

# Chapter 144

## 1965 REPLACEMENT PART

### Board of Parole and Probation; Work Release Program

#### ADMINISTRATION

- 144.010 State Board of Parole and Probation; terms of office; compensation
- 144.020 Director of Parole and Probation
- 144.030 Assistant parole and probation officers; other employes; office supplies
- 144.040 Duties of board generally
- 144.050 Power of board to make rules relating to parole of inmates
- 144.055 Parole laws applicable to inmates of correctional institution; board to administer
- 144.060 Acceptance of funds, grants or donations; contracts with Federal Government and others
- 144.070 Board to administer appropriations
- 144.075 Expenses of returning violators of parole, conditional pardon or commutation to penitentiary, how paid
- 144.080 Duties of director generally
- 144.090 Meeting place for board
- 144.100 Office space for director

#### PAROLE AND PROBATION PROCESS

- 144.210 Statement and information about inmate and his crime from judge, district attorney and others
- 144.220 Bringing information about inmates before board
- 144.226 Examination by psychiatrist of persons sentenced to an indeterminate term; report to board
- 144.228 Periodic review by board of persons sentenced to indeterminate term
- 144.230 Eligibility for parole of person convicted of first or second degree murder
- 144.240 Inmates who may not be paroled
- 144.250 Factors considered by board in granting parole
- 144.260 Director to inform judge, district attorney and others of prospective release on parole of inmate
- 144.270 Conditions of parole shall be in writing; delivery of copy thereof to parolee

#### TERMINATION OF PAROLE

- 144.310 Final discharge of parolee
- 144.330 Written order by board to take violator of parole, conditional pardon or probation into custody
- 144.340 Power of director to retake and return violators of parole, conditional pardon or probation
- 144.350 Power of director to order arrest and detention of violator of parole, conditional pardon or probation
- 144.360 Effect of director's order for arrest and detention of violator of parole, conditional pardon or probation

- 144.370 Investigation following director's order for arrest and detention; revocation of parole, conditional pardon or probation or release
- 144.374 Deputization of persons in other states to act in returning Oregon parole violators
- 144.376 Contracts for sharing expense with other states of cooperative returns of parole violators
- 144.380 After revocation of parole, conditional pardon or probation violator is fugitive from justice
- 144.390 After revocation, time elapsed while on parole does not diminish term of sentence
- 144.400 Power of board to parole violator again and without recommitment

#### WORK RELEASE PROGRAM

- 144.410 Definitions for ORS 144.410 to 144.525
- 144.420 Corrections Division to administer work release program
- 144.430 Duties of division in administering program; all state agencies to cooperate
- 144.440 Recommendation by sentencing court
- 144.450 Approval or rejection of recommendations; rules for program; specific conditions; Administrative Procedures Act not applicable
- 144.460 Contracts for quartering of enrollees; suitable facilities required
- 144.470 Disposition of enrollee's earnings under program
- 144.480 Protections and benefits for enrollees
- 144.490 Status of enrollees
- 144.500 Effect of violation or unexcused absence by enrollee
- 144.515 Release terminates enrollment; continued employment to be sought
- 144.525 Custody of enrollee earnings deducted or otherwise retained by division

#### STATE WORK FOR PAROLEES AND PROBATIONERS

- 144.560 Camps for persons on parole or probation; wages
- 144.570 Persons employed by State Forester; report to State Board of Parole and Probation

#### UNIFORM ACT FOR OUT-OF-STATE SUPERVISION

- 144.610 Out-of-state supervision of parolees; contract with other states
- 144.620 Short title

#### MISCELLANEOUS PROVISIONS

- 144.710 Cooperation of public officials with State Board of Parole and Probation
- 144.720 Judge's power to suspend execution of sentence or grant probation prior to commitment unaffected

**ADMINISTRATION**

**144.010 State Board of Parole and Probation; terms of office; compensation.** A State Board of Parole and Probation of five members hereby is created. The initial members of the board shall be appointed by the Governor for terms of one, two, three, four and five years each, beginning May 1, 1959. Not more than three members shall belong to the same political party. As the terms of the initial members expire their successors shall be appointed by the Governor for terms of five years. In the event of death, removal or resignation of any member, the Governor shall appoint some competent person to serve during the unexpired term. The members of the board shall elect a chairman from among their number. The Governor at any time may remove any member for inefficiency, neglect of duty or malfeasance in office. While on active duty as members, the members shall receive necessary traveling expenses and \$10 per diem compensation.

[Amended by 1953 c.223 §2; 1959 c.327 §1]

**144.020 Director of Parole and Probation.** The office of Director of Parole and Probation hereby is created. He shall be appointed by and serve at the pleasure of the State Board of Parole and Probation. He shall be the executive and administrative agent of the board and ex officio its secretary and shall serve as chief parole and probation officer.

**144.030 Assistant parole and probation officers; other employes; office supplies.** Assistant parole and probation officers shall be appointed by and serve at the pleasure of the Director of Parole and Probation. They shall be appointed on the basis of their personal qualifications in accordance with standards fixed by the board. Subject to the approval of the board, the director may employ and prescribe the duties of such other officers, employes and assistants as may be necessary and may provide necessary offices, supplies and equipment. The staff personnel shall be subject to the control of the director and shall be under his immediate supervision. The number and salaries of the staff personnel, other than the director, shall be fixed by the State Board of Parole and Probation. The foregoing provisions of this section are subject to any applicable provisions of the State Civil Service Law.

**144.040 Duties of board generally.** The State Board of Parole and Probation shall:

(1) Supervise all persons:

(a) Placed on probation by order of a circuit or district court.

(b) Released from the state penitentiary on parole or conditional pardon.

(c) Released on parole, probation or conditional pardon from other states who reside in this state.

(2) Make such investigations as may be necessary.

(3) Determine whether violation of conditions of parole, conditional pardon or probation exists in specific cases.

(4) Prepare a case history record of the prisoners to determine if they should be paroled or released on probation.

[Amended by 1955 c.688 §3]

**144.050 Power of board to make rules relating to parole of inmates.** The State Board of Parole and Probation may establish rules and regulations under which any prisoner, other than one under sentence of death, who is confined in any county jail for a period of six months or more or in the state penitentiary, may be allowed to go upon parole outside the institution, but to remain while on parole in the legal custody and under the control of the board and subject to being taken back into confinement at the discretion of the board.

[Amended by 1959 c.101 §1]

**144.055 Parole laws applicable to inmates of correctional institution; board to administer.** The State Board of Parole and Probation shall administer the laws relating to parole and probation in this chapter with respect to persons committed or sentenced to the Oregon State Correctional Institution in the same manner as those laws are now administered with respect to inmates of the Oregon State Penitentiary. The powers, functions and duties of the State Board of Parole and Probation with respect to inmates of the Oregon State Penitentiary under this chapter shall be applicable to and exercised in the same manner and with equal effect with respect to persons committed or sentenced to the Oregon State Correctional Institution.

[1955 c.660 §12]

**144.060 Acceptance of funds, grants or donations; contracts with Federal Government and others.** The State Board of Parole

of a convicted person, and from time to time, the State Board of Parole and Probation shall cause to be brought before it all information regarding such convicted person. [Amended by 1959 c.101 §3]

**144.226 Examination by psychiatrist of persons sentenced to an indeterminate term; report to board.** (1) Any person sentenced under ORS 137.111 or 167.050 to an indeterminate term not exceeding his natural life shall at least every two years be given a complete physical, mental and psychiatric examination by a psychiatrist appointed by the Superintendent of the Oregon State Hospital. Within 60 days after the examination, the examining psychiatrist shall file a written report of his findings and conclusions relative to the examination with the State Board of Parole and Probation.

(2) The examining psychiatrist shall include in his report a statement as to whether or not in his opinion the convicted person has any mental or emotional disturbance or deficiency or condition predisposing him to the commission of any crime to a degree rendering the examined person a menace to the health or safety of others. The report shall also contain any other information which the examining psychiatrist believes will aid the State Board of Parole and Probation in determining whether the examined person is eligible for parole or release. The report shall also state the progress or changes in the condition of the examined person as well as any recommendations for treatment. A certified copy of the report shall be sent to the convicted person, to his attorney and to the executive officer of the penal or correctional institution in which the convicted person is confined.

[1955 c.636 §4; 1961 c.424 §5]

**144.228 Periodic review by board of persons sentenced to indeterminate term.** (1) Within six months after conviction and at least once every two years thereafter during the term of any person sentenced under ORS 137.111 or 167.050 to an indeterminate term not exceeding his natural life, the State Board of Parole and Probation shall cause to be brought before it and consider all information regarding such person. The information shall include the written report of the examining psychiatrist which shall contain all the facts necessary to assist the State Board of Parole and Probation in making its determination. The report of the examining

psychiatrist shall be made within two months of the date of its consideration.

(2) In addition to the report of the examining psychiatrist, the board shall also consider a written report to be made by the executive officer of the penal or correctional institution in which the person has been confined. The executive officer's report shall contain:

(a) A detailed account of the person's conduct while confined, all infractions of rules and discipline, all punishment meted out to the person and the circumstances connected therewith, as well as the extent to which the person has responded to the efforts made in the institution to improve his mental and moral condition.

(b) A statement as to the person's present attitude towards society, towards the judge who sentenced him, towards the district attorney who prosecuted him, towards the policeman who arrested him and towards his previous criminal career.

(c) The industrial record of the person while in or under the supervision of the institution, showing the average number of hours per day that he has been employed, the nature of his occupations and a recommendation as to the kind of work, if any, he is best fitted to perform and at which he is most likely to succeed when he leaves the institution in which he has been confined.

[1955 c.636 §5; 1961 c.424 §6]

**144.230 Eligibility for parole of person convicted of first or second degree murder.**

(1) A person convicted of murder in the first degree shall not be eligible for parole until he has served at least 10 years of his sentence.

(2) No person serving a sentence in the state penitentiary for murder in the second degree is eligible for release on parole until he has served at least seven years of his sentence.

[Amended by 1963 c.625 §1]

**144.240 Inmates who may not be paroled.** No prisoner in the state penitentiary shall be paroled unless it is the opinion of the board that, within a reasonable probability, the prisoner will, after parole, remain outside the institution without violating the law and that such release is not incompatible with the welfare of society.

**144.374 Deputization of persons in other states to act in returning Oregon parole violators.** (1) The Director of Parole and Probation may deputize, in writing, any person regularly employed by another state, to act as an officer and agent of this state for the return of any person who has violated the conditions of his parole, probation or conditional pardon.

(2) Any person deputized pursuant to subsection (1) of this section shall have the same powers with respect to the return of any person who has violated the conditions of his parole, probation or conditional pardon as any peace officer of this state.

(3) Any person deputized pursuant to subsection (1) of this section shall carry formal evidence of his deputization and shall produce the same on demand.  
[1955 c.369 §1]

**144.376 Contracts for sharing expense with other states of cooperative returns of parole violators.** The State Board of Parole and Probation, with the approval of the Director of the Department of Finance and Administration, may enter into contracts with similar officials of any state, for the purpose of sharing an equitable portion of the cost of effecting the return of any person who has violated the conditions of his parole, probation or conditional pardon.  
[1955 c.369 §2]

**144.380 After revocation of parole, conditional pardon or probation violator is fugitive from justice.** After the cancellation or revocation of the parole, probation or conditional pardon of any convicted person, and until his return to custody, he shall be considered a fugitive from justice.

**144.390 After revocation, time elapsed while on parole does not diminish term of sentence.** A prisoner recommitted for violation of parole, conditional pardon or probation shall serve out his sentence, and the time during which he was out on parole is not a part thereof.

**144.400 Power of board to parole violator again and without recommitment.** The State Board of Parole and Probation may parole a violator of parole, conditional pardon or probation. The board may by order duly entered of record, without first returning a parole violator to the Oregon State Penitentiary, cancel a revocation of a parole previously issued by it and by such order

restore the parolee to his former parole status.

### WORK RELEASE PROGRAM

**144.410 Definitions for ORS 144.410 to 144.525.** As used in ORS 144.410 to 144.525, unless the context requires otherwise:

(1) "Administrator" means the Administrator of the Corrections Division.

(2) "Board" means the Oregon State Board of Control.

(3) "Division" means the Corrections Division of the Oregon State Board of Control.

(4) "Penal and correctional institutions" means the Oregon State Penitentiary and the Oregon State Correctional Institution.

[1965 c.463 §1]

Note: See note under ORS 144.420.

**144.420 Corrections Division to administer work release program.** (1) The Oregon State Board of Control, through its Corrections Division, shall establish and administer a work release program under which a person sentenced to a term of imprisonment in a penal or correctional institution may be granted the privilege of leaving secure custody during necessary and reasonable hours, for the purpose of working at gainful private employment in this state that has been approved by the division for such purpose. Such program may also include, under rules developed by the division and approved by the board, temporary leave for the purpose of seeking employment.

(2) The Administrator of the Corrections Division is responsible for the quartering and supervision of persons enrolled in the work release program.

[1965 c.463 §2]

Note: ORS 144.410 to 144.525 does not become operative until the Oregon State Board of Control approves rules under subsection (2) of ORS 144.450 and files a copy of such rules with the Secretary of State as provided by ORS 183.010 to 183.050. See 1965 c.463 §24.

**144.430 Duties of division in administering program; all state agencies to cooperate.** (1) The division shall administer the work release program by means of such staff organization and personnel as the administrator, subject to the approval of the board, considers necessary. In addition to other duties assigned by the board, the division shall:

(a) Locate employment for qualified applicants;

654, 656, 659 and 660 to the same extent as other employes of their employer, except that:

(a) No benefits under ORS chapter 656, except rehabilitation services, shall accrue to the person until the date of his release from secure custody. Any such benefits shall be based upon his condition at the time of release.

(b) Benefits under ORS chapter 656 shall be discontinued during any subsequent period of reconfinement in a penal or correctional institution.

(2) Persons enrolled in a work release program are not entitled to benefits:

(a) Under ORS 655.505 to 655.550 arising out of any employment during their enrollment if they are eligible for benefits under ORS chapter 656 pursuant to subsection (1) of this section; or

(b) Under ORS chapter 657 during their enrollment.

[1965 c.463 §10]

Note: See note under ORS 144.420.

**144.490 Status of enrollees.** (1) A person enrolled in the work release program is not an agent, employe or servant of a penal or correctional institution, the division, the board or this state:

(a) While working in employment under the program, or seeking such employment; or

(b) While going to such employment from the place where he is quartered, or while returning therefrom.

(2) For purposes of this chapter, a person enrolled in the work release program established under ORS 144.420 is considered to be an inmate of a penitentiary or correctional institution.

[1965 c.463 §§11, 13]

Note: See note under ORS 144.420.

**144.500 Effect of violation or unexcused absence by enrollee.** (1) If a person enrolled in the work release program violates any law, or any rule or specific condition applicable to him under ORS 144.450, the division may immediately terminate that person's enrollment in the work release program and transfer him to a penal or correctional institution for the remainder of his sentence.

(2) Absence, without a reason that is acceptable to the administrator, of a person enrolled in a work release program from his

place of employment or his designated quarters, at any time contrary to the rules or specific conditions applicable to him under ORS 144.450:

(a) Immediately terminates his enrollment in the work release program.

(b) Constitutes an escape from official detention under ORS 162.322 to 162.326.

[1965 c.463 §§16, 17]

Note: See note under ORS 144.420.

**144.510** [Amended by 1961 c.856 §1; renumbered 144.560.]

**144.515 Release terminates enrollment; continued employment to be sought.** A person's enrollment in the work release program terminates upon his release from secure custody pursuant to law. To the extent possible, the division shall cooperate with employers in making possible the continued employment of persons released.

[1965 c.463 §18]

Note: See note under ORS 144.420.

**144.520** [Renumbered 144.570]

**144.525 Custody of enrollee earnings deducted or otherwise retained by division.** The Administrator of the Corrections Division shall deposit in a trust account with the State Treasurer, as they are received, moneys surrendered to the division under ORS 144.470. The State Treasurer shall not credit moneys in the trust account to any state fund for governmental purposes. Disbursements from the trust account for purposes authorized by ORS 144.470 may be made by the administrator by checks or orders drawn upon the State Treasurer. The administrator is accountable for the proper handling of the trust account.

[1965 c.463 §21]

Note: See note under ORS 144.420.

**144.530 to 144.550** [Reserved for expansion]

## STATE WORK FOR PAROLEES AND PROBATIONERS

**144.560 Camps for persons on parole or probation; wages.** (1) The State Board of Parole and Probation may maintain camps at which persons released on parole or probation may be employed for not more than six months at public works under the supervision of the State Board of Forestry or State Highway Commission or other state agency or county or municipality authorizing such work. Any person so employed shall