

ANNOTATED MINUTES

Tuesday, June 20, 1995 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFINGS

- B-1 Update on 1995 Oregon Legislative Session. Presented by Rhys Scholes, Gina Mattioda and Laurie Beth English.

RHYS SCHOLES, LAURIE BETH ENGLISH AND GINA MATTIODA PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. COMMISSIONER COLLIER ADVISED A BOARD BRIEFING IS SCHEDULED FOR THURSDAY, JULY 13, 1995 REGARDING TRANSPORTATION/BRIDGE FINANCING ISSUES.

- B-2 Portland State University School of Urban and Public Affairs Proposal for the Design and Implementation of a Computer Simulation Model that will Focus on System Impact Issues. The Model is Designed to Track Populations Between Components of the System and Focus on Major Links by which Offenders Flow into and out of the System. Presented by Norm Monroe, Dr. Barry Anderson, Dr. David Blanchard and Dr. Annette Jolin.

NORM MONROE, DAVID BLANCHARD, BARRY ANDERSON AND ANNETTE JOLIN PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. PRESENTERS TO FURNISH BOARD WITH ADDITIONAL INFORMATION AND TO MEET WITH COMMISSIONER KELLEY TO FURTHER ADDRESS HER QUESTIONS AND CONCERNS PRIOR TO THURSDAY.

Thursday, June 22, 1995 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

Vice-Chair Sharron Kelley convened the meeting at 9:34 a.m., with Commissioners Gary Hansen, Tanya Collier and Dan Saltzman present, and Chair Beverly Stein excused.

CONSENT CALENDAR

**UPON MOTION OF COMMISSIONER HANSEN,
SECONDED BY COMMISSIONER COLLIER, THE
CONSENT CALENDAR (ITEMS C-1 THROUGH C-8)
WAS UNANIMOUSLY APPROVED.**

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-1 Ratification of Intergovernmental Agreement Contract 104125 Between the City of Portland and Multnomah County, Providing Funding for Homeless Youth Shelter Services Operated by Community Based Organizations, for the Fiscal Year July 1, 1994 through June 30, 1995

- C-2 Ratification of Intergovernmental Agreement Contract 100836 Between Multnomah County and Oregon Health Sciences University, Providing \$205,902 in Video Poker Monies to Purchase DUII Diversion and Rehabilitation Services, Gambling Addiction Treatment, and Outpatient Drug and Alcohol Treatment Services for County Clients, for the Period July 1, 1995 through June 30, 1996

- C-3 Ratification of Intergovernmental Agreement Contract 101446 Between Multnomah County and University Hospital, to Purchase Mental Health Services for Children on a Requirement Basis and Authorizing Contractor to Bill State for Title XIX Services, for the Period July 1, 1995 through June 30, 1996

- C-4 Ratification of Intergovernmental Agreement Contract 101476 Between Multnomah County and Oregon Health Sciences University, to Purchase Mental Health Services for Children and Adults on a Requirement Basis and Authorizing Contractor to Bill State for Title XIX Services, for the Period July 1, 1995 through June 30, 1996

- C-5 Ratification of Intergovernmental Agreement Contract 102196 Between Multnomah County and Oregon Health Sciences University, School of Nursing, to Purchase Mental Health Services for Children on a Requirement Basis and Authorizing Contractor to Bill State for Title XIX Services, for the Period July 1, 1995 through June 30, 1996

- C-6 Ratification of Intergovernmental Agreement Contract 102256 Between Multnomah County and Mt. Hood Community College, for the Purchase of a Manufactured Building to House Head Start Early Childhood Education Services, and the Provision of Parents as Teachers (PAT) Curriculum in Cooperation with the Local Family Center, for the Period July 1, 1995 through June 30, 1996

- C-7 Ratification of Intergovernmental Agreement Contract 102356 Between Multnomah County and Portland Public School District, to Purchase Screening Kids, Informing Parents (SKIP) Health and Developmental Screenings, and

Tender Loving Care/Think and Try (TLC/TnT) Summer Program Services for Children, Youth and Their Families, for the Period July 1, 1995 through June 30, 1996

NON-DEPARTMENTAL

- C-8 Ratification of Intergovernmental Agreement Contract Amendment 500016-1 Between the Office of State Fire Marshal, the City of Gresham and Multnomah County, for Participation in the Regional Hazardous Materials Emergency Response Team Services, for the Period July 1, 1995 to June 30, 1997

REGULAR AGENDA

PUBLIC COMMENT

- R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

RICHARD KOENIG COMMENTED IN OPPOSITION TO FAMILY SERVICES MEDIATION PROCESS. RICHARD WALTON COMMENTED IN OPPOSITION TO A COURT PROCESS RESULTING IN ISSUANCE OF A RESTRAINING ORDER AND EXCLUSION FROM THE COURTHOUSE. VICE-CHAIR KELLEY SUGGESTED THAT MR. WALTON SPEAK WITH COURT ADMINISTRATOR DOUG BRAY.

UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER SALTZMAN, CONSIDERATION OF THE FOLLOWING WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- UC-1 Ratification of Intergovernmental Agreement Contract 102306 Between Multnomah County and the State of Oregon Mental Health and Developmental Disability Services Division, Awarding Funds for the Provision of Alcohol and Drug, Developmental Disabilities, and Mental Health Services, for the Period July 1, 1995 through June 30, 1997

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF UC-1. KATHY TINKLE EXPLANATION. AGREEMENT UNANIMOUSLY APPROVED.

DISTRICT ATTORNEY'S OFFICE

- R-2 Budget Modification DA 12 Requesting Authorization to Transfer Funds within the DA's General Fund and Special Operations Budgets and Transfer Funds to the County's Capital Improvement Program Fund in Order to Pay for Costs Associated with Remodelling the Eighth Floor of the Courthouse and to Fund a New Copier for the Office

COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-2. TOM SIMPSON EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

SHERIFF'S OFFICE

- R-3 Ratification of Intergovernmental Agreement Contract 800256 Between Multnomah County, the Port of Portland and the Division of State Lands, to Provide Law Enforcement Services to Specific Islands in the Columbia River, for the Period May 25, 1995 through September 14, 1995

COMMISSIONER HANSEN MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-3. LARRY AAB EXPLANATION. AGREEMENT UNANIMOUSLY APPROVED.

DEPARTMENT OF COMMUNITY CORRECTIONS

- R-4 Request for Approval of a Notice of Intent to Apply for an 18 Month Grant from the Office of Justice Programs for Federal Funds to Support Enhanced Drug Treatment Services in the S.T.O.P. Drug Diversion Program

COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-4. SUSAN KAESER EXPLANATION AND RESPONSE TO BOARD QUESTIONS. CARY HARKAWAY TO FURNISH ADDITIONAL INFORMATION. NOTICE OF INTENT UNANIMOUSLY APPROVED.

DEPARTMENT OF LIBRARY SERVICES

- R-5 Budget Modification DLS 1 Requesting Authorization for Reclassification of a Library Clerk 1 to a Library Clerk 2 Position within the System Wide Public Services Division Budget

COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-5. SHIRLEE ROBERTSON AND BECKY COBB EXPLANATION AND RESPONSE TO BOARD

**QUESTIONS. BUDGET MODIFICATION
UNANIMOUSLY APPROVED.**

- R-6 Budget Modification DLS 2 Requesting Authorization for Reclassification of 2.5 Computer Technician/Library to Library Computer Systems Operator Positions within the System Wide Public Services Division Budget

**COMMISSIONER COLLIER MOVED AND
COMMISSIONER HANSEN SECONDED, APPROVAL
OF R-6. MS. ROBERTSON EXPLANATION. BUDGET
MODIFICATION UNANIMOUSLY APPROVED.**

DEPARTMENT OF JUVENILE JUSTICE SERVICES

- R-7 Ratification of Intergovernmental Agreement Contract 104695 Between Multnomah County and the Oregon Department of Human Resources, Providing for the Loan of Juvenile Justice Services Employee Dwayne McNannay to the State to Assist in the Implementation of New Juvenile Justice Legislation, for the Period June 5, 1995 through June 30, 1997

**COMMISSIONER COLLIER MOVED AND
COMMISSIONER HANSEN SECONDED, APPROVAL
OF R-7. JOANNE FULLER EXPLANATION AND
RESPONSE TO BOARD QUESTIONS. AGREEMENT
UNANIMOUSLY APPROVED.**

- R-8 Budget Modification JJD 5 Requesting Authorization to Add \$3,500 in State Children's Services Division Funds to Personnel Services, to Cover the Employer Payroll Cost of an Employee Loaned to the State for a Portion of the Month of June, 1995

**MS. FULLER EXPLANATION AND RESPONSE TO
QUESTIONS OF COMMISSIONER SALTZMAN.
FOLLOWING BOARD DISCUSSION AND UPON
MOTION OF COMMISSIONER HANSEN, SECONDED
BY COMMISSIONER COLLIER, BUDGET
MODIFICATION JJD 5 WAS APPROVED, WITH
COMMISSIONERS HANSEN, COLLIER AND KELLEY
VOTING AYE, AND COMMISSIONER SALTZMAN
VOTING NO.**

DEPARTMENT OF AGING SERVICES

- R-9 Budget Modification ASD 9 Requesting Authorization to Move a Position with Aging Services and Add Medicaid Funds and Fine Revenues to the Adult Care Home Program Budget

**COMMISSIONER COLLIER MOVED AND
COMMISSIONER SALTZMAN SECONDED,
APPROVAL OF R-9. KATHY GILLETTE
EXPLANATION. BUDGET MODIFICATION
UNANIMOUSLY APPROVED.**

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- R-10 Budget Modification CFSD 10 Requesting Authorization to Reallocate Carryover Revenue Budgeted in Pass Through and Increase the Division and Resource Management Budget by \$19,297 to Fund Domestic Violence Coordinator, Marshall Coordinator and Data Systems Administrator Positions

**COMMISSIONER COLLIER MOVED AND
COMMISSIONER SALTZMAN SECONDED,
APPROVAL OF R-10. KATHY TINKLE
EXPLANATION. BUDGET MODIFICATION
UNANIMOUSLY APPROVED.**

- R-11 Budget Modification CFSD 11 Requesting Authorization to Increase the Children and Adolescent Mental Health Program Budget by \$194,392 to Reflect Amendments to the Oregon Commission on Children and Families Funding and to Fund a Temporary Program Development Specialist Senior Position through June 30, 1995

**COMMISSIONER SALTZMAN MOVED AND
COMMISSIONER HANSEN SECONDED, APPROVAL
OF R-11. MS. TINKLE EXPLANATION. BUDGET
MODIFICATION UNANIMOUSLY APPROVED.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-12 Ratification of Intergovernmental Agreement Contract 302215 Between Multnomah County and the City of Fairview, to Develop the City's Seventh Street Extension Project, Providing for Engineering and Design Services, and Optionally for Right of Way Acquisition, Contracting, and Construction Engineering Services

**COMMISSIONER COLLIER MOVED AND
COMMISSIONER HANSEN SECONDED, APPROVAL
OF R-12. CHUCK HENLEY EXPLANATION.
AGREEMENT UNANIMOUSLY APPROVED.**

- R-13 Budget Modification DES 11 Requesting Authorization to Transfer Funds from Various Sources to Increase the Telecommunications Budget by \$345,948 for Voice and Data Wiring Costs Associated with the Move of Assessment and Taxation to the Commonwealth Building

COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-13. KERI HARDWICK EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

- R-14 Budget Modification DES 12 Requesting Authorization to Adjust the Federal/State Fund Appropriation within the Land Use Planning Division Budget to Match Actual Expenditures

COMMISSIONER COLLIER MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-14. MS. HARDWICK EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

- R-15 Budget Modification DES 13 Requesting Authorization to Adjust General Fund and Assessment and Taxation Fund Appropriations within the DES Administration Budget to Match Actual Expenditures

COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-15. MS. HARDWICK EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

- R-16 First Reading of a Proposed ORDINANCE Amending MCC 8.10 Relating to Animal Control, Raising Various Fees and Raising the Minimum Fine Assessed Under MCC 8.10.900(B)

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF THE FIRST READING. DAVE FLAGLER EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. COMMISSIONER COLLIER ACKNOWLEDGED STAFF AND COMMITTEE EFFORTS. NO ONE WISHED TO TESTIFY. FIRST READING UNANIMOUSLY APPROVED. SECOND READING THURSDAY, JUNE 29, 1995.

DEPARTMENT OF HEALTH

- R-17 Budget Modification MCHD 14 Requesting Authorization for Various Classification Changes, Corrections to Various Organizations, Transfer of a Position to Community and Family Services, and Appropriation of an Environmental Protection Agency Grant for Integrated Pest Management

Services Targeted in the King Neighborhood

COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-17. TOM FRONK EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- R-18 Confirmation of the Appointments of James McConnell as Director of Aging Services, Lorenzo Poe as Director of Community and Family Services, and Elyse Clawson as Director of Juvenile Justice Services, Effective July 1, 1995

COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-18. CURTIS SMITH EXPLANATION. APPOINTMENTS UNANIMOUSLY CONFIRMED.

- R-19 Budget Modification NOND 11 Requesting Authorization to Move \$35,000 to Capital Outlay and \$20,000 to Materials and Services from Personal Services within the Management Support Division Budget

COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-19. THERESA SULLIVAN EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

- R-20 Budget Modification NOND 14 Requesting Authorization to Transfer \$249,853 from General Fund Contingency to the Library Bond Sinking Fund and Authorizing Payment of Interest Due on the General Obligation Bonds Issued in 1994

COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-20. JEAN UZELAC AND DAVE WARREN EXPLANATION AND RESPONSE TO BOARD QUESTIONS. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

- R-21 RESOLUTION in the Matter of Adopting and Defining the Various County Funds

COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-21. MS. UZELAC EXPLANATION. MR. WARREN RESPONSE TO QUESTIONS OF

**COMMISSIONER SALTZMAN. RESOLUTION 95-141
UNANIMOUSLY APPROVED.**

R-22 Ratification of Intergovernmental Agreement Contract 500066 Between Multnomah County and Portland State University, School of Urban and Public Affairs, to Develop and Implement a Computer Model to Assist Decision Makers of the Public Safety and Correctional System with Planning and Management of Offender Populations, for the Period June 1, 1995 through December 31, 1995

**COMMISSIONER COLLIER MOVED AND
COMMISSIONER SALTZMAN SECONDED,
APPROVAL OF R-22. NORM MONROE
EXPLANATION AND RESPONSE TO BOARD
QUESTIONS. COMMISSIONER COLLIER
COMMENTS IN SUPPORT. AGREEMENT
UNANIMOUSLY APPROVED.**

R-23 RESOLUTION in the Matter of Approving a Negotiating Team for the Second Application Received Under the Multnomah County Strategic Investment Program Policy and Authorizing the Lead Negotiator to Add Up to Two People to the Negotiating Team

**COMMISSIONER SALTZMAN MOVED AND
COMMISSIONER HANSEN SECONDED, APPROVAL
OF R-23. SHARON TIMKO EXPLANATION. VICE-
CHAIR KELLEY ACKNOWLEDGED EFFORTS OF
COMMISSIONER COLLIER. RESOLUTION 95-142
UNANIMOUSLY APPROVED.**

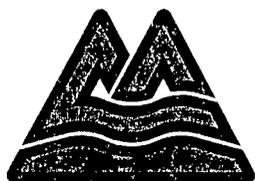
**LAURIE VOSS COMMENTED IN OPPOSITION TO
METRO "RAILS TO TRAILS" ISSUE AND RESPONDED
TO BOARD QUESTIONS.**

There being no further business, the meeting was adjourned at 10:40 a.m.

OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON



Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS		
BEVERLY STEIN •	CHAIR	• 248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	• 248-5219
TANYA COLLIER •	DISTRICT 3	• 248-5217
SHARRON KELLEY •	DISTRICT 4	• 248-5213
CLERK'S OFFICE •	248-3277	• 248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

JUNE 19, 1995 - JUNE 23, 1995

Tuesday, June 20, 1995 - 9:30 AM - Board Briefings Page 2

Thursday, June 22, 1995 - 9:30 AM - Regular Meeting Page 2

*Thursday Meetings of the Multnomah County Board of Commissioners are *cablecast* live and taped and can be seen by Cable subscribers in Multnomah County at the following times:*

*Thursday, 9:30 AM, (LIVE) Channel 30
Friday, 10:00 PM, Channel 30
Sunday, 1:00 PM, Channel 30*

Produced through Multnomah Community Television

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222, OR MULTNOMAH COUNTY TDD PHONE 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

Tuesday, June 20, 1995 - 9:30 AM

Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFINGS

- B-1 *Update on 1995 Oregon Legislative Session. Presented by Rhys Scholes, Gina Mattioda, Laurie Beth English and Other Invited Guests. 1 HOUR REQUESTED.*
- B-2 *Portland State University School of Urban and Public Affairs Proposal for the Design and Implementation of a Computer Simulation Model that will Focus on System Impact Issues. The Model is Designed to Track Populations Between Components of the System and Focus on Major Links by which Offenders Flow into and out of the System. Presented by Norm Monroe, Dr. Barry Anderson, Dr. David Blanchard and Dr. Annette Jolin. 30 MINUTES REQUESTED.*
-

Thursday, June 22, 1995 - 9:30 AM

Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

CONSENT CALENDAR

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-1 *Ratification of Intergovernmental Agreement Contract 104125 Between the City of Portland and Multnomah County, Providing Funding for Homeless Youth Shelter Services Operated by Community Based Organizations, for the Fiscal Year July 1, 1994 through June 30, 1995*
- C-2 *Ratification of Intergovernmental Agreement Contract 100836 Between Multnomah County and Oregon Health Sciences University, Providing \$205,902 in Video Poker Monies to Purchase DUII Diversion and Rehabilitation Services, Gambling Addiction Treatment, and Outpatient Drug and Alcohol Treatment Services for County Clients, for the Period July 1, 1995 through June 30, 1996*
- C-3 *Ratification of Intergovernmental Agreement Contract 101446 Between Multnomah County and University Hospital, to Purchase Mental Health Services for Children on a Requirement Basis and Authorizing Contractor to Bill State for Title XIX Services, for the Period July 1, 1995 through June 30, 1996*

- C-4 *Ratification of Intergovernmental Agreement Contract 101476 Between Multnomah County and Oregon Health Sciences University, to Purchase Mental Health Services for Children and Adults on a Requirement Basis and Authorizing Contractor to Bill State for Title XIX Services, for the Period July 1, 1995 through June 30, 1996*
- C-5 *Ratification of Intergovernmental Agreement Contract 102196 Between Multnomah County and Oregon Health Sciences University, School of Nursing, to Purchase Mental Health Services for Children on a Requirement Basis and Authorizing Contractor to Bill State for Title XIX Services, for the Period July 1, 1995 through June 30, 1996*
- C-6 *Ratification of Intergovernmental Agreement Contract 102256 Between Multnomah County and Mt. Hood Community College, for the Purchase of a Manufactured Building to House Head Start Early Childhood Education Services, and the Provision of Parents as Teachers (PAT) Curriculum in Cooperation with the Local Family Center, for the Period July 1, 1995 through June 30, 1996*
- C-7 *Ratification of Intergovernmental Agreement Contract 102356 Between Multnomah County and Portland Public School District, to Purchase Screening Kids, Informing Parents (SKIP) Health and Developmental Screenings, and Tender Loving Care/Think and Try (TLC/TnT) Summer Program Services for Children, Youth and Their Families, for the Period July 1, 1995 through June 30, 1996*

NON-DEPARTMENTAL

- C-8 *Ratification of Intergovernmental Agreement Contract Amendment 500016-1 Between the Office of State Fire Marshal, the City of Gresham and Multnomah County, for Participation in the Regional Hazardous Materials Emergency Response Team Services, for the Period July 1, 1995 to June 30, 1997*

REGULAR AGENDA

PUBLIC COMMENT

- R-1 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

DISTRICT ATTORNEY'S OFFICE

- R-2 *Budget Modification DA 12 Requesting Authorization to Transfer Funds within the DA's General Fund and Special Operations Budgets and Transfer Funds to the County's Capital Improvement Program Fund in Order to Pay for Costs Associated with Remodelling the Eighth Floor of the Courthouse and to Fund a New Copier for the Office*

SHERIFF'S OFFICE

- R-3 *Ratification of Intergovernmental Agreement Contract 800256 Between Multnomah County, the Port of Portland and the Division of State Lands, to Provide Law Enforcement Services to Specific Islands in the Columbia River, for the Period May 25, 1995 through September 14, 1995*

DEPARTMENT OF COMMUNITY CORRECTIONS

- R-4 *Request for Approval of a Notice of Intent to Apply for an 18 Month Grant from the Office of Justice Programs for Federal Funds to Support Enhanced Drug Treatment Services in the S.T.O.P. Drug Diversion Program*

DEPARTMENT OF LIBRARY SERVICES

- R-5 *Budget Modification DLS 1 Requesting Authorization for Reclassification of a Library Clerk 1 to a Library Clerk 2 Position within the System Wide Public Services Division Budget*
- R-6 *Budget Modification DLS 2 Requesting Authorization for Reclassification of 2.5 Computer Technician/Library to Library Computer Systems Operator Positions within the System Wide Public Services Division Budget*

DEPARTMENT OF JUVENILE JUSTICE SERVICES

- R-7 *Ratification of Intergovernmental Agreement Contract 104695 Between Multnomah County and the Oregon Department of Human Resources, Providing for the Loan of Juvenile Justice Services Employee Dwayne McNannay to the State to Assist in the Implementation of New Juvenile Justice Legislation, for the Period June 5, 1995 through June 30, 1997*
- R-8 *Budget Modification JJD 5 Requesting Authorization to Add \$3,500 in State Children's Services Division Funds to Personnel Services, to Cover the Employer Payroll Cost of an Employee Loaned to the State for a Portion of the Month of June, 1995*

DEPARTMENT OF AGING SERVICES

- R-9 *Budget Modification ASD 9 Requesting Authorization to Move a Position with Aging Services and Add Medicaid Funds and Fine Revenues to the Adult Care Home Program Budget*

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- R-10 *Budget Modification CFSD 10 Requesting Authorization to Reallocate Carryover Revenue Budgeted in Pass Through and Increase the Division and Resource Management Budget by \$19,297 to Fund Domestic Violence Coordinator, Marshall Coordinator and Data Systems Administrator Positions*

R-11 *Budget Modification CFSD 11 Requesting Authorization to Increase the Children and Adolescent Mental Health Program Budget by \$194,392 to Reflect Amendments to the Oregon Commission on Children and Families Funding and to Fund a Temporary Program Development Specialist Senior Position through June 30, 1995*

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-12 *Ratification of Intergovernmental Agreement Contract 302215 Between Multnomah County and the City of Fairview, to Develop the City's Seventh Street Extension Project, Providing for Engineering and Design Services, and Optionally for Right of Way Acquisition, Contracting, and Construction Engineering Services*

R-13 *Budget Modification DES 11 Requesting Authorization to Transfer Funds from Various Sources to Increase the Telecommunications Budget by \$345,948 for Voice and Data Wiring Costs Associated with the Move of Assessment and Taxation to the Commonwealth Building*

R-14 *Budget Modification DES 12 Requesting Authorization to Adjust the Federal/State Fund Appropriation within the Land Use Planning Division Budget to Match Actual Expenditures*

R-15 *Budget Modification DES 13 Requesting Authorization to Adjust General Fund and Assessment and Taxation Fund Appropriations within the DES Administration Budget to Match Actual Expenditures*

R-16 *First Reading of a Proposed ORDINANCE Amending MCC 8.10 Relating to Animal Control, Raising Various Fees and Raising the Minimum Fine Assessed Under MCC 8.10.900(B)*

DEPARTMENT OF HEALTH

R-17 *Budget Modification MCHD 14 Requesting Authorization for Various Classification Changes, Corrections to Various Organizations, Transfer of a Position to Community and Family Services, and Appropriation of an Environmental Protection Agency Grant for Integrated Pest Management Services Targeted in the King Neighborhood*

NON-DEPARTMENTAL

R-18 *Confirmation of the Appointments of James McConnell as Director of Aging Services, Lorenzo Poe as Director of Community and Family Services, and Elyse Clawson as Director of Juvenile Justice Services, Effective July 1, 1995*

R-19 *Budget Modification NOND 11 Requesting Authorization to Move \$35,000 to Capital Outlay and \$20,000 to Materials and Services from Personal Services within the Management Support Division Budget*

- R-20 *Budget Modification NOND 14 Requesting Authorization to Transfer \$249,853 from General Fund Contingency to the Library Bond Sinking Fund and Authorizing Payment of Interest Due on the General Obligation Bonds Issued in 1994*
- R-21 *RESOLUTION in the Matter of Adopting and Defining the Various County Funds*
- R-22 *Ratification of Intergovernmental Agreement Contract 500066 Between Multnomah County and Portland State University, School of Urban and Public Affairs, to Develop and Implement a Computer Model to Assist Decision Makers of the Public Safety and Correctional System with Planning and Management of Offender Populations, for the Period June 1, 1995 through December 31, 1995*
- R-23 *RESOLUTION in the Matter of Approving a Negotiating Team for the Second Application Received Under the Multnomah County Strategic Investment Program Policy and Authorizing the Lead Negotiator to Add Up to Two People to the Negotiating Team*



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR • 248-3308
DAN SALTZMAN • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
TANYA COLLIER • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277 • 248-5222

SUPPLEMENTAL AGENDA

Thursday, June 22, 1995 - 9:30 AM

*Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

UNANIMOUS CONSENT ITEM

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

UC-1 Ratification of Intergovernmental Agreement Contract 102306 Between Multnomah County and the State of Oregon Mental Health and Developmental Disability Services Division, Awarding Funds for the Provision of Alcohol and Drug, Developmental Disabilities, and Mental Health Services, for the Period July 1, 1995 through June 30, 1997

1995-2.AGE/dlb/63

MEETING DATE: JUN 20 1995

AGENDA NO: B-1

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: 1995 Oregon Legislative Session Briefing

BOARD BRIEFING Date Requested: Tuesday, June 20, 1995

Amount of Time Needed: 1 Hour

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT: Non-Departmental DIVISION: Chair Beverly Stein

CONTACT: Rhys Scholes TELEPHONE #: 248-3928

BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: Rhys Scholes, Gina Mattioda, Laurie Beth English

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Update on the 1995 Oregon Legislative Session

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1995 JUN 13 PM 2:14

SIGNATURES REQUIRED:

ELECTED OFFICIAL: *Beverly Stein*

OR

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

Legislative Briefing
Tuesday June 20, 1995
9:30 AM

Tentative Agenda

1. Inmate Transfer - SB 1145
2. Oregon Health Plan Issues
3. Property Tax Exemptions
4. CSD Deorganization - HB 3180
5. Transportation/Gas Tax
6. Juvenile Justice - SB 1
7. Land Use and SIP
8. Restaurant Inspections - HB 2165 -- SB 350

June 16, 1995

TO: Stakeholders

FR: Gina M. Mattioda, Public Affairs Coordinator

RE: 1995 Legislative Synopsis

Adjournment:

The Sixty-Eighth Legislative Assembly adjourned during the early morning of Saturday, June 10, 1995. For the first time in 40 years both the House and Senate were controlled by Republicans and they had a mission to "restore faith in government." This legislature's goals were to end session in a timely manner, reduce government and fund state programs and services without raising taxes. Although, these goals were met, several important issues received little to no public input or were left unresolved until a special session. *(At least two special sessions are planned. According to newspaper reports, the first one will be held during the week of July 24)* This new majority was far more interested in leaving Salem quickly than many view this session as shortsighted.

Memo's Purpose:

This memo includes a small portion of bills enacted by the 1995 Legislature, the intent of this memo is to highlight significant measures addressed by this session in the areas of aging, health, human resources and juvenile justice. The Association of Oregon Counties and other coalition member organizations will be publishing legislative summaries soon, if you are interested in receiving such publications please let me know. I can be reached at Ext. 6474.

Department of Aging Services:

SB 543: *The Medicaid Quality Care Act* establishes a fair and open process to review proposed changes to the Medicaid long term care and community-based care payment systems, as well as makes needed improvements to Oregon's adult foster care system. In addition, SB 543 includes provisions of SB 679 which strengthens the screening and licensing process for adult foster care providers by requiring criminal record checks, better training and testing before providers are licensed. Furthermore, this measure requires providers to check the care needs of prospective residents before they are moved into the homes. Limits the use of psychoactive medications and physical restraints, and improves the availability of public information on the care provided in individual adult foster homes.

SB 943: *Elder Abuse* creates a civil cause of action for physical or fiduciary abuse of an elderly or incapacitated person. Allows for recovery of economic and non-economic damages, court costs, as well as guardian and attorney fees. Defines physical abuse to include unauthorized restraints, assault, menacing, reckless endangerment, rape, sodomy, and other personal transgressions. Defines fiduciary abuse as misappropriating money or property by a person in a position of trust or who has care or custody of an elderly or incapacitated person.

These measures were identified as legislative priorities for our Portland Multnomah Commission on Aging.

Department of Juvenile Justice:

SB 1: *Juvenile Justice Reform* enacts a dramatic shift from the current policy statement that emphasizes the welfare of the "child" to one that stresses public safety and personal accountability of the youth offender. Attached is a document entitled "Key Elements of Senate Bill 1" which outlines this legislation.

SB 429: *Presentence Reports* modifies provisions regarding presentence reports in felony sex offense cases, by relieving the Department of Corrections from the obligation to furnish the sentencing court a presentence report when the defendant is convicted of aggravated murder or offenses that carry a presumptive or mandatory minimum sentence. Presentence reports are mandatory in felony sex cases, but under certain circumstances, the parties may want to waive the requirement. This legislation was amended to give participants some flexibility presentence reports.

HB 3439: *Ballot Measure 11 Crimes* establishes mandatory minimum sentences for violent offenders. However, Measure '11 did not contain certain offenses such as aggravated murder and attempt to commit murder. The failure to list these crimes opens Measure 11 up to challenges of proportionality. In addition, the measure listed certain crimes arguably not needed to be listed, such as Rape II, Sodomy II, Unlawful Sexual Penetration II and the non-forcible first degree sex offenses. Despite efforts by advocates, the legislature did not have the votes needed to remove these crimes. Therefore, the final enacted legislation adds the offenses of aggravated murder, attempts, conspiracy to commit aggravated murder or murder to the offenses set forth in Ballot Measure 11. Provides that 15, 16, 17 year old juveniles are subject to the added provisions. Clarifies that a defendant convicted of murder shall receive a minimum of 25 years without the possibility of parole or work release.

SB 5543: *Oregon Youth Authority* is responsible for juvenile close custody and other juvenile corrections programs previously held in DHR's Children's Services Division. OYA will become an independent department as of July 1, 1996. Legislative intent allows for up to 5 secure regional facilities, up to 8 youth accountability camps and up to 4 residential academies. The legislature allocated funds for (3) 100 bed secure regional facilities; (2) 50 bed secure regional facilities and (2) 50 bed youth accountability camps. Attached is a budget report on OYA entitled, "Oregon Youth Authority SB 5543."

Health Department:

SB 380: *Restaurant Inspection Fees* is the rebirth of HB 2165. This measure makes significant strides toward protecting the public health while enhancing collaboration between the Health Division, local health departments and the industry. Where the previous measure sought to establish uniform, statewide fees and consolidate license issuance functions at the state level, enacted legislation "builds off the existing county-state partnership." Fee-setting authority is kept at the county level. However, delegate county restaurant inspection fees that exceed the fee level for state-inspected counties must be based on a cost formula jointly developed by all systems involved.

SB 764: *Inmate Co-pay System* allows for counties to establish a co-pay system for health care services to inmates during their incarceration. Creation of a co-pay system gives counties an opportunity to save a considerable amount of revenue. A similar system has been in operation in Mobile, Alabama for sometime, it has saved this community an annual total of \$250,000.00. This legislation was amended in Senate Judiciary to address the issue of medication administration in correctional facilities. These changes create a procedure that assures the delivery of necessary health care for corrections inmates and recognizes the various operational needs in these facilities statewide.

HB 2924: *Cigarette Taxation* was continued at 10 cent on a 20-cigarette pack. Dedicates funds from tax to Oregon Health Plan. This tax will be subject to a sunset on January 1, 1998. The Senate added an amendment to prohibit local government ordinances regulating tobacco. This provision was removed by the Ways and Means General Government Subcommittee.

Department of Community and Family Services:

SB 120: *Civil Commitment* designates which court gets notice of commitment and under certain circumstances notice of release of person with mental illness. Provides hearing process if investigator believes person released still requires commitment. In addition, this bill now includes authorization for a community mental health program director to release person on hold under certain circumstances.

SB 784: *Community Mental Health* originally introduced to provide that community mental health program director may instead of shall request that peace officer take person into custody and transport person to approved facility. Legislation was defeated on Senate floor by a 15-15 vote. Enacted legislation requires the Mental Health Division to convene a working group to prepare recommendations on transporting persons between state-funded facilities.

HB 2133: *Oregon Housing Fund* creates the Home Ownership Assistance Account as a revolving account of the Oregon Housing Fund. This account will be administered by the Housing and Community Services Department to expand the state's supply of home ownership housing for low and very low income families and individuals. This measure will be repealed on December 31, 2002.

HB 3180: (only measure in this memo not enacted by the 1995 Legislature) *Disbanding of CSD* was severely wounded but not killed in the final hours of the session. A House Conference Committee report re-introduced several objectionable provisions that were opposed by the Governor and several counties including Multnomah. This report which didn't make it to the Senate floor because the body refused to suspend the rules to consider the report, narrowly passed the House. The report abolishes CSD on July 1, 1997. In addition, transfers duties and functions to State Office for Child Protective Services. Directs each local commission on children and families to develop a "comprehensive area-wide service delivery plan." There will undoubtedly be additional discussion with potential legislation at either special sessions or the next regular session.

HB 3445: *Mental Health Task Force* establishes an interim committee on mental health to recommend how state and local government should fund and provide local mental health services. This committee will find ways to provide care for people with serious mental health illness who do not qualify for the Oregon Health Plan (OHP). Furthermore, this measure allows for the evaluation of the phase-in programs and an examination of mental health delivery in other states where managed care is used. This measure is the result of a meeting between Rep. Margaret Carter and Chair Beverly Stein on the need for a long-term solution to the delivery and funding of county mental health programs.

Budgets and Add Backs:

HB 3462: *Oregon Health Plan* fell victim to several changes, which will ultimately deny access to the most needy citizens. Among the changes are an establishment of a co-pay of \$2.00 and premiums, creation of an asset test for new applicants, determining eligibility based on three months rather than one month's income, eliminating eligibility for some college students, slowing the phase-in of mental health services to July 1, 1997 and moving the line of covered treatment from line 606 to 581. Essentially, these changes chip away at the prevention tone and model of the Oregon Health Plan, as one Senator stated, 'it's the beginning of the end of the Oregon Health Plan.'

HB 5035: *Gambling Addiction Treatment* states that emotional and behavioral programs related to gambling are economic development. Declares that the cost of preventing and treating emotional and behavioral problems related to gambling promotes the creation of jobs and this state's economic development by offsetting and treating the negative economic consequences of such behavior. Provides \$4 million for county gambling addiction treatment programs. Forgives counties \$2.6 million expended for gambling addiction treatment and gaming law enforcement but ruled unconstitutional by the Oregon Supreme Court. Repays Lottery Fund from General Fund on behalf of counties. Requires counties to return \$7 million in unexpended lottery proceeds to the Lottery Fund.

SB 5553: *Department of Human Resources* restores \$11 million to the Mental Health Division budget for outpatient treatment of adults and children who do not qualify for Medicaid.

SB 5547: *Emergency Board - Add Backs* allocates the following funds to various services and programs: \$35.5 million to Emergency Board for all state services and programs and \$52 million for state salaries. Designates \$50,000 to Office of Health Plan Administrator for Mental Health Task Force. Appropriates \$725,000 for several Health Division programs: Trauma Registry, Child Fatality Team, WIC and Farmer's Market. Restores \$5.7 million for Medically Needy Program and Oregon Project Independence.

1995-97 Emergency Board Membership: The Emergency Board (commonly known as E-Board) is a joint committee which includes senators and representatives, its purpose is to meet during the interim to address state fiscal and budgetary matters. This interim's membership consist of the following:

Senate President Gordon Smith (R- Pendleton)	(503) 986-1600
Senate Majority Leader Brady Adams (R- Grants Pass)	(503) 986-1950
House Speaker Bev Clarno (R- Bend)	(503) 986-1200
Senator Neil Bryant (R- Bend)	(503) 382-4331
Senator Ron Cease (D- Portland)	(503) 725-3017
Senator Jeannette Hamby (R- Hillsboro)	(503) 986-1705
Senator Lenn Hannon (R- Ashland)	(503) 773-7548
Senator Gene Timms (R- Burns)	(503) 573-2744
Senator Greg Waldon (R- Hood River)	(503) 386-1511
Senator Mae Yih (D- Albany)	(503) 986-1719
Representative Lee Beyer (D- Springfield)	(503) 687-5034
Representative Margaret Carter (D- Portland)	(503) 282-1585
Representative Denny Jones (R- Ontario)	(503) 889-8348
Representative Lynn Lundquist (R- Powell Butte)	(503) 986-1459
Representative Kevin Mannix (D- Salem)	(503) 364-1913
Representative Bob Montgomery (R- Cascade Locks)	(503) 374- 8690
Representative Carolyn Oakley (R - Albany)	(503) 928-7745
Representative Bob Repine (R- Grants Pass)	(503) 476-1081
Representative Lynn Snodgrass (R- Boring)	(503) 658-4223

The E- Board will meet on the following dates in Salem at the State Capitol:

July 27-28, 1995	January 25-26, 1996	January 9-10, 1997
September 7-8, '95	April 11-12, '96	
November 16-17, '95	June 20-21, '96	
	September 5-6, '96	
	November 21-22, '96	

KEY ELEMENTS OF SENATE BILL 1

PREPARED JUNE 3, 1995 BY CRAIG CAMPBELL, COORDINATOR
GOVERNOR'S TASK FORCE ON JUVENILE JUSTICE

Philosophy Statement Change:

Scope:

- Senate Bill 1 proposes replacing the current policy statement that emphasizes the welfare of the child with a policy statement that emphasizes public safety and personal accountability of the youth offender.

Reason for Change:

- The Juvenile Justice system was developed on the basis that juveniles should be treated differently than adults. It was designed when the main juvenile problems facing society were smoking, swearing, truancy and petty theft. That same system, with no major reformation in over 20 years is now being asked to deal with murderers, rapists and drug dealers. The system needs to be changed as does its emphasis. One of the keys to the change is emphasizing public safety as a key element.

The Oregon Youth Authority

Scope:

- The Oregon Youth Authority would be a new department responsible for adjudicated youth age 12 and older who are placed in OYA's legal and physical custody by the juvenile court or following a conviction following waiver or for a measure 11 charge.
- OYA would oversee a multi-tier series of sanctions and will provide out-of-home placement for adjudicated juveniles.
- OYA, beginning July 1, 1996, with the consent of the Director of the OYA, up to 50 persons in the custody of the Department of Corrections may be transferred to the OYA, provided:
 1. the person was convicted of a crime committed between the ages of 18 and 20;
 2. the person will complete his or her sentence prior to reaching age 25; and

3. The person has never been convicted of a felony before their current offense.

Reason for Change:

- Juvenile Corrections has now been housed under the Department of Corrections and within the Children's Services Division of the Department of Human Resources. It has fared poorly under both departments.
- The philosophy of the juvenile justice system is inconsistent with the Department of Human Resources welfare orientation and is more intensive than provided for by the Department of Corrections.
- Juvenile Justice has become a great enough concern to the public to warrant a visible stand alone body to address the problem.

Multi-Tier Sanctions:

Explanation:

- The Oregon Youth Authority will oversee a system that includes three levels of security, each emphasizing different juvenile corrections elements. For non measure 11 youth offenders, the tiers would act as carrot and stick to reward progress and sanction disruptive behavior.
- The three tiers would consist of Maximum Security Facilities, Youth Accountability Camps/Restitution Centers, and Regional Residential Academies.
 - Maximum Security Facilities provide the highest level of security and the most intensive program. Such facilities will house the most violent offenders including Measure 11 youth offenders placed in the legal and physical custody of the Youth Authority.
 - Youth Accountability Camps/Restitution Centers provide a boot camp setting with a tough physical regimen, work detail to pay restitution, and the regular complement of services and treatment.
 - Regional Residential Academies are effectively year round secure boarding schools which prepare a youth offender for return to the community once they are deemed to no longer be a threat to public safety. The Academies provide job skills and apprenticeship training to get the youth offender away from conditions that lead to re-offending upon return to the community.
- Every facility would have the same set of rules of conduct, the same consequences for breaking those rules, and the same core set of programs

and treatment. If the youth offender performs well they may be transitioned from a more secure level to a less secure level, and eventually back to the community once the youth offender no longer poses a threat to public safety.

- Facilities would be located regionally throughout the state rather than in a centralized location.

Reason for Change:

- Currently juvenile corrections consists of two facilities and several camps. To be effective in deterring and reforming juvenile crime, sanctions must be immediate consistent and appropriate, and the responsibility for reform should be placed squarely on the youth offender. That should hold true for a state system of juvenile corrections as well. When a youth offender enters the system it is up to them whether they succeed or fail. the system will provide them with the tools necessary to succeed, such as drug and alcohol abuse treatment, anger management and job and life skills training. it is up to them whether or not they take advantage of those services. Regardless, they will be accountable for their choice.
- After secure incarceration, a youth offender may warrant movement to a lower level of incarceration, or if they have moved to a lower level of incarceration and break the rules or become disruptive, the system needs the ability to sanction that behavior. Carrot and stick.
- By locating facilities regionally, we make local communities a more active player in dealing with young offenders. In addition, it limits the costs associated with movement of youth offenders over long distances and provides closer contacts with post incarceration and transitional services in the communities where youth offenders have been released.

Transition Process:

Scope:

- Youth offenders who wish to move to a less secure level of incarceration would need to go through a review process with the burden on the youth offender to show that their progress warrants such a move. Conversely, If a youth offender has been disruptive, the youth would go through a review process to determine whether the offender should be moved to a more secure tier. Originally this would have been overseen by a Youth Offender Review Panel. Changes made in the Senate would relegate this

responsibility to an administrative function within the Oregon Youth Authority.

Reason for Change:

- Currently, due to the cap on secure state beds, decisions about release are made more as a process of determining how much space is available rather than whether or not a youth offender poses a threat to the community. In addition, the move is generally from MacLaren or Hillcrest to the community. There are no intermediate transitional steps within the current system with the exception of the Crisis Intervention Unit at MacLaren which is a temporary lock up.

Changing the Cap on Secure State Juvenile Corrections Beds

Scope:

- The current artificial cap instituted in 1986 will be removed and replaced with a cap that is equal to the bed capacity of juvenile corrections facilities. i.e., the state system for juvenile corrections under the Oregon Youth Authority will be able to incarcerate as many youth offenders as there are beds available

Reason for Change:

- The artificial cap has maintained a bed capacity of 513 beds between 1986 and 1993. During that same time, the 0-17 population has increased 13% and violent juvenile crime has increased 93%. As a result, the cap has acted like a pressure pump, forcing more severe offenders into community programs designed for less severe youth. The first time offenders and low level offenders are left with little or no response for their conduct. Only by removing the artificial cap, adding secure beds to the state system, and moving the more severe problems into secure incarceration can that issue be resolved.

Trying 12, 13, and 14 year olds as adults with Judicial Sentencing Review

Scope:

- Youths 12, 13, and 14 years of age would be eligible for waiver for Aggravated Murder or Forcible Rape I, Sodomy I, or Unlawful Sexual Penetration I with a provision for a judicial sentencing review.
- Judicial Sentencing Review:
 - provides for a hearing before the sentencing court once one-half of a youth offender's sentence has been served. In that hearing the youth offender would have the burden of showing by clear and convincing evidence that they no longer pose a threat to the victim, the victim's family or the community, and that they will comply with the provisions of release.
 - In making its decision, the court is subject to guided discretion through a series of factors that it must consider.
 - If the youth meets his burden of proof, the sentence remains, but the youth is released on parole. The youth will be returned to complete his or her full sentence in the Department of Corrections if any of the following occur while on parole:
 - The person has two violations of the conditions of parole within an 18 month period of time;
 - The person has any violation dealing with possession of a dangerous or deadly weapon; or
 - The person commits any crime.

Reason for Change:

- Under current law, 12, 13 and 14 year olds are not subject to waiver or measure 11. There are a growing number of incidences of youths of this age committing very violent crimes. To deal with these youths, SB 1 would add provisions allowing these youths to serve longer sentences. With the judicial sentencing review, it would prevent these youth offenders from becoming career criminals and dependent on institutionalization if they prove reformable. Even with the judicial sentencing review, they would be serving a greater period of time than under the current system, and would be subject to the full sentencing period for a measure 11 crime. See the following comparison for Murder:

	Current Sentence	Proposed Minimum Sentence
12 year old	9 years	12 years 6 months
13 year old	8 years	12 years 6 months
14 year old	7 years	12 years 6 months

Fingerprinting and Photographing of Youths

Scope:

- All youth age 12 to 18 taken into custody for committing a crime would be fingerprinted and photographed. That information would be sent to the central state repository for a period of 5 years and 30 days provided the youth is adjudicated delinquent. If the youth is not adjudicated, the record is destroyed after 1 year.

Reason for Change:

- Currently, fingerprinting and photographing youth is not mandatory. This provision would provide three benefits:
- It would provide adult courts who are sentencing adults with prior juvenile records to take those crimes into account when sentencing, provided such sentencing occurs within 5 years and 30 days of the arrest.
- It would provide the state with accurate numbers of how many youth are arrested and for what crimes every year.
- It would impress upon the youth that the system takes criminal activities seriously.

Expanding Records Available to the Public:

Scope:

- Would make the date of birth of the youth, the criminal acts the youth was alleged to have committed, and the information contained in any formal dispositions or informal disposition agreements open to the public.

Reason for Change:

- The public has no confidence in the current juvenile justice system. Much of this lack of confidence comes from either the system treating juveniles lightly, or because the system does not provide any information about what sanctions are imposed. This provision would make key information, especially informal disposition agreement information available to the public. If juvenile departments are handling juveniles with informal disposition agreements poorly or appropriately, the public will be able to assess that.

Alter Provisions for Juvenile Expunction:

Scope:

- **Makes Class A Personal Felonies Non-Expungible.**

Reason for change:

- **With the rise in violent offenses, it is important to maintain a permanent record of the most violent crimes.**

Sex Offender Registration:

Scope:

- **All persons adjudicated of a sex offense will be required to register with the state police sex offender registration program.**
- **Law enforcement will have the discretion to release certain information to members of the public about sex offenders who are designated as “predatory sex offenders” if the need should arise to protect potential victims from harm**
- **Youth offenders under the registration program would need to re register every year but can be relieved of such a responsibility by the court after 10 years have elapsed. The youth offender would still remain in the sex offender registry.**

Reason for Change:

- **The provisions removing certain sex offenders from the list of non-expungible crimes was inconsistent with previous legislative intent. Requiring sex offender registration would meet the legislative intent of protecting the public while allowing the changes to the expunction laws.**

OREGON YOUTH AUTHORITY
SB 5543

ASSUMPTIONS:

1. Oregon Youth Authority is established and will be a separate agency 7/1/96.
2. The 1993-95 level of parole/probation services, including out-of-home care, are continued.
3. Increases for Measure 11 youths are addressed through temporary beds and construction of regional facilities.
4. Most Measure 11 youths will move to the adult corrections system at age 18.
5. Improvements in youth accountability are made through the addition of beds and funding for local services.

BUDGET ISSUES:

A. Temporary beds

1. Additional 322 capacity, \$17,148,311 GF
 - Tentatively located at Hillcrest (50), MacLaren (100), Lincoln County (22), Camp Rilea (100) and Camp Tillamook (50).
 - Modular temporary structures at Hillcrest, MacLaren, and Camp Tillamook; others are existing structures.
 - Phased-in over biennium (see attached page).

2. Subcommittee decision:

Approve funding for 222 beds; reserve funding for last 100 beds in Emergency Fund. OYA to present plan for use of the Emergency Fund reserve to the Emergency Board. Allow OYA discretion in developing the 222 beds.

[Appropriation to Emergency Fund reserve "for juvenile corrections programs": \$1,862,460 operations, \$1,365,314 capital construction. Actual expenditures (operations or capital construction) will be approved by Emergency Board. In Capital Construction bill: \$2,730,628. In OYA budget: \$11,189,909.]

B. Permanent beds - additional 320 beds state & 80 beds county, \$3,823,720 GF for debt service (as adjusted), \$42 million for COPs, operational 7/97.

1. Plan: Three 100 bed facilities located in southern Oregon, north coast and Willamette Valley. Two 50 bed facilities located in central and eastern Oregon. Estimated budgeted operating cost next biennium is \$90 - \$120 per day (excluding education). Building plans are based on a forecast that assumes youths are transferred to adult corrections at age 18 and assumes Meas. 11 applies to 15,16 & 17 yr-olds.

Juvenile Corrections Phase-in Schedule for 322 Temporary Beds

			EMERGENCY FUNDS	Facility Costs*	Duration	Operating Costs**	
		Feb. 1997	Till.	50 Beds			
		Sept. 1996	Camp Rilea	50 Beds	\$682,657	5 Mo.	\$620,820
		May 1996	Camp Rilea	50 Beds	\$682,657	10 Mo.	\$1,241,640
		Jan. 1996	Modular Units at MacLaren	50 Beds	\$682,657	14 Mo.	\$1,738,296
		Oct. 1995	Modular Units at MacLaren	50 Beds	***	18 Mo.	\$2,234,952
		July 1995	Modular Units at Hillcrest	50 Beds	\$1,365,314	21 Mo.	\$2,607,444
July 1995			Lincoln County	22 Beds	\$682,657	24 Mo.	\$2,979,936
						24 Mo.	\$1,629,281
			Totals	322 Beds	\$4,095,942		\$13,052,369

* Facility costs are based on estimates for purchasing and constructing modular structures. Actual costs will vary depending on product and site selection.

** Operating costs are based upon a standard staffing pattern currently used.

*** Facility costs at the MacLaren site include the installation of all 100 beds at once to save on labor and equipment costs.

2. Subcommittee tentative decision:
Defer to capital construction subcommittee.

3. LFO recommendation: *adopted*
Direct the OYA to provide an informational report to the Emergency Board.

C. Improve sanctions for property offenders, extend length of stay -- a proposal frequently called as "accountability beds": \$6,231,911 GF

1. Plan: Two phased-in 50-bed boot (youth accountability and restitution) camps (\$4.3 million GF, 41.88 FTE), enhanced flexible local funding to divert commitments and improve client services (\$1.4 million GF), and additional parole positions for boot camps and flex funds (\$540,000, 11.08 FTE). One boot camp on-line 1/1/96; the other starts 7/1/96.

2. Subcommittee tentative action:
Postpone final decision until impacts of SB 1 are known.

3. LFO proposed subcommittee action:
Only \$5.5 million of the \$6.2 million proposal is available. Identified savings of \$638,654 can be used to bring the funding to \$6,148,518. This underfunds the proposal by \$83,393.

Allocate funding for the second boot camp to an Emergency Fund reserve. OYA to present a report on progress on the first boot camp, plans for second boot camp and how the local funding is being used. [To Emergency fund \$1,644,703. To OYA budget: \$4,503,815.]

delay: boot camps to 2/96

• adjust dates for boot camps

D. OTHER BUDGET ISSUES

1. Provider Inflation. No cost-of-living adjustment included. Subcommittee tentative decision: **tie to action by the Ways & Means Human Resources subcommittee.**

2. SB 1. Potential budget impacts. Subcommittee: **no decision.**

3. Interim savings. The budget is based on estimated costs of facilities. If costs are less than estimated, how should the savings be used? Subcommittee tentative decision: **Add a budget note, "If actual costs are less than estimated costs for temporary and permanent facility expenditures, the savings may be used to develop tiers 2 and 3 of Senate Bill 1 or for flexible services for clients."**

4. Budget savings. \$638,654 GF is available: Several options are available:
adopted (a) Partially restore parole/probation services statewide. Adds 11.125 FTE. Cost is \$557,504 GF plus Federal Funds of \$425,211, total of

- \$982,715. (Revised proposal = \$638,654 GF plus Federal Funds of \$487,104, total of \$1,125,758. Adds 12.75 FTE)
- b. Increase funding for flexible community services.
 - c. Partially restore provider inflation
 - d. Apply to \$6.2 million property offender proposal. Reduces reduction needed in adult corrections.
 - e. Hold for SB 1.

**Subcommittee tentative decision: General agreement to wait for SB 1.
Three members supported option a.**

5. Separate agency. The cost to operate the Youth Authority outside of CSD: \$539,128 and 3.75 FTE. No subcommittee action needed.

6. A budget note proposal:

The Oregon Youth Authority will continue the res-med agreement with the Mental Health and Developmental Disability Services Division to ensure that there is no loss of federal funds in residential treatment programs as a result of the creation of the separate agency.

Subcommittee tentative decision: approved.

OREGON YOUTH AUTHORITY

	1991-93 Actual **	1993-95 Estimated	95-97 Adjusted Current Law	1995-97 Gov's Rec	95-97 Revised Gov's Rec
General Fund	0	78,815,351	124,898,234	98,853,329	122,287,154
Other Funds	0	6,665,694	46,832,798	46,106,108	45,752,696
Federal Funds	0	25,554,143	12,087,885	27,272,511	11,897,873
TOTAL	0	111,035,188	183,818,917	172,231,948	179,937,723
FTE	0	669.91	805.9	781.1	805.9

* Included in Children's Services Division in 1991-93

	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS	FEDERAL FUNDS	TOTAL	FTE
1993-95 Estimated						
Expenditures (Nov 94)	78,815,351	-	6,665,694	25,554,143	111,035,188	669.91
Merit/benefit Increase	1,982,714	-	-	280,420	2,263,134	
PERS Adjustment	(1,805,146)	-	(48,694)	(303,884)	(2,157,724)	
Caseload Growth	527,153	-	-	-	527,153	7.50
Fund Shifts	633,196	-	(192,763)	(440,433)	-	
One-time Expenditures	(60,705)	-	(545,443)	(95,781)	(701,929)	
Phase-in/-out Programs					-	
OYA Admin. Staff	539,128	-	-	-	539,128	3.75
Meas 11 Lease/purchase	4,095,942	-	-	-	4,095,942	
Meas 11 Operating	11,423,088	-	-	-	11,423,088	124.21
Lincoln Cty 22 beds	1,629,281	-	-	-	1,629,281	16.00
Meas 11 OYA staff	1,173,055	-	-	-	1,173,055	10.38
Regional Facilities	-	-	42,000,000	-	42,000,000	
Debt Services on COPs	4,381,224	-	-	-	4,381,224	
Continue Hillcrest 18 beds	117,000	-	-	-	117,000	
Continue 50 beds	2,165,402	-	-	-	2,165,402	25.35
Purchased Svcs increase	1,885,838	-	397,267	225,745	2,508,850	
Shifts to Other Divisions	(5,195,123)	-	(1,121,504)	-	(6,316,627)	-60.00
Inflation	2,688,018	-	116,218	256,022	3,060,258	
Subtotal	104,995,416	-	47,270,775	25,476,232	177,742,423	797.10

OREGON YOUTH AUTHORITY

	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS	FEDERAL FUNDS	TOTAL	FTE
From previous page	104,995,416	-	47,270,775	25,476,232	177,742,423	797.10
Increase Special Rates FC	512,056	-	22,639	215,448	750,143	
Refinement of CSD transfer #s	4,034,348	-	424,831	1,260,556	5,719,735	8.8
93-95 Meas 11 expenditure	(393,384)	-	-	-	(393,384)	
Revenue adjustments	821,180	-	(885,447)	64,267	-	
Title XX SSBG to DHR (AFS)	14,928,618	-	-	(14,928,618)	-	
95-97 Adjusted Current Law	124,898,234	-	46,832,798	12,087,885	183,818,917	805.90

Eliminate Provider Inflation	(1,979,382)	-	(116,220)	(190,012)	(2,285,614)	
Remand \$ from Adult Correct.	963,882	-	(963,882)	-	-	
Admin. Reductions	(277,208)	-	-	-	(277,208)	
Res-Med technical error	(1,318,372)	-	-	-	(1,318,372)	
Revised Estimate of Gov's Budget	122,287,154	-	45,752,696	11,897,873	179,937,723	805.90

TECHNICAL ADJUSTMENTS						
PERS (to co-chairs)	(353,104)	-	(670)	(33,533)	(387,307)	
In Cap. Construction bill:						
Temp Facilities & COPs	(2,730,628)	-	(42,000,000)	-	(44,730,628)	
SUBTOTAL	119,203,422	-	3,752,026	11,864,340	134,819,788	805.9

IDENTIFIED SAVINGS TO ABOVE BUDGET						
COP debt service savings	(557,504)	-	-	-	(557,504)	
Savings from early spending	(81,150)	-	-	-	(81,150)	
TOTAL	(638,654)	-	-	-	(638,654)	

continued on next page

OREGON YOUTH AUTHORITY

LFO PROPOSAL FOR "ACCOUNTABILITY BEDS" (\$6.2 Million)

Juvenile funds available from						
overall corrections money	5,509,864	-	-	-	5,509,864	
Use identified savings	638,654	-	-	-	638,654	
Total funding	6,148,518	-	-	-	6,148,518	52.96
(\$83,393 short of estimated cost)						

TOTAL BUDGET	124,713,286	-	3,752,026	11,864,340	140,329,652	858.86
To OYA	119,840,809	-	3,752,026	11,864,340	135,457,175	858.86
To Emergency Fund	<u>4,872,477</u>	-	-	-	<u>4,872,477</u>	
	124,713,286	-	3,752,026	11,864,340	140,329,652	858.86

LEGISLATIVE REPORT

June 20, 1995

Public Safety Partnership / Community Corrections

SB 1145

Senate Bill 1145 embodies Governor Kitzhaber's plan to create a partnership with counties to manage the criminal justice system. The bill represents a restructuring of community corrections in response to the reality imposed upon us by the will of the voters in the passage last fall of Ballot Measure 11.

As the public has cried out for a shift from a rehabilitative model of criminal justice to a more punitive one, the state itself has been under more pressure to lock people up and throw away the key. In such a climate, prevention and treatment programs fall by the wayside.

This plan recognizes the public's mandate without completely abandoning support for the use of alternative sanctions and preventative programs. It allows local authorities to decide criminal justice responses that are appropriate in the local community and reflective of community needs.

It directs the local public safety councils to coordinate the local criminal justice system and to include measures which are intended to prevent crime in the first instance. The bill builds upon some established community corrections programs that have been in place since 1977 and expands their strengths.

The bill, passed in its C-engrossed form (copies of which should be available by Monday or Tuesday, June 19 or 20th), improves the abilities of local government to deal with short term offenders. It provides counties with additional resources, local control and flexibility to manage offenders in the community.

It sets up a system for the effective use of local sanctions for lesser offenders and reserves state institutions for more serious offenders. BM 11 offenders remain the responsibility of the state.

It provides that those persons sentenced to twelve months or less will be dealt with in the county in which they are sentenced. The bill does not transfer inmates currently serving 12 months or less in state prison to the county jails starting January 1, 1997. It is not an inmate transfer bill. Instead, those offenders who are sentenced to 12 months or less on or after January 1, 1997, will become the responsibility of counties as will the roles of probation, parole and post-prison supervision.

The bill also addresses the hiring of state parole and probation employees who will lose their jobs. Most and perhaps, all will be

hired by the counties.

The state will guarantee positions for those who are not hired by counties. And the bill provides that state employees employed at the county level after January 1, 1997, will continue to receive the same salary for six months, but will shift to county benefits.

It is important to keep in mind that the intention of the bill is not that the state relinquish its responsibility, but that the counties share the responsibility in a partnership whereby the state provides the funding and the counties manage the short-term offenders along with p & p.

The counties have an opt out provision in the bill. If the state does not meet the baseline funding requirements outlined in the bill, its primary obligation in the partnership, then the counties are relieved of their duty to manage the new offenders and may opt out of the responsibility to care for the short term offenders and p & p functions.

On January 1, 1997, the Grant in Aid program will become established which will allocate resources to the counties based on a weighted formula of workload and population. (Funds were negotiated to offset losses to thirteen counties who will experience less money available due to the change in formula from straight workload to a combination of workload and population.)

The Grant in Aid program will provide for management, support services, and supervision of offenders in the community. In addition, a one time start up fund, the New Impact Fund will provide extra monies to counties to aid in their transition to the plan. The New Impact allocation of \$7.78 million will be added to other amounts considered in determining the 1997-1999 baseline funding budget.

The bill originally set the date for July 1, 1996, when counties would begin to keep offenders from their own counties sentenced to 12 months or less. Subsequent changes to the bill, now incorporated into the version as passed on June 10, 1995, allow the counties more time to prepare to begin managing those newly sentenced on or after January 1, 1997.

It will put those offenders into a system where they will be a much higher level priority than now where they are the lowest priority. These would be the first persons released to return to local communities with little or no supervision without the provisions of 1145 as the state prison system has to make more room for more serious offenders.

The local supervisory authority in each county may impose sanctions

other than incarceration, if deemed appropriate by the supervisory authority, with some exceptions. The counties gain flexibility through this grant of authority to the local supervisory authority, which may be a state or local corrections agency or official designated in the county.

The bill will go into effect immediately as soon as it is signed by the Governor. It contains an emergency clause making it effective upon passage. Particular provisions still become operative as specifically outlined in the bill, most on January 1, 1997.

The emergency clause does mean though that counties can have already begun to put in place their local public safety coordinating councils (for counties that do not already have them) and to develop plans for the use of the state money.

The budget which passed the legislature provides counties with approximately \$59 million in construction funds to build additional capacity. The funding will be raised through Certificates of Participation.

Counties will have until sometime in the Fall of 1995 to submit plans for construction projects or requests for construction funds. By December 15, 1995, the priority construction projects will be identified. A special session of the legislature will convene in January, 1996, to consider and give approval to the construction proposals.

Paul Snider of the Association of Oregon Counties is involved in helping the Governor's Office to put together a group of people to help develop the selection process for approving the construction projects and to address other factors to assist in the implementation of the plan. Commissioner Hansen has been asked to participate on this committee.

Property Tax Exemptions

Three bills of major concern to Multnomah County, HB 2265, HJR 71, and SB 337, were finally defeated at the last minute late on the last night of the session. They would have meant millions in lost revenue to the county.

House Bill 2265 would have exempted from property taxes rental equipment. It would have redefined rental equipment as inventory which is currently already exempt from property taxes.

Inventory is exempted because it is not considered productive.

While waiting to be sold, it cannot earn the retailer any money. On the other hand, business personal property rented out by a rental equipment company is productive.

The equipment can be depreciated on the rental equipment company's income taxes. In our tax system, we believe it is good public policy for income producing property to share in the costs of providing public services.

Such an exemption would represent a significant alteration in our tax policy. This concept will be back. One of the topics for the January, 1996, session will be tax policy.

A drastic change in public policy would also be demonstrated in the passage a centrally assessed utilities exemption such as the one embodied in Senate Bill 337. This concept too will be back.

The idea here is to remove all the intangible personal property of centrally assessed utilities form the property tax rolls. While industrial intangible personal property has traditionally been exempted, that of utilities has not.

There are complicated tax concepts here, but the bottom line for us is that utilities are not industry and this kind of tax exemption would remove over one billion dollars from the property tax rolls.

House Joint Resolution 71 would have prevented property taxes from going up more than three percent per year. We will see this come back in some form.

Remember SB 686. We were successful as a county in working with the Port of Portland to amend their property tax exemption bill. The crucial amendments for us were placing a time limit on the exemption and identifying exactly what properties qualified for the exemption.

Transportation and Gas Tax

The issues of funding for light rail and a gas tax will be considered at a special session of the legislature which will convene on or about July 24, 1995 for an indefinite period of time.

There is rumor out there that Multnomah County is willing to trade off any or all of any regional strategies lottery monies it would otherwise be entitled to in exchange for the passage of light rail funding. Multnomah County needs to be very involved and play an

active role in what goes on during this negotiating on light rail and lottery money funding.

I have attached papers on light rail and the delay of the transportation gas tax.

Land Use and Strategic Investment Initiative

The most notorious land use bill which passed is SB 600, the Ecotake Bill. This requires that local property owners be compensated by state and local governments for any environmental regulation which could conceivably be said to reduce the amorphously undefined "value" of the property. Although the bill is expected to be vetoed, this concept will also be back.

I do not yet have all the information on all the other bills which passed which affect land use. The final calendar is not out yet and I still need measure summaries on some of the significant legislation.

SB 673 which originally sought to have cities replace counties as the final authority in granting special tax breaks as incentives to big companies, passes the House June 8th with a 58-0 vote for the bill in its amended version.

We were able to amend the bill to retain most of the provisions of current law. Also, Multnomah County was able to have included a set annual growth rate of six percent on the first taxable \$100 million in real market value. This helps the county's ability to raise revenue to cover vital services, but in no way harms a potential company.

There was testimony that indicated not only that an increase in the annual growth percentage is no deterrent to a company seeking to locate in a particular area such as the Portland metro area, but that most companies do not consider the denial of such a tax break a real disincentive to locate.

LAUREN
POM

LIGHT RAIL PLAN DEFERRED. The South/North Light Rail Funding Proposal under consideration in SB 881 stalled in Ways and Means at sine die when leadership failed to come to agreement on a proposal that would gain 31 votes in the House. The Governor, the President of the Senate and the Speaker of the House continued negotiations up to the very last hour without being able to craft a proposal that would pass the Legislature. However, they did come to agreement on how to resolve the issue—delay the matter to a special session of the Legislature, probably in July.

The proposal under consideration during the waning days of the session to fund the \$4 billion project contained the following elements:

- Allocation of \$375 million in lottery funds to meet the debt service for the combined Westside Light Rail and South/North Light Rail bonds at \$31.8 million per year beginning in Fiscal Year 2000.
- The project would produce a direct return to the State of 52% of the \$375 million over 10 years.
- \$119 million would be "returned" in the form of State income tax earnings from construction activity of the South/North light rail project.
- \$75 million would be "returned" with the creation of a new Transportation Equity Fund for transportation projects outside the tri-county metropolitan area. Metro's REGION federal transportation funds and Clackamas, Multnomah and Washington county funds would be deposited into the new Equity Fund beginning when State lottery funds were needed.
- Metro region governments would return to the 1997 Legislature with a proposal for new regional transportation funding authorities to be used in part to further reduce the State's funding requirements by \$75 million for the South/North project.

The Governor is expected to call the Legislature back into session in late July to address the State's funding commitment for the South/North Light Rail project.

TRANSPORTATION PACKAGE DELAYED Efforts by the Senate in the last weeks of the session to send a gas tax proposal to the House for a vote failed. The Senate referred the gas tax proposal to the Ways and Means Committee waiting an opportunity to pass the bill and send it to the House for a vote. However, the opportunity never materialized. The bill, HB 2267, proposed a 2¢ increase in the gas tax, a 1¢ increase on January 1, 1996 and another one-cent on January 1, 1997. The Senate's gas tax proposal also provided for an annual indexing of the gas tax beginning in January 1998 with the index tied to the Consumer Price Index.

Senate and House leadership continued to have discussions on a gas tax increase late in the session, but in the end Speaker Clarno held out for an interim study of transportation needs and consideration of a proposal in the January 1996 special session.

Without the gas tax increase this session total revenues to the State Highway Fund will drop by \$19 million in the 1995-97 biennium due to a decline in the truck share of highway user costs. The legislature passed HB 2134 which implements the findings of the 1994 Cost Responsibility Study Update. The update found that, over the 1995-97 biennium, cars and other light vehicles will be responsible for 62.3% of total highway costs and trucks and other heavy vehicles will be responsible for 37.7%. This compares to anticipated 1995-97 biennium payments shares of 61.4% and 38.6% respectfully under existing tax rates.

Therefore, without an increase in the gas tax rate or automobile registration fees, heavy vehicles were projected to overpay their responsibility by \$19 million over the biennium. HB 2134 eliminates the projected overpayment by reducing the truck tax rates by an average of 6.2% on January 1, 1995.

The impact to counties will be \$4.6 million over the biennium, or a reduction in Highway Funds by approximately 1.5 to 2.0%.

The House Committee on State and School Finance considered another proposal late in the session to totally revamp Oregon's method for taxing trucks for the maintenance and preservation of highways, roads, and bridges in the state. This proposal, advanced by the Oregon trucking associations, would switch the current weight-mile tax to a fuel tax system. The impact to the State Highway Fund could be significant based on the assumptions presented by the trucking industry. ODOT estimated the impact to the Highway Fund to be between \$80 and \$100 million per year which could equal as much as \$25 million per year loss to counties.

Two important studies addressing the issue of truck tax evasion under both weight-mile tax system and fuel tax system are expected to be completed this fall. AOC recommended that a legislative interim committee review the results of both studies before any decision is made to switch from the current system. The AOC also urged that any new tax system maintain the concept of cost allocation between cars and

trucks, be revenue neutral, and reduce administrative costs.

The House committee chose not to act on the proposal, but recommend that the matter be considered during the legislative interim. However, action on a new truck tax system could occur as early as the January 1996 special session.

Another measure with major impact to the Highway Fund was SB 6, which provided an ethanol gas tax exemption. The bill passed the Senate, but was not considered by the House. With counties and cities contacting House members combined with the lobbying effort of the oil industry, House leadership chose not to bring the bill to the House floor for consideration. The bill died in the House Legislative Rules Committee upon adjournment.

The Senate-passed version of SB 6 would have granted a full gas tax exemption (currently 24 cents) for ethanol produced in Oregon. The proposed exemption would significantly reduce needed revenues to cities, counties and ODOT for road and bridge maintenance and improvements. Forty percent of the impact would be revenue loss to counties and cities.

SPECIAL COUNTIES BILL ENACTED. HB 2874 which continues the special county road funding program passed both houses and is expected to be signed by the Governor. The new law removes the statutory sunset date in the current statutes and allows the special funding program to continue as law. The new law also increases annual contribution for the program by \$250,000 from ODOT funds increasing the total fund to \$750,000 per year. The funds will be allocated to the counties with the lowest dedicated road funds per mile of road in the state. In the past the counties of Gilliam, Malheur, Morrow and Sherman have received road fund from the program.

PUBLIC CONTRACTING MANDATES DIE. Several bills were introduced this session that went far beyond encouraging privatization of local government services to proposing additional mandated administrative procedures for counties and other local governments. AOC contented that all would override the decision-making authority of locally-elected officials. Several of the bills and proposed amendments to bills addressed very specific, single-interest services of the proposing interest group.

The measures would impose additional costs on counties and other local governments by requiring conformity to mandated "one-size-fits-all" procedures, imposing a statutory mandate on all units of government, from the State of Oregon down to the smallest city, county or special district. The measures remained a threat to the closing hours of the session.

In the final days of the session the House Legislative Rules Committee sent B-Engrossed SB 395 to the House for a vote, over the objections of state and local government representatives. The bill contained amendments offered by the Associated General Contractors and organizations representing architects and consulting

engineers which public agencies opposed as inflexible legislative mandates on local government.

The bill failed on the first vote, but was reconsidered on the following day and ended up passing the House by one vote. With the assistance of county and city contacts, the Senate refused to concur in the House amendments and the bill was referred to conference committee. However, House leadership refused to appoint conferees unless Senate conferees agreed to accept the House amendments. Senate members wanted to remove the House amendments and repass the Senate-passed version of the bill. Because of the impasse, the bill died in conference committee with the sine die adjournment.

C-Engrossed
Senate Bill 1145

Ordered by the House June 9
Including Senate Amendments dated May 1 and June 6 and House
Amendments dated June 9

Sponsored by Senator BRYANT (at the request of Governor John Kitzhaber)

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.

- Modifies Community Corrections Act. Makes related changes.
- Increases appropriation from General Fund to Department of Corrections for biennium beginning July 1, 1995, for specified purposes.
- Decreases specified expenditure limitation for Department of Corrections.
- Decreases appropriation from General Fund to Emergency Board for biennium ending June 30, 1997, for specified purpose.
- Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Relating to corrections; creating new provisions; amending ORS 135.760, 135.767, 137.124, 137.320, 137.593, 137.661, 144.085, 144.102, 144.104, 144.108, 144.232, 144.340, 144.350, 144.360, 420.011, 423.500, 423.505, 423.520, 423.525, 423.530, 423.535, 423.540, 423.555, 423.560 and 423.570; repealing ORS 423.510, 423.515, 423.545, 423.550, 423.551, 423.552, 423.553 and 423.554 and section 75, chapter _____, Oregon Laws 1995 (Enrolled Senate Bill 1); appropriating money; limiting expenditures; and declaring an emergency.

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

SECTION 1. The Legislative Assembly finds and declares that:

- (1) Passage by the voters of chapter 2, Oregon Laws 1995 (Measure No. 11), has created mandatory minimum penalties for certain violent offenses, and the probable effect thereof will be a significant increase in the demands placed on state secure facilities.**
- (2) These demands are a shared responsibility of the State of Oregon and its county governments. The state recognizes that it is in a better position than counties to assume responsibility for serious violent offenders and career property offenders.**
- (3) Counties are willing, in the context of a partnership with the state, to assume responsibility for felony offenders sentenced to a term of incarceration of 12 months or less.**
- (4) Under the terms of the partnership agreement, the counties agree to assume responsibility for the offenders described in subsection (3) of this section, subject to the state agreeing to provide adequate funding to the counties for this responsibility.**
- (5) The amendments to statutes made by sections 1a to 5, 7, 8, 9a, 9b, 9c, 10 to 14, 17 to 19 and 22 to 29 of this Act and the provisions of sections 5a, 6, 9, and 16 of this Act are intended to acknowledge and implement the terms of the partnership between the state and the counties.**

SECTION 1a. ORS 423.500 is amended to read:

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.

1 423.500. As used in ORS 423.500 to 423.560, unless the context requires otherwise:

2 (1) "Director" means the Director of the Department of Corrections.

3 [(2) "Advisory board" means the Community Corrections Advisory Board created by ORS
4 423.510.]

5 [(3)] (2) "Department" means the Department of Corrections.

6 [(4)] (3) "Plan" means the [comprehensive] biennial community corrections plan required by ORS
7 423.535.

8 [(5) "Program" means those programs and services described in ORS 423.525.]

9 **SECTION 2.** ORS 423.505 is amended to read:

10 423.505. **Because counties are in the best position for the management, oversight and**
11 **administration of local criminal justice matters and for determining local resource priorities,**
12 it is declared to be the legislative policy of this state to establish **an ongoing partnership between**
13 **the state and counties** and to finance with appropriations from the General Fund statewide com-
14 munity correction programs on a continuing basis. The intended purposes of this program are to:

15 (1) Provide appropriate sentencing [alternatives] **and sanctioning options including**
16 **incarceration, community supervision and services;**

17 (2) Provide improved local services for persons charged with criminal offenses with the goal of
18 reducing the occurrence of repeat criminal offenses;

19 (3) Promote local **control and** management of community corrections programs; [and]

20 (4) Promote the use of the most effective criminal [sanction] **sanctions** necessary to **protect**
21 **public safety**, administer punishment to the offender[,] **and** rehabilitate the offender; [and protect
22 public safety.]

23 (5) **Enhance, increase and support the state and county partnership in the management**
24 **of offenders; and**

25 (6) **Enhance, increase and encourage a greater role for local government and the local**
26 **criminal justice system in the planning and implementation of local public safety policies.**

27 **SECTION 3.** ORS 423.520 is amended to read:

28 423.520. The Department of Corrections shall make grants to assist counties in the implementa-
29 tion and operation of community corrections **programs** including, but not limited to, preventive or
30 diversionary correctional programs, probation, parole, work release[, and community corrections
31 centers for the care and treatment of criminal defendants] **and local correctional facilities and**
32 **programs for offenders.**

33 **SECTION 4.** ORS 423.525 is amended to read:

34 423.525. (1) A county may apply to the Director of the Department of Corrections in a manner
35 and form prescribed by the director for financial aid made available under ORS 423.500 to 423.560.
36 The application shall include a community corrections plan. The director shall provide consultation
37 and technical assistance to counties to aid in the development and implementation of community
38 corrections plans.

39 (2)(a) **From July 1, 1995, until June 30, 1997, a county may make application requesting**
40 **funding for the construction, acquisition, expansion or remodeling of correctional facilities**
41 **to serve the county or a group of counties. The department shall review the application for**
42 **funding of correctional facilities in accordance with criteria that consider design, cost, ca-**
43 **capacity, need, operating efficiency and viability based on the county's or group of counties'**
44 **ability to provide for ongoing operations.**

45 (b) **If the application is approved, the department shall present the application with a**

1 request to finance the facility with financing agreements to the State Treasurer and the
2 Director of the Oregon Department of Administrative Services. Upon approval of the request
3 by the State Treasurer, the Director of the Oregon Department of Administrative Services
4 and the Legislative Assembly, the facility may be financed with financing agreements, and
5 certificates of participation issued pursuant thereto, as provided in ORS 283.085 to 283.092.

6 (c) After approval but prior to the solicitation of bids or proposals for the construction
7 of a project, the county or group of counties and the department shall enter into a written
8 agreement that determines the procedures, and the parties responsible, for the awarding of
9 contracts and the administration of the construction project for the approved correctional
10 facility. If the parties are unable to agree on the terms of the written agreement, the Gov-
11 ernor shall decide the terms of the agreement. The Governor's decision is final.

12 (3) Notwithstanding ORS 283.085, for purposes of this section, "financing agreement"
13 means a lease purchase agreement, an installment sale agreement, a loan agreement or any
14 other agreement to finance a correctional facility described in this section, or to refinance
15 a previously executed financing agreement for the financing of a correctional facility. The
16 state is not required to operate a correctional facility in order to finance it under ORS
17 283.085 to 283.092 and this section.

18 (4) Notwithstanding any other provision of state law, county charter or ordinance, a
19 county may convey to the State of Oregon, acting by and through the Department of Cor-
20 rections, title to or interests in any real property, facility or personal property owned by the
21 county for the purpose of financing the construction, acquisition, expansion or remodeling
22 of a correctional facility. Upon the payment of all principal and interest on, or upon any
23 other satisfaction of, the financing agreement used to finance the construction, acquisition,
24 expansion or remodeling of a correctional facility, the state shall reconvey its interest in the
25 property or facility, including the financed construction, acquisition, expansion or remodel-
26 ing, to the county. In addition to any authority granted by ORS 283.089, for the purposes of
27 obtaining financing, the state may enter into agreements under which the state may grant
28 to trustees or lenders leases, mortgages, deeds of trust and other security interests in
29 county property conveyed to the state under this subsection and in the property or facilities
30 financed by financing agreements.

31 (5) In connection with the financing of correctional facilities, the Director of the Oregon
32 Department of Administrative Services may bill the Department of Corrections, and the
33 Department of Corrections shall pay the amounts billed, in the same manner as provided in
34 ORS 283.089. As required by ORS 283.091, the Department of Corrections and the Oregon
35 Department of Administrative Services shall include in the Governor's budget request to the
36 Legislative Assembly all amounts that will be due in each fiscal period under financing
37 agreements for correctional facilities. Amounts payable by the state under a financing
38 agreement for the construction, acquisition, expansion or remodeling of a correctional facil-
39 ity are limited to available funds as defined in ORS 283.085, and no lender, trustee, certificate
40 holder or county has any claim or recourse against any funds of the state other than avail-
41 able funds.

42 [(2)] (6) The director[*with the advice of the Community Corrections Advisory Board, shall adopt*
43 *rules prescribing minimum standards for the establishment, operation and evaluation of community*
44 *corrections under a community corrections plan and other rules as]* shall adopt rules that may be
45 necessary for the administration, evaluation and implementation of ORS 423.500 to 423.560. The

1 standards shall be sufficiently flexible to foster the development of new and improved supervision
2 or rehabilitative practices **and maximize local control.**

3 **(7) When a county assumes responsibility under ORS 423.500 to 423.560 for correctional**
4 **services previously provided by the department, the county and the department shall enter**
5 **into an intergovernmental agreement that includes a local community corrections plan con-**
6 **sisting of program descriptions, budget allocation, performance objectives and methods of**
7 **evaluating each correctional service to be provided by the county.**

8 [(3)] **(8) All community corrections plans shall comply with rules adopted pursuant to ORS**
9 **423.500 to 423.560, and shall include but need not be limited to an outline of the basic structure**
10 **and the supervision, services and local sanctions to be applied to offenders convicted of fel-**
11 **onies who are:**

12 (a) **On parole;**

13 (b) **On probation;**

14 (c) **On post-prison supervision;**

15 (d) **Sentenced, on or after January 1, 1997, to 12 months or less incarceration; and**

16 (e) **Sanctioned, on or after January 1, 1997, by a court or the State Board of Parole and**
17 **Post-Prison Supervision to 12 months or less incarceration for a violation of a condition of**
18 **parole, probation or post-prison supervision.**

19 [(a) *Proposals for correctional programs that demonstrate the need for the program, its purpose,*
20 *objective, administrative structure, staffing, staff training, proposed budget, evaluation process, degree*
21 *of community involvement, client participation and duration of the program;*]

22 [(b) *A provision that the correctional program shall be available only to misdemeanants, to*
23 *parolees, to probationers, to offenders on post-prison supervision and to persons convicted of other than*
24 *murder, treason or Class A felonies;*]

25 [(c) *The location and description of facilities that will be used by the county pursuant to ORS*
26 *423.500 to 423.560, including but not limited to halfway houses, work release centers and jails;*]

27 [(d) *The manner that probation, parole, post-prison supervision and other correctional services will*
28 *be provided. Consideration shall be given to contracting with proven private correctional agencies;*]

29 [(e) *The manner in which counties that jointly apply for participation under ORS 423.500 to*
30 *423.560 will operate a coordinated community corrections program;*]

31 [(f) *Correctional services that will be made available to persons who are confined in local*
32 *correctional facilities;*]

33 [(g) *The manner in which the local corrections advisory committee will participate in community*
34 *corrections; and*]

35 [(h) *The projected field population of parolees, probationers and offenders on post-prison super-*
36 *vision.*]

37 [(4) *All community corrections plans shall provide that an adequate amount of the financial aid*
38 *received under ORS 423.500 to 423.560 shall be used for staff training and that an adequate amount*
39 *of the financial aid shall be used for evaluation of county correctional programs. The plan shall specify*
40 *the manner in which these requirements shall be met.*]

41 [(5)] **(9) All community corrections plans shall designate a community corrections manager of**
42 **the county or counties and shall provide that the administration of community corrections under**
43 **ORS 423.500 to 423.560 shall be under such manager.**

44 [(6)] **(10) No amendment to or modification of an approved community corrections plan shall be**
45 **placed in effect without prior approval of the director.**

1 **SECTION 4a.** On January 1, 1997, ORS 423.525 as amended by section 4 of this Act is further
2 amended to read:

3 423.525. (1) A county [may] shall apply to the Director of the Department of Corrections in a
4 manner and form prescribed by the director for [financial aid] funding made available under ORS
5 423.500 to 423.560. The application shall include a community corrections plan. The [director] **De-**
6 **partment of Corrections** shall provide consultation and technical assistance to counties to aid in
7 the development and implementation of community corrections plans.

8 (2)(a) From July 1, 1995, until June 30, 1997, a county may make application requesting funding
9 for the construction, acquisition, expansion or remodeling of correctional facilities to serve the
10 county or a group of counties. The department shall review the application for funding of
11 correctional facilities in accordance with criteria that consider design, cost, capacity, need, operat-
12 ing efficiency and viability based on the county's or group of counties' ability to provide for ongoing
13 operations.

14 (b) If the application is approved, the department shall present the application with a request
15 to finance the facility with financing agreements to the State Treasurer and the Director of the
16 Oregon Department of Administrative Services. Upon approval of the request by the State Treas-
17 urer, the Director of the Oregon Department of Administrative Services and the Legislative As-
18 sembly, the facility may be financed with financing agreements, and certificates of participation
19 issued pursuant thereto, as provided in ORS 283.085 to 283.092.

20 (c) After approval but prior to the solicitation of bids or proposals for the construction of a
21 project, the county or group of counties and the department shall enter into a written agreement
22 that determines the procedures, and the parties responsible, for the awarding of contracts and the
23 administration of the construction project for the approved correctional facility. If the parties are
24 unable to agree on the terms of the written agreement, the Governor shall decide the terms of the
25 agreement. The Governor's decision is final.

26 (3) Notwithstanding ORS 283.085, for purposes of this section, "financing agreement" means a
27 lease purchase agreement, an installment sale agreement, a loan agreement or any other agreement
28 to finance a correctional facility described in this section, or to refinance a previously executed fi-
29 nancing agreement for the financing of a correctional facility. The state is not required to operate
30 a correctional facility in order to finance it under ORS 283.085 to 283.092 and this section.

31 (4) Notwithstanding any other provision of state law, county charter or ordinance, a county may
32 convey to the State of Oregon, acting by and through the Department of Corrections, title to or
33 interests in any real property, facility or personal property owned by the county for the purpose of
34 financing the construction, acquisition, expansion or remodeling of a correctional facility. Upon the
35 payment of all principal and interest on, or upon any other satisfaction of, the financing agreement
36 used to finance the construction, acquisition, expansion or remodeling of a correctional facility, the
37 state shall reconvey its interest in the property or facility, including the financed construction, ac-
38 quisition, expansion or remodeling, to the county. In addition to any authority granted by ORS
39 283.089, for the purposes of obtaining financing, the state may enter into agreements under which
40 the state may grant to trustees or lenders leases, mortgages, deeds of trust and other security in-
41 terests in county property conveyed to the state under this subsection and in the property or facil-
42 ities financed by financing agreements.

43 (5) In connection with the financing of correctional facilities, the Director of the Oregon De-
44 partment of Administrative Services may bill the Department of Corrections, and the Department
45 of Corrections shall pay the amounts billed, in the same manner as provided in ORS 283.089. As

1 required by ORS 283.091, the Department of Corrections and the Oregon Department of Adminis-
 2 trative Services shall include in the Governor's budget request to the Legislative Assembly all
 3 amounts that will be due in each fiscal period under financing agreements for correctional facilities.
 4 Amounts payable by the state under a financing agreement for the construction, acquisition, ex-
 5 pansion or remodeling of a correctional facility are limited to available funds as defined in ORS
 6 283.085, and no lender, trustee, certificate holder or county has any claim or recourse against any
 7 funds of the state other than available funds.

8 (6) The director shall adopt rules that may be necessary for the administration, evaluation and
 9 implementation of ORS 423.500 to 423.560. The standards shall be sufficiently flexible to foster the
 10 development of new and improved supervision or rehabilitative practices and maximize local control.

11 (7) When a county assumes responsibility under ORS 423.500 to 423.560 for correctional services
 12 previously provided by the department, the county and the department shall enter into an inter-
 13 governmental agreement that includes a local community corrections plan consisting of program
 14 descriptions, budget allocation, performance objectives and methods of evaluating each correctional
 15 service to be provided by the county.

16 (8) All community corrections plans shall comply with rules adopted pursuant to ORS 423.500
 17 to 423.560, and shall include but need not be limited to an outline of the basic structure and the
 18 supervision, services and local sanctions to be applied to offenders convicted of felonies who are:

19 (a) On parole;

20 (b) On probation;

21 (c) On post-prison supervision;

22 (d) Sentenced, on or after January 1, 1997, to 12 months or less of incarceration; and

23 (e) Sanctioned, on or after January 1, 1997, by a court or the State Board of Parole and Post-
 24 Prison Supervision to 12 months or less incarceration for a violation of a condition of parole, pro-
 25 bation or post-prison supervision.

26 (9) All community corrections plans shall designate a community corrections manager of the
 27 county or counties and shall provide that the administration of community corrections under ORS
 28 423.500 to 423.560 shall be under such manager.

29 (10) No amendment to or modification of *[an approved]* a **county-approved** community cor-
 30 rections plan shall be placed in effect without prior *[approval of]* notice to the director for **pur-**
 31 **poses of statewide data collection and reporting.**

32 **SECTION 5.** ORS 423.530 is amended to read:

33 423.530. (1) Financial grants for community corrections pursuant to ORS 423.500 to 423.560 *[shall*
 34 *consist of:]*

35 *[(a)]* **consist of the Grant-in-Aid Program. The Grant-in-Aid Program consists of** *[payments*
 36 *from]* moneys appropriated to the Department of Corrections for the purposes of management, sup-
 37 port services and supervision of *[parolees, probationers and offenders subject to post-prison super-*
 38 *vision]* **offenders described in section 9 (2) of this 1995 Act.** The department shall determine, prior
 39 to July 1 of each odd-numbered year, each county's percentage share of the amount appropriated for
 40 the purposes of this subsection. Such determination shall be *[made by use of a workload]* **based**
 41 **upon a weighted formula of workload and population** as adopted by the department by rule,
 42 *which formula shall be in effect beginning July 1, 1991, and which formula shall include all parole and*
 43 *probation appropriations subject to review and comment by the Community Corrections Advisory Board*
 44 *before the rule becomes final. This determination shall be based upon the community supervision*
 45 *workload and the difficulty and cost of servicing that workload]. In adopting the rule, the depart-*

1 ment shall consult with a broad based committee including, but not limited to, represen-
 2 tatives of the Department of Corrections, local county community corrections, county boards
 3 of commissioners and county sheriffs.

4 [(b) *Enhancement grants from the department for the purpose of providing community corrections*
 5 *services. The department shall determine, prior to July 1 of each odd-numbered year, each county's*
 6 *percentage share of the amount appropriated for the purposes of this subsection. Such determination*
 7 *shall be made by use of a workload formula adopted by the department by rule, which formula shall*
 8 *be in effect beginning July 1, 1993. This determination shall be based upon the community supervision*
 9 *workload and the difficulty and cost of servicing that workload. The formula shall be subject to review*
 10 *and comment by the Community Corrections Advisory Board before it becomes final.*]

11 [(c)] (2) [Appropriations to counties] **Funding received by a county** pursuant to ORS [423.550]
 12 **423.500** to 423.560 approved for [local government] **county** corrections programs shall not be reduced
 13 by the department except by action of the Legislative Assembly or the Emergency Board. Such re-
 14 ductions shall be made proportionately using the applicable allocation formula.

15 [(2) *The department shall by rule provide for computation of each county's entitlement in each*
 16 *biennial period in the event participation by the county is for less than a biennial period. Such com-*
 17 *putation shall be based upon any actions approved by the Legislative Assembly relative to the timing*
 18 *of expenditures with respect to appropriations for purposes of subsection (1) of this section.*]

19 **SECTION 5a.** (1) **The New Impact Fund is created consisting of moneys appropriated to**
 20 **the Department of Corrections for the biennium beginning July 1, 1995, for the purposes of**
 21 **planning, management, support services and supervision of offenders convicted of felonies**
 22 **who are sentenced to 12 months or less of incarceration and offenders convicted of felonies**
 23 **who have violated the conditions of parole, probation or post-prison supervision when the**
 24 **sanction imposed by a court or the State Board of Parole and Post-Prison Supervision for**
 25 **the violation is 12 months or less.**

26 (2) **The Department of Corrections shall allocate the moneys in the New Impact Fund**
 27 **based on each county's percentage share of the estimated fiscal year incarceration impact**
 28 **of offenders convicted of felonies who are sentenced to 12 months or less and persons con-**
 29 **vinced of felonies who have violated the conditions of parole, probation or post-prison super-**
 30 **vision when the sanction imposed by a court or the State Board of Parole and Post-Prison**
 31 **Supervision for the violation is 12 months or less.**

32 **SECTION 6.** (1) **The baseline funding for biennia beginning after June 30, 1997, is the**
 33 **current service level for the expenses of providing management, support services, super-**
 34 **vision and sanctions for offenders described in section 9 (2) of this Act. At a minimum, each**
 35 **biennium's appropriation must be established at this baseline.**

36 (2) **If the total state community corrections appropriation is less than the baseline cal-**
 37 **culated under subsection (1) of this section, a county may discontinue participation by writ-**
 38 **ten notification to the director 180 days prior to implementation of the change. If a county**
 39 **discontinues participation, the responsibility for correctional services transferred to the**
 40 **county, and the portion of funding made available to the county under ORS 423.530 reverts**
 41 **to the Department of Corrections. In no case does responsibility for supervision and pro-**
 42 **vision of correctional services to misdemeanor offenders revert to the department.**

43 (3) **As used in this section, "current service level" means the calculated cost of continu-**
 44 **ing current legislatively funded programs, phased in programs and increased caseloads minus**
 45 **one-time costs, decreased caseloads, phased out programs and pilot programs with the re-**

1 **mainder adjusted for inflation as determined by the Legislative Assembly in its biennial ap-**
2 **propriation to the Department of Corrections.**

3 **SECTION 7.** ORS 423.535 is amended to read:

4 423.535. [(1) To receive moneys for the operation of the community corrections program authorized
5 by ORS 423.500 to 423.560, the county must notify the Director of the Department of Corrections 90
6 days prior to the proposed beginning date of participation. Such notification shall be by resolution of
7 the appropriate board or boards of county commissioners.]

8 [(2)] (1) Prior to [participation in the program] **receiving funds**, the county shall have a [com-
9 prehensive] **biennial** community corrections plan [approved by the department].

10 [(3) The Department of Corrections, in consultation with the respective board of county commis-
11 sioners, may use moneys which would have been made available to the county pursuant to ORS 423.530
12 (1) and (2) to provide the community corrections services described therein. In providing such
13 services,]

14 **(2) The county and the Department of Corrections shall enter into an intergovernmental**
15 **agreement referring to the plan.**

16 **(3) The [department] county may contract with public or private agencies including, but not**
17 **limited to, other counties, cities, special districts and public or private agencies** for the pro-
18 vision of services to **offenders**. [convicted felons. Any agreement to reimburse counties for the cost
19 of providing services for felons shall include a provision that the department shall deduct from such
20 reimbursement the cost incurred by the department of supervising misdemeanant probationers.]

21 **SECTION 8.** ORS 423.540 is amended to read:

22 423.540. (1) The Director of the Department of Corrections shall [periodically review the per-
23 formance of counties participating] **annually review a county's compliance with the intergov-**
24 **ernmental agreement** under ORS 423.500 to 423.560. A county must substantially comply with the
25 provisions of its community corrections **intergovernmental agreement and plan** [and the operating
26 standards] established pursuant to ORS 423.525 (7) [(2) to remain eligible to participate]. If the di-
27 rector determines that there are reasonable grounds to believe that a county is not in substantial
28 compliance with the **intergovernmental agreement or plan** [or operating standards], the director
29 shall **contact the county regarding the alleged noncompliance and offer technical assistance**
30 **to reach compliance. If the county does not resolve the alleged noncompliance, the director**
31 **shall**, after giving the county not less than 30 days' notice, conduct a hearing to ascertain whether
32 there is substantial compliance or satisfactory progress being made toward compliance. After
33 **technical assistance is provided and the hearing occurs**, the director[, with the advice of the
34 Community Corrections Advisory Board,] may suspend any portion of [financial aid] **the funding**
35 made available to the county under ORS 423.500 to 423.560 until the required compliance occurs.

36 (2) [Financial aid] **Funding** received by a county pursuant to ORS 423.530 shall not be used to
37 replace moneys, other than federal or state funds, currently being used by the county for existing
38 correctional programs. [for misdemeanants and shall not be used to develop, build or improve local
39 correctional facilities as defined by ORS 169.005 (3).]

40 **SECTION 9.** (1) **The Department of Corrections shall:**

41 **(a) Operate prisons for offenders sentenced to terms of incarceration for more than 12**
42 **months;**

43 **(b) Provide central information and data services; and**

44 **(c) Provide interstate compact administration and jail inspections.**

45 **(2) Subject to section 6 of this Act, the county, in partnership with the department, shall**

1 assume responsibility for community-based supervision, sanctions and services for offenders
2 convicted of felonies who are:

3 (a) On parole;

4 (b) On probation;

5 (c) On post-prison supervision;

6 (d) Sentenced, on or after January 1, 1997, to 12 months or less incarceration; and

7 (e) Sanctioned, on or after January 1, 1997, by a court or the State Board of Parole and
8 Post-Prison Supervision to 12 months or less incarceration for violation of a condition of
9 parole, probation or post-prison supervision.

10 (3)(a) Notwithstanding the fact that the court has sentenced a person to a term of
11 incarceration, when an offender is committed to the custody of the supervisory authority of
12 a county under ORS 137.124 (2) or (4), the supervisory authority may execute the sentence
13 by imposing sanctions other than incarceration if deemed appropriate by the supervisory
14 authority.

15 (b) If the supervisory authority imposes a sanction other than incarceration on a person
16 under paragraph (a) of this subsection, the supervisory authority shall promptly notify the
17 sentencing court and the district attorney of the imposition of the alternative sanction.

18 (c) Prior to the imposition of a sanction other than incarceration by the supervisory
19 authority, or within four judicial days after receiving notice from the supervisory authority
20 that an alternative sanction has been imposed on a person pursuant to paragraph (a) of this
21 subsection, the court, upon motion of the district attorney or on its own motion, may direct
22 the supervisory authority to execute the sentence by incarcerating the person.

23 SECTION 9a. ORS 137.593 is amended to read:

24 137.593. (1) Except as otherwise provided in subsection (2) of this section, when a court suspends
25 the imposition or execution of sentence and places a defendant on probation, or sentences a de-
26 fendant to probation under the rules of the State Sentencing Guidelines Board and orders a de-
27 fendant placed under the supervision of the Department of Corrections or a county community
28 corrections agency, the Department of Corrections or the county community corrections agency
29 shall impose structured, intermediate sanctions for the violation of conditions of probation in ac-
30 cordance with rules adopted under ORS 137.595. Under no circumstances may the Department of
31 Corrections or a county community corrections agency revoke probation.

32 (2) Notwithstanding ORS 137.124, section 9 of this 1995 Act and any other provision of law,
33 the sentencing judge shall retain authority:

34 (a) To revoke probation and receive recommendations regarding revocation of probation from
35 the supervising officer made in accordance with rules adopted under ORS 137.595;

36 (b) To determine whether conditions of probation have been violated and to impose sanctions for
37 the violations if the court, at the time of sentencing, states on the record that the court is retaining
38 such authority; [and]

39 (c) To cause a probationer to be brought before the court for a hearing upon motion of the
40 district attorney or the court's own motion prior to the imposition of any structured, intermediate
41 sanctions or within four judicial days after receiving notice that a structured, intermediate sanction
42 has been imposed on the probationer pursuant to rules adopted under ORS 137.595 and to revoke
43 probation or impose such other or additional sanctions or modify the conditions of probation as
44 authorized by law; and

45 (d) To impose and require an offender to serve a period of incarceration not to exceed

1 **180 days as a sanction for revocation of probation.**

2 (3) In no case may the sentencing judge cause a probationer to be brought before the court for
3 a hearing and revoke probation or impose other or additional sanctions after the probationer has
4 completed a structured, intermediate sanction imposed by the Department of Corrections or a county
5 community corrections agency pursuant to rules adopted under ORS 137.595.

6 **SECTION 9b.** ORS 135.760 is amended to read:

7 135.760. (1) Any inmate in the custody of the Department of Corrections **or of the supervisory**
8 **authority of a county pursuant to a commitment under ORS 137.124 (2)** against whom there is
9 pending at the time of commitment or against whom there is filed at any time during imprisonment,
10 in any court of this state, an indictment, information or criminal complaint charging the inmate with
11 the commission of a crime, may give written notice to the district attorney of the county in which
12 the inmate is so charged requesting the district attorney to prosecute and bring the inmate to trial
13 on the charge forthwith.

14 (2) The notice provided for in subsection (1) of this section shall be signed by the inmate and
15 set forth the place and term of imprisonment. A copy of the notice shall be sent to the court in
16 which the inmate has been charged by indictment, information or complaint.

17 **SECTION 9c.** ORS 135.767 is amended to read:

18 135.767. (1) Whenever the presence of an inmate in the custody of the Department of Corrections
19 **or of the supervisory authority of a county pursuant to a commitment under ORS 137.124 (2)**
20 is necessary in any criminal proceeding under ORS 135.760 to 135.773, the court wherein the inmate
21 is charged with the commission of a crime may issue an order directing the Director of the De-
22 partment of Corrections **or the supervisory authority of a county** to surrender the inmate to the
23 sheriff of the county where the inmate is to be tried.

24 (2) The costs of transportation and maintenance of any inmate removed under this section shall
25 be paid by the county where the inmate is charged with commission of a crime.

26 (3) At the conclusion of any criminal proceeding under ORS 135.760 to 135.773, notwithstanding
27 the provisions of ORS 137.140, the inmate shall be returned by the sheriff to the custody of the
28 Department of Corrections **or the supervisory authority of the county in which the inmate is**
29 **imprisoned.**

30 (4) The time during which an inmate is in the custody of the sheriff under this section is part
31 of and shall be counted as time served under the original sentence.

32 **SECTION 10.** ORS 423.555 is amended to read:

33 423.555. The Department of Corrections shall establish and operate, **with the cooperation and**
34 **participation of county community corrections agencies**, a statewide evaluation and information
35 system to monitor the effectiveness of correctional services provided to criminal [*defendants*]
36 **offenders** under ORS 423.500 to 423.560.

37 **SECTION 11.** ORS 423.560 is amended to read:

38 423.560. (1) The board or boards of county commissioners of a county [*that is participating under*
39 *ORS 423.500 to 423.560 shall designate a local corrections advisory committee*] **shall convene a local**
40 **public safety coordinating council.** The [*committee*] **council** shall include, **but need not be limited**
41 **to:**

42 [(a) A law enforcement officer;]

43 [(b) A district attorney;]

44 [(c) A circuit court judge;]

45 [(d) A public defender or defense attorney;]

1 [(e) A probation or parole officer;]

2 [(f) A representative of a private correctional agency, if a suitable agency exists in the county;]

3 [(g) A county commissioner from each county;]

4 [(h) Seven lay citizens, one of which shall be a member of a minority ethnic group if such a group
5 exists in the county; and]

6 [(i) An ex-offender.]

7 (a) A police chief selected by the police chiefs in the county;

8 (b) The sheriff of the county or, if two or more counties have joined together to provide
9 community corrections services, a sheriff selected by the sheriffs in the counties;

10 (c) The district attorney of the county or, if two or more counties have joined together
11 to provide community corrections services, a district attorney selected by the district at-
12 torneys of the counties;

13 (d) A state court judge, and a public defender or defense attorney, both appointed by the
14 presiding judge of the judicial district in which the county is located;

15 (e) A director of community corrections, a county commissioner, a juvenile department
16 director, a health or mental health director and at least one lay citizen, all appointed by the
17 county commissioners;

18 (f) A city councilor or mayor and a city manager or other city representative, both se-
19 lected by the cities in the county; and

20 (g) A representative of the Oregon State Police, who is a nonvoting member of the
21 council, selected by the Superintendent of State Police.

22 (2) [The committee shall actively participate in the design of the county's community corrections
23 plan and application for financial aid, observe the operation of community corrections in the county,
24 make an annual report and develop appropriate recommendations for improvement or modification to
25 the county commissioners or community corrections manager of the county.] **The boards of county
26 commissioners of two or more counties may jointly convene a single, regional local public
27 safety coordinating council by means of an intergovernmental agreement. Local officials may
28 combine the council with existing local criminal justice advisory councils established under
29 ORS 1.851. The local public safety coordinating council shall, at a minimum:**

30 (a) Develop and recommend to the county board of commissioners a plan for use of:

31 (A) State resources to serve the local offender population; and

32 (B) State and local resources to serve the needs of that part of the local offender popu-
33 lation who are at least 15 years of age and less than 18 years of age, which plan must provide
34 for coordination of community-wide services involving prevention, treatment, education,
35 employment resources and intervention strategies; and

36 (b) Coordinate local criminal justice policy among affected criminal justice entities.

37 **SECTION 11a.** If Senate Bill 1 becomes law, section 75, chapter _____, Oregon Laws 1995 (En-
38 rolled Senate Bill 1) is amended to read:

39 **Sec. 75.** (1) [The board of county commissioners of a county shall convene a local public safety
40 coordinating council. The council shall include, but need not be limited to:]

41 [(a) A police chief selected by the police chiefs in the county;]

42 [(b) The sheriff of the county or, if two or more counties have joined together to provide community
43 corrections services, a sheriff selected by the sheriffs in the counties;]

44 [(c) The district attorney of the county or, if two or more counties have joined together to provide
45 community corrections services, a district attorney selected by the district attorneys of the counties;]

1 *[(d) A state court judge, and a public defender or defense attorney, both appointed by the presiding*
2 *judge of the judicial district in which the county is located;]*

3 *[(e) A director of community corrections, a county commissioner, a juvenile department director, a*
4 *health or mental health director and at least one lay citizen, all appointed by the county*
5 *commissioners;]*

6 *[(f) A city councilor or mayor and a city manager or other city representative, both selected by the*
7 *cities in the county; and]*

8 *[(g) A representative of the Oregon State Police, who is a nonvoting member of the council, selected*
9 *by the Superintendent of State Police.]*

10 *[(2) The local public safety coordinating council may be a combination of local governmental units,*
11 *including multiple counties by means of regional intergovernmental agreements. Local officials may*
12 *combine the council with existing local criminal justice advisory councils established under ORS*
13 *1.851.] In addition to the duties assigned to it under ORS 423.560, the local public safety coord-*
14 *inating council convened by the board of commissioners shall, at a minimum:*

15 (a) Develop and recommend to the county board of commissioners the plan for use of state re-
16 sources to serve the local youth offender population;

17 (b) Coordinate local juvenile justice policy among affected juvenile justice entities; and

18 (c) In consultation with the local commission on children and families, develop and recommend
19 to the county board of commissioners a plan designed to prevent criminal involvement by youth. The
20 plan must provide for coordination of community-wide services involving treatment, education, em-
21 ployment and intervention strategies aimed at crime prevention.

22 **SECTION 12.** ORS 137.124 is amended to read:

23 137.124. (1) If the court imposes a sentence [*of imprisonment*] upon conviction of a felony **that**
24 **includes a term of incarceration that exceeds 12 months:**[.]

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

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

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

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

43 [(2)] (3) After assuming custody of the convicted person the Department of Corrections may
44 transfer inmates from one correctional facility to another such facility for the purposes of diagnosis
45 and study, rehabilitation and treatment, as best seems to fit the needs of the inmate and for the

1 protection and welfare of the community and the inmate.

2 [(3)] (4) If the court imposes a sentence of imprisonment upon conviction of a misdemeanor, it
3 shall commit the defendant to the custody of the *[executive head of the correctional facility for the*
4 *imprisonment of misdemeanants designated in the judgment]* **supervisory authority of the county**
5 **in which the crime of conviction occurred.**

6 [(4)] (5)(a) When a person under 18 years of age is waived under ORS 419C.349, 419C.352,
7 419C.364 or 419C.370 and subsequently is sentenced to a term of imprisonment in the custody of the
8 Department of Corrections **or the supervisory authority of a county**, the department **or the su-**
9 **pervisory authority of a county** shall transfer the person to a juvenile training school for physical
10 custody as provided in ORS 420.011 (3).

11 (b) When a person under 16 years of age is waived under ORS 419C.349, 419C.352, 419C.364 or
12 419C.370 and subsequently is sentenced to a term of imprisonment in the county jail, the sheriff shall
13 transfer the person to a juvenile training school for physical custody as provided in ORS 420.011 (3).

14 **SECTION 12a.** If Senate Bill 1 becomes law, section 12 of this Act (amending ORS 137.124) is
15 repealed and on January 1, 1997, ORS 137.124, as amended by section 57a, chapter _____, Oregon
16 Laws 1995 (Enrolled Senate Bill 1), is further amended to read:

17 137.124. (1)[(a)] If the court imposes a sentence *[of imprisonment]* upon conviction of a felony[
18 *it]* **that includes a term of incarceration that exceeds 12 months:**

19 (a) **The court** shall not designate the correctional facility in which the defendant is to be con-
20 fined but shall commit the defendant to the legal and physical custody of the Department of Cor-
21 rections; **and**

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

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

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

37 *[(b) If the Director of the Oregon Youth Authority concurs in the decision, the Department of*
38 *Corrections shall transfer the physical custody of a person committed to the Department of Corrections*
39 *under this subsection to the Oregon Youth Authority as provided in ORS 420.011 (2) if:]*

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

42 *[(B) The person has not been committed previously to the legal and physical custody of the De-*
43 *partment of Corrections;]*

44 *[(C) The person has not been convicted and sentenced to a term of imprisonment for the commission*
45 *of a felony in any other state;]*

1 [(D) *The person will complete the term of imprisonment imposed before the person attains 25 years*
2 *of age;*]

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

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

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

9 [(2)] (3) After assuming custody of the convicted person the Department of Corrections may
10 transfer inmates from one correctional facility to another such facility for the purposes of diagnosis
11 and study, rehabilitation and treatment, as best seems to fit the needs of the inmate and for the
12 protection and welfare of the community and the inmate.

13 [(3)] (4) If the court imposes a sentence of imprisonment upon conviction of a misdemeanor, it
14 shall commit the defendant to the custody of the [*executive head of the correctional facility for the*
15 *imprisonment of misdemeanants designated in the judgment*] **supervisory authority of the county**
16 **in which the crime of conviction occurred.**

17 [(4)(a)] (5)(a) When a person under 18 years of age is sentenced and committed to the Depart-
18 ment of Corrections under section 49, chapter _____, **Oregon Laws 1995 (Enrolled Senate Bill**
19 **1) [of this 1995 Act]**, the Department of Corrections shall transfer the physical custody of the person
20 to the Oregon Youth Authority as provided in ORS 420.011 if:

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

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

26 (b) A person placed in the custody of the Oregon Youth Authority under this subsection shall
27 be returned to the physical custody of the Department of Corrections whenever the Director of the
28 Oregon Youth Authority, after consultation with the Department of Corrections, determines that the
29 conditions or circumstances that warranted the transfer of custody under this subsection are no
30 longer present.

31 [(5)(a)] (6)(a) When a person under 18 years of age is committed to the legal and physical cus-
32 tody of the Department of Corrections **or the supervisory authority of a county** following waiver
33 under ORS 419C.349, 419C.352, 419C.364 or 419C.370 or sentencing under section 49 (5)(b)(A) or
34 (7)(b), **chapter _____, Oregon Laws 1995 (Enrolled Senate Bill 1) [of this 1995 Act]**, the De-
35 partment of Corrections **or the supervisory authority of a county** shall transfer the person to the
36 physical custody of the Oregon Youth Authority for placement as provided in ORS 420.011 (3). The
37 terms and conditions of the person's incarceration and custody are governed by sections 52 to 56,
38 **chapter _____, Oregon Laws 1995 (Enrolled Senate Bill 1) [of this 1995 Act]**.

39 (b) When a person under 16 years of age is waived under ORS 419C.349, 419C.352, 419C.364 or
40 419C.370 and subsequently is sentenced to a term of imprisonment in the county jail, the sheriff shall
41 transfer the person to a youth correction facility for physical custody as provided in ORS 420.011
42 (3).

43 (7) **If the Director of the Oregon Youth Authority concurs in the decision, the Depart-**
44 **ment of Corrections or the supervisory authority of a county shall transfer the physical**
45 **custody of a person committed to the Department of Corrections or the supervisory au-**

1 thority of the county under subsection (1) or (2) of this section to the Oregon Youth Au-
2 thority as provided in ORS 420.011 (2) if:

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

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

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

9 (d) The person will complete the term of incarceration imposed before the person attains
10 25 years of age;

11 (e) The person is likely in the foreseeable future to benefit from the rehabilitative and
12 treatment programs administered by the Oregon Youth Authority;

13 (f) The person does not pose a substantial danger to Oregon Youth Authority staff or
14 persons in the custody of the Oregon Youth Authority; and

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

17 [(6)] (8) Notwithstanding the provisions of subsections [(1)(b) and (4)(a)(A)] (5)(a)(A) or (7) of
18 this section, the department or the supervisory authority of a county may not transfer the
19 physical custody of the person under subsection [(1)(b) or (4)(a)(A)] (5)(a)(A) or (7) of this section
20 if the Director of the Oregon Youth Authority, after consultation with the Department of Cor-
21 rections or the supervisory authority of a county, determines that, because of the person's age,
22 immaturity, mental or emotional condition or risk of physical harm to other persons, the person
23 should not be incarcerated in a youth correction facility.

24 **SECTION 13.** ORS 137.661 is amended to read:

25 137.661. All officers, boards, commissions and other agencies of the State of Oregon shall coop-
26 erate with the Oregon Criminal Justice Council to accomplish the purposes of this section and ORS
27 137.651, 137.653[,] and 137.655 [and 423.510].

28 **SECTION 13a.** If House Bill 2704 becomes law, section 13 of this Act (amending ORS
29 137.661) is repealed.

30 **SECTION 14.** ORS 423.570 is amended to read:

31 423.570. (1) A person sentenced to probation or placed by an authority on parole, post-prison
32 supervision or other form of release, subject to supervision by [either the Department of Corrections
33 or, directly or indirectly, by] a community corrections program established under ORS 423.500 to
34 423.560, shall be required to pay a monthly fee to offset costs of supervising the probation, parole,
35 post-prison supervision or other supervised release.

36 (2) A person sentenced to probation or placed by an authority on parole, post-prison supervision
37 or other form of release, subject to supervision other than by [either the Department of Corrections
38 or] a community corrections program established under ORS 423.500 to 423.560, may be required by
39 the releasing authority to pay a monthly fee to offset costs of supervising the probation, parole,
40 post-prison supervision or other supervised release.

41 (3) When a fee is required under subsection (1) of this section, the fee shall be determined and
42 fixed by the releasing authority but shall be at least \$25, and if the releasing authority fails to es-
43 tablish the amount of a released person's required fee, the fee shall be \$25.

44 (4) Fees are payable one month following the commencement of probation, parole, post-prison
45 supervision or other supervised release and at one-month intervals thereafter. [Fees shall be collected

1 as follows:]

2 [(a) If the released person is supervised under county authority[, *other than by the Department*
3 *of Corrections*], the county shall collect or provide by contract for the collection of the fee from the
4 released person and shall retain the fee to be used by the county for funding of its community cor-
5 rections program [*or, if it has no community corrections program, then for general governmental pur-*
6 *poses*].

7 [(b) *If the released person is supervised by the Department of Corrections, the department shall*
8 *collect or provide by contract for the collection of the fee from the released person and shall retain the*
9 *fee. Moneys received by the Department of Corrections are continuously appropriated to the Department*
10 *of Corrections for use in financing department field services.*]

11 (5) Except in the case of a probation granted by a court before that date, the fee requirements
12 imposed by this section apply beginning July 1, 1981, to all persons under supervised probation,
13 parole, post-prison supervision or other form of supervised release pursuant to subsection (1) of this
14 section, including persons on such supervised release in this state under any interstate agreement.
15 Timely payment of the fee is hereby made a condition of such probation, parole, post-prison super-
16 vision or other supervised release. In the case of a probation granted by a court prior to July 1,
17 1981, the court may amend its order granting probation to provide for payment of the fee.

18 (6) In cases of financial hardship or when otherwise advisable in the interest of the released
19 person's rehabilitation:

20 (a) The community corrections [*program director or the Director of the Department of Corrections,*
21 *whichever is appropriate, or the designee thereof,*] **manager** may waive or reduce the amount of the
22 fee.

23 (b) The sentencing court may waive or reduce the amount of the fee for any person whom the
24 court has sentenced to probation. If any of the fee requirement is reduced by the court, only the
25 court may restore the requirement.

26 **SECTION 15.** ORS 423.550 is repealed and section 16 of this Act is enacted in lieu thereof.

27 **SECTION 16.** (1) Notwithstanding ORS 236.605 to 236.650, all state positions in the state
28 community corrections branch of the Department of Corrections, the funding for which is
29 transferred to counties, are abolished on January 1, 1997. Counties have sole discretion in
30 the development of methods and means of county community corrections operation under
31 ORS 423.500 to 423.560 including establishment of wages, benefits and working conditions and
32 selection of any employees to operate supervision programs or other services and sanctions
33 under ORS 423.525 and section 9 of this 1995 Act. The implementation of this section does
34 not give rise to any bargaining obligation under ORS 243.650 to 243.782. Notwithstanding any
35 collective bargaining agreement, the department shall first offer to any employee so affected
36 and not hired by a county a vacant position in other department branches and operations for
37 which the employee is qualified. This preference lapses 90 days after the operative date of
38 this section. The department has sole discretion in selecting and filling vacant positions from
39 among affected employees having preference.

40 (2) Notwithstanding subsection (1) of this section, for each month of employment during
41 the period of January 1, 1997, through June 30, 1997, a county shall pay each affected em-
42 ployee hired by the county in regular full-time employment to provide or to support the
43 provision of community corrections programs and services the same minimum gross monthly
44 salary or hourly wage that the affected employee received in state employment immediately
45 prior to termination of the employee's state position. In the event an affected employee

1 formerly employed by the state in a supervisory position is hired by a county in a nonsu-
 2 pervisory position, the county shall pay the affected employee during this period the same
 3 minimum gross monthly salary or hourly wage to which an affected employee in the nonsu-
 4 pervisory position would have been entitled to receive in state employment at the top step
 5 of the state pay classification for that position immediately prior to its termination. A
 6 county shall also provide to each affected employee during this period the same benefits
 7 provided to existing county employees performing the same or substantially similar work,
 8 giving full consideration to the length of the employee's state service as though the service
 9 had been in and for the county.

10 **SECTION 17.** ORS 144.108 is amended to read:

11 144.108. (1) If the violation of post-prison supervision is new criminal activity or if the supervi-
 12 sory authority finds that *[local]* **the continuum of sanctions** *[are]* is insufficient punishment for a
 13 violation of the conditions of post-prison supervision, the supervisory authority may request the
 14 State Board of Parole and Post-Prison Supervision to *[return the released person to a state*
 15 *correctional facility]* **impose the most restrictive local option available, including incarceration**
 16 **in jail.**

17 (2) If so requested, the board or its designated representative shall hold a hearing to determine
 18 whether *[imprisonment]* **incarceration in jail** is appropriate. Except as otherwise provided by rules
 19 of the Department of Corrections concerning parole and post-prison supervision violators, the board
 20 may impose a *[term of imprisonment]* **sanction** up to the maximum provided by rules of the State
 21 Sentencing Guidelines Board. In conducting a hearing pursuant to this subsection, the board or its
 22 designated representative shall follow the procedures and the offender shall have all the rights de-
 23 scribed in ORS 144.343 and 144.347 relating to revocation of parole.

24 (3) A person who is ordered to serve a term of *[imprisonment]* **incarceration in jail** as a sanc-
 25 tion for a post-prison supervision violation is not eligible for:

- 26 (a) Earned credit time as defined in ORS 421.121;
- 27 (b) Transitional leave as defined in ORS 421.168; or
- 28 (c) Temporary leave as defined in ORS 421.165.

29 (4) A person who is ordered to serve a term of *[imprisonment]* **incarceration in jail** as a sanc-
 30 tion for a post-prison supervision violation shall receive credit for time served *[in a state or local*
 31 *correctional facility]* on the post-prison supervision violation prior to the board's imposition of a term
 32 of *[imprisonment]* **incarceration in jail.**

33 **SECTION 18.** ORS 144.232 is amended to read:

34 144.232. (1) A person sentenced under ORS 161.725 and 161.735 as a dangerous offender for fel-
 35 onies committed on or after November 1, 1989, shall be considered for release to post-prison super-
 36 vision. The offender is eligible for release to post-prison supervision after having served the required
 37 incarceration term established under ORS 161.737.

38 (2) The State Board of Parole and Post-Prison Supervision shall hold a release hearing no later
 39 than 10 days prior to the date on which the offender becomes eligible for release on post-prison
 40 supervision as provided in subsection (1) of this section.

41 (3) The dangerous offender's eligibility for and release to post-prison supervision shall be deter-
 42 mined in a manner consistent with the procedures and criteria required by ORS 144.228 for the
 43 parole determination process applicable to dangerous offenders sentenced for crimes committed prior
 44 to November 1, 1989.

45 (4) An offender released under this section shall serve the remainder of the sentence term im-

1 posed under ORS 161.725, 161.735 and 161.737 on post-prison supervision, however:

2 (a) Notwithstanding ORS 137.010 or the rules of the State Sentencing Guidelines Board, the
3 State Board of Parole and Post-Prison Supervision may *[return an offender to prison]* **sanction an**
4 **offender to the supervision of the local authority** for a maximum period of 180 days *[as a sanc-*
5 *tion]* for any supervision violation. The sanction may be imposed repeatedly during the term of
6 post-prison supervision for subsequent supervision violations.

7 (b) After release under this section, the board may at any time return the offender to prison and
8 require the offender to submit to a psychiatric or psychological examination as provided for in ORS
9 144.226. If the board finds that the offender's dangerousness has returned and cannot be adequately
10 controlled with supervision and mental and physical health treatment, or that resources for super-
11 vision and treatment are not available to the offender, the board may defer the offender's release
12 from prison for an indefinite period of time. An offender returned to prison under this paragraph is
13 entitled to periodic reviews once every two years for possible release to post-prison supervision as
14 provided by subsection (3) of this section.

15 **SECTION 19.** ORS 144.340 is amended to read:

16 144.340. (1) The Department of Corrections, in accordance with the rules and regulations or di-
17 rections of the State Board of Parole and Post-Prison Supervision or the Governor, as the case may
18 be, may cause to have retaken and returned persons to the institution, **or to the supervision of**
19 **the local authority**, whether in or out of the state, whenever they have violated the conditions of
20 their parole or post-prison supervision.

21 (2) Persons retaken and returned to this state from outside the state upon order or warrant of
22 the Department of Corrections, State Board of Parole and Post-Prison Supervision or the Governor,
23 for violation of conditions of their parole or post-prison supervision, shall be detained in a Depart-
24 ment of Corrections facility pending any hearing concerning the alleged violation, and ultimate dis-
25 position by the State Board of Parole and Post-Prison Supervision.

26 (3) **Persons retaken and returned to this state from outside the state under this section**
27 **are liable for the costs and expenses of retaking and returning the person upon:**

28 (a) **A finding by the State Board of Parole and Post-Prison Supervision of present or fu-**
29 **ture ability to pay; and**

30 (b) **Order of the State Board of Parole and Post-Prison Supervision.**

31 **SECTION 20.** (1) **No later than November 1, 1996, the State Sentencing Guidelines Board**
32 **shall amend its rules to make the rules consistent with the amendments to statutes made**
33 **by sections 1a to 5, 7, 8, 9a, 9b, 9c, 10 to 14, 17 to 19, 22 to 26 and 29 of this Act and the**
34 **provisions of sections 5a, 6, 9 and 16 of this Act.**

35 (2) **ORS 137.667 does not apply to amendments to rules adopted pursuant to subsection**
36 **(1) of this section.**

37 **NOTE:** Section 21 was deleted by amendment. Subsequent sections were not renumbered.

38 **SECTION 22.** ORS 144.085 is amended to read:

39 144.085. (1) *[The State Board of Parole and Post-Prison Supervision shall adopt rules providing*
40 *for periods of supervised parole and post-prison supervision subject to the following:]*

41 *[(a)]* All prisoners **sentenced to prison for more than 12 months shall serve *[at least]* active**
42 **periods of parole or post-prison supervision as follows:**

43 *[(A)]* (a) Six months of *[supervised]* active parole or post-prison supervision for crimes in crime
44 categories one to three;

45 *[(B)]* (b) Twelve months of *[supervised]* active parole or post-prison supervision for crimes in

1 crime categories four to *[six; and]* 10;

2 *[(C) Eighteen months of supervised parole or post-prison supervision for crimes in crime categories*
3 *seven to eleven;]*

4 *[(b)]* (c) Prisoners sentenced as dangerous offenders under ORS 161.725 and 161.735, for aggra-
5 vated murder under ORS 163.105 or for murder under ORS 163.115 shall serve at least three years
6 of *[supervised]* active parole or post-prison supervision; *[and]*

7 *[(c)]* (d) Prisoners sentenced for violating or attempting to violate ORS 163.375, 163.405, 163.408,
8 163.411, 163.425 or 163.427 shall serve a term of post-prison supervision as provided in ORS
9 144.103; and

10 (e) Prisoners sentenced for robbery in the first degree under ORS 164.415 or for arson in
11 the first degree under ORS 164.325 shall serve three years of active parole or post-prison
12 supervision.

13 (2) Except as authorized in subsections (3) and (4) of this section, when an offender has
14 served the active period of parole or post-prison supervision established under subsection
15 (1)(a) or (b) of this section, the supervisory authority shall place the offender on inactive
16 supervision status.

17 *[(2)]* (3) No sooner than 30 days prior to the *[minimum supervision date]* expiration of an
18 offender's *[supervised]* active parole or post-prison supervision period as provided in subsection
19 (1) of this section, the *[supervising officer]* supervisory authority may send to the board a *[closing*
20 *summary]* report requesting the board to extend the active supervision period or to return the
21 offender to active supervision status, not to exceed the supervision term imposed by the
22 sentencing court under the rules of the State Sentencing Guidelines Board and applicable
23 laws, if the offender has not substantially fulfilled the supervision conditions or has failed to
24 complete payment of restitution. The *[summary]* report shall include:

25 (a) An evaluation of the offender's compliance with supervision conditions;

26 (b) The status of the offender's court ordered monetary obligations, including fines and
27 restitution, if any;

28 (c) The offender's employment status;

29 (d) The offender's address;

30 (e) Treatment program outcome;

31 (f) Any new criminal activity; and

32 (g) A recommendation that the board *[place the offender on unsupervised parole or post-prison*
33 *supervision]* extend the supervision period or return the offender to active supervision
34 status.

35 *[(3) Upon completion of the period of supervision and after reviewing the closing summary sub-*
36 *mitted under subsection (2) of this section, the board may:]*

37 *[(a) Order a period of inactive parole or post-prison supervision that shall continue until the expi-*
38 *ration of the sentence; or]*

39 *[(b)]* (4) After reviewing the report submitted under subsection (3) of this section, the
40 board may extend the active supervision period or return the offender to active supervision
41 status, not to exceed the supervision term imposed by the sentencing court under the rules
42 of the State Sentencing Guidelines Board and applicable laws, if it finds the offender has not
43 substantially fulfilled the supervision conditions or has failed to complete payment of restitution.

44 *[(4)]* (5) During the pendency of any violation proceedings, the running of the supervision period
45 and the sentence is stayed, and the board has jurisdiction over the offender until the proceedings

1 are resolved.

2 [(5)] (6) The board shall send written notification to the supervised offender of the expiration
3 of the sentence.

4 **SECTION 23.** ORS 144.102 is amended to read:

5 144.102. (1) The State Board of Parole and Post-Prison Supervision shall specify in writing the
6 conditions of post-prison supervision imposed under ORS 144.096. A copy of the conditions shall be
7 given to the person upon release from prison.

8 (2) The board shall determine, and may at any time modify, the conditions of post-prison super-
9 vision which may include, among other conditions, that the person shall:

10 (a) Comply with the conditions of post-prison supervision as specified by the board.

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

13 (c) Answer all reasonable inquiries of the board, **the department** or the [*department's*] super-
14 visory authority.

15 (d) Report to the parole officer as directed by the board, **the department** or the [*department's*]
16 supervisory authority.

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

18 (f) Respect and obey all municipal, county, state and federal laws.

19 (g) Understand that the board may, at its discretion, punish violations of post-prison supervision.

20 (h) Attend a victim impact treatment session in a county that has a victim impact program. If
21 the board requires attendance under this paragraph, the board may require the person, as an addi-
22 tional condition of post-prison supervision, to pay a reasonable fee to the victim impact program to
23 offset the cost of the person's participation. The board shall not order a person to pay a fee in ex-
24 cess of \$5 under this paragraph.

25 (3) The board may establish such special conditions as it shall determine are necessary because
26 of the individual circumstances of the person under post-prison supervision.

27 (4) The board may require the person to pay, as a condition of post-prison supervision, any
28 compensatory fines, restitution or attorney fees imposed by the sentencing court.

29 (5) A person's failure to apply for or accept employment at any workplace where there is a labor
30 dispute in progress may not constitute a violation of the conditions of post-prison supervision. As
31 used in this subsection, "labor dispute" has the meaning given that term in ORS 662.010.

32 **SECTION 24.** ORS 144.104 is amended to read:

33 144.104. (1) Upon release from prison, the person shall be supervised by the Department of
34 Corrections or [*the corrections agency designated by the department*] **other supervisory authority**.

35 (2) During the period of post-prison supervision, the supervisory authority may adjust the level
36 of supervision and recommend to the State Board of Parole and Post-Prison Supervision revisions
37 to the conditions of supervision appropriate to the released person's conduct in the community.

38 **SECTION 25.** ORS 144.350 is amended to read:

39 144.350. (1) The Department of Corrections **or other supervisory authority** may order the ar-
40 rest and detention of any person then under the supervision or control of the department **or other**
41 **supervisory authority** upon being informed and having reasonable grounds to believe that such
42 person has violated the conditions of parole, post-prison supervision, probation, conditional pardon
43 or other conditional release from custody. Before issuing such an order, the department **or other**
44 **supervisory authority** shall investigate for the purpose of ascertaining whether the terms of the
45 parole, post-prison supervision, probation, conditional pardon or other conditional release have been

1 violated.

2 (2) Notwithstanding subsection (1) of this section, the department **or other supervisory au-**
3 **thority** may order the arrest and detention of any person under its supervision or control if it has
4 reasonable grounds to believe that such person is a danger to self or to others. A hearing shall
5 follow as promptly as convenient to the parties to determine whether probable cause exists to con-
6 tinue detention pending a final determination of the case.

7 **SECTION 26.** ORS 144.360 is amended to read:

8 144.360. Any order issued by the Department of Corrections **or other supervisory authority**
9 as authorized by ORS 144.350 constitutes full authority for the arrest and detention of the violator,
10 and all the laws applicable to warrants of arrest shall apply to such orders.

11 **SECTION 27.** (1) **As used in ORS 137.124 and 144.085, ORS chapter 144, section 9 of this**
12 **Act and this section, "supervisory authority" means the state or local corrections agency**
13 **or official designated in each county by that county's board of county commissioners or**
14 **county court to operate corrections supervision services, custodial facilities or both.**

15 (2) **Except as provided in ORS 137.124 and 137.593 (2)(d) and section 9 of this Act, all**
16 **terms of imprisonment or incarceration of 12 months or less must be served at the direction**
17 **of the supervisory authority.**

18 **SECTION 28.** ORS 420.011 is amended to read:

19 420.011. (1) Except as provided in subsections (2) and (3) of this section, admissions to the ju-
20 venile training schools are limited to persons 12 years of age and older but less than 19 years of
21 age, found by the juvenile court to be within the court's jurisdiction by reason of a ground set forth
22 in ORS 419C.495 and placed in the legal custody of the Children's Services Division. No child under
23 the age of 12 years may be admitted to, received by or cared for in a juvenile training school. No
24 child admitted to a juvenile training school shall be transferred by administrative process to any
25 penal or correctional institution.

26 (2) In addition to the persons placed in the legal custody of the Children's Services Division
27 under ORS 419B.337 (1), 419C.478 (1) or 419C.481 and with the concurrence of the assistant director
28 or designee, persons under the age of 21 years who are committed to the custody of the Department
29 of Corrections under ORS 137.124 may be temporarily assigned to a juvenile training school by the
30 Department of Corrections. A person assigned on such a temporary basis remains within the legal
31 custody of the Department of Corrections under ORS 137.124 and such assignment shall be subject
32 to termination by the Assistant Director for Children's Services by referring such youths back to
33 the Department of Corrections.

34 (3) Any person under 18 years of age who, after waiver under ORS 419C.349, 419C.352, 419C.364
35 or 419C.370, is sentenced to a term of imprisonment in the custody of the Department of Corrections,
36 and any person under 16 years of age who after waiver is sentenced to a term of imprisonment in
37 the county jail, shall be temporarily assigned to a juvenile training school by the Department of
38 Corrections, or by the sheriff to whose custody the person has been committed, pursuant to ORS
39 137.124 [(4)] (5). The Children's Services Division shall designate the appropriate juvenile training
40 school or schools for such assignment. A person assigned to a juvenile training school under ORS
41 137.124 [(4)] (5) and this subsection remains within the legal custody of the Department of Cor-
42 rections or sheriff to whose custody the person was committed. The assignment of such a person to
43 the juvenile training school shall be subject, when the person is 16 years of age or older, to termi-
44 nation by the Assistant Director for Children's Services by referring the person back to the De-
45 partment of Corrections or the sheriff to serve the balance of the person's sentence. Assignment to

1 a juvenile training school pursuant to ORS 137.124 [(4)] (5) and this subsection, if not terminated
 2 earlier by the Assistant Director for Children's Services, shall terminate upon the person's attaining
 3 the age of 21 years, and the person shall be referred to the Department of Corrections or the sheriff
 4 having legal custody of the person to serve the balance of the person's sentence.

5 (4) Whenever a person committed to the custody of the Department of Corrections is temporarily
 6 assigned to a juvenile training school pursuant to this section, the Children's Services Division shall
 7 have authority to provide such programs and treatment for such person, and to adopt rules relating
 8 to conditions of confinement at the training school, as the Children's Services Division shall deter-
 9 mine are appropriate. However, the person shall remain subject to laws and rules of the State
 10 Board of Parole and Post-Prison Supervision relating to parole.

11 **SECTION 29.** ORS 137.320 is amended to read:

12 137.320. (1) When a judgment includes commitment to the legal and physical custody of the De-
 13 partment of Corrections, the sheriff shall deliver the defendant, together with a copy of the entry
 14 of judgment and a statement signed by the sheriff of the number of days the defendant was
 15 imprisoned prior to delivery, to the superintendent of the Department of Corrections institution to
 16 which the defendant is initially assigned pursuant to ORS 137.124. **If at the time of entry of a**
 17 **judgment, the defendant was serving a term of incarceration at the direction of the super-**
 18 **visory authority of a county upon conviction of a prior felony, the sheriff shall also deliver**
 19 **to the Department of Corrections a copy of the prior entry of judgment committing the de-**
 20 **fendant to the supervisory authority of the county of conviction and a statement of the**
 21 **number of days the defendant has remaining to be served on the term or incarceration im-**
 22 **posed in the prior judgment.**

23 (2) If the defendant is surrendered to another legal authority prior to delivery to an institution
 24 of the Department of Corrections, the sheriff shall forward to the Department of Corrections [a
 25 copy] copies of the entry of [judgment] **all pertinent judgments**, a statement of the number of days
 26 the defendant was imprisoned prior to surrender, **a statement of the number of days the de-**
 27 **fendant has remaining to be served on any term of incarceration the defendant was serving**
 28 **at the direction of the supervisory authority of a county upon conviction of a prior felony**
 29 and an identification of the authority to whom the prisoner was surrendered.

30 (3) Upon receipt of the information described in subsection (1) or (2) of this section, the De-
 31 partment of Corrections shall establish a case file and compute the defendant's sentence in accord-
 32 ance with the provisions of ORS 137.370.

33 (4) When the judgment is imprisonment in the county jail or a fine and that the defendant be
 34 imprisoned until it is paid, the judgment shall be executed by the sheriff of the county. The sheriff
 35 shall compute the time the defendant was imprisoned after arrest and prior to the commencement
 36 of the term specified in the judgment. Such time shall be credited towards the term of the sentence.

37 **SECTION 30.** ORS 423.552, 423.553 and 423.554 are repealed.

38 **SECTION 31.** ORS 423.510, 423.515, 423.545 and 423.551 are repealed on January 1, 1997.

39 **SECTION 32.** Sections 5a, 9, 15, 16 and 27 of this Act and the amendments to statutes
 40 made by sections 1a, 4a, 5, 9a, 9b, 9c, 12 to 14, 17 to 19, and 23 to 29 of this Act become op-
 41 erative on January 1, 1997.

42 **SECTION 33.** (1) Notwithstanding any other law and for the purpose of carrying out the
 43 provisions of this Act, the amount appropriated to the Department of Corrections, for the
 44 biennium beginning July 1, 1995, out of the General Fund, by section 1, chapter _____,
 45 Oregon Laws 1995 (Enrolled House Bill 5029) for:

1 (a) Community Corrections is increased by \$14,136,938; and

2 (b) Institutional Services is decreased by \$8,179,926.

3 (2) Notwithstanding any other law and for the purpose of carrying out the provisions of
4 this Act, the amount established in section 2 (1), chapter _____, Oregon Laws 1995 (En-
5 rolled House Bill 5029), for the biennium beginning July 1, 1995, as the maximum limit for
6 payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts,
7 including Anti-Drug Abuse Act funds, excluding federal funds, collected or received by the
8 Department of Corrections for community corrections is reduced by \$810,127.

9 (3) Notwithstanding any other law and for the purpose of carrying out the provisions of
10 this Act, the amount appropriated to the Emergency Board, for the biennium ending June
11 30, 1997, out of the General Fund, by section 4 (1)(b), chapter _____, Oregon Laws 1995
12 (Enrolled House Bill 5029) for debt service, start-up costs and operating costs of correctional
13 facilities is decreased by \$6,698,890.

14 SECTION 34. This Act being necessary for the immediate preservation of the public
15 peace, health and safety, an emergency is declared to exist, and this Act takes effect on its
16 passage.

17

MEETING DATE: JUN 20 1995

AGENDA NO: B-2

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: PSU School of Urban and Public Affairs Proposal Briefing

BOARD BRIEFING Date Requested: Tuesday, June 20, 1995

Amount of Time Needed: 30 Minutes

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT: Non-Departmental

DIVISION: Chair Beverly Stein

CONTACT: Norman Monroe

TELEPHONE #: 248-3962

BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: Norm Monroe, Dr. Barry Anderson, Dr. David Blanchard and Dr. Annette Jolin

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Portland State University School of Urban and Public Affairs Proposal for the Design and Implementation of a Computer Simulation Model that will Focus on System Impact Issues. The Model is Designed to Track Populations Between Components of the System and Focus on Major Links by which Offenders Flow into and out of the System.

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1995 JUN 13 PM 2 14

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

Beverly Stein

OR

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63

6/93

DRAFT

JIM MUNZ' STELLA II MODEL of the MULTNOMAH COUNTY CRIMINAL JUSTICE SYSTEM

The Offender Population

The Offender Population is set initially at 33,500. On each day, it is increased by (a) the annual crime rate of 1.8% divided by 365 and multiplied by a population of 605,000, plus (b) 90% of Failures to Appear. On each day, it is decreased by 47 arrests/officer divided by 365 and multiplied by 1100 officers.

Those who have been Arrested

The Arrested Population is set initially at 141. On each day, it is increased by 47 arrests/officer divided by 365 and multiplied by 1100 officers. On each day, it is decreased by (a) 34% being cited and (b) 66% being booked.

Those who have been Cited

The Cited Population is set initially at 0. On each day, it is increased by 34% of those arrested. On each day, it is decreased by (a) 50% proceeding to arraignment and (b) 50% failing to appear.

Those who are Being Held in Pre-Arraignment Status

The Pre-Arraignment Population is set initially at 93. On each day, it is increased by 66% of those arrested. On each day, it is decreased by 0% on Sundays and 100% on other days.

Those who are Arraigned

The Arraigned Population is set initially at 0. On each day, it is increased by (a) 0% of those in pre-arraignment on Sundays and 100% of those in pre-arraignment on other days, and (b) 50% of those cited. On each day, it is decreased by 15% who are not charged, 70% who are released on bail, and 15% who are held for trial.

Those who have been Released on Bail

The ROR Population is set initially at 69. On each day, it is increased by 70% of those who are arraigned. On each day, it is decreased by 22% who fail to appear and 78% who appear for trial.

Those who are Being Held in Pre-Trial Detention

The Pre-Trial Population is set initially at 867. On each day, it is increased by 15% of those in arraignment. On each day, it is decreased by (a) 62 who go to trial, and, if the jails would otherwise be over capacity (b) the excess over jail capacity, who are matrix released. The average time in pre-trial status is 62 days.

Those who have been Matrix-Released from Pre-Trial Detention

The Matrix-Released Population is set initially at 50. On each day, it is increased by the number of those in pre-trial status who would put the jail population over county jail capacity. On each day, it is decreased by 45% who go to trial and 55% who fail to appear.

Those who are Awaiting Trial on Bail or Matrix Release

The Awaiting-Trial Population is set initially at 3350. On each day, it is increased by 78% of those who have been released on bail and 45% of those who have been matrix-released. On each day, it is decreased by 61. The average time in awaiting-trial status is 61 days.

Those who Fail to Appear for Trial

The FTA Population is set initially at 1. On each day, it is increased by (a) 50% of those cited, (b) 22% of those released on bail, and (c) 55% of those matrix released. On each day, it is decreased by 90%.

Those who Appear for Trial

The Trial Population is set initially at 0. On each day, it is increased by 62 who have been held for trial and 61 who have been matrix-released. On each day, it is decreased by 27% who are found innocent, 23% who are placed on probation, 13% who are sentenced to the county jail, 37% who are sentenced to the state prison, and 0% who are sentenced to community corrections because they would create an overflow of the prison population.

Those who are found Innocent

On each day, 27% of those who appear for trial are found innocent. This population is not followed further in the model.

Those who are Sentenced to Community Corrections

The Community Corrections Population is set initially to 4,500. On each day, it is increased by (a) 23% of those tried, (b) 770 from the state prison, (c) 47 from the county jail, (d) 183 who overflow the state prison, and (e) 30% of those over the county jail capacity. The average time in community corrections is 182 days.

Those who are Sentenced to the County Jail

The Jail Population is set initially at 412. On each day, it is increased by 13% of those who are tried. On each day, it is decreased by (a) 47 and (b) 30% of those over capacity. The average time in jail is 47 days.

Those who are Sentenced to the State Prison

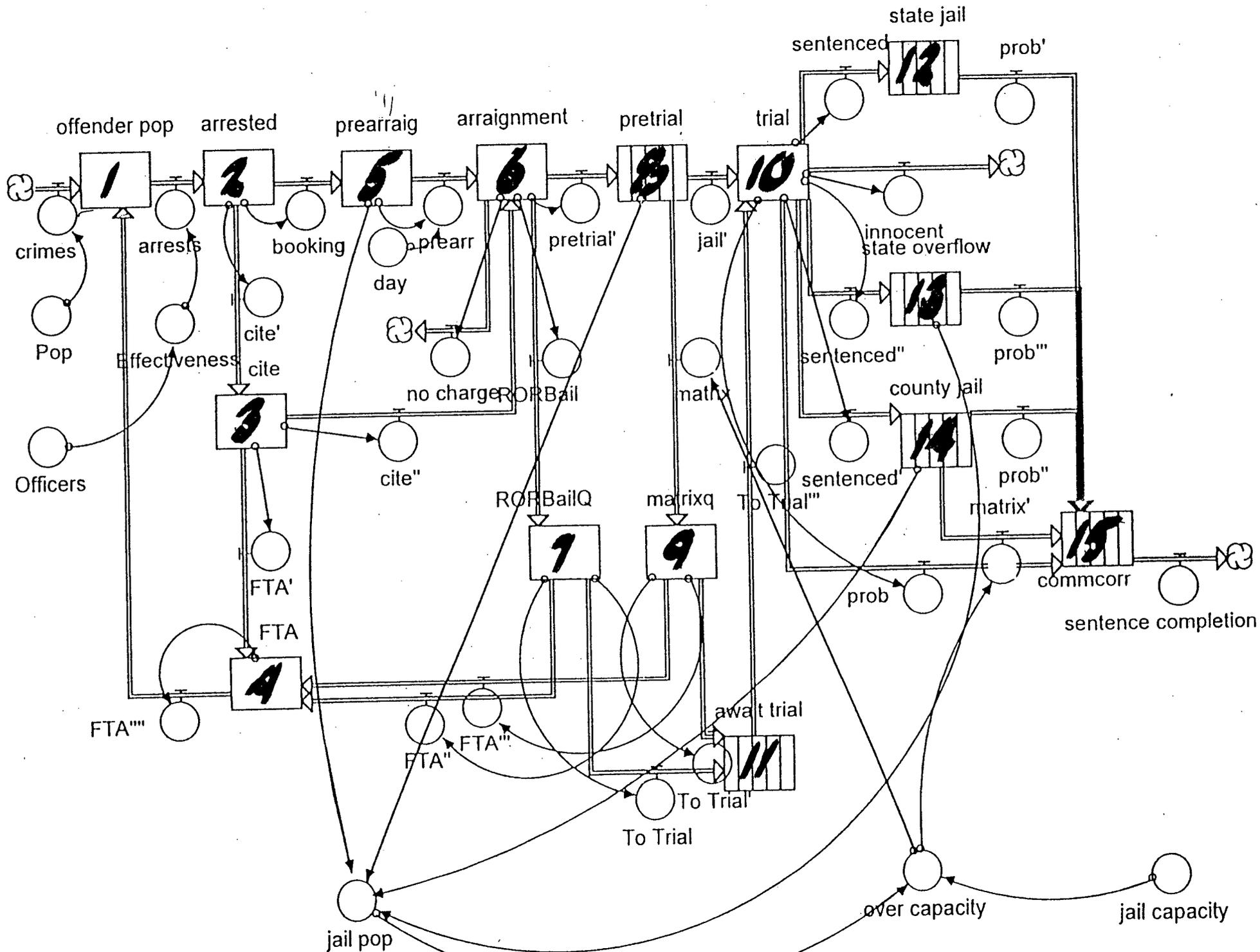
The Prison Population is set initially at 11,000. On each day, it is increased by 37% of those who are tried. On each day, it is decreased by 770 who are placed on probation. The average time in prison is 770 days.

State Prison Overflow, to be sent to Community Corrections

The Prison Overflow Population is set initially at 0. On each day, it is increased by 0% of those who are tried. On each day, it is decreased by 183. The average time in prison overflow status is 183 days.

JIM MUNZ' STELLA MODEL of the CRIMINAL JUSTICE SYSTEM

Stock ID	Initial	Parameters	Inflows	Outflows
1 offender pop	33500		A=((Pop*.018)/365) Pop=605000 B=S ₄ *.9	S ₂ =NORMAL(Effectiveness,27) Effectiveness=.1281818* Officers Officers=1100
2 arrested	141		A=NORMAL(Effectiveness,27)	S ₅ =S ₂ *.66 (booked) S ₃ =S ₂ *.34 (cited)
3 cite	0		A=S ₂ *.34	S ₆ =S ₃ *.5 (appear) S ₄ =S ₃ *.5 (fail to appear)
4 FTA	1		A=S ₃ *.5 B=S ₇ *.22 C=S ₉ *.55	S ₁ =S ₂ *.9
5 prearraig	93		A=S ₂ *.66	S ₈ =if(day<6) then (prearraig*1) else 0
6 arraignment	0		A=if(day<6)then (S ₅ *1)else 0 B = S ₃ *.5	S ₈ =S ₅ *.15 (pretrial) S ₇ =S ₆ *.7 (ROR/Bail) C=S ₅ *.15 (no charge)
7 RORBailQ	69		A=S ₆ *.7	S ₄ =S ₇ *.22 (fail to appear) S ₁₁ =S ₇ *.78 (appear)
8 pretrial	867	TRANSIT TIME=62 INFLOW LIMIT=INF CAPACITY=INF	A=S ₆ *.15	S ₁₀ =CONVEYOR OUTFLOW (to trial) S ₉ =LEAKAGE OUTFLOW (matrix release) LEAKAGE FRACTION=over_ capacity*.7 NO-LEAK ZONE=0 over_capacity=IF(jail_pop> jail_capacity)THEN(jail_pop- jail_capacity)ELSE 0 jail_pop=SUM(county_jail, prearraig,pretrial,state_ overflow) jail_capacity=3000
9 matrixq	50		A=LEAKAGE OUTFLOW LEAKAGE FRACTION=over_ capacity*.7 NO-LEAK ZONE=0	S ₄ =S ₉ *.55 (appear) S ₁₁ =S ₉ *.45 (fail to appear)
10 trial	0		A=CONVEYOR OUTFLOW B=CONVEYOR OUTFLOW	S ₁₂ =S ₁₀ *.37 (sentenced) S ₁₃ =S ₁₀ *0 (sentenced) S ₁₄ =S ₁₀ *.13 (sentenced) S ₁₅ =S ₁₀ *.23 (probation) C=S ₁₀ *.27 (innocent)
11 await trial	3350	TRANSIT TIME=61 INFLOW LIMIT=INF CAPACITY=INF	A=S ₇ *.78 B=S ₆ *.45	S ₁₀ =CONVEYOR OUTFLOW
12 state jail	11000	TRANSIT TIME=183 INFLOW LIMIT=INF CAPACITY=INF	A=S ₁₀ *.37	S ₁₅ =CONVEYOR OUTFLOW
13 state overflow	0	TRANSIT TIME=183 INFLOW LIMIT=INF CAPACITY=INF	A=S ₁₀ *0	S ₁₅ =CONVEYOR OUTFLOW
14 county jail	412	TRANSIT TIME=47 INFLOW LIMIT=INF CAPACITY=INF	A=S ₁₀ *.3	S ₁₅ '=CONVEYOR OUTFLOW (probation) S ₁₅ "=LEAKAGE OUTFLOW (matrix release) LEAKAGE FRACTION=over_ capacity*.3 NO-LEAK ZONE=0
15 commcorr	4500	TRANSIT TIME=182 INFLOW LIMIT=INF CAPACITY=INF	A=S ₁₀ *.23 B=CONVEYOR OUTFLOW C=CONVEYOR OUTFLOW D=LEAKAGE OUTFLOW LEAKAGE FRACTION= over_capacity*.3 NO-LEAK ZONE=0 E=CONVEYOR OUTFLOW	C=CONVEYOR OUTFLOW



OFFENDER POPULATION (1)

Initial

33500

Inputs

Flow(crimes) = ((Pop*.018)/365). Pop = 605000

Flow (FTA''') = FTA*.9

Outputs

Flow(arrests) = NORMAL(Effectiveness,27). Effectiveness =
.1281818*Officers. Officers = 1100.

ARRESTED (2)

Initial

141

Inputs

Flow(arrests) = NORMAL(Effectiveness,27). Effectiveness =
.1281818*Officers. Officers = 1100.

Outputs

Flow(booking) = arrested*.66

Flow(cite') = arrested*.34

CITE (3)

Initial

0

Inputs

Flow(cite') = arrested*.34

Outputs

Flow(cite'') = cite*.5

Flow(FTA') = cite*.5

FTA (4)

Initial

1

Inputs

Flow(FTA') = cite*.5

Flow(FTA'') = RORBailQ*.22

Flow (FTA''') = matrixq*.55

Outputs

Flow (FTA''''') = FTA*.9

PREARRAIG (5)

Initial

93

Inputs

Flow(booking) = arrested*.66

Outputs

Flow(prearr) = if (day<6) then (prearraig*1) else 0

ARRAIGNMENT (6)

Initial

0

Inputs

Flow(prearr) = if (day<6) then (prearraig*1) else 0

Flow(cite'') = cite*.5

Outputs

Flow(no charge) = arraignment*.15

Flow(RORBail) = arraignment*.7

Flow(pretrial') = arraignment*.15

RORBAILQ (7)

Initial

69

Inputs

Flow(RORBail) = arraignment*.7

Outputs

Flow(FTA'') = RORBailQ*.22

Flow(To Trial) = RORBailQ*.78

PRETRIAL (8)

Initial

867

Transit Time

62

Inputs

Flow(pretrial') = arraignment*.15

Outputs

Flow(jail') = 62

Flow(matrix) = over_capacity*.7. Over_capacity = IF
(jail_pop > jail_capacity) THEN (jail_pop - jail_capacity) ELSE 0.
Jail_capacity = 3000. Jail_pop = SUM(county_jail, prearraign,
pretrial, state_overflow)

MATRIXQ (9)

Initial

50

Inputs

Flow(matrix) = over_capacity*.7. Over_capacity = IF
(jail_pop > jail_capacity) THEN (jail_pop - jail_capacity) ELSE 0.
Jail_capacity = 3000. Jail_pop = SUM(county_jail, prearraign,
pretrial, state_overflow)

Outputs

Flow(FTA'') = matrixq*.55
Flow(To Trial') = matrixq*.45

TRIAL (10)

Initial

0

Inputs

Flow(jail') = 62
Flow(To Trial'') = 61

Outputs

Flow(sentenced) = trial*.37
Flow(innocent) = trial*.27
Flow(sentenced'') = trial*0
Flow(sentenced') = trial*.13
Flow(prob) = trial*.23

AWAIT TRIAL (11)

Initial

3350

Transit Time

61

Inputs

Flow(To Trial') = matrixq*.45

Flow(To Trial) = RORBailQ*.78

Outputs

Flow(To Trial'') = 61

STATE JAIL (12)

Initial

11000

Transit Time

770

Inputs

Flow(sentenced) = trial*.37

Outputs

Flow(prob') = 770

STATE OVERFLOW (13)

Initial

0

Transit Time

183

Inputs

Flow(sentenced'') = trial*0

Outputs

Flow(prob'') = 183

COUNTY JAIL (14)

Initial

412

Transit Time

47

Inputs

Flow(sentenced') = trial*.13

Outputs

Flow(prob'') = 47

Flow(matrix') = over_capacity*.3

COMMCORR (15)

Initial

4500

Transit Time

182

Inputs

Flow(prob) = trial*.23

Flow(prob') = 770

Flow(prob'') = 47

Flow(prob''') = 183

Flow(matrix') = over_capacity*.3

Outputs

Flow(sentence completion) = 182

TO: Sharron
FROM: Robert
RE: PSU Study: Briefing on Tuesday June 20
BCC Vote on June 22
DATE: June 16

1. Purpose of the effort: Section IIC now reads: "The model will assist decision makers in thinking through alternative scenarios created by changes in personnel, facilities or sentencing policies." I would recommend the following instead: "The model will allow decision makers to make projections about future jail usage as well as to project the impacts on jail usage of changes in personnel, facilities, diversion, pre-trial release and sentencing policies."

2. Timeline: The contract has two Phases with a single end period of December 31, 1995. There is no separate deadline for Phase I. If the Board wishes to have any information prior to December 31, the Board would be well advised to explicitly add earlier deadlines into the contract.

3. Omission of data about sentencing practices: Page 2, Items G, I, and L. The Oregon Criminal Justice Council (State not County) has the data base of sentences imposed by Multnomah County judges. This is a critical input into jail use projections and the policy options available to the County because of the SB 1145 transfer.

Items G, I and L assume that the County possesses and will supply all relevant data. These items should be changed as set out here:

"G. The model will be implemented on an Excel spreadsheet. It will specify operational definitions relating to components and linked clearly to data provided by the COUNTY as well as data on sentencing practices in Multnomah County supplied by the State of Oregon for the period up to the maximum of FIVE (5) years. This data will be analyzed for secular trends, and important trends will be incorporated in the model. . . .

"I. The quantifying data on the flow of persons through the system will be composed from the data provided by the COUNTY and the State of Oregon under Item II-G. . .

"L. Within limits of available data provided by the County and the State of Oregon, the model will be tested . . ."

4. Parts of Phase II are hazy. There are five sub-populations identified (first time

offenders; dangerous to self or others; alcohol and drug usage; mental health needs; juvenile offenders) in Section II-P on pages 2-3. It is unclear what the purpose is of separate tracking for these populations. It would be more practical to specify the diversions or alternate sentencing practices for which the Board wants impact projections. Examples would include: non-jail sanctions and pre-trial programming of drug possession cases; diversion or placement of certain mentally ill and substance abuse addicts in mandated treatment rather than jail.

In contrast, the current language would gather extensive data on juveniles and first time offenders without specifying the purpose of the effort. Juveniles in adult jail are either on Measure 11 (pre-trial) or DA remand and I doubt there is much to gain from that effort. Similar first-time Measure 11 offenders are not worth much analysis because the Board has no discretion.

5. Timing in relation to add package for Public Safety Council data person: Section II-O provides training to 3 County personnel to test the model and Section II-P-9 provides training for 5 County personnel to operate the model. Funding and hiring the data person in time to receive the training would be highly advisable.

6. It remains unclear who PSU will be talking to. Section II-D reads: "The model will be developed in close consultation with appropriate member or members of the Public Safety Facilities Task Force." Because there are numerous people on this Task Force, the contract should specify the names of the County employees PSU works with and some process should be set out for PSU to notify BCC members what these employees are asking them to do.

Joan Pasco has submitted the following questions with an August 1 deadline:

1. Number of system beds/slots need due to population growth/region
2. Number of beds/slots need to accommodate the 12 month or less sentenced
3. Percentage of persons booked with classification scores low enough to participate in non-custody supervision programs
4. Failure rate of the current non-custody programs: How many clients fail to appear after being assigned to non-custody supervision?
5. How many beds are required to serve the four day and less population? What is the breakdown of this population by hours? 12 hour; 24 hour; 36 hour; 48 hour?
6. Who is booked and who is cited in Multnomah County?
7. Number of new police officers expected to be hired in Multnomah County over the next 20 years

These items are not in the contract. If such a proposal were made for inclusion, I would re-write Joan's questions as follows:

Number of beds/slots needed considering: SB 1145; population growth; police hiring; potential diversion programs; and other relevant factors.