative of a CASA Volunteer Program
35 as defined in ORS 184.489, when reasonably necessary for the appointment or supervision of court
36 appointed special advocates;
37 (H) The surrogate;
38 (I) Service providers in the case;
39 (J) The attorneys or prospective appellate attorneys for:
40 (i) The child;
41 (ii) The ward;
42 (iii) The youth;
43 (iv) The youth offender;
44 (v) The parent or guardian of the child, ward, youth or youth offender;
45 (vi) The guardian ad litem for the parent;

1 (vii) A person allowed to intervene in a proceeding involving the child or ward in a dependency
2 case; or

3 (viii) The court appointed special advocate and a representative of a CASA Volunteer Program
4 as defined in ORS 184.489;

5 (K) The district attorney or assistant attorney general representing a party in the case;

6 (L) The juvenile department;

7 (M) The Department of Human Services;

8 (N) The Oregon Youth Authority; and

9 (O) Any other person or entity allowed by the court pursuant to ORS 419A.258.

10 (c) The supplemental confidential file in cases under ORS 419C.005 may be disclosed to the su-
11 perintendent of the school district in which the youth offender resides or the superintendent's
12 designee.

13 (d) The following are entitled to copies of material maintained in the supplemental confidential
14 file:

15 (A) The judge of the juvenile court and those acting under the judge's direction;

16 (B) Service providers in the case;

17 (C) School superintendents and their designees in cases under ORS 419C.005;

18 (D) Attorneys designated under subsection (2)(b)(J) of this section;

19 (E) The district attorney or assistant attorney general representing a party in the case;

20 (F) The juvenile department;

21 (G) The Department of Human Services;

22 (H) The Oregon Youth Authority;

23 (I) The court appointed special advocate, and a representative of a CASA Volunteer Program
24 as defined in ORS 184.489, when reasonably necessary for the appointment or supervision of court
25 appointed special advocates; and

26 (J) Any other person or entity allowed by the court pursuant to ORS 419A.258.

27 (e) A person that obtains copies of material in the supplemental confidential file pursuant to
28 paragraph (d) of this subsection is responsible for preserving the confidentiality of the material in
29 the supplemental confidential file. A service provider, school superintendent or superintendent's
30 designee who obtains copies of such material shall destroy the copies upon the conclusion of in-
31 volvement in the case.

32 (3) Except as otherwise provided in subsection (5) of this section, no information appearing in
33 the record of the case or in the supplemental confidential file may be disclosed to any person not
34 described in subsections (1)(b) and (2)(b) of this section, respectively, without the consent of the
35 court, except for purposes of evaluating the child, ward, youth or youth offender's eligibility for
36 special education as provided in ORS chapter 343, and no such information may be used in evidence
37 in any proceeding to establish criminal or civil liability against the child, ward, youth or youth
38 offender, whether such proceeding occurs after the child, ward, youth or youth offender has reached
39 18 years of age or otherwise, except for the following purposes:

40 (a) In connection with a presentence investigation after guilt has been admitted or established
41 in a criminal court.

42 (b) In connection with a proceeding in another juvenile court concerning the child, ward, youth
43 or youth offender or an appeal from the juvenile court.

44 (4)(a) When a person described in subsection (1)(b)(M), (N), (O) or (P) of this section inspects or
45 obtains copies of reports, materials or documents under this subsection or under subsection (1) or

1 (2) of this section, the person may not use or disclose the reports, materials or documents, except:

2 (A) As provided in this subsection or under subsection (1) or (2) of this section;

3 (B) In the juvenile court proceeding for which the reports, materials or documents were sought
4 or disclosed;

5 (C) With the consent of the court; or

6 (D) As provided in ORS 419A.253.

7 (b) Nothing in this section prohibits the district attorney or assistant attorney general repre-
8 senting a party in a juvenile court proceeding, the juvenile department, the Department of Human
9 Services, the Oregon Youth Authority or other parties in the proceeding or their attorneys from
10 disclosing to each other reports, materials or documents described in subsections (1) and (2) of this
11 section if the disclosure is reasonably necessary to perform official duties related to the involvement
12 of the child, ward, youth or youth offender with the juvenile court or the juvenile department. A
13 person to whom reports, materials or documents are disclosed under this subsection is subject to
14 subsection (3) of this section.

15 (5)(a) Information contained in the supplemental confidential file that, in the professional judg-
16 ment of the juvenile counselor, caseworker, school superintendent or superintendent's designee,
17 teacher or detention worker to whom the information in the supplemental confidential file has been
18 provided, indicates a clear and immediate danger to another person or to society shall be disclosed
19 to the appropriate authority and the person who is in danger from the child, ward, youth or youth
20 offender.

21 (b) A person that discloses information under paragraph (a) of this subsection has immunity from
22 any liability, civil or criminal, that might otherwise be incurred or imposed for making the disclo-
23 sure.

24 (c) Nothing in this subsection affects the provisions of ORS 146.750, 146.760, 419B.035, 419B.040
25 and 419B.045. The disclosure of information under this subsection does not make the information
26 admissible in any court or administrative proceeding if it is not otherwise admissible.

27 (6) Notwithstanding any other provision of law, and subject to subsection (8) of this section, the
28 following are not confidential and not exempt from disclosure:

29 (a) The name and date of birth of the youth or youth offender;

30 (b) The basis for the juvenile court's jurisdiction over the youth or youth offender;

31 (c) The date, time and place of any juvenile court proceeding in which the youth or youth
32 offender is involved;

33 (d) The act alleged in the petition that if committed by an adult would constitute a crime if ju-
34 risdiction is based on ORS 419C.005;

35 (e) That portion of the juvenile court order providing for the legal disposition of the youth or
36 youth offender when jurisdiction is based on ORS 419C.005;

37 (f) The names and addresses of the youth or youth offender's parents or guardians; and

38 (g) The register described in ORS 7.020 when jurisdiction is based on ORS 419C.005.

39 (7) Notwithstanding any other provision of law, and subject to subsection (8) of this section,
40 when a youth has been taken into custody under ORS 419C.080, the following information shall be
41 disclosed unless, and only for so long as, there is a clear need to delay disclosure in the course of
42 a specific investigation, including the need to protect the complaining party or the victim:

43 (a) The youth's name and age and whether the youth is employed or in school;

44 (b) The youth offense for which the youth was taken into custody;

45 (c) The name and age of the adult complaining party and the adult victim, unless the disclosure

1 of such information is otherwise prohibited or restricted;

2 (d) The identity of the investigating and arresting agency; and

3 (e) The time and place that the youth was taken into custody and whether there was resistance,
4 pursuit or a weapon used in taking the youth into custody.

5 (8) Except as provided in ORS 419A.300 and unless otherwise directed by the court, only the
6 juvenile court, the county juvenile department and the Oregon Youth Authority may disclose the
7 information under subsections (6) and (7) of this section if the information is subject to disclosure.
8 The youth authority may disclose only information relating to youth offenders committed to the
9 youth authority by order of the juvenile court if the information is subject to disclosure under sub-
10 section (6) or (7) of this section.

11 (9) Nothing in this section limits access to any juvenile court records by an appellate court re-
12 viewing a juvenile court order or judgment. Appellate court rules may establish procedures for ap-
13 pellate court access to juvenile records.

14 (10) Nothing in this section prohibits the court from providing to the administrator as defined
15 in ORS 25.010 the date of entry of a judgment terminating parental rights or the date of entry of a
16 judgment terminating wardship following entry of a judgment of adoption together with the names
17 and dates of birth of the parents and children subject to the judgment.

18 (11) In addition to any other provision in this section, the Judicial Department may permit
19 county or statewide access to juvenile court records or information by county juvenile departments,
20 the Department of Human Services, the Oregon Youth Authority, district attorney offices, the office
21 of the Attorney General, the office of public defense services, prospective appellate attorneys or
22 public defense providers subject to the following restrictions:

23 (a) A prospective appellate attorney or public defense provider granted access under this sub-
24 section must agree, pursuant to a written agreement with the Judicial Department, to access:

25 (A) Party information only for purposes of conflicts screening procedures; and

26 (B) Other records or information about a client only as reasonably necessary for the represen-
27 tation of that client in any juvenile case in which the client is a party, subject to applicable state
28 and federal confidentiality laws.

29 (b) Any other person or entity granted access under this subsection must agree, pursuant to a
30 written agreement with the department, to access records or information only as authorized and
31 allowed by this section, subject to applicable state and federal confidentiality laws.

32 (c) The State Court Administrator shall prescribe standards and procedures to implement the
33 provisions of this subsection.

34 (d) Any person or entity granted access to juvenile court records or information under this
35 subsection must preserve the confidentiality of that information as required under this section.

36 (12) A petition filed under ORS 419B.851 alleging that a child who is a foreign national is within
37 the jurisdiction of the court, or a motion requesting an implementation plan other than return of a
38 ward to the ward's parent, is subject to disclosure to the consulate for the child or ward's country
39 as provided under ORS 419B.851 (3).

40 (13) Nothing in this section prohibits a guardian appointed under ORS 419B.365 or 419B.366 from
41 disclosing or providing copies of letters of guardianship when so required to fulfill the duties of a
42 guardian.

43 (14) The court shall cooperate in the sharing of information with a court in another state to
44 facilitate an interstate placement of a child or ward.

45 (15) Nothing in this section prohibits the Chief Justice of the Supreme Court, the Chief Judge

1 of the Court of Appeals or a presiding judge from permitting access to juvenile court records, in-
2 cluding the record of the case and the supplemental confidential file in a juvenile court proceeding,
3 or audio or video recordings of a juvenile court proceeding, by researchers or evaluators for the
4 purposes of developing statistics and performing analyses or audits on the effectiveness, cost and
5 other areas of public interest regarding juvenile court programs and activities in accordance with
6 child welfare and juvenile justice state plans and programs related to Title IV-B and IV-E of the
7 Social Security Act and to the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq).
8 The Chief Justice shall, by rule or order, establish standards and guidelines for the release of juve-
9 nile court information for research and evaluation purposes to ensure confidentiality consistent with
10 state and federal law and to promote consistent statewide application of this subsection. Statistics
11 and analyses released by researchers and evaluators under this subsection may not contain any in-
12 formation that identifies any individual person involved in a juvenile court proceeding.

13 (16) Subject to subsection (11) of this section, the office of public defense services shall be per-
14 mitted access to juvenile court records for the purposes of performing the office's duties as set forth
15 in ORS 151.219 to audit or investigate attorney appointment or representation of a party in a juve-
16 nile court proceeding in order to ensure adequate representation of parties in juvenile court pro-
17 ceedings consistent with the child welfare state plan related to Title IV-E of the Social Security Act.

18 (17) Subject to subsection (11) of this section, the Oregon State Bar shall be permitted access
19 to juvenile court records maintained in the record of the case for the purpose of performing the
20 bar's duties as set forth in ORS 9.005 to 9.757 to investigate attorney representation of a party in
21 a juvenile court proceeding and in order to ensure adequate representation of parties in juvenile
22 court proceedings consistent with the child welfare state plan related to Title IV-E of the Social
23 Security Act.

24 (18)(a) A child, ward, youth or youth offender, or the parent or guardian of a child, ward, youth
25 or youth offender who is a party to the juvenile court proceeding, who is entitled to inspect or copy
26 the record of the case under subsection (1)(b) and (c) of this section maintains the right to inspect
27 or copy the record of the case after jurisdiction of the court over the child, ward, youth or youth
28 offender terminates and after the child, ward, youth or youth offender has reached the age of ma-
29 jority.

30 (b) Notwithstanding ORS 419B.524, a parent of a child, ward, youth or youth offender whose
31 parental rights have been terminated maintains the right that existed under subsection (1)(b) and (c)
32 of this section to inspect or copy the record of the case as the record of the case existed up until
33 the time of entry of the judgment terminating the parent's parental rights and may obtain a copy
34 of the judgment terminating the parent's parental rights.

35 (19) When inspection or copying of the record of the case or of the supplemental confidential file
36 is allowed pursuant to this section, and unless otherwise required by law, the court that maintains
37 the record of the case or the supplemental confidential file is not required to redact the names of,
38 or information about, siblings or other persons contained in the record of the case or the supple-
39 mental confidential file.

40 **(20) Nothing in this subsection prohibits a court from providing to the Department of**
41 **State Police, pursuant to ORS 163A.030 (11), a copy of an order requiring a youth or youth**
42 **offender to report as a sex offender or a copy of a form that documents the youth's or youth**
43 **offender's obligation to report as a sex offender.**

44 **SECTION 19.** ORS 163A.105 is amended to read:

45 163A.105. (1) When a person convicted of a crime described in ORS 163.355 to 163.427 is sen-

1 tenced to a term of imprisonment in a Department of Corrections institution for that crime, the
2 State Board of Parole and Post-Prison Supervision shall assess the person utilizing the risk assess-
3 ment methodology described in ORS 163A.100. The board shall apply the results of the assessment
4 to place the person in one of the levels described in ORS 163A.100 before the person is released from
5 custody.

6 (2) When a person convicted of a sex crime is sentenced to a term of incarceration in a jail, or
7 is discharged, released or placed on probation by the court, the supervisory authority as defined in
8 ORS 144.087 shall assess the person utilizing the risk assessment methodology described in ORS
9 163A.100 and apply the results of the assessment to place the person in one of the levels described
10 in ORS 163A.100 no later than 90 days after the person is released from jail or discharged, released
11 or placed on probation by the court.

12 (3)(a) When a person is found guilty except for insanity of a sex crime, the Psychiatric Security
13 Review Board shall assess the person utilizing the risk assessment methodology described in ORS
14 163A.100 and apply the results of the assessment to place the person in one of the levels described
15 in ORS 163A.100 no later than 90 days after the person is:

- 16 (A) Placed on conditional release by the Psychiatric Security Review Board;
- 17 (B) Discharged from the jurisdiction of the Psychiatric Security Review Board;
- 18 (C) Placed on conditional release by the court pursuant to ORS 161.327; or
- 19 (D) Discharged by the court pursuant to ORS 161.329.

20 (b) If the State Board of Parole and Post-Prison Supervision previously completed a risk as-
21 sessment and assigned a classification level described in ORS 163A.100 for a person described in
22 paragraph (a) of this subsection, the Psychiatric Security Review Board need not complete a reas-
23 sessment for an initial classification.

24 (c) The court shall notify the Psychiatric Security Review Board when the court conditionally
25 releases or discharges a person described in paragraph (a) of this subsection.

26 (d) The Psychiatric Security Review Board shall notify the State Board of Parole and Post-
27 Prison Supervision no later than seven days after the Psychiatric Security Review Board condi-
28 tionally releases or discharges a person who has a prior sex crime conviction that obligates the
29 person to report as a sex offender, unless the person has also been found guilty except for insanity
30 of a sex crime that obligates the person to report as a sex offender.

31 (4)(a) Within 90 days after receiving notice of a person's obligation to report in this state from
32 the Department of State Police, the State Board of Parole and Post-Prison Supervision shall assess
33 the person utilizing the risk assessment methodology described in ORS 163A.100 and apply the re-
34 sults of the assessment to place the person in one of the levels described in ORS 163A.100 if the
35 person has been convicted in another United States court of a crime:

- 36 (A) That would constitute a sex crime if committed in this state; or
- 37 (B) For which the person would have to register as a sex offender in that court's jurisdiction,
38 or as required under federal law, regardless of whether the crime would constitute a sex crime in
39 this state.

40 (b) If a person has been convicted of a sex crime and was sentenced to a term of imprisonment
41 in a Department of Corrections institution for that sex crime, but was not subjected to a risk as-
42 sessment utilizing the risk assessment methodology described in ORS 163A.100 before release under
43 subsection (1) of this section, within 90 days after the person's release the State Board of Parole and
44 Post-Prison Supervision shall assess the person utilizing the risk assessment methodology described
45 in ORS 163A.100 and apply the results of the assessment to place the person in one of the levels

1 described in ORS 163A.100.

2 (5) When the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review
3 Board or a supervisory authority applies the results of a risk assessment to place a person in one
4 of the levels described in ORS 163A.100, the agency shall notify the Department of State Police of
5 the results of the risk assessment within three business days after the agency's classification. Upon
6 receipt, the Department of State Police shall enter the results of the risk assessment into the Law
7 Enforcement Data System.

8 (6) The State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review
9 Board or a supervisory authority may reassess or reclassify a person placed in one of the levels
10 described in ORS 163A.100 under this section if the classifying board or authority determines that
11 a factual mistake caused an erroneous assessment or classification.

12 (7)(a) A person classified under this section as a level two or level three sex offender as de-
13 scribed in ORS 163A.100 may petition the classifying board or authority for review. **Except for good**
14 **cause shown**, the petition may be filed no later than 60 days after the [*person receives*] notice of
15 the classification **is provided to the person or, if the notice is mailed, no later than 60 days**
16 **after the notice is sent.**

17 **(b) When good cause is shown, the time for filing a petition under this subsection may**
18 **not be extended more than 60 days beyond the date of the person's next annual report under**
19 **ORS 163A.010, 163A.015 or 163A.020.**

20 [(b)] (c) Upon receipt of a petition described in this subsection, the classifying board or au-
21 thority shall afford the person an opportunity to be heard as to all factual questions related to the
22 classification.

23 [(c)] (d) After providing the person with notice and an opportunity to be heard in accordance
24 with this subsection, the board or authority shall classify the person in accordance with the classi-
25 fications described in ORS 163A.100, based on all of the information available to the classifying
26 board or authority.

27 **(e) As used in this subsection, "good cause" means that, due to a person's transience,**
28 **lack of housing, ongoing mental health concerns or other similar circumstances, a notice**
29 **mailed to the person under paragraph (a) of this subsection was not received by the person.**

30 (8)(a) If the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review
31 Board or a supervisory authority does not classify a person under ORS 163A.100 because the person
32 has failed or refused to participate in a sex offender risk assessment as directed by the board or
33 authority, the classifying board or authority shall classify the person as a level three sex offender
34 under ORS 163A.100 (3).

35 (b) If person classified as a level three sex offender under this subsection notifies the classifying
36 board or authority of the willingness to participate in a sex offender risk assessment, the classifying
37 board or authority shall perform the assessment and classify the person in one of the levels de-
38 scribed in ORS 163A.100.

39 (9) The State Board of Parole and Post-Prison Supervision and the Psychiatric Security Review
40 Board may adopt rules to carry out the provisions of this section.

41 **SECTION 20. The amendments to ORS 163A.040 by sections 15 and 16 of this 2019 Act**
42 **apply to legal changes of name and intended travel outside the United States occurring on**
43 **or after January 1, 2021.**

44 **SECTION 21. (1) The amendments to ORS 90.630, 144.641, 163.476 and 163.479 by sections**
45 **7 to 10 of this 2019 Act become operative January 1, 2022.**

1 **(2) The amendments to ORS 163A.010, 163A.015, 163A.020, 163A.025 and 163A.040 by**
2 **sections 11 to 16 of this 2019 Act become operative January 1, 2021.**

3 **SECTION 22.** **Section 2 of this 2019 Act is repealed on December 1, 2026.**

4 **SECTION 23.** **This 2019 Act being necessary for the immediate preservation of the public**
5 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
6 **on its passage.**

7

HB 3146 STAFF MEASURE SUMMARY**Carrier:** Sen. Manning Jr**Senate Committee On Judiciary****Action Date:** 05/21/19**Action:** Do pass.**Vote:** 7-0-0-0**Yeas:** 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Addie Smith, Counsel**Meeting Dates:** 5/21**WHAT THE MEASURE DOES:**

Replaces the term "inmate" with "adult in custody" throughout the Oregon code.

ISSUES DISCUSSED:

- Lessons learned from Norway prison exchange
- Origin of the term "adult in custody"
- Effects of labels

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Department of Corrections (DOC) averages just under 15,000 individuals in its care and custody at any point in time. Approximately 95 percent of those individuals will return to the community after incarceration, with approximately 440 individuals released each month. Over the course of the last seven years, DOC has focused its efforts on the successful reentry of individuals after incarceration. A piece of that work has been to provide reformation and treatment in a normalized environment and a humane manner.

House Bill 3146 replaces all statutory references to "inmate" with "adult in custody."

80th OREGON LEGISLATIVE ASSEMBLY--2019 Regular Session

Enrolled
House Bill 3146

Sponsored by COMMITTEE ON JUDICIARY (at the request of Representative Jennifer Williamson)

CHAPTER

AN ACT

Relating to corrections; creating new provisions; and amending ORS 21.682, 21.695, 30.320, 30.642, 30.643, 30.645, 30.646, 30.647, 30.648, 30.650, 34.365, 34.370, 46.405, 51.090, 135.760, 135.763, 135.765, 135.767, 135.770, 135.773, 135.785, 137.124, 138.527, 138.590, 144.035, 144.050, 144.096, 144.098, 144.123, 144.270, 144.275, 144.315, 144.420, 144.450, 144.480, 144.490, 144.522, 161.267, 162.135, 162.175, 163.165, 163.208, 163.452, 163.454, 169.005, 169.042, 169.044, 169.046, 169.053, 169.076, 169.220, 169.760, 179.375, 179.473, 179.478, 179.479, 179.483, 179.486, 179.495, 179.508, 183.315, 183.335, 192.515, 192.577, 238.015, 238A.005, 240.205, 243.650, 283.305, 283.415, 336.057, 341.317, 390.195, 420.525, 421.068, 421.073, 421.081, 421.084, 421.085, 421.105, 421.120, 421.121, 421.125, 421.132, 421.137, 421.142, 421.145, 421.147, 421.166, 421.168, 421.170, 421.185, 421.190, 421.194, 421.205, 421.213, 421.215, 421.220, 421.305, 421.312, 421.354, 421.364, 421.405, 421.412, 421.420, 421.423, 421.437, 421.442, 421.445, 421.450, 421.455, 421.465, 421.467, 421.468, 421.470, 421.476, 421.480, 421.490, 421.651, 421.805, 423.020, 423.076, 423.077, 423.100, 423.105, 423.490, 423.497, 423.600, 423.605, 423.610, 430.380, 438.435, 496.458, 655.505, 655.510, 655.515, 655.520, 655.525, 655.540, 655.545, 655.555, 656.005, 656.041, 656.752, 657.065 and 677.225 and section 2, chapter 5, Oregon Laws 2013, and section 29, chapter 649, Oregon Laws 2013.

Be It Enacted by the People of the State of Oregon:**SECTION 1.** ORS 21.682 is amended to read:

21.682. (1) A judge may waive or defer all or part of the fees and court costs payable to the court by a party in a civil action or proceeding, including sheriff's fees under ORS 21.300 (1)(a), if the judge finds that the party is unable to pay all or any part of the fees and costs. Waiver or deferral under this section of the fees or court costs of an [*inmate*] **adult in custody**, as defined in ORS 30.642, is subject to ORS 30.642 to 30.650.

(2) A presiding judge may delegate authority to waive or defer fees and court costs under this section to the court administrator for the court in which the judge serves. A delegation of authority under this subsection must be in writing and must be subject to clear standards. If a delegation is made under this subsection, an applicant may seek review of the court administrator's decision by a judge. If an applicant requests review of a court administrator's decision, the court administrator shall forward the application for waiver or deferral of the fees or court costs to the appropriate judge.

(3) A court may not delay or refuse to enter an order or judgment in an action or proceeding because deferred fees and court costs have not been paid.

(4) The Chief Justice of the Supreme Court by order may provide standards and practices for waiver or deferral of fees or court costs under ORS 21.680 to 21.698.

SECTION 2. ORS 21.695 is amended to read:

21.695. (1) In a civil action or proceeding, the Supreme Court or the Court of Appeals may waive in whole or in part, defer in whole or in part, or partially waive and partially defer, the expense of preparing a transcript on appeal if:

(a) The party requesting the transcript is unable to pay the expense of preparing the transcript; and

(b) The party requesting the transcript makes a prima facie showing that the transcript is necessary to prosecute the appeal and would reveal reversible error in the action or proceeding.

(2) If the Supreme Court or the Court of Appeals waives or defers any part of the expense of preparing a transcript on appeal, the court shall authorize preparation of only as much of the transcript as is necessary to prosecute the appeal. The State Court Administrator shall pay the unpaid costs of preparing the transcript out of funds appropriated for that purpose.

(3) If the Supreme Court or the Court of Appeals defers payment of any part of the expense of preparing a transcript on appeal and any part of the deferred expense remains unpaid at the conclusion of the appeal, a judgment may be entered for the unpaid amount in the manner provided by ORS 21.692.

(4) If the State Court Administrator pays any costs of preparing a transcript on appeal under subsection (2) of this section and costs on appeal are awarded to the obligor, a money award to the State Court Administrator shall be included in the judgment for all waived or deferred transcript costs paid by the State Court Administrator.

(5) Waiver or deferral under this section of the transcript costs of an *[inmate]* **adult in custody**, as defined in ORS 30.642, is subject to ORS 30.642 to 30.650.

SECTION 3. ORS 30.320 is amended to read:

30.320. A suit or action may be maintained against any county and against the State of Oregon by and through and in the name of the appropriate state agency upon a contract made by the county in its corporate character, or made by such agency and within the scope of its authority; provided, however, that no suit or action may be maintained against any county or the State of Oregon upon a contract relating to the care and maintenance of an *[inmate]* **adult in custody** or patient of any county or state institution. An action or suit may be maintained against any other public corporation mentioned in ORS 30.310 for an injury to the rights of the plaintiff arising from some act or omission of such other public corporation within the scope of its authority. An action may be maintained against any governmental unit mentioned in ORS 30.310 for liability in tort only as provided in ORS 30.260 to 30.300. An action or suit to quiet title may be maintained against any governmental unit mentioned in ORS 30.310.

SECTION 4. ORS 30.642 is amended to read:

30.642. As used in ORS 30.642 to 30.650:

(1) "Action against a public body" means a civil action, including an action brought in a small claims department, an appeal or a petition for review, that names as a defendant a public body as defined in ORS 30.260 or an officer, employee or agent of a public body. "Action against a public body" does not mean petitions for writs of habeas corpus, petitions for writs of mandamus and petitions for post-conviction relief under ORS 138.510 to 138.680.

(2) "**Adult in custody**" means a person incarcerated or detained in a correctional facility who is accused of, convicted of or sentenced for a violation of criminal law or for the violation of the terms and conditions of pretrial release, probation, parole, post-prison supervision or a diversion program.

[(2)] (3) "Correctional facility" means a Department of Corrections institution or a jail.

[(3)] "*Inmate*" means a person incarcerated or detained in a correctional facility who is accused of, convicted of or sentenced for a violation of criminal law or for the violation of the terms and conditions of pretrial release, probation, parole, post-prison supervision or a diversion program.]

SECTION 5. ORS 30.643 is amended to read:

30.643. (1) If an *[inmate]* **adult in custody** seeks to file an action against a public body, the fees and court costs of the *[inmate]* **adult in custody** may be waived or deferred only in the manner provided by this section.

(2) Any *[inmate]* **adult in custody** seeking waiver or deferral of fees or court costs must submit with the application for waiver or deferral a certified copy of the *[inmate's]* trust account statement **of the adult in custody** for the six-month period immediately preceding the filing of the complaint, petition, notice of appeal or petition for review. The statement must be certified as correct by an official of each correctional facility in which the *[inmate]* **adult in custody** was confined within the six-month period or by an employee of the Department of Corrections charged with the responsibility of overseeing *[inmate]* **adult in custody** trust accounts.

(3) Upon the filing of a statement under subsection (2) of this section, the court shall review the information in the statement relating to deposits in the *[inmate's]* trust account **of the adult in custody** and any other resources available to the *[inmate]* **adult in custody**. The court may only waive the *[inmate's]* fees and court costs **of the adult in custody** if the court determines that the *[inmate]* **adult in custody** has no funds and will not have funds.

(4) If the court makes a determination that an *[inmate]* **adult in custody** has or will have funds to pay fees and court costs, the court shall require full payment of the filing fees and court costs, or, if funds are not immediately available in the *[inmate's]* trust account, shall assess and collect filing fees and court costs as funds become available in the *[inmate's]* trust account.

(5) On its own motion or on the motion of the public body, the court may review the pleadings of the *[inmate]* **adult in custody** in an action against a public body at the time a request for waiver or deferral of filing fees or court costs is made. If the court finds that the pleadings fail to state a claim for which relief may be granted, the court may decline to waive or defer filing fees or court costs. The court shall enter a denial of waiver or deferral of fees and costs under this subsection as a limited judgment. Notwithstanding the time established by statute for the commencement of an action, if a limited judgment is entered under this subsection within 30 days of the expiration of the time allowed for commencing the action, the *[inmate]* **adult in custody** may commence the action not later than 45 days after the judgment is entered. Only one extension of the time allowed for commencing an action may be granted by the court under this section.

(6) Nothing in this section shall be construed as preventing an *[inmate]* **adult in custody** from bringing an action against a public body because the *[inmate]* **adult in custody** has no assets or means by which to pay the initial partial filing fee as provided under this section.

SECTION 6. ORS 30.645 is amended to read:

30.645. (1) Except as provided in subsection (2) of this section, the court may not waive or defer *[an inmate's]* **the** fees or court costs under ORS 30.643 **for an adult in custody** if the *[inmate]* **adult in custody** has, on three or more prior occasions while incarcerated or detained in any correctional facility, filed an action against a public body in a court of this state that was dismissed on the grounds that the action:

- (a) Was frivolous or malicious;
- (b) Failed to state a claim upon which relief could be granted; or
- (c) Sought monetary relief from a defendant who is immune from a claim for monetary relief.

(2) The court may waive or defer fees or court costs of an *[inmate]* **adult in custody** who would not otherwise be eligible for waiver or deferral under subsection (1) of this section if the *[inmate]* **adult in custody** establishes in the application for waiver or deferral that the *[inmate]* **adult in custody** is in imminent danger of serious physical injury and the action against a public body is needed to seek relief from that danger.

SECTION 7. ORS 30.646 is amended to read:

30.646. (1) If an *[inmate]* **adult in custody** files an action against a public body and a judgment is entered that requires the *[inmate]* **adult in custody** to pay costs to the public body, the *[inmate]* **adult in custody** must pay the full amount of the costs ordered.

(2) Payment for costs under this section shall be made by deductions from the income credited to the *[inmate's]* trust account **of the adult in custody**.

SECTION 8. ORS 30.647 is amended to read:

30.647. (1) If fees or court costs of an *[inmate]* **adult in custody** have been waived or deferred under ORS 30.643, a court shall dismiss the case if at any time the court determines that the

[*inmate*] **adult in custody** was in fact able to pay fees and court costs at the time the application for waiver or deferral was made under ORS 21.680 to 21.698.

(2) If [*an inmate's*] **the** fees or court costs have been waived or deferred under ORS 30.643 **for an adult in custody**, a court shall dismiss the case if at any time the court determines that each claim in the action, petition or appeal:

(a) Is frivolous or malicious;

(b) Fails to state a claim upon which relief may be granted, and the court denies leave to amend;
or

(c) Seeks monetary relief against a defendant who is immune from a claim for monetary relief.

(3) Upon appeal of any dismissal under this section, the Court of Appeals on its own motion, or on the motion of the respondent, may summarily affirm the judgment of the trial court, with or without submission of briefs and without oral argument, if the Court of Appeals determines that the appeal does not present a substantial question of law. Notwithstanding ORS 2.570, the Chief Judge of the Court of Appeals may deny a respondent's motion for summary affirmance under this subsection or may grant the motion if the petitioner does not oppose the motion. A dismissal of an appeal under this subsection constitutes a decision on the merits of the case.

SECTION 9. ORS 30.648 is amended to read:

30.648. (1)(a) An [*inmate*] **adult in custody** who brings an action against a public body in a small claims department must serve the notice and claim and all subsequent filings on the public body. If the public body is the Department of Corrections or another state agency, the [*inmate*] **adult in custody** must also serve the notice and claim and all subsequent filings on the Attorney General.

(b) Notice and claim served under paragraph (a) of this subsection must be served in the manner provided in ORS 46.445 except that the statement required under ORS 46.445 (4) must read "30 DAYS" instead of "14 DAYS."

(2) The public body or Attorney General served under subsection (1) of this section must take action as required under ORS 46.455 except that the public body or Attorney General must admit or deny the claim within 30 days after the date of service.

(3) Notwithstanding ORS 46.405, in an action against a public body brought under this section, the court shall transfer the action to the regular department of the circuit court upon request of the public body or, if the public body is the Department of Corrections or another state agency, or an officer, employee or agent of the Department of Corrections or the state agency, upon request of the public body or the Attorney General.

(4) Notwithstanding ORS 46.415, in an action against a public body brought under this section, if the public body is the Department of Corrections or another state agency, or an officer, employee or agent of the Department of Corrections or the state agency, an attorney or paralegal employed by the Department of Justice may appear and represent the public body.

(5)(a) Notwithstanding ORS 46.475, in an action against a public body brought under this section, notice of intent to apply for an order of default, in the form prescribed by Uniform Trial Court Rule 2.010, must be filed and served on the public body against which an order of default is sought at least 10 days before a court may enter an order of default. If the public body is the Department of Corrections or another state agency, or an officer, employee or agent of the Department of Corrections or the state agency, notice must also be served on the Attorney General.

(b) The court may not enter a default judgment in favor of the [*inmate*] **adult in custody** unless the [*inmate*] **adult in custody** submits to the court proof of service by affidavit of the notice and claim required under subsection (1) of this section and the notice of intent to apply for an order of default required under paragraph (a) of this subsection.

SECTION 10. ORS 30.650 is amended to read:

30.650. Noneconomic damages, as defined in ORS 31.710, may not be awarded to an [*inmate*] **adult in custody** in an action against a public body unless the [*inmate*] **adult in custody** has established that the [*inmate*] **adult in custody** suffered economic damages, as defined in ORS 31.710.

SECTION 11. ORS 34.365 is amended to read:

34.365. (1) Any court of the State of Oregon may authorize the filing of a petition for a writ of habeas corpus by or on behalf of any person imprisoned or otherwise restrained of liberty by virtue of a charge or conviction of crime without payment of the filing fees therefor, if such person presents to the court or judge thereof satisfactory proof, by affidavit and as otherwise required by such judge, that the person is unable to pay such fees.

(2) Notwithstanding the fact that a court has authorized the filing of a petition without payment of the filing fee required by ORS 34.340, the fee may be drawn from, or charged against, the plaintiff's trust account if the plaintiff is an *[inmate]* **adult in custody** in a correctional facility.

SECTION 12. ORS 34.370 is amended to read:

34.370. (1) Except as provided in subsection (6) of this section, the judge to whom the petition for a writ of habeas corpus is presented shall, without delay, issue an order directing the defendant to show cause why the writ should not be allowed.

(2) Upon the issuance of a show cause order under subsection (1) of this section, the following shall apply:

(a) The judge shall order that the defendant appear in writing in opposition to the issuance of the writ as soon as is practicable and not more than 14 days from the date that the show cause order issues.

(b) The judge shall rule on the show cause order within seven days after either the defendant files a written appearance in opposition or the appearance period expires, whichever comes first. Upon making a ruling, the judge shall do one of the following, as appropriate:

(A) If the petition is a meritless petition, issue a judgment denying the petition and ordering the plaintiff to pay the cost of attorney fees incurred by the defendant. In no case shall the award of attorney fees exceed \$100. The fees may be drawn from, or charged against, the *[inmate's]* trust account **of the adult in custody**.

(B) Issue a judgment granting appropriate habeas corpus relief.

(C) Issue a writ of habeas corpus requiring that a return be made.

(3) Entry of a judgment under subsection (2)(b)(A) or subsection (6) of this section shall be without prejudice. The judgment shall explain to the parties the reason for the denial.

(4) If the court has issued a writ of habeas corpus requiring a return under subsection (2)(b)(C) of this section, the parties may stipulate to a hearing as described in ORS 34.670 without the necessity of a return or a replication. If the court accepts the stipulation, it shall set the matter for hearing in an expedited manner.

(5) Issuance of the writ under subsection (2) of this section shall not bind the court with respect to any subsequent rulings related to the pleadings of the parties or the ultimate disposition of the proceeding.

(6) The court may, on its own motion, enter a judgment denying a meritless petition brought under ORS 34.310 to 34.730.

(7) As used in this section, "meritless petition" means one which, when liberally construed, fails to state a claim upon which habeas corpus relief may be granted.

SECTION 13. ORS 46.405 is amended to read:

46.405. (1) Except as provided in subsection (6) of this section, each circuit court shall have a small claims department.

(2) Except as provided in this section, all actions for the recovery of money, damages, specific personal property, or any penalty or forfeiture must be commenced and prosecuted in the small claims department if the amount or value claimed in the action does not exceed \$750.

(3) Except as provided in this section, an action for the recovery of money, damages, specific personal property, or any penalty or forfeiture may be commenced and prosecuted in the small claims department if the amount or value claimed in the action does not exceed \$10,000.

(4)(a) Class actions may not be commenced and prosecuted in the small claims department.

(b) An action by an *[inmate]* **adult in custody**, as defined in ORS 30.642, against another *[inmate]* **adult in custody** may not be commenced and prosecuted in the small claims department.

(5) Actions providing for statutory attorney fees in which the amount or value claimed does not exceed \$750 may be commenced and prosecuted in the small claims department or may be commenced and prosecuted in the regular department of the circuit court. This subsection does not apply to an action based on contract for which attorney fees are authorized under ORS 20.082.

(6) If a circuit court is located in the same city as a justice court, the circuit court need not have a small claims department if the circuit court and the justice court enter into an intergovernmental agreement that provides that only the justice court will operate a small claims department. If an intergovernmental agreement is entered into under this subsection, the agreement must establish appropriate procedures for referring small claims cases to the justice court.

SECTION 14. ORS 51.090 is amended to read:

51.090. The jurisdiction conferred by ORS 51.080 does not extend to:

- (1) An action in which the title to real property shall come in question.
- (2) An action for false imprisonment, libel, slander or malicious prosecution.
- (3) An action brought by an [inmate] **adult in custody** as defined in ORS 30.642.

SECTION 15. ORS 135.760 is amended to read:

135.760. (1) Any [inmate] **adult** in the custody of the Department of Corrections or of the supervisory authority of a county pursuant to a commitment under ORS 137.124 (2) against whom there is pending at the time of commitment or against whom there is filed at any time during imprisonment, in any court of this state, an indictment, information or criminal complaint charging the [inmate] **adult in custody** with the commission of a crime, may give written notice to the district attorney of the county in which the [inmate] **adult in custody** is so charged requesting the district attorney to prosecute and bring the [inmate] **adult in custody** to trial on the charge forthwith.

(2) The notice provided for in subsection (1) of this section shall be signed by the [inmate] **adult in custody** and set forth the place and term of imprisonment. A copy of the notice shall be sent to the court in which the [inmate] **adult in custody** has been charged by indictment, information or complaint.

SECTION 16. ORS 135.763 is amended to read:

135.763. (1) The district attorney, after receiving a notice requesting trial under ORS 135.760, shall, within 90 days of receipt of the notice, bring the [inmate] **adult in custody** to trial upon the pending charge.

(2) The court shall grant any reasonable continuance with the consent of the defendant. Notwithstanding the defendant's lack of consent, the court may grant a continuance on motion of the district attorney or on its own motion, for good cause shown. The fact of imprisonment is not good cause for the purposes of this subsection.

SECTION 17. ORS 135.765 is amended to read:

135.765. (1) On motion of the defendant or the counsel of the defendant, or on its own motion, the court shall dismiss any criminal proceeding not brought to trial in accordance with ORS 135.763.

(2) This section shall not apply:

(a) When failure to bring the [inmate] **adult in custody** to trial within 90 days after the district attorney receives notice under ORS 135.760 was the result of motions filed on behalf of the [inmate] **adult in custody**, or of a grant by the court of a continuance on motion of the district attorney or on its own motion, for good cause shown; or

(b) When the [inmate] **adult in custody** is unavailable for trial, other than by imprisonment, or because of other pending criminal proceedings against the [inmate] **adult in custody**.

SECTION 18. ORS 135.767 is amended to read:

135.767. (1) Whenever the presence of an [inmate] **adult** in the custody of the Department of Corrections or of the supervisory authority of a county pursuant to a commitment under ORS 137.124 (2) is necessary in any criminal proceeding under ORS 135.760 to 135.773, the court wherein the [inmate] **adult in custody** is charged with the commission of a crime may:

(a) Issue an order directing the Director of the Department of Corrections or the supervisory authority of a county to surrender the *[inmate]* **adult in custody** to the sheriff of the county where the *[inmate]* **adult in custody** is to be tried; or

(b) Ensure that arrangements for the *[inmate]* **adult in custody** to appear by simultaneous electronic transmission as described in ORS 131.045 have been made.

(2) The county where an *[inmate]* **adult in custody** is charged with commission of a crime shall pay the costs of:

(a) Transportation and maintenance of the *[inmate]* **adult in custody** removed under this section; or

(b) Providing for the *[inmate]* **adult in custody** to appear by simultaneous electronic transmission.

(3) If an *[inmate]* **adult in custody** is transported under this section for a criminal proceeding under ORS 135.760 to 135.773, at the conclusion of the proceeding, notwithstanding the provisions of ORS 137.167, the *[inmate]* **adult in custody** shall be returned by the sheriff to the custody of the Department of Corrections or the supervisory authority of the county in which the *[inmate]* **adult in custody** is imprisoned.

(4) The time during which an *[inmate]* **adult** is in the custody of the sheriff under this section is part of and shall be counted as time served under the original sentence.

SECTION 19. ORS 135.770 is amended to read:

135.770. No *[inmate]* **adult** in the custody of a sheriff under ORS 135.767 shall be released pending a criminal proceeding under ORS 135.760 to 135.773 or any appeal therefrom.

SECTION 20. ORS 135.773 is amended to read:

135.773. The district attorney shall, in all proceedings against *[inmates]* **adults in custody** under ORS 135.760 to 135.773, obtain for and furnish to the court a certified copy of the judgment, sentence or commitment order pursuant to which the *[inmate]* **adult in custody** is imprisoned.

SECTION 21. ORS 135.785 is amended to read:

135.785. The official in charge of a Department of Corrections institution in this state shall give over the person of any *[inmate]* **adult in custody** thereof whenever so required by the operation of the Agreement on Detainers.

SECTION 22. ORS 137.124 is amended to read:

137.124. (1) If the court imposes a sentence upon conviction of a felony that includes a term of incarceration that exceeds 12 months:

(a) The court shall not designate the correctional facility in which the defendant is to be confined but shall commit the defendant to the legal and physical custody of the Department of Corrections; and

(b) If the judgment provides that the term of incarceration be served consecutively to a term of incarceration of 12 months or less that was imposed in a previous proceeding by a court of this state upon conviction of a felony, the defendant shall serve any remaining part of the previously imposed term of incarceration in the legal and physical custody of the Department of Corrections.

(2)(a) If the court imposes a sentence upon conviction of a felony that includes a term of incarceration that is 12 months or less, the court shall commit the defendant to the legal and physical custody of the supervisory authority of the county in which the crime of conviction occurred.

(b) Notwithstanding paragraph (a) of this subsection, when the court imposes a sentence upon conviction of a felony that includes a term of incarceration that is 12 months or less, the court shall commit the defendant to the legal and physical custody of the Department of Corrections if the court orders that the term of incarceration be served consecutively to a term of incarceration that exceeds 12 months that was imposed in a previous proceeding or in the same proceeding by a court of this state upon conviction of a felony.

(3) After assuming custody of the convicted person the Department of Corrections may transfer *[inmates]* **adults in custody** from one correctional facility to another such facility for the purposes of diagnosis and study, rehabilitation and treatment, as best seems to fit the needs of the *[inmate]*

adult in custody and for the protection and welfare of the community and the *[inmate]* **adult in custody**.

(4) If the court imposes a sentence of imprisonment upon conviction of a misdemeanor, it shall commit the defendant to the custody of the supervisory authority of the county in which the crime of conviction occurred.

(5)(a) When a person under 18 years of age at the time of committing the offense and under 20 years of age at the time of sentencing is committed to the Department of Corrections under ORS 137.707, the Department of Corrections shall transfer the physical custody of the person to the Oregon Youth Authority as provided in ORS 420.011 if:

(A) The person will complete the sentence imposed before the person attains 25 years of age;

(B) The Department of Corrections and the Oregon Youth Authority determine that, because of the person's age, immaturity, mental or emotional condition or risk of physical harm to the person, the person should not be incarcerated initially in a Department of Corrections institution; or

(C) The person is under 18 years of age at the time of sentencing and commitment.

(b) A person placed in the custody of the Oregon Youth Authority under this subsection who is at least 18 years of age shall be returned to the physical custody of the Department of Corrections whenever the Director of the Oregon Youth Authority, after consultation with the Department of Corrections, determines that the conditions or circumstances that warranted the transfer of custody under this subsection are no longer present.

(c) Notwithstanding ORS 137.320, the sheriff may by agreement with the Department of Corrections transfer the person described in this subsection directly to a youth correction facility for physical custody without first delivering the person to the Department of Corrections. As part of the agreement with the Department of Corrections, the sheriff may designate the county juvenile department or the Oregon Youth Authority to conduct the direct transfer described in this paragraph if the sheriff has entered into a written agreement with the county juvenile department, the Oregon Youth Authority, or both, to provide the direct transfer.

(6)(a) When a person under 18 years of age at the time of committing the offense and under 20 years of age at the time of sentencing is committed to the legal and physical custody of the Department of Corrections or the supervisory authority of a county following waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712, the Department of Corrections or the supervisory authority of a county shall transfer the person to the physical custody of the Oregon Youth Authority for placement as provided in ORS 420.011 (3). The terms and conditions of the person's incarceration and custody are governed by ORS 420A.200 to 420A.206. Notwithstanding ORS 137.320, the sheriff may by agreement with the Department of Corrections or the supervisory authority of a county transfer the person described in this subsection directly to a youth correction facility for physical custody without first delivering the person to the Department of Corrections or supervisory authority of the county. As part of the agreement with the Department of Corrections or supervisory authority of the county, the sheriff may designate the county juvenile department or the Oregon Youth Authority to conduct the direct transfer described in this paragraph if the sheriff has entered into a written agreement with the county juvenile department, the Oregon Youth Authority, or both, to provide the direct transfer.

(b) Notwithstanding ORS 137.320, when a person under 16 years of age is waived under ORS 419C.349, 419C.352, 419C.364 or 419C.370 and subsequently is sentenced to a term of imprisonment in the county jail, the sheriff shall transfer the person to a youth correction facility for physical custody as provided in ORS 420.011 (3).

(7) If the Director of the Oregon Youth Authority concurs in the decision, the Department of Corrections or the supervisory authority of a county shall transfer the physical custody of a person committed to the Department of Corrections or the supervisory authority of the county under subsection (1) or (2) of this section to the Oregon Youth Authority as provided in ORS 420.011 (2) if:

(a) The person was at least 18 years of age but under 20 years of age at the time of committing the felony for which the person is being sentenced to a term of incarceration;

(b) The person is under 20 years of age at the time of commitment to the Department of Corrections or the supervisory authority of the county;

(c) The person has not been committed previously to the legal and physical custody of the Department of Corrections or the supervisory authority of a county;

(d) The person has not been convicted and sentenced to a term of incarceration for the commission of a felony in any other state;

(e) The person will complete the term of incarceration imposed before the person attains 25 years of age;

(f) The person is likely in the foreseeable future to benefit from the rehabilitative and treatment programs administered by the Oregon Youth Authority;

(g) The person does not pose a substantial danger to Oregon Youth Authority staff or persons in the custody of the Oregon Youth Authority; and

(h) At the time of the proposed transfer, no more than 50 persons are in the physical custody of the Oregon Youth Authority under this subsection.

(8) Notwithstanding the provisions of subsections (5)(a)(A) or (7) of this section, the department or the supervisory authority of a county may not transfer the physical custody of the person under subsection (5)(a)(A) or (7) of this section if the Director of the Oregon Youth Authority, after consultation with the Department of Corrections or the supervisory authority of a county, determines that, because of the person's age, mental or emotional condition or risk of physical harm to other persons, the person should not be incarcerated in a youth correction facility.

(9) Notwithstanding any other provision of this section, under no circumstances may a person under 18 years of age be incarcerated in a Department of Corrections institution.

SECTION 23. ORS 138.527 is amended to read:

138.527. (1) In addition to any other relief a court may grant or order under ORS 138.510 to 138.680, the court shall award attorney fees to the prevailing party if the court finds that the other party's petition or response was frivolous.

(2) An award of attorney fees under this section may not exceed \$100.

(3) If the party required to pay attorney fees is an *[inmate]* **adult in the custody** of a correctional institution, the fees may be drawn from, or charged against, the *[inmate's]* trust account **of the adult in custody**.

SECTION 24. ORS 138.590 is amended to read:

138.590. (1) Any petitioner who is unable to pay the expenses of a proceeding pursuant to ORS 138.510 to 138.680 or to employ suitable counsel possessing skills and experience commensurate with the nature of the conviction and complexity of the case for the proceeding may proceed as a financially eligible person pursuant to this section upon order of the circuit court in which the petition is filed.

(2) If the petitioner wishes to proceed as a financially eligible person, the person shall file with the petition an affidavit stating inability to pay the expenses of a proceeding pursuant to ORS 138.510 to 138.680, including, but not limited to, the filing fee required by ORS 138.560, or to employ suitable counsel for such a proceeding. The affidavit shall contain a brief statement of the petitioner's assets and liabilities and income during the previous year. If the circuit court is satisfied that the petitioner is unable to pay such expenses or to employ suitable counsel, it shall order that the petitioner proceed as a financially eligible person. If the court finds that a petitioner who has been sentenced to death is not competent to decide whether to accept or reject the appointment of counsel, the court shall appoint counsel to represent the petitioner. However, when a circuit court orders petitioner's case transferred to another circuit court as provided in ORS 138.560 (4), the matter of petitioner's proceeding as a financially eligible person shall be determined by the latter court.

(3) If a petitioner who has been sentenced to death qualifies for the appointment of counsel under this section but rejects the appointment, the court shall determine, after a hearing if necessary, whether the petitioner rejected the offer of counsel and made the decision with an understanding of its legal consequences. The court shall make appropriate findings on the record.

(4) In the order to proceed as a financially eligible person, the circuit court shall appoint suitable counsel to represent petitioner. Counsel so appointed shall represent petitioner throughout the proceedings in the circuit court. The court may not substitute one appointed counsel for another except pursuant to the policies, procedures, standards and guidelines of the Public Defense Services Commission.

(5) If counsel appointed by the circuit court determines that the petition as filed by petitioner is defective, either in form or in substance, or both, counsel may move to amend the petition within 15 days following counsel's appointment, or within a further period as the court may allow. The amendment shall be permitted as of right at any time during this period. If appointed counsel believes that the original petition cannot be construed to state a ground for relief under ORS 138.510 to 138.680, and cannot be amended to state a ground for relief, counsel shall, in lieu of moving to amend the petition, inform the petitioner and notify the circuit court of counsel's belief by filing an affidavit stating the belief and the reasons therefor with the clerk of the circuit court. This affidavit does not constitute a ground for denying the petition prior to a hearing upon its sufficiency, but the circuit court may consider the affidavit in deciding upon the sufficiency of the petition at the hearing.

(6) When a petitioner has been ordered to proceed as a financially eligible person, the expenses which are necessary for the proceedings upon the petition in the circuit court and the compensation to appointed counsel for petitioner as provided in this subsection shall be paid by the public defense services executive director from funds available for the purpose. At the conclusion of proceedings on a petition pursuant to ORS 138.510 to 138.680, the public defense services executive director shall determine and pay, as provided by the policies, procedures, standards and guidelines of the Public Defense Services Commission, the amount of expenses of petitioner and compensation for the services of appointed counsel in the proceedings in the circuit court.

(7) If the public defense services executive director denies, in whole or in part, expenses and compensation submitted for review and payment, the person who submitted the payment request may appeal the decision to the presiding judge of the circuit court. The presiding judge or the designee of the presiding judge shall review the public defense services executive director's decision for abuse of discretion. The decision of the presiding judge or the designee of the presiding judge is final.

(8)(a) When a petitioner has been authorized to proceed as a financially eligible person, all court fees in the circuit court, except for the filing fee required by ORS 138.560, are waived.

(b) When a petitioner is allowed to file a petition without payment of the fee required by ORS 138.560 due to inability to pay, the fee is not waived but may be drawn from, or charged against, the petitioner's trust account if the petitioner is an *[inmate]* **adult in custody** in a correctional facility.

(9) Notwithstanding any other provision of this chapter, a court may not appoint as counsel for a petitioner who has been sentenced to death a counsel who previously represented the petitioner at trial or on automatic and direct review in the case resulting in the death sentence unless the petitioner and the counsel expressly request continued representation.

SECTION 25. ORS 144.050 is amended to read:

144.050. Subject to applicable laws, the State Board of Parole and Post-Prison Supervision may authorize any *[inmate]* **adult in custody**, who is committed to the legal and physical custody of the Department of Corrections for an offense committed prior to November 1, 1989, to go upon parole subject to being arrested and detained under written order of the board or as provided in ORS 144.350. The state board may establish rules applicable to parole.

SECTION 26. ORS 144.096 is amended to read:

144.096. (1)(a) The Department of Corrections shall prepare a proposed release plan for an *[inmate]* **adult in custody** and submit the proposed release plan to the State Board of Parole and Post-Prison Supervision prior to the *[inmate's]* release.

(b) If the proposed release plan is not approved by the board, the board shall return the plan to the department with its recommended modifications. The department shall submit a revised plan to the board prior to the *[inmate's]* release.

(c) If the revised plan is not acceptable to the board, the board shall determine the provisions of the final plan prior to the [inmate's] release.

(d) The department, in consultation with the board, shall by rule establish deadlines by which a proposed release plan described in paragraph (a) of this subsection and a revised plan described in paragraph (b) of this subsection must be submitted to the board prior to [an inmate's] release.

(e) If an [inmate] **adult in custody** was sentenced under section 29, chapter 649, Oregon Laws 2013, and the release plan recommends that the [inmate] **adult in custody** participate in a reentry court, the board shall provide a copy of the release plan to the reentry court.

(2) The local supervisory authority that is responsible for correctional services for an [inmate] **adult in custody** shall prepare a proposed release plan for the [inmate] **adult in custody** prior to the [inmate's] release from jail. The local supervisory authority shall approve the release plan under its rules. If the [inmate] **adult in custody** was sentenced under section 29, chapter 649, Oregon Laws 2013, and the supervisory authority recommends that the [inmate] **adult in custody** participate in a reentry court, the supervisory authority shall provide a copy of the release plan to the reentry court.

(3) A release plan prepared under subsection (1) or (2) of this section must include:

(a) A description of support services and program opportunities available to the [inmate] **adult in custody**, including any transitional housing or treatment programs to which the [inmate] **adult in custody** has been accepted;

(b) The recommended conditions of post-prison supervision;

(c) The level of supervision that shall be consistent with the [inmate's] risk assessment classification **of the adult in custody**;

(d) Any other conditions and requirements as may be necessary to promote public safety;

(e) For all [inmates] **adults in custody** whose sentence to make restitution under ORS 137.106 has been suspended for the term of imprisonment, a restitution payment schedule; and

(f) Any conditions necessary to assist the reformation of the [inmate] **adult in custody**.

SECTION 27. ORS 144.096, as amended by section 35, chapter 649, Oregon Laws 2013, section 2, chapter 40, Oregon Laws 2017, and section 2, chapter 438, Oregon Laws 2017, is amended to read:

144.096. (1)(a) The Department of Corrections shall prepare a proposed release plan for an [inmate] **adult in custody** and submit the proposed release plan to the State Board of Parole and Post-Prison Supervision prior to the [inmate's] release.

(b) If the proposed release plan is not approved by the board, the board shall return the plan to the department with its recommended modifications. The department shall submit a revised plan to the board prior to the [inmate's] release.

(c) If the revised plan is not acceptable to the board, the board shall determine the provisions of the final plan prior to the [inmate's] release.

(d) The department, in consultation with the board, shall by rule establish deadlines by which a proposed release plan described in paragraph (a) of this subsection and a revised plan described in paragraph (b) of this subsection must be submitted to the board prior to [an inmate's] release.

(2) The local supervisory authority that is responsible for correctional services for an [inmate] **adult in custody** shall prepare a proposed release plan for the [inmate] **adult in custody** prior to the [inmate's] release from jail. The local supervisory authority shall approve the release plan under its rules.

(3) A release plan prepared under subsection (1) or (2) of this section must include:

(a) A description of support services and program opportunities available to the [inmate] **adult in custody**, including any transitional housing or treatment programs to which the [inmate] **adult in custody** has been accepted;

(b) The recommended conditions of post-prison supervision;

(c) The level of supervision that shall be consistent with the [inmate's] risk assessment classification **of the adult in custody**;

(d) Any other conditions and requirements as may be necessary to promote public safety;

(e) For all *[inmates]* **adults in custody** whose sentence to make restitution under ORS 137.106 has been suspended for the term of imprisonment, a restitution payment schedule; and

(f) Any conditions necessary to assist the reformation of the *[inmate]* **adult in custody**.

SECTION 28. ORS 144.098 is amended to read:

144.098. (1) When the State Board of Parole and Post-Prison Supervision or a local supervisory authority responsible for correctional services for an *[inmate]* **adult in custody** reviews *[an inmate's]* **the** release plan prior to approval of the plan as required by ORS 144.096, it may interview the *[inmate]* **adult in custody** and may review the following information:

(a) Reports of any physical, psychiatric or psychological examinations of the *[inmate]* **adult in custody**;

(b) The presentence investigation report specified by ORS 144.791 or, if no such report has been prepared, a report of similar content prepared by institutional staff;

(c) The record of the *[inmate's]* conduct **of the adult in custody** during confinement; and

(d) Any other information relevant to the *[inmate's]* reintegration **of the adult in custody** into the community that may be submitted by the *[inmate]* **adult in custody**, the *[inmate's]* attorney **of the adult in custody**, the victim of the crime, the Department of Corrections, local corrections agencies or any other person.

(2) If the board reviews a release plan, the board must attempt to notify the victim before the review of the release plan by sending written notice to the victim if the victim requests to be notified and furnishes the board with a current address. The notice must inform the victim that the victim may submit information concerning the *[inmate]* **adult in custody** and the crime to the board for the board's consideration.

(3) The department or local corrections agency shall provide to the board or local supervisory authority reviewing the release plan any psychiatric or psychological reports held by the department or local corrections agency regarding the *[inmate]* **adult in custody**. However, if the psychiatrist or psychologist who prepared the report or any treating psychiatrist or psychologist determines that disclosure to the *[inmate]* **adult in custody** of the contents of the report would be detrimental to the *[inmate's]* mental or emotional health **of the adult in custody**, the psychiatrist or psychologist may indorse upon the report a recommendation that it not be disclosed to the *[inmate]* **adult in custody**. The department or local corrections agency may withhold from the board or supervisory authority reviewing the plan any report so indorsed.

SECTION 29. ORS 144.123 is amended to read:

144.123. When appearing before the State Board of Parole and Post-Prison Supervision an *[inmate]* **adult in custody** shall have the right to be accompanied by a person *[of the inmate's choice]* **chosen by the adult in custody** pursuant to rule promulgated jointly by the State Board of Parole and Post-Prison Supervision and the Department of Corrections.

SECTION 30. ORS 144.270 is amended to read:

144.270. (1) The State Board of Parole and Post-Prison Supervision, in releasing a person on parole, shall specify in writing the conditions of the parole. A copy of the conditions must be given to the person paroled.

(2) The board shall determine, and may at any time modify, the conditions of parole, which may include, among other conditions, that the person paroled must:

(a) Accept the parole granted subject to all terms and conditions specified by the board.

(b) Be under the supervision of the Department of Corrections and its representatives and abide by their direction and counsel.

(c) Answer all reasonable inquiries of the board or the parole officer.

(d) Report to the parole officer as directed by the board or parole officer.

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

(f) Respect and obey all municipal, county, state and federal laws.

(g) Understand that the board may, in its discretion, suspend or revoke parole if it determines that the parole is not in the best interest of the person paroled or of society.

(3) If the person paroled is required to report as a sex offender under ORS 163A.010, the board shall include as a condition of parole that the person report with the Department of State Police, a city police department, a county sheriff's office or the supervising agency:

- (a) When supervision begins;
- (b) Within 10 days of a change in residence;
- (c) Once each year within 10 days of the person's date of birth;
- (d) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; and
- (e) Within 10 days of a change in work, vocation or attendance status at an institution of higher education.

(4)(a) The board may establish special conditions that it considers necessary because of the individual circumstances of the person paroled.

(b) If the person is on parole following conviction of a sex crime, as defined in ORS 163A.005, the board shall include all of the following as special conditions of the person's parole:

(A) Agreement to comply with a curfew set by the board or the supervising officer.

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

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

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

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

(F) Entry into and completion of or successful discharge from a sex offender treatment program approved by the board or supervising officer. The program may include polygraph and plethysmograph testing. The person is responsible for paying for the treatment program.

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

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

(I) Agreement to consent to a search of the person or the vehicle or residence of the person upon the request of a representative of the board if the representative has reasonable grounds to believe that evidence of a violation of a condition of parole will be found.

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

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

(L) A prohibition against using a post-office box unless approved by the board or supervising officer.

(M) A prohibition against residing in a dwelling in which another sex offender who is on probation, parole or post-prison supervision resides unless approved by the board or supervising officer, or in which more than one other sex offender who is on probation, parole or post-prison supervision resides unless approved by the board or a designee of the board. As soon as practicable, the supervising officer of a person subject to the requirements of this subparagraph shall review the person's living arrangement with the person's sex offender treatment provider to ensure that the arrangement supports the goals of offender rehabilitation and community safety.

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

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

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

(iii) The person demonstrates to the board by a preponderance of the evidence that imposition of the condition will deprive the person of a residence that would be materially significant in aiding in the rehabilitation of the person or in the success of the parole; or

(iv) The person resides in a halfway house.

(B) A victim may request imposition of the special condition of parole described in this paragraph at the time of sentencing in person or through the prosecuting attorney. A victim's request may be included in the judgment document.

(C) If the board imposes the special condition of parole described in this paragraph and if at any time during the period of parole the victim moves to within three miles of the parolee's residence, the board may not require the parolee to change the parolee's residence in order to comply with the special condition of parole.

(5) It is not a cause for revocation of parole that the person paroled failed to apply for or accept employment at a workplace where there is a labor dispute in progress.

(6)(a) When the board grants a person parole from the custody of the Department of Corrections, the board shall order, as a condition of parole, that the person reside for the first six months in the county that last supervised the person, if the person was on active supervision as an adult for a felony at the time of the offense that resulted in the imprisonment.

(b) If the person paroled was not on active supervision as an adult for a felony at the time of the offense that resulted in the imprisonment, the board shall order as a condition of parole that the person reside for the first six months in the county where the person resided at the time of the offense that resulted in the imprisonment.

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

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

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

(ii) Records maintained by the Department of Revenue;

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

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

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

(vi) Records maintained by the Oregon Health Authority.

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

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

(D) If the person is being rereleased after revocation of parole, the county of residence shall be determined according to the date of the arrest resulting in a conviction of the underlying offense.

(E) In determining the person's county of residence, a conviction for an offense that the [inmate] **adult in custody** committed while incarcerated in a state correctional institution may not be considered.

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

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

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

(C) The person has a spouse or biological or adoptive family residing in a county other than the county of residence who will be materially significant in aiding in the rehabilitation of the person and in the success of the parole;

(D) As another condition of parole, the person is required to participate in a treatment program that is not available or located in the county of residence;

(E) The person requests to be paroled to another state; or

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

(7) As used in this section:

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

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

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

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

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

SECTION 31. ORS 144.275 is amended to read:

144.275. Whenever the State Board of Parole and Post-Prison Supervision orders the release on parole of an *[inmate]* **adult in custody** who has been ordered to pay compensatory fines pursuant to ORS 137.101 or to make restitution pursuant to ORS 137.106, but with respect to whom payment of all or a portion of the fine or restitution was suspended until the release of the *[inmate]* **adult in custody** from imprisonment, the board may establish a schedule by which payment of the compensatory fine or restitution shall be resumed. In fixing the schedule and supervising the *[paroled inmate's]* performance **of the paroled adult in custody** thereunder, the board shall consider the factors specified in ORS 137.106 (4). The board shall provide to the sentencing court a copy of the schedule and any modifications thereof.

SECTION 32. ORS 144.315 is amended to read:

144.315. Evidence may be received in proceedings conducted by the State Board of Parole and Post-Prison Supervision even though inadmissible under rules of evidence applicable to court procedure and the board shall establish procedures to regulate and provide for the nature and extent of the proofs and evidence and method of taking and furnishing the same in order to afford the *[inmate]* **adult in custody** a reasonable opportunity for a fair hearing. The procedures shall include the means of determining good cause not to allow confrontation of witnesses or disclosure of the identity of informants who would be subject to risk of harm if their identity is disclosed.

SECTION 33. ORS 144.420 is amended to read:

144.420. (1) The Department of Corrections shall establish and administer a work release program in which a misdemeanor or felon may participate, and if confined, be authorized to leave assigned quarters for the purpose of:

(a) Participating in an *[inmate]* **adult in custody** work program approved by the Director of the Department of Corrections, including work with public or private agencies or persons, with or without compensation.

(b) Obtaining in this state additional education, including but not limited to vocational, technical and general education.

(c) Participating in alcohol or drug treatment programs.

(d) Participating in mental health programs.

(e) Specific treatment to develop independent living skills.

(2) The Department of Corrections is responsible for the quartering and supervision of persons enrolled in the work release program. The Department of Corrections may house for rehabilitative

purposes, in a work release facility, a parolee under the jurisdiction of the State Board of Parole and Post-Prison Supervision, with the written consent of the parolee and the approval of the board, in accordance with procedures established by the department and the board.

SECTION 34. ORS 144.450 is amended to read:

144.450. (1) The Director of the Department of Corrections shall approve or reject each recommendation under ORS 144.440 or 421.170 for enrollment in the work release program. Rejection by the director of a recommendation does not preclude submission under ORS 421.170 of subsequent recommendations regarding enrollment of the same person.

(2) An [inmate] **adult in custody** may be assigned by the Department of Corrections to participate in an [inmate] **adult in custody** work program, or in education, alcohol and drug treatment or mental health or other specific treatment program to develop independent living skills, without the [inmate's] consent **of the adult in custody**.

(3) The director shall promulgate rules for carrying out ORS 144.410 to 144.525 and 421.170.

(4) In approving a recommendation and enrolling a person in the work release program, or in assigning an [inmate] **adult in custody** to participate in an [inmate] **adult in custody** work program or in education, alcohol and drug treatment or mental health or other specific treatment program to develop independent living skills, the director may prescribe any specific conditions that the director finds appropriate to assure compliance by the person with the general procedures and objectives of the work release program.

(5) ORS 183.410 to 183.500 do not apply to actions taken under this section.

SECTION 35. ORS 144.480 is amended to read:

144.480. (1) Persons assigned to participate in an [inmate] **adult in custody** work program established under ORS 144.420 may be enrolled in an apprenticeship or training program under ORS 660.002 to 660.210 and are entitled to the protection and benefits of ORS 660.002 to 660.210 to the same extent as other employees of their employer, except that the Director of the Department of Corrections shall establish by rule any compensation paid to such persons and the compensation is not subject to any provision establishing or requiring a minimum or prevailing wage unless required to comply with federal law.

(2) Persons assigned to participate in an [inmate] **adult in custody** work program established under ORS 144.420 are entitled to the protection and benefits of ORS 655.505 to 655.555.

(3) Persons enrolled, or assigned to participate, in a work release program are not entitled to benefits:

(a) Under ORS chapter 656; or

(b) Under ORS chapter 657 during their enrollment.

SECTION 36. ORS 144.490 is amended to read:

144.490. (1) A person enrolled, or assigned to participate, in the work release program is not an agent, employee or servant of a Department of Corrections institution, the department or this state:

(a) While working, seeking gainful employment or otherwise participating, in an [inmate] **adult in custody** work program; or

(b) While going to the place of such employment or work assignment from the place where the person is quartered, or while returning therefrom.

(2) For purposes of this chapter, a person enrolled, or assigned to participate, in the work release program established under ORS 144.420 is considered to be an [inmate of] **adult in custody** in a Department of Corrections institution.

SECTION 37. ORS 144.522 is amended to read:

144.522. (1) The Department of Corrections may request in writing the Oregon Department of Administrative Services to, and when so requested the Oregon Department of Administrative Services shall, draw a warrant on the amount available under section 6 or 7, chapter 678, Oregon Laws 1969, in favor of the department for use by the department as a revolving fund. The warrant or warrants drawn to establish or increase the revolving fund, rather than to reimburse it, shall not exceed the aggregate sum of \$20,000. The revolving fund shall be deposited with the State Treasurer to be held in a special account against which the department may draw checks.

(2) The revolving fund may be used by the department for the purpose of making loans to any *[inmate]* **adult in custody** enrolled in the work release program under ORS 144.410 to 144.525, at a rate of interest prescribed by the department, to pay costs of necessary clothing, tools, transportation and other items from the time of initial enrollment to the time the *[inmate]* **adult in custody** receives sufficient income to repay the loan. A loan from the revolving fund shall be made only when other resources available to the enrollee to pay the costs described in this subsection are inadequate.

(3) The Department of Corrections shall enforce repayment of loans under this section by any lawful means. However, the Director of the Department of Corrections may proceed under ORS 293.235 to 293.245 to write off uncollectible debts arising out of such loans.

(4) All repayments of loans from the revolving fund shall be credited to the fund. Interest earnings realized upon any loan from the revolving fund shall be credited to the fund.

SECTION 38. ORS 161.267 is amended to read:

161.267. (1) As used in this section:

(a) “Colocated minimum security facility” means a Department of Corrections institution that has been designated by the Department of Corrections as a minimum security facility and has been located by the department on the grounds of a medium or higher security Department of Corrections institution.

(b) “Department of Corrections institution” has the meaning given that term in ORS 421.005.

(c) “Stand-alone minimum security facility” means a Department of Corrections institution that has been designated by the department as a minimum security facility and that has been located by the department separate and apart from other Department of Corrections institutions.

(2) A corrections officer or other official employed by the Department of Corrections is justified in using physical force, including deadly physical force, when and to the extent that the officer or official reasonably believes it necessary to:

(a) Prevent the escape of an *[inmate]* **adult in custody** from a Department of Corrections institution, including the grounds of the institution, or from custody;

(b) Maintain or restore order and discipline in a Department of Corrections institution, or any part of the institution, in the event of a riot, disturbance or other occurrence that threatens the safety of *[inmates]* **adults in custody**, department employees or other persons; or

(c) Prevent serious physical injury to or the death of the officer, official or another person.

(3) Notwithstanding subsection (2)(a) of this section, a corrections officer or other official employed by the department may not use deadly physical force to prevent the escape of an *[inmate]* **adult in custody** from:

(a) A stand-alone minimum security facility;

(b) A colocated minimum security facility, if the corrections officer or other official knows that the *[inmate]* **adult in custody** has been classified by the department as minimum custody; or

(c) Custody outside of a Department of Corrections institution:

(A) While the *[inmate]* **adult in custody** is assigned to an *[inmate]* **adult in custody** work crew;
or

(B) During transport or other supervised activity, if the *[inmate]* **adult in custody** is classified by the department as minimum custody and the *[inmate]* **adult in custody** is not being transported or supervised with an *[inmate]* **adult in custody** who has been classified by the department as medium or higher custody.

(4) Nothing in this section limits the authority of a person to use physical force under ORS 161.205 (2) or 161.265.

SECTION 39. ORS 162.135 is amended to read:

162.135. As used in ORS 162.135 to 162.205, unless the context requires otherwise:

(1)(a) “Contraband” means:

(A) Controlled substances as defined in ORS 475.005;

(B) Drug paraphernalia as defined in ORS 475.525;

(C) Except as otherwise provided in paragraph (b) of this subsection, currency possessed by or in the control of an *[inmate]* **adult in custody** confined in a correctional facility; or

(D) Any article or thing which a person confined in a correctional facility, youth correction facility or state hospital is prohibited by statute, rule or order from obtaining or possessing, and whose use would endanger the safety or security of such institution or any person therein.

(b) "Contraband" does not include authorized currency possessed by an *[inmate]* **adult in custody** in a work release facility.

(2) "Correctional facility" means any place used for the confinement of persons charged with or convicted of a crime or otherwise confined under a court order and includes but is not limited to a youth correction facility. "Correctional facility" applies to a state hospital or a secure intensive community inpatient facility only as to persons detained therein charged with or convicted of a crime, or detained therein after having been found guilty except for insanity of a crime under ORS 161.290 to 161.370.

(3) "Currency" means paper money and coins that are within the correctional institution.

(4) "Custody" means the imposition of actual or constructive restraint by a peace officer pursuant to an arrest or court order, but does not include detention in a correctional facility, youth correction facility or a state hospital.

(5) "Escape" means the unlawful departure of a person from custody or a correctional facility. "Escape" includes the unauthorized departure or absence from this state or failure to return to this state by a person who is under the jurisdiction of the Psychiatric Security Review Board under ORS 161.315 to 161.351. "Escape" does not include failure to comply with provisions of a conditional release in ORS 135.245.

(6) "Youth correction facility" means:

(a) A youth correction facility as defined in ORS 420.005; and

(b) A detention facility as defined in ORS 419A.004.

(7) "State hospital" means the Oregon State Hospital and any other hospital established by law for similar purposes.

(8) "Unauthorized departure" means the unauthorized departure of a person confined by court order in a youth correction facility or a state hospital that, because of the nature of the court order, is not a correctional facility as defined in this section, or the failure to return to custody after any form of temporary release or transitional leave from a correctional facility.

SECTION 40. ORS 162.175 is amended to read:

162.175. (1) A person commits the crime of unauthorized departure if:

(a) The person makes an unauthorized departure; or

(b) Not being an *[inmate]* **adult in custody** therein, the person aids another in making or attempting to make an unauthorized departure.

(2) Unauthorized departure is a Class A misdemeanor.

SECTION 41. ORS 163.452 is amended to read:

163.452. (1) A person commits the crime of custodial sexual misconduct in the first degree if the person:

(a) Engages in sexual intercourse or oral or anal sexual intercourse with another person or penetrates the vagina, anus or penis of another person with any object other than the penis or mouth of the actor knowing that the other person is:

(A) In the custody of a law enforcement agency following arrest;

(B) Confined or detained in a correctional facility;

(C) Participating in an *[inmate]* **adult in custody** or offender work crew or work release program; or

(D) On probation, parole, post-prison supervision or other form of conditional or supervised release; and

(b) Is employed by or under contract with the state or local agency that:

(A) Employs the officer who arrested the other person;

(B) Operates the correctional facility in which the other person is confined or detained;

(C) Is responsible for supervising the other person in a work crew or work release program or on probation, parole, post-prison supervision or other form of conditional or supervised release; or
 (D) Engages the other person in work or on-the-job training pursuant to ORS 421.354 (1).

(2) Consent of the other person to sexual intercourse, oral or anal sexual intercourse or the sexual penetration is not a defense to a prosecution under this section.

(3) Lack of supervisory authority over the other person is an affirmative defense to a prosecution under this section when the other person is on probation, parole, post-prison supervision or other form of conditional or supervised release.

(4) Custodial sexual misconduct in the first degree is a Class C felony.

SECTION 42. ORS 163.454 is amended to read:

163.454. (1) A person commits the crime of custodial sexual misconduct in the second degree if the person:

(a) Engages in sexual contact with another person knowing that the other person is:

(A) In the custody of a law enforcement agency following arrest;

(B) Confined or detained in a correctional facility;

(C) Participating in an [inmate] **adult in custody** or offender work crew or work release program; or

(D) On probation, parole, post-prison supervision or other form of conditional or supervised release; and

(b) Is employed by or under contract with the state or local agency that:

(A) Employs the officer who arrested the other person;

(B) Operates the correctional facility in which the other person is confined or detained;

(C) Is responsible for supervising the other person in a work crew or work release program or on probation, parole, post-prison supervision or other form of conditional or supervised release; or

(D) Engages the other person in work or on-the-job training pursuant to ORS 421.354 (1).

(2) Consent of the other person to sexual contact is not a defense to a prosecution under this section.

(3) Lack of supervisory authority over the other person is an affirmative defense to a prosecution under this section when the other person is on probation, parole, post-prison supervision or other form of conditional or supervised release.

(4) Custodial sexual misconduct in the second degree is a Class A misdemeanor.

SECTION 43. ORS 169.005 is amended to read:

169.005. As used in ORS 169.005 to 169.677 and 169.730 to 169.800, unless the context requires otherwise:

(1) "Detainee" means a person held with no criminal charges.

(2) "Forced release" means temporary freedom of an [inmate] **adult in custody** from lawful custody before judgment of conviction due to a county jail population emergency under ORS 169.046.

(3) "Juvenile detention facility" means a facility as described in ORS 419A.050 and 419A.052.

(4) "Local correctional facility" means a jail or prison for the reception and confinement of prisoners that is provided, maintained and operated by a county or city and holds persons for more than 36 hours.

(5) "Lockup" means a facility for the temporary detention of arrested persons held up to 36 hours, excluding holidays, Saturdays and Sundays, but the period in lockup shall not exceed 96 hours after booking.

(6) "Month" means a period of 30 days.

(7) "Prisoner" means a person held with criminal charges or sentenced to the facility.

(8) "Temporary hold" means a facility, the principal purpose of which is the temporary detention of a prisoner for four or less hours while awaiting court appearance or transportation to a local correctional facility.

SECTION 44. ORS 169.046 is amended to read:

169.046. (1) If a county court or board adopts a jail capacity limit under ORS 169.044 and the number of [inmates] **adults in custody** in its local correctional facility exceeds that capacity limit

so that a county jail population emergency exists, the sheriff shall notify the presiding circuit judge, each municipal court judge and justice of the peace in the county, the district attorney for the county, the county counsel, the chief law enforcement officer for each city located in the county and the county court or board of commissioners that the number of *[inmates]* **adults in custody** in the local correctional facility has exceeded capacity and that a county jail population emergency exists.

(2) If the county court or board has adopted a jail capacity limit and action plan under ORS 169.044 and if a county jail population emergency occurs under the terms of the plan, the county court or board and the county sheriff may carry out the steps of the plan. This includes any authorization, under the plan, for the sheriff to order *[inmates]* **adults in custody** released in order to reduce the jail population. A sheriff shall be immune from criminal or civil liability for any good faith release of *[inmates]* **adults in custody** under ORS 169.042 to 169.046.

(3) If it becomes necessary to order *[inmates]* **adults in custody** released under ORS 169.042 to 169.046, or if it appears to the sheriff that release of *[inmates]* **adults in custody** is likely to become necessary in the near future, the sheriff shall immediately notify all police agencies in the county to make maximum use of citations in lieu of custody pursuant to ORS 133.055 to 133.076 until further notice.

(4) If it becomes necessary to order the release of *[inmates]* **adults in custody** under ORS 169.042 to 169.046, the sheriff may place *[inmates]* **adults in custody** on forced release subject to a forced release agreement. A forced release agreement must be in writing and be signed by the sheriff and the *[inmate]* **adult in custody** and must include:

- (a) The date of the next court appearance of the *[inmate]* **adult in custody**;
- (b) A statement that the *[inmate]* **adult in custody** is required to appear at the next court appearance; and
- (c) A statement that failure of the *[inmate]* **adult in custody** to appear at the next court appearance is subject to prosecution under ORS 162.195 or 162.205.

SECTION 45. ORS 169.053 is amended to read:

169.053. (1) A county may enter into an agreement with one or more other counties of this state under ORS 190.010 for the confinement and detention of offenders subject to the legal and physical custody of the county. The agreement may provide for the reception, detention, care and maintenance, and work assignment of:

- (a) Pretrial detainees;
- (b) Offenders convicted of a misdemeanor; and
- (c) Offenders convicted of a felony who are:
 - (A) Sentenced, on or after January 1, 1997, to 12 months or less incarceration; or
 - (B) Sanctioned, on or after January 1, 1997, by a court or the State Board of Parole and Post-Prison Supervision to 12 months or less incarceration for a violation of a condition of parole, probation or post-prison supervision.

(2) A county may enter into an agreement with the Department of Corrections under ORS 190.110 for the confinement and detention of offenders subject to the legal and physical custody of the county. The agreement may provide for the reception, detention, care and maintenance, and work assignment of:

- (a) Offenders convicted of a misdemeanor; and
- (b) Offenders convicted of a felony who are:
 - (A) Sentenced, on or after January 1, 1997, to 12 months or less incarceration; or
 - (B) Sanctioned, on or after January 1, 1997, by a court or the State Board of Parole and Post-Prison Supervision to 12 months or less incarceration for a violation of a condition of parole, probation or post-prison supervision.

(3) An agreement entered into under ORS 190.110 and subsection (2) of this section shall include a provision that the county reimburse the Department of Corrections for its costs incurred in confining the county *[inmate]* **adult in custody**. Reimbursement shall be made on a per diem basis at a rate determined by the department to be its average daily incarceration cost per *[inmate]* **adult in custody**. In lieu of reimbursement, the department and county may enter into an agreement

providing for the comparable exchange of [inmates] **adults in custody** as determined by the department.

SECTION 46. ORS 169.076 is amended to read:

169.076. Each local correctional facility shall:

(1) Provide sufficient staff to perform all audio and visual functions involving security, control, custody and supervision of all confined detainees and prisoners, with personal inspection at least once each hour. The supervision may include the use of electronic monitoring equipment when approved by the Department of Corrections and the governing body of the jurisdiction in which the facility is located.

(2) Have a comprehensive written policy with respect to:

- (a) Legal confinement authority.
- (b) Denial of admission.
- (c) Telephone calls.
- (d) Admission and release medical procedures.
- (e) Medication and prescriptions.
- (f) Personal property accountability which complies with ORS 133.455.
- (g) Vermin and communicable disease control.
- (h) Release process to include authority, identification and return of personal property.
- (i) Rules of the facility governing correspondence and visitations.

(3) Formulate and publish plans to meet emergencies involving escape, riots, assaults, fires, rebellions and other types of emergencies; and regulations for the operation of the facility.

(4) Not administer any physical punishment to any prisoner at any time.

(5) Provide for emergency medical and dental health, having written policies providing for:

(a) Review of the facility's medical and dental plans by a licensed physician, physician assistant, naturopathic physician or nurse practitioner.

(b) The security of medication and medical supplies.

(c) A medical and dental record system to include request for medical and dental attention, treatment prescribed, prescriptions, special diets and other services provided.

(d) First aid supplies and staff first aid training.

(6) Prohibit firearms from the security area of the facility except in times of emergency as determined by the administrator of the facility.

(7) Ensure that confined detainees and prisoners:

(a) Will be fed daily at least three meals served at regular times, with no more than 14 hours between meals except when routinely absent from the facility for work or other purposes.

(b) Will be fed nutritionally adequate meals in accordance with a plan reviewed by a registered dietitian or the Oregon Health Authority.

(c) Be provided special diets as prescribed by the facility's designated physician, physician assistant, naturopathic physician or nurse practitioner.

(d) Shall have food procured, stored, prepared, distributed and served under sanitary conditions, as defined by the authority under ORS 624.041.

(8) Ensure that the facility be clean, and provide each confined detainee or prisoner:

(a) Materials to maintain personal hygiene.

(b) Clean clothing twice weekly.

(c) Mattresses and blankets that are clean and fire-retardant.

(9) Require each prisoner to shower at least twice weekly.

(10) Forward, without examination or censorship, each prisoner's outgoing written communications to the Governor, jail administrator, Attorney General, judge, Department of Corrections or the attorney of the prisoner.

(11) Keep the facility safe and secure in accordance with the State of Oregon Structural Specialty Code and Fire and Life Safety Code.

(12) Have and provide each prisoner with written rules for *[inmate]* **prisoner** conduct and disciplinary procedures. If a prisoner cannot read or is unable to understand the written rules, the information shall be conveyed to the prisoner orally.

(13) Not restrict the free exercise of religion unless failure to impose the restriction will cause a threat to facility or order.

(14) Safeguard and ensure that the prisoner's legal rights to access to legal materials are protected.

SECTION 47. ORS 169.760 is amended to read:

169.760. All juvenile detention facilities, within six months following November 1, 1981, shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility, ORS 169.076, 169.078, 169.740 and 169.750, with respect to:

(1) The admission and release of juveniles to and from the facility and proper notification of the juvenile's parent, guardian or other person responsible for the juvenile;

(2) The use of physical restraints, physical force, chemical agents, internal searches and isolation of or upon a detained juvenile;

(3) A detained juvenile's access to medical and dental treatment, education, counseling and exercise;

(4) Access to the facility by the public and news media;

(5) Access to reading materials for detained juveniles;

(6) Dress and groom code which will allow for individual identity of detained juveniles;

(7) Access to visitation and telephone calls for a detained juvenile with family and friends;

(8) Sanctions for violating rules of *[inmate]* **prisoner** conduct made pursuant to ORS 169.076 (12) and procedures for fact-finding and imposition of discipline or punishment; and

(9) Access to records and grievance procedures for complaints by the detained juvenile, the attorney of the detained juvenile, parent or guardian or other interested person as provided for in ORS 419A.255.

SECTION 48. ORS 179.473 is amended to read:

179.473. (1) Whenever the health and welfare of the person and the efficient administration of the institution require the transfer of an *[inmate of]* **adult in custody in** a Department of Corrections institution or a youth offender in a youth correction facility to another institution or facility:

(a) The Department of Corrections or the Oregon Youth Authority, with the consent of the Department of Human Services, may transfer a person at any institution under its jurisdiction to a residential facility for persons with intellectual disabilities or, with the consent of the Oregon Health and Science University, to the Oregon Health and Science University.

(b) The Department of Corrections may transfer an *[inmate of]* **adult in custody in** a Department of Corrections institution to a state hospital listed in ORS 426.010 for evaluation and treatment pursuant to rules adopted jointly by the Department of Corrections and the Oregon Health Authority.

(c) The Oregon Youth Authority may transfer a youth offender or other person confined in a youth correction facility to a hospital or facility designated by the Oregon Health Authority for evaluation and treatment pursuant to rules adopted jointly by the Oregon Youth Authority and the Oregon Health Authority.

(d) Except as provided in subsection (2) of this section, the Department of Corrections or the Oregon Youth Authority may make a transfer of a person from any institution under the jurisdiction of the department or the Oregon Youth Authority to any other institution under the jurisdiction of the department or authority.

(2) A youth offender in a youth correction facility may not be transferred to a Department of Corrections institution under subsection (1) of this section. A youth offender in a youth correction facility who has been transferred to another institution may not be transferred from such other institution to a Department of Corrections institution.

(3) The rules adopted under subsection (1)(b) and (c) of this section must:

(a) Provide the *[inmate]* **adult in custody** or youth offender with the rights to which persons are entitled under ORS 179.485.

(b) Provide that a transfer of an *[inmate]* **adult in custody** or a youth offender to the Oregon Health Authority for stabilization and evaluation for treatment may not exceed 30 days unless the transfer is extended pursuant to a hearing required by paragraph (c) of this subsection.

(c) Provide for an administrative commitment hearing if:

(A) The Oregon Health Authority determines that administrative commitment for treatment for a mental illness is necessary or advisable or that the authority needs more than 30 days to stabilize or evaluate the *[inmate]* **adult in custody** or youth offender for treatment; and

(B) The *[inmate]* **adult in custody** or youth offender does not consent to the administrative commitment or an extension of the transfer.

(d) Provide for, at a minimum, all of the following for the administrative commitment hearing process:

(A) Written notice to the *[inmate]* **adult in custody** or youth offender that an administrative commitment to a state hospital listed in ORS 426.010 or a hospital or facility designated by the Oregon Health Authority or an extension of the transfer is being considered. The notice required by this subparagraph must be provided far enough in advance of the hearing to permit the *[inmate]* **adult in custody** or youth offender to prepare for the hearing.

(B) Disclosure to the *[inmate]* **adult in custody** or youth offender, at the hearing, of the evidence that is being relied upon for the administrative commitment or the extension of the transfer.

(C) An opportunity, at the hearing, for the *[inmate]* **adult in custody** or youth offender to be heard in person and to present documentary evidence.

(D) An opportunity, at the hearing, for the *[inmate]* **adult in custody** or youth offender to present the testimony of witnesses and to confront and cross-examine witnesses called by the state. The opportunity required by this subparagraph may be denied upon a finding by the decision maker of good cause for not permitting the *[inmate]* **adult in custody** or youth offender to present the testimony of witnesses or confront or cross-examine witnesses called by the state.

(E) An independent decision maker for the hearing.

(F) A written statement by the decision maker of the evidence relied upon by the decision maker and the reasons for administratively committing the *[inmate]* **adult in custody** or youth offender or extending the transfer.

(G) A qualified and independent assistant for the *[inmate]* **adult in custody** or youth offender to be provided by the state if the *[inmate]* **adult in custody** or youth offender is financially unable to provide one.

(H) Effective and timely notice of the procedures required by subparagraphs (A) to (G) of this paragraph.

(e) Provide that an *[inmate]* **adult in custody** or a youth offender may not be administratively committed involuntarily unless the independent decision maker finds by clear and convincing evidence that the *[inmate]* **adult in custody** or youth offender is a person with mental illness as defined in ORS 426.005.

(f) Provide that the duration of an administrative commitment pursuant to an administrative commitment hearing be no more than 180 days unless the administrative commitment is renewed in a subsequent administrative commitment hearing. Notwithstanding this paragraph, an administrative commitment may not continue beyond the term of incarceration to which the *[inmate]* **adult in custody** was sentenced or beyond the period of time that the youth offender may be placed in a youth correction facility.

SECTION 49. ORS 179.478 is amended to read:

179.478. (1) If an *[inmate]* **adult in custody** or youth offender, a relative, guardian or friend of an *[inmate]* **adult in custody** or youth offender, or institution staff have probable cause to believe that an *[inmate]* **adult in custody** or youth offender is a person with an intellectual disability to such a degree that the *[inmate]* **adult in custody** or youth offender cannot adjust to or benefit from

the Department of Corrections institution or youth correction facility, the superintendent of the institution shall request that a diagnostic evaluation described in ORS 427.105 be performed by the Department of Human Services or its designee. If there is probable cause to believe that the [inmate] **adult in custody** or youth offender is a person with an intellectual disability and is in need of commitment for residential care, treatment and training pursuant to ORS 427.235 to 427.290, the [inmate] **adult in custody** or youth offender shall be entitled to a commitment hearing.

(2) If the [inmate] **adult in custody** or youth offender is by clear and convincing evidence determined by the court to be a person with an intellectual disability and is in need of commitment for residential care, treatment and training, the person shall be committed to the Department of Human Services and transferred to a facility designated by the department as soon as space in an appropriate facility is available, and any sentence to a Department of Corrections institution or commitment to the youth correction facility shall be terminated.

SECTION 50. ORS 179.483 is amended to read:

179.483. Any time spent by an [inmate of] **adult in custody in** a Department of Corrections institution pursuant to a transfer or conveyance shall be counted as part of the sentence being served by the [inmate] **adult in custody**.

SECTION 51. ORS 179.486 is amended to read:

179.486. (1) The institution from which a transfer or conveyance is made shall pay from its appropriation the cost of such of the following items as may be incurred in a particular case:

(a) Transportation and other expenses incidental to the transfer or conveyance, including the expenses of attendants where an attendant is directed to accompany the [inmate] **adult in custody**.

(b) Hospital expenses incurred at the Oregon Health and Science University.

(c) Examination, treatment and hospital expenses incurred in favor of a physician, naturopathic physician, clinic or hospital, other than the Oregon Health and Science University.

(2) An [inmate] **adult in custody** transferred or conveyed to the Oregon Health and Science University shall be accompanied by a report made by the physician or naturopathic physician in charge of the institution from which the transfer or conveyance is made, or by another physician or naturopathic physician designated by the physician or naturopathic physician in charge. The report shall contain the history of the case and the information required by blanks prepared by the School of Medicine or School of Dentistry, as the case may be.

SECTION 52. ORS 179.495 is amended to read:

179.495. (1) Written accounts of the [inmates] **adults in custody** of any Department of Corrections institution as defined in ORS 421.005, maintained in the institution by the officers or employees of the institution who are authorized to maintain written accounts within the official scope of their duties, are not subject to disclosure unless the disclosure is permitted or authorized by the Department of Corrections in compliance with ORS 179.505 (3), (4), (6), (7), (9), (11), (12), (14), (15), (16) or (17) or 179.508 or upon order of a court of competent jurisdiction. The restriction contained in this section does not apply to disclosure of written accounts made under ORS 179.505 (3) with the authorization of the individual or a personal representative of the individual.

(2) Except as authorized under subsection (1) of this section, any person who discloses or any person who knowingly obtains information from a written account referred to in subsection (1) of this section commits a Class B violation.

(3) As used in this section, "disclosure," "personal representative" and "written account" have the meanings given those terms in ORS 179.505.

SECTION 53. ORS 179.508 is amended to read:

179.508. (1) The Department of Corrections may disclose individually identifiable health information without obtaining an authorization from an [inmate] **adult in custody** or a personal representative of the [inmate] **adult in custody** if disclosure of the information is necessary for:

(a) The provision of health care to the [inmate] **adult in custody**;

(b) The health and safety of the [inmate] **adult in custody** or other [inmates] **adults in custody**;

- (c) The health and safety of the officers or employees of or others at the Department of Corrections institution as defined in ORS 421.005 where the [inmate] **adult in custody** is incarcerated;
- (d) The health and safety of the [inmate] **adult in custody** or officers or other persons responsible for transporting or transferring [inmates] **adults in custody** from one setting to another;
- (e) Law enforcement purposes on the premises of the correctional institution; or
- (f) The administration and maintenance of the safety, security and good order of the correctional institution.

(2) As used in this section, “disclosure,” “individually identifiable health information” and “personal representative” have the meanings given those terms in ORS 179.505.

SECTION 54. ORS 183.315 is amended to read:

183.315. (1) The provisions of ORS 183.410, 183.415, 183.417, 183.425, 183.440, 183.450, 183.452, 183.458, 183.460, 183.470 and 183.480 do not apply to local government boundary commissions created pursuant to ORS 199.430, the Department of Revenue, State Accident Insurance Fund Corporation, Department of Consumer and Business Services with respect to its functions under ORS chapters 654 and 656, State Board of Parole and Post-Prison Supervision or Psychiatric Security Review Board with respect to its functions under ORS 161.315 to 161.351.

(2) This chapter does not apply with respect to actions of the Governor authorized under ORS chapter 240 and ORS 396.125 or actions of the Adjutant General authorized under ORS 396.160 (14).

(3) The provisions of ORS 183.410, 183.415, 183.417, 183.425, 183.440, 183.450, 183.452, 183.458 and 183.460 do not apply to the Employment Appeals Board or the Employment Department.

(4) The Employment Department shall be exempt from the provisions of this chapter to the extent that a formal finding of the United States Secretary of Labor is made that such provision conflicts with the terms of the federal law, acceptance of which by the state is a condition precedent to continued certification by the United States Secretary of Labor of the state’s law.

(5) The provisions of ORS 183.415 to 183.430, 183.440 to 183.460, 183.470 to 183.485 and 183.490 to 183.500 do not apply to orders issued to persons who:

- (a) Have been committed pursuant to ORS 137.124 to the custody of the Department of Corrections or are otherwise confined in a Department of Corrections facility; or

- (b) Seek to visit an [inmate] **adult in custody** confined in a Department of Corrections facility.

(6) ORS 183.410, 183.415, 183.417, 183.425, 183.440, 183.450, 183.460, 183.470 and 183.482 (3) do not apply to the Public Utility Commission. Except as provided in ORS 774.180, judicial review of an order issued by the commission in a contested case may be sought only by a party to the contested case.

(7) The provisions of this chapter do not apply to the suspension, cancellation or termination of an apprenticeship or training agreement under ORS 660.060.

(8) The provisions of ORS 183.413 to 183.497 do not apply to administrative proceedings conducted under rules adopted by the Secretary of State under ORS 246.190.

SECTION 55. ORS 192.515 is amended to read:

192.515. As used in this section and ORS 179.505 and 192.517:

(1) “Facilities” includes, but is not limited to, hospitals, nursing homes, facilities defined in ORS 430.205, board and care homes, homeless shelters, juvenile training schools, youth care centers, juvenile detention centers, jails and prisons.

(2) “Individual” means:

- (a) An individual with a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 15002) as in effect on January 1, 2003;

- (b) An individual with mental illness as defined in the Protection and Advocacy for Mentally Ill Individuals Act (42 U.S.C. 10802) as in effect on January 1, 2003; or

- (c) An individual with disabilities as described in 29 U.S.C. 794e as in effect on January 1, 2006, other than:

- (A) An [inmate] **adult in custody** in a facility operated by the Department of Corrections whose only disability is drug or alcohol addiction; and

(B) A person confined in a youth correction facility, as that term is defined in ORS 420.005, whose only disability is drug or alcohol addiction.

(3)(a) "Other legal representative" means a person who has been granted or retains legal authority to exercise an individual's power to permit access to the individual's records.

(b) "Other legal representative" does not include a legal guardian, the state or a political subdivision of this state.

(4) "Records" includes, but is not limited to, reports prepared or received by any staff of a facility rendering care or treatment, any medical examiner's report, autopsy report or laboratory test report ordered by a medical examiner, reports prepared by an agency or staff person charged with investigating reports of incidents of abuse, neglect, injury or death occurring at the facility that describe such incidents and the steps taken to investigate the incidents and discharge planning records or any information to which the individual would be entitled access, if capable.

SECTION 56. ORS 192.577 is amended to read:

192.577. (1) A health care provider shall disclose protected health information concerning an [inmate] **adult in custody** of a Department of Corrections facility to the physician of an employee of the department or of Oregon Corrections Enterprises, without an authorization from the [inmate] **adult in custody** or a personal representative of the [inmate] **adult in custody**, if:

(a) The employee, in the performance of the employee's official duties, was directly exposed to the bodily fluids of the [inmate] **adult in custody**; and

(b) The [inmate] **adult in custody** has tested positive for HIV or hepatitis B or C or other communicable disease that may be transmitted through an individual's bodily fluids.

(2) A disclosure under subsection (1) of this section must be limited to the minimum necessary to inform the physician of possible exposure to HIV, hepatitis B or C or other communicable disease.

SECTION 57. ORS 238.015 is amended to read:

238.015. (1) No person may become a member of the system unless that person is in the service of a public employer and has completed six months' service uninterrupted by more than 30 consecutive working days during the six months' period. Every employee of a participating employer shall become a member of the system at the beginning of the first full pay period of the employee following the six months' period. Contributions for new members shall first be made for those wages that are attributable to services performed by the employee during the first full pay period following the six months' period, without regard to when those wages are considered earned for other purposes under this chapter. All public employers participating in the Public Employees Retirement System established by chapter 401, Oregon Laws 1945, as amended, at the time of repeal of that chapter, and all school districts of the state, shall participate in, and their employees shall be members of, the system, except as otherwise specifically provided by law.

(2) Any active member of the Public Employees Retirement System who, through the annexation of a political subdivision employing the member or by change of employment, becomes the employee of another political subdivision which is participating in the Public Employees Retirement System and has also a separate retirement system for its employees, shall remain an active member of the Public Employees Retirement System unless, within 60 days after the effective date of the annexation or change of employment or April 8, 1953, the member shall by written notice to the Public Employees Retirement Board and to the administrative body of the new public employer elect to relinquish membership in the Public Employees Retirement System and become a member of the separate retirement system of the employer, if eligible for membership in that retirement system, and the member shall be so carried by the new employer. Immediately upon such annexation of any political subdivision or such change of employment, the new public employer shall inform such employee in writing of the right of the employee to exercise an election as in this section provided.

(3) A political subdivision (other than a school district) not participating in the retirement system established by chapter 401, Oregon Laws 1945, as amended, which employs one or more employees, each of whose position requires 600 hours of service per year, or an agency created by two or more political subdivisions to provide themselves governmental services, which employs one or more employees, each of whose position requires 600 hours of service per year, may, through its

governing body, notify the board in writing, that it elects to include its employees in the system hereby established. Such public employer may request the board to make a study and estimate of the cost of including it and its eligible employees, other than volunteer firefighters, in the system, which the board thereupon shall cause to be made and the cost of which the employer shall bear. Upon completion of the study and estimate the employer may apply for admission to the system, whereupon it shall begin to participate therein and its eligible employees other than volunteer firefighters shall become members of the system. If the employer is an agency created by two or more political subdivisions to provide themselves governmental services and ceases thereafter to transmit to the board contributions for any of its eligible employees, the benefits based upon employer contributions to which such employees would otherwise be entitled shall be reduced accordingly.

(4) No [*inmate of*] **adult in custody in** a state institution or an alien on a training or educational visa working for any participating employer, even though the [*inmate*] **adult in custody** or alien received compensation from a participating employer, shall be eligible to become a member of the system. No person employed by a participating employer and defined by such employer as a student employee is eligible to become a member of the system for such student employment.

(5) A person holding an elective office or an appointive office with a fixed term or an office as head of a department to which the person is appointed by the Governor may become a member of the system by giving the board written notice of desire to do so within 30 days after taking the office or, in the event that the officer is not eligible to become a member of the system at the time of taking the office, within 30 days after becoming so eligible. Membership so established shall not be discontinued during the appointive or elective term of the officer except upon separation of the officer from service.

(6) A public employer employing volunteer firefighters may apply to the board at any time for them to become members of the system. Upon receiving the application the board shall fix a wage at which, for purposes of this chapter only, they shall be considered to be employed and which shall be the basis for computing the amounts of the contributions, if any, which they pay into, and of the benefits which they and their beneficiaries receive from, the fund; and if the wage so fixed is satisfactory to the employer, shall include the firefighters in the system.

(7)(a) In the event that an employee enters the service of a public employer which is participating in or later begins to participate in the system and in the event that at the time of entering that service or at the time that the employer begins to participate in the system the employee has commenced to purchase and is continuing to purchase a retirement annuity, if the employer deems the annuity adequate for the purposes of this chapter, it may enter into an agreement with the employee and the board pursuant to which the employee may be exempted from contributing to the Public Employees Retirement Fund, and, if no public funds are being used to purchase the annuity or a corresponding pension, the employer, in lieu of the contributions which it otherwise would make to the fund on account of the employee, may make contributions toward the cost of purchasing the annuity. Such employee otherwise shall be subject to the provisions of this chapter, except that neither the employee nor any person claiming under the employee shall receive any payments from the retirement fund as service or disability allowance.

(b) An employee who enters into an agreement under paragraph (a) of this subsection may elect at any time thereafter to start to participate in the system by giving written notice of desire to participate to the board and to the employer. The employee shall receive no retirement credit for the period during which the employee was exempted from contributing to the fund under the agreement, but the employee shall be considered to have completed the six months' service required for membership in the system. When the employee starts to participate in the system the employer shall start to contribute to the fund on account of the employee in the same manner as the employer contributes on account of other employees who are active members of the system and the employer shall stop making contributions toward the cost of purchasing the retirement annuity.

(8)(a) All new appointees in the Federal Cooperative Extension Service or in any other service in which participation in the Federal Civil Service retirement program is mandatory, who receive

a federal appointment on or after July 1, 1955, may participate in the Public Employees Retirement System only by giving written notice of their election to so participate to the Public Employees Retirement Board within six months after the effective date of their appointment.

(b) All persons employed by the Federal Cooperative Extension Service or by any other service in which participation in the Federal Civil Service retirement program is mandatory, who are under federal appointment as of July 1, 1955, and who are members of the state retirement system, shall continue such membership unless, prior to February 1, 1956, they give written notice to the Public Employees Retirement Board of their desire to cancel their membership.

(c) Any person who is an active member of the Public Employees Retirement System, who, on or after July 1, 1955, is employed by the Federal Cooperative Extension Service or by any other service in which participation in the Federal Civil Service retirement program is mandatory, and who is given a federal appointment, shall continue such membership in the Public Employees Retirement System unless, within six months after the effective date of the appointment, the person gives written notice to the Public Employees Retirement Board of the desire to cancel membership.

(d) A cancellation of membership under paragraph (b) or (c) of this subsection terminates membership in the Public Employees Retirement System and cancels the right to any benefits from, or claims against, that system. Such cancellation prevents the withdrawing member from claiming thereafter any retirement credit for any period of employment before the cancellation. Upon receipt of a notice of cancellation, the Public Employees Retirement Board shall refund the member account of the withdrawing member, regardless of the age of the withdrawing member.

(9) Employees, including managers, of foreign trade offices of the Oregon Business Development Department who live and perform services in foreign countries under the provisions of ORS 285A.075 (1)(g) shall not be members of the system. However, any person who is an active member of the system immediately before becoming an employee of a foreign trade office shall continue to be a member of the system during the period of time the person serves as an employee of the foreign trade office.

(10) An employee who is participating in an alternative retirement program established pursuant to ORS 353.250 or an optional retirement plan established pursuant to ORS 341.551 may not be an active member of the Public Employees Retirement System.

SECTION 58. ORS 238A.005, as amended by section 5, chapter 54, Oregon Laws 2018, and section 2, chapter 101, Oregon Laws 2018, is amended to read:

238A.005. For the purposes of this chapter:

(1) "Active member" means a member of the pension program or the individual account program of the Oregon Public Service Retirement Plan who is actively employed in a qualifying position.

(2) "Actuarial equivalent" means a payment or series of payments having the same value as the payment or series of payments replaced, computed on the basis of interest rate and mortality assumptions adopted by the board.

(3) "Board" means the Public Employees Retirement Board.

(4) "Eligible employee" means a person who performs services for a participating public employer, including elected officials other than judges. "Eligible employee" does not include:

(a) Persons engaged as independent contractors;

(b) Aliens working under a training or educational visa;

(c) Persons provided sheltered employment or make-work by a public employer;

(d) Persons categorized by a participating public employer as student employees;

(e) Any person who is [*an inmate of*] **in custody in** a state institution;

(f) Employees of foreign trade offices of the Oregon Business Development Department who live and perform services in foreign countries under the provisions of ORS 285A.075 (1)(g);

(g) An employee actively participating in an alternative retirement program established under ORS 353.250 or an optional retirement plan established under ORS 341.551;

(h) Employees of a public university listed in ORS 352.002 who are actively participating in an optional retirement plan offered under ORS 243.800;

(i) Persons employed in positions classified as post-doctoral scholar positions by a public university listed in ORS 352.002, or by the Oregon Health and Science University, under ORS 350.370;

(j) Any employee who belongs to a class of employees that was not eligible on August 28, 2003, for membership in the system under the provisions of ORS chapter 238 or other law;

(k) Any person who belongs to a class of employees who are not eligible to become members of the Oregon Public Service Retirement Plan under the provisions of ORS 238A.070 (2);

(L) Any person who is retired under ORS 238A.100 to 238A.250 or ORS chapter 238 and who continues to receive retirement benefits while employed; and

(m) Judges.

(5) "Firefighter" means:

(a) A person employed by a local government, as defined in ORS 174.116, whose primary job duties include the fighting of fires;

(b) The State Fire Marshal, the chief deputy state fire marshal and deputy state fire marshals; and

(c) An employee of the State Forestry Department who is certified by the State Forester as a professional wildland firefighter and whose primary duties include the abatement of uncontrolled fires as described in ORS 477.064.

(6) "Fund" means the Public Employees Retirement Fund.

(7)(a) "Hour of service" means:

(A) An hour for which an eligible employee is directly or indirectly paid or entitled to payment by a participating public employer for performance of duties in a qualifying position; and

(B) An hour of vacation, holiday, illness, incapacity, jury duty, military duty or authorized leave during which an employee does not perform duties but for which the employee is directly or indirectly paid or entitled to payment by a participating public employer for services in a qualifying position, as long as the hour is within the number of hours regularly scheduled for the performance of duties during the period of vacation, holiday, illness, incapacity, jury duty, military duty or authorized leave.

(b) "Hour of service" does not include any hour for which payment is made or due under a plan maintained solely for the purpose of complying with applicable unemployment compensation laws.

(8) "Inactive member" means a member of the pension program or the individual account program of the Oregon Public Service Retirement Plan whose membership has not been terminated, who is not a retired member and who is not employed in a qualifying position.

(9) "Individual account program" means the defined contribution individual account program of the Oregon Public Service Retirement Plan established under ORS 238A.025.

(10) "Institution of higher education" means a public university listed in ORS 352.002, the Oregon Health and Science University or a community college, as defined in ORS 341.005.

(11) "Member" means an eligible employee who has established membership in the pension program or the individual account program of the Oregon Public Service Retirement Plan and whose membership has not been terminated under ORS 238A.110 or 238A.310.

(12) "Participating public employer" means a public employer as defined in ORS 238.005 that provides retirement benefits for employees of the public employer under the system.

(13) "Pension program" means the defined benefit pension program of the Oregon Public Service Retirement Plan established under ORS 238A.025.

(14) "Police officer" means a police officer as described in ORS 238.005.

(15) "Qualifying position" means one or more jobs with one or more participating public employers in which an eligible employee performs 600 or more hours of service in a calendar year, excluding any service in a job for which benefits are not provided under the Oregon Public Service Retirement Plan pursuant to ORS 238A.070 (2).

(16) "Retired member" means a pension program member who is receiving a pension as provided in ORS 238A.180 to 238A.195.

(17)(a) "Salary" means the remuneration paid to an active member in return for services to the participating public employer, including remuneration in the form of living quarters, board or other

items of value, to the extent the remuneration is includable in the employee's taxable income under Oregon law. "Salary" includes the additional amounts specified in paragraph (b) of this subsection, but does not include the amounts specified in paragraph (c) of this subsection, regardless of whether those amounts are includable in taxable income.

(b) "Salary" includes the following amounts:

(A) Payments of employee and employer money into a deferred compensation plan that are made at the election of the employee.

(B) Contributions to a tax-sheltered or deferred annuity that are made at the election of the employee.

(C) Any amount that is contributed to a cafeteria plan or qualified transportation fringe benefit plan by the employer at the election of the employee and that is not includable in the taxable income of the employee by reason of 26 U.S.C. 125 or 132(f)(4), as in effect on December 31, 2017.

(D) Any amount that is contributed to a cash or deferred arrangement by the employer at the election of the employee and that is not included in the taxable income of the employee by reason of 26 U.S.C. 402(e)(3), as in effect on December 31, 2017.

(E) Retroactive payments described in ORS 238.008.

(F) The amount of an employee contribution to the individual account program that is paid by the employer and deducted from the compensation of the employee, as provided under ORS 238A.335 (1) and (2)(a).

(G) The amount of an employee contribution to the individual account program that is not paid by the employer under ORS 238A.335.

(H) Wages of a deceased member paid to a surviving spouse or dependent children under ORS 652.190.

(c) "Salary" does not include the following amounts:

(A) Travel or any other expenses incidental to employer's business which is reimbursed by the employer.

(B) Payments made on account of an employee's death.

(C) Any lump sum payment for accumulated unused sick leave, vacation leave or other paid leave.

(D) Any severance payment, accelerated payment of an employment contract for a future period or advance against future wages.

(E) Any retirement incentive, retirement bonus or retirement gratuitous payment.

(F) Payment for a leave of absence after the date the employer and employee have agreed that no future services in a qualifying position will be performed.

(G) Payments for instructional services rendered to public universities listed in ORS 352.002 or the Oregon Health and Science University when those services are in excess of full-time employment subject to this chapter. A person employed under a contract for less than 12 months is subject to this subparagraph only for the months covered by the contract.

(H) The amount of an employee contribution to the individual account program that is paid by the employer and is not deducted from the compensation of the employee, as provided under ORS 238A.335 (1) and (2)(b).

(I) Compensation described and authorized under ORS 341.556 that is not paid by the community college employing the faculty member.

(J) Compensation described and authorized under ORS 352.232 that is not paid by the public university employing the officer or employee.

(K) Compensation described and authorized under ORS 353.270 that is not paid by Oregon Health and Science University.

(L) Any amount in excess of \$200,000 for a calendar year. If any period over which salary is determined is less than 12 months, the \$200,000 limitation for that period shall be multiplied by a fraction, the numerator of which is the number of months in the determination period and the denominator of which is 12. The board shall adopt rules adjusting this dollar limit to incorporate cost-of-living adjustments authorized by the Internal Revenue Service.

(18) "System" means the Public Employees Retirement System.

(19) "Workers' compensation benefits" means:

(a) Payments made under ORS chapter 656; or

(b) Payments provided in lieu of workers' compensation benefits under ORS 656.027 (6).

SECTION 59. ORS 240.205 is amended to read:

240.205. The unclassified service shall comprise:

(1) One executive officer and one secretary for each board or commission, the members of which are elected officers or are appointed by the Governor.

(2) The director of each department of state government, each full-time salaried head of a state agency required by law to be appointed by the Governor and each full-time salaried member of a board or commission required by law to be appointed by the Governor.

(3) The administrator of each division within a department of state government required by law to be appointed by the director of the department with the approval of the Governor.

(4) Principal assistants and deputies and one private secretary for each executive or administrative officer specified in ORS 240.200 (1) and in subsections (1) to (3) of this section. "Deputy" means the deputy or deputies to an executive or administrative officer listed in subsections (1) to (3) of this section who is authorized to exercise that officer's authority upon absence of the officer. "Principal assistant" means a manager of a major agency organizational component who reports directly to an executive or administrative officer listed in subsections (1) to (3) of this section or deputy and who is designated as such by that executive or administrative officer with the approval of the Director of the Oregon Department of Administrative Services.

(5) Employees in the Governor's office and the principal assistant and private secretary in the Secretary of State's division.

(6) The director, principals, instructors and teachers in the school operated under ORS 346.010.

(7) Apprentice trainees only during the prescribed length of their course of training.

(8) Licensed physicians and dentists employed in their professional capacities and student nurses, interns, and patient or [inmate] **adult in custody** help in state institutions.

(9) Lawyers employed in their professional capacities.

(10) All members of the Oregon State Police appointed under ORS 181A.050.

(11) The Deputy Superintendent of Public Instruction appointed under ORS 326.300 and associate superintendents in the Department of Education.

(12) Temporary seasonal farm laborers engaged in single phases of agricultural production or harvesting.

(13) Any individual employed and paid from federal funds received under a federal program intended primarily to alleviate unemployment. However, persons employed under this subsection shall be treated as classified employees for purposes of ORS 243.650 to 243.782.

(14) Managers, department heads, directors, producers and announcers of the state radio and television network.

(15) Employees, including managers, of the foreign trade offices of the Oregon Business Development Department located outside the country.

(16) Any other position designated by law as unclassified.

SECTION 60. ORS 283.305 is amended to read:

283.305. As used in ORS 283.305 to 283.350:

(1) "Alternative fuel" means natural gas, liquefied petroleum gas, methanol, ethanol, any fuel mixture containing at least 85 percent methanol or ethanol and electricity.

(2) "Authorized driver" means any of the following who has a valid driver license and an acceptable driving record:

(a) A salaried state employee, including an agent of the state;

(b) A volunteer, appointed in writing, whose written description of duties includes driving motor vehicles;

(c) An agency client required to drive motor vehicles as part of a rehabilitation or treatment program authorized by law;

(d) Any personnel of any unit of government whose use of motor vehicles is permitted by an authorized intergovernmental agreement; and

(e) An *[inmate of]* **adult in custody** in a correctional institution with specific Department of Corrections approval who is accompanied by a supervising correctional institution employee or who is performing a specific work assignment driving a special purpose vehicle required for that assignment and within the visual range of a supervising correctional institution employee who is at the work assignment site or who is part of the transport caravan.

(3) "Motor vehicles" includes state-owned, leased or otherwise controlled motor vehicles and the supplies, parts and equipment for the operation, maintenance or repair of such motor vehicles.

(4) "Official state business" means activity conducted by a state agency that advances the lawful policies of the agency as specified by the Oregon Department of Administrative Services by rule.

(5) "Standard passenger vehicle" means a motor vehicle that is commonly known as a sedan or a station wagon and that is not equipped with special or unusual equipment.

(6) "State agency" or "agency" includes the Legislative Assembly, at its option, or any of its statutory, standing, special or interim committees, at the option of such committee.

SECTION 61. ORS 390.195 is amended to read:

390.195. (1) The State Parks and Recreation Department shall use state correctional institution *[inmate]* **adult in custody** labor to improve, maintain and repair buildings and property at state parks and recreation areas whenever feasible. The provisions of ORS 279.835 to 279.855 and ORS chapters 279A, 279B and 279C do not apply to the use of state correctional institution *[inmate]* **adult in custody** labor under this section.

(2) The State Parks and Recreation Director shall assign and supervise the work of the state *[inmates]* **adults in custody** who are performing the work described in subsection (1) of this section.

(3) Nothing in this section is intended to exempt the State Parks and Recreation Department from the provisions of ORS 279.835 to 279.855 for any purpose other than the use of state correctional institution *[inmate]* **adult in custody** labor.

SECTION 62. ORS 420.525 is amended to read:

420.525. The costs of the hearings held under ORS 179.473, 419B.328, 419B.331, 419B.334, 419B.337, 419B.343, 419B.346, 419B.349, 419C.446, 419C.450, 419C.478, 419C.481, 419C.486, 419C.489, 419C.492, 419C.498 and 420.500 to 420.525 and the fees for physicians and other qualified persons appointed under ORS 179.473, 419B.328, 419B.331, 419B.334, 419B.337, 419B.343, 419B.346, 419B.349, 419C.446, 419C.450, 419C.478, 419C.481, 419C.486, 419C.489, 419C.492, 419C.498 and 420.500 to 420.525 shall be charged to the county of the youth's residence prior to the initial commitment of the youth to a youth correction facility or to the county of the *[inmate's]* **adult's** residence prior to the initial commitment of the *[inmate]* **adult in custody** to a penal or correctional institution. Attorney fees may also be charged to that county if the youth or *[inmate]* **adult in custody** has no separate estate or if the parents of the youth refuse or are unable to provide an attorney.

SECTION 63. ORS 421.068 is amended to read:

421.068. (1) Revenues, less operating expenses, from the following sources shall be deposited into an account established by the Department of Corrections:

- (a) Operation of correctional institution canteens;
- (b) Operation of the vending machines in the *[inmate]* visiting area of correctional institutions;
- (c) Operation of *[inmate]* telephones **for adults in custody** in correctional institutions;
- (d) Funds confiscated from the *[inmates]* **adults in custody** under existing disciplinary procedures; and

(e) Funds donated under administrative rules promulgated by the Director of the Department of Corrections.

(2) Moneys in the account are continuously appropriated to the Department of Corrections for uses benefiting the general *[inmate]* population **of adults in custody**, enhancing *[inmate]* activities and programs including education programs and providing for offender reentry programs and support.

SECTION 64. ORS 421.085 is amended to read:

421.085. (1) As used in this section:

(a) "Medical experimentation or research" includes, but is not limited to, the testing and use of drugs and medication, medical and surgical procedures, exposure to substances or conditions or physical manipulation to ascertain their nontherapeutic effect on human beings, and any substance, condition, drug, medication, treatment, or procedure that is not generally recognized and accepted as therapeutic in the medical profession.

(b) "Psychiatric or psychological experimentation or research" includes, but is not limited to, any treatment, therapy, drug, medication, procedure, surgery, or device not generally recognized and accepted as therapeutic in the psychiatric and psychological professions.

(2) There shall be no medical, psychiatric, or psychological experimentation or research with *[inmates]* **adults in custody** in Department of Corrections institutions of the State of Oregon.

(3) Notwithstanding ORS 137.260, an *[inmate]* **adult in custody** in any Department of Corrections institution is entitled to maintain an action to restrain any violation of this section or to maintain an action to recover damages caused by a violation of this section.

SECTION 65. ORS 421.105 is amended to read:

421.105. (1) The superintendent may enforce obedience to the rules for the government of the *[inmates]* **adults in custody** in the institution under the supervision of the superintendent by appropriate punishment but neither the superintendent nor any other prison official or employee may strike or inflict physical violence except in self-defense, or inflict any cruel or unusual punishment.

(2) The person of an *[inmate]* **adult in custody** sentenced to imprisonment in the Department of Corrections institution is under the protection of the law and the *[inmate]* **adult in custody** shall not be injured except as authorized by law.

SECTION 66. ORS 421.120 is amended to read:

421.120. (1) As used in this section, "prison employment" includes actual work in prison industry, meritorious work in connection with prison maintenance and operation, actual work in agriculture and actual work at work camp.

(2) Each *[inmate]* **adult in custody** confined in execution of the judgment of sentence upon any conviction in the Department of Corrections institution, for any term other than life, and whose record of conduct shows that the *[inmate]* **adult in custody** faithfully has observed the rules of the institution, shall be entitled to a deduction from the term of sentence to be computed as follows:

(a) From the term of a sentence of not less than six months nor more than one year, one day shall be deducted for every six days of the sentence actually served in the Department of Corrections institution.

(b) From the term of a sentence of more than one year, one day shall be deducted for every two days of the sentence actually served in the Department of Corrections institution.

(c) From the term of any sentence, one day shall be deducted for every 15 days of work actually performed in prison industry, or in meritorious work in connection with prison maintenance and operation, or of enrollment in an educational activity as certified by the educational director of the institution during the first year of prison employment or educational activity, and one day shall be deducted for every seven days of such work actually performed or educational activity certified after the first year to and including the fifth year of prison employment or educational activity certified, and one day for every six days of the work actually performed or educational activity certified after the fifth year of prison employment.

(d) From the term of any sentence, one day shall be deducted for every 10 days of work actually performed in agriculture during the first year of prison employment, and one day for every six days of the work actually performed thereafter.

(e) From the term of any sentence, one day shall be deducted for every six days' work performed at work camp during the first year of prison employment, and one day for every four days thereafter. Once the four-day rate is achieved, it may be applied to subsequent work or education release programs while the *[inmate]* **adult in custody** is serving the same term.

(3) The deductions allowed in subsection (2)(c), (d) and (e) of this section shall be in addition to those allowed in subsection (2)(a) and (b) of this section.

(4) The Department of Corrections shall develop pursuant to the rulemaking provisions of ORS chapter 183 a uniform procedure for granting, retracting and restoring deductions allowed in subsection (2) of this section.

(5) When a paroled [inmate] **adult in custody** violates any condition of parole, no deduction from the term of sentence, as provided in subsection (2) of this section, shall be made for service by the [inmate] **adult in custody** in the Department of Corrections institution prior to acceptance and release on parole, except when authorized by the State Board of Parole and Post-Prison Supervision upon recommendation of the superintendent thereof.

(6) The provisions of this section shall apply only to offenders sentenced for felonies committed prior to November 1, 1989.

SECTION 67. ORS 421.121 is amended to read:

421.121. (1) Except as provided in ORS 137.635, 137.700, 137.707, 163.105 and 163.115, each [inmate] **adult in custody** sentenced to the custody of the Department of Corrections for felonies committed on or after November 1, 1989, is eligible for a reduction in the term of incarceration for:

- (a) Appropriate institutional behavior, as defined by rule of the Department of Corrections; and
- (b) Participation in the adult basic skills development program described in ORS 421.084.

(2) The maximum amount of time credits earned for appropriate institutional behavior or for participation in the adult basic skills development program described in ORS 421.084 may not exceed 20 percent of the total term of incarceration in a Department of Corrections institution.

(3) The time credits may not be used to shorten the term of actual prison confinement to less than six months.

(4) The department shall adopt rules pursuant to the rulemaking provisions of ORS chapter 183 to establish a process for granting, retracting and restoring the time credits earned by the offender as allowed in subsections (1) to (3) of this section.

SECTION 68. ORS 421.125 is amended to read:

421.125. (1) Upon the discharge or parole of an [inmate] **adult in custody** from the Department of Corrections, the department shall:

- (a) Ensure that the discharged or paroled [inmate] **adult in custody** is properly clothed; and
- (b) Provide the discharged or paroled [inmate] **adult in custody** with the following documents:

(A) Verification of [the inmate's] work history while in the custody of the department.

(B) Certification of any educational programs completed by the [inmate] **adult in custody** while in the custody of the department.

(C) Certification of any treatment programs completed by the [inmate] **adult in custody** while in the custody of the department.

(2) It is the responsibility of every [inmate] **adult in custody** of the Department of Corrections, during the [inmate's] term of imprisonment, to accumulate funds in anticipation of parole, discharge or other authorized prerelease and for the purposes set out in this subsection. The Department of Corrections shall adopt rules to:

(a) Safeguard [inmate] **adult in custody** moneys, whether the moneys are from earnings of the [inmate] **adult in custody** while in a Department of Corrections institution, or from other sources, and to provide for disbursement of the moneys to the [inmate] **adult in custody** following [the inmate's] release from imprisonment;

(b) Establish, within appropriations provided for this purpose, a program of release funds to be provided for [inmates] **adults in custody** who have not been able to accumulate sufficient moneys to accommodate the [inmates'] release needs **of the adult in custody**;

(c) Assess and collect fees for self-improvement programs, services and assistance provided by the department to [inmates] **adults in custody** who have sufficient moneys to pay for the programs, services and assistance;

(d) Permit [inmates] **adults in custody** to purchase elective programs, services or assistance that are approved but not provided by the department;

(e) Assess and collect disciplinary fines and restitution from [inmates] **adults in custody** for damages or destruction caused by willful misconduct of the [inmates] **adults in custody**; and

(f) Assess and collect fees from *[inmates]* **adults in custody** from funds to be credited to, or received for deposit in, *[inmate]* **adult in custody** trust accounts, not to exceed five percent of the amount of the credit or deposit, to offset the costs of administering *[inmate]* **adult in custody** trust accounts.

(3)(a) An *[inmate]* **adult in custody** sentenced to the custody of the Department of Corrections by an Oregon court is eligible to apply for release funds for a period up to 90 days following the release of the *[inmate]* **adult in custody** from the Department of Corrections institution by parole or discharge, including a release to the legal custody of another authority in this state.

(b) Notwithstanding paragraph (a) of this subsection, *[inmates]* **adults in custody** released to the legal custody of another authority in this state for ultimate transfer to the custody of a law enforcement or corrections agency in another state are not eligible to apply for release funds until released by the other authority in this state.

SECTION 69. ORS 421.137 is amended to read:

421.137. (1) The requirements imposed by this chapter on the labeling and sale of goods, wares and merchandise made by *[inmates]* **adults in custody** in any Department of Corrections institution do not apply to any goods, wares or merchandise made as part of any hobby or recreation program at the institutions or made by an *[inmate]* **adult in custody** on the *[inmate's]* **adult's** own time.

(2) The balance of any proceeds from the sale of any goods, wares or merchandise made by an *[inmate]* **adult in custody** made as part of a hobby or recreation program or on the *[inmate's]* **adult's** own time, after deducting any amount that has been distributed to the *[inmate]* **adult in custody** as spending money in accordance with rules made by the Director of the Department of Corrections, shall be paid to the *[inmate]* **adult in custody** upon release.

SECTION 70. ORS 421.142 is amended to read:

421.142. (1) The Department of Corrections may establish a program to allow the manufacture of small articles of handiwork by the *[inmates of]* **adults in custody in** Department of Corrections institutions, out of raw materials purchased by the *[inmates]* **adults in custody** with their own funds, which articles may be sold to the public. State-owned property may not be sold or given to *[inmates]* **adults in custody** under this section.

(2) The department may provide that all or a part of the sales price of the articles be deposited to the account of the *[inmate]* **adults in custody** manufacturing the article.

SECTION 71. ORS 421.145 is amended to read:

421.145. *[No]* Moneys obtained from the sale of the products of any *[inmate's]* labor **of an adult in custody** *[shall]* **may not** be applied toward the maintenance of the *[inmate]* **adult in custody** or the support of the dependents of the *[inmate]* **adult in custody**, or shall become a part of the betterment fund of the Department of Corrections institution, until all the cost of operation, maintenance, depreciation and other expenses in connection with the plant of the Department of Corrections institution industry in which the *[inmate]* **adult in custody** is employed are fully paid from the fund arising from the sale of such products.

SECTION 72. ORS 421.147 is amended to read:

421.147. Notwithstanding ORS 98.302 to 98.436, the Department of Corrections shall determine and direct the disposition of the unclaimed or abandoned tangible property of an *[inmate of]* **adult in custody in** a Department of Corrections institution held by the department. The department shall adopt rules to carry out the duties imposed by this section.

SECTION 73. ORS 421.166 is amended to read:

421.166. The Director of the Department of Corrections shall establish by rule an emergency leave program. An *[inmate]* **adult in custody** may be granted emergency leave not to exceed 10 days in length for the following purposes:

(1) To visit a terminally ill member of the *[inmate's]* **adult's** family if the member lives within the state.

(2) To visit a gravely ill or injured child of the *[inmate]* **adult in custody** if the child lives within the state.

(3) To attend the funeral of a member of the [inmate's] **adult's** immediate family if the funeral is in the state.

SECTION 74. ORS 421.168 is amended to read:

421.168. (1) The Department of Corrections shall establish a short-term transitional leave program. The program shall provide [inmates] **adults in custody** with an opportunity to secure appropriate transitional support when necessary for successful reintegration into the community prior to the [inmate's] **adult's** discharge to post-prison supervision.

(2) The Department of Corrections shall identify each [inmate] **adult in custody** who is eligible for the short-term transitional leave program and shall, in conjunction with the supervisory authority for the county to which the [inmate] **adult in custody** will be released, assist each eligible [inmate] **adult in custody** in preparing a transition plan and in identifying and applying for an employment, educational or other transitional opportunity in the community.

(3) If the [inmate's] transition plan **for the adult in custody** is approved by the department and is an essential part of [the inmate's] successful reintegration into the community, the department may grant a transitional leave no more than 120 days [prior to] **before** the [inmate's] discharge date **of the adult in custody**.

(4) An [inmate] **adult in custody** is not eligible for transitional leave before having served six months of prison incarceration.

(5) The department shall adopt rules to carry out the provisions of this section. The rules must include a set of release conditions for [inmates] **adults in custody** released on transitional leave status. An [inmate] **adult in custody** on transitional leave status is subject to immediate return to prison for any violation of the conditions of release.

(6) The provisions of this section do not apply to [inmates] **adults in custody** whose sentences were imposed under ORS 137.635, 137.690, 137.700, 137.707, 164.061, 475.907, 475.925, 475.930 or 813.011 or under a provision of law that prohibits release on any form of temporary leave from custody.

SECTION 75. ORS 421.170 is amended to read:

421.170. The superintendent of the Department of Corrections institution in which an [inmate] **adult in custody** is confined may recommend to the Director of the Department of Corrections that an [inmate of] **adult in custody in** the Department of Corrections institution be enrolled in the work release program established under ORS 144.420. If the [inmate] **adult in custody** has not served at least one-fourth of the maximum term of the sentence, the superintendent must, prior to making a recommendation, consider the original recommendation, if any, of the sentencing court.

SECTION 76. ORS 421.185 is amended to read:

421.185. The procedures adopted pursuant to ORS 421.180 shall provide that an [inmate] **adult in custody** shall be entitled to assistance and representation under terms and conditions established by the Department of Corrections. Nothing in this section shall be construed to limit the authority of the department to designate persons eligible to assist and represent the [inmate] **adult in custody**.

SECTION 77. ORS 421.190 is amended to read:

421.190. Evidence may be received at disciplinary hearings even though inadmissible under rules of evidence applicable to court procedure and the department shall establish procedures to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to afford the [inmate] **adult in custody** a reasonable opportunity for a fair hearing.

SECTION 78. ORS 421.194 is amended to read:

421.194. (1) Disciplinary orders of the Department of Corrections issued under procedures adopted pursuant to ORS 421.180 are not subject to judicial review by any court of this state.

(2) This section does not affect any right that an [inmate] **adult in custody** may have to prosecute a writ of habeas corpus.

SECTION 79. ORS 421.213 is amended to read:

421.213. Whenever an *[inmate]* **adult in custody** serving a sentence imposed by a court of this state is transferred from a Department of Corrections institution under this chapter, the superintendent of the Department of Corrections institution in which the *[inmate]* **adult in custody** was confined shall retain a record of the transfer and shall make such information available to law enforcement agencies and the courts upon request. The Department of Corrections shall adopt rules governing the release of this information to other interested parties under ORS 192.311 to 192.478.

SECTION 80. ORS 421.215 is amended to read:

421.215. If the presence of any *[inmate]* **adult in custody** confined in a county jail or in the institution of another state or the federal government, is required in any judicial proceeding of this state, the superintendent in charge of the institution from which the *[inmate]* **adult in custody** was conveyed, upon being so directed by the Director of the Department of Corrections or upon the written order or direction of any court of competent jurisdiction or of a judge thereof, shall procure such *[inmate]* **adult in custody**, bring the *[inmate]* **adult in custody** to the place directed in such order and hold the *[inmate]* **adult** in custody subject to the further order and direction of the director, or of the court or of a judge thereof, until the *[inmate]* **adult in custody** is lawfully discharged from custody. The superintendent shall, by direction of the director or of the court or a judge thereof, deliver such *[inmate]* **adult** into the custody of the sheriff of the county in which the *[inmate]* **adult in custody** was convicted, and shall, by like order, return such *[inmate]* **adult in custody** to the institution from which the *[inmate]* **adult in custody** was taken.

SECTION 81. ORS 421.305 is amended to read:

421.305. (1) Subject to the authority of the Director of the Department of Corrections over care, custody and control of *[inmates]* **adults in custody** and of corrections institutions, in carrying out the powers and duties generally described by ORS 421.354, Oregon Corrections Enterprises may:

(a) Install and equip plants in any of the Department of Corrections institutions, or any other location, for the employment of any of the *[inmates]* **adults in custody** therein in forms of industry and employment not inconsistent with section 41, Article I, Oregon Constitution, and this chapter.

(b) Purchase, acquire, install, maintain and operate materials, machinery and appliances necessary in the conduct and operation of such plants.

(c) Make any and all contracts or agreements, enter into any partnerships, joint ventures or other business arrangements, create and participate fully in the operation of any business structure, including but not limited to the development of business structures for *[inmate]* **adult in custody** work program systems and networks with any public, private, government, nonprofit or for-profit person or entity that in the judgment of Oregon Corrections Enterprises is necessary or appropriate to accomplish the marketing of products or services produced by *[inmates]* **adults in custody** or the production of goods, wares or services by *[inmates]* **adults in custody**.

(d) Acquire, receive, hold, keep, pledge, control, convey, manage, use, lend, expend and invest all funds, appropriations and revenues received by Oregon Corrections Enterprises from any source.

(e) Determine, approve or adopt policies for the organization, administration and development of Oregon Corrections Enterprises.

(f) Sue in the name of Oregon Corrections Enterprises and be sued, plead and be impleaded in all actions, suits or proceedings in any forum brought by or against Oregon Corrections Enterprises by any and all private or local, federal or other public entities, agencies or persons. Oregon Corrections Enterprises shall not have authority to sue or be sued by the State of Oregon.

(g) Appoint and employ any instructional, administrative, professional, trade, occupational and other personnel as are necessary or appropriate to carry out the duties and missions of Oregon Corrections Enterprises, and prescribe their compensation and terms of office or employment.

(h) Purchase, acquire, receive, hold, control, convey, sell, manage, operate, lease, license, lend, invest, improve, develop, use, dispose of and hold title to real and personal property of any nature, including intellectual property, in the name of Oregon Corrections Enterprises.

(i) Hold, control, convey, sell, manage, operate, lease, license, lend, invest, improve, develop, use and dispose of any and all Oregon Corrections Enterprises products and services. Oregon Corrections Enterprises shall adopt policies regarding the sale of products and services of Oregon

Corrections Enterprises, which products and services shall be sold for cash or on such terms as are approved by the administrator.

(j) Subject to ORS 283.085 to 283.092, borrow money for the needs of Oregon Corrections Enterprises in such amounts and for such time and upon such terms as may be determined by the administrator.

(k) Erect, construct, improve, develop, repair, maintain, equip, furnish, lease, lend, convey, sell, manage, operate, use, dispose of and hold title to buildings, structures and lands for Oregon Corrections Enterprises.

(L) Authorize, create, eliminate, establish, operate, reorganize, reduce or expand any program, system, facility or other unit of operation in furthering the missions of Oregon Corrections Enterprises.

(m) Establish, charge, collect and use charges and fees for Oregon Corrections Enterprises services and the use of Oregon Corrections Enterprises facilities.

(n) Establish agreements with any state agency for the performance of such duties, functions and powers as the administrator may determine to be appropriate.

(o) Make available, by lease or otherwise, or control access to any Oregon Corrections Enterprises facilities or services or other of its properties and assets to such persons, firms, partnerships, associations or corporations and on such terms the administrator considers appropriate, charge and collect rent or other fees or charges therefor and terminate or deny any such access or any such lease or other agreement for such reasons as the administrator considers appropriate and as may be consistent with the obligations of Oregon Corrections Enterprises under any such lease or other agreement.

(p) Contract for the operation of any department, section, equipment or holdings of Oregon Corrections Enterprises and enter into any agreements with a person, firm or corporation for the management by a person, firm or corporation on behalf of Oregon Corrections Enterprises of any of its properties or for the more efficient or economical performance of clerical, accounting, administrative and other functions relating to its *[inmate]* **adult in custody** work program facilities.

(q) Enter into affiliation, cooperation, territorial, management or other similar agreements with other public or private *[inmate]* **adult in custody** work programs for the sharing, division, allocation or furnishing of services on an exclusive or a nonexclusive basis, management of facilities, formation of Oregon Corrections Enterprises systems and other similar activities.

(2) Products and services provided to a private vendor pursuant to a contract under subsection (1)(c) of this section are not subject to the limits imposed by ORS 421.312.

(3)(a) Plants may be installed or equipped for purposes of this section on the premises of a Department of Corrections institution upon approval by the Director of the Department of Corrections.

(b) The director shall have sole discretion regarding whether a plant may be installed on the premises of a Department of Corrections institution, and the director shall determine the manner of such installation.

(c) The director shall have sole discretion regarding access by any person to any plant under construction, installed or located on the premises of a Department of Corrections institution.

(d) The director may enter into any and all contracts or agreements, enter into any partnership, joint venture or other business arrangement and create and participate fully in the operation of any business structure, including but not limited to the development of business structures for *[inmate]* **adult in custody** work program systems and networks with any public, private, government, nonprofit or for-profit person or entity that in the judgment of the director is necessary or appropriate to accomplish the production services by *[inmates]* **adults in custody**.

(4) Compensation, if any, paid to *[inmates]* **adults in custody** assigned to work in industries under this section shall be determined and established by the administrator of Oregon Corrections Enterprises upon the approval of the director. The prevailing wage paid in the marketplace for the work performed shall be paid to workers, other than *[inmates]* **adults in custody**, who are employed to operate the industry provided for in this section.

(5) The director, in consultation with the administrator of Oregon Corrections Enterprises, shall adopt rules providing for the disposition of any compensation earned under this section.

SECTION 82. ORS 421.354 is amended to read:

421.354. (1) Oregon Corrections Enterprises may engage eligible [*inmates*] **adults in custody** in state corrections institutions in work or on-the-job training. This authority is subject to the authority granted the Director of the Department of Corrections by section 41, Article I of the Oregon Constitution, and to any rules or orders issued by the director regarding care, custody and control of [*inmates*] **adults in custody**. Oregon Corrections Enterprises shall ensure that all [*inmate*] **adult in custody** work and on-the-job training programs are cost-effective and designed to develop [*inmate*] motivation, work capabilities, cooperation and successful transition into the community.

(2) Oregon Corrections Enterprises may enter into contracts or agreements with private persons or government agencies for the purpose of:

(a) Accomplishing the production and marketing of products or services produced or performed by [*inmates*] **adults in custody**;

(b) Making prison work products or services available to any public agency and to any private enterprise; or

(c) Making prison work products available to any private person.

(3) Oregon Corrections Enterprises may make or enter into any agreement to assist [*inmates*] **adults in custody** in making a successful transition upon release by state correction institutions.

(4) Oregon Corrections Enterprises shall carry out the public purposes and missions stated in section 41, Article I of the Oregon Constitution, and in this section in the manner that, in the determination of Oregon Corrections Enterprises, best promotes the public welfare of the people of the State of Oregon.

SECTION 83. ORS 421.364 is amended to read:

421.364. Notwithstanding any other provision of law, the Attorney General, at the request of Oregon Corrections Enterprises, shall identify one or more assistant attorneys general to provide legal services related to the [*inmate*] **adult in custody** work programs of Oregon Corrections Enterprises. At least one assistant attorney general shall have an office located at the main office of Oregon Corrections Enterprises as a primary office location.

SECTION 84. ORS 421.405 is amended to read:

421.405. (1) Except as provided in subsection (2) of this section, no officer or employee of this state shall receive the use or profit of the labor or services of any [*inmate*] **adult in custody** of a Department of Corrections institution, or be directly or indirectly interested in any contract or work upon which [*inmates*] **adults in custody** are employed. However, this subsection does not prohibit [*inmates*] **adults in custody** from doing work or services:

(a) As janitors or gardeners in or about the institutional premises or premises owned or controlled by Oregon Corrections Enterprises.

(b) As chauffeur or driver of a vehicle used by any prison official or employees of Oregon Corrections Enterprises in the discharge of official business.

(c) Contemplated under ORS 421.455 to 421.480.

(2) Subsection (1) of this section does not prohibit [*inmates*] **adults in custody** from performing work or services as apprentices or trainees in a program conducted pursuant to ORS 660.002 to 660.210 for any officer or employee of this state who does not exercise direct Department of Corrections institution supervisory authority over the [*inmates*] **adults in custody**.

SECTION 85. ORS 421.412 is amended to read:

421.412. (1) Notwithstanding any other provision of law, the Department of Corrections or Oregon Corrections Enterprises may enter into a contract with a person for the purchase or donation of fruit, vegetables or other crops for use or consumption in state institutions. The contract may provide that any or all labor required inside or outside of the Department of Corrections institutions to harvest, load and transport the fruit, vegetables or other crop shall be performed by [*inmates*] **adults in custody** confined in such institutions. The department or Oregon Corrections

Enterprises may enter into a contract pursuant to this section only if it appears to the department or Oregon Corrections Enterprises that the contract would be advantageous.

(2) Notwithstanding any other provision of law, the Director of the Department of Corrections, in compliance with the rules of the department, may authorize the use of *[inmates]* **adults in custody** from the institution for the purpose of harvesting, loading and transporting the fruit, vegetables or other crops which are the subject matter of a contract made under subsection (1) of this section.

(3) This section authorizes use of *[inmate]* labor **by adults in custody** for cultivating, clearing, grading, draining, restoring riparian areas and other improvement of private or public land, or any contract or agreement therefor.

SECTION 86. ORS 421.420 is amended to read:

421.420. The Department of Corrections may enter into a contract with any person whom it considers advisable in connection with a Department of Corrections institution for employment of *[inmates]* **adults in custody** therein in clearing unimproved land in the state.

SECTION 87. ORS 421.423 is amended to read:

421.423. Notwithstanding any other law, an *[inmate]* **adult** in the custody of the Department of Corrections may not perform electrical or plumbing work unless under the direct supervision of a licensed electrician or plumber who is a regular status employee of the department or of Oregon Corrections Enterprises. An *[inmate]* **adult in custody** may perform electrical or plumbing work only at a facility owned, leased or operated by the department.

SECTION 88. ORS 421.437 is amended to read:

421.437. (1) *[Inmates]* **Adults in custody** who participate in programs operated by the Department of Corrections or Oregon Corrections Enterprises shall be permitted to retain a portion of compensation earned, if any, for their personal use as determined and established by the Director of the Department of Corrections by rule. The director shall ensure that the rules adopted under this section are designed to:

- (a) Instill *[in inmates]* a viable work ethic;
- (b) Emulate private gainful employment;
- (c) Encourage productivity; or
- (d) Maintain the safe, secure and orderly operation and management of department facilities.

(2) Except as otherwise required by federal law to permit transportation in interstate commerce of goods, wares or merchandise manufactured, produced or mined, wholly or in part by *[inmates]* **adults in custody**, the rules adopted under subsection (1) of this section may not authorize *[inmates]* **adults in custody** engaged in prison work programs to retain for their personal use more than 20 percent of gross compensation paid.

SECTION 89. ORS 421.442 is amended to read:

421.442. (1) The Department of Corrections may create accounts and subaccounts as reasonably required to discharge the functions and duties prescribed by section 41, Article I of the Oregon Constitution, including accounts and subaccounts for the deposit of income generated from prison work programs. Accounts and subaccounts created under this subsection shall be maintained separate and distinct from the General Fund. Moneys credited to the accounts and subaccounts are continuously appropriated to the department for the purpose of implementing, maintaining and developing prison work programs. Moneys in the department accounts or subaccounts may be transferred to the *[inmate]* **adult in custody** injury component of the Insurance Fund for the payment of expenses therefrom authorized by law. Moneys in the accounts or subaccounts may be invested as provided in ORS 293.701 to 293.790 and as authorized by ORS 421.305. Earnings on the investment of moneys in the accounts or subaccounts shall be credited to the respective account or subaccount.

(2) Oregon Corrections Enterprises may create accounts and subaccounts as reasonably required to discharge the functions and duties prescribed by section 41, Article I of the Oregon Constitution, and ORS 192.355, 421.305, 421.312, 421.344 to 421.367, 421.412, 421.444 and 421.445 and this section, including accounts and subaccounts for the deposit of income generated from prison work programs. All moneys collected or received by Oregon Corrections Enterprises shall be deposited into an ac-

count or subaccounts established by Oregon Corrections Enterprises in a depository bank insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. The administrator shall ensure that sufficient collateral secures any amount of funds on deposit that exceeds the limits of the coverage of the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. All moneys in the account or subaccounts are continuously appropriated to Oregon Corrections Enterprises for the purpose of implementing, maintaining and developing prison work programs. Moneys in the accounts or subaccounts may be invested as provided in ORS 293.701 to 293.790 and as authorized by ORS 421.305. Earnings on the investment of moneys in the accounts or subaccounts shall be credited to the respective account or subaccount.

(3) Moneys credited to or received by *[inmate]* **adult in custody** work programs conducted by the department may not be commingled with moneys credited to or received by *[inmate]* **adult in custody** work programs conducted by Oregon Corrections Enterprises.

(4) Moneys in the accounts or subaccounts are available for implementing, maintaining and developing prison work and on-the-job training programs, including, but not limited to:

(a) The purchase of all necessary machinery and equipment for establishing, equipping and enlarging prison industries;

(b) The purchase of raw materials, the payment of salaries and wages and all other expenses necessary and proper in the judgment of the Director of the Department of Corrections or the administrator of Oregon Corrections Enterprises in the conduct and operation of prison industries; and

(c) Department transfers to the *[inmate]* **adult in custody** injury component of the Insurance Fund from the payment of expenses authorized by law.

(5) No part of the accounts or subaccounts may be expended for maintenance, repairs, construction or reconstruction, or general or special expenses of a Department of Corrections institution, other than for prison work and on-the-job training programs.

(6) The transfers referred to in subsections (1) and (4)(c) of this section may be authorized by the Legislative Assembly, or the Emergency Board if the Legislative Assembly is not in session, whenever it appears to the Legislative Assembly or the board, as the case may be, that there are insufficient moneys in the *[inmate]* **adult in custody** injury component of the Insurance Fund for the payment of expenses authorized by law.

SECTION 90. ORS 421.450 is amended to read:

421.450. As used in ORS 421.455 to 421.480, unless the context requires otherwise:

(1) "Local *[inmate]* **adult in custody**" means a person sentenced by a court or legal authority to serve sentence in a county or city jail, but does not include a child detained by order of the juvenile court.

(2) "State *[inmate]* **adult in custody**" means an *[inmate]* **adult in custody** of a Department of Corrections institution.

SECTION 91. ORS 421.455 is amended to read:

421.455. (1) The Director of the Department of Corrections shall establish at places in state forests recommended by the State Board of Forestry one or more forest work camps at which state *[inmates]* **adults in custody** and local *[inmates]* **adults in custody** may be employed. Only such state *[inmates]* **adults in custody** as are determined by the Department of Corrections to require minimum security may be placed at a forest work camp, but the Department of Corrections shall not place an *[inmate]* **adult in custody** at a forest work camp if the department is aware that the *[inmate]* **adult in custody** has ever been convicted, of:

(a) Rape in the first degree, as described in ORS 163.375.

(b) Rape in the second degree, as described in ORS 163.365.

(c) Rape in the third degree, as described in ORS 163.355.

(d) Sodomy in the first degree, as described in ORS 163.405.

(e) Sodomy in the second degree, as described in ORS 163.395.

(f) Sodomy in the third degree, as described in ORS 163.385.

(g) Unlawful sexual penetration in the first degree, as described in ORS 163.411.

(h) Unlawful sexual penetration in the second degree, as described in ORS 163.408.

- (i) Sexual abuse in the first degree, as described in ORS 163.427.
 - (j) Sexual abuse in the second degree, as described in ORS 163.425.
 - (k) Any crime in any other jurisdiction that would constitute a crime described in this subsection if presently committed in this state.
 - (L) Any attempt to commit a crime described in this subsection.
- (2) The State Board of Forestry may make contracts with any other state agency in order to effectuate the purposes of ORS 421.455, 421.465, 421.470 and 421.476.

SECTION 92. ORS 421.465 is amended to read:

421.465. (1) Upon the requisition of the State Forester, the superintendent shall send at the time and to the place designated as many state *[inmates]* **adults in custody** requisitioned from the institution under the supervision of the superintendent as have been determined under rules adopted by the Director of the Department of Corrections to be eligible for employment at a forest work camp and as are available.

(2) Before a state *[inmate]* **adult in custody** is sent to any forest work camp, the superintendent of the institution in which the *[inmate]* **adult in custody** is confined shall cause the *[inmate]* **adult in custody** to be given such inoculations as are necessary in the public interest.

(3) While a state *[inmate]* **adult in custody** is at a forest work camp, the superintendent of the institution in which the *[inmate]* **adult in custody** was confined is responsible for the custody and care of the *[inmate]* **adult in custody**.

SECTION 93. ORS 421.467 is amended to read:

421.467. (1) Subject to ORS 421.468, the governing body of a county or city in this state may transfer a local *[inmate]* **adult in custody** to the temporary custody of the Department of Corrections solely for employment at a forest work camp established under ORS 421.455 to 421.480. The county or city transferring the local *[inmate]* **adult in custody** shall pay the cost of transportation and other expenses incidental to the *[local inmate's]* conveyance to the forest work camp **of the adult in custody** and the return of the local *[inmate]* **adult in custody** to the county or city, including the expenses of law enforcement officers accompanying the local *[inmate]* **adult in custody**, and is responsible for costs of any medical treatment of the local *[inmate]* **adult in custody** while the local *[inmate]* **adult in custody** is employed at the forest work camp not compensated under ORS 655.505 to 655.555.

(2) Before a local *[inmate]* **adult in custody** is sent to a forest work camp, the governing body of the county or city shall cause the local *[inmate]* **adult in custody** to be given such inoculations as are necessary in the public interest, and must submit to the Department of Corrections a certificate, signed by a physician licensed under ORS chapter 677, physician assistant licensed under ORS 677.505 to 677.525, naturopathic physician licensed under ORS chapter 685 or nurse practitioner licensed under ORS 678.375 to 678.390 that the local *[inmate]* **adult in custody** is physically and mentally able to perform the work described in ORS 421.470, and is free from communicable disease.

SECTION 94. ORS 421.468 is amended to read:

421.468. (1) A local *[inmate]* **adult in custody** may not be transferred under ORS 421.467 without the prior approval of the Director of the Department of Corrections. The director shall return each local *[inmate]* **adult in custody** to the county or city from which the local *[inmate]* **adult in custody** was transferred at such time as the local *[inmate]* **adult in custody** is to be released by the county or city, or upon request of the governing body of the county or city.

(2) While employed at a forest work camp established under ORS 421.455 to 421.480, a local *[inmate]* **adult in custody** is temporarily within the custody of the Director of the Department of Corrections and subject to rules promulgated by the director governing such custody and employment, but remains subject to the jurisdiction of the county or city.

SECTION 95. ORS 421.470 is amended to read:

421.470. (1) The Director of the Department of Corrections has authority over the forest work camps except as provided in subsection (2) of this section.

(2) The State Forester shall assign and supervise the work of the state *[inmates]* **adults in custody** and local *[inmates]* **adults in custody**, which work shall be:

- (a) Manual labor, as far as possible, of the type contemplated by ORS 530.210 to 530.280.
- (b) Fire-fighting labor of the type contemplated for forest protection districts under ORS chapter 477.

(3) Moneys for the cost of custody of the state *[inmates]* **adults in custody** and local *[inmates]* **adults in custody**, and for the labor done by them under this section, shall be paid from funds appropriated and made available to the State Board of Forestry. Moneys for the cost of care of each local *[inmate]* **adult in custody** shall be paid by the county or city from which the local *[inmate]* **adult in custody** was transferred under ORS 421.467, but not to exceed \$2 a day for each local *[inmate]* **adult in custody**. Additional moneys required for the cost of care of local *[inmates]* **adults in custody** shall be paid from funds appropriated and made available to the State Board of Forestry. All such moneys shall be collected by the Director of the Department of Corrections who shall deposit such funds to the credit of the State Prison Work Programs Account.

SECTION 96. ORS 421.480 is amended to read:

421.480. When the need for the labor of a state *[inmate]* **adult in custody** or local *[inmate]* **adult in custody** transferred to a forest work camp has ceased or when the *[inmate]* **adult in custody** is guilty of any violation of the rules of the Director of the Department of Corrections, the director may return the *[inmate]* **adult in custody** to the institution, county or city from which the *[inmate]* **adult in custody** was transferred.

SECTION 97. ORS 421.651 is amended to read:

421.651. (1) Within 60 days after August 20, 1999, the Director of the Department of Corrections shall form a Prison Advisory Committee. The committee shall meet to discuss, and make recommendations to the director about, potential construction and operational impacts of the women's correctional facility and intake center complex. Impacts may include plans for buffering, lighting and noise mitigation to minimize intrusion into the privacy of surrounding residences. The director shall consider the recommendations and shall adopt such recommendations as practicable, considering safety, security and operational needs of the complex.

(2) The Department of Corrections shall maintain a policy or plan for notifying local jurisdictions and surrounding residents of *[inmate]* escapes **by an adult in custody** and other incidents that, in the director's judgment, may raise local safety concerns.

(3) Any decision made or action taken under this section is final and is not subject to judicial review.

SECTION 98. ORS 423.076 is amended to read:

423.076. (1) The Director of the Department of Corrections may grant to an individual corrections officer or classification of corrections officer all the powers and authority of a peace officer over *[inmates]* **adults in custody**.

(2) A corrections officer granted the authority of a peace officer under subsection (1) of this section shall have the authority to:

(a) Prevent an escape from the grounds of a correctional facility by an *[inmate]* **adult in custody**; and

(b) Go beyond the grounds of a correctional facility to:

(A) Pursue an *[inmate]* **adult in custody** if the *[inmate]* **adult in custody** is in the act of escaping from a correctional facility;

(B) Search for an *[inmate]* **adult in custody** if the *[inmate]* **adult in custody** is in the act of escaping from a correctional facility; and

(C) Recapture an *[inmate]* **adult in custody** if the *[inmate]* **adult in custody** is in the act of escaping from a correctional facility.

(3) A corrections officer who has been granted the authority of a peace officer under subsection (1) of this section shall retain the authority until the law enforcement agency having general jurisdiction over the area in which the escape or attempted escape of the *[inmate]* **adult in custody** took place assumes responsibility for recapture of the *[inmate]* **adult in custody**.

(4) The Department of Corrections shall inform the appropriate law enforcement agency of an escape or attempted escape of an *[inmate]* **adult in custody** as soon as is reasonably practicable.

(5) As used in this section, [*inmate*] **“adult in custody”** means a person sentenced to a period of incarceration in a prison or other correctional facility until such time as a lawful release authority authorizes the release of the person.

SECTION 99. ORS 423.105, as amended by section 8, chapter 120, Oregon Laws 2018, is amended to read:

423.105. (1) As used in this section:

(a) **“Adult in custody” means a person who is at least 18 years of age and in the physical custody of the Department of Corrections. “Adult in custody” does not include:**

(A) **A person on leave from prison due to participation in an alternative incarceration program established under ORS 421.504 or short-term transitional leave under ORS 421.168.**

(B) **A person transferred into or out of department custody pursuant to an interstate corrections compact.**

(C) **A person in the physical custody of the Oregon Youth Authority.**

(D) **A person in the physical custody of a county jail or other county detention facility.**

[(a)] (b) **“Collected moneys” means moneys that have been collected from an [*inmate*] adult in custody trust account by the Department of Corrections pursuant to this section.**

[(b)] (c) **“Court-ordered financial obligation” means:**

(A) A compensatory fine imposed pursuant to ORS 137.101, an award of restitution as defined in ORS 137.103 or any other fines, fees or court-appointed attorney fees imposed in a criminal action;

(B) A child support obligation;

(C) A civil judgment including a money award for a crime victim entered against an [*inmate*] **adult in custody** resulting from a crime committed by the [*inmate*] **adult in custody**; or

(D) A civil judgment including a money award entered against an [*inmate*] **adult in custody** resulting from an action for the [*inmate*’s] assault or battery of a Department of Corrections or Oregon Corrections Enterprises employee.

[(c)] (d) **“Eligible moneys” means moneys deposited in an [*inmate*] adult in custody trust account that are subject to collection under this section, including but not limited to [*inmate*] adult in custody performance monetary awards and moneys received from [*an inmate*’s] family members or friends of the adult in custody. “Eligible moneys” does not include protected moneys.**

[(d) *“Inmate” means a person who is at least 18 years of age and in the physical custody of the Department of Corrections. “Inmate” does not include:*]

[(A) *A person on leave from prison due to participation in an alternative incarceration program established under ORS 421.504 or short-term transitional leave under ORS 421.168.*]

[(B) *A person transferred into or out of department custody pursuant to an interstate corrections compact.*]

[(C) *A person in the physical custody of the Oregon Youth Authority.*]

[(D) *A person in the physical custody of a county jail or other county detention facility.*]

(e) **“Protected moneys” means moneys deposited in an [*inmate*] adult in custody trust account that are not subject to collection under state or federal law or under this section including but not limited to:**

(A) Disability benefits for veterans;

(B) Moneys received from a Native American tribe or tribal government;

(C) Moneys dedicated for medical, dental or optical expenses or emergency trips;

(D) Railroad retirement benefits; or

(E) Moneys paid as compensation to an [*inmate*] **adult in custody** in a prison work program established under the Prison Industries Enhancement Certification Program, or a successor program designated by the United States Director of the Bureau of Justice Assistance pursuant to 18 U.S.C. 1761.

(2)(a) The Department of Corrections shall collect eligible moneys from an [*inmate*] **adult in custody** trust account if the [*inmate*] **adult in custody** owes court-ordered financial obligations as described in this section.

(b) Notwithstanding any other provision of this section, the department may deduct a fixed percentage of each *[inmate]* **adult in custody** performance monetary award made to an *[inmate]* **adult in custody**, to be credited to a general victims assistance fund, before crediting the remainder of the award to the *[inmate]* **adult in custody** trust account.

(3)(a) The Department of Justice and the Judicial Department shall provide an accounting to the Department of Corrections of court-ordered financial obligations, if any, owed by each *[inmate]* **adult in custody**. The accounting records may be provided electronically in a format agreed upon by the departments.

(b) Upon receipt of the accounting records described in paragraph (a) of this subsection, the Department of Corrections shall collect a portion of eligible moneys from the *[inmate]* **adult in custody** trust account of each *[inmate]* **adult in custody** as follows:

(A) Until an *[inmate]* **adult in custody** not sentenced to death or to life imprisonment without the possibility of release or parole has \$500 in a transitional fund to facilitate reentry after release, 10 percent of eligible moneys shall be collected for court-ordered financial obligations and five percent of eligible moneys shall be collected and transferred to the *[inmate's]* transitional fund.

(B) After the *[inmate]* **adult in custody** has at least \$500 in the transitional fund, or if the *[inmate]* **adult in custody** has been sentenced to death or to life imprisonment without the possibility of release or parole, the department shall collect 15 percent of eligible moneys for court-ordered financial obligations.

(C) After court-ordered financial obligations have been paid, an *[inmate]* **adult in custody** not sentenced to death or to life imprisonment without the possibility of release or parole may elect to continue to transfer five percent of eligible moneys into the transitional fund.

(c) Notwithstanding ORS 18.615 or any other provision of law, while moneys held in *[an inmate's]* a transitional fund described in this subsection remain within the custody or control of the Department of Corrections, those moneys are neither assignable nor subject to execution, garnishment, attachment or any other process.

(4) There are three levels of priority for the application of collected moneys to court-ordered financial obligations, with Level I obligations having the highest priority and Level III obligations having the lowest priority. The levels are as follows:

(a) Level I obligations are compensatory fines imposed pursuant to ORS 137.101, awards of restitution defined in ORS 137.103 and fines, fees or court-appointed attorney fees imposed in a criminal action.

(b) Level II obligations are child support obligations and civil judgments including a money award for a crime victim entered against an *[inmate]* **adult in custody** resulting from a crime committed by the *[inmate]* **adult in custody**.

(c) Level III obligations are civil judgments including a money award entered against an *[inmate]* **adult in custody** resulting from an action for the *[inmate's]* assault or battery of a Department of Corrections or Oregon Corrections Enterprises employee.

(5)(a) After receiving the accounting records described in subsection (3) of this section, the Department of Corrections shall disburse the collected moneys for court-ordered financial obligations to the Department of Justice and the Judicial Department.

(b) The Department of Justice and the Judicial Department shall apply the collected moneys received from the Department of Corrections under this subsection to *[an inmate's]* **the** court-ordered financial obligations **of an adult in custody** according to the priority levels of the obligations.

(6)(a) The Department of Justice may create a subaccount in which to deposit the collected moneys received from the Department of Corrections under this section.

(b) The Judicial Department may create a subaccount in which to deposit the collected moneys received from the Department of Corrections under this section.

(c) The Department of Corrections may create subaccounts for the purposes of storing collected moneys prior to disbursement under this section.

(7) The Department of Corrections, the Department of Justice and the Judicial Department may adopt rules to implement this section.

SECTION 100. ORS 423.497 is amended to read:

423.497. (1) During the intake process, each county shall conduct a national criminal history check on every person incarcerated in the county correctional facility.

(2) The county shall develop policies and procedures to ensure that the results of the national criminal history check are received before an *[inmate]* **adult in custody** is released.

(3) The state shall reimburse each county for the costs of conducting the national criminal history checks.

SECTION 101. ORS 423.605 is amended to read:

423.605. As used in ORS 423.600 to 423.610, “facilitated dialogue and responsibility letter bank program communications” means all communications by a victim, survivor or *[inmate]* **adult in custody**, or by a program facilitator, advisory committee member or staff person, that are made in the course of or in connection with a facilitated dialogue or responsibility letter bank program conducted pursuant to Department of Corrections rules. The communications include but are not limited to:

(1) All memoranda, assessment and evaluation forms, documents and other materials, including letters that are prepared for or submitted in connection with a facilitated dialogue;

(2) All communications, whether oral, written or recorded, made during the intake of a case, during preparations for a facilitated dialogue, during any joint in-person meetings or telephone calls, and during any post-dialogue meetings or conversations; and

(3) All materials or recordings submitted in connection with a responsibility letter bank program by a victim, survivor or *[inmate]* **adult in custody** or by another person on behalf of a victim, survivor or *[inmate]* **adult in custody**.

SECTION 102. ORS 423.610 is amended to read:

423.610. (1) Facilitated dialogue and responsibility letter bank program facilitators, advisory committee members and staff persons shall not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any facilitated dialogue or responsibility letter bank program communication, except as required under rules established pursuant to ORS 423.615.

(2) Facilitated dialogue and responsibility letter bank program facilitators, advisory committee members and staff persons are not civilly liable for any act or omission done or made while engaged in efforts to assist a victim, survivor or *[inmate]* **adult in custody** in the course of or in connection with a facilitated dialogue or responsibility letter bank program conducted pursuant to rules adopted by the Department of Corrections, unless the facilitator, member or person acted or made an omission in bad faith, with malicious intent or in a manner that exhibited a willful or wanton disregard of the rights, safety or property of another person.

(3) Facilitated dialogue and responsibility letter bank program communications are confidential and may not be disclosed to any other person, except as permitted under rules established pursuant to ORS 423.615.

(4) Facilitated dialogue and responsibility letter bank program communications are not admissible as evidence in any subsequent administrative, judicial or arbitration proceeding, except as permitted under rules established pursuant to ORS 423.615.

SECTION 103. ORS 438.435 is amended to read:

438.435. (1) In addition to duties which a clinical laboratory may perform under ORS 438.010 to 438.510, a laboratory is authorized to perform appropriate tests, examinations or analyses on materials derived from the human body for the purpose of detecting substances of abuse in the body. All laboratories performing the tests, examinations or analyses must be licensed under the provisions of ORS 438.010 to 438.510 and must employ qualified technical personnel to perform the tests, examinations and analyses.

(2) In order to perform such tests, examinations or analyses, the laboratory may examine specimens submitted by persons other than those described in ORS 438.430 (1) and shall report the result of any test, examination or analysis to the person who submitted the specimen. When the substance

of abuse test is for nonmedical employment or pre-employment purposes, and a written request is provided, the test result shall be reported to the person from whom the specimen was originally obtained.

(3) When the specimen of a person tested for substances of abuse is submitted to the laboratory and the test result is positive, the laboratory shall perform a confirming test which has been designated by rule of the Oregon Health Authority as the best available technology for use to determine whether or not the substance of abuse identified by the first test is present in the specimen prior to reporting the test results.

(4) The authority by rule shall set standards for special category laboratories that engage only in the initial testing for substances of abuse in the body, including registration procedures for such laboratories and personnel.

(5) The operator of a substances of abuse on-site screening facility may use substances of abuse on-site screening tests if the test results are not for use in diagnosing or preventing disease and are not for use by physicians, dentists or other licensed health care professionals in treating humans. Any entity using the test shall pay a yearly filing fee, not to exceed \$50, and file a registration form as provided by rule of the authority that:

(a) States the current name and address of the entity, the telephone number of the entity, if any, and the name of a contact individual at each on-site facility operated by the entity; and

(b) Certifies that:

(A) The tests are being administered according to the federal Food and Drug Administration package insert that accompanies the test;

(B) The tests are being administered according to the instructions of the manufacturer;

(C) Custody chain procedures are being followed;

(D) Operators of the substances of abuse on-site screening facility are trained in the use of the substances of abuse on-site screening tests by the manufacturer; and

(E) If the substances of abuse on-site screening facility obtains a positive test result on a specimen and the entity indicates that the test result is to be used to deny or deprive any person of employment or any benefit, or may otherwise result in adverse employment action, the same specimen shall be submitted to a clinical laboratory licensed under ORS 438.110 and 438.150 or an equivalent out-of-state facility and the presence of a substance of abuse confirmed prior to release of the on-site test result.

(6) The authority by rule shall set reasonable standards for the screening by correctional agencies of *[inmates]* **adults in custody** within state and local correctional facilities and offenders on parole, probation or post-prison supervision for substances of abuse. The standards shall include, but not be limited to, the establishment of written procedures and protocols, the qualifications and training of individuals who perform screening tests, the approval of specific technologies and the minimum requirements for record keeping, quality control and confirmation of positive screening results.

(7) If an initial test by a special category laboratory under subsection (4) of this section or a special category screening under subsection (6) of this section shows a result indicating the presence of a substance of abuse in the body, a confirmatory test shall be conducted in a licensed clinical laboratory if the results are to be used to deprive or deny any person of any employment or benefit. If a screening test of an *[inmate of]* **adult in custody in** a state or local correctional facility is positive for a substance of abuse, the *[inmate]* **adult in custody** may be held in a secure facility pending the outcome of the confirmatory test. If the confirmatory test is positive, the *[inmate]* **adult in custody** may be held in a secure facility pending the outcome of any hearing to determine what action will be taken.

(8) If any test for substances of abuse is performed outside this state the results of which are to be used to deprive or deny any person any employment or any benefit, the person desiring to use the test shall have the burden to show that the testing procedure used meets or exceeds the testing standards of this state.

SECTION 104. ORS 496.458 is amended to read:

496.458. (1) The State Fish and Wildlife Commission shall develop and implement a remote hatchbox program.

(2) To implement the remote hatchbox program required under subsection (1) of this section, the commission shall:

- (a) Identify sites in tributaries that are suitable for remote hatchboxes;
- (b) Adopt rules necessary to implement the remote hatchbox program;
- (c) Investigate the potential of producing remote hatchboxes through an *[inmate]* **adult in custody** work program of the Department of Corrections; and
- (d) Report annually to the Legislative Assembly on the progress of the remote hatchbox program. The report shall include but need not be limited to the sites the commission has chosen, a copy of rules the commission has adopted and findings on the extent to which the commission is utilizing labor, supplies or services provided by an *[inmate]* **adult in custody** work program.

(3) Rules adopted by the commission under subsection (2) of this section shall:

- (a) Ensure that the program is scientifically sound;
- (b) Be consistent with the goals of the Oregon Plan, as described in ORS 541.898; and
- (c) Identify protocols for determining when the use of remote hatchboxes is an appropriate activity under the Oregon Plan.

SECTION 105. ORS 655.505 is amended to read:

655.505. As used in ORS 655.505 to 655.555:

(1) **“Adult in custody” means a person committed to the physical and legal custody of the Department of Corrections.**

[(1)] (2) **“Attending practitioner”** means Department of Corrections or Oregon Youth Authority medical staff, or specialists assisting Department of Corrections or Oregon Youth Authority medical staff, while the *[inmate]* **adult in custody** is committed to the physical and legal custody of the Department of Corrections. At all other times, **“attending practitioner”** means a person licensed in Oregon or another state as a doctor of medicine, doctor of osteopathic medicine, doctor of optometry, doctor of dentistry or nurse practitioner who provides services within the scope of the license.

[(2)] (3) **“Authorized work or occupational training assignment”** means the work assignment of an *[inmate]* **adult in custody**:

- (a) As authorized by ORS 421.305 and 421.312;
- (b) As authorized by ORS 421.450 to 421.480;
- (c) As authorized by ORS 144.410 to 144.525;
- (d) As authorized by ORS 420.011;
- (e) As authorized by ORS 420.240 to 420.265; or
- (f) In any other *[inmate]* **adult in custody** activity or program, including, but not limited to, on-the-job training established by the Department of Corrections under section 41, Article I, Oregon Constitution, whether or not compensation has been established by the Director of the Department of Corrections for participation in the activity or program.

[(3)] (4) **“Department”** means the Oregon Department of Administrative Services.

[(4)] (5) **“Injury”** means:

- (a) An accidental injury or accidental injury to prosthetic devices occurring in the course of, and caused in major part by, an authorized work or occupational training assignment requiring medical services and resulting in disability or death; or
- (b) Any disease or infection that:
 - (A) Arises out of, and in the course of, an authorized work or occupational training assignment;
 - (B) Is caused in major part by ingestion, absorption or inhalation of, or contact with, dust, fumes, vapors, gases, radiation or other substances to which a worker who is not an *[inmate]* **adult in custody** is not ordinarily subjected or exposed while working;
 - (C) Requires medical services; and
 - (D) Results in disability or death.

[5] “*Inmate*” means a person committed to the physical and legal custody of the Department of Corrections.]

(6) “Medical services” means reasonable and necessary services prescribed by an attending practitioner for conditions resulting from injury for a period that the nature of the injury or the process of recovery requires. “Medical services” includes medical, surgical, hospital, nursing, ambulance and other related services, drugs, medicine, crutches and prosthetic appliances, braces and supports and, when necessary, physical restorative services.

(7) “Medically stationary” means that no further material improvement would reasonably be expected from medical treatment or the passage of time.

(8) The terms “beneficiary,” “child” and “dependent” have the meanings given those terms in ORS 656.005.

SECTION 106. ORS 655.510 is amended to read:

655.510. (1) Every *[inmate]* **adult in custody** shall receive benefits as provided in ORS 655.505 to 655.555 for injury sustained in an authorized work or occupational training assignment if the injury:

(a) Is proximately caused by or received in the course of the authorized work or occupational training assignment, with or without negligence of the *[inmate]* **adult in custody**;

(b) Is not intentionally self-inflicted;

(c) Is not a result of a willful violation of work rules or rules regulating *[inmate]* **adult in custody** conduct or premises security; and

(d) Does not occur to an active participant in an assault or combat that is not connected to the job assignment and that constitutes a deviation from customary duties.

(2) An injury must be established by medical evidence supported by objective findings. The medical evidence must be substantiated by verifiable pathological indication of injury that includes, but is not limited to, range of motion, atrophy, muscle strength, palpable muscle spasm and diagnostic evidence substantiated by clinical findings. Objective findings do not include physical findings or subjective responses to physical examinations that are not consistently reproducible, measurable or observable, or do not fit an anatomical pattern and that cannot be demonstrated after reasonable medical evaluation. A claimant’s statement to a physician or other party does not constitute objective medical evidence sufficient to substantiate an injury.

(3) The following circumstances do not constitute a basis for establishing an injury:

(a) Compulsion to participate in employment or training;

(b) Disciplinary action taken by the Department of Corrections or the Oregon Youth Authority;

(c) Action taken by the Department of Corrections or the Oregon Youth Authority, to protect the safety of persons or to maintain order; or

(d) Actions of other *[inmates]* **adults in custody** or youth offenders as defined in ORS 419A.004.

(4) The filing of claims for benefits under ORS 655.505 to 655.555 is the exclusive remedy of an *[inmate]* **adult in custody** or beneficiary of the *[inmate]* **adult in custody** for injuries compensable under ORS 655.505 to 655.555 against the state or its political subdivisions or any person or entity that contracts with the Department of Corrections or the Oregon Youth Authority for the services of *[inmate]* **adult in custody** labor, any person or entity that employs an *[inmate]* **adult in custody** in a work release program established under ORS 144.420 or 420.240 or any owner or manager of premises where authorized work or occupational training assignments occur, regardless of negligence. This section applies to any work-related injury to, or conditions of, an *[inmate]* **adult in custody** whether or not the injury or conditions are determined to be compensable under ORS 655.505 to 655.555.

SECTION 107. ORS 655.515 is amended to read:

655.515. If an *[inmate]* **adult in custody** sustains an injury as described in ORS 655.510, benefits shall be delivered in a manner similar to that provided for injured workers under the workers’ compensation laws of this state, except that:

(1) No benefits, except medical services and any occupational training or rehabilitation services provided by the Department of Corrections or the Oregon Youth Authority, shall accrue to the *[in-*

mate] **adult in custody** until the date of release from confinement and shall be based upon the condition of the [*inmate*] **adult in custody** at that time.

(2) Benefits shall be discontinued during any subsequent period of reconfinement in a penal institution.

(3) Costs of rehabilitation services to [*inmates*] **adults in custody** with disabilities shall be paid out of the Insurance Fund established under ORS 278.425 in an amount approved by the Oregon Department of Administrative Services, which shall be the reasonable and necessary cost of such services.

(4) Medical services when the [*inmate*] **adult in custody** is confined in a Department of Corrections facility shall be those provided by the Department of Corrections, and medical services when the [*inmate*] **adult in custody** is confined in a youth correction facility as defined in ORS 420.005 shall be those provided by the Oregon Youth Authority. After release, medical services shall be paid only if necessary to the process of recovery and as prescribed by the attending practitioner. No medical services may be paid after the attending practitioner has determined that the [*inmate*] **adult in custody** is medically stationary other than for reasonable, periodic repair or replacement of prosthetic appliances. The department, by rule, may require that medical and rehabilitation services after release must be provided directly by the state or its contracted coordinated care organization.

SECTION 108. ORS 655.520 is amended to read:

655.520. (1) Claims for entitlement to benefits under ORS 655.505 to 655.555 shall be filed by application with the Oregon Department of Administrative Services as provided by rules adopted by the department, to the extent not inconsistent with ORS 655.505 to 655.555. Such claims shall be filed within the required periods after the injury even though actual benefits may not accrue until release of the [*inmate*] **adult in custody** from confinement. The department may, before acting upon a claim, require further information for determination of eligibility under ORS 655.505 to 655.555.

(2) When a claim is approved, the department shall make an initial estimate of award conditioned as provided in ORS 655.515. Upon release of the [*inmate*] **adult in custody** from confinement, the [*inmate*] **adult in custody** shall apply for an award and the department shall reaffirm or modify its initial award in a manner appropriate to the condition of the [*inmate*] **adult in custody** upon release.

(3) The rights to benefits under ORS 655.505 to 655.555 shall be barred unless written claim is filed with the department within 90 days after the injury, or if death results therefrom, within 90 days after death. However, if death occurs more than one year after the injury, the right shall be barred unless prior written claim based on the injury has been timely filed. The [*inmate*] **adult in custody** must make written application for an award no later than 180 days following the release of the [*inmate*] **adult in custody** from confinement. The requirements of this subsection may be waived by the department on the ground that, for good and sufficient reason, the claim could not be filed on time.

SECTION 109. ORS 655.525 is amended to read:

655.525. Except as otherwise provided by rule of the Oregon Department of Administrative Services, an [*inmate*] **adult in custody** or the beneficiary of the [*inmate*] **adult in custody** may obtain review of action taken on the claim as provided in ORS 656.283 to 656.304.

SECTION 110. ORS 655.540 is amended to read:

655.540. (1) The assessments paid to the Oregon Department of Administrative Services by the Department of Corrections or the Oregon Youth Authority shall be credited as a component of the Insurance Fund pursuant to ORS 278.425 and 278.435.

(2) Funds credited to the [*inmate*] **adult in custody** injury component of the Insurance Fund for the purposes of ORS 655.505 to 655.555 may be used to effect insurance or reinsurance with any authority or instrumentality, public or private, or otherwise to distribute the liability for compensation payable to persons entitled to recover under ORS 655.505 to 655.555.

SECTION 111. ORS 655.545 is amended to read:

655.545. Liability of the Oregon Department of Administrative Services or the Insurance Fund for the payment of benefits under ORS 655.505 to 655.555 is contingent upon and limited by the availability of reserves in the [inmate] **adult in custody** injury component of the Insurance Fund. In the event that the reserves in the [inmate] **adult in custody** injury component of the Insurance Fund are not sufficient to meet the benefit payments and administration cost for a given period, the expenses of the department shall have precedence over all other claims. Thereafter, priority among claimants is determined according to the time of filing of the claim.

SECTION 112. ORS 655.555 is amended to read:

655.555. The Oregon Department of Administrative Services, with the approval of the Department of Corrections and the Oregon Youth Authority, shall adopt rules necessary to administer the [inmate] **adult in custody** injury fund. The rules may provide for procedures, benefits and coverage that vary from the workers' compensation system.

SECTION 113. ORS 656.005 is amended to read:

656.005. (1) "Average weekly wage" means the Oregon average weekly wage in covered employment, as determined by the Employment Department, for the last quarter of the calendar year preceding the fiscal year in which the injury occurred.

(2)(a) "Beneficiary" means an injured worker, and the spouse in a marriage, child or dependent of a worker, who is entitled to receive payments under this chapter.

(b) "Beneficiary" does not include:

(A) A spouse of an injured worker living in a state of abandonment for more than one year at the time of the injury or subsequently. A spouse who has lived separate and apart from the worker for a period of two years and who has not during that time received or attempted by process of law to collect funds for support or maintenance is considered living in a state of abandonment.

(B) A person who intentionally causes the compensable injury to or death of an injured worker.

(3) "Board" means the Workers' Compensation Board.

(4) "Carrier-insured employer" means an employer who provides workers' compensation coverage with the State Accident Insurance Fund Corporation or an insurer authorized under ORS chapter 731 to transact workers' compensation insurance in this state.

(5) "Child" means a child of an injured worker, including:

(a) A posthumous child;

(b) A child legally adopted before the injury;

(c) A child toward whom the worker stands in loco parentis;

(d) A child born out of wedlock;

(e) A stepchild, if the stepchild was, at the time of the injury, a member of the worker's family and substantially dependent upon the worker for support; and

(f) A child of any age who was an invalid at the time of the accident and thereafter remains an invalid substantially dependent on the worker for support.

(6) "Claim" means a written request for compensation from a subject worker or someone on the worker's behalf, or any compensable injury of which a subject employer has notice or knowledge.

(7)(a) A "compensable injury" is an accidental injury, or accidental injury to prosthetic appliances, arising out of and in the course of employment requiring medical services or resulting in disability or death; an injury is accidental if the result is an accident, whether or not due to accidental means, if it is established by medical evidence supported by objective findings, subject to the following limitations:

(A) No injury or disease is compensable as a consequence of a compensable injury unless the compensable injury is the major contributing cause of the consequential condition.

(B) If an otherwise compensable injury combines at any time with a preexisting condition to cause or prolong disability or a need for treatment, the combined condition is compensable only if, so long as and to the extent that the otherwise compensable injury is the major contributing cause of the disability of the combined condition or the major contributing cause of the need for treatment of the combined condition.

(b) "Compensable injury" does not include:

(A) Injury to any active participant in assaults or combats which are not connected to the job assignment and which amount to a deviation from customary duties;

(B) Injury incurred while engaging in or performing, or as the result of engaging in or performing, any recreational or social activities primarily for the worker's personal pleasure; or

(C) Injury the major contributing cause of which is demonstrated to be by a preponderance of the evidence the injured worker's consumption of alcoholic beverages or cannabis or the unlawful consumption of any controlled substance, unless the employer permitted, encouraged or had actual knowledge of such consumption.

(c) A "disabling compensable injury" is an injury which entitles the worker to compensation for disability or death. An injury is not disabling if no temporary benefits are due and payable, unless there is a reasonable expectation that permanent disability will result from the injury.

(d) A "nondisabling compensable injury" is any injury which requires medical services only.

(8) "Compensation" includes all benefits, including medical services, provided for a compensable injury to a subject worker or the worker's beneficiaries by an insurer or self-insured employer pursuant to this chapter.

(9) "Department" means the Department of Consumer and Business Services.

(10)(a) "Dependent" means any of the following relatives of the worker who, at the time of an accident, depended in whole or in part for the relative's support on the earnings of a worker who dies as a result of an injury:

(A) A parent, grandparent or stepparent;

(B) A grandson or granddaughter;

(C) A brother or sister or half-brother or half-sister; and

(D) A niece or nephew.

(b) "Dependent" does not include an alien who does not reside within the United States at the time of the accident, other than a parent, a spouse or children, unless a treaty provides otherwise.

(11) "Director" means the Director of the Department of Consumer and Business Services.

(12)(a) "Doctor" or "physician" means a person duly licensed to practice one or more of the healing arts in any country or in any state, territory or possession of the United States within the limits of the license of the licentiate.

(b) Except as otherwise provided for workers subject to a managed care contract, "attending physician" means a doctor, physician or physician assistant who is primarily responsible for the treatment of a worker's compensable injury and who is:

(A) A physician licensed under ORS 677.100 to 677.228 by the Oregon Medical Board, or a podiatric physician and surgeon licensed under ORS 677.805 to 677.840 by the Oregon Medical Board, an oral and maxillofacial surgeon licensed by the Oregon Board of Dentistry or a similarly licensed doctor in any country or in any state, territory or possession of the United States; or

(B) For a cumulative total of 60 days from the first visit on the initial claim or for a cumulative total of 18 visits, whichever occurs first, to any of the medical service providers listed in this subparagraph, a:

(i) Doctor or physician licensed by the State Board of Chiropractic Examiners for the State of Oregon under ORS chapter 684 or a similarly licensed doctor or physician in any country or in any state, territory or possession of the United States;

(ii) Physician assistant licensed by the Oregon Medical Board in accordance with ORS 677.505 to 677.525 or a similarly licensed physician assistant in any country or in any state, territory or possession of the United States; or

(iii) Doctor of naturopathy or naturopathic physician licensed by the Oregon Board of Naturopathic Medicine under ORS chapter 685 or a similarly licensed doctor or physician in any country or in any state, territory or possession of the United States.

(c) Except as otherwise provided for workers subject to a managed care contract, "attending physician" does not include a physician who provides care in a hospital emergency room and refers the injured worker to a primary care physician for follow-up care and treatment.

(d) “Consulting physician” means a doctor or physician who examines a worker or the worker’s medical record to advise the attending physician or nurse practitioner authorized to provide compensable medical services under ORS 656.245 regarding treatment of a worker’s compensable injury.

(13)(a) “Employer” means any person, including receiver, administrator, executor or trustee, and the state, state agencies, counties, municipal corporations, school districts and other public corporations or political subdivisions, who contracts to pay a remuneration for and secures the right to direct and control the services of any person.

(b) Notwithstanding paragraph (a) of this subsection, for purposes of this chapter, the client of a temporary service provider is not the employer of temporary workers provided by the temporary service provider.

(c) As used in paragraph (b) of this subsection, “temporary service provider” has the meaning for that term provided in ORS 656.850.

(14) “Insurer” means the State Accident Insurance Fund Corporation or an insurer authorized under ORS chapter 731 to transact workers’ compensation insurance in this state or an assigned claims agent selected by the director under ORS 656.054.

(15) “Consumer and Business Services Fund” means the fund created by ORS 705.145.

(16) “Invalid” means one who is physically or mentally incapacitated from earning a livelihood.

(17) “Medically stationary” means that no further material improvement would reasonably be expected from medical treatment, or the passage of time.

(18) “Noncomplying employer” means a subject employer who has failed to comply with ORS 656.017.

(19) “Objective findings” in support of medical evidence are verifiable indications of injury or disease that may include, but are not limited to, range of motion, atrophy, muscle strength and palpable muscle spasm. “Objective findings” does not include physical findings or subjective responses to physical examinations that are not reproducible, measurable or observable.

(20) “Palliative care” means medical service rendered to reduce or moderate temporarily the intensity of an otherwise stable medical condition, but does not include those medical services rendered to diagnose, heal or permanently alleviate or eliminate a medical condition.

(21) “Party” means a claimant for compensation, the employer of the injured worker at the time of injury and the insurer, if any, of such employer.

(22) “Payroll” means a record of wages payable to workers for their services and includes commissions, value of exchange labor and the reasonable value of board, rent, housing, lodging or similar advantage received from the employer. However, “payroll” does not include overtime pay, vacation pay, bonus pay, tips, amounts payable under profit-sharing agreements or bonus payments to reward workers for safe working practices. Bonus pay is limited to payments which are not anticipated under the contract of employment and which are paid at the sole discretion of the employer. The exclusion from payroll of bonus payments to reward workers for safe working practices is only for the purpose of calculations based on payroll to determine premium for workers’ compensation insurance, and does not affect any other calculation or determination based on payroll for the purposes of this chapter.

(23) “Person” includes partnership, joint venture, association, limited liability company and corporation.

(24)(a) “Preexisting condition” means, for all industrial injury claims, any injury, disease, congenital abnormality, personality disorder or similar condition that contributes to disability or need for treatment, provided that:

(A) Except for claims in which a preexisting condition is arthritis or an arthritic condition, the worker has been diagnosed with such condition, or has obtained medical services for the symptoms of the condition regardless of diagnosis; and

(B)(i) In claims for an initial injury or omitted condition, the diagnosis or treatment precedes the initial injury;

(ii) In claims for a new medical condition, the diagnosis or treatment precedes the onset of the new medical condition; or

(iii) In claims for a worsening pursuant to ORS 656.273 or 656.278, the diagnosis or treatment precedes the onset of the worsened condition.

(b) "Preexisting condition" means, for all occupational disease claims, any injury, disease, congenital abnormality, personality disorder or similar condition that contributes to disability or need for treatment and that precedes the onset of the claimed occupational disease, or precedes a claim for worsening in such claims pursuant to ORS 656.273 or 656.278.

(c) For the purposes of industrial injury claims, a condition does not contribute to disability or need for treatment if the condition merely renders the worker more susceptible to the injury.

(25) "Self-insured employer" means an employer or group of employers certified under ORS 656.430 as meeting the qualifications set out by ORS 656.407.

(26) "State Accident Insurance Fund Corporation" and "corporation" mean the State Accident Insurance Fund Corporation created under ORS 656.752.

(27) "Subject employer" means an employer who is subject to this chapter as provided by ORS 656.023.

(28) "Subject worker" means a worker who is subject to this chapter as provided by ORS 656.027.

(29) "Wages" means the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident, including reasonable value of board, rent, housing, lodging or similar advantage received from the employer, and includes the amount of tips required to be reported by the employer pursuant to section 6053 of the Internal Revenue Code of 1954, as amended, and the regulations promulgated pursuant thereto, or the amount of actual tips reported, whichever amount is greater. The State Accident Insurance Fund Corporation may establish assumed minimum and maximum wages, in conformity with recognized insurance principles, at which any worker shall be carried upon the payroll of the employer for the purpose of determining the premium of the employer.

(30) "Worker" means any person, including a minor whether lawfully or unlawfully employed, who engages to furnish services for a remuneration, subject to the direction and control of an employer and includes salaried, elected and appointed officials of the state, state agencies, counties, cities, school districts and other public corporations, but does not include any person whose services are performed as an *[inmate]* **adult in custody** or ward of a state institution or as part of the eligibility requirements for a general or public assistance grant. For the purpose of determining entitlement to temporary disability benefits or permanent total disability benefits under this chapter, "worker" does not include a person who has withdrawn from the workforce during the period for which such benefits are sought.

(31) "Independent contractor" has the meaning for that term provided in ORS 670.600.

SECTION 114. ORS 657.065 is amended to read:

657.065. (1) "Employment" does not include service performed in the employ of the United States Government or any instrumentality of the United States, except that if the Congress of the United States permits states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment insurance law, then, to the extent permitted by Congress, and after the date such permission becomes effective, this chapter shall be effective as to such instrumentalities and as to services performed for such instrumentalities in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services. However, if this state is not certified by the Secretary of Labor under section 3304(c) of title 26, United States Code, for any year, then the payments required of such instrumentalities with respect to such year shall be deemed to have been erroneously collected within the meaning of ORS 657.510 and shall be refunded by the Director of the Employment Department from the fund in accordance with ORS 657.510.

(2) "Employment" does not include services that are performed in the employ of the state, any political subdivision or instrumentality of the state or an Indian tribe:

- (a) As an elected public official.
 - (b) In a position that, under or pursuant to laws of this state or tribal laws, is designated as a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.
 - (c) As an employee serving on a temporary basis in case of fire, storm, earthquake, flood or similar emergency.
 - (d) As a member of a legislative body or a member of the judiciary.
 - (e) By an *[inmate of]* **adult in custody** in a custodial or penal institution when such services are performed for the custodial or penal institution in which the *[inmate]* **adult in custody** is confined.
 - (f) As a member of the Oregon Army National Guard or Oregon Air National Guard.
- (3) The provisions of ORS 657.425 permitting election of coverage for services that do not constitute “employment” do not apply to services performed as an elected public or tribal official.
- (4) Notwithstanding the provisions of ORS 657.025, “employer” means any state government, political subdivision or Indian tribe employing unit.

SECTION 115. ORS 677.225 is amended to read:

677.225. (1) A person’s license issued under this chapter is suspended automatically if:

- (a) The licensee is adjudged to be a person with mental illness under ORS 426.130 or is admitted on a voluntary basis to a treatment facility for mental illness that affects the ability of the licensee to safely practice medicine and if the licensee’s residence in the hospital exceeds 25 consecutive days; or
 - (b) The licensee is an *[inmate]* **adult in custody** in a penal institution.
- (2)(a) The clerk of the court ordering commitment or incarceration under subsection (1)(a) or (b) of this section shall cause to be mailed to the Oregon Medical Board, as soon as possible, a certified copy of the court order. No fees are chargeable by the clerk for performing the duties prescribed by this paragraph.
- (b) The administrator of the hospital to which a person with a license issued under this chapter has voluntarily applied for admission shall cause to be mailed to the board as soon as possible, a certified copy of the record of the voluntary admission of such person.
- (c) Written evidence received from the supervisory authority of a penal or mental institution that the licensee is an *[inmate]* **adult in custody** or patient therein is prima facie evidence for the purpose of subsection (1)(a) or (b) of this section.
- (3) A suspension under this section may be terminated by the board when:
- (a)(A) The board receives evidence satisfactory to the board that the licensee is not a person with mental illness as defined in ORS 426.005; or
 - (B) The board receives evidence satisfactory to the board that the licensee is no longer incarcerated; and
 - (b) The board is satisfied, with due regard for the public interest, that the licensee’s privilege to practice may be restored.

SECTION 116. Section 2, chapter 5, Oregon Laws 2013, is amended to read:

- Sec. 2.** (1)(a) When an adverse health care incident occurs in a health care facility or a location operated by a health care facility, the health care facility may file a notice of adverse health care incident with the Oregon Patient Safety Commission in the form and manner provided by the commission by rule.
- (b) If a health care facility files a notice of adverse health care incident under this subsection, the health care facility shall provide a copy of the notice to the patient.
 - (c) A notice filed under this subsection may not include the name of a health care provider, but the health care facility filing the notice shall notify any health care providers involved in the adverse health care incident of the notice.
- (2)(a) When an adverse health care incident occurs outside of a health care facility or a location operated by a health care facility, the health care provider treating the patient or the employer of

the health care provider may file a notice of adverse health care incident with the commission in the form and manner provided by the commission by rule.

(b) If a health care provider or employer files a notice of adverse health care incident under this subsection, the health care provider or employer shall provide a copy of the notice to the patient.

(c) If an employer files the notice under this subsection, the notice may not include the name of the health care provider, but the employer shall notify each health care provider involved in the adverse health care incident of the notice.

(3) A patient may file a notice of adverse health care incident with the commission in the form and manner provided by the commission by rule. When the commission receives a notice of adverse health care incident from a patient under this subsection, the commission shall notify all health care facilities and health care providers named in the notice within seven days after receiving the notice.

(4) A notice of adverse health care incident filed under this section is not:

(a) A written claim or demand for payment.

(b) A claim for purposes of ORS 742.400.

(5) The filing of a notice of adverse health care incident as provided in this section satisfies the notice requirements of ORS 30.275.

(6) An *[inmate]* **adult in custody** as defined in ORS 30.642 may not file a notice of adverse health care incident under this section.

SECTION 117. ORS 144.035 is amended to read:

144.035. (1) In hearings conducted by the State Board of Parole and Post-Prison Supervision, the board may sit together or in panels.

(2) Panels may consist of one or two board members or of one member and one hearings officer, appointed by the chairperson as a designated representative of the board. A panel consisting of one member or of one member and one hearings officer shall be used only when considering *[inmates]* **adults in custody** convicted of non person-to-person crimes as defined in the rules of the Oregon Criminal Justice Commission. The chairperson of the board from time to time shall make assignments of members to the panels. The chairperson of the board may participate on any panel.

(3) The chairperson shall apportion matters for decision to the panels. Each panel shall have the authority to hear and determine all questions before it. However:

(a) If there is a division in the panel so that a decision is not unanimous, another member shall vote after administrative review of the record.

(b) In case of a panel consisting of one board member, another member shall vote after administrative review of the record.

(c) If the original panel was made up of one board member and the member voting after administrative review of the record disagrees with the decision, the matter shall be reassigned to a panel made up of the remaining board members. If this second panel agrees with neither member of the original panel, the matter will be referred to a hearing before the full board.

(4) The provisions of subsections (1) to (3) of this section shall not apply to a decision to release a prisoner sentenced under ORS 144.110 (1). In such cases, the board shall release the prisoner only upon affirmative vote of a majority of three board members or, if the chairperson requires all voting members to participate, a majority of all voting members.

(5) The chairperson may elect to conduct the hearings described in this section by conference call with the prisoner.

SECTION 118. Section 29, chapter 649, Oregon Laws 2013, is amended to read:

Sec. 29. (1) When a circuit court in a participating county sentences a person to a term of imprisonment, the court may order that the person participate in a reentry court, subject to admission under subsection (3) of this section, as a condition of post-prison supervision.

(2) At any time prior to the termination of post-prison supervision, the supervisory authority may provide a report to the reentry court recommending that a person sentenced under subsection (1) of this section be admitted into the reentry court.

(3) When a reentry court receives a report described in subsection (2) of this section, or an *[inmate]* **adult in custody** release plan prepared under ORS 144.096, that recommends the admission

of a person sentenced under subsection (1) of this section into a reentry court, the court may enter an order admitting the person into the reentry court.

(4) Notwithstanding ORS 137.124 and 423.478 and any other provision of law, when a court enters an order admitting a person into a reentry court, the court may:

(a) Issue a warrant and cause the person to be arrested for violating a condition of post-prison supervision.

(b) Appoint counsel to represent the person in accordance with ORS 135.050, if the person is financially eligible.

(c) Determine whether the conditions of post-prison supervision have been violated and impose sanctions for the violations.

(5)(a) When the court conducts a post-prison supervision violation hearing under this section, the person may admit or deny alleged violations of conditions of post-prison supervision. The person and the state may present evidence at the hearing.

(b) If the court determines by a preponderance of the evidence that a person admitted into a reentry court has violated the conditions of post-prison supervision, the court may impose sanctions for the violations that are consistent with the rules adopted under ORS 144.106 and 144.107, except that the court may not impose a sanction of imprisonment in a correctional facility that exceeds 12 months.

(6)(a) When a court issues a warrant under this section and causes a person admitted into a reentry court to be arrested and taken into custody for violating a condition of post-prison supervision, the person shall be brought before a magistrate during the first 36 hours in custody, excluding Saturdays, Sundays and holidays. The magistrate may order the person held pending a violation hearing or transferred to the county in which the reentry court is located, or may release the person upon the condition that the person appear in court at a later date for a post-prison violation hearing. If the person is held on an out-of-county warrant, the magistrate may order the person released subject to an additional order that the person report within seven calendar days to the reentry court.

(b) Except for good cause shown, if the person is held in custody and the violation hearing is not held within 14 calendar days following the person's arrest, the person shall be released from custody.

(7) As used in this section, "participating county" means a county:

(a) That has applied for and received a grant under section 53, **chapter 649, Oregon Laws 2013**, [of this 2013 Act] to administer a reentry court; and

(b) For which the presiding judge of the judicial district in which the county is located issues an order establishing a reentry court steering committee consisting of:

(A) A circuit court judge;

(B) A district attorney;

(C) A criminal defense attorney;

(D) A parole and probation officer;

(E) A representative of the business community;

(F) A representative of the education community; and

(G) Any other person the presiding judge determines is appropriate.

SECTION 119. ORS 163.165 is amended to read:

163.165. (1) A person commits the crime of assault in the third degree if the person:

(a) Recklessly causes serious physical injury to another by means of a deadly or dangerous weapon;

(b) Recklessly causes serious physical injury to another under circumstances manifesting extreme indifference to the value of human life;

(c) Recklessly causes physical injury to another by means of a deadly or dangerous weapon under circumstances manifesting extreme indifference to the value of human life;

(d) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical injury to the operator of a public transit vehicle while the operator is in control of or operating the

vehicle. As used in this paragraph, “public transit vehicle” has the meaning given that term in ORS 166.116;

(e) While being aided by another person actually present, intentionally or knowingly causes physical injury to another;

(f) While committed to a youth correction facility, intentionally or knowingly causes physical injury to another knowing the other person is a staff member while the other person is acting in the course of official duty;

(g) Intentionally, knowingly or recklessly causes physical injury to an emergency medical services provider, as defined in ORS 682.025, while the emergency medical services provider is performing official duties;

(h) Being at least 18 years of age, intentionally or knowingly causes physical injury to a child 10 years of age or younger;

(i) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical injury to the operator of a taxi while the operator is in control of the taxi; or

(j) Intentionally, knowingly or recklessly causes physical injury to a flagger or a highway worker while the flagger or highway worker is performing official duties.

(2)(a) Assault in the third degree is a Class C felony.

(b) Notwithstanding paragraph (a) of this subsection, assault in the third degree under subsection (1)(a) or (b) of this section is a Class B felony if:

(A) The assault resulted from the operation of a motor vehicle; and

(B) The defendant was the driver of the motor vehicle and was driving while under the influence of intoxicants.

(3) As used in this section:

(a) “Flagger” has the meaning given that term in ORS 811.230.

(b) “Highway worker” has the meaning given that term in ORS 811.230.

(c) “Staff member” means:

(A) A corrections officer as defined in ORS 181A.355, a youth correction officer, a youth correction facility staff member, a Department of Corrections or Oregon Youth Authority staff member or a person employed pursuant to a contract with the department or youth authority to work with, or in the vicinity of, *[inmates]* **adults in custody**, youth or youth offenders; and

(B) A volunteer authorized by the department, youth authority or other entity in charge of a corrections facility to work with, or in the vicinity of, *[inmates]* **adults in custody**, youth or youth offenders.

(d) “Youth correction facility” has the meaning given that term in ORS 162.135.

SECTION 120. ORS 163.208 is amended to read:

163.208. (1) A person commits the crime of assaulting a public safety officer if the person intentionally or knowingly causes physical injury to the other person, knowing the other person to be a peace officer, corrections officer, youth correction officer, parole and probation officer, animal control officer, firefighter or staff member, and while the other person is acting in the course of official duty.

(2) Assaulting a public safety officer is a Class C felony.

(3)(a) Except as otherwise provided in paragraph (b) of this subsection, a person convicted under this section shall be sentenced to not less than seven days of imprisonment and shall not be granted bench parole or suspension of sentence nor released on a sentence of probation before serving at least seven days of the sentence of confinement.

(b) A person convicted under this section shall be sentenced to not less than 14 days of imprisonment and shall not be granted bench parole or suspension of sentence nor released on a sentence of probation before serving at least 14 days of the sentence of confinement if the victim is a peace officer.

(4) As used in this section:

(a) “Animal control officer” has the meaning given that term in ORS 609.500; and

(b) “Staff member” means:

(A) A corrections officer as defined in ORS 181A.355, a youth correction officer, a Department of Corrections or Oregon Youth Authority staff member or a person employed pursuant to a contract with the department or youth authority to work with, or in the vicinity of, *[inmates]* **adults in custody** or youth offenders; and

(B) A volunteer authorized by the department, youth authority or other entity in charge of a corrections facility to work with, or in the vicinity of, *[inmates]* **adults in custody** or youth offenders.

SECTION 121. ORS 169.042 is amended to read:

169.042. The county court or board of commissioners of a county may institute an examination of the county's local correctional facility for the purpose of obtaining a recommendation regarding the maximum number of *[inmates]* **adults in custody** that should be held in the facility. This recommendation shall be based on consideration of the following:

(1) The advice of the district attorney, county counsel and sheriff concerning prevailing constitutional standards relating to conditions of incarceration;

(2) The design capacity of the local correctional facility;

(3) The physical condition of the local correctional facility; and

(4) The programs provided for *[inmates]* **adults in custody** of the local correctional facility.

SECTION 122. ORS 169.044 is amended to read:

169.044. When the county court or board has received a recommendation pursuant to ORS 169.042, it shall either:

(1) Reject the recommendation and decline to adopt a limit on the number of *[inmates]* **adults in custody** that may be held in the local correctional facility; or

(2) Adopt the recommendation and, after consultation with the officials listed in ORS 169.046 (1), issue an order establishing the maximum allowable number of *[inmates]* **adults in custody** that may be held in the local correctional facility. This shall include specific standards for determining a county jail population emergency and a specific plan for resolving the emergency.

SECTION 123. ORS 169.220 is amended to read:

169.220. All persons lawfully confined in a county local correctional facility, or as prisoners engaged in work under the custody and jurisdiction of a county, shall be fed and maintained at actual cost to the county. All persons confined in a county local correctional facility shall be given three meals per day. An accurate account of each meal furnished to others than *[inmates]* **adults in custody** of local correctional facilities, together with the names of the recipients thereof, whether facility employees or otherwise, shall be kept and reported by the sheriff each month to the county court or board of county commissioners. The county court or board of county commissioners shall furnish the sheriff with adequate equipment and supplies for carrying out the provisions of this section. The sheriff has authority to employ such assistance therefor as may be necessary. All supplies and equipment needed to feed and maintain such persons as provided in this section shall be purchased by the county court or board of county commissioners upon requisitions duly verified and presented by the sheriff to the county court or board of county commissioners. All supplies so purchased shall be paid for by warrant drawn upon the general fund of the county, upon presentation of vouchers containing itemized statements of all supplies so furnished, duly verified by the sheriff and by the person selling the same, each of whom shall certify that the supplies were actually furnished and received in the quantities represented and were of good quality, and that the price charged therefor was reasonable and just.

SECTION 124. ORS 179.375 is amended to read:

179.375. (1) The Department of Corrections and the Oregon Health Authority shall ensure that adequate chaplaincy services, including but not limited to Protestant and Roman Catholic, are available at their respective institutions.

(2) Chaplains serving the various institutions shall, with respect to the *[inmates]* **adults in custody** or patients at such institutions:

(a) Provide for and attend to their spiritual needs.

(b) Visit them for the purpose of giving religious and moral instruction.

(c) Participate in the rehabilitation programs affecting them.

SECTION 125. ORS 179.479 is amended to read:

179.479. (1) The superintendent or other chief executive officer of an institution described in ORS 179.321 may, when authorized by regulation or direction of the Department of Corrections or the Oregon Health Authority, convey an *[inmate]* **adult in custody** to a physician, clinic or hospital, including the Oregon Health and Science University, for medical, surgical or dental treatment when such treatment cannot satisfactorily be provided at the institution. An *[inmate]* **adult in custody** conveyed for treatment pursuant to this section shall be kept in the custody of the institution from which the *[inmate]* **adult in custody** is conveyed.

(2) The Department of Corrections and the Oregon Health Authority shall prescribe rules and regulations governing conveyances authorized by this section.

SECTION 126. ORS 183.335 is amended to read:

183.335. (1) Prior to the adoption, amendment or repeal of any rule, the agency shall give notice of its intended action:

(a) In the manner established by rule adopted by the agency under ORS 183.341 (4), which provides a reasonable opportunity for interested persons to be notified of the agency's proposed action;

(b) In the bulletin referred to in ORS 183.360 at least 21 days prior to the effective date;

(c) At least 28 days before the effective date, to persons who have requested notice pursuant to subsection (8) of this section; and

(d) Delivered only by electronic mail, at least 49 days before the effective date, to the persons specified in subsection (15) of this section.

(2)(a) The notice required by subsection (1) of this section must include:

(A) A caption of not more than 15 words that reasonably identifies the subject matter of the agency's intended action. The agency shall include the caption on each separate notice, statement, certificate or other similar document related to the intended action.

(B) An objective, simple and understandable statement summarizing the subject matter and purpose of the intended action in sufficient detail to inform a person that the person's interests may be affected, and the time, place and manner in which interested persons may present their views on the intended action.

(b) The agency shall include with the notice of intended action given under subsection (1) of this section:

(A) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

(B) A citation of the statute or other law the rule is intended to implement;

(C) A statement of the need for the rule and a statement of how the rule is intended to meet the need;

(D) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection. The list may be abbreviated if necessary, and if so abbreviated there shall be identified the location of a complete list;

(E) A statement of fiscal impact identifying state agencies, units of local government and the public that may be economically affected by the adoption, amendment or repeal of the rule and an estimate of that economic impact on state agencies, units of local government and the public. In considering the economic effect of the proposed action on the public, the agency shall utilize available information to project any significant economic effect of that action on businesses which shall include a cost of compliance effect on small businesses affected. For an agency specified in ORS 183.530, the statement of fiscal impact shall also include a housing cost impact statement as described in ORS 183.534;

(F) If an advisory committee is not appointed under the provisions of ORS 183.333, an explanation as to why no advisory committee was used to assist the agency in drafting the rule; and

(G) A request for public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

(c) The Secretary of State may omit the information submitted under paragraph (b) of this subsection from publication in the bulletin referred to in ORS 183.360.

(d) When providing notice of an intended action under subsection (1)(c) of this section, the agency shall provide a copy of the rule that the agency proposes to adopt, amend or repeal, or an explanation of how the person may acquire a copy of the rule. The copy of an amended rule shall show all changes to the rule by striking through material to be deleted and underlining all new material, or by any other method that clearly shows all new and deleted material.

(3)(a) When an agency proposes to adopt, amend or repeal a rule, it shall give interested persons reasonable opportunity to submit data or views. Opportunity for oral hearing shall be granted upon request received from 10 persons or from an association having not less than 10 members before the earliest date that the rule could become effective after the giving of notice pursuant to subsection (1) of this section. An agency holding a hearing upon a request made under this subsection shall give notice of the hearing at least 21 days before the hearing to the person who has requested the hearing, to persons who have requested notice pursuant to subsection (8) of this section and to the persons specified in subsection (15) of this section. The agency shall publish notice of the hearing in the bulletin referred to in ORS 183.360 at least 14 days before the hearing. The agency shall consider fully any written or oral submission.

(b) If an agency is required to conduct an oral hearing under paragraph (a) of this subsection, and the rule for which the hearing is to be conducted applies only to a limited geographical area within this state, or affects only a limited geographical area within this state, the hearing shall be conducted within the geographical area at the place most convenient for the majority of the residents within the geographical area. At least 14 days before a hearing conducted under this paragraph, the agency shall publish notice of the hearing in the bulletin referred to in ORS 183.360 and in a newspaper of general circulation published within the geographical area that is affected by the rule or to which the rule applies. If a newspaper of general circulation is not published within the geographical area that is affected by the rule or to which the rule applies, the publication shall be made in the newspaper of general circulation published closest to the geographical area.

(c) Notwithstanding paragraph (a) of this subsection, the Department of Corrections and the State Board of Parole and Post-Prison Supervision may adopt rules limiting participation by *[inmates]* **adults in custody** in the proposed adoption, amendment or repeal of any rule to written submissions.

(d) If requested by at least five persons before the earliest date that the rule could become effective after the agency gives notice pursuant to subsection (1) of this section, the agency shall provide a statement that identifies the objective of the rule and a statement of how the agency will subsequently determine whether the rule is in fact accomplishing that objective.

(e) An agency that receives data or views concerning proposed rules from interested persons shall maintain a record of the data or views submitted. The record shall contain:

(A) All written materials submitted to an agency in response to a notice of intent to adopt, amend or repeal a rule.

(B) A recording or summary of oral submissions received at hearings held for the purpose of receiving those submissions.

(C) Any public comment received in response to the request made under subsection (2)(b)(G) of this section and the agency's response to that comment.

(D) Any statements provided by the agency under paragraph (d) of this subsection.

(4) Upon request of an interested person received before the earliest date that the rule could become effective after the giving of notice pursuant to subsection (1) of this section, the agency shall postpone the date of its intended action no less than 21 nor more than 90 days in order to allow the requesting person an opportunity to submit data, views or arguments concerning the proposed action. Nothing in this subsection shall preclude an agency from adopting a temporary rule pursuant to subsection (5) of this section.

(5) Notwithstanding subsections (1) to (4) of this section, an agency may adopt, amend or suspend a rule without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, if the agency prepares:

(a) A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice;

(b) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

(c) A statement of the need for the rule and a statement of how the rule is intended to meet the need;

(d) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection; and

(e) For an agency specified in ORS 183.530, a housing cost impact statement as defined in ORS 183.534.

(6)(a) A rule adopted, amended or suspended under subsection (5) of this section is temporary and may be effective for a period of not longer than 180 days. The adoption of a rule under this subsection does not preclude the subsequent adoption of an identical rule under subsections (1) to (4) of this section.

(b) A rule temporarily suspended shall regain effectiveness upon expiration of the temporary period of suspension unless the rule is repealed under subsections (1) to (4) of this section.

(7) Notwithstanding subsections (1) to (4) of this section, an agency may amend a rule without prior notice or hearing if the amendment is solely for the purpose of:

(a) Changing the name of an agency by reason of a name change prescribed by law;

(b) Changing the name of a program, office or division within an agency as long as the change in name does not have a substantive effect on the functions of the program, office or division;

(c) Correcting spelling;

(d) Correcting grammatical mistakes in a manner that does not alter the scope, application or meaning of the rule;

(e) Correcting statutory or rule references; or

(f) Correcting addresses or telephone numbers referred to in the rules.

(8)(a) Any person may request in writing that an agency send to the person copies of the agency's notices of intended action issued under subsection (1) of this section. The person must provide an address where the person elects to receive notices. The address provided may be a postal mailing address or, if the agency provides notice by electronic mail, may be an electronic mailing address.

(b) A request under this subsection must indicate that the person requests one of the following:

(A) The person may request that the agency mail paper copies of the proposed rule and other information required by subsection (2) of this section to the postal mailing address.

(B) If the agency posts notices of intended action on a website, the person may request that the agency mail the information required by subsection (2)(a) of this section to the postal mailing address with a reference to the website where electronic copies of the proposed rule and other information required by subsection (2) of this section are posted.

(C) The person may request that the agency electronically mail the information required by subsection (2)(a) of this section to the electronic mailing address, and either provide electronic copies of the proposed rule and other information required by subsection (2) of this section or provide a reference to a website where electronic copies of the proposed rule and other information required by subsection (2) of this section are posted.

(c) Upon receipt of any request under this subsection, the agency shall acknowledge the request, establish a mailing list and maintain a record of all mailings made pursuant to the request. Agencies may establish procedures for establishing the mailing lists and keeping the mailing lists current.

Agencies by rule may establish fees necessary to defray the costs of mailings and maintenance of the lists.

(d) Members of the Legislative Assembly who receive notices under subsection (15) of this section may request that an agency furnish paper copies of the notices.

(9) This section does not apply to rules establishing an effective date for a previously effective rule or establishing a period during which a provision of a previously effective rule will apply.

(10) This section does not apply to ORS 279.835 to 279.855, 279A.140 to 279A.161, 279A.250 to 279A.290, 279A.990, 279B.050 to 279B.085, 279B.200 to 279B.240, 279B.270, 279B.275, 279B.280, 279C.360, 279C.365, 279C.370, 279C.375, 279C.380, 279C.385, 279C.500 to 279C.530, 279C.540, 279C.545, 279C.550 to 279C.570, 279C.580, 279C.585, 279C.590, 279C.600 to 279C.625, 279C.650 to 279C.670 and 279C.800 to 279C.870 relating to public contracts and purchasing.

(11)(a) Except as provided in paragraph (c) of this subsection, a rule is not valid unless adopted in substantial compliance with the provisions of this section in effect on the date that the notice required under subsection (1) of this section is delivered to the Secretary of State for the purpose of publication in the bulletin referred to in ORS 183.360.

(b) In addition to all other requirements with which rule adoptions must comply, a rule other than a rule amended for a purpose described in subsection (7) of this section is not valid if the rule has not been submitted to the Legislative Counsel in the manner required by ORS 183.355 and 183.715.

(c) A rule is not subject to judicial review or other challenge by reason of failing to comply with subsection (2)(a)(A) of this section.

(12)(a) Notwithstanding the provisions of subsection (11) of this section, but subject to paragraph (b) of this subsection, an agency may correct its failure to substantially comply with the requirements of subsections (2) and (5) of this section in adoption of a rule by an amended filing, as long as the noncompliance did not substantially prejudice the interests of persons to be affected by the rule.

(b) An agency may use an amended filing to correct a failure to include a fiscal impact statement in a notice of intended action, as required by subsection (2)(b)(E) of this section, or to correct an inaccurate fiscal impact statement, only if the agency developed the fiscal impact statement with the assistance of an advisory committee or fiscal impact advisory committee appointed under ORS 183.333.

(13) Unless otherwise provided by statute, the adoption, amendment or repeal of a rule by an agency need not be based upon or supported by an evidentiary record.

(14) When an agency has established a deadline for comment on a proposed rule under the provisions of subsection (3)(a) of this section, the agency may not extend that deadline for another agency or person unless the extension applies equally to all interested agencies and persons. An agency shall not consider any submission made by another agency after the final deadline has passed.

(15) The notices required under subsections (1) and (3) of this section must be given by the agency to the following persons:

(a) If the proposed adoption, amendment or repeal results from legislation that was passed within two years before notice is given under subsection (1) of this section, notice shall be given to the legislator who introduced the bill that subsequently was enacted into law, and to the chair or cochair of all committees that reported the bill out, except for those committees whose sole action on the bill was referral to another committee.

(b) If the proposed adoption, amendment or repeal does not result from legislation that was passed within two years before notice is given under subsection (1) of this section, notice shall be given to the chair or cochair of any interim or session committee with authority over the subject matter of the rule.

(c) If notice cannot be given under paragraph (a) or (b) of this subsection, notice shall be given to the Speaker of the House of Representatives and to the President of the Senate who are in office on the date the notice is given.

(16)(a) Upon the request of a member of the Legislative Assembly or of a person who would be affected by a proposed adoption, amendment or repeal, the committees receiving notice under subsection (15) of this section shall review the proposed adoption, amendment or repeal for compliance with the legislation from which the proposed adoption, amendment or repeal results.

(b) The committees shall submit their comments on the proposed adoption, amendment or repeal to the agency proposing the adoption, amendment or repeal.

SECTION 127. ORS 243.650 is amended to read:

243.650. As used in ORS 243.650 to 243.782, unless the context requires otherwise:

(1) "Appropriate bargaining unit" means the unit designated by the Employment Relations Board or voluntarily recognized by the public employer to be appropriate for collective bargaining. However, an appropriate bargaining unit may not include both academically licensed and unlicensed or nonacademically licensed school employees. Academically licensed units may include but are not limited to teachers, nurses, counselors, therapists, psychologists, child development specialists and similar positions. This limitation does not apply to any bargaining unit certified or recognized prior to June 6, 1995, or to any school district with fewer than 50 employees.

(2) "Board" means the Employment Relations Board.

(3) "Certification" means official recognition by the board that a labor organization is the exclusive representative for all of the employees in the appropriate bargaining unit.

(4) "Collective bargaining" means the performance of the mutual obligation of a public employer and the representative of its employees to meet at reasonable times and confer in good faith with respect to employment relations for the purpose of negotiations concerning mandatory subjects of bargaining, to meet and confer in good faith in accordance with law with respect to any dispute concerning the interpretation or application of a collective bargaining agreement, and to execute written contracts incorporating agreements that have been reached on behalf of the public employer and the employees in the bargaining unit covered by such negotiations. The obligation to meet and negotiate does not compel either party to agree to a proposal or require the making of a concession. This subsection may not be construed to prohibit a public employer and a certified or recognized representative of its employees from discussing or executing written agreements regarding matters other than mandatory subjects of bargaining that are not prohibited by law as long as there is mutual agreement of the parties to discuss these matters, which are permissive subjects of bargaining.

(5) "Compulsory arbitration" means the procedure whereby parties involved in a labor dispute are required by law to submit their differences to a third party for a final and binding decision.

(6) "Confidential employee" means one who assists and acts in a confidential capacity to a person who formulates, determines and effectuates management policies in the area of collective bargaining.

(7)(a) "Employment relations" includes, but is not limited to, matters concerning direct or indirect monetary benefits, hours, vacations, sick leave, grievance procedures and other conditions of employment.

(b) "Employment relations" does not include subjects determined to be permissive, nonmandatory subjects of bargaining by the Employment Relations Board prior to June 6, 1995.

(c) After June 6, 1995, "employment relations" does not include subjects that the Employment Relations Board determines to have a greater impact on management's prerogative than on employee wages, hours, or other terms and conditions of employment.

(d) "Employment relations" does not include subjects that have an insubstantial or de minimis effect on public employee wages, hours, and other terms and conditions of employment.

(e) For school district bargaining, "employment relations" excludes class size, the school or educational calendar, standards of performance or criteria for evaluation of teachers, the school curriculum, reasonable dress, grooming and at-work personal conduct requirements respecting smoking, gum chewing and similar matters of personal conduct, the standards and procedures for student discipline, the time between student classes, the selection, agendas and decisions of 21st Century Schools Councils established under ORS 329.704, requirements for expressing milk under ORS

653.077, and any other subject proposed that is permissive under paragraphs (b), (c) and (d) of this subsection.

(f) For employee bargaining involving employees covered by ORS 243.736 and employees of the Department of Corrections who have direct contact with *[inmates]* **adults in custody**, “employment relations” includes safety issues that have an impact on the on-the-job safety of the employees or staffing levels that have a significant impact on the on-the-job safety of the employees.

(g) For all other employee bargaining except school district bargaining and except as provided in paragraph (f) of this subsection, “employment relations” excludes staffing levels and safety issues (except those staffing levels and safety issues that have a direct and substantial effect on the on-the-job safety of public employees), scheduling of services provided to the public, determination of the minimum qualifications necessary for any position, criteria for evaluation or performance appraisal, assignment of duties, workload when the effect on duties is insubstantial, reasonable dress, grooming, and at-work personal conduct requirements respecting smoking, gum chewing, and similar matters of personal conduct at work, and any other subject proposed that is permissive under paragraphs (b), (c) and (d) of this subsection.

(8) “Exclusive representative” means the labor organization that, as a result of certification by the board or recognition by the employer, has the right to be the collective bargaining agent of all employees in an appropriate bargaining unit.

(9) “Fact-finding” means identification of the major issues in a particular labor dispute by one or more impartial individuals who review the positions of the parties, resolve factual differences and make recommendations for settlement of the dispute.

(10) “Fair-share agreement” means an agreement between the public employer and the recognized or certified bargaining representative of public employees whereby employees who are not members of the employee organization are required to make an in-lieu-of-dues payment to an employee organization except as provided in ORS 243.666. Upon the filing with the board of a petition by 30 percent or more of the employees in an appropriate bargaining unit covered by such union security agreement declaring they desire that the agreement be rescinded, the board shall take a secret ballot of the employees in the unit and certify the results thereof to the recognized or certified bargaining representative and to the public employer. Unless a majority of the votes cast in an election favor the union security agreement, the board shall certify deauthorization of the agreement. A petition for deauthorization of a union security agreement must be filed not more than 90 calendar days after the collective bargaining agreement is executed. Only one such election may be conducted in any appropriate bargaining unit during the term of a collective bargaining agreement between a public employer and the recognized or certified bargaining representative.

(11) “Final offer” means the proposed contract language and cost summary submitted to the mediator within seven days of the declaration of impasse.

(12) “Labor dispute” means any controversy concerning employment relations or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment relations, regardless of whether the disputants stand in the proximate relation of employer and employee.

(13) “Labor organization” means any organization that has as one of its purposes representing employees in their employment relations with public employers.

(14) “Last best offer package” means the offer exchanged by parties not less than 14 days prior to the date scheduled for an interest arbitration hearing.

(15) “Legislative body” means the Legislative Assembly, the city council, the county commission and any other board or commission empowered to levy taxes.

(16) “Managerial employee” means an employee of the State of Oregon or a public university listed in ORS 352.002 who possesses authority to formulate and carry out management decisions or who represents management’s interest by taking or effectively recommending discretionary actions that control or implement employer policy, and who has discretion in the performance of these management responsibilities beyond the routine discharge of duties. A “managerial employee” need not act in a supervisory capacity in relation to other employees. Notwithstanding this subsection,

“managerial employee” does not include faculty members at a community college, college or university.

(17) “Mediation” means assistance by an impartial third party in reconciling a labor dispute between the public employer and the exclusive representative regarding employment relations.

(18) “Payment-in-lieu-of-dues” means an assessment to defray the cost for services by the exclusive representative in negotiations and contract administration of all persons in an appropriate bargaining unit who are not members of the organization serving as exclusive representative of the employees. The payment must be equivalent to regular union dues and assessments, if any, or must be an amount agreed upon by the public employer and the exclusive representative of the employees.

(19) “Public employee” means an employee of a public employer but does not include elected officials, persons appointed to serve on boards or commissions, incarcerated persons working under section 41, Article I of the Oregon Constitution, or persons who are confidential employees, supervisory employees or managerial employees.

(20) “Public employer” means the State of Oregon, and the following political subdivisions: Cities, counties, community colleges, school districts, special districts, mass transit districts, metropolitan service districts, public service corporations or municipal corporations and public and quasi-public corporations.

(21) “Public employer representative” includes any individual or individuals specifically designated by the public employer to act in its interests in all matters dealing with employee representation, collective bargaining and related issues.

(22) “Strike” means a public employee’s refusal in concerted action with others to report for duty, or his or her willful absence from his or her position, or his or her stoppage of work, or his or her absence in whole or in part from the full, faithful or proper performance of his or her duties of employment, for the purpose of inducing, influencing or coercing a change in the conditions, compensation, rights, privileges or obligations of public employment; however, nothing shall limit or impair the right of any public employee to lawfully express or communicate a complaint or opinion on any matter related to the conditions of employment.

(23)(a) “Supervisory employee” means any individual having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection therewith, the exercise of the authority is not of a merely routine or clerical nature but requires the use of independent judgment. Failure to assert supervisory status in any Employment Relations Board proceeding or in negotiations for any collective bargaining agreement does not thereafter prevent assertion of supervisory status in any subsequent board proceeding or contract negotiation.

(b) “Supervisory employee” includes a faculty member of a public university listed in ORS 352.002 or the Oregon Health and Science University who:

(A) Is employed as a president, vice president, provost, vice provost, dean, associate dean, assistant dean, head or equivalent position; or

(B) Is employed in an administrative position without a reasonable expectation of teaching, research or other scholarly accomplishments.

(c) “Supervisory employee” does not include:

(A) A nurse, charge nurse or nurse holding a similar position if that position has not traditionally been classified as supervisory;

(B) A firefighter prohibited from striking by ORS 243.736 who assigns, transfers or directs the work of other employees but does not have the authority to hire, discharge or impose economic discipline on those employees; or

(C) A faculty member of a public university listed in ORS 352.002 or the Oregon Health and Science University who is not a faculty member described in paragraph (b) of this subsection.

(24) “Unfair labor practice” means the commission of an act designated an unfair labor practice in ORS 243.672.

(25) "Voluntary arbitration" means the procedure whereby parties involved in a labor dispute mutually agree to submit their differences to a third party for a final and binding decision.

SECTION 128. ORS 283.415 is amended to read:

283.415. The Legislative Assembly finds and declares that:

(1) Asbestos has been found to be a human carcinogen. There is no known safe level for human exposure to asbestos. Ailments caused by asbestos can become manifest many years after exposure.

(2) In a decayed or damaged state, asbestos can pose a health risk to employees, *[inmates]* **adults in custody**, patients or residents of state institutions. This state does not know where asbestos-containing materials exist in its buildings nor in what condition those materials are to be found.

(3) It is the goal of the Legislative Assembly to assure that state facilities are safely maintained and operated. It is, therefore, the policy of the Legislative Assembly that:

(a) A Master Asbestos Management Plan be developed that will assure orderly well-reasoned asbestos control and abatement.

(b) As any conditions of immediate hazard to health become known, they be acted on promptly in accordance with the Master Asbestos Management Plan.

(c) The plan include standards for employee awareness and training.

(d) The Oregon Department of Administrative Services be the agency to develop and centrally manage the plan for this state.

(e) Each agency cooperate fully in carrying out the plan.

(f) The State of Oregon engage in a long-term commitment to control the asbestos hazard in state facilities through control and abatement.

SECTION 129. ORS 336.057 is amended to read:

336.057. In all public schools, courses of instruction shall be given in the Constitution of the United States and in the history of the United States. These courses shall:

(1) Begin not later than the opening of the eighth grade and shall continue in grades 9 through 12.

(2) Be required in all public universities listed in ORS 352.002 and in all state and local institutions that provide education for patients or *[inmates]* **adults in custody** to an extent to be determined by the Superintendent of Public Instruction.

SECTION 130. ORS 341.317 is amended to read:

341.317. (1) Reimbursement from the Community College Support Fund established in ORS 341.620 may be made available to community colleges that deliver educational services to *[inmates]* **adults in custody** confined to the state-operated correctional facilities and to locally operated correctional facilities. The reimbursement shall be distributed as directed in ORS 341.626 and the rules of the Higher Education Coordinating Commission.

(2) The commission shall review and approve services to correctional institutions at least once biennially.

(3) The enrollment limitation, as provided by ORS 341.022, does not apply to persons receiving services under this section.

(4) Reimbursement from the Community College Support Fund established in ORS 341.620 may not be made available to community colleges for delivering educational services to *[inmates]* **adults in custody** confined in federal prisons. Neither shall local property taxes be used to support the services. A host community college shall support the services through a contractual arrangement with the federal government.

SECTION 131. ORS 421.073 is amended to read:

421.073. The Housing of *[Inmates]* **Adults in Custody** from Other Jurisdictions Account is created within the General Fund. Moneys credited to the account are continuously appropriated to the Department of Corrections for costs of incarceration. The Department of Corrections shall deposit all moneys received by the department as reimbursement under ORS 169.053 (3) into the account.

SECTION 132. The Housing of Adults in Custody from Other Jurisdictions Account is a continuation of the Housing of Inmates from Other Jurisdictions Account established by ORS

421.073. Moneys contained in the Housing of Inmates from Other Jurisdictions Account on the effective date of this 2019 Act are considered to be moneys in the Housing of Adults in Custody from Other Jurisdictions Account.

SECTION 133. ORS 421.081 is amended to read:

421.081. (1) The Administrator of Correctional Education shall plan, design and implement a correctional education system that can be operated within the existing correctional institutions for *[inmates]* **adults in custody** of those institutions.

(2)(a) The primary objective of the correctional education system is the adult basic skills development program described in ORS 421.084.

(b) The secondary objective is to provide professional and technical education that will ensure that *[inmates]* **adults in custody** who complete the professional and technical program will possess, at a minimum, entry-level marketable professional and technical skills in an occupational field for which there is a demand in this state.

SECTION 134. ORS 421.084 is amended to read:

421.084. (1) The Administrator of Correctional Education shall administer an adult basic skills development program for all individuals in the custody of the Department of Corrections. The program shall:

(a) Test individuals for basic reading and mathematics skills or, for individuals with limited English language proficiency, English speaking skills. Testing for basic intelligence, learning disabilities, developmental disabilities and adaptive behavior skills shall be administered as needed except that the administrator may accept equivalent test results from other sources.

(b) Except as provided in subsection (2) of this section, be mandatory for all individuals testing below a 8.0 grade equivalency on a standardized reading test approved by the National Reporting System for Adult Education of the United States Department of Education and by the Adult Basic Skills Program of the Office of Community Colleges and Workforce Development.

(c) Provide progress testing and certification.

(d) Provide strong incentives for entering the program and for achieving the minimum reading level and, for those individuals with demonstrated ability, provide incentives for making progress toward earning a certificate for passing an approved high school equivalency test such as the General Educational Development (GED) test.

(e) Maintain records of an individual's achievement in the program and make those records available to the State Board of Parole and Post-Prison Supervision.

(2) Testing for basic skills and participation in the adult basic skills development program are not required for *[inmates]* **adults in custody**:

(a) Sentenced to or otherwise confined by the department for less than one year;

(b) Sentenced to life imprisonment without parole;

(c) Sentenced to death;

(d) With developmental disabilities; or

(e) Who are specifically exempted by the Department of Corrections for security or health reasons.

SECTION 135. ORS 421.132 is amended to read:

421.132. (1) The Department of Corrections may charge and collect fees for serving process and other documents on *[inmates]* **adults in custody** of Department of Corrections institutions as defined in ORS 421.005 and officials and employees of the department.

(2) Before charging fees pursuant to subsection (1) of this section, the department shall adopt rules establishing a fee schedule. Fees charged by the department may not exceed fees collected by sheriffs for service of process in civil actions, suits and proceedings pursuant to ORS 21.300.

SECTION 136. ORS 421.205 is amended to read:

421.205. (1) The Department of Corrections may enter into contracts or arrangements with the authorities of the federal government, of any state having a reformatory or prison for the confinement and detention of *[inmates]* **adults in custody** that is not a party to the Interstate Corrections Compact under ORS 421.245 or the Western Interstate Corrections Compact under ORS 421.284, or

of any county in this state. This contract may provide for the reception, detention, care, maintenance and employment of persons convicted of felony in the courts of this state and sentenced to a term of imprisonment therefor.

(2) The Department of Corrections may enter into contracts or arrangements with the federal government and with states that are not parties to the Interstate Corrections Compact under ORS 421.245 or the Western Interstate Corrections Compact under ORS 421.284 to receive, detain, care for, maintain and employ persons convicted of felony by the federal government or in such other states, on such basis as it may agree with the authorities of the federal government or of each state.

SECTION 137. ORS 421.220 is amended to read:

421.220. Upon the expiration of any contract entered into under ORS 421.205, all [*inmates*] **adults in custody** of this state confined in such institution or jail shall be returned by the Department of Corrections to department custody, or delivered to such other institution as the Department of Corrections has contracted with under ORS 421.205.

SECTION 138. ORS 421.312 is amended to read:

421.312. (1) The Department of Corrections or Oregon Corrections Enterprises may enter into contracts or agreements with any agency of the federal government providing for the sale to such agency of goods, wares or merchandise manufactured, mined or produced in any of the Department of Corrections institutions of this state or by Oregon Corrections Enterprises, or providing for the furnishing of the labor or services of [*inmates*] **adults in custody** of any such institutions to such agency, or containing both such provisions, when the President of the United States has, by official action, recognized the existence of a national emergency.

(2) A contract or agreement made pursuant to subsection (1) of this section may authorize the use of the facilities of any Department of Corrections institution or Oregon Corrections Enterprises facilities in conjunction with:

(a) The manufacturing, mining or producing of any goods, wares or merchandise being sold to an agency of the federal government.

(b) The furnishing of the labor or services of [*inmates*] **adults in custody** of any Department of Corrections institution to any agency of the federal government.

SECTION 139. ORS 421.445 is amended to read:

421.445. (1) Notwithstanding any other law, [*inmates*] **adults in custody** participating in a program operated by the Department of Corrections or Oregon Corrections Enterprises may be supervised by an employee or agent of a local, state or federal governmental agency pursuant to an agreement between the agency and the department or the agency and Oregon Corrections Enterprises. An agreement entered into under this section must require that the person exercising custodial supervision over [*inmates*] **adults in custody** receive security training approved and provided by the department.

(2) As used in this section, "local, state or federal governmental agency" includes Oregon Corrections Enterprises if the agreement under this section is entered into between Oregon Corrections Enterprises and the department.

SECTION 140. ORS 421.476 is amended to read:

421.476. The Director of the Department of Corrections shall determine and establish compensation, if any, to be paid to [*inmates*] **adults in custody** assigned to work in forest work camps. The director shall adopt rules providing for the disposition of any compensation earned under this section.

SECTION 141. ORS 421.490 is amended to read:

421.490. In addition to camps established under ORS 421.455 to 421.480 the Department of Corrections may execute agreements for the establishment and operation of work camps for **adults in custody in** minimum custody [*inmates*] of Department of Corrections institutions in cooperation with all public agencies.

SECTION 142. ORS 421.805 is amended to read:

421.805. The Department of Corrections may establish and operate institutions, other domiciliary facilities or branches of existing Department of Corrections institutions or domiciliary facilities.

Siting of such institutions, branches or domiciliary facilities must be done in accordance with statutes governing the siting or locating of correctional institutions. The institutions, branches or facilities shall be used for the care and custody of [inmates] **adults in custody** assigned thereto and shall be operated to facilitate the return of the [inmates] **adults in custody** to society.

SECTION 143. ORS 423.020 is amended to read:

423.020. (1) The Department of Corrections is created. The department shall:

(a) Supervise the management and administration of the Department of Corrections institutions, parole and probation services, community corrections and other functions related to state programs for corrections;

(b) Carry out legally mandated sanctions for the punishment of persons committed to its jurisdiction by the courts of this state;

(c) Exercise custody over those persons sentenced to a period of incarceration until such time as a lawful release authority authorizes their release;

(d) Provide adequate food, clothing, health and medical care, sanitation and security for persons confined;

(e) Provide persons who are motivated, capable and cooperative with opportunities for self-improvement and work;

(f) Conduct investigations and prepare reports for release authorities; and

(g) Supervise persons sentenced or placed in the community for the period of time specified and in accordance with conditions of supervision ordered by the release authority.

(2) The Department of Corrections may provide consultation services related to the criminal justice system to local or statewide public or private agencies, groups, and individuals, or initiate such consultation services. Consultation services shall include, but not be limited to, conducting studies and surveys, sponsoring or participating in educational programs, and advising and assisting these agencies, groups or individuals. Nothing in chapter 320, Oregon Laws 1987, is intended to diminish the state's efforts to plan, evaluate and deliver effective human services programs to offenders, either in an institution or on probation or parole. Therefore, the Department of Corrections and the Department of Human Services shall continue to jointly develop and implement needed social and rehabilitative services, including services for [inmates] **adults in custody** housed in regional minimum security facilities.

(3) The Department of Corrections shall be the recipient of all federal funds paid or to be paid to the state to enable the state to provide corrections programs and services assigned to the Department of Human Services before June 15, 1987.

(4) Notwithstanding any other provision of law, the department may charge a person confined in a Department of Corrections institution a reasonable health care fee for any health care services, medications and equipment provided the person during the person's confinement if the department:

(a) Provides necessary medical care regardless of the person's ability to pay;

(b) Provides equal treatment to all persons confined in a department institution regardless of a person's ability to pay;

(c) Establishes a system that notifies the person of the fees and what services are covered; and

(d) Establishes a grievance system that allows a person to challenge the deduction of a fee from the person's account.

(5) The department may provide ordinary medical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for a person under 18 years of age who is confined in a Department of Corrections institution and, in an emergency in which the safety of the person appears urgently to require it, may authorize surgery or other extraordinary care.

SECTION 144. ORS 423.077 is amended to read:

423.077. (1) The Department of Corrections may certify employees of the department to provide mental health services to [inmates] **adults in custody** in Department of Corrections institutions in accordance with standards established by the department by rule.

(2) As used in this section, "Department of Corrections institutions" has the meaning given that term in ORS 421.005.

SECTION 145. ORS 423.100 is amended to read:

423.100. (1) On written request of the Department of Corrections, the Oregon Department of Administrative Services shall establish a revolving fund of not to exceed \$15,000, including unreimbursed advances, by drawing warrants on amounts appropriated to the Department of Corrections for operating expenses. The revolving fund shall be deposited with the State Treasurer, to be held in a special account against which the department may draw checks.

(2) The revolving fund established under subsection (1) of this section may be used by the department to pay for:

(a) Travel expenses for employees of the department and for any consultants or advisors for whom payment of travel expenses is authorized by law, or advances therefor;

(b) Purchases not exceeding \$100 each, which may be required from time to time;

(c) Receipt or disbursement of federal funds available under federal law;

(d) Emergency expenses of indigent [*inmates*] **adults in custody** released on any form of temporary release or transitional leave; or

(e) Settlement of legal claims against the department in cases where immediate payment is necessary or advisable.

(3) The revolving fund shall be reimbursed by warrants drawn by the Oregon Department of Administrative Services upon the verified claims of the department charged against the appropriate fund or account.

SECTION 146. ORS 423.490 is amended to read:

423.490. (1) The Legislative Assembly finds and declares that:

(a) In November of 2010, the voters enacted ORS 813.011, which directed the state to fully reimburse counties for the costs of incarcerating persons sentenced under ORS 813.011, including the costs of pretrial incarceration.

(b) Different counties incur different costs of incarceration and many counties incur different costs for different [*inmates*] **adults in custody** within the same facility.

(c) The Legislative Assembly intends to honor the direction given by the voters while also creating an efficient and effective means by which to do so.

(d) Counties and the Department of Corrections have previously agreed that the calculated rate at which the department provides moneys to counties under ORS 423.530 for persons sentenced to 12 months or less incarceration is an efficient and effective means by which to reimburse counties for the costs of their incarceration.

(2) The department shall reimburse counties for the costs of incarcerating persons sentenced under ORS 813.011, including the costs of pretrial incarceration.

(3) The department shall adopt rules prescribing the manner in which a county may submit a claim for reimbursement under this section. The reimbursement shall be calculated using the rate at which the department provides moneys to counties under ORS 423.530 for persons sentenced to 12 months or less incarceration.

(4) Reimbursements made to counties under this section must be made from moneys appropriated to the department for that purpose.

SECTION 147. ORS 423.600 is amended to read:

423.600. The Legislative Assembly finds and declares that:

(1) Restorative justice programs, including facilitated dialogues and responsibility letter banks, can promote justice and healing for crime victims and survivors and can aid [*inmates*] **adults in custody** in the process of rehabilitation;

(2) A facilitated dialogue or responsibility letter bank program is most successful when the participants are able to communicate openly and honestly about the crime and its impact, knowing that the participants' communication will not be disclosed to other people or used against them later; and

(3) It is the policy and purpose of ORS 423.600 to 423.610 that Department of Corrections facilitated dialogue and responsibility letter bank program communications are confidential, and should

not be admissible in any administrative, judicial or arbitration proceeding, except pursuant to limited exceptions established by the Department of Corrections by rule.

SECTION 148. ORS 430.380 is amended to read:

430.380. (1) There is established in the General Fund of the State Treasury an account to be known as the Mental Health Alcoholism and Drug Services Account. Moneys deposited in the account are continuously appropriated for the purposes of ORS 430.345 to 430.380 and to provide funding for sobering facilities registered under ORS 430.262. Moneys deposited in the account may be invested in the manner prescribed in ORS 293.701 to 293.857.

(2) Forty percent of the moneys in the Mental Health Alcoholism and Drug Services Account shall be continuously appropriated to the counties on the basis of population. The counties must use the moneys for the establishment, operation and maintenance of alcohol and drug abuse prevention, early intervention and treatment services and for local matching funds under ORS 430.345 to 430.380. The counties may use up to 10 percent of the moneys appropriated under this subsection to provide funds for sobering facilities registered under ORS 430.262.

(3) Forty percent of the moneys shall be continuously appropriated to the Oregon Health Authority to be used for state matching funds to counties for alcohol and drug abuse prevention, early intervention and treatment services pursuant to ORS 430.345 to 430.380. The authority may use up to 10 percent of the moneys appropriated under this subsection for matching funds to counties for sobering facilities registered under ORS 430.262.

(4) Twenty percent of the moneys shall be continuously appropriated to the Oregon Health Authority to be used for alcohol and drug abuse prevention, early intervention and treatment services for *[inmates]* **adults in custody** of correctional and penal institutions and for parolees therefrom and for probationers as provided pursuant to rules of the authority. However, prior to expenditure of moneys under this subsection, the authority must present its program plans for approval to the appropriate legislative body which is either the Joint Ways and Means Committee during a session of the Legislative Assembly or the Emergency Board during the interim between sessions.

(5) Counties and state agencies:

(a) May not use moneys appropriated to counties and state agencies under subsections (1) to (4) of this section for alcohol and drug prevention and treatment services that do not meet or exceed minimum standards established under ORS 430.357; and

(b) Shall include in all grants and contracts with providers of alcohol and drug prevention and treatment services a contract provision that the grant or contract may be terminated by the county or state agency if the provider does not meet or exceed the minimum standards adopted by the Oregon Health Authority pursuant to ORS 430.357. A county or state agency may not be penalized and is not liable for the termination of a contract under this section.

SECTION 149. ORS 656.041 is amended to read:

656.041. (1) As used in this section, unless the context requires otherwise:

(a) **“Adult in custody” means a person sentenced by any court or legal authority, whether in default of the payment of a fine or committed for a definite number of days, to serve sentence in a city or county jail or other place of incarceration except state and federal institutions. “Adult in custody” includes a person who performs community service pursuant to ORS 137.128, whether or not the person is incarcerated.**

[(a)] (b) “Authorized employment” means the employment of an [inmate] adult in custody on work authorized by the governing body of a city or county.

[(b) “Inmate” means a person sentenced by any court or legal authority, whether in default of the payment of a fine or committed for a definite number of days, to serve sentence in a city or county jail or other place of incarceration except state and federal institutions. “Inmate” includes a person who performs community service pursuant to ORS 137.128, whether or not the person is incarcerated.]

(2) A city or county may elect to have *[inmates]* **adults in custody** performing authorized employment considered as subject workers of the city or county for purposes of this chapter. Such election shall be made by a written application to the insurer, or in the case of a self-insured employer, the Director of the Department of Consumer and Business Services, that includes a resolu-

ution of the governing body declaring its intent to cover *[inmates]* **adults in custody** as provided in this section and a description of the work to be performed by such *[inmates]* **adults in custody**. The application shall also state the estimated total number of *[inmates]* **adults in custody** for which coverage is requested. The county or city shall notify the insurer or director of changes in the estimated total number of *[inmates]* **adults in custody** performing authorized employment.

(3) Upon receiving the written application the insurer or self-insured employer may fix assumed wage rates for the *[inmates]* **adults in custody**, which may be used only for purposes of computations under this chapter, and shall require the regular payment of premiums or assessments based upon the estimated total number of such *[inmates]* **adults in custody** for which coverage is requested. The self-insured employer shall submit such assumed wage rates to the director. If the director finds that the rates are unreasonable, the director may fix appropriate rates to be used for purposes of this section.

(4) The city or county shall maintain a separate list of *[inmates]* **adults in custody** performing authorized employment. A certified copy of the list shall be furnished the insurer or director upon request. *[Inmates]* **Adults in custody** covered under this section are entitled to the benefits of this chapter and they are entitled to such benefits if injured as provided in ORS 656.202 while performing any duties arising out of and in the course of their participation in the authorized employment, provided the duties being performed are among those described on the application of the city or county.

(5) The filing of claims for benefits under this section is the exclusive remedy of an *[inmate]* **adult in custody** or a beneficiary of the *[inmate]* **adult in custody** for injuries compensable under this chapter against a city or county and its officers and employees, regardless of negligence.

SECTION 150. ORS 656.752 is amended to read:

656.752. (1) The State Accident Insurance Fund Corporation is created for the purpose of transacting workers' compensation insurance and reinsurance business. The State Accident Insurance Fund Corporation also may insure an Oregon employer against any liability such employer may have on account of bodily injury to a worker of the employer arising out of and in the course of employment as fully as any private insurance carrier.

(2) The functions of the State Accident Insurance Fund Corporation shall be:

(a) To confer with and solicit employers and to determine, handle, audit and enforce collection of premiums, assessments and fees of insured employers insured with the State Accident Insurance Fund Corporation;

(b) To make insurance available to as many Oregon employers as inexpensively as may be consistent with the overall integrity of the Industrial Accident Fund, in accordance with ORS 656.634 and sound principles of insurance;

(c) To receive and handle and process the claims of workers and beneficiaries of workers injured in the employ of insured employers insured with the State Accident Insurance Fund Corporation; and

(d) To perform all other functions which the laws of this state specifically authorize or which are necessary or appropriate to carry out the functions expressly authorized.

(3) The State Accident Insurance Fund Corporation in its name may sue and be sued.

(4) The State Accident Insurance Fund Corporation may authorize self-insured employers or other insurers to use any physical rehabilitation center operated by the State Accident Insurance Fund Corporation on such terms as the State Accident Insurance Fund Corporation deems reasonable.

(5) The State Accident Insurance Fund Corporation in its own name, may acquire, lease, rent, own and manage real property. It may construct, equip and furnish buildings or other structures as are necessary to accommodate its needs. It may purchase, rent, lease or otherwise acquire for its use all supplies, materials, equipment and services necessary to carry out its functions. It may sell or otherwise dispose of any property acquired under this subsection.

(6) Any real property acquired and owned by the State Accident Insurance Fund Corporation under this section shall be subject to ad valorem taxation.

(7) The State Accident Insurance Fund Corporation may furnish advice, services and excess workers' compensation and employer liability insurance to any employer qualified as a self-insured employer under the provisions of ORS 656.407, on such terms and conditions as the State Accident Insurance Fund Corporation deems reasonable.

(8) With the approval of the Director of the Department of Consumer and Business Services, the State Accident Insurance Fund Corporation may provide reinsurance coverage to Oregon employers on such terms and conditions as the State Accident Insurance Fund Corporation deems reasonable.

(9) The State Accident Insurance Fund Corporation may contract with the Oregon Department of Administrative Services to provide claim management services for claims filed under ORS 655.505 to 655.555 by [inmates] **adults in custody** of institutions of the Department of Corrections.

Passed by House April 23, 2019

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate May 23, 2019

.....
Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

.....
Bev Clarno, Secretary of State

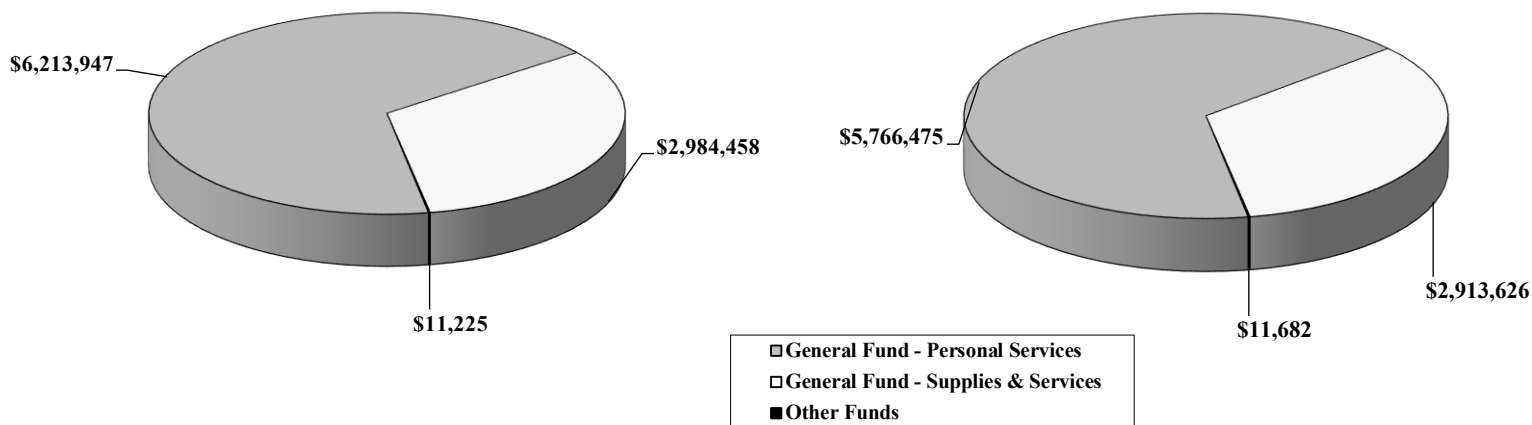
Board of Parole and Post-Prison Supervision

A. Budget Summary Graphics

All Funds Comparison

2017-19 Legislatively
Approved Budget
Total \$9,209,630

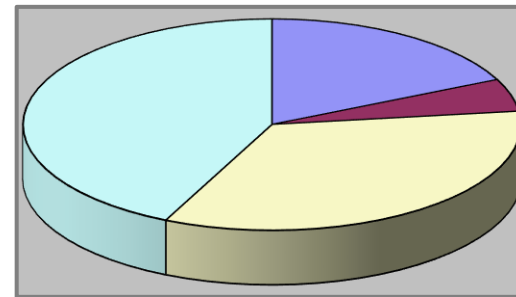
2019-21 Legislatively
Approved Budget
Total \$8,691,783



Board of Parole and Post-Prison Supervision

2019-2021 Legislatively Adopted Budget Program Allocation

Program	Allocation	FTE	%
Parole Release & Community Supervision	\$ 1,580,710	7	18
Administrative Review/Appeals	\$ 439,086	1	5
Policy, Legal & Admin. Support	\$ 2,985,785	11	34
Sex Offender Notification Assessments	\$ 3,776,141	9	43
Total:	\$ 8,781,722	28	



- Parole/Supervision 18%
- Ad Review 5%
- Policy & Legal 34%
- Sex Offender Assessments 43%

B. MISSION STATEMENT AND STATUTORY AUTHORITY

The Mission of the Oregon Board of Parole and Post-Prison Supervision is:

We support a safe and just Oregon by protecting citizens' rights and promoting positive offender change while maintaining accountability. Through engagement of partners, development of efficient policies, and respect for diversity, our strong, valued workforce strives for a better future for our state.

The Statutory Authority of the Oregon Board of Parole and Post-Prison Supervision is:

- *Oregon Revised Statute 144; Oregon Administrative Rules, Division 255 and 213.*

The Oregon Constitution, Article I, Bill of Rights, establishes the Fundamental Principles of Oregon's Criminal Justice System:

- *Section 15. Foundation principles of criminal law. Laws for the punishment of crime shall be founded on these principles; protection of society, personal responsibility, accountability for one's actions and reformation.*

The Oregon Board of Parole and Post-Prison Supervision's mission and core values reflected below incorporate the constitutional tenets set forth above that guide our agency toward successful mission accomplishments:

- **Integrity:** By being accountable for our actions, responsible in our management, exercising good judgment in our decisions, and adhering to ethical principles in our actions.
- **Professionalism:** By providing services in a manner that demonstrates the importance of our mission, meeting the public's expectations, leading by the examples we set.
- **Respect:** By being respectful in our business relations and understanding that our most important resource, our strength and vitality as an agency, comes from the people we serve to those who serve.
- **Adaptability:** By working together to foster an open and cooperative environment that encourages effective communications, listening and responding positively with change and respect for one another.
- **Public Service:** By being responsible to the needs of our partners and customers, ensuring our commitments are clear and realistic, following through with what we say we are going to do.
- **Teamwork:** By supporting and appreciating our fellow team members, working together for results which inspire excellence, recognizing that our success depends on each of us.

C. AGENCY STRATEGIC PLANS

Agency Process Improvement Efforts

The Board continually seeks process improvements and efficiencies. Over the past several biennia, there has been a renewed effort to streamline processes in order to help Board members and staff meet the growing workload demands from the new Sex Offender Notification Level Assessments, a growing adult in custody and offender population, as well as increased requests for victim/stakeholder notification and involvement.

Efficiencies are expected to continue with improvements to the Parole Board Management Information System (PBMIS), which is the Board's information system that interfaces with the Department of Corrections Information System. The Board has already seen a reduction in agency-produced documents that require printing. Most documents are now stored electronically within PBMIS, and Board members conduct their hearings with electronic documents. Additionally, the agency has piloted a project to move our Release Planning process toward an electronic records storage and retrieval system, and continues to research affordable and secure options to transition the agency to an entirely paperless system and electronic storage database.

The agency as a whole is moving towards a paperless system with Laserfische. This will entail a complete transfer of our file system to an electronic database.

2021-23 Two-Year Plan

AGENCY PROGRAMS

Parole:

Under the authority of ORS 144 and OAR 255, the Board imposes prison terms and makes parole decisions on offenders whose criminal conduct occurred prior to November 1, 1989, for those who have been sentenced as “dangerous offenders,” for those convicted of aggravated murder that are eligible for parole, and for those convicted of murder after June 30, 1995. Note that in 2020, those convicted of murder after June 30, 1995 are just becoming eligible for a hearing. For these offenders, the Board has the legal authority to decide when the adult in custody is released from prison. When these inmates are released to the community, they are ordered to serve a term of parole. Parole is a period of supervision in the community following release from prison. Offenders on parole are released from prison by the Board before their sentences are completed, and serve the remainder of the sentence under community supervision. Except for those sentenced as “dangerous offenders” or for murder or aggravated murder with the possibility of parole, those convicted for crimes committed on or after November 1, 1989 fall under sentencing guidelines with determinate sentences.

Post-Prison Supervision:

For most crimes committed on or after November 1, 1989, the sentencing court and the Department of Corrections (using statutory guidelines) establish the length of prison terms. The Board does not determine the release date for these inmates. When these inmates are released to the community, they are ordered to serve a term of post-prison supervision. Post-prison supervision is a sentence of correctional supervision in the community following a prison or jail sentence. A court determines how long the sentence will be and the Board, or local jurisdiction, determines the conditions which must be met by the offender during the sentence. In almost all cases, offenders who violate post-prison supervision are not returned to prison. The maximum sanction for a post-prison supervision violation is six months in jail. Under SB 1145, these sanctions must be served in a local jail because the sanction is less than one year. Discharge from post-prison supervision for offenders sentenced under sentencing guidelines occurs automatically upon expiration of the statutory period of post-prison supervision.

Risk Assessments of Sex Offenders:

Under the authority of ORS 163A.100, et al, and OAR 255, the Board classifies Oregon’s registered sex offenders to a risk-based community notification level (Sex Offender Notification Level – SONL): Level I – Low, Level II – Moderate, Level III – High. As of June 2020, there are 31,254 registered sex offenders in the Oregon State Police sex offender database. The Board is responsible for classifying approximately 23,956 registrants. Registrant populations are separated by specific demographics in order to complete accurate and meaningful risk assessments, which are performed by specially trained Board staff and certified or licensed evaluators. For any registrant whose first reporting event was prior to January 1, 2014 (“existing registrants”), the Board must classify them to an SONL by December 1, 2026. For registrants whose first reporting event is on or after January 1, 2014 (“new registrants”), the Board must classify them to an SONL before their release

from DOC, or within 90 days of their triggering event to register. Since January 2019, the Board has been conducting hearings to determine a registrant's eligibility for reclassification to a lower notification level or for relief from registration.

The Board's organizational structure has one decision unit and thus, is one program. However, contained within the Agency's statutory authority and mission are the following listed functions:

- Set parole dates for inmates committing felony crimes prior to November 1, 1989 (the "matrix" population).
- Determine when, or if, inmates sentenced as "dangerous offenders," for aggravated murder or for murder convicted after June 30, 1995, who are eligible for parole should be released from prison, regardless of the date of crime.
- The Board currently averages 67 hearings per year. Approximately 1216 inmates fall into this pool, 173 of whom are designated as Dangerous Offenders.
- Complete sex offender risk assessments for registered sex offenders in Oregon, in order to classify them to a notification level by risk (Level 1, Level 2, or Level 3). The Board has classified 7,480 sex offenders as of July, 2020 and is currently assessing approximately 100 per month. The Board is still responsible for assessing and classifying 23,956 sex offenders in Oregon by 12/1/2026.
- Review and respond to offender objections to risk assessment scores prior to final classification.
- Create policy and procedures for the review and response to offender petitions for reclassification or relief from registration, and conduct hearings as needed to determine offenders' eligibility, and the approval or denial of such petitions.
- Notify victims, district attorneys and/or other relevant parties of reclassification or relief hearings, as required.
- Establish conditions of community supervision (parole and post-prison supervision) for all offenders being released from prison (averaging 360 per month).
- Issue warrants for absconders (more than 500 per month) and sanction violators of community supervision (more than 850 per month).
- Notify victims and criminal justice stakeholders of hearings and releases. The Board corresponds with approximately 6,324 active victims and conducts an average of 117 notifications per month. (This is victim notification only; it does not include notification to district attorney offices, defense attorneys, or other interested parties.)
- Monitor, adjust, and discharge an offender's status on supervision (approximately 429 discharge orders per month).
- Respond to adult in custody and offender administrative and judicial appeals.
- Adopt administrative procedures and rules in accordance with statutory and policy changes.
- Provide education, training and resource materials to stakeholders including DOJ attorneys, community corrections, DOC counselors, tribal councils, district attorneys, defense attorneys, and others.

- Hold Morrissey hearings, approximately 21 per month.
- Respond to public, media and offender inquiries.

The Board's funding source is the General Fund; supporting Agency operations and 28 full-time employees (28 FTE).

The main source of Other Funds revenue for the Board is from the sale of documents and hearing tapes to members of the public and inmates/offenders, as well as collection of court-ordered restitution owed to the Board. The current projection for 2019-21 OF revenues is \$11,254.

ENVIRONMENTAL FACTORS

The following factors have dramatically altered and/or affected the Board's role and workload in recent years:

- HB 2045 in 2019 extended time for completion of sex offender risk assessments from 12/01/2022 to 12/1/2026;
- Implementation of HB 2320 in 2015;
- Implementation of HB 2549 in 2013;
- Implementation of HB 3194 in 2013;
- Implementation of sentencing guidelines in 1989;
- Implementation of SB 1145 in 1995;
- Increases in adult in custody and offender populations;
- Increases in, and results of, adult in custody and offender judicial appeals;
- Increases in victim participation in post-sentencing matters, including the Sex Offender Notification Level process; and,
- Biennial statutory changes.

The number of inmates under the Board's jurisdiction to determine the prison release dates has declined from a high of 5,300 in 1989 to approximately 1216. This population of inmates is approximately 8 percent of the total adult in custody population. The agency's major focus is gradually shifting from determining when inmates are released from prison to approving release plans, imposing conditions of community supervision and determining the appropriateness of remaining in the community if a violation of conditions occurs. A strong emphasis is placed on imposing individual, evidence-based supervision conditions tailored to protect the public and meet offender needs. This is also followed by swift action when offender behavior indicates a risk to the community. As of August 2018, there are 17,595 offenders on supervision in the community under the Board's authority for sanctions, revocations, or other actions. Additional focus has been shifted toward the work of the Sex Offender Notification Level program implemented by HB2549 (2013) and HB2320 (2015) and extended in

2017 and 2019; the Board must assess and classify registered sex offenders to a notification level based on their risk to reoffend in the community.

The day-to-day role of Board members has shifted from conducting institutional hearings with inmates five days per week in 1989, to one or two days per week today. However, much greater demands are placed on the present Board members' time to address victim, district attorney and community concerns about the release of certain inmates and their families. Board members now have daily contact with DOC adult in custody counselors, community corrections/parole officers, and Department of Justice staff to discuss individual cases and coordinate appropriate resources and effective approaches. An increasing post-prison population results in a greater workload demand for the entire Agency, as does the implementation of the Sex Offender Notification Level program, which has statutory deadlines for completion of registrant classifications.

For the 2019-21 biennium, the Agency was funded to maintain current staffing levels but with a 5% reduction in overall funds. During the 2019-21 biennium, the Board has made approximately \$390,348 in cuts in order to maintain a balanced budget and in anticipation of upcoming budget crisis.

AGENCY INITIATIVES 2017-23 SIX YEAR PLAN

The Oregon Board of Parole and Post-Prison Supervision has identified the following long-term strategic goals and efforts that will advance the Agency's mission and relate to Oregon Benchmark #64, Adult Recidivism – percentage of paroled offenders convicted of a new felony within three years of initial release. This measure shows the effectiveness of both incarceration and community supervision.

INITIATIVE

STRATEGY

A) Protect the Public

- 10-Year Goal: Safety
- KPM #1: Parole Recidivism

Promote and help develop laws, rules and policies to improve public safety through appropriate release decisions and effective conditions and sanctions for those on supervision in the community. Continue the established partnerships and agreements with the Department of Corrections and Local Supervisory Authorities to return those offenders to custody who are determined to be too dangerous to remain in the community. Continue the practice of carefully screening inmates who are eligible to release from prison, in order to ensure that the adult in custody is suitable for parole, that adequate community notice has been given, adequate supervision conditions are imposed, and adequate community resources are available.

Explore procedures to improve speed and efficiency in assessing sex offenders. Create rules and procedures for relief and reclassification hearings.

B) Reduce the Risk of Repeat Criminal Behavior

- 10-Year Goal: Safety
- KPM #1: Parole Recidivism
- KPM #7: Administrative Review

Continue the partnership with the Department of Corrections and county governments, which maximizes the benefits of combined state and county resources, in order to fully implement the Department's Oregon Accountability Model in an effort to improve release planning, transition, and community supervision to manage and shape behavior in pro-social ways.

Work in partnership with the Governor, Legislature, Department of Corrections and county governments to develop a criminal justice system that maximizes public safety and encourages longer-term behavior changes in offenders; a system with sufficient flexibility to deal with the diversity of the criminal population and the public safety limitations inherent in releasing offenders to the community.

<i>(B cont'd)</i>	Review and evaluate release decisions and processes to be more consistent with the latest evidence-based practices.
<p>C) Ensure Legal Integrity</p> <ul style="list-style-type: none"> - Governor's Key Initiative: Excellence in State Government - KPM #7: Administrative Review - KPM #8: Customer Service 	<p>Work with the Department of Justice to ensure that Board processes, decisions and actions are in full compliance with all applicable laws.</p> <p>Work with Secretary of State to ensure proper measures are taken to provide transparency with public records requests.</p>
<p>D) Value Victims Interests</p> <ul style="list-style-type: none"> - 10-Year Goal: Safety - KPM #3: Victim Notification - KPM #8: Customer Service 	<p>Continue to enhance support and communications with victims, co-victims, and victim groups by giving victims a voice in the criminal justice system. Partner with victim advocates to create a system which meets victims' needs from the commission of a crime, and throughout sentencing, incarceration, and community supervision.</p> <p>Create a less-intimidating and safer environment for victims and the general public who wish to participate in Board hearings by developing video conferencing capabilities with state prisons and selected county correction facilities; and enhance communications with victims, co-victims, victim advocates, and victim groups.</p>
<p>E) Value Partnerships with Stakeholders</p> <ul style="list-style-type: none"> - KPM #8: Customer Service 	<p>Conduct an external survey of the Board's customers evaluating the Board's performance in meeting the needs of our stakeholders in providing information and direct services.</p> <p>Partner with public safety agencies to develop and use a statewide criminal justice information system with vital offender information accessible to all public safety agencies.</p>

F) Operations Efficiency

- Governor's Key Initiative: Making Government More Effective

- KPM #2: Order of Supervision
- KPM #3: Victim Notification
- KPM #4: Arrest Warrant
- KPM #6: Discharge of Supervision
- KPM #7: Administrative Review
- KPM #8: Customer Service

Work with our projected and existing resources to be a completely paperless agency.

Increase staff positions in order to effectively and efficiently conduct all statutory and administrative duties.

Maintain shared resources with Department of Corrections for continued service and development of the Parole Board Management Information System and continued integration of information between the Board, DOC, Community Corrections, and other public safety partners.

Improve records storage and retrieval system, including implementing an electronic records process, and improve public record request transparency.

Explore procedures to improve speed and efficiency in assessing sex offenders risk to reoffend while maintaining integrity and reliability. Adopt previous assessment scores when assessment performed by partner agency or retrieved from a reliable source. Create rules and procedures for relief and reclassification hearings.

CRITERIA FOR 2021-23 BUDGET DEVELOPMENT

The FY 2021-23 budget reflects the following objectives developed through the Board's 24-month planning process:

- Maintain staffing levels to perform the Boards statutorily traditional required public safety functions.
- Maintain staffing levels for sex offender assessments and hearings.
- Monitor performance measure data as an indication of agency success in each of its statutory functions.
- Adjust the Board's funding for previously underfunded and rising Personal, Medical, and Professional Services costs, driven by the passage of HB 2549 and the implementation of a sex offender notification level system; an increased need for quality of psychological evaluations and reports for release decisions; as well as a new requirement of sex offender assessments for classification purposes.
- Conduct hearings to determine whether release or re-release to supervision is consistent with the applicable rules and statutes, which reflect principles based on public safety, rehabilitation, and victims' rights. For the approximately 1200 offenders under the Board's release authority, the Board considers both static and dynamic factors in making its decision, including, but not limited to, the nature of the underlying convictions, the offender's criminal history, the history and nature of the offender's supervision in the community including any violations, findings made by a psychologist or psychiatrist, conduct while incarcerated, programs and activities completed or attended while incarcerated and/or in the community, treatment and supervision available in the community, release plans, victim's statement and statement by the district attorney from the committing jurisdiction, if any, support in the community, and best practices related to discretionary release and offender supervision in the community.
- Conduct reviews of assessment score objections by all registered offenders who are being classified into the sex offender notification level system.
- Create system for hearings on relief from registration and reclassification of sex offenders.
- Continue working closely with the Department of Justice and the Department of Administrative Services Risk Management Division in the management of adult in custody and offender appeals. Last biennium, legal costs represented 12% of the Board's budget.
- Continue the collaboration and partnership in the management and responsibility of conducting parole violation hearings with county community corrections agencies. Hearings are able to be conducted at a reduced cost through the use of Intergovernmental Agreements with various county governments.
- Continue to develop and refine business continuity plans to establish direction in performing agency statutory functions under circumstances involving a disaster.
- Continue to pursue an objective of operating more efficiently by establishing a paperless system.

Major Information Technology Projects/Initiatives

- None planned.

PROGRAM PRIORITIZATION FOR 2021-23

Vision: A Safe & Just Oregon

Agency Name: Board of Parole & Post-Prison Supervision																						
2021-23 Biennium																			Agency Number: 25500			
Program 1																						
Program/Division Priorities for 2021-23 Biennium																						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
Priority (ranked with highest priority first)	Agency Initials	Program or Activity Initials	Program Unit/Activity Description	Identify Key Performance Measure(s)	Primary Purpose Program-Activity Code	GF	LF	OF	NL-OF	FF	NL-FF	TOTAL FUNDS	Pos.	FTE	New or Enhanced Program (Y/N)	Included as Reduction Option (Y/N)	Legal Req. Code (C, D, FM, FO, S)	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)	Comments on Proposed Changes to CSL included in Agency Request		
Agcy	Prgm/ Div																					
25500	P1:D1	BOPPPS	Authority	Parole Release and Community Supervision	1,2,3,4,5,6,8	5	\$2,004,884					\$ -										
25500	P1:D2	BOPPPS	Legal	Response to Legal Action and Review	7,8	5	\$541,861					\$ 541,861	1.8	1.80	N	Y	S	ORS 144		(100) Position Reclassifications; (101) Facilities Management.		
25500	P1:D3	BOPPPS	Support	Policies, Rules, Operations	1,2,3,4,5,6,7,8	5	\$3,589,984					\$ 3,589,984	9.2	9.20	N	Y	S	ORS 144, ORS 163A.100		(100) Position Reclassifications; (101) Facilities Management.		
25500	P1:D4	BOPPPS	Authority	Sex Offender Risk Assessments	3, 8	5	\$4,551,630					\$ 4,551,630	7	7.00	N	Y	S	ORS 163A.100		(100) Position Reclassifications; (101) Facilities Management; (102) Professional Services.		
												\$ 12,184										
												\$ -										
												\$ -										
							\$10,688,359	-	\$12,184	-	-	\$ 10,700,543	25	25.00								

Within each Program/Division area, prioritize each Budget Program Unit (Activities) by detail budget level in ORBITS

7. Primary Purpose Program/Activity Exists

- 1 Civil Justice
- 2 Community Development
- 3 Consumer Protection
- 4 Administrative Function
- 5 Criminal Justice
- 6 Economic Development
- 7 Education & Skill Development
- 8 Emergency Services
- 9 Environmental Protection
- 10 Public Health
- 11 Recreation, Heritage, or Cultural
- 12 Social Support

19. Legal Requirement Code

- C Constitutional
- D Debt Service
- FM Federal - Mandatory
- FO Federal - Optional (once you choose to participate, certain requirements exist)
- S Statutory

Document criteria used to prioritize activities:

We support a safe and just Oregon by protecting citizens' rights and promoting positive offender change while maintaining accountability. Through engagement of partners, development of efficient policies, and respect for diversity, our strong, valued workforce strives for a better future for our state.

***Please Note:** The Board of Parole & Post-Prison Supervision is one Program, which has been divided into four (4) Divisions. Changes to any one Division would result in changes to the others, as well. FTE, professional services, and operating costs are interlinked and shared across Divisions.

ACTIVITY OR PROGRAM	DESCRIBE REDUCTION	AMOUNT AND FUND TYPE	RANK AND JUSTIFICATION
(WHICH PROGRAM OR ACTIVITY WILL NOT BE UNDERTAKEN)	(DESCRIBE THE EFFECTS OF THIS REDUCTION. INCLUDE POSITIONS AND FTE IN 2021-23 AND 2023-25)	(GF, LF, OF, FF. IDENTIFY REVENUE SOURCE FOR OF, FF)	(RANK THE ACTIVITIES OR PROGRAMS NOT UNDERTAKEN IN ORDER OF LOWEST COST FOR BENEFIT OBTAINED)
1 MAINTAIN VACANCIES IN SUPPORT STAFF POSITIONS: RECEPTION (4000029) \$82,704 RECORDS SPECIALIST (4000024) \$0	REDUCTION OF 2 FTE. WILL REMOVE EFFICIENCIES AND INCREASE WORKLOAD ON OTHER STAFF. THE BOARD WILL BE UNABLE TO RESPOND TO PUBLIC RECORDS REQUESTS IN A LAWFUL AND TIMELY MANNER UNDER ORS 192.314. ADDITIONALLY, THE BOARD WILL BE UNABLE TO CONVERT ITS PAPER FILES TO ELECTRONIC FILES.	GF - \$82,704	1 REDUCTION IN SUPPORT SERVICES WILL INHIBIT THE BOARD'S ABILITY TO COMPLETE CERTAIN STATUTORY DUTIES, BUT IT WILL NOT CEASE PROGRAM ACTIVITIES. <i>(NO LEGISLATIVE CONCEPT HAS BEEN FILED)</i>
2 REDUCE TO STATUTORY MINIMUM PROFESSIONAL SERVICES CONTRACTS SEX OFFENDER ASSESSMENTS	REDUCTION IN PROFESSIONAL SERVICES WILL INHIBIT THE BOARD'S ABILITY TO ASSESS PREVIOUSLY CONVICTED SEX OFFENDERS AND NOT MEET 12/2026 DEADLINE. CONTRACTORS ASSESS JUVENILES, WOMEN AND ANYONE CONVICTED OF NON-CONTACT SEX OFFENSES,	GF - \$92,400	2 REDUCTION IN PROFESSIONAL SERVICES WILL INHIBIT THE BOARD'S ABILITY TO COMPLETE CERTAIN STATUTORY DUTIES AND MAINTAIN SOME CONTRACTED SERVICES, BUT IT WILL NOT CEASE PROGRAM ACTIVITIES. <i>(NO LEGISLATIVE CONCEPT HAS BEEN FILED)</i>
3 LAYOFF 1 ST AND 2 ND OF 4 POSITIONS BOARD ASSESSMENT SPECIALISTS AS2 (4170045) \$82,056 (4170044) \$82,044	LAYOFF OF 2 FTES WILL INHIBIT THE BOARD'S ABILITY TO EFFECTIVELY COMPLETE STATUTORILY REQUIRED ASSESSMENTS BY THE PRESCRIBED DEADLINE OF DECEMBER 1, 2026 (ORS 163A.100). WORK WOULD BE SHIFTED TO OTHER STAFF, RESULTING IN ADDITIONAL DELAYS.	GF - \$164,100	3 REDUCTION IN STAFF WILL INHIBIT THE BOARD'S ABILITY TO COMPLETE CERTAIN STATUTORY DUTIES AND CONTINUE SOME ASSESSMENTS, BUT IT WILL NOT CEASE PROGRAM ACTIVITIES. <i>(NO LEGISLATIVE CONCEPT HAS BEEN FILED)</i>
4	LAYOFF OF THIS POSITION WILL	GF - \$120,948	4

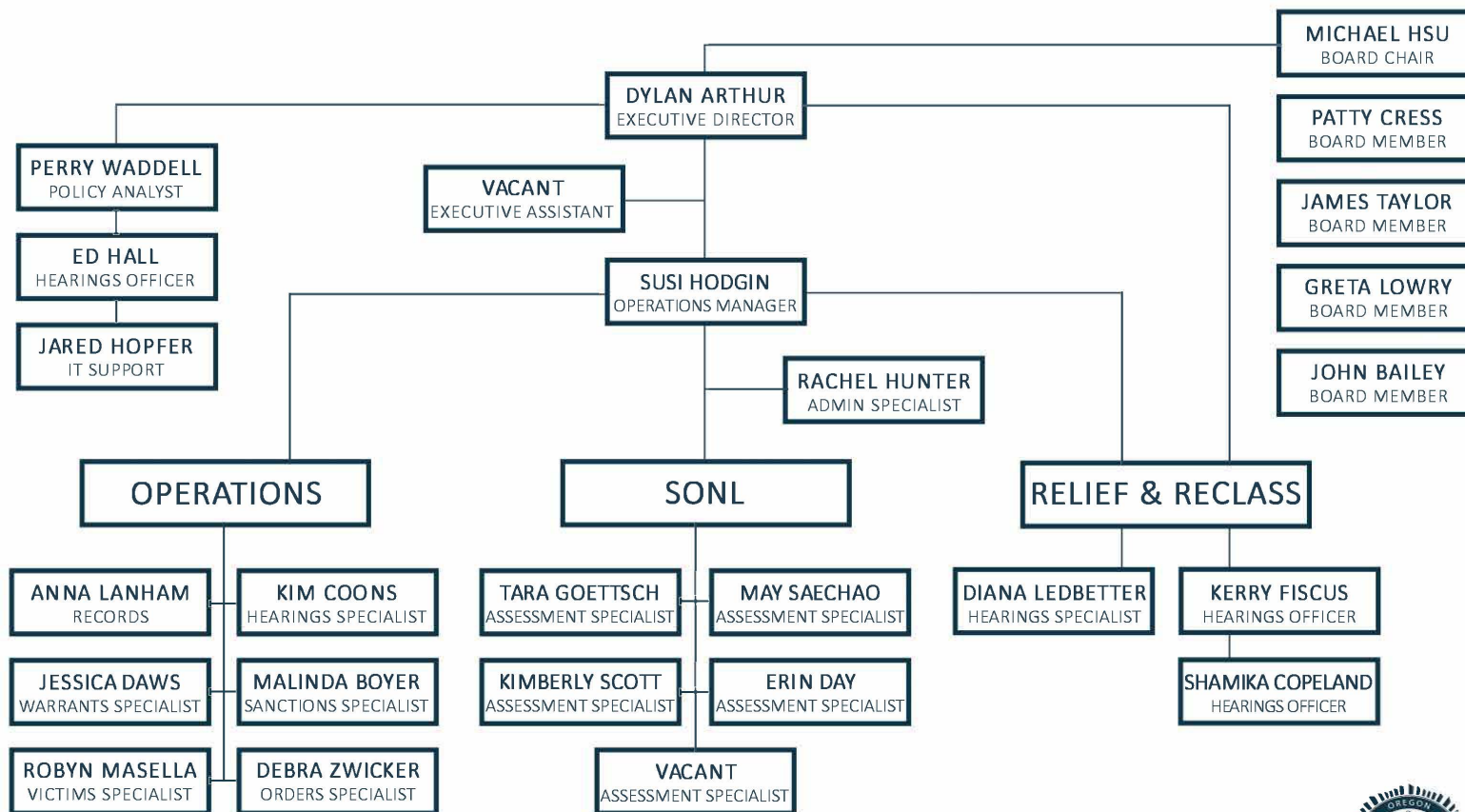
<p>LAYOFF 1 OF 2 BOARD HEARINGS OFFICER HEARINGS OFFICER (4170040)</p>	<p>REDUCE ABILITY TO HOLD HEARINGS BY ONE HALF.</p>		<p>REDUCE ABILITY TO HOLD HEARINGS TO REMOVE LOW RISK OFFENDERS FROM REGISTRY. THE BOARD'S SECOND SEX OFFENDER NOTIFICATION LEVEL HEARINGS OFFICER WOULD HAVE TO ATTEMPT TO COVER FOR THIS POSITION LOSS, RESULTING IN SIGNIFICANT HEARINGS DELAYS. REDUCTION IN STAFF WILL INHIBIT THE BOARD'S ABILITY TO COMPLETE CERTAIN STATUTORY DUTIES AND CONTINUE SOME ASSESSMENTS, BUT IT WILL NOT CEASE PROGRAM ACTIVITIES. <i>(NO LEGISLATIVE CONCEPT HAS BEEN FILED)</i></p>
<p>5 LAYOFF ADMINISTRATIVE SPECIALIST AS1 (4170042)</p>	<p>REDUCTION OF 1 FTE. WILL REMOVE EFFICIENCIES AND INCREASE WORKLOAD ON OTHER STAFF, SUCH AS ACCOUNTS PAYABLE. THE BOARD WILL STRUGGLE TO RESPOND TO PUBLIC RECORDS REQUESTS IN A LAWFUL MANNER UNDER ORS 192.314. ADMINISTRATIVE TASKS WILL BE CONDUCTED BY BOARD MEMBERS, MANAGERS, AND OTHER STAFF MEMBERS. RESPONSE TO PUBLIC REQUESTS AND INQUIRIES WILL BE DELAYED. FOR PEOPLE ON PAROLE AND POST-PRISON SUPERVISION, PEOPLE DISCHARGING FROM SUPERVISION, PEOPLE WHO NEED THEIR SUPERVISION TO BE ACTIVATED, AND PEOPLE REQUESTING OUT-OF-STATE TRAVEL AND ABILITY TO BE INFORMANTS, COMMUNICATION WILL BE DELAYED AND CONDUCTED BY MANAGERS OR</p>	<p>GF - \$ 90,024</p>	<p>5 REDUCTION OF POSITION WILL INHIBIT THE BOARD'S ABILITY TO COMPLY WITH STATUTORY DUTIES AND DEADLINES, BUT IT WILL NOT CEASE PROGRAM ACTIVITIES. <i>(NO LEGISLATIVE CONCEPT HAS BEEN FILED)</i></p>

	BOARD MEMBERS.		
6 LAYOFF HEARINGS COORDINATOR AS2 (4000015)	LAYOFF OF THIS POSITION WILL REDUCE ABILITY TO HOLD HEARINGS AND TRANSFER DUTIES TO OTHER STAFF.	GF - \$97,140	6 REDUCE ABILITY TO HOLD HEARINGS TO REMOVE LOW RISK OFFENDERS FROM REGISTRY. THE BOARD WILL NOT BE ABLE TO FULFILL ITS STATUTORY DUTIES UNDER ORS 163A.125 TO HOLD SEX OFFENDER RELIEF FROM REGISTRATION HEARINGS OR RECLASSIFICATION OF NOTIFICATION LEVEL HEARINGS. THE WORK OF THIS POSITION WOULD GO TO A HEARINGS OFFICER OR ASSESSMENT SPECIALIST WHICH WILL RESULT IN DELAYS IN PROCESSING ASSESSMENTS OF SEX OFFENDERS AND THE SCHEDULING OF HEARINGS IN A TIMELY MANNER. <i>(NO LEGISLATIVE CONCEPT HAS BEEN FILED)</i>
7 REDUCE TO HALF TIME VICTIMS' SPECIALIST AS 2 (4000008)	REDUCTION OF THIS POSITION TO .5 FTE WILL REDUCE THE BOARD'S ABILITY TO PROMPTLY RESPOND TO VICTIMS AND ADEQUATELY REPRESENT THEM AT HEARINGS.	GF - \$44,364	7 REDUCTION OF POSITION WILL PRODUCE REDUCED RESPONSE TIME TO CUSTOMERS AND STAKEHOLDERS AND WILL AFFECT OTHER PROGRAM ACTIVITIES DUE TO INCREASING WORKLOADS, BUT IT WILL NOT CEASE PROGRAM ACTIVITIES. <i>(NO LEGISLATIVE CONCEPT HAS BEEN FILED)</i>
8 LAYOFF SANCTIONS SPECIALIST AS 2 (4000023)	LAYOFF OF THIS POSITION WILL CAUSE SANCTIONS TO GO DIRECTLY TO BOARD MEMBERS WITHOUT FILTEING OR VETTING AND CAUSE A WORK OVERLOAD	GF - \$99,000	8 ELIMINATE ABILITY TO SCREEN SANCTION REQUESTS AND ROUTE TO APPROPRIATE STAFF MEMBER. REMOVES CORE FUNCTION OF BOARD. <i>(NO LEGISLATIVE CONCEPT HAS BEEN FILED)</i>
9	LAYOFF OF THIS POSITION WILL	GF - \$120,948	9

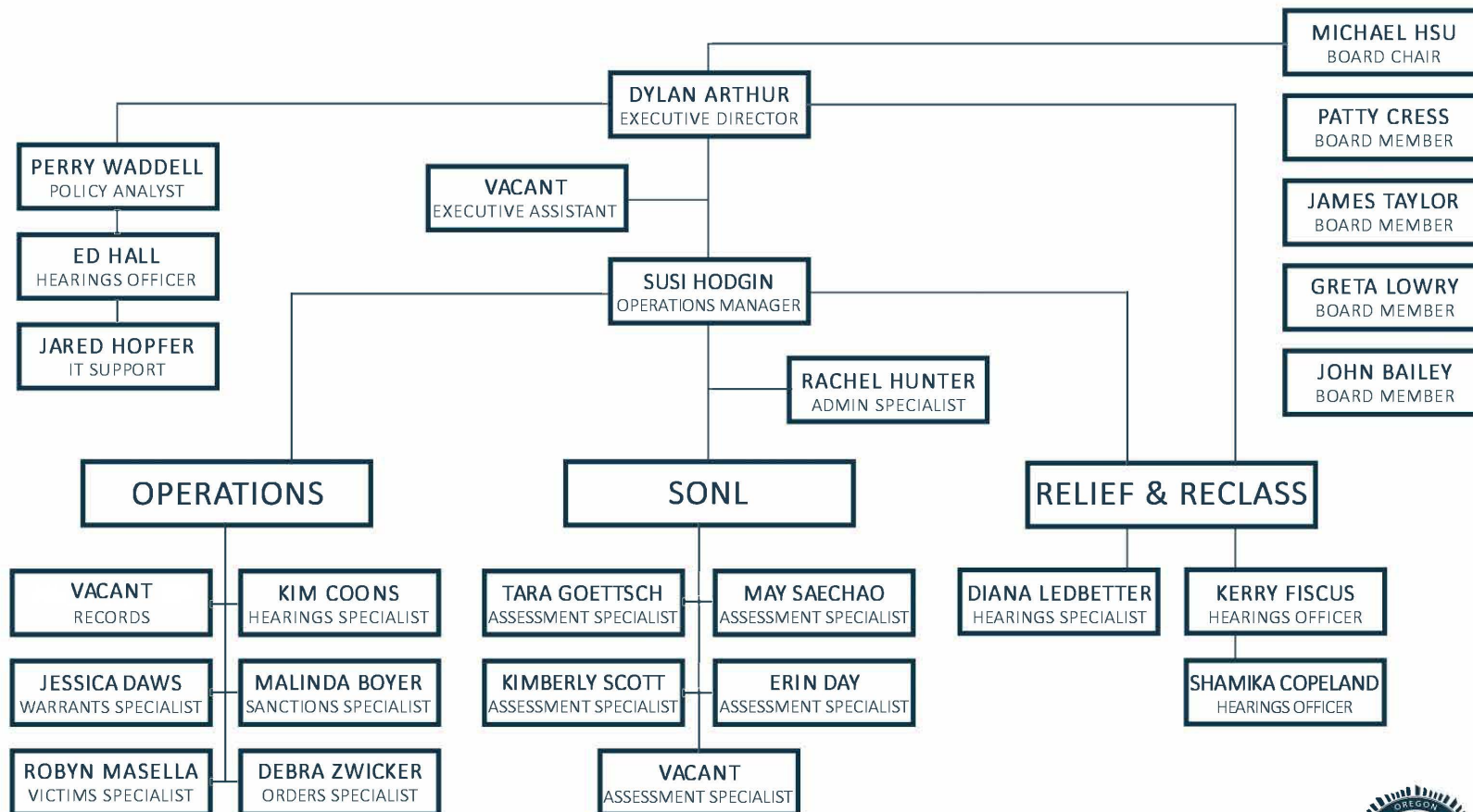
<p>LAYOFF 2ND OF 2 BOARD HEARINGS OFFICER HEARINGS OFFICER (4170041)</p>	<p>ELIMINATE ABILITY TO HOLD HEARINGS TO REMOVE LOW RISK SEX OFFENDERS FROM REGISTRY AND HEARINGS TO REDUCE RISK LEVEL OF CERTIN OFFENDERS.</p>		<p>ELIMINATE ABILITY TO HOLD HEARINGS TO REMOVE LOW RISK OFFENDERS FROM REGISTRY AND FAIL TO COMPLY WITH STATUTORY REQUIREMENTS. THE BOARD WILL NOT BE ABLE TO FULFILL ITS STATUTORY DUTIES UNDER ORS 163A.125 TO HOLD HEARINGS TO RELIEVE REGISTRANTS OF THEIR OBLIGATION TO REGISTER AS SEX OFFENDERS OR RECLASSIFY THEIR NOTIFICATION LEVEL. THE LEGISLATURE CREATED TWO POSITIONS TO CONDUCT HEARINGS FOR OREGON'S 30,000+ SEX OFFENDERS BY 2026 FOR PETITIONERS WHO APPLY FOR RELIEF OR RECLASSIFICATION HEARINGS UNDER ORS 163A.125. THE BOARD WOULD BE DELAYED IN PROCESSING THE REVIEW OF REGISTRANTS' OBJECTIONS TO THEIR SEX OFFENDER NOTIFICATION LEVELS UNDER ORS 163A.101(7) TO THE POINT WHERE WE WOULD BE UNABLE TO MEET THE LEGISLATED 2026 DEADLINE. THE CURRENT SEX OFFENDER REGISTRY WOULD REMAIN AT MORE THAN 30,000 INDIVIDUALS FOR THE FORESEEABLE FUTURE AND MAY INCREASE THE OREGON STATE POLICE'S COSTS TO MAINTAIN THE REGISTRY. <i>(NO LEGISLATIVE CONCEPT HAS BEEN FILED)</i></p>
<p>10 LAYOFF 3RD AND 4TH OF 4 POSITIONS BOARD ASSESSMENT SPECIALISTS AS2s (4150036) \$106,968</p>	<p>LAYOFF OF 2 FTES WILL CEASE THE BOARD'S ABILITY TO COMPLETE STATUTORILY REQUIRED ASSESSMENTS (ORS 163A.100).</p>	<p>GF - \$164,100</p>	<p>10 REDUCTION ELIMINATES ALL ASSESSMENT SPECIALISTS WHICH WILL STOP THE BOARD'S ABILITY TO COMPLETE STATUTORY DUTIES</p>

(4150035) \$106,932			AND WILL CEASE PROGRAM ACTIVITIES. <i>(NO LEGISLATIVE CONCEPT HAS BEEN FILED)</i>
	TOTAL:	\$1,075,728	
	10 % GOAL:	\$1,070,054	
	RESULTS OF REDUCTIONS:	\$5,674 OVER GOAL	

ORGANIZATIONAL CHART



ORGANIZATIONAL CHART



Summary of 2021-23 Biennium Budget

**Parole & Post Prison Supervision, State Board of
Parole & Post Prison Supervision, State Bd of
2021-23 Biennium**

**Agency Request Budget
Cross Reference Number: 25500-000-00-00-00000**

<i>Description</i>	<i>Positions</i>	<i>Full-Time Equivalent (FTE)</i>	<i>ALL FUNDS</i>	<i>General Fund</i>	<i>Lottery Funds</i>	<i>Other Funds</i>	<i>Federal Funds</i>	<i>Nonlimited Other Funds</i>	<i>Nonlimited Federal Funds</i>
2019-21 Leg Adopted Budget	25	25.00	8,691,783	8,680,101	-	11,682	-	-	-
2019-21 Emergency Boards	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	25	25.00	8,691,783	8,680,101	-	11,682	-	-	-
2021-23 Base Budget Adjustments									
Net Cost of Position Actions									
Administrative Biennialized E-Board, Phase-Out	-	-	903,020	903,020	-	-	-	-	-
Estimated Cost of Merit Increase	-	-	-	-	-	-	-	-	-
Base Debt Service Adjustment	-	-	-	-	-	-	-	-	-
Base Nonlimited Adjustment	-	-	-	-	-	-	-	-	-
Capital Construction	-	-	-	-	-	-	-	-	-
Subtotal 2021-23 Base Budget	25	25.00	9,594,803	9,583,121	-	11,682	-	-	-
Essential Packages									
010 - Non-PICS Pers Svc/Vacancy Factor									
Vacancy Factor (Increase)/Decrease	-	-	97,935	97,935	-	-	-	-	-
Non-PICS Personal Service Increase/(Decrease)	-	-	48,946	48,946	-	-	-	-	-
Subtotal	-	-	146,881	146,881	-	-	-	-	-
020 - Phase In / Out Pgm & One-time Cost									
021 - Phase-in	-	-	-	-	-	-	-	-	-
022 - Phase-out Pgm & One-time Costs	-	-	-	-	-	-	-	-	-
Subtotal	-	-	-	-	-	-	-	-	-
030 - Inflation & Price List Adjustments									
Cost of Goods & Services Increase/(Decrease)	-	-	324,626	324,124	-	502	-	-	-
State Gov't & Services Charges Increase/(Decrease)	-	-	128,383	128,383	-	-	-	-	-

Summary of 2021-23 Biennium Budget

**Parole & Post Prison Supervision, State Board of
Parole & Post Prison Supervision, State Bd of
2021-23 Biennium**

**Agency Request Budget
Cross Reference Number: 25500-000-00-00-00000**

<i>Description</i>	<i>Positions</i>	<i>Full-Time Equivalent (FTE)</i>	<i>ALL FUNDS</i>	<i>General Fund</i>	<i>Lottery Funds</i>	<i>Other Funds</i>	<i>Federal Funds</i>	<i>Nonlimited Other Funds</i>	<i>Nonlimited Federal Funds</i>
Subtotal	-	-	453,009	452,507	-	502	-	-	-
040 - Mandated Caseload									
040 - Mandated Caseload	-	-	-	-	-	-	-	-	-
050 - Fundshifts and Revenue Reductions									
050 - Fundshifts	-	-	-	-	-	-	-	-	-
060 - Technical Adjustments									
060 - Technical Adjustments	-	-	-	-	-	-	-	-	-
Subtotal: 2021-23 Current Service Level	25	25.00	10,194,693	10,182,509	-	12,184	-	-	-

Summary of 2021-23 Biennium Budget

**Parole & Post Prison Supervision, State Board of
Parole & Post Prison Supervision, State Bd of
2021-23 Biennium**

**Agency Request Budget
Cross Reference Number: 25500-000-00-00-00000**

<i>Description</i>	<i>Positions</i>	<i>Full-Time Equivalent (FTE)</i>	<i>ALL FUNDS</i>	<i>General Fund</i>	<i>Lottery Funds</i>	<i>Other Funds</i>	<i>Federal Funds</i>	<i>Nonlimited Other Funds</i>	<i>Nonlimited Federal Funds</i>
Subtotal: 2021-23 Current Service Level	25	25.00	10,194,693	10,182,509	-	12,184	-	-	-
070 - Revenue Reductions/Shortfall									
070 - Revenue Shortfalls	-	-	-	-	-	-	-	-	-
Modified 2021-23 Current Service Level	25	25.00	10,194,693	10,182,509	-	12,184	-	-	-
080 - E-Boards									
080 - March 2020 Eboard	-	-	-	-	-	-	-	-	-
081 - April 2020 Eboard	-	-	-	-	-	-	-	-	-
082 - May 2020 Eboard	-	-	-	-	-	-	-	-	-
083 - June 2020 Eboard	-	-	-	-	-	-	-	-	-
Subtotal Emergency Board Packages	-	-	-	-	-	-	-	-	-
Policy Packages									
084 - June 2020 Special Session	-	-	-	-	-	-	-	-	-
100 - Reclassifications of Existing Positions & Personal Svc Adjs	-	-	87,137	87,137	-	-	-	-	-
101 - Facilities Management	-	-	387,067	387,067	-	-	-	-	-
102 - State Service Charges	-	-	31,646	31,646	-	-	-	-	-
Subtotal Policy Packages	-	-	505,850	505,850	-	-	-	-	-
Total 2021-23 Agency Request Budget	25	25.00	10,700,543	10,688,359	-	12,184	-	-	-
Percentage Change From 2019-21 Leg Approved Budget	-	-	23.11%	23.14%	-	4.30%	-	-	-
Percentage Change From 2021-23 Current Service Level	-	-	4.96%	4.97%	-	-	-	-	-

Summary of 2021-23 Biennium Budget

**Parole & Post Prison Supervision, State Board of
Parole Board
2021-23 Biennium**

**Agency Request Budget
Cross Reference Number: 25500-013-00-00-00000**

<i>Description</i>	<i>Positions</i>	<i>Full-Time Equivalent (FTE)</i>	<i>ALL FUNDS</i>	<i>General Fund</i>	<i>Lottery Funds</i>	<i>Other Funds</i>	<i>Federal Funds</i>	<i>Nonlimited Other Funds</i>	<i>Nonlimited Federal Funds</i>
2019-21 Leg Adopted Budget	25	25.00	8,691,783	8,680,101	-	11,682	-	-	-
2019-21 Emergency Boards	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	25	25.00	8,691,783	8,680,101	-	11,682	-	-	-
2021-23 Base Budget Adjustments									
Net Cost of Position Actions									
Administrative Biennialized E-Board, Phase-Out	-	-	903,020	903,020	-	-	-	-	-
Estimated Cost of Merit Increase	-	-	-	-	-	-	-	-	-
Base Debt Service Adjustment	-	-	-	-	-	-	-	-	-
Base Nonlimited Adjustment	-	-	-	-	-	-	-	-	-
Capital Construction	-	-	-	-	-	-	-	-	-
Subtotal 2021-23 Base Budget	25	25.00	9,594,803	9,583,121	-	11,682	-	-	-
Essential Packages									
010 - Non-PICS Pers Svc/Vacancy Factor									
Vacancy Factor (Increase)/Decrease	-	-	97,935	97,935	-	-	-	-	-
Non-PICS Personal Service Increase/(Decrease)	-	-	48,946	48,946	-	-	-	-	-
Subtotal	-	-	146,881	146,881	-	-	-	-	-
020 - Phase In / Out Pgm & One-time Cost									
021 - Phase-in	-	-	-	-	-	-	-	-	-
022 - Phase-out Pgm & One-time Costs	-	-	-	-	-	-	-	-	-
Subtotal	-	-	-	-	-	-	-	-	-
030 - Inflation & Price List Adjustments									
Cost of Goods & Services Increase/(Decrease)	-	-	324,626	324,124	-	502	-	-	-
State Gov't & Services Charges Increase/(Decrease)	-	-	128,383	128,383	-	-	-	-	-

Summary of 2021-23 Biennium Budget

Parole & Post Prison Supervision, State Board of
Parole Board
2021-23 Biennium

Agency Request Budget
Cross Reference Number: 25500-013-00-00-00000

<i>Description</i>	<i>Positions</i>	<i>Full-Time Equivalent (FTE)</i>	<i>ALL FUNDS</i>	<i>General Fund</i>	<i>Lottery Funds</i>	<i>Other Funds</i>	<i>Federal Funds</i>	<i>Nonlimited Other Funds</i>	<i>Nonlimited Federal Funds</i>
Subtotal	-	-	453,009	452,507	-	502	-	-	-
040 - Mandated Caseload									
040 - Mandated Caseload	-	-	-	-	-	-	-	-	-
050 - Fundshifts and Revenue Reductions									
050 - Fundshifts	-	-	-	-	-	-	-	-	-
060 - Technical Adjustments									
060 - Technical Adjustments	-	-	-	-	-	-	-	-	-
Subtotal: 2021-23 Current Service Level	25	25.00	10,194,693	10,182,509	-	12,184	-	-	-

Summary of 2021-23 Biennium Budget

**Parole & Post Prison Supervision, State Board of
Parole Board
2021-23 Biennium**

**Agency Request Budget
Cross Reference Number: 25500-013-00-00-00000**

<i>Description</i>	<i>Positions</i>	<i>Full-Time Equivalent (FTE)</i>	<i>ALL FUNDS</i>	<i>General Fund</i>	<i>Lottery Funds</i>	<i>Other Funds</i>	<i>Federal Funds</i>	<i>Nonlimited Other Funds</i>	<i>Nonlimited Federal Funds</i>
Subtotal: 2021-23 Current Service Level	25	25.00	10,194,693	10,182,509	-	12,184	-	-	-
070 - Revenue Reductions/Shortfall									
070 - Revenue Shortfalls	-	-	-	-	-	-	-	-	-
Modified 2021-23 Current Service Level	25	25.00	10,194,693	10,182,509	-	12,184	-	-	-
080 - E-Boards									
080 - March 2020 Eboard	-	-	-	-	-	-	-	-	-
081 - April 2020 Eboard	-	-	-	-	-	-	-	-	-
082 - May 2020 Eboard	-	-	-	-	-	-	-	-	-
083 - June 2020 Eboard	-	-	-	-	-	-	-	-	-
Subtotal Emergency Board Packages	-	-	-	-	-	-	-	-	-
Policy Packages									
084 - June 2020 Special Session	-	-	-	-	-	-	-	-	-
100 - Reclassifications of Existing Positions & Personal Svc Adjs	-	-	87,137	87,137	-	-	-	-	-
101 - Facilities Management	-	-	387,067	387,067	-	-	-	-	-
102 - State Service Charges	-	-	31,646	31,646	-	-	-	-	-
Subtotal Policy Packages	-	-	505,850	505,850	-	-	-	-	-
Total 2021-23 Agency Request Budget	25	25.00	10,700,543	10,688,359	-	12,184	-	-	-
Percentage Change From 2019-21 Leg Approved Budget	-	-	23.11%	23.14%	-	4.30%	-	-	-
Percentage Change From 2021-23 Current Service Level	-	-	4.96%	4.97%	-	-	-	-	-

Parole & Post Prison Supervision, State Board of

Agency Number: 25500

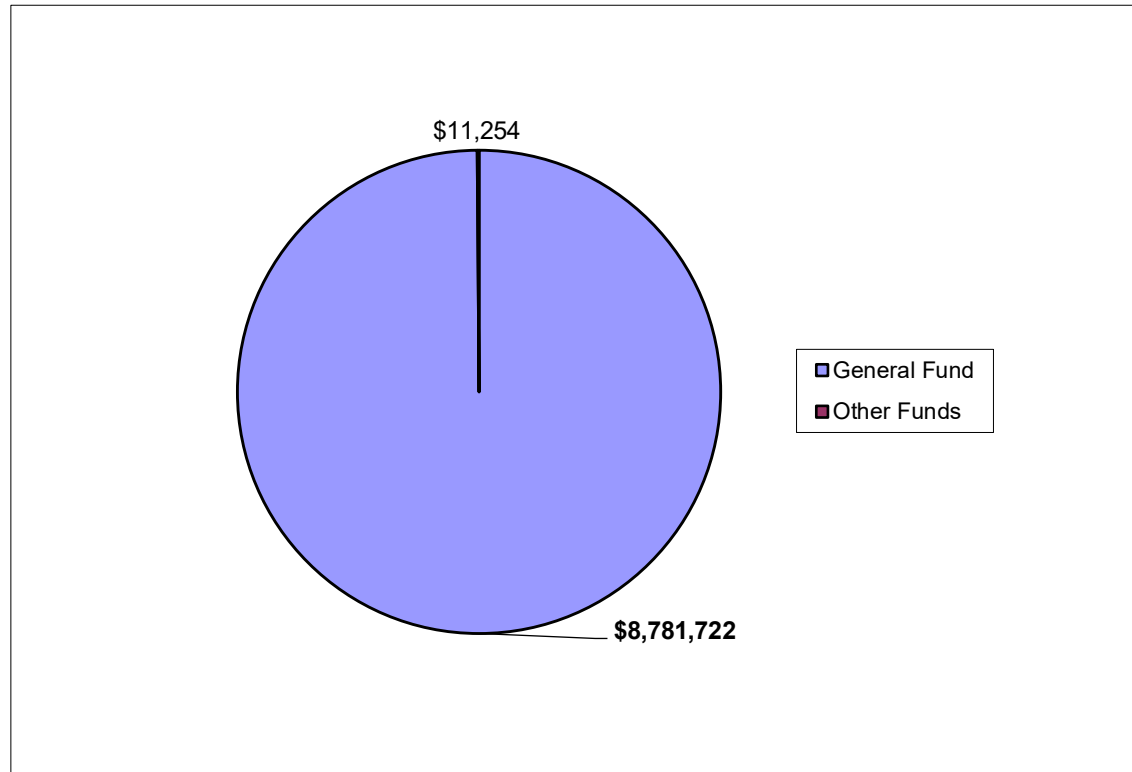
**Agencywide Program Unit Summary
2021-23 Biennium**

Version: V - 01 - Agency Request Budget

Summary Cross Reference Number	Cross Reference Description	2017-19 Actuals	2019-21 Leg Adopted Budget	2019-21 Leg Approved Budget	2021-23 Agency Request Budget	2021-23 Governor's Budget	2021-23 Leg. Adopted Budget
013-00-00-00000	Parole Board						
	General Fund	9,034,911	8,680,101	8,680,101	10,688,359	-	-
	Other Funds	10,167	11,682	11,682	12,184	-	-
	All Funds	9,045,078	8,691,783	8,691,783	10,700,543	-	-
TOTAL AGENCY							
	General Fund	9,034,911	8,680,101	8,680,101	10,688,359	-	-
	Other Funds	10,167	11,682	11,682	12,184	-	-
	All Funds	9,045,078	8,691,783	8,691,783	10,700,543	-	-

REVENUE FORECAST

The 2019-21 Legislatively Adopted Budget for the Board of Parole and Post-Prison Supervision is funded 99.99% by General Fund, and only .01% from Other Funds Revenue. The Board has only one program.



The sources of Other Funds Revenues for the Board are the sale of documents and hearing tapes to members of the public and inmates/offenders and court-ordered fees paid to the Board.

In January 1988, the Emergency Board granted an Other Funds limitation to the Board, which is used for office supplies and services. This limitation has been continued with slight increases in the approved spending amount over time.

In 2021-23, there are no proposed changes in revenue sources or fees.

DETAIL OF LOTTERY FUNDS, OTHER FUNDS, AND FEDERAL FUNDS REVENUE

Parole & Post Prison Supervision, State Board of
2021-23 Biennium

Agency Number: 25500

Cross Reference Number: 25500-000-00-00-00000

<i>Source</i>	2017-19 Actuals	2019-21 Leg Adopted Budget	2019-21 Leg Approved Budget	2021-23 Agency Request Budget	2021-23 Governor's Budget	2021-23 Leg. Adopted Budget
Other Funds						
Fines and Forfeitures	3,165	5,072	5,072	5,500	-	-
Sales Income	4,477	5,258	5,258	6,500	-	-
Total Other Funds	\$7,642	\$10,330	\$10,330	\$12,000	-	-

DETAIL OF LOTTERY FUNDS, OTHER FUNDS, AND FEDERAL FUNDS REVENUE

**Parole & Post Prison Supervision, State Board of
2021-23 Biennium**

**Agency Number: 25500
Cross Reference Number: 25500-013-00-00-00000**

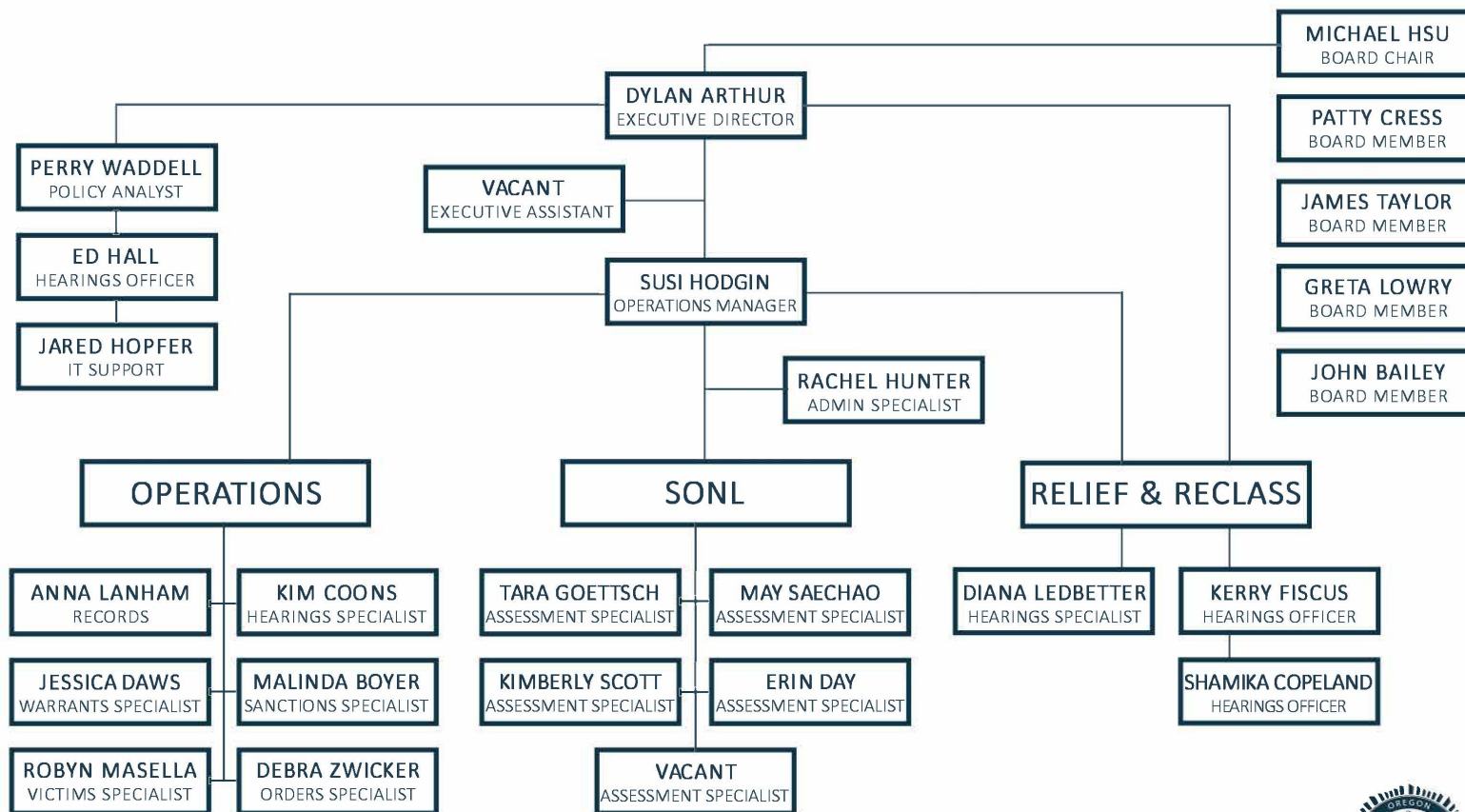
<i>Source</i>	2017-19 Actuals	2019-21 Leg Adopted Budget	2019-21 Leg Approved Budget	2021-23 Agency Request Budget	2021-23 Governor's Budget	2021-23 Leg. Adopted Budget
Other Funds						
Fines and Forfeitures	3,165	5,072	5,072	5,500	-	-
Sales Income	4,477	5,258	5,258	6,500	-	-
Total Other Funds	\$7,642	\$10,330	\$10,330	\$12,000	-	-

Capital Budgeting and Facilities Maintenance

The Board has no capital assets nor maintains any buildings.

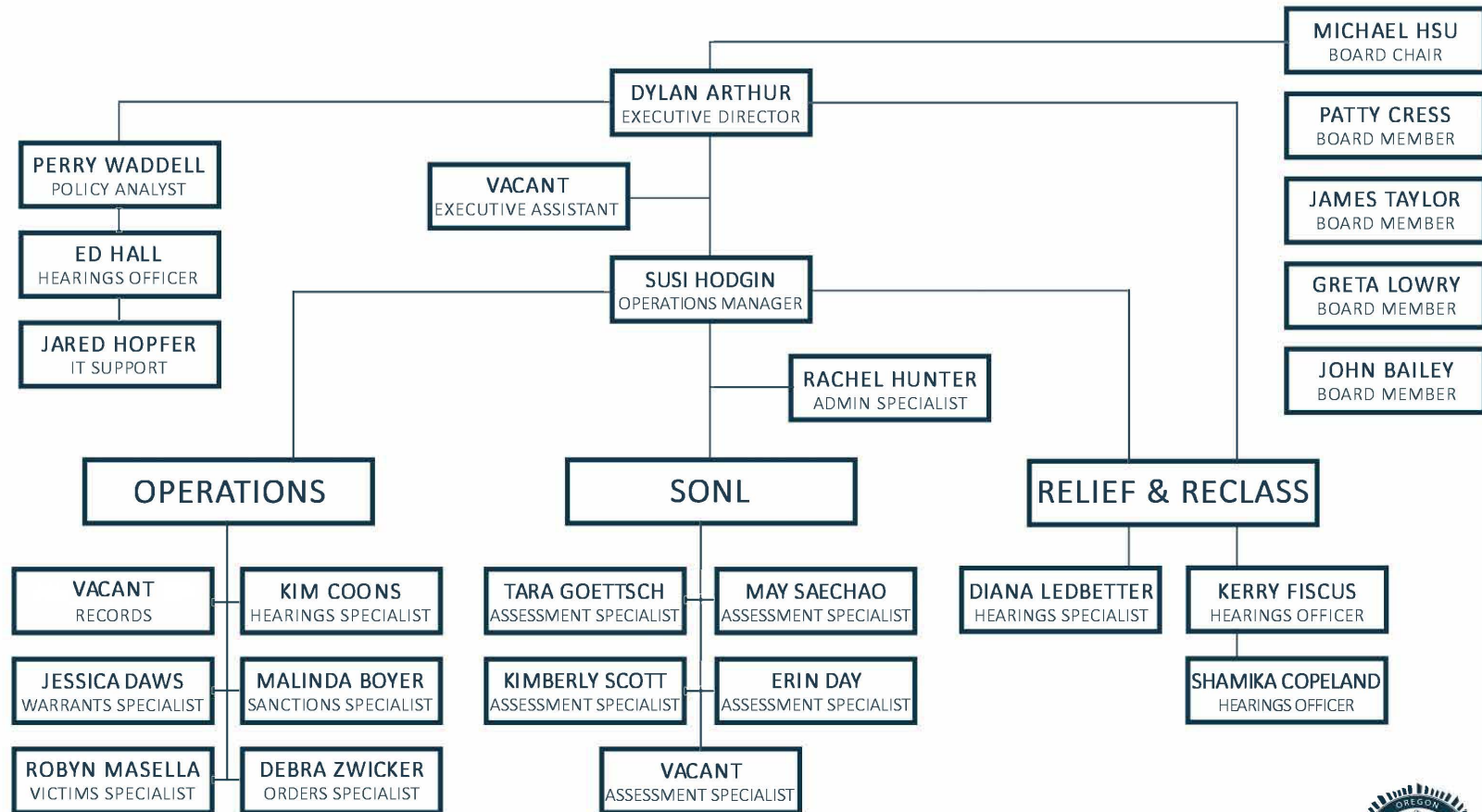
CURRENT ORGANIZATION CHART 2019-2021

ORGANIZATIONAL CHART



PROPOSED ORGANIZATION CHART 2021-2023

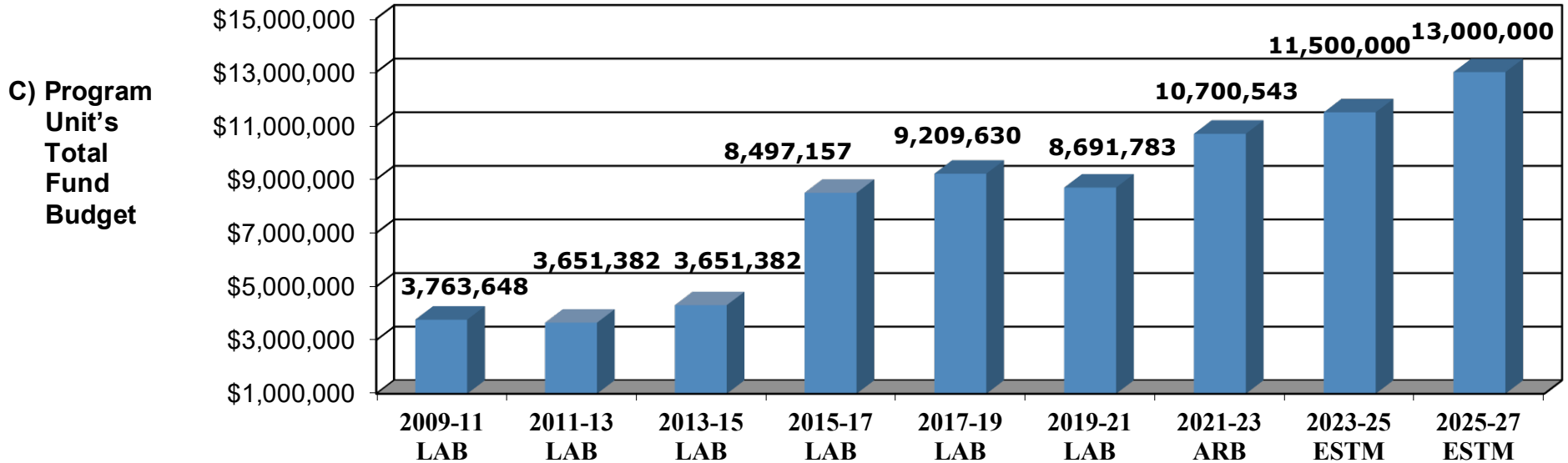
ORGANIZATIONAL CHART



PROGRAM UNIT EXECUTIVE SUMMARY

Oregon Board of Parole & Post-Prison Supervision:

A) Primary Long Term Focus Area: Public Safety/Fostering Safe Communities
Secondary/Tertiary Outcome Area: Excellence in State Government
B) Program Contact: Dylan Arthur, Executive Director 503-945-9009



D) Program Overview:

The Board of Parole and Post-Prison Supervision (the Board) protects the public and reduces the risk of repeat criminal behavior through its incarceration and evidence- and research-based release and community supervision decisions. The Board also classifies registered sex offenders to a community notification level based on their risk to reoffend in the community, and determines qualifications for reclassification and/or relief from registration. This program functions as a major partner in the criminal justice system through its release decisions, supervisory authority, victim involvement and support, and stakeholder involvement. The Board also maintains its partnership with the Department of Corrections through evidence- and research-based supervision and intervention methods, as well as training and community education efforts.

PROGRAM UNIT EXECUTIVE SUMMARY

E) Program Funding Request:

This program is requesting **\$10,700,543** to continue as the releasing authority for certain inmates and the supervising authority for offenders on parole and post-prison supervision. This includes making release decisions on approximately 1220 inmates in prison, and serving as the supervising authority for over 17,000 offenders in the community. Additionally, this program is requesting increased funding to complete its statutorily mandated duties pursuant to ORS 163A.100, et seq. for Sex Offender Notification Level classification. This request includes funding of **\$509,414** for the following Policy Option Packages:

- **100 Reclassifications of existing positions & Personal Services Adjustments- \$90,701** Reclassify 6 staff positions to accurately reflect the level of responsibility required. These positions have been approved by the Department of Administrative Services: Office Specialist 1 Position #4000029; Administrative Specialist 1 Position #4000008; Operations and Policy Analyst Position # 4170039; and Executive Director Position #4000007. The Manager Position #4000010 position and Executive Support Position # 4000024 are pending approval for reclassification by the Department of Administrative Services.
 - 4000029 – Records Technician OS1 to AS1 – \$(1,140)
 - 4000008 – Victim Specialist AS1 to AS2 - \$6,114
 - 4170039 – OPA3 to OPA4 - \$0
 - 4000007 – Executive Director PEM D to PEM F - \$55,285
 - 4000010 – Operations Manager AP C0107 AP to PEM D - \$0
 - 4000024 – Executive Support OA2 to ESS2 - \$26,878

- **101 Facilities Management – \$387,067**

Rent: Previous rent amount was for approximately half the staff. Once it was determined that the Board needed to vacate the Dome offices, the Board worked with DAS real estate and found an appropriate location near Cherry road by OSHA and AFSCME offices. The Board was able to get release from the downtown Salem location by turning that lease over to Oregon Public Defenders. The Board then signed a new lease for 1321 Tandem Ave, NE, Salem. Custodial Services provides cleaning of entire office facility including recycling. This is a new cost. Security Services provides building security and screening and security for in-person hearings. This is a new cost but would have been required regardless of where the Board offices are located.

- **102 Professional Services to cover State Service Charges - \$31,646**

These are to cover additional state service charges that are currently covered by professional services monies. The Board is a small agency and saves state money by using the administrative services of the Department of Corrections (DOC) and

PROGRAM UNIT EXECUTIVE SUMMARY

Department of Administrative Services (DAS). Previously, all Board administrative services were provided by DOC. Due to growth of the Board and budget constraints, DOC is unable to provide all services. The Board migrated services for payroll, accounts payable, accounts receivable and procurement to DAS. DOC continues to provide human resources and IT. The Board has an agreement for HR services but, due to lack of resources, no agreement for IT. This funding covers the difference between AY19 and AY21. This action will further the agency's mission of improving public safety by ensuring that other mission-critical functions are not negatively impacted to cover the costs of these services.

F) Program Description:

Parole is a period of supervision in the community following release from prison for offenders with convictions that have a crime commitment date before November 1, 1989, as well as those who have been sentenced as 'dangerous offenders', and those convicted of murder or aggravated murder who are eligible for parole. Offenders on parole are released from prison by the Board before their sentences are completed, and serve the remainder of the sentence under community supervision. **Post-Prison Supervision** is a sentence of correctional supervision in the community following a prison or jail sentence for offenders with convictions that have a crime commitment date on or after November 1, 1989. For most of these crimes, the sentencing court and the Department of Corrections establish the length of prison terms using statutory guidelines. The Board determines the conditions of supervision.

The Board of Parole & Post-Prison Supervision has one decision unit and is, therefore, one program. Contained within the agency's statutory authority, this program's listed functions are as follows:

- Set parole dates for inmates committing felony crimes prior to November 1, 1989; determine when, or if, inmates sentenced for murder or aggravated murder, and who are eligible for parole, or those sentenced as "dangerous offenders" should be released from prison, regardless of the date of crime.
- Establish conditions of community supervision for all offenders being released from prison.
- Issue warrants for Board offenders who have absconded and sanction those offenders in violation of community supervision.
- Notify victims and criminal justice stakeholders of Board hearings and adult in custody releases.
- Monitor, adjust and discharge an offender's status on supervision.
- Respond to adult in custody and offender administrative and judicial appeals.
- Adopt administrative procedures and rules in accordance with statutory and policy changes. Provide education, training and resource materials to stakeholders, including DOJ, community corrections employees, DOC counselors, tribal representatives, district attorneys, defense attorneys, legislators and others.
- Assess and classify registered sex offenders into community notification levels based on their risk to reoffend in the community. Future processes will include hearings for reclassification and relief from sex offender registration.

PROGRAM UNIT EXECUTIVE SUMMARY

- Respond to public, media and offender inquiries.

Program Justification and Link to Long Term Outcomes:

The purpose of the Board of Parole and Post-Prison Supervision is to contribute to the safety of Oregonians by establishing and overseeing the supervision practices on every offender released from the Oregon Department of Corrections. In addition, the Board makes release decisions on Oregon's most dangerous criminals, and does so by utilizing both policies and practices that target only those offenders who are ready for reentry into our communities. The vision described in the Governor's Long Term Outcomes for Fostering Safe Communities includes managing offenders within local public safety systems rather than in prisons. The Board of Parole & Post-Prison Supervision is essential to the management of these offenders.

The Long Term Outcomes include these strategies:

- **Deter and reduce the amount of crime and dysfunctional behaviors in the community:** The Board responds to violations of supervision in the community with swift and sure sanctions that address the behavior while also considering the criminogenic and rehabilitative needs of the offender.
- **Reduce reliance on prison:** The Board reserves the option of returning offenders to prison for only the most serious behavioral violations which directly threaten the public's safety.
- **Evidence-based supervision strategies:** The Board collaborates with its Department of Corrections and Community Corrections partners to establish supervision conditions that adhere to the risk-need principle, which places the offender in the best situation for successful reintegration into the community.
- **Communications systems:** The Board has policies and practices in place for responses to warrant requests from the community corrections field. These communication protocols result in our warrants being completely processed through the law enforcement communication systems, and, therefore, enabling our law enforcement partners to respond swiftly to violation matters.
- **Improve citizen access to justice:** The Board notifies community corrections partners, individual victims, and district attorney offices of upcoming hearings to allow each access to represent how the offender's criminal behaviors have impacted them and the public's safety.

These functions of the Board strengthen the local supervision of offenders, as well as the swiftness and certainty of punishment in county jails; they reduce the likelihood for offenders to commit future crime and promote re-entry into the community; develop and coordinate shared public safety data and real-time communication systems to increase responsiveness to protect citizens; and improves citizen access to justice and the ability to exercise their rights.

PROGRAM UNIT EXECUTIVE SUMMARY

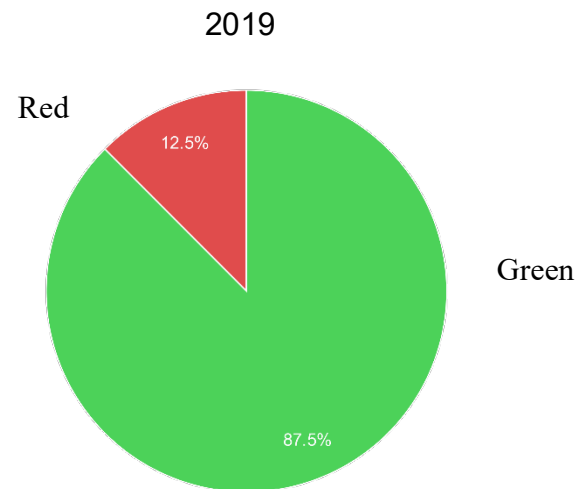
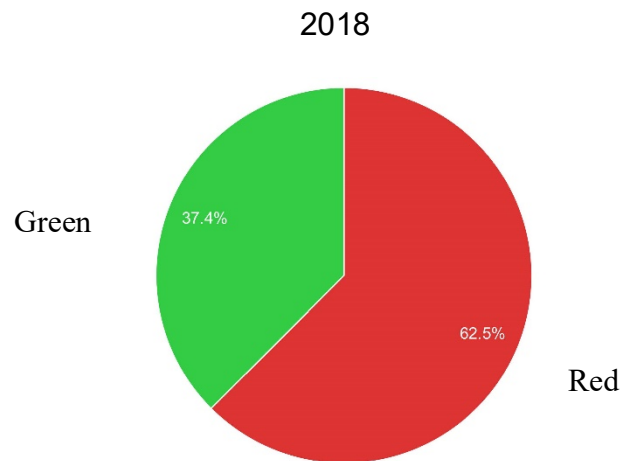
Program Performance:

Performance in this program is measured in several ways. The most significant measure is the rate at which offenders remain out of prison upon release, which is the inverse of the recidivism rate.

According to statistics pulled from the Oregon Criminal Justice Commission, offenders who released to parole or post-prison supervision in 2017 have maintained an 83% success rate and in 2018 have maintained an 84.2% success rate.

Additional Performance Measures:

Legislatively adopted budget key performance measures: recidivism; timeliness of orders of supervision; the timeliness of victim notification; the timeliness of processing warrants; the percentage of revocation used for supervision violations; the percentage of administrative reviews completed within 60 days; and customer service satisfaction.



Green = Target to -5%

Yellow= -6% to -15%

Red = >15%

PROGRAM UNIT EXECUTIVE SUMMARY

Enabling Legislation/Program Authorization:

The statutory authority of the Oregon Board of Parole & Post-Prison Supervision is in Oregon Revised Statutes, Chapter 144 and Chapter 163A.100 et seq.; Oregon Administrative Rules, Divisions 255 and 213; and the Oregon Constitution, Article 1 Bill of Rights, establishes the Fundamental Principles of Oregon's Criminal Justice System, Section 15.

Funding Streams:

The Board's primary source of funding is the General Fund, supporting agency operations and 28 full-time employee positions (some positions are vacant).

Significant Proposed Program Changes from 2019-21:

None.

Please see "Program Funding Request" section of this report. The Board is proposing the abovementioned changes in order to comply with statutory obligations, as well as properly maintain Board functions by increasing funding for required offender services and maintain staffing to perform agency duties. The proposed changes increase the Current Service Level by \$470,546.

The Board of Parole & Post-Prison Supervision has one decision unit and is, therefore, one program.

While the Board's **release** authority has dwindled over the years to approximately 1221 inmates, its supervisory authority over offenders on Post-Prison Supervision in the community has risen to over 17,000 offenders. The Board reviews and votes on every release plan submitted by inmates preparing for their departure from the Department of Corrections, ensuring they will have the most successful re-entry, based on available housing and resources. The Board also determines the conditions of supervision prior to an inmate's release, which initiates future action for reviewing and voting every warrant request and sanction or revocation report submitted by a supervising officer for violations of those conditions.

Pursuant to HB2549 (2013) and HB2320 (2015), the Board is responsible for assessing and classifying Oregon's registered sex offenders to a Sex Offender Notification Level (SONL). Over 22,000 registered sex offenders are to be classified by December 1, 2026, and the Board must also assess and classify new releases from DOC and any out-of-state registrants. While the Board has 4 permanent Administrative Specialist positions to complete the assessments, more recent statistics show a higher number of registrants who require the assessment. The Board is in need of additional staff to complete the assessments and develop and carry out the rules and processes for the SONL system outlined in ORS 163A.100 et seq.

The Board's primary funding source is the General Fund, supporting Agency operations and 25 full-time employees. The Board has submitted policy option packages for: reclassifications of existing positions & Personal Services Adjustments; facilities management due to leaving Department of Corrections facilities for Board offices; and for professional services to cover funds needed due to coverage of extra state costs for services previously provided at no cost by DOC.

Total funding requested by agency in policy packages: \$509,414.

The main source of Other Funds revenue for the Board is from the sale of documents and hearing tapes to members of the public and inmates/offenders, and by collection of court-ordered restitution owed to the Board from appellate decisions. **The current projection for 2021-23 OF revenues is \$12,184.** No significant changes are proposed.

The Board's base budget of \$9,595,121 is increased to a modified essential budget of \$10,700,359.

2021-23 POPs - Board of Parole & Post-Prison Supervision – 25500

100 Reclassifications of existing positions & Personal Services Adjustments- \$90,701

4000008 – Victim Specialist AS1 to AS2 - \$6,114

4170039 – OPA3 to OPA4 - \$0

4000007 – Executive Director PEM D to PEM F - \$55,285

4000010 – Operations Manager MMS X0833 AP to PEM D - \$0

4000024 – Records Technician OA2 to Executive Support ESS2 - \$26,878

4000029 – Receptionist OS1 to Records Technician AS1 – \$(1,140)

101 Facilities Management – \$387,067

102 Professional Services - \$31,646

Total: \$ 509,414

Reclassify Staff Positions – Package 100

Purpose

Request for funding of \$90,701 to reclassify 6 staff positions to accurately reflect revised job description and the level of responsibility required. This package also includes the cost of Personal Services adjustments, such as pay equity, inflation on non-PICS accounts, STEP differentials, COLA adjustments, unemployment compensation, overtime, differentials, mass transit taxes, normal employee turnover and PERS.

1) Reclassification of an Administrative Specialist 1 Position #4000008 (Victim Specialist, AP-C0107-AP) to an Administrative Specialist 2 (AP-C0108-AP).

Original position description was effective 04/20/1984, with one revision in April 2010.

Reclass approved by the Department of Administrative Services.

Cost difference for biennium: \$6,114

2) Reclassification of Operations and Policy Analyst Position # 4170039 (OPA3, AAON-C0872-AP) to (OPA4, AAON-C0873-AP).

Original position description was effective 10/2016, with revisions in November 2017 and May 2018.

Reclass approved by the Department of Administrative Services.

Cost difference for biennium: \$0

3) Reclassification of Executive Director Position #4000007 (PEM D, MESN Z7006 AP) to (PEM F, MESN Z7010 AP).

Original position description was effective 10/2005, with revisions in November 2017 and May 2018.

Reclass approved by the Department of Administrative Services.

Cost difference for biennium: \$ 55,285

4) Reclassification of Operations Manager Position #4000010 (MMS X0833 AP to PEM D, MMS X7006 AP)

Original position description 10/2002 with revisions in 2020. This request is in lieu of a request for additional Supervisory Executive Assistant.

Cost difference for biennium: \$0

5) Reclassification of Records Executive Support Position # 4000024 (OA2, AP C0102 AP to ESS2, MES Z0119 AP)

Original position description 6/2002 with revisions in 2020. Reclass approved to OS2 and now will be resubmitted for ESS2. Position vacant, request is for reclass for 2021-23 biennium.

Cost difference for biennium: \$26,878

6) Reclassification of an Office Specialist 1 Position #4000029 (Receptionist , AP-C0103-AP) to an Administrative Specialist 1 (Records Tech , AP-C0107-AP)

Original position description was effective 07/01/1983, with a revision in April 2010; position is working as receptionist and records tech. Position will lay off July 2020. Request is for reclass in 2021-23 biennium.

Cost difference for biennium: \$(1,140)

These positions have been approved by the Department of Administrative Services: Administrative Specialist 1 Position #4000008; Operations and Policy Analyst Position # 4170039; and Executive Director Position #4000007.

The Manager Position #4000010 position, Executive Support Position # 4000024 and Office Specialist 1 Position #4000029 have or will be submitted and are pending approval for reclassification by DOC and the Department of Administrative Services.

1) Records Technician performs specialized record filing, archiving and processing including processing supervision expirations and discharges, extending active supervision for offenders in the community, and processing clemency requests from the Governor's Office. Records Tech is the primary back-up for the Records Office.

In addition, the Records Tech serves as secretary to an administrative team, answers questions from the public, stakeholders and partnering agencies to clarify agency services, rules, policies and procedures; schedules appointments and conferences, takes minutes at staff meetings, and develops and revises office procedures as needed. Receptionist also processes and distributes various agency orders to relevant stakeholders and partnering agencies.

2) Victim Specialist (VS) provides victim advocate support to all victims registered with the Board. The VS assists management in developing procedures, systems and forms necessary to complete the agencies work, as well as delivery of services to victims, stakeholders and partnering agencies. The VS reviews and tracks victim requests for information, discusses safety planning for victims and family preparing for an offender's release, and provides statutorily mandated notification to victims and local district attorneys. The VS must practice crisis and trauma intervention and assess victims' immediate and long-term needs in preparation for Board hearings and possible offender release.

The VS plans, prepares and presents training and informational sessions for agency staff, clients and to the public to educate on agency services, as well as changes in statute or rule that may affect procedures for those services. The VS represents the Board on crime victims' rights task forces, advisory boards and committees as requested. The VS collects data and prepares reports outlining impacts of legislation or changes in procedures on agency program, and compiles information related to Key Performance Measures.

3) The OPA position has been assigned additional duties, authority and responsibility permanently when the Executive Director resigned. These duties increased the analytical complexity and scope and effect of the position's work. The duties, independence and authority for the position now meet the requirements for an Operations and Policy Analyst 4. OPA manages the budget, writes budget reports and requests. OPA coordinates reviews of existing administrative rules and regulations; evaluates for alignment with current policy strategies; recommends and formulates plans to change policy direction based on results of research; evaluates the quality and effectiveness of programs; recommends strategic changes and priorities for allocating agency resources; recommends policy strategies and options and legislative position to senior managers and develop policy to mitigate state risk or enhance policy strategies. OPA explains policy issues and the effect of proposed legislation to state legislators, legislative committee members, lobbyists and task forces; drafts legislative proposals; reviews and tracks state and federal legislation; prepares testimony; analyzes bills and proposes amendments to pending bills; and explains policy issues and effects of proposed legislation to legislators, legislative and committee staff, lobbyists and task forces. The OPA 4 position provides assistance to the Board in developing rules, policies and procedures for the new statutory requirements for risk assessment reviews and hearings processes; develops policy for victim notification surrounding reclassification and relief hearings; as well as assists with administrative reviews and general agency rule, policy and procedure development. This lessens the need for more frequent review by the Department of Justice.

Additionally, OPA defines system requirements by working with stakeholders from different state agencies, the legislative and fiscal office and legislators; analyze user needs against systems functions; validates data and system functioning by applying state policy and procedures to system functioning; develops documentation, manuals and training; recommends operating policy and procedures and implementation strategy to bring into effect system enhancements.

4) The Executive Director works at the discretion of the Board Chairperson and is responsible for the daily operations of the Agency. ED directs a state agency by developing and implementing policies, procedures and program priorities consistent with policy established by higher-level officials and by determining the most effective utilization of resources in order to carry out agency goals and objectives for providing services to target populations.

The Board of Parole has re-organized and the role of the ED has changed. The ED is currently reporting directly to the Board Chairperson. This position will have a greater role in the strategic direction, program and policy direction and will stand in for the Board Chair when they are unavailable. The ED is responsible for all aspects of planning, organizing, directing, coordinating, monitoring and controlling operations at the Board of Parole. The ED completes this responsibility under law, rule, operational procedures, and policy direction from the Chairman of the Board as well as The Officer of the Oregon Governor. Due to the level of responsibilities and principal accountabilities, the Board believes that the Executive Director position is more appropriately classified as Principal Executive/Manager F.

Performs supervisory functions by interviewing, selecting and providing training for new staff; by approving or disapproving recommendations from subordinate staff on personnel actions; by evaluating subordinates' performance; by hearing and resolving employee grievances; and by determining the need for and initiating disciplinary action in order to ensure adequate and competent staffing for the agency.

Coordinates activities with other agencies or divisions thereof in areas of mutual concern in order to ensure compliance with established policies, objectives, program priorities and applicable laws, rules and regulations; reviews information from users of agency services and interested community and/or professional groups in order to determine what improvements are needed. Performs related duties such as addressing community and professional organizations on agency programs and policies; resolving disputes; preparing reports and correspondence; and maintaining liaison with representatives of other agencies and the public. Assists a department, agency or division head in the performance of some or all of the above responsibilities and principal accountabilities as a full-authority deputy with direct program and administrative responsibilities.

5) The Operations Manager (formerly the Supervising Executive Assistant) is a major decision maker for the Board. The Manager prepares agency personnel actions, maintains agency personnel files, assists in the interview process for new employees, conducts orientation for new employees. Acts as liaison with HR, payroll and personnel. Assigns work to staff. Manages accounts payable and accounts receivable and works as liaison to DAS departments.

The Board of Parole has re-organized, and the role of the position has changed. The OM is responsible for the supervision of 13+ staff and serves as the manager of general operations for the Board. The OM: directs the day to day operations of the agency, serving as an advisor to the Executive Director; assists in the development and monitoring of the biennial budget of approximately \$10 million, which includes fiscal responsibilities, including approval of purchasing activities and receipt of revenue; works with the Executive Director as well as the Chairperson in strategic planning and development of policies and procedures affecting the functions and role of the Board in carrying out its statutory duties; establishes and reviews agency business practices to ensure internal controls and processes are effective and efficient; creates annual performance report and monitors agency progress of performance measures, goals and targets; assists in managing personal service contracts and intergovernmental agreements with individuals and organizations providing services to the agency. This position is responsible for administration and human resources activities, including the full spectrum of personnel actions, investigation and discipline.

6) The Executive Support assists management with confidential administrative support. The ES coordinates and performs highly sensitive and confidential work for the Agency and its Management team including access to personnel information. This position coordinates communication between agencies, oversees the development of short and long-term goals, division performance planning and the Agency's performance planning and the strategic direction. Works with the Agency Rules Coordinator. This position is the Legal Information Officer for the Board of Parole, and

works in coordination with all agencies, rules, laws, and policies. This position is the Specialist for the Agency's business model, Mass Ingenuity. This position also oversees the coordination and processing of requests for early compassionate release and medical Release from incarceration. The Board currently does not have the resources to process the large number of release requests.

Benchmarks facilitated will include:

- **KPM #1: Parole Recidivism** - the percentage adults eligible for parole who are convicted of a new felony within three years of initial release.
- **KPM #2: Order of Supervision** - the percentage of offenders being released from prison where the Board's order of supervision has been received by the community corrections office on or before the offender's release date from prison.
- **KPM #3 Victim Notification:** Percentage of notifications sent to active registered victims no later than 30 days before any hearing conducted by the Board.
- **KPM #4 Arrest Warrants:** Percentage of warrants received by the Board in which the warrant is issued within 5 days.
- **KPM #5: Revocation** – Percentage of revocations for offenders who violate their conditions of parole or post-prison supervision.
- **KPM #6 Discharge of Supervision** – the percentage of expiration (of post-prison supervision or parole) orders that have been completed and mailed within 5 days of an offender's discharge from parole or post-prison supervision.
- **KPM #7 Administrative Review:** Percentage of administrative review responses completed and mailed within 60 days of receipt of an administrative review request.
- **KPM #8 Customer Service** - the percentage of customers rating their satisfaction with the Agency's customer service as *good* or *excellent*: overall customer service, timelines, accuracy, helpfulness, expertise, and availability of information.
- **Governor's Key Change Initiative: Making Government More Effective** – Supervision of staff to ensure duties are assigned and completed correctly and efficiently within Board policy; implement evidence-based practices in execution of Board policy and processes when appropriate.

Agency mission and goals are advanced in the areas of:

- **Safe & Just Community:** Promote and help develop laws, rules and policies to improve public safety through appropriate release decisions and effective conditions and sanctions for those on supervision in the community. Increase gender, cultural, racial, LGBTQ, socio-economic, mental health, disabilities and cultural responsiveness.
- **Make Decisions Informed by Research & Data:** Continued research into evidence-based alternatives to traditional practice and incorporate those that are valid and appropriate for Oregon.
- **Reduce the Risk of Repeat Criminal Behavior:** Work in Partnership with the Governor, Legislature, Department of Corrections and county governments to develop a criminal justice system that maximizes public safety and encourages longer-term behavior changes in offenders; a system with enough flexibility to deal with the diversity of the criminal population and the public safety limitations inherent in releasing offenders to the community. Ensure technology is interactive with rest of criminal justice system. Support appropriate alternatives to incarceration.

- **Value Victims Interests:** Continue to enhance support and communications with victims, co-victims, and victim groups by giving victims a voice in the criminal justice system by partnering with victim advocates to create a system which meets victims needs from the commission of a crime, sentencing, incarceration, and community supervision.
- **Value Partnerships with Stakeholders:** Increased collaboration between agencies and organizations. Improve the Board's performance in meeting the needs of our stakeholders in providing information and direct services.
- **Maintain a Strong & Valued Workforce:** Create a supportive, respectful and collaborative culture where each person hears and feels heard. Ensure expectations are reasonable and transparent and staff are meeting or exceeding organization performance targets. Embrace electronically enabled, flexible work environment. Engage in training and personal development. Risk taking, innovation and creativity are encouraged and supported. Have dedicated staff who take personal and professional accountability.

HOW ACHIEVED:

Reclassification will be completed within the 2021-23 biennium.

QUANTIFYING RESULTS

Performance data will be monitored. Duties will be monitored to ensure match with position description.

STAFFING IMPACT

None

REVENUE SOURCE

General Fund - \$ 90,701

2021-23 FISCAL IMPACT

If approved, will become part of the Base Budget for 2021-23 and be subject to personnel cost factors established by the Department of Administrative Services in developing the 2023-25 budget.

Facilities Management – Package 101

PURPOSE

Request for \$387,067 of general fund for Board offices rent, security and custodial services.

Previously, the Board was located in 2 separate office locations: the “Dome Building” with DOC, and downtown Salem. In 2019, the Department of Corrections needed additional office space, so the Board was unable to continue to enjoy free office space from DOC and a facility was found that can accommodate all Board staff and also provide space to hold public hearings. In January 2019, the Board became responsible for holding hearings for sex offenders who petition for relief from the obligation to register or for reclassification of their risk notification level. These hearings are attended by offenders, victims, attorneys and additional support people. This requires that the Board have onsite security to maintain safety of staff and hearing attendees.

The new office is located at 1321 Tandem Avenue NE in Salem and was purpose renovated to meet the needs of the Board. It is an appropriate size for staff and current needs with the ability for expansion should the Board grow in the future. The Board intends to remain in this office space for the long term.

1) Increase in Rent – This is the difference between rent for half the staff at the former downtown office with rent for new location.

Cost difference for biennium: \$152,519

2) Custodial Contract – The Board contracts with Willamette Valley Rehabilitation Center, Inc. for custodial services.

Cost for biennium: \$63,741

3) Security Contract – The Board contracts with DePaul Security Services to provide a security officer for the Board offices.

Cost for biennium: \$170,807

1) Rent: Previous rent amount was for approximately half the staff. Once it was determined that the Board needed to vacate the Dome offices, the Board worked with DAS real estate and found an appropriate location near Cherry road by OSHA and AFSCME offices. The Board was able to get release from the downtown Salem location by turning that lease over to Oregon Public Defenders. The Board then signed a new lease for 1321 Tandem Ave, NE, Salem.

2) Custodial Services provides cleaning of entire office facility including recycling. This is a new cost.

3) Security Services provides building security and screening and security for in-person hearings. This is a new cost but would have been required regardless of where the Board offices are located.

Benchmarks facilitated will include:

- **KPM #1: Parole Recidivism** - the percentage adults eligible for parole who are convicted of a new felony within three years of initial release.
- **KPM #2: Order of Supervision** - the percentage of offenders being released from prison where the Board's order of supervision has been received by the community corrections office on or before the offender's release date from prison.
- **KPM #3 Victim Notification:** Percentage of notifications sent to active registered victims no later than 30 days before any hearing conducted by the Board.
- **KPM #4 Arrest Warrants:** Percentage of warrants received by the Board in which the warrant is issued within 5 days.
- **KPM #5: Revocation** – Percentage of revocations for offenders who violate their conditions of parole or post-prison supervision.
- **KPM #6 Discharge of Supervision** – the percentage of expiration (of post-prison supervision or parole) orders that have been completed and mailed within 5 days of an offender's discharge from parole or post-prison supervision.
- **KPM #7 Administrative Review:** Percentage of administrative review responses completed and mailed within 60 days of receipt of an administrative review request.
- **KPM #8 Customer Service** - the percentage of customers rating their satisfaction with the Agency's customer service as *good* or *excellent*: overall customer service, timelines, accuracy, helpfulness, expertise, and availability of information.
- **Governor's Key Change Initiative: Making Government More Effective** – Supervision of staff to ensure duties are assigned and completed correctly and efficiently within Board policy; implement evidence-based practices in execution of Board policy and processes when appropriate.

Agency mission and goals are advanced in the areas of:

- **Safe & Just Community:** Promote and help develop laws, rules and policies to improve public safety through appropriate release decisions and effective conditions and sanctions for those on supervision in the community. Increase gender, cultural, racial, LGBTQ, socio-economic, mental health, disabilities and cultural responsiveness.
- **Make Decisions Informed by Research & Data:** Continued research into evidence-based alternatives to traditional practice and incorporate those that are valid and appropriate for Oregon.
- **Reduce the Risk of Repeat Criminal Behavior:** Work in Partnership with the Governor, Legislature, Department of Corrections and county governments to develop a criminal justice system that maximizes public safety and encourages longer-term behavior changes in offenders; a system with enough flexibility to deal with the diversity of the criminal population and the public safety limitations inherent in releasing offenders to the community. Ensure technology is interactive with rest of criminal justice system. Support appropriate alternatives to incarceration.

- **Ensure Legal Integrity:** Work with the Department of Justice to ensure that Board processes, decisions and actions are in full compliance with all applicable laws.
- **Value Victims Interests:** Continue to enhance support and communications with victims, co-victims, and victim groups by giving victims a voice in the criminal justice system by partnering with victim advocates to create a system which meets victims needs from the commission of a crime, sentencing, incarceration, and community supervision.
- **Value Partnerships with Stakeholders:** Increased collaboration between agencies and organizations. Improve the Board's performance in meeting the needs of our stakeholders in providing information and direct services.
- **Maintain a Strong & Valued Workforce:** Create a supportive, respectful and collaborative culture where each person hears and feels heard. Ensure expectations are reasonable and transparent and staff are meeting or exceeding organization performance targets. Embrace electronically enabled, flexible work environment. Engage in training and personal development. Risk taking, innovation and creativity are encouraged and supported. Have dedicated staff who take personal and professional accountability.

HOW ACHIEVED:

Costs are ongoing and will be inflation adjusted for the 2023-25 biennium.

STAFFING IMPACT

None

QUANTIFYING RESULTS

Performance data will be monitored. Staff retention will be tracked.

REVENUE SOURCE

General Fund - \$387,067

2021-23 FISCAL IMPACT

If approved, \$387,067 General Fund will become part of the Base Budget for 2021-23 and be subject to inflationary factors established by the Department of Administrative Services in developing the 2023-25 budget.

Professional Services – Package 102

PURPOSE

Request for funding of \$31,646 for professional services charges. These are to cover additional state service charges that are currently covered by professional services.

The Board is a small agency and saves state money by using the administrative services of the Department of Corrections (DOC) and Department of Administrative Services (DAS). Previously, all Board administrative services were provided by DOC. Due to growth of the Board and budget constraints, DOC is unable to provide all services. The Board migrated services for payroll, accounts payable, accounts receivable and procurement to DAS. DOC continues to provide human resources and IT. The Board has an agreement for HR services but, due to lack of resources, no agreement IT.

This funding covers the difference between AY19 and AY21.

This action will further the agency's mission of improving public safety by ensuring that other mission-critical functions are not negatively impacted to cover the costs of these services. Benchmarks facilitated will include:

- **KPM #8 Customer Service** - the percentage of customers rating their satisfaction with the Agency's customer service as *good* or *excellent*: overall customer service, timelines, accuracy, helpfulness, expertise, and availability of information.
- **Governor's Key Change Initiative: Making Government More Effective** – Supervision of staff to ensure duties are assigned and completed correctly and efficiently within Board policy; implement evidence-based practices in execution of Board policy and processes when appropriate.

Agency mission and goals are advanced in the areas of:

- **Maintain a Strong & Valued Workforce:** Create a supportive, respectful and collaborative culture where each person hears and feels heard. Ensure expectations are reasonable and transparent and staff are meeting or exceeding organization performance targets. Embrace electronically enabled, flexible work environment. Engage in training and personal development. Risk taking, innovation and creativity are encouraged and supported. Have dedicated staff who take personal and professional accountability.

HOW ACHIEVED

The amount is the difference between AY19 and AY21.

STAFFING IMPACT

None

QUANTIFYING RESULTS

Mandatory services will be monitored for efficiency.

REVENUE SOURCE

General Fund - \$31,646

2021-23 FISCAL IMPACT

If approved, \$31,646 General Fund will become part of the Base Budget for 2021-23 and be subject to inflationary factors established by the Department of Administrative Services in developing the 2023-25 budget.

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

**Parole & Post Prison Supervision, State Board of
Pkg: 010 - Non-PICS Psnl Svc / Vacancy Factor**

**Cross Reference Name: Parole Board
Cross Reference Number: 25500-013-00-00-00000**

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues							
General Fund Appropriation	146,881	-	-	-	-	-	146,881
Total Revenues	\$146,881	-	-	-	-	-	\$146,881
Personal Services							
Overtime Payments	290	-	-	-	-	-	290
All Other Differential	13,825	-	-	-	-	-	13,825
Public Employees' Retire Cont	2,418	-	-	-	-	-	2,418
Pension Obligation Bond	26,904	-	-	-	-	-	26,904
Social Security Taxes	1,080	-	-	-	-	-	1,080
Unemployment Assessments	503	-	-	-	-	-	503
Mass Transit Tax	3,926	-	-	-	-	-	3,926
Vacancy Savings	97,935	-	-	-	-	-	97,935
Total Personal Services	\$146,881	-	-	-	-	-	\$146,881
Total Expenditures							
Total Expenditures	146,881	-	-	-	-	-	146,881
Total Expenditures	\$146,881	-	-	-	-	-	\$146,881
Ending Balance							
Ending Balance	-	-	-	-	-	-	-
Total Ending Balance	-	-	-	-	-	-	-

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

**Parole & Post Prison Supervision, State Board of
Pkg: 031 - Standard Inflation**

**Cross Reference Name: Parole Board
Cross Reference Number: 25500-013-00-00-00000**

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues							
General Fund Appropriation	439,325	-	-	-	-	-	439,325
Total Revenues	\$439,325	-	-	-	-	-	\$439,325
Services & Supplies							
Instate Travel	1,739	-	-	-	-	-	1,739
Employee Training	944	-	-	-	-	-	944
Office Expenses	933	-	502	-	-	-	1,435
Telecommunications	610	-	-	-	-	-	610
State Gov. Service Charges	128,383	-	-	-	-	-	128,383
Data Processing	1,029	-	-	-	-	-	1,029
Professional Services	46,272	-	-	-	-	-	46,272
Attorney General	240,205	-	-	-	-	-	240,205
Dues and Subscriptions	23	-	-	-	-	-	23
Facilities Rental and Taxes	14,060	-	-	-	-	-	14,060
Facilities Maintenance	522	-	-	-	-	-	522
Medical Services and Supplies	3,397	-	-	-	-	-	3,397
Other Services and Supplies	23	-	-	-	-	-	23
Expendable Prop 250 - 5000	412	-	-	-	-	-	412
IT Expendable Property	773	-	-	-	-	-	773
Total Services & Supplies	\$439,325	-	\$502	-	-	-	\$439,827

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

**Parole & Post Prison Supervision, State Board of
Pkg: 031 - Standard Inflation**

**Cross Reference Name: Parole Board
Cross Reference Number: 25500-013-00-00-00000**

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Total Expenditures							
Total Expenditures	439,325	-	502	-	-	-	439,827
Total Expenditures	\$439,325	-	\$502	-	-	-	\$439,827
Ending Balance							
Ending Balance	-	-	(502)	-	-	-	(502)
Total Ending Balance	-	-	(\$502)	-	-	-	(\$502)

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

**Parole & Post Prison Supervision, State Board of
Pkg: 032 - Above Standard Inflation**

**Cross Reference Name: Parole Board
Cross Reference Number: 25500-013-00-00-00000**

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues							
General Fund Appropriation	13,182	-	-	-	-	-	13,182
Total Revenues	\$13,182	-	-	-	-	-	\$13,182
Services & Supplies							
Medical Services and Supplies	1,106	-	-	-	-	-	1,106
Other Services and Supplies	12,076	-	-	-	-	-	12,076
Total Services & Supplies	\$13,182	-	-	-	-	-	\$13,182
Total Expenditures							
Total Expenditures	13,182	-	-	-	-	-	13,182
Total Expenditures	\$13,182	-	-	-	-	-	\$13,182
Ending Balance							
Ending Balance	-	-	-	-	-	-	-
Total Ending Balance	-	-	-	-	-	-	-

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

**Parole & Post Prison Supervision, State Board of
Pkg: 060 - Technical Adjustments**

**Cross Reference Name: Parole Board
Cross Reference Number: 25500-013-00-00-00000**

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Services & Supplies							
Professional Services	(342,613)	-	-	-	-	-	(342,613)
Attorney General	(31,646)	-	-	-	-	-	(31,646)
Medical Services and Supplies	195,000	-	-	-	-	-	195,000
Other Services and Supplies	179,259	-	-	-	-	-	179,259
Total Services & Supplies	-	-	-	-	-	-	-
Total Expenditures							
Total Expenditures	-	-	-	-	-	-	-
Total Expenditures	-	-	-	-	-	-	-
Ending Balance							
Ending Balance	-	-	-	-	-	-	-
Total Ending Balance	-	-	-	-	-	-	-

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

**Parole & Post Prison Supervision, State Board of
Pkg: 100 - Reclassifications of Existing Positions & Personal Svc Adjs**

**Cross Reference Name: Parole Board
Cross Reference Number: 25500-013-00-00-00000**

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues							
General Fund Appropriation	87,137	-	-	-	-	-	87,137
Total Revenues	\$87,137	-	-	-	-	-	\$87,137
Personal Services							
Class/Unclass Sal. and Per Diem	69,792	-	-	-	-	-	69,792
Public Employees' Retire Cont	11,955	-	-	-	-	-	11,955
Social Security Taxes	5,338	-	-	-	-	-	5,338
Mass Transit Tax	52	-	-	-	-	-	52
Total Personal Services	\$87,137	-	-	-	-	-	\$87,137
Total Expenditures							
Total Expenditures	87,137	-	-	-	-	-	87,137
Total Expenditures	\$87,137	-	-	-	-	-	\$87,137
Ending Balance							
Ending Balance	-	-	-	-	-	-	-
Total Ending Balance	-	-	-	-	-	-	-

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

**Parole & Post Prison Supervision, State Board of
Pkg: 101 - Facilities Management**

**Cross Reference Name: Parole Board
Cross Reference Number: 25500-013-00-00-00000**

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues							
General Fund Appropriation	387,067	-	-	-	-	-	387,067
Total Revenues	\$387,067	-	-	-	-	-	\$387,067
Services & Supplies							
Professional Services	234,548	-	-	-	-	-	234,548
Facilities Rental and Taxes	152,519	-	-	-	-	-	152,519
Total Services & Supplies	\$387,067	-	-	-	-	-	\$387,067
Total Expenditures							
Total Expenditures	387,067	-	-	-	-	-	387,067
Total Expenditures	\$387,067	-	-	-	-	-	\$387,067
Ending Balance							
Ending Balance	-	-	-	-	-	-	-
Total Ending Balance	-	-	-	-	-	-	-

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

**Parole & Post Prison Supervision, State Board of
Pkg: 102 - State Service Charges**

**Cross Reference Name: Parole Board
Cross Reference Number: 25500-013-00-00-00000**

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues							
General Fund Appropriation	31,646	-	-	-	-	-	31,646
Total Revenues	\$31,646	-	-	-	-	-	\$31,646
Services & Supplies							
Professional Services	31,646	-	-	-	-	-	31,646
Total Services & Supplies	\$31,646	-	-	-	-	-	\$31,646
Total Expenditures							
Total Expenditures	31,646	-	-	-	-	-	31,646
Total Expenditures	\$31,646	-	-	-	-	-	\$31,646
Ending Balance							
Ending Balance	-	-	-	-	-	-	-
Total Ending Balance	-	-	-	-	-	-	-

2021-23 Biennium

Current Service Level

Position Number	Auth No	Workday Id	Classification	Classification Name	Sal Rng	Pos Type	Mos	Step	Rate	Salary	OPE	Total	Pos Cnt	FTE	
No records for the phase: CSL															
General Funds											0	0	0		
Lottery Funds											0	0	0		
Other Funds											0	0	0		
Federal Funds											0	0	0		
Total Funds											0	0	0	0	0.00

2021-23 Biennium

Cross Reference Number: 25500-013-00-00-00000

Agency Request Budget

Package Number: 100

Position Number	Auth No	Workday Id	Classification	Classification Name	Sal Rng	Pos Type	Mos	Step	Rate	Salary	OPE	Total	Pos Cnt	FTE
4000007	67150	62503	MNSN Z7010 E P	PRINCIPAL EXECUTIVE/MANAGER	35	PF	0	8	11,041	44,280	10,972	55,252	0	0.00
4000008	67160	40684	AP C0108 A P	ADMINISTRATIVE SPECIALIST 2	19	PF	0	7	5,208	4,896	1,214	6,110	0	0.00
4000024	67260	33604	MESN Z0119 A P	EXECUTIVE SUPPORT SPECIALIST	20	PF	0	1	3,668	21,528	5,334	26,862	0	0.00
4000029	67310	22507	AP C0107 A P	ADMINISTRATIVE SPECIALIST 1	17	PF	0	1	3,627	-912	-227	-1,139	0	0.00
General Funds										69,792	17,293	87,085		
Lottery Funds										0	0	0		
Other Funds										0	0	0		
Federal Funds										0	0	0		
Total Funds										69,792	17,293	87,085	0	0.00

DETAIL OF LOTTERY FUNDS, OTHER FUNDS, AND FEDERAL FUNDS REVENUE

Parole & Post Prison Supervision, State Board of
2021-23 Biennium

Agency Number: 25500

Cross Reference Number: 25500-000-00-00-00000

<i>Source</i>	2017-19 Actuals	2019-21 Leg Adopted Budget	2019-21 Leg Approved Budget	2021-23 Agency Request Budget	2021-23 Governor's Budget	2021-23 Leg. Adopted Budget
Other Funds						
Fines and Forfeitures	3,165	5,072	5,072	5,500	-	-
Sales Income	4,477	5,258	5,258	6,500	-	-
Total Other Funds	\$7,642	\$10,330	\$10,330	\$12,000	-	-

DETAIL OF LOTTERY FUNDS, OTHER FUNDS, AND FEDERAL FUNDS REVENUE

**Parole & Post Prison Supervision, State Board of
2021-23 Biennium**

**Agency Number: 25500
Cross Reference Number: 25500-013-00-00-00000**

<i>Source</i>	2017-19 Actuals	2019-21 Leg Adopted Budget	2019-21 Leg Approved Budget	2021-23 Agency Request Budget	2021-23 Governor's Budget	2021-23 Leg. Adopted Budget
Other Funds						
Fines and Forfeitures	3,165	5,072	5,072	5,500	-	-
Sales Income	4,477	5,258	5,258	6,500	-	-
Total Other Funds	\$7,642	\$10,330	\$10,330	\$12,000	-	-

Board Diversity Statistics

Female			1	1	1			1	1	1	1	1	1	1	1			1	1	1	1			1	1	1	1	21
Male	1										1						1	1		1		1			1			7
American Indian/ Alaska Native																												0
Asian																		1	1						1			3
Black/African American			1											1		1												3
Hispanic/Latino																				1								1
Native Hawaiian/ Other Pacific Islander																						1						1
White	1	1		1	1			1	1	1	1	1	1							1				1		1	1	11
Two or more races (non-hispanic/latino)														1		1												2
Diability																												0
Yes													1			1					1				1			4
No	1	1		1	1			1	1	1	1	1	1	1			1	1	1	1				1	1	1	1	19
Veteran																												0
Yes							1													1								2
No	1	1		1	1				1	1	1	1	1	1		1		1	1	1	1			1	1	1	1	20

TOTAL STAFF: 28
 FEMALE: 21 75%
 MALE: 7 25%
 PERSON OF COLOR: 9 35%
 AI/AK Natv 0 0%
 Asian 3 12%
 Black/AA 3 12%
 Hisp/Latino 0 0%
 NHI/PI 1 4%
 Two or more 2 8%
 DISABILITY: 4 15%
 VETERAN: 2 8%

SPECIAL REPORTS – AFFIRMATIVE ACTION REPORT

The Board has increased its efforts to recruit and maintain diverse groups of employees. As of June 2020, the Board employs the following groups:

- Females 75%
- Males 25%
- American Indian/
Alaskan Native 0%
- Asian 12%
- Black/African
American 12%
- Hispanic/Latino 0%
- Native Hawaiian/
Other Pacific Islander 4%
- Two or More Races 8%
- Veteran 8%
- Disability 15%

Accomplishments July 1, 2017 – June 30, 2019 The agency is composed of 28 FTE, including the five (5) Board members. The Board has minorities and women represented in several EEO job categories utilized by the agency. While there was a decrease in the number of people of color employed, the Board's numbers increased in employees with disability status. The agency is much more racially diverse than the state of Oregon and has a higher percent of veterans on staff.

The Board has utilizes State of Oregon Department of Administrative Services iLearn training materials in the 2019-21 biennium for the training of Board Members and staff on AA/EEO issues, workplace harassment and cultural competence.

The Board has affirmative action work groups, and shared information sent out by the work group with all staff. This was well received by staff and is viewed as part of our overall retention efforts. The Board is committed to fulfilling its affirmative action requirements. For all position openings, the agency provides announcements to DAS and to protected class applicants

SPECIAL REPORTS – AFFIRMATIVE ACTION REPORT

with a goal of increasing employment of veterans, disabled and people of color. Applicants certified as severely disabled receive a copy of the position description, describing the essential functions of the position. Reasonable accommodations for persons with disabilities are made upon request.

The Board started a *Diversity and Inclusiveness* work group that promotes a comprehensive retention strategy in the fair and respectful treatment of all employees, applicants, and other stakeholders. Employees feel valued and respected as individuals and as a member of the agency team. This is one of the great strengths of the Board as it benefits from a low turnover rate as staff have grown and developed as part of the team.

The Board does not identify generations of employees within the agency, and has identified no challenges related to staffing, including recruitment, retention or promotion. All promotional opportunities are monitored for equal access.

Goals for the Board's Affirmative Action Plan

In the 2021-23 biennium, the Board will pursue the following goals and strategies:

1. Maintain the Board's commitment to affirmative action through the continued development and adherence to its Affirmative Action Plan.
 - a) Evaluate and revise policies and procedures as needed to promote the Board's commitment to affirmative action and equal employment opportunity.
 - b) Recruit qualified persons with disabilities, minorities, women and other protected classes for position/volunteer vacancies.
 - c) Promote qualified people of color, people with disabilities, women and other protected classes.

2. Continue dialogue among staff and board members to foster understanding and support for the Board's commitment to affirmative action.
 - a) Increase staff and board member knowledge and awareness of affirmative action through review and discussion of the Affirmative Action Plan.

SPECIAL REPORTS – AFFIRMATIVE ACTION REPORT

- b) Train and inform managers and employees as to their rights and responsibilities under the Board's affirmative action policy.
 - c) Make the complete Affirmative Action Plan available and accessible to all Board members, employees, and contractors.
 - d) Continue to provide resources for employees to encourage their career development in state services, as is reasonably practicable to do so. To accomplish this mission, the Board may provide opportunities for training to employees for developing proficiency, enhancing skills and encouraging development in areas for potential advancement. S Suggested training opportunities will be considered by management for approval.
3. Evaluate and improve, if necessary, recruitment methods to increase ethnic diversity among Board members as vacancies occur.
- a) Recommend qualified women, minority, veteran and disabled candidates to the Governor's Office for Board member vacancies.
4. Increase knowledge and skills of the Board's management staff in applying affirmative action and EEO principles and in promoting a diverse workforce environment.
- a) Ensure managers understand the Board's affirmative action goals and responsibilities and assert their role in achieving these goals.
 - b) Support managers' knowledge and attendance at equal opportunity, affirmative action, and other diversity-related activities or training activities.
 - c) Maintain management performance appraisal reviews used to evaluate managers on their effectiveness in achieving affirmative action objectives.
 - d) Enforce performance evaluation of the management/supervisory personnel on achieving affirmative action objectives through annual report to the Board Chairperson, including participation in workgroup activities as time permits.
 - e) Board staff plays a key role in carrying out the Board's affirmative action policy, creating a welcoming environment, achieving goals and timelines, and ensuring staff are able to effectively interact in a professional, respectful manner that values all backgrounds and cultures.
 - f) All staff is encouraged to participate in mentoring programs, regardless of protected class status or level of representation in the agency. All staff are eligible for temporary job rotations/developmental, and preparation for permanent job assignments. Tools and resources offered include formal training, and coaching and mentoring, in addition to hands-on job skills training. An employee unsuccessful in achieving a permanent assignment through a job rotation would be encouraged to continue to set and pursue personal and professional goals with the same level of support as outlined above.

State of Oregon
Board of Parole and Post-Prison Supervision
Dylan Arthur, Executive Director



Affirmative Action Plan
July 1, 2019 – June 30, 2021

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I. Description of Agency

A. Mission and objectives

We support a safe and just Oregon by protecting citizens' rights and promoting positive offender change while maintaining accountability. Through engagement of partners, development of efficient policies, and respect for diversity, our strong, valued workforce strives for a better future for our state.

The mission of the Board of Parole & Post-Prison Supervision (Board).

The full-time Board was authorized in 1969. The Governor appoints the five full-time members for four-year terms and also appoints the chair and vice-chair.

The Board's decisions are based on applicable laws, victims' interests, public safety and the recognized principles of offender behavioral change.

The Board imposes prison terms and makes release decisions for offenders whose criminal conduct occurred prior to November 1, 1989. The Board also makes release decisions for offenders convicted of murder, aggravated murder, or convicted as a dangerous offender, whose criminal conduct occurred after November 1, 1989.

The Board sets conditions of supervision for all offenders being released from prison; imposes sanctions for violations of supervision; issues warrants; and determines whether discharge from parole supervision is compatible with public safety. Discharge from supervision for offenders sentenced under sentencing guidelines occurs automatically upon expiration of the statutory period of post-prison supervision.

The Board is responsible for assessing and classifying registered sex offenders to a sex offender notification level (SONL) based on their risk to reoffend in the community. The Board is also responsible for conducting hearings for those registrants who will be eligible to petition for reclassification to a lower SONL or relief from registration.

B. Agency Director & Administrators

Executive Director, Dylan Arthur (503) 945-0919
 Board Chairperson, Michael Hsu (503) 945-9009
 Operation's Manager, Susi Hodgkin (503) 945-7667

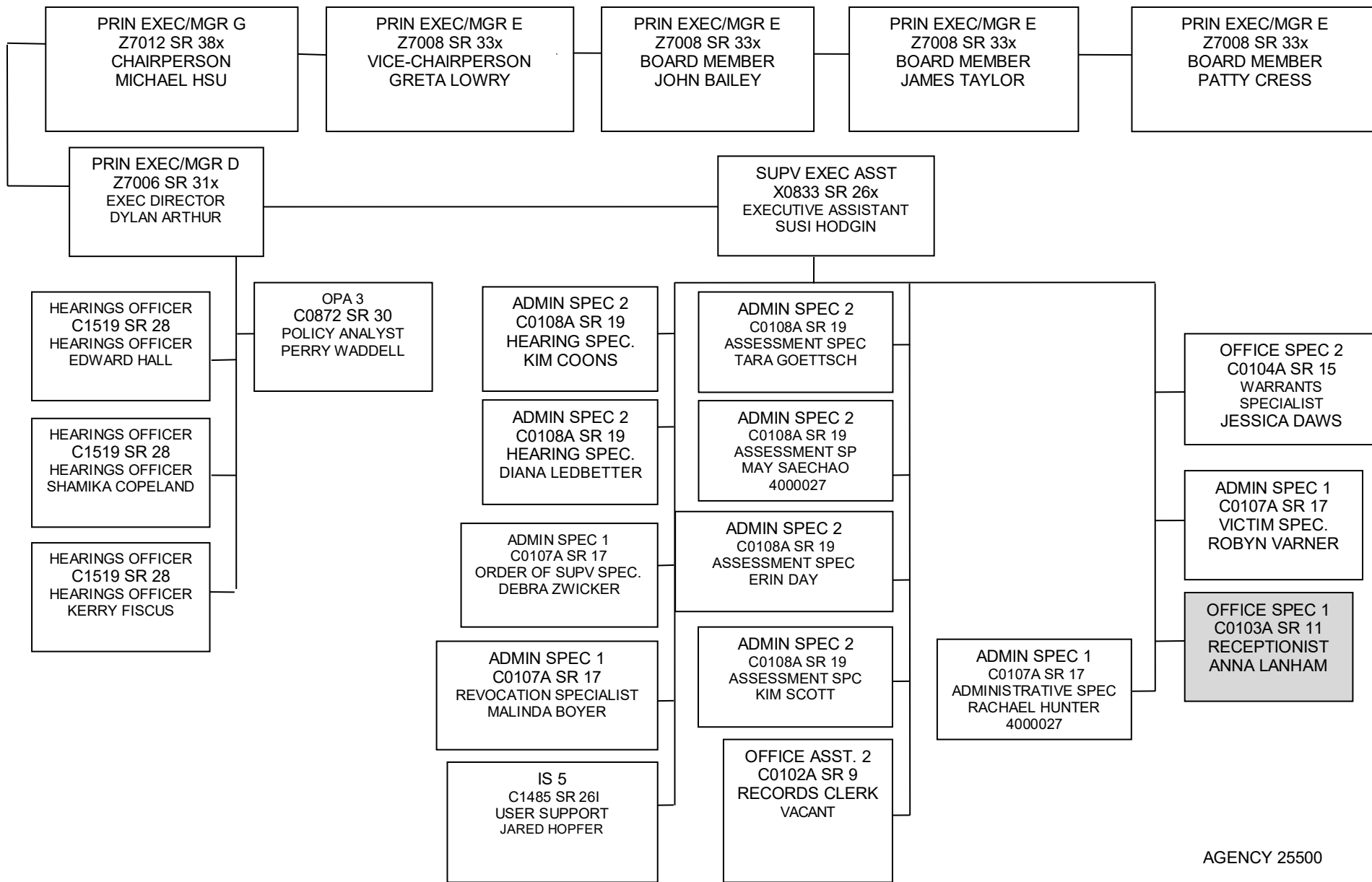
C. Governor's Policy Advisor for Board of Parole and Post-Prison Supervision

Governor's Public Safety Policy Advisor, Constantine Severe (503) 986-6550

D. Affirmative Action Representative

Operation's Manager, Susi Hodgkin
 Oregon Board of Parole & Post-Prison Supervision
 1321 Tandem Ave NE
 Salem, Oregon 97301
 (503) 945-9009
www.oregon.gov/boppps

OREGON BOARD OF PAROLE AND POST-PRISON SUPERVISION 2019-2021 ORGANIZATION CHART



II. Affirmative Action Plan

A. Agency Affirmative Action Policy Statement

The Board is committed to a program of affirmative action for fair and equal opportunity regardless of race, creed, color, natural origin, sexual orientation, age, marital status, veteran status, or the presence of any sensory or physical disability.

Board management actively works to create and promote a work environment that is free of sexual advances, sexual or racial harassment, or discrimination of any type. It is the Board's policy to investigate any complaint alleging discrimination immediately and to take action to resolve the issue. The Board acknowledges the right of a complainant to file formal charges with appropriate agencies, both state and federal. No employee will be retaliated or discriminated against in any manner because the person opposed discrimination or filed a complaint.

This policy is enforced through full commitment to adhering to all applicable laws, rules and procedures of the Oregon Board of Parole and Post-Prison Supervision, the Oregon Department of Administrative Services, the Oregon Governor's office, the State of Oregon and the federal government.

Staff receives updated copies of this report and understands their rights to file complaints of discrimination and harassment. These are investigated fairly and resolved by the agency Affirmative Action Representative (AAR) according to State of Oregon policy, with assistance and guidance available from the Human Resources Division of the Oregon Department of Corrections and the Department of Administrative Services. The AAR is responsible for disseminating the policy to all employees by hard copy or e-mail, and through access to the original file on the agency shared computer drive. The AAR will be accountable to report annually to the Board Chairperson any increase in discrimination or harassment claims and for carrying out the plan.

If an employee is not satisfied with the complaint process within the agency and wishes to appeal to an agency decision, the employee may contact one of the organizations listed below. Nothing in this policy prevents any person from filing a grievance in accordance with the Collective Bargaining Agreement or a formal complaint with the Bureau of Labor and Industries (BOLI) or Equal Employment Opportunity Commission (EEOC). However, some collective bargaining agreements may require an employee to choose between the complaint procedure outlined in the agency's guideline for filing a BOLI or EEOC complaint.

Oregon Bureau of Labor and Industries - Civil Rights Division

800 NE Oregon St., Suite 1045
Portland 97232
Phone: 971-673-0764, Fax: 971-673-0765
<http://www.oregon.gov/boli/CRD>

Governor's Affirmative Action Office

255 Capitol Street, NE, Suite 126
Salem, OR 97301
Phone: 503-986-6524, Fax: 503-378-3225, TTY: 503-373-1087
Website: <http://www.oregon.gov/gov/GovAA>

B. Agency Diversity & Inclusion Statement

The Board remains committed to its policy on affirmative action and equal opportunity and to a rigorous and active affirmative action program. Our personal commitment to these ideas is represented in the Affirmative Action Plan (“the Plan). Likewise, the Plan represents the Board’s commitment to equal opportunity and affirmative action in employment and public service, consistent with all applicable federal and state laws, including, but not limited to: Executive Order 11246; Title VII of the Civil Rights Act of 1964; Sections 503 and 504 of the Rehabilitation Act of 1974; the Vietnam Era Veterans Readjustment Assistance Act; and the Americans with Disabilities Act. This Affirmative Action Plan has our complete authorization and commitment.

_____/S/_____
Chairperson

_____/S/_____
Date

If you have any questions regarding the agency’s Affirmative Action Plan, please contact the Affirmative Action Representative listed below.

Susi Hodgkin, Affirmative Action Representative
Oregon Board of Parole and Post-Prison Supervision
(503) 945-7667
Susi.a.hodgin@doc.state.or.us

C. Training, Education and Development Plan and Schedule

1. **Employees:** The Board encourages all staff to identify and participate in training to develop their skills to compete successfully for other career opportunities inside and outside the agency. Management actively seeks training opportunities for all staff members and schedules their attendance accordingly. Board sponsorship for fees or tuition is allowed as funds are available. There is also the option of receiving time off with pay or a flexible work schedule to participate in training. The Board conducts staff trainings during monthly staff meetings. Affirmative action updates are circulated to staff as they become available. Plans are available to all employees and updated as needed.
 - The small size of the agency and the highly specialized technical nature of the positions require extensive internal education, coaching and cross-training. All employees have the opportunity to pursue advancement both within existing positions and in preparation for moving to other positions within the agency or to our partner agency, the Department of Corrections.
2. **Volunteers:** The Board currently has an internship program with local colleges and universities. Interns are required to agency affirmative action policy, workplace expectations and complaint procedures.
3. **Contractors & Vendors:** The Board awarded personal services contracts during the 2017-19 biennium for the purpose of conducting offender evaluations at the request of the Board, as well as sex offender risk assessments pursuant to ORS 163A.100. The Board posts all competitive contracts on the State's ORPIN system to ensure that the pool of responders is as varied as possible. Qualified women- and minority-owned businesses are selected when available.

D. Programs

1. **Internship Programs:** The Board has an internship program and has created a training module that includes the Board's policies, and the agency's affirmative action policy.
2. **Mentorship Programs:** The Board does not currently have any mentorship programs.
3. **Community Outreach:** The Board has no independent community outreach program in regard to employment recruitment but does participate with the Department of Corrections in providing announcements and information.
 - a. Career Fairs: Due to the Board's small agency size, it has not participated in recent career fairs.
 - b. Community Events/Festivals: The Board has not participated in recent community events or festivals.
 - c. Trade Specific Events: Due to the Board's small agency size, it has not participated in recent trade specific events.
4. **Diversity Awareness Program:** The Board currently does not have a diversity awareness program; however, elements of such a program are informally in place, including self-evaluation, communication training, cultural awareness and celebrations of diversity, as well as existing policies and practices that are inclusive and welcoming of all. The Board posts and shares the Governor's diversity proclamations with staff and board members.

- a. Agency-Wide Diversity Council: N/A
- b. Employee Resource Groups/Affinity Groups: N/A
- c. Diversity Presentations and/or Activities: The Board has participated in recent diversity presentations and/or activities through the Department of Corrections.

5. **Leadership Development/Training Programs:** The Executive Director actively seeks leadership training opportunities for Board management. Board sponsorship for fees or tuition is allowed as funds are available. There is also the option of receiving time off with pay or a flexible work schedule in order to participate in training. Additionally, management and employees are encouraged to participate in any available training through the Department of Corrections and/or iLearn.

- a. EEO data of trainees: The Board does not currently have in-house leadership training.
- b. Results of development/training program: N/A

E. Update: Executive Order 16-09

1. **Respectful Leadership Training (Diversity, Equity & Inclusion):** Board supervisory and management staff provides diversity information and/or training as it becomes available. This may be included during monthly staff meetings or conducted by outside resources and/or agencies. The Board ensures the ARR attends the annual Oregon Diversity Conference.

2. **Statewide Exit Interview Survey:** The Board runs periodic reports to review the results collected and perform a data analysis. The data analysis provides an understanding of how much of the voluntary turnover is preventable and how much is non-preventable. This data represents an essential piece of information that is fundamental in the data analysis. If the analysis identifies a negative opinion regarding the agency's workplace environment, the Board uses this information as an opportunity to make changes to improve the work environment for the current employees, and improve job satisfaction.

Note: The Board is utilizing the Statewide Exit Interview Survey; however, there is so little turnover in personnel, and employees who have left the agency between June 2014 and June 2018 that the Board opted to not complete the survey. Therefore, the Board does not have any data to reflect a trend analysis or positive/negative results.

3. **Performance Evaluations of All Management Personnel:** Currently, the Board has two permanent management positions, the Executive Director and Supervising Executive Assistant. Current incumbents have not yet received performance evaluations.

F. Status of Contracts to Minority Businesses (Ors 659A.015)

- 1. Number of contracts with Minority- or Women-owned businesses:
 - a. 78% of total contracts are with minority- or women-owned businesses
 - b. 14% of contracts employ persons with disabilities
 - c. 14% of contracts employ persons of color.

III. Roles for Implementation of Affirmative Action Plan

A. Responsibilities and Accountabilities

1. **Director & Administrators:** The Chairperson of the Board, as agency head, has the overall responsibility for Board compliance with policy and achievement of the affirmative action goals to which the Board is committed, and will provide leadership to management, monitor progress toward meeting goals and objectives, and ensure compliance with applicable federal and state laws, rules, regulations and executive orders.
2. **Managers and Supervisors:** The Executive Director and Executive Assistant are accountable to the Chairperson for carrying out the Affirmative Action Plan. They are measured on affirmative action efforts and compliance with the agency's policy. The Executive Assistant serves as the agency Affirmative Action Representative and is responsible for investigating or addressing any claims or concerns from employees. The Executive Assistant is involved in a number of efforts, including affirmative action workshop meetings, trainings and orientations, as well as serving as the agency's liaison to the State and Tribal Summit meetings and public safety cluster liaison. The Executive Director also supports the Board's efforts to comply with the agency's policy, and may assist the Executive Assistant with the abovementioned responsibilities.
3. **Affirmative Action Representative:** The Board's Affirmative Action Representative is responsible for:
 - a) Disseminating affirmative action information through orientation, training and management consultation;
 - b) Coordinating activities to implement the Affirmative Action Plan;
 - c) Monitoring progress toward affirmative action goals.
 - d) Coordinating the development and communication of agency-wide policies and procedures related to AA/EEO.
 - e) Identify opportunities for mentoring, training and developmental assignments to assist qualified minorities, women and disabled persons to increase their job skills and advance their careers.
 - f) Developing or contracting for training for staff on AA/EEO issues, workplace harassment and cultural competence.
 - g) Assuring the agency recruitment efforts are carried out in compliance with AA and EEO goals and assisting with efforts to meet affirmative action recruitment and promotion of people of color, people with disabilities, women and those under the protected classes.
 - h) Investigate and address complaints, conduct affirmative action information sessions for staff, and oversee and participate in related activities for staff, including members of protected groups. This oversight and participation happens through staff meetings, trainings, e-mail and other activities, including work and social events.
 - i) Because the AAR is the Executive Assistant (EA), the EA has the authority, resources and support of top management in the enforcement, refinement or reshaping of the plan.
 - j) The AAR is accountable to the Executive Director and Board Chairperson for the results of affirmative action goals and objectives.

IV. July 1, 2017 -- June 30, 2019

A. Accomplishments

The agency is composed of 28 FTE positions. FTE positions include the five Board members. The Board has veterans, minorities and women represented in several EEO job categories utilized by the agency.

- Total representation by women is 75%
- Total representation by people of color is 25%
- Total representation by veterans is 8%
- Total representation by people with a disability is 15%

The Board utilized State of Oregon Department of Administrative Services and Department of Corrections training materials in the 2017-19 biennium for the training of Board Members and staff on AA/EEO issues, workplace harassment and cultural competence.

B. Progress Made or Lost Since Previous Biennium

1. Changes in the number of protected classes since the last biennium.
 - Women: 3% Decrease
 - People of Color: 12% Decrease
 - Veterans: 1% Increase
 - People with Disabilities: 3% Increase

2. The Board participated in affirmative action workgroups as time permitted, and shared information sent out by the workgroup with all staff. The Board is committed to fulfilling its affirmative action requirements. For all position openings, it recruits through our partner agency, the Department of Corrections, which provides announcements to DAS and to protected class applicants with a goal of increasing employment of disabled and people of color. Applicants certified as severely disabled receive a copy of the position description, describing the essential functions of the position. Reasonable accommodations for persons with disabilities are made upon request.

The Board has a comprehensive retention “strategy” in the fair and respectful treatment of all employees, applicants, and other stakeholders. Employees feel valued and respected as an individual and as a member of the agency team. This is one of the great strengths of the Board. Our low turnover rate has been fortunate as staff have grown and developed as part of the team. The Board did not identify generations of employees within the agency, but has identified no challenges related to staffing, including recruitment, retention or promotion. All promotional opportunities are monitored for equal access.

The Board provided staff with training opportunities to enhance job performance and satisfaction, as well as promotional opportunities. Training was also provided for gender-specific workplace performance improvement.

The Board did not directly participate in any job fairs in the last biennium, but did provide materials and announcements to its partner agency, Department of Corrections, which assists the Board in all recruitment efforts.

V. July 1, 2019 – June 30, 2021

A. Goals for the Board's Affirmative Action Plan:

In the 2019-21 biennium, the Board will pursue the following goals and strategies:

1. Maintain the Board's commitment to affirmative action through the continued development and adherence to its Affirmative Action Plan.
 - **Strategy**
 - a) Evaluate and revise policies and procedures as needed to promote the Board's commitment to affirmative action and equal employment opportunity.
 - b) Recruit qualified persons with disabilities, minorities, women and other protected classes for position/volunteer vacancies.
 - c) Promote qualified people of color, people with disabilities, women and other protected classes.

2. Continue dialogue among staff and board members to foster understanding and support for the Board's commitment to affirmative action.
 - **Strategy**
 - a) Increase staff and board member knowledge and awareness of affirmative action through review and discussion of the Affirmative Action Plan.
 - b) Train and inform managers and employees as to their rights and responsibilities under the Board's affirmative action policy.
 - c) Make the complete Affirmative Action Plan available and accessible to all Board members, employees, and contractors.
 - d) Continue to provide resources for employees to encourage their career development in state services, as is reasonably practicable to do so. To accomplish this mission, the Board may provide opportunities for training to employees for developing proficiency, enhancing skills and encouraging development in areas for potential advancement. Staff shall be eligible for mandated and required training and these suggestions are frequently discussed during performance reviews to meet individual goals for upcoming year. Suggested training opportunities will be considered by management for approval.

3. Evaluate and improve, if necessary, recruitment methods to increase ethnic diversity among Board members as vacancies occur.
 - **Strategy**
 - a) Recommend qualified women, minority, veteran and disabled candidates to the Governor's Office for Board member vacancies.

4. Increase knowledge and skills of the Board's management staff in applying affirmative action and EEO principles and in promoting a diverse workforce environment.
 - **Strategy**
 - a) Ensure managers understand the Board's affirmative action goals and responsibilities and assert their role in achieving these goals.
 - b) Support managers' knowledge and attendance at equal opportunity, affirmative action, and other diversity-related activities or training activities.
 - c) Maintain management performance appraisal reviews used to evaluate managers on their effectiveness in achieving affirmative action objectives.

- d) Enforce performance evaluation of the management/supervisory personnel on achieving affirmative action objectives through annual report to the Board Chairperson, including participation in workgroup activities as time permits.
- e) Board staff plays a key role in carrying out the Board's affirmative action policy, creating a welcoming environment, achieving goals and timelines, and ensuring staff are able to effectively interact in a professional, respectful manner that values all backgrounds and cultures.
- f) All staff is encouraged to participate in mentoring programs, regardless of protected class status or level of representation in the agency. All staff are eligible for temporary job rotations/developmentals, and preparation for permanent job assignments. Tools and resources offered include formal training, and coaching and mentoring, in addition to hands-on job skills training. An employee unsuccessful in achieving a permanent assignment through a job rotation would be encouraged to continue to set and pursue personal and professional goals with the same level of support as outlined above.

VI. APPENDIX A

Board of Parole and Post-Prison Supervision Agency Policy Documentation

- A. [ADA and Reasonable Accommodation in Employment 50-020-10](#)
- B. [Discrimination and Harassment Free Workplace 50-010-01](#)
- C. [Employee Development & Implementation of OR Benchmarks for Workforce Development 50-045-01](#)
- D. [Veterans' Preference in Employment Rule 105-040-0015](#)
- E. [Equal Employment Opportunity and Affirmative Action Rule 105-040-0001](#)
- F. [Executive Order 16-09 Affirmative Action and Diversity & Inclusion](#)

VII. APPENDIX B

Federal Documentation

- A. [The Age Discrimination in Employment Act of 1967](#)
- B. [Title I of the Americans with Disabilities Act of 1990 \(ADA\)](#)
- C. [Equal Pay Act 1963](#)
- D. [Title VII of the Civil Rights Act of 1964](#)
- E. [Genetic Information Nondiscrimination Act of 2008 \(GINA\)](#)
- F. [National Origin Discrimination](#)
- G. [Pregnancy Discrimination](#)
- H. [Race/Color Discrimination](#)
- I. [Religious Discrimination](#)
- J. [Retaliation](#)
- K. [Sex-Based Discrimination](#)

VIII. APPENDIX C

Board of Parole and Post-Prison Supervision Agency documentation in support of its Affirmative Action Plan – None Available.

IX. APPENDIX D

Additional Federal Documentation

- A. Agency-specific Federal reporting requirements (N/A)
- B. [Executive Order 11246 - Equal Employment Opportunity](#)

Parole & Post Prison Supervision, State Board of**Summary Cross Reference Listing and Packages**

2021-23 Biennium

Agency Number: 25500**BAM Analyst: McDonald, April****Budget Coordinator: Dunn, Dan - (503)373-1980**

Cross Reference Number	Cross Reference Description	Package Number	Priority	Package Description	Package Group
013-00-00-00000	Parole Board	010	0	Non-PICS Psnl Svc / Vacancy Factor	Essential Packages
013-00-00-00000	Parole Board	021	0	Phase-in	Essential Packages
013-00-00-00000	Parole Board	022	0	Phase-out Pgm & One-time Costs	Essential Packages
013-00-00-00000	Parole Board	031	0	Standard Inflation	Essential Packages
013-00-00-00000	Parole Board	032	0	Above Standard Inflation	Essential Packages
013-00-00-00000	Parole Board	033	0	Exceptional Inflation	Essential Packages
013-00-00-00000	Parole Board	060	0	Technical Adjustments	Essential Packages
013-00-00-00000	Parole Board	080	0	March 2020 Eboard	Policy Packages
013-00-00-00000	Parole Board	081	0	April 2020 Eboard	Policy Packages
013-00-00-00000	Parole Board	082	0	May 2020 Eboard	Policy Packages
013-00-00-00000	Parole Board	083	0	June 2020 Eboard	Policy Packages
013-00-00-00000	Parole Board	100	0	Reclassifications of Existing Positions & Personal Svc Adj	Policy Packages
013-00-00-00000	Parole Board	101	0	Facilities Management	Policy Packages
013-00-00-00000	Parole Board	102	0	State Service Charges	Policy Packages

Parole & Post Prison Supervision, State Board of**Policy Package List by Priority****Agency Number: 25500****2021-23 Biennium****BAM Analyst: McDonald, April****Budget Coordinator: Dunn, Dan - (503)373-1980**

Priority	Policy Pkg Number	Policy Pkg Description	Summary Cross Reference Number	Cross Reference Description
0	080	March 2020 Eboard	013-00-00-00000	Parole Board
	081	April 2020 Eboard	013-00-00-00000	Parole Board
	082	May 2020 Eboard	013-00-00-00000	Parole Board
	083	June 2020 Eboard	013-00-00-00000	Parole Board
	100	Reclassifications of Existing Positions & Persc	013-00-00-00000	Parole Board
	101	Facilities Management	013-00-00-00000	Parole Board
	102	State Service Charges	013-00-00-00000	Parole Board

Parole & Post Prison Supervision, State Board of**Agency Number: 25500**Agency Worksheet - Revenues & Expenditures
2021-23 BienniumVersion: V - 01 - Agency Request Budget
Cross Reference Number: 25500-000-00-00-00000

Parole & Post Prison Supervision, State Bd of

<i>DESCRIPTION</i>	<i>2017-19 Actuals</i>	<i>2019-21 Leg Adopted Budget</i>	<i>2019-21 Emergency Boards</i>	<i>2019-21 Leg Approved Budget</i>	<i>2021-23 Base Budget</i>	<i>2021-23 Current Service Level</i>
BEGINNING BALANCE						
0025 Beginning Balance						
3400 Other Funds Ltd	40,224	35,637	-	35,637	35,637	35,637
0030 Beginning Balance Adjustment						
3400 Other Funds Ltd	-	-	-	-	(7,301)	(7,301)
TOTAL BEGINNING BALANCE						
3400 Other Funds Ltd	40,224	35,637	-	35,637	28,336	28,336
TOTAL BEGINNING BALANCE	\$40,224	\$35,637	-	\$35,637	\$28,336	\$28,336
REVENUE CATEGORIES						
GENERAL FUND APPROPRIATION						
0050 General Fund Appropriation						
8000 General Fund	9,048,876	8,680,101	-	8,680,101	9,583,121	10,182,509
FINES, RENTS AND ROYALTIES						
0505 Fines and Forfeitures						
3400 Other Funds Ltd	3,165	5,072	-	5,072	5,500	5,500
SALES INCOME						
0705 Sales Income						
3400 Other Funds Ltd	4,477	5,258	-	5,258	6,500	6,500
REVENUES						
8000 General Fund	9,048,876	8,680,101	-	8,680,101	9,583,121	10,182,509

Parole & Post Prison Supervision, State Board of**Agency Number: 25500**Agency Worksheet - Revenues & Expenditures
2021-23 BienniumVersion: V - 01 - Agency Request Budget
Cross Reference Number: 25500-000-00-00-00000

Parole & Post Prison Supervision, State Bd of

DESCRIPTION	2017-19 Actuals	2019-21 Leg Adopted Budget	2019-21 Emergency Boards	2019-21 Leg Approved Budget	2021-23 Base Budget	2021-23 Current Service Level
3400 Other Funds Ltd	7,642	10,330	-	10,330	12,000	12,000
TOTAL REVENUES	\$9,056,518	\$8,690,431	-	\$8,690,431	\$9,595,121	\$10,194,509
AVAILABLE REVENUES						
8000 General Fund	9,048,876	8,680,101	-	8,680,101	9,583,121	10,182,509
3400 Other Funds Ltd	47,866	45,967	-	45,967	40,336	40,336
TOTAL AVAILABLE REVENUES	\$9,096,742	\$8,726,068	-	\$8,726,068	\$9,623,457	\$10,222,845
EXPENDITURES						
PERSONAL SERVICES						
SALARIES & WAGES						
3110 Class/Unclass Sal. and Per Diem						
8000 General Fund	3,377,820	3,495,432	-	3,495,432	4,133,256	4,133,256
3160 Temporary Appointments						
8000 General Fund	64,548	-	-	-	-	-
3170 Overtime Payments						
8000 General Fund	5,199	6,742	-	6,742	6,742	7,032
3190 All Other Differential						
8000 General Fund	40,457	321,502	-	321,502	321,502	335,327
TOTAL SALARIES & WAGES						
8000 General Fund	3,488,024	3,823,676	-	3,823,676	4,461,500	4,475,615
TOTAL SALARIES & WAGES	\$3,488,024	\$3,823,676	-	\$3,823,676	\$4,461,500	\$4,475,615

Parole & Post Prison Supervision, State Board of**Agency Number: 25500**

Agency Worksheet - Revenues & Expenditures
2021-23 Biennium

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Parole & Post Prison Supervision, State Bd of

<i>DESCRIPTION</i>	<i>2017-19 Actuals</i>	<i>2019-21 Leg Adopted Budget</i>	<i>2019-21 Emergency Boards</i>	<i>2019-21 Leg Approved Budget</i>	<i>2021-23 Base Budget</i>	<i>2021-23 Current Service Level</i>
OTHER PAYROLL EXPENSES						
3210 Empl. Rel. Bd. Assessments						
8000 General Fund	1,100	1,464	-	1,464	1,450	1,450
3220 Public Employees' Retire Cont						
8000 General Fund	534,438	648,876	-	648,876	764,254	766,672
3221 Pension Obligation Bond						
8000 General Fund	195,956	231,524	-	231,524	231,524	258,428
3230 Social Security Taxes						
8000 General Fund	264,280	292,512	-	292,512	341,306	342,386
3240 Unemployment Assessments						
8000 General Fund	-	11,700	-	11,700	11,700	12,203
3250 Worker's Comp. Assess. (WCD)						
8000 General Fund	1,275	1,450	-	1,450	1,150	1,150
3260 Mass Transit Tax						
8000 General Fund	21,304	22,928	-	22,928	22,928	26,854
3270 Flexible Benefits						
8000 General Fund	781,078	879,600	-	879,600	955,800	955,800
TOTAL OTHER PAYROLL EXPENSES						
8000 General Fund	1,799,431	2,090,054	-	2,090,054	2,330,112	2,364,943
TOTAL OTHER PAYROLL EXPENSES	\$1,799,431	\$2,090,054	-	\$2,090,054	\$2,330,112	\$2,364,943

Parole & Post Prison Supervision, State Board of**Agency Number: 25500**

Agency Worksheet - Revenues & Expenditures
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Parole & Post Prison Supervision, State Bd of

<i>DESCRIPTION</i>	<i>2017-19 Actuals</i>	<i>2019-21 Leg Adopted Budget</i>	<i>2019-21 Emergency Boards</i>	<i>2019-21 Leg Approved Budget</i>	<i>2021-23 Base Budget</i>	<i>2021-23 Current Service Level</i>
P.S. BUDGET ADJUSTMENTS						
3455 Vacancy Savings						
8000 General Fund	-	(122,117)	-	(122,117)	(122,117)	(24,182)
3465 Reconciliation Adjustment						
8000 General Fund	-	(25,138)	-	(25,138)	-	-
TOTAL P.S. BUDGET ADJUSTMENTS						
8000 General Fund	-	(147,255)	-	(147,255)	(122,117)	(24,182)
TOTAL P.S. BUDGET ADJUSTMENTS	-	(\$147,255)	-	(\$147,255)	(\$122,117)	(\$24,182)
TOTAL PERSONAL SERVICES						
8000 General Fund	5,287,455	5,766,475	-	5,766,475	6,669,495	6,816,376
TOTAL PERSONAL SERVICES	\$5,287,455	\$5,766,475	-	\$5,766,475	\$6,669,495	\$6,816,376
SERVICES & SUPPLIES						
4100 Instate Travel						
8000 General Fund	15,859	40,453	-	40,453	40,453	42,192
4125 Out of State Travel						
8000 General Fund	10,805	-	-	-	-	-
4150 Employee Training						
8000 General Fund	14,435	21,949	-	21,949	21,949	22,893
4175 Office Expenses						
8000 General Fund	88,424	21,696	-	21,696	21,696	22,629

Parole & Post Prison Supervision, State Board of**Agency Number: 25500**

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Parole & Post Prison Supervision, State Bd of

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3400 Other Funds Ltd	10,167	11,682	-	11,682	11,682	12,184
All Funds	98,591	33,378	-	33,378	33,378	34,813
4200 Telecommunications						
8000 General Fund	32,989	14,175	-	14,175	14,175	14,785
4225 State Gov. Service Charges						
8000 General Fund	143,157	296,642	-	296,642	296,642	425,025
4250 Data Processing						
8000 General Fund	1,162	23,925	-	23,925	23,925	24,954
4275 Publicity and Publications						
8000 General Fund	2,680	-	-	-	-	-
4300 Professional Services						
8000 General Fund	1,120,907	811,791	-	811,791	811,791	515,450
4325 Attorney General						
8000 General Fund	750,123	1,236,256	-	1,236,256	1,236,256	1,444,815
4375 Employee Recruitment and Develop						
8000 General Fund	447	-	-	-	-	-
4400 Dues and Subscriptions						
8000 General Fund	1,514	540	-	540	540	563
4425 Facilities Rental and Taxes						
8000 General Fund	307,889	326,971	-	326,971	326,971	341,031
4450 Fuels and Utilities						

Parole & Post Prison Supervision, State Board of**Agency Number: 25500**

Agency Worksheet - Revenues & Expenditures
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Parole & Post Prison Supervision, State Bd of

<i>DESCRIPTION</i>	<i>2017-19 Actuals</i>	<i>2019-21 Leg Adopted Budget</i>	<i>2019-21 Emergency Boards</i>	<i>2019-21 Leg Approved Budget</i>	<i>2021-23 Base Budget</i>	<i>2021-23 Current Service Level</i>
8000 General Fund	149	-	-	-	-	-
4475 Facilities Maintenance						
8000 General Fund	952	12,134	-	12,134	12,134	12,656
4525 Medical Services and Supplies						
8000 General Fund	192,392	79,000	-	79,000	79,000	278,503
4575 Agency Program Related S and S						
8000 General Fund	696	-	-	-	-	-
4600 Intra-agency Charges						
8000 General Fund	2,050	-	-	-	-	-
4650 Other Services and Supplies						
8000 General Fund	32,664	528	-	528	528	191,886
4700 Expendable Prop 250 - 5000						
8000 General Fund	15,479	9,584	-	9,584	9,584	9,996
4715 IT Expendable Property						
8000 General Fund	59,032	17,982	-	17,982	17,982	18,755
TOTAL SERVICES & SUPPLIES						
8000 General Fund	2,793,805	2,913,626	-	2,913,626	2,913,626	3,366,133
3400 Other Funds Ltd	10,167	11,682	-	11,682	11,682	12,184
TOTAL SERVICES & SUPPLIES	\$2,803,972	\$2,925,308	-	\$2,925,308	\$2,925,308	\$3,378,317

CAPITAL OUTLAY

Parole & Post Prison Supervision, State Board of**Agency Number: 25500**

Agency Worksheet - Revenues & Expenditures
2021-23 Biennium

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Parole & Post Prison Supervision, State Bd of

<i>DESCRIPTION</i>	<i>2017-19 Actuals</i>	<i>2019-21 Leg Adopted Budget</i>	<i>2019-21 Emergency Boards</i>	<i>2019-21 Leg Approved Budget</i>	<i>2021-23 Base Budget</i>	<i>2021-23 Current Service Level</i>
5100 Office Furniture and Fixtures						
8000 General Fund	149,206	-	-	-	-	-
5600 Data Processing Hardware						
8000 General Fund	10,945	-	-	-	-	-
5700 Building Structures						
8000 General Fund	713,616	-	-	-	-	-
TOTAL CAPITAL OUTLAY						
8000 General Fund	873,767	-	-	-	-	-
TOTAL CAPITAL OUTLAY	\$873,767	-	-	-	-	-
SPECIAL PAYMENTS						
6025 Dist to Other Gov Unit						
8000 General Fund	79,296	-	-	-	-	-
6035 Dist to Individuals						
8000 General Fund	588	-	-	-	-	-
TOTAL SPECIAL PAYMENTS						
8000 General Fund	79,884	-	-	-	-	-
TOTAL SPECIAL PAYMENTS	\$79,884	-	-	-	-	-
EXPENDITURES						
8000 General Fund	9,034,911	8,680,101	-	8,680,101	9,583,121	10,182,509
3400 Other Funds Ltd	10,167	11,682	-	11,682	11,682	12,184

Parole & Post Prison Supervision, State Board of**Agency Number: 25500**

Agency Worksheet - Revenues & Expenditures

Version: V - 01 - Agency Request Budget

2021-23 Biennium

Cross Reference Number: 25500-000-00-00-00000

Parole & Post Prison Supervision, State Bd of

<i>DESCRIPTION</i>	<i>2017-19 Actuals</i>	<i>2019-21 Leg Adopted Budget</i>	<i>2019-21 Emergency Boards</i>	<i>2019-21 Leg Approved Budget</i>	<i>2021-23 Base Budget</i>	<i>2021-23 Current Service Level</i>
TOTAL EXPENDITURES	\$9,045,078	\$8,691,783	-	\$8,691,783	\$9,594,803	\$10,194,693
REVERSIONS						
9900 Reversions						
8000 General Fund	(13,965)	-	-	-	-	-
ENDING BALANCE						
8000 General Fund	-	-	-	-	-	-
3400 Other Funds Ltd	37,699	34,285	-	34,285	28,654	28,152
TOTAL ENDING BALANCE	\$37,699	\$34,285	-	\$34,285	\$28,654	\$28,152
AUTHORIZED POSITIONS						
8150 Class/Unclass Positions	28	25	-	25	25	25
AUTHORIZED FTE POSITIONS						
8250 Class/Unclass FTE Positions	28.00	25.00	-	25.00	25.00	25.00

Parole & Post Prison Supervision, State Board of**Agency Number: 25500**

Agency Worksheet - Revenues & Expenditures

Version: V - 01 - Agency Request Budget

2021-23 Biennium

Cross Reference Number: 25500-013-00-00-00000

Parole Board

<i>DESCRIPTION</i>	<i>2017-19 Actuals</i>	<i>2019-21 Leg Adopted Budget</i>	<i>2019-21 Emergency Boards</i>	<i>2019-21 Leg Approved Budget</i>	<i>2021-23 Base Budget</i>	<i>2021-23 Current Service Level</i>
BEGINNING BALANCE						
0025 Beginning Balance						
3400 Other Funds Ltd	40,224	35,637	-	35,637	35,637	35,637
0030 Beginning Balance Adjustment						
3400 Other Funds Ltd	-	-	-	-	(7,301)	(7,301)
TOTAL BEGINNING BALANCE						
3400 Other Funds Ltd	40,224	35,637	-	35,637	28,336	28,336
TOTAL BEGINNING BALANCE	\$40,224	\$35,637	-	\$35,637	\$28,336	\$28,336
REVENUE CATEGORIES						
GENERAL FUND APPROPRIATION						
0050 General Fund Appropriation						
8000 General Fund	9,048,876	8,680,101	-	8,680,101	9,583,121	10,182,509
FINES, RENTS AND ROYALTIES						
0505 Fines and Forfeitures						
3400 Other Funds Ltd	3,165	5,072	-	5,072	5,500	5,500
SALES INCOME						
0705 Sales Income						
3400 Other Funds Ltd	4,477	5,258	-	5,258	6,500	6,500
REVENUES						
8000 General Fund	9,048,876	8,680,101	-	8,680,101	9,583,121	10,182,509

Parole & Post Prison Supervision, State Board of**Agency Number: 25500**

Agency Worksheet - Revenues & Expenditures

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Parole Board

<i>DESCRIPTION</i>	<i>2017-19 Actuals</i>	<i>2019-21 Leg Adopted Budget</i>	<i>2019-21 Emergency Boards</i>	<i>2019-21 Leg Approved Budget</i>	<i>2021-23 Base Budget</i>	<i>2021-23 Current Service Level</i>
3400 Other Funds Ltd	7,642	10,330	-	10,330	12,000	12,000
TOTAL REVENUES	\$9,056,518	\$8,690,431	-	\$8,690,431	\$9,595,121	\$10,194,509
AVAILABLE REVENUES						
8000 General Fund	9,048,876	8,680,101	-	8,680,101	9,583,121	10,182,509
3400 Other Funds Ltd	47,866	45,967	-	45,967	40,336	40,336
TOTAL AVAILABLE REVENUES	\$9,096,742	\$8,726,068	-	\$8,726,068	\$9,623,457	\$10,222,845
EXPENDITURES						
PERSONAL SERVICES						
SALARIES & WAGES						
3110 Class/Unclass Sal. and Per Diem						
8000 General Fund	3,377,820	3,495,432	-	3,495,432	4,133,256	4,133,256
3160 Temporary Appointments						
8000 General Fund	64,548	-	-	-	-	-
3170 Overtime Payments						
8000 General Fund	5,199	6,742	-	6,742	6,742	7,032
3190 All Other Differential						
8000 General Fund	40,457	321,502	-	321,502	321,502	335,327
TOTAL SALARIES & WAGES						
8000 General Fund	3,488,024	3,823,676	-	3,823,676	4,461,500	4,475,615
TOTAL SALARIES & WAGES	\$3,488,024	\$3,823,676	-	\$3,823,676	\$4,461,500	\$4,475,615

Parole & Post Prison Supervision, State Board of**Agency Number: 25500**

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Parole Board

<i>DESCRIPTION</i>	<i>2017-19 Actuals</i>	<i>2019-21 Leg Adopted Budget</i>	<i>2019-21 Emergency Boards</i>	<i>2019-21 Leg Approved Budget</i>	<i>2021-23 Base Budget</i>	<i>2021-23 Current Service Level</i>
OTHER PAYROLL EXPENSES						
3210 Empl. Rel. Bd. Assessments						
8000 General Fund	1,100	1,464	-	1,464	1,450	1,450
3220 Public Employees' Retire Cont						
8000 General Fund	534,438	648,876	-	648,876	764,254	766,672
3221 Pension Obligation Bond						
8000 General Fund	195,956	231,524	-	231,524	231,524	258,428
3230 Social Security Taxes						
8000 General Fund	264,280	292,512	-	292,512	341,306	342,386
3240 Unemployment Assessments						
8000 General Fund	-	11,700	-	11,700	11,700	12,203
3250 Worker's Comp. Assess. (WCD)						
8000 General Fund	1,275	1,450	-	1,450	1,150	1,150
3260 Mass Transit Tax						
8000 General Fund	21,304	22,928	-	22,928	22,928	26,854
3270 Flexible Benefits						
8000 General Fund	781,078	879,600	-	879,600	955,800	955,800
TOTAL OTHER PAYROLL EXPENSES						
8000 General Fund	1,799,431	2,090,054	-	2,090,054	2,330,112	2,364,943
TOTAL OTHER PAYROLL EXPENSES	\$1,799,431	\$2,090,054	-	\$2,090,054	\$2,330,112	\$2,364,943

Parole & Post Prison Supervision, State Board of**Agency Number: 25500**

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Parole Board

<i>DESCRIPTION</i>	<i>2017-19 Actuals</i>	<i>2019-21 Leg Adopted Budget</i>	<i>2019-21 Emergency Boards</i>	<i>2019-21 Leg Approved Budget</i>	<i>2021-23 Base Budget</i>	<i>2021-23 Current Service Level</i>
P.S. BUDGET ADJUSTMENTS						
3455 Vacancy Savings						
8000 General Fund	-	(122,117)	-	(122,117)	(122,117)	(24,182)
3465 Reconciliation Adjustment						
8000 General Fund	-	(25,138)	-	(25,138)	-	-
TOTAL P.S. BUDGET ADJUSTMENTS						
8000 General Fund	-	(147,255)	-	(147,255)	(122,117)	(24,182)
TOTAL P.S. BUDGET ADJUSTMENTS	-	(\$147,255)	-	(\$147,255)	(\$122,117)	(\$24,182)
TOTAL PERSONAL SERVICES						
8000 General Fund	5,287,455	5,766,475	-	5,766,475	6,669,495	6,816,376
TOTAL PERSONAL SERVICES	\$5,287,455	\$5,766,475	-	\$5,766,475	\$6,669,495	\$6,816,376
SERVICES & SUPPLIES						
4100 Instate Travel						
8000 General Fund	15,859	40,453	-	40,453	40,453	42,192
4125 Out of State Travel						
8000 General Fund	10,805	-	-	-	-	-
4150 Employee Training						
8000 General Fund	14,435	21,949	-	21,949	21,949	22,893
4175 Office Expenses						
8000 General Fund	88,424	21,696	-	21,696	21,696	22,629

Parole & Post Prison Supervision, State Board of**Agency Number: 25500****Agency Worksheet - Revenues & Expenditures****Version: V - 01 - Agency Request Budget****2021-23 Biennium****Cross Reference Number: 25500-013-00-00-00000****Parole Board**

DESCRIPTION	2017-19 Actuals	2019-21 Leg Adopted Budget	2019-21 Emergency Boards	2019-21 Leg Approved Budget	2021-23 Base Budget	2021-23 Current Service Level
3400 Other Funds Ltd	10,167	11,682	-	11,682	11,682	12,184
All Funds	98,591	33,378	-	33,378	33,378	34,813
4200 Telecommunications						
8000 General Fund	32,989	14,175	-	14,175	14,175	14,785
4225 State Gov. Service Charges						
8000 General Fund	143,157	296,642	-	296,642	296,642	425,025
4250 Data Processing						
8000 General Fund	1,162	23,925	-	23,925	23,925	24,954
4275 Publicity and Publications						
8000 General Fund	2,680	-	-	-	-	-
4300 Professional Services						
8000 General Fund	1,120,907	811,791	-	811,791	811,791	515,450
4325 Attorney General						
8000 General Fund	750,123	1,236,256	-	1,236,256	1,236,256	1,444,815
4375 Employee Recruitment and Develop						
8000 General Fund	447	-	-	-	-	-
4400 Dues and Subscriptions						
8000 General Fund	1,514	540	-	540	540	563
4425 Facilities Rental and Taxes						
8000 General Fund	307,889	326,971	-	326,971	326,971	341,031
4450 Fuels and Utilities						

Parole & Post Prison Supervision, State Board of**Agency Number: 25500**

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Parole Board

<i>DESCRIPTION</i>	<i>2017-19 Actuals</i>	<i>2019-21 Leg Adopted Budget</i>	<i>2019-21 Emergency Boards</i>	<i>2019-21 Leg Approved Budget</i>	<i>2021-23 Base Budget</i>	<i>2021-23 Current Service Level</i>
8000 General Fund	149	-	-	-	-	-
4475 Facilities Maintenance						
8000 General Fund	952	12,134	-	12,134	12,134	12,656
4525 Medical Services and Supplies						
8000 General Fund	192,392	79,000	-	79,000	79,000	278,503
4575 Agency Program Related S and S						
8000 General Fund	696	-	-	-	-	-
4600 Intra-agency Charges						
8000 General Fund	2,050	-	-	-	-	-
4650 Other Services and Supplies						
8000 General Fund	32,664	528	-	528	528	191,886
4700 Expendable Prop 250 - 5000						
8000 General Fund	15,479	9,584	-	9,584	9,584	9,996
4715 IT Expendable Property						
8000 General Fund	59,032	17,982	-	17,982	17,982	18,755
TOTAL SERVICES & SUPPLIES						
8000 General Fund	2,793,805	2,913,626	-	2,913,626	2,913,626	3,366,133
3400 Other Funds Ltd	10,167	11,682	-	11,682	11,682	12,184
TOTAL SERVICES & SUPPLIES	\$2,803,972	\$2,925,308	-	\$2,925,308	\$2,925,308	\$3,378,317

CAPITAL OUTLAY

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Parole Board

<i>DESCRIPTION</i>	<i>2017-19 Actuals</i>	<i>2019-21 Leg Adopted Budget</i>	<i>2019-21 Emergency Boards</i>	<i>2019-21 Leg Approved Budget</i>	<i>2021-23 Base Budget</i>	<i>2021-23 Current Service Level</i>
5100 Office Furniture and Fixtures						
8000 General Fund	149,206	-	-	-	-	-
5600 Data Processing Hardware						
8000 General Fund	10,945	-	-	-	-	-
5700 Building Structures						
8000 General Fund	713,616	-	-	-	-	-
TOTAL CAPITAL OUTLAY						
8000 General Fund	873,767	-	-	-	-	-
TOTAL CAPITAL OUTLAY	\$873,767	-	-	-	-	-
SPECIAL PAYMENTS						
6025 Dist to Other Gov Unit						
8000 General Fund	79,296	-	-	-	-	-
6035 Dist to Individuals						
8000 General Fund	588	-	-	-	-	-
TOTAL SPECIAL PAYMENTS						
8000 General Fund	79,884	-	-	-	-	-
TOTAL SPECIAL PAYMENTS	\$79,884	-	-	-	-	-
EXPENDITURES						
8000 General Fund	9,034,911	8,680,101	-	8,680,101	9,583,121	10,182,509
3400 Other Funds Ltd	10,167	11,682	-	11,682	11,682	12,184

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Parole Board

<i>DESCRIPTION</i>	<i>2017-19 Actuals</i>	<i>2019-21 Leg Adopted Budget</i>	<i>2019-21 Emergency Boards</i>	<i>2019-21 Leg Approved Budget</i>	<i>2021-23 Base Budget</i>	<i>2021-23 Current Service Level</i>
TOTAL EXPENDITURES	\$9,045,078	\$8,691,783	-	\$8,691,783	\$9,594,803	\$10,194,693
REVERSIONS						
9900 Reversions						
8000 General Fund	(13,965)	-	-	-	-	-
ENDING BALANCE						
8000 General Fund	-	-	-	-	-	-
3400 Other Funds Ltd	37,699	34,285	-	34,285	28,654	28,152
TOTAL ENDING BALANCE	\$37,699	\$34,285	-	\$34,285	\$28,654	\$28,152
AUTHORIZED POSITIONS						
8150 Class/Unclass Positions	28	25	-	25	25	25
AUTHORIZED FTE POSITIONS						
8250 Class/Unclass FTE Positions	28.00	25.00	-	25.00	25.00	25.00

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Parole & Post Prison Supervision, State Bd of

Description	2021-23 Base Budget	Essential Packages	2021-23 Current Service Level	Policy Packages	2021-23 Agency Request Budget
BEGINNING BALANCE					
0025 Beginning Balance					
3400 Other Funds Ltd	35,637	-	35,637	-	35,637
0030 Beginning Balance Adjustment					
3400 Other Funds Ltd	(7,301)	-	(7,301)	-	(7,301)
TOTAL BEGINNING BALANCE					
3400 Other Funds Ltd	28,336	-	28,336	-	28,336
REVENUE CATEGORIES					
GENERAL FUND APPROPRIATION					
0050 General Fund Appropriation					
8000 General Fund	9,583,121	599,388	10,182,509	505,850	10,688,359
FINES, RENTS AND ROYALTIES					
0505 Fines and Forfeitures					
3400 Other Funds Ltd	5,500	-	5,500	-	5,500
SALES INCOME					
0705 Sales Income					
3400 Other Funds Ltd	6,500	-	6,500	-	6,500
TOTAL REVENUES					
8000 General Fund	9,583,121	599,388	10,182,509	505,850	10,688,359
3400 Other Funds Ltd	12,000	-	12,000	-	12,000
TOTAL REVENUES	\$9,595,121	\$599,388	\$10,194,509	\$505,850	\$10,700,359
AVAILABLE REVENUES					
8000 General Fund	9,583,121	599,388	10,182,509	505,850	10,688,359

Parole & Post Prison Supervision, State Board of**Agency Number: 25500**

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Parole & Post Prison Supervision, State Bd of

Description	2021-23 Base Budget	Essential Packages	2021-23 Current Service Level	Policy Packages	2021-23 Agency Request Budget
3400 Other Funds Ltd	40,336	-	40,336	-	40,336
TOTAL AVAILABLE REVENUES	\$9,623,457	\$599,388	\$10,222,845	\$505,850	\$10,728,695
EXPENDITURES					
PERSONAL SERVICES					
SALARIES & WAGES					
3110 Class/Unclass Sal. and Per Diem					
8000 General Fund	4,133,256	-	4,133,256	69,792	4,203,048
3170 Overtime Payments					
8000 General Fund	6,742	290	7,032	-	7,032
3190 All Other Differential					
8000 General Fund	321,502	13,825	335,327	-	335,327
TOTAL SALARIES & WAGES					
8000 General Fund	4,461,500	14,115	4,475,615	69,792	4,545,407
OTHER PAYROLL EXPENSES					
3210 Empl. Rel. Bd. Assessments					
8000 General Fund	1,450	-	1,450	-	1,450
3220 Public Employees' Retire Cont					
8000 General Fund	764,254	2,418	766,672	11,955	778,627
3221 Pension Obligation Bond					
8000 General Fund	231,524	26,904	258,428	-	258,428
3230 Social Security Taxes					
8000 General Fund	341,306	1,080	342,386	5,338	347,724
3240 Unemployment Assessments					

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Parole & Post Prison Supervision, State Bd of

Description	2021-23 Base Budget	Essential Packages	2021-23 Current Service Level	Policy Packages	2021-23 Agency Request Budget
8000 General Fund	11,700	503	12,203	-	12,203
3250 Worker's Comp. Assess. (WCD)					
8000 General Fund	1,150	-	1,150	-	1,150
3260 Mass Transit Tax					
8000 General Fund	22,928	3,926	26,854	52	26,906
3270 Flexible Benefits					
8000 General Fund	955,800	-	955,800	-	955,800
TOTAL OTHER PAYROLL EXPENSES					
8000 General Fund	2,330,112	34,831	2,364,943	17,345	2,382,288
P.S. BUDGET ADJUSTMENTS					
3455 Vacancy Savings					
8000 General Fund	(122,117)	97,935	(24,182)	-	(24,182)
TOTAL PERSONAL SERVICES					
8000 General Fund	6,669,495	146,881	6,816,376	87,137	6,903,513
SERVICES & SUPPLIES					
4100 Instate Travel					
8000 General Fund	40,453	1,739	42,192	-	42,192
4150 Employee Training					
8000 General Fund	21,949	944	22,893	-	22,893
4175 Office Expenses					
8000 General Fund	21,696	933	22,629	-	22,629
3400 Other Funds Ltd	11,682	502	12,184	-	12,184
All Funds	33,378	1,435	34,813	-	34,813

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Parole & Post Prison Supervision, State Bd of

Description	2021-23 Base Budget	Essential Packages	2021-23 Current Service Level	Policy Packages	2021-23 Agency Request Budget
4200 Telecommunications					
8000 General Fund	14,175	610	14,785	-	14,785
4225 State Gov. Service Charges					
8000 General Fund	296,642	128,383	425,025	-	425,025
4250 Data Processing					
8000 General Fund	23,925	1,029	24,954	-	24,954
4300 Professional Services					
8000 General Fund	811,791	(296,341)	515,450	266,194	781,644
4325 Attorney General					
8000 General Fund	1,236,256	208,559	1,444,815	-	1,444,815
4400 Dues and Subscriptions					
8000 General Fund	540	23	563	-	563
4425 Facilities Rental and Taxes					
8000 General Fund	326,971	14,060	341,031	152,519	493,550
4475 Facilities Maintenance					
8000 General Fund	12,134	522	12,656	-	12,656
4525 Medical Services and Supplies					
8000 General Fund	79,000	199,503	278,503	-	278,503
4650 Other Services and Supplies					
8000 General Fund	528	191,358	191,886	-	191,886
4700 Expendable Prop 250 - 5000					
8000 General Fund	9,584	412	9,996	-	9,996
4715 IT Expendable Property					

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Parole & Post Prison Supervision, State Bd of

Description	2021-23 Base Budget	Essential Packages	2021-23 Current Service Level	Policy Packages	2021-23 Agency Request Budget
8000 General Fund	17,982	773	18,755	-	18,755
TOTAL SERVICES & SUPPLIES					
8000 General Fund	2,913,626	452,507	3,366,133	418,713	3,784,846
3400 Other Funds Ltd	11,682	502	12,184	-	12,184
TOTAL SERVICES & SUPPLIES	\$2,925,308	\$453,009	\$3,378,317	\$418,713	\$3,797,030
TOTAL EXPENDITURES					
8000 General Fund	9,583,121	599,388	10,182,509	505,850	10,688,359
3400 Other Funds Ltd	11,682	502	12,184	-	12,184
TOTAL EXPENDITURES	\$9,594,803	\$599,890	\$10,194,693	\$505,850	\$10,700,543
ENDING BALANCE					
3400 Other Funds Ltd	28,654	(502)	28,152	-	28,152
AUTHORIZED POSITIONS					
8150 Class/Unclass Positions	25	-	25	-	25
AUTHORIZED FTE					
8250 Class/Unclass FTE Positions	25.00	-	25.00	-	25.00

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BEGINNING BALANCE					
0025 Beginning Balance					
3400 Other Funds Ltd	35,637	-	35,637	-	35,637
0030 Beginning Balance Adjustment					
3400 Other Funds Ltd	(7,301)	-	(7,301)	-	(7,301)
TOTAL BEGINNING BALANCE					
3400 Other Funds Ltd	28,336	-	28,336	-	28,336
REVENUE CATEGORIES					
GENERAL FUND APPROPRIATION					
0050 General Fund Appropriation					
8000 General Fund	9,583,121	599,388	10,182,509	505,850	10,688,359
FINES, RENTS AND ROYALTIES					
0505 Fines and Forfeitures					
3400 Other Funds Ltd	5,500	-	5,500	-	5,500
SALES INCOME					
0705 Sales Income					
3400 Other Funds Ltd	6,500	-	6,500	-	6,500
TOTAL REVENUES					
8000 General Fund	9,583,121	599,388	10,182,509	505,850	10,688,359
3400 Other Funds Ltd	12,000	-	12,000	-	12,000
TOTAL REVENUES	\$9,595,121	\$599,388	\$10,194,509	\$505,850	\$10,700,359
AVAILABLE REVENUES					
8000 General Fund	9,583,121	599,388	10,182,509	505,850	10,688,359

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Parole Board

Description	2021-23 Base Budget	Essential Packages	2021-23 Current Service Level	Policy Packages	2021-23 Agency Request Budget
3400 Other Funds Ltd	40,336	-	40,336	-	40,336
TOTAL AVAILABLE REVENUES	\$9,623,457	\$599,388	\$10,222,845	\$505,850	\$10,728,695
EXPENDITURES					
PERSONAL SERVICES					
SALARIES & WAGES					
3110 Class/Unclass Sal. and Per Diem					
8000 General Fund	4,133,256	-	4,133,256	69,792	4,203,048
3170 Overtime Payments					
8000 General Fund	6,742	290	7,032	-	7,032
3190 All Other Differential					
8000 General Fund	321,502	13,825	335,327	-	335,327
TOTAL SALARIES & WAGES					
8000 General Fund	4,461,500	14,115	4,475,615	69,792	4,545,407
OTHER PAYROLL EXPENSES					
3210 Empl. Rel. Bd. Assessments					
8000 General Fund	1,450	-	1,450	-	1,450
3220 Public Employees' Retire Cont					
8000 General Fund	764,254	2,418	766,672	11,955	778,627
3221 Pension Obligation Bond					
8000 General Fund	231,524	26,904	258,428	-	258,428
3230 Social Security Taxes					
8000 General Fund	341,306	1,080	342,386	5,338	347,724
3240 Unemployment Assessments					

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Parole Board

Description	2021-23 Base Budget	Essential Packages	2021-23 Current Service Level	Policy Packages	2021-23 Agency Request Budget
8000 General Fund	11,700	503	12,203	-	12,203
3250 Worker's Comp. Assess. (WCD)					
8000 General Fund	1,150	-	1,150	-	1,150
3260 Mass Transit Tax					
8000 General Fund	22,928	3,926	26,854	52	26,906
3270 Flexible Benefits					
8000 General Fund	955,800	-	955,800	-	955,800
TOTAL OTHER PAYROLL EXPENSES					
8000 General Fund	2,330,112	34,831	2,364,943	17,345	2,382,288
P.S. BUDGET ADJUSTMENTS					
3455 Vacancy Savings					
8000 General Fund	(122,117)	97,935	(24,182)	-	(24,182)
TOTAL PERSONAL SERVICES					
8000 General Fund	6,669,495	146,881	6,816,376	87,137	6,903,513
SERVICES & SUPPLIES					
4100 Instate Travel					
8000 General Fund	40,453	1,739	42,192	-	42,192
4150 Employee Training					
8000 General Fund	21,949	944	22,893	-	22,893
4175 Office Expenses					
8000 General Fund	21,696	933	22,629	-	22,629
3400 Other Funds Ltd	11,682	502	12,184	-	12,184
All Funds	33,378	1,435	34,813	-	34,813

Parole & Post Prison Supervision, State Board of**Agency Number: 25500****Detail Revenues & Expenditures - Requested Budget****Version: V - 01 - Agency Request Budget****2021-23 Biennium****Cross Reference Number: 25500-013-00-00-00000****Parole Board**

Description	2021-23 Base Budget	Essential Packages	2021-23 Current Service Level	Policy Packages	2021-23 Agency Request Budget
4200 Telecommunications					
8000 General Fund	14,175	610	14,785	-	14,785
4225 State Gov. Service Charges					
8000 General Fund	296,642	128,383	425,025	-	425,025
4250 Data Processing					
8000 General Fund	23,925	1,029	24,954	-	24,954
4300 Professional Services					
8000 General Fund	811,791	(296,341)	515,450	266,194	781,644
4325 Attorney General					
8000 General Fund	1,236,256	208,559	1,444,815	-	1,444,815
4400 Dues and Subscriptions					
8000 General Fund	540	23	563	-	563
4425 Facilities Rental and Taxes					
8000 General Fund	326,971	14,060	341,031	152,519	493,550
4475 Facilities Maintenance					
8000 General Fund	12,134	522	12,656	-	12,656
4525 Medical Services and Supplies					
8000 General Fund	79,000	199,503	278,503	-	278,503
4650 Other Services and Supplies					
8000 General Fund	528	191,358	191,886	-	191,886
4700 Expendable Prop 250 - 5000					
8000 General Fund	9,584	412	9,996	-	9,996
4715 IT Expendable Property					

Parole & Post Prison Supervision, State Board of**Agency Number: 25500**

Detail Revenues & Expenditures - Requested Budget

Version: V - 01 - Agency Request Budget

2021-23 Biennium

Cross Reference Number: 25500-013-00-00-00000

Parole Board

Description	2021-23 Base Budget	Essential Packages	2021-23 Current Service Level	Policy Packages	2021-23 Agency Request Budget
8000 General Fund	17,982	773	18,755	-	18,755
TOTAL SERVICES & SUPPLIES					
8000 General Fund	2,913,626	452,507	3,366,133	418,713	3,784,846
3400 Other Funds Ltd	11,682	502	12,184	-	12,184
TOTAL SERVICES & SUPPLIES	\$2,925,308	\$453,009	\$3,378,317	\$418,713	\$3,797,030
TOTAL EXPENDITURES					
8000 General Fund	9,583,121	599,388	10,182,509	505,850	10,688,359
3400 Other Funds Ltd	11,682	502	12,184	-	12,184
TOTAL EXPENDITURES	\$9,594,803	\$599,890	\$10,194,693	\$505,850	\$10,700,543
ENDING BALANCE					
3400 Other Funds Ltd	28,654	(502)	28,152	-	28,152
AUTHORIZED POSITIONS					
8150 Class/Unclass Positions	25	-	25	-	25
AUTHORIZED FTE					
8250 Class/Unclass FTE Positions	25.00	-	25.00	-	25.00

Parole & Post Prison Supervision, State Board of**Agency Number 25500**

BDV004B

Version: V - 01 - Agency Request Budget

2021-23 Biennium

Cross Reference Number: 25500-000-00-00-00000

Parole & Post Prison Supervision, State Bd of

Description	Total Essential Packages	Pkg: 010	Pkg: 031	Pkg: 032	Pkg: 060	
		Non-PICS Psnl Svc / Vacancy Factor	Standard Inflation	Above Standard Inflation	Technical Adjustments	
		Priority: 00	Priority: 00	Priority: 00	Priority: 00	

REVENUE CATEGORIES**GENERAL FUND APPROPRIATION****0050 General Fund Appropriation**

8000 General Fund	599,388	146,881	439,325	13,182	-
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AVAILABLE REVENUES

8000 General Fund	599,388	146,881	439,325	13,182	-
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TOTAL AVAILABLE REVENUES	\$599,388	\$146,881	\$439,325	\$13,182	-
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EXPENDITURES**PERSONAL SERVICES****SALARIES & WAGES****3170 Overtime Payments**

8000 General Fund	290	290	-	-	-
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3190 All Other Differential

8000 General Fund	13,825	13,825	-	-	-
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SALARIES & WAGES

8000 General Fund	14,115	14,115	-	-	-
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TOTAL SALARIES & WAGES	\$14,115	\$14,115	-	-	-
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OTHER PAYROLL EXPENSES**3220 Public Employees Retire Cont**

8000 General Fund	2,418	2,418	-	-	-
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3221 Pension Obligation Bond

8000 General Fund	26,904	26,904	-	-	-
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Parole & Post Prison Supervision, State Board of
Agency Number 25500
BDV004B
Version: V - 01 - Agency Request Budget
2021-23 Biennium
Cross Reference Number: 25500-000-00-00-00000
Parole & Post Prison Supervision, State Bd of

Description	Total Essential Packages	Pkg: 010	Pkg: 031	Pkg: 032	Pkg: 060	
		Non-PICS Psnl Svc / Vacancy Factor	Standard Inflation	Above Standard Inflation	Technical Adjustments	
		Priority: 00	Priority: 00	Priority: 00	Priority: 00	
3230 Social Security Taxes						
8000 General Fund	1,080	1,080	-	-	-	
3240 Unemployment Assessments						
8000 General Fund	503	503	-	-	-	
3260 Mass Transit Tax						
8000 General Fund	3,926	3,926	-	-	-	
OTHER PAYROLL EXPENSES						
8000 General Fund	34,831	34,831	-	-	-	
TOTAL OTHER PAYROLL EXPENSES	\$34,831	\$34,831	-	-	-	
P.S. BUDGET ADJUSTMENTS						
3455 Vacancy Savings						
8000 General Fund	97,935	97,935	-	-	-	
PERSONAL SERVICES						
8000 General Fund	146,881	146,881	-	-	-	
TOTAL PERSONAL SERVICES	\$146,881	\$146,881	-	-	-	
SERVICES & SUPPLIES						
4100 Instate Travel						
8000 General Fund	1,739	-	1,739	-	-	
4150 Employee Training						
8000 General Fund	944	-	944	-	-	
4175 Office Expenses						
8000 General Fund	933	-	933	-	-	

Parole & Post Prison Supervision, State Board of

Agency Number 25500

**BDV004B
2021-23 Biennium**

**Version: V - 01 - Agency Request Budget
Cross Reference Number: 25500-000-00-00-00000**

Parole & Post Prison Supervision, State Bd of

Description	Total Essential Packages	Pkg: 010	Pkg: 031	Pkg: 032	Pkg: 060	
		Non-PICS Psnl Svc / Vacancy Factor	Standard Inflation	Above Standard Inflation	Technical Adjustments	
		Priority: 00	Priority: 00	Priority: 00	Priority: 00	
3400 Other Funds Ltd	502	-	502	-	-	
All Funds	1,435	-	1,435	-	-	
4200 Telecommunications						
8000 General Fund	610	-	610	-	-	
4225 State Gov. Service Charges						
8000 General Fund	128,383	-	128,383	-	-	
4250 Data Processing						
8000 General Fund	1,029	-	1,029	-	-	
4300 Professional Services						
8000 General Fund	(296,341)	-	46,272	-	(342,613)	
4325 Attorney General						
8000 General Fund	208,559	-	240,205	-	(31,646)	
4400 Dues and Subscriptions						
8000 General Fund	23	-	23	-	-	
4425 Facilities Rental and Taxes						
8000 General Fund	14,060	-	14,060	-	-	
4475 Facilities Maintenance						
8000 General Fund	522	-	522	-	-	
4525 Medical Services and Supplies						
8000 General Fund	199,503	-	3,397	1,106	195,000	
4650 Other Services and Supplies						
8000 General Fund	191,358	-	23	12,076	179,259	
4700 Expendable Prop 250 - 5000						

Parole & Post Prison Supervision, State Board of

Agency Number 25500

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2021-23 Biennium

Cross Reference Number: 25500-000-00-00-00000

Parole & Post Prison Supervision, State Bd of

Description	Total Essential Packages	Pkg: 010	Pkg: 031	Pkg: 032	Pkg: 060	
		Non-PICS Psnl Svc / Vacancy Factor	Standard Inflation	Above Standard Inflation	Technical Adjustments	
		Priority: 00	Priority: 00	Priority: 00	Priority: 00	
8000 General Fund	412	-	412	-	-	
4715 IT Expendable Property						
8000 General Fund	773	-	773	-	-	
SERVICES & SUPPLIES						
8000 General Fund	452,507	-	439,325	13,182	-	
3400 Other Funds Ltd	502	-	502	-	-	
TOTAL SERVICES & SUPPLIES	\$453,009	-	\$439,827	\$13,182	-	
EXPENDITURES						
8000 General Fund	599,388	146,881	439,325	13,182	-	
3400 Other Funds Ltd	502	-	502	-	-	
TOTAL EXPENDITURES	\$599,890	\$146,881	\$439,827	\$13,182	-	
ENDING BALANCE						
8000 General Fund	-	-	-	-	-	
3400 Other Funds Ltd	(502)	-	(502)	-	-	
TOTAL ENDING BALANCE	(\$502)	-	(\$502)	-	-	

Parole & Post Prison Supervision, State Board of**Agency Number 25500**

BDV004B
2021-23 Biennium
Parole Board

Version: V - 01 - Agency Request Budget
Cross Reference Number: 25500-013-00-00-00000

Description	Total Essential Packages	Pkg: 010	Pkg: 031	Pkg: 032	Pkg: 060	
		Non-PICS Psnl Svc / Vacancy Factor	Standard Inflation	Above Standard Inflation	Technical Adjustments	
		Priority: 00	Priority: 00	Priority: 00	Priority: 00	

REVENUE CATEGORIES**GENERAL FUND APPROPRIATION****0050 General Fund Appropriation**

8000 General Fund	599,388	146,881	439,325	13,182	-
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AVAILABLE REVENUES

8000 General Fund	599,388	146,881	439,325	13,182	-
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TOTAL AVAILABLE REVENUES	\$599,388	\$146,881	\$439,325	\$13,182	-
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EXPENDITURES**PERSONAL SERVICES****SALARIES & WAGES****3170 Overtime Payments**

8000 General Fund	290	290	-	-	-
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3190 All Other Differential

8000 General Fund	13,825	13,825	-	-	-
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SALARIES & WAGES

8000 General Fund	14,115	14,115	-	-	-
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TOTAL SALARIES & WAGES	\$14,115	\$14,115	-	-	-
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OTHER PAYROLL EXPENSES**3220 Public Employees Retire Cont**

8000 General Fund	2,418	2,418	-	-	-
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3221 Pension Obligation Bond

8000 General Fund	26,904	26,904	-	-	-
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Parole & Post Prison Supervision, State Board of
Agency Number 25500
**BDV004B
2021-23 Biennium
Parole Board**
**Version: V - 01 - Agency Request Budget
Cross Reference Number: 25500-013-00-00-00000**

Description	Total Essential Packages	Pkg: 010	Pkg: 031	Pkg: 032	Pkg: 060	
		Non-PICS Psnl Svc / Vacancy Factor	Standard Inflation	Above Standard Inflation	Technical Adjustments	
		Priority: 00	Priority: 00	Priority: 00	Priority: 00	
3230 Social Security Taxes						
8000 General Fund	1,080	1,080	-	-	-	
3240 Unemployment Assessments						
8000 General Fund	503	503	-	-	-	
3260 Mass Transit Tax						
8000 General Fund	3,926	3,926	-	-	-	
OTHER PAYROLL EXPENSES						
8000 General Fund	34,831	34,831	-	-	-	
TOTAL OTHER PAYROLL EXPENSES	\$34,831	\$34,831	-	-	-	
P.S. BUDGET ADJUSTMENTS						
3455 Vacancy Savings						
8000 General Fund	97,935	97,935	-	-	-	
PERSONAL SERVICES						
8000 General Fund	146,881	146,881	-	-	-	
TOTAL PERSONAL SERVICES	\$146,881	\$146,881	-	-	-	
SERVICES & SUPPLIES						
4100 Instate Travel						
8000 General Fund	1,739	-	1,739	-	-	
4150 Employee Training						
8000 General Fund	944	-	944	-	-	
4175 Office Expenses						
8000 General Fund	933	-	933	-	-	

Parole & Post Prison Supervision, State Board of**Agency Number 25500**

BDV004B
2021-23 Biennium
Parole Board

Version: V - 01 - Agency Request Budget
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Description	Total Essential Packages	Pkg: 010	Pkg: 031	Pkg: 032	Pkg: 060	
		Non-PICS Psnl Svc / Vacancy Factor	Standard Inflation	Above Standard Inflation	Technical Adjustments	
		Priority: 00	Priority: 00	Priority: 00	Priority: 00	
3400 Other Funds Ltd	502	-	502	-	-	
All Funds	1,435	-	1,435	-	-	
4200 Telecommunications						
8000 General Fund	610	-	610	-	-	
4225 State Gov. Service Charges						
8000 General Fund	128,383	-	128,383	-	-	
4250 Data Processing						
8000 General Fund	1,029	-	1,029	-	-	
4300 Professional Services						
8000 General Fund	(296,341)	-	46,272	-	(342,613)	
4325 Attorney General						
8000 General Fund	208,559	-	240,205	-	(31,646)	
4400 Dues and Subscriptions						
8000 General Fund	23	-	23	-	-	
4425 Facilities Rental and Taxes						
8000 General Fund	14,060	-	14,060	-	-	
4475 Facilities Maintenance						
8000 General Fund	522	-	522	-	-	
4525 Medical Services and Supplies						
8000 General Fund	199,503	-	3,397	1,106	195,000	
4650 Other Services and Supplies						
8000 General Fund	191,358	-	23	12,076	179,259	
4700 Expendable Prop 250 - 5000						

Parole & Post Prison Supervision, State Board of
Agency Number 25500
**BDV004B
2021-23 Biennium
Parole Board**
**Version: V - 01 - Agency Request Budget
Cross Reference Number: 25500-013-00-00-00000**

Description	Total Essential Packages	Pkg: 010	Pkg: 031	Pkg: 032	Pkg: 060	
		Non-PICS Psnl Svc / Vacancy Factor	Standard Inflation	Above Standard Inflation	Technical Adjustments	
		Priority: 00	Priority: 00	Priority: 00	Priority: 00	
8000 General Fund	412	-	412	-	-	
4715 IT Expendable Property						
8000 General Fund	773	-	773	-	-	
SERVICES & SUPPLIES						
8000 General Fund	452,507	-	439,325	13,182	-	
3400 Other Funds Ltd	502	-	502	-	-	
TOTAL SERVICES & SUPPLIES	\$453,009	-	\$439,827	\$13,182	-	
EXPENDITURES						
8000 General Fund	599,388	146,881	439,325	13,182	-	
3400 Other Funds Ltd	502	-	502	-	-	
TOTAL EXPENDITURES	\$599,890	\$146,881	\$439,827	\$13,182	-	
ENDING BALANCE						
8000 General Fund	-	-	-	-	-	
3400 Other Funds Ltd	(502)	-	(502)	-	-	
TOTAL ENDING BALANCE	(\$502)	-	(\$502)	-	-	

Parole & Post Prison Supervision, State Board of**Agency Number 25500**

BDV004B

Version: V - 01 - Agency Request Budget

2021-23 Biennium

Cross Reference Number: 25500-000-00-00-00000

Parole & Post Prison Supervision, State Bd of

Description	Total Policy Packages	Pkg: 100	Pkg: 101	Pkg: 102		
		Reclassifications of Existing Positions & Personal Svc Adjs	Facilities Management	State Service Charges		
		Priority: 00	Priority: 00	Priority: 00		

REVENUE CATEGORIES**GENERAL FUND APPROPRIATION****0050 General Fund Appropriation**

8000 General Fund	505,850	87,137	387,067	31,646
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AVAILABLE REVENUES

8000 General Fund	505,850	87,137	387,067	31,646
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TOTAL AVAILABLE REVENUES

\$505,850	\$87,137	\$387,067	\$31,646
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EXPENDITURES**PERSONAL SERVICES****SALARIES & WAGES****3110 Class/Unclass Sal. and Per Diem**

8000 General Fund	69,792	69,792	-	-
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OTHER PAYROLL EXPENSES**3220 Public Employees Retire Cont**

8000 General Fund	11,955	11,955	-	-
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3230 Social Security Taxes

8000 General Fund	5,338	5,338	-	-
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3260 Mass Transit Tax

8000 General Fund	52	52	-	-
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OTHER PAYROLL EXPENSES

8000 General Fund	17,345	17,345	-	-
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TOTAL OTHER PAYROLL EXPENSES

\$17,345	\$17,345	-	-
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Parole & Post Prison Supervision, State Board of**Agency Number 25500**

BDV004B

Version: V - 01 - Agency Request Budget

2021-23 Biennium

Cross Reference Number: 25500-000-00-00-00000

Parole & Post Prison Supervision, State Bd of

Description	Total Policy Packages	Pkg: 100 Reclassifications of Existing Positions & Personal Svc Adjs	Pkg: 101 Facilities Management	Pkg: 102 State Service Charges		
		Priority: 00	Priority: 00	Priority: 00		
PERSONAL SERVICES						
8000 General Fund	87,137	87,137	-	-		
TOTAL PERSONAL SERVICES	\$87,137	\$87,137	-	-		
SERVICES & SUPPLIES						
4300 Professional Services						
8000 General Fund	266,194	-	234,548	31,646		
4425 Facilities Rental and Taxes						
8000 General Fund	152,519	-	152,519	-		
SERVICES & SUPPLIES						
8000 General Fund	418,713	-	387,067	31,646		
TOTAL SERVICES & SUPPLIES	\$418,713	-	\$387,067	\$31,646		
EXPENDITURES						
8000 General Fund	505,850	87,137	387,067	31,646		
TOTAL EXPENDITURES	\$505,850	\$87,137	\$387,067	\$31,646		
ENDING BALANCE						
8000 General Fund	-	-	-	-		
TOTAL ENDING BALANCE	-	-	-	-		

Parole & Post Prison Supervision, State Board of
Agency Number 25500
**BDV004B
2021-23 Biennium
Parole Board**
**Version: V - 01 - Agency Request Budget
Cross Reference Number: 25500-013-00-00-00000**

Description	Total Policy Packages	Pkg: 100	Pkg: 101	Pkg: 102		
		Reclassifications of Existing Positions & Personal Svc Adjs	Facilities Management	State Service Charges		
		Priority: 00	Priority: 00	Priority: 00		

REVENUE CATEGORIES
GENERAL FUND APPROPRIATION
0050 General Fund Appropriation

8000 General Fund	505,850	87,137	387,067	31,646
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AVAILABLE REVENUES

8000 General Fund	505,850	87,137	387,067	31,646
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TOTAL AVAILABLE REVENUES	\$505,850	\$87,137	\$387,067	\$31,646
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EXPENDITURES
PERSONAL SERVICES
SALARIES & WAGES
3110 Class/Unclass Sal. and Per Diem

8000 General Fund	69,792	69,792	-	-
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OTHER PAYROLL EXPENSES
3220 Public Employees Retire Cont

8000 General Fund	11,955	11,955	-	-
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3230 Social Security Taxes

8000 General Fund	5,338	5,338	-	-
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3260 Mass Transit Tax

8000 General Fund	52	52	-	-
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OTHER PAYROLL EXPENSES

8000 General Fund	17,345	17,345	-	-
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TOTAL OTHER PAYROLL EXPENSES	\$17,345	\$17,345	-	-
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Parole & Post Prison Supervision, State Board of**Agency Number 25500**

BDV004B
2021-23 Biennium
Parole Board

Version: V - 01 - Agency Request Budget
Cross Reference Number: 25500-013-00-00-00000

Description	Total Policy Packages	Pkg: 100 Reclassifications of Existing Positions & Personal Svc Adjs	Pkg: 101 Facilities Management	Pkg: 102 State Service Charges		
		Priority: 00	Priority: 00	Priority: 00		
PERSONAL SERVICES						
8000 General Fund	87,137	87,137	-	-		
TOTAL PERSONAL SERVICES	\$87,137	\$87,137	-	-		
SERVICES & SUPPLIES						
4300 Professional Services						
8000 General Fund	266,194	-	234,548	31,646		
4425 Facilities Rental and Taxes						
8000 General Fund	152,519	-	152,519	-		
SERVICES & SUPPLIES						
8000 General Fund	418,713	-	387,067	31,646		
TOTAL SERVICES & SUPPLIES	\$418,713	-	\$387,067	\$31,646		
EXPENDITURES						
8000 General Fund	505,850	87,137	387,067	31,646		
TOTAL EXPENDITURES	\$505,850	\$87,137	\$387,067	\$31,646		
ENDING BALANCE						
8000 General Fund	-	-	-	-		
TOTAL ENDING BALANCE	-	-	-	-		

PICS100 - Position Budget Report

Parole & Post Prison Supervision, State Bd of

2021-23 Biennium
Budget Preparation

Cross Reference Number: 25500-000-00-00-00000
Agency Request Budget

Position Number	Classification	Classification Name	Sal Rng	Pos Type	Pos Cnt	FTE	Mos	Step	Rate	SAL/OPE	Salary/OPE				
											GF	LF	OF	FF	AF
Total Salary											4,203,048	-	-	-	4,203,048
Total OPE											1,999,914	-	-	-	1,999,914
Total Personal Services											6,202,962	-	-	-	6,202,962

PICS100 - Position Budget Report**Parole Board****2021-23 Biennium
Budget Preparation****Cross Reference Number: 25500-013-01-00-00000
Agency Request Budget**

Position Number	Classification	Classification Name	Sal Rng	Pos Type	Pos Cnt	FTE	Mos	Step	Rate	SAL/OPE	Salary/OPE				
											GF	LF	OF	FF	AF
4000002	MEAH Z7012 HF	PRINCIPAL EXECUTIVE/MANAGER G	38X	PF	1	1.00	24	3	9801	SAL	235,224	-	-	-	235,224
										OPE	96,625	-	-	-	96,625
4000004	MENN Z7008 AF	PRINCIPAL EXECUTIVE/MANAGER E	33X	PF	1	1.00	24	10	10144	SAL	243,456	-	-	-	243,456
										OPE	98,664	-	-	-	98,664
4000005	MENN Z7008 AF	PRINCIPAL EXECUTIVE/MANAGER E	33X	PF	1	1.00	24	10	10144	SAL	243,456	-	-	-	243,456
										OPE	98,664	-	-	-	98,664
4000007	MNSN Z7010 EF	PRINCIPAL EXECUTIVE/MANAGER F	35	PF	1	1.00	24	8	11041	SAL	264,984	-	-	-	264,984
										OPE	103,999	-	-	-	103,999
4000008	AP C0108 AP	ADMINISTRATIVE SPECIALIST 2	19	PF	1	1.00	24	7	5208	SAL	124,992	-	-	-	124,992
										OPE	69,309	-	-	-	69,309
4000010	MMS X7006 AP	PRINCIPAL EXECUTIVE/MANAGER D	31X	PF	1	1.00	24	3	6558	SAL	157,392	-	-	-	157,392
										OPE	77,337	-	-	-	77,337
4000015	AP C0108 AP	ADMINISTRATIVE SPECIALIST 2	19	PF	1	1.00	24	8	5463	SAL	131,112	-	-	-	131,112
										OPE	70,825	-	-	-	70,825
4000022	AP C0107 AP	ADMINISTRATIVE SPECIALIST 1	17	PF	1	1.00	24	9	5246	SAL	125,904	-	-	-	125,904
										OPE	69,535	-	-	-	69,535
4000023	AP C0107 AP	ADMINISTRATIVE SPECIALIST 1	17	PF	1	1.00	24	9	5246	SAL	125,904	-	-	-	125,904
										OPE	69,535	-	-	-	69,535
4000024	MESN Z0119 AF	EXECUTIVE SUPPORT SPECIALIST 2	20	PF	1	1.00	24	1	3668	SAL	88,032	-	-	-	88,032
										OPE	60,150	-	-	-	60,150
4000027	AP C1485 IP	INFO SYSTEMS SPECIALIST 5	26	PF	1	1.00	24	6	6346	SAL	152,304	-	-	-	152,304
										OPE	76,077	-	-	-	76,077
4000028	AP C0104 AP	OFFICE SPECIALIST 2	15	PF	1	1.00	24	7	4341	SAL	104,184	-	-	-	104,184
										OPE	64,153	-	-	-	64,153
4000029	AP C0107 AP	ADMINISTRATIVE SPECIALIST 1	17	PF	1	1.00	24	1	3627	SAL	87,048	-	-	-	87,048
										OPE	59,906	-	-	-	59,906
4000034	AP C1519 AP	CORRECTIONAL HEARINGS OFFICER	28	PF	1	1.00	24	8	8338	SAL	200,112	-	-	-	200,112
										OPE	87,924	-	-	-	87,924
4150035	AAON C0108 AF	ADMINISTRATIVE SPECIALIST 2	19	PF	1	1.00	24	9	5734	SAL	137,616	-	-	-	137,616
										OPE	72,438	-	-	-	72,438
4150036	AAON C0108 AF	ADMINISTRATIVE SPECIALIST 2	19	PF	1	1.00	24	9	5734	SAL	137,616	-	-	-	137,616

PICS100 - Position Budget Report**Parole Board****2021-23 Biennium
Budget Preparation****Cross Reference Number: 25500-013-01-00-00000
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Position Number	Classification	Classification Name	Sal Rng	Pos Type	Pos Cnt	FTE	Mos	Step	Rate	SAL/OPE	Salary/OPE				
											GF	LF	OF	FF	AF
										OPE	72,438	-	-	-	72,438
4170037	MENN Z7008 AF	PRINCIPAL EXECUTIVE/MANAGER E	33X	PF	1	1.00	24	10	10144	SAL	243,456	-	-	-	243,456
										OPE	98,664	-	-	-	98,664
4170038	MENN Z7008 AF	PRINCIPAL EXECUTIVE/MANAGER E	33X	PF	1	1.00	24	10	10144	SAL	243,456	-	-	-	243,456
										OPE	98,664	-	-	-	98,664
4170039	AAON C0873 AF	OPERATIONS & POLICY ANALYST 4	32	PF	1	1.00	24	7	9600	SAL	230,400	-	-	-	230,400
										OPE	95,430	-	-	-	95,430
4170040	AP C1519 AP	CORRECTIONAL HEARINGS OFFICER	28	PF	1	1.00	24	7	7959	SAL	191,016	-	-	-	191,016
										OPE	85,670	-	-	-	85,670
4170041	AP C1519 AP	CORRECTIONAL HEARINGS OFFICER	28	PF	1	1.00	24	9	8735	SAL	209,640	-	-	-	209,640
										OPE	90,284	-	-	-	90,284
4170042	AP C0107 AP	ADMINISTRATIVE SPECIALIST 1	17	PF	1	1.00	24	9	5246	SAL	125,904	-	-	-	125,904
										OPE	69,535	-	-	-	69,535
4170043	AP C0108 AP	ADMINISTRATIVE SPECIALIST 2	19	PF	1	1.00	24	9	5734	SAL	137,616	-	-	-	137,616
										OPE	72,438	-	-	-	72,438
4170044	AP C0108 AP	ADMINISTRATIVE SPECIALIST 2	19	PF	1	1.00	24	8	5463	SAL	131,112	-	-	-	131,112
										OPE	70,825	-	-	-	70,825
4170045	AP C0108 AP	ADMINISTRATIVE SPECIALIST 2	19	PF	1	1.00	24	8	5463	SAL	131,112	-	-	-	131,112
										OPE	70,825	-	-	-	70,825
Total Salary											4,203,048	-	-	-	4,203,048
Total OPE											1,999,914	-	-	-	1,999,914
Total Personal Services											6,202,962	-	-	-	6,202,962

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Budget Preparation

Position Number	Auth No	Workday Id	Employee Name	Classification	Pkg No	Sal Rng	Pos Type	Step	Pos Cnt	FTE	General Fund	Lottery Fund	Other	Federal Fund	
4000002	000067110	0024466	Hsu, Po Chuan	MEAH Z7012 HP	0	38X	PF	3	1	1.00	331,849	-	-	-	
4000004	000067130	0048907	Bailey, John D	MENN Z7008 AP	0	33X	PF	10	1	1.00	342,120	-	-	-	
4000005	000067140	0000485	Taylor, James M	MENN Z7008 AP	0	33X	PF	10	1	1.00	342,120	-	-	-	
4000007	000067150	0062503	Arthur, Dylan D	MNSN Z7010 EP	100	35	PF	8	1	1.00	368,983	-	-	-	
4000008	000067160	0040684	Masella, Robyn L	AP C0108 AP	100	19	PF	7	1	1.00	194,301	-	-	-	
4000010	000067180	0020760	Hodgin, Annette	MMS X7006 AP	100	31X	PF	3	1	1.00	234,729	-	-	-	
4000015	000067200	0021393	Ledbetter, Diana R	AP C0108 AP	0	19	PF	8	1	1.00	201,937	-	-	-	
4000022	000067240	0027638	Zwicker, Debra L	AP C0107 AP	0	17	PF	9	1	1.00	195,439	-	-	-	
4000023	000067250	0022943	Boyer, Malinda Marie	AP C0107 AP	0	17	PF	9	1	1.00	195,439	-	-	-	
4000024	000067260	0033604		MESN Z0119 AP	100	20	PF	1	1	1.00	148,182	-	-	-	
4000027	000644660	0026678	Hopfer, Jared D	AP C1485 IP	0	26	PF	6	1	1.00	228,381	-	-	-	
4000028	000067300	0052220	Daws, Jessica L	AP C0104 AP	0	15	PF	7	1	1.00	168,337	-	-	-	
4000029	000067310	0022507	Lanham, Anna Marie	AP C0107 AP	100	17	PF	1	1	1.00	146,954	-	-	-	
4000034	000536700	0045181	Hall, Edward J	AP C1519 AP	0	28	PF	8	1	1.00	288,036	-	-	-	
4150035	001219890	0020738	Saechao, May S	AAON C0108 AP	0	19	PF	9	1	1.00	210,054	-	-	-	
4150036	001219900	0024535	Goetsch, Tara G	AAON C0108 AP	0	19	PF	9	1	1.00	210,054	-	-	-	
4170037	001259260	0067020	Lowry, Greta	MENN Z7008 AP	0	33X	PF	10	1	1.00	342,120	-	-	-	
4170038	001260120	0023409	Cress, Patty Marie	MENN Z7008 AP	0	33X	PF	10	1	1.00	342,120	-	-	-	
4170039	001260130	0037819	Waddell, Perry	AAON C0873 AP	100	32	PF	7	1	1.00	325,830	-	-	-	
4170040	001260140	0056816	Copeland, Shamika T	AP C1519 AP	0	28	PF	7	1	1.00	276,686	-	-	-	
4170041	001260150	0042297	Fiscus, Kerrin L	AP C1519 AP	0	28	PF	9	1	1.00	299,924	-	-	-	
4170042	001260160	0022877	Hunter, Rachael Edith	AP C0107 AP	0	17	PF	9	1	1.00	195,439	-	-	-	
4170043	001260170	0007112	Coons, Kimberly Ann	AP C0108 AP	0	19	PF	9	1	1.00	210,054	-	-	-	
4170044	001260180	0005054	Day, Erin L	AP C0108 AP	0	19	PF	8	1	1.00	201,937	-	-	-	
4170045	001260190	0014775	Scott, Kimberly L	AP C0108 AP	0	19	PF	8	1	1.00	201,937	-	-	-	
Total:										25	25.00	\$6,202,962	-	-	-

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Current Service Level

Position Number	Auth No	Workday Id	Classification	Classification Name	Sal Rng	Pos Type	Mos	Step	Rate	Salary	OPE	Total	Pos Cnt	FTE
No records for the phase: CSL														
										0	0	0		
										0	0	0		
										0	0	0		
										0	0	0		
										0	0	0	0	0.00

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Package Number: 100

Position Number	Auth No	Workday Id	Classification	Classification Name	Sal Rng	Pos Type	Mos	Step	Rate	Salary	OPE	Total	Pos Cnt	FTE
4000007	67150	62503	MNSN Z7010 E P	PRINCIPAL EXECUTIVE/MANAGER	35	PF	0	8	11,041	44,280	10,972	55,252	0	0.00
4000008	67160	40684	AP C0108 A P	ADMINISTRATIVE SPECIALIST 2	19	PF	0	7	5,208	4,896	1,214	6,110	0	0.00
4000024	67260	33604	MESN Z0119 A P	EXECUTIVE SUPPORT SPECIALIST	20	PF	0	1	3,668	21,528	5,334	26,862	0	0.00
4000029	67310	22507	AP C0107 A P	ADMINISTRATIVE SPECIALIST 1	17	PF	0	1	3,627	-912	-227	-1,139	0	0.00
General Funds										69,792	17,293	87,085		
Lottery Funds										0	0	0		
Other Funds										0	0	0		
Federal Funds										0	0	0		
Total Funds										69,792	17,293	87,085	0	0.00

Thank you

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