

CHAPTER 830

AN ACT

HB 3503

Relating to offenders with minor children.
Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) The Department of Corrections, in partnership with the circuit court and county community corrections agencies of participating counties and the Department of Human Services, shall establish the Family Sentencing Alternative Pilot Program.

(2) A defendant is eligible for the Family Sentencing Alternative Pilot Program if:

(a) The defendant's presumptive sentence under the sentencing guidelines of the Oregon Criminal Justice Commission is a term of imprisonment in the legal and physical custody of the Department of Corrections of at least one year;

(b) The defendant has not previously been convicted of, and is not currently being sentenced for:

(A) A person felony as defined in the rules of the Oregon Criminal Justice Commission;

(B) A sex crime as defined in ORS 181.805; or

(C) An offense requiring a specified sentence under ORS 137.635, 137.700, 137.707, 164.061, 475.907, 475.925, 475.930 or 813.010; and

(c) The defendant is the parent or legal guardian of a minor child and had physical custody of the child at the time of the offense.

(3) If the defendant meets the eligibility requirements described in subsection (2) of this section and receives a downward dispositional departure under the rules of the Oregon Criminal Justice Commission, the court may order that the defendant sign a release authorizing the Department of Human Services to provide the community corrections agency with written confirmation of, and consultation concerning, any open or current juvenile dependency proceeding or any prior substantiated allegation of abuse or neglect involving the defendant and a minor child.

(4) After receipt of the information described in subsection (3) of this section, the community corrections agency, in consultation with the Department of Human Services, shall determine if the Family Sentencing Alternative Pilot Program is an appropriate program for the defendant and, if the program is appropriate, require participation in the program for the first 12 months of the probationary sentence. In addition to the conditions of probation ordered under ORS 137.540, the defendant may be required to comply with any additional conditions related to the program, including but not limited to:

(a) Geographical restrictions, including house arrest and electronic surveillance;

(b) Participation in vocational training; and

(c) Completion of:

(A) Parenting skills classes;

(B) Drug or alcohol treatment;

(C) Mental health treatment; or

(D) Life skills classes.

(5) The Department of Human Services and community corrections agencies shall cooperate with the Department of Corrections in implementing the Family Sentencing Alternative Pilot Program described in this section.

(6) The Department of Human Services and the Department of Corrections shall jointly submit a report concerning the Family Sentencing Alternative Pilot Program, which must include program outcomes and data related to the efficacy of the program, and which may include recommendations for legislation in the manner provided by ORS 192.245, to the interim committees of the Legislative Assembly related to the judiciary no later than January 1, 2017.

SECTION 2. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Corrections, for the biennium beginning July 1, 2015, out of the General Fund, the amount of \$1,895,450 for the purpose of carrying out the provisions of section 1 of this 2015 Act.

(2) The Department of Corrections shall use a portion of the moneys appropriated under subsection (1) of this section to fund a probation officer in each participating county who will supervise the participants in the program described in section 1 of this 2015 Act. The remaining appropriated moneys shall be used for program services including, but not limited to, housing.

SECTION 3. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Human Services, for the biennium beginning July 1, 2015, out of the General Fund, the amount of \$104,550 for the purpose of carrying out the provisions of section 1 of this 2015 Act.

(2) Notwithstanding any other law limiting expenditures, the amount of \$44,655 is established for the biennium beginning July 1, 2015, as the maximum limit for payment of expenses from federal funds collected or received by the Department of Human Services for the purpose of carrying out the provisions of section 1 of this 2015 Act.

SECTION 4. Section 1 of this 2015 Act is repealed on July 1, 2025.

Approved by the Governor August 12, 2015

Filed in the office of Secretary of State August 13, 2015

Effective date January 1, 2016