

CHAPTER 598

AN ACT

HB 3064

Relating to criminal justice entities; creating new provisions; and amending ORS 137.654, 137.656 and 137.658 and section 53, chapter 649, Oregon Laws 2013.

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

SECTION 1. Section 53, chapter 649, Oregon Laws 2013, as amended by section 54, chapter 649, Oregon Laws 2013, is amended to read:

Sec. 53. (1)(a) In consultation with the Justice Reinvestment Grant Review Committee established under subsection (2) of this section, the Oregon Criminal Justice Commission shall administer the Justice Reinvestment Program described in this section. From funds appropriated to the commission for purposes of the program, the commission shall award grants to counties that establish a process to assess offenders and provide a continuum of community-based sanctions, services and programs that are designed to reduce recidivism and decrease the county's utilization of imprisonment in a Department of Corrections institution while protecting public safety and holding offenders accountable.

(b) Notwithstanding paragraph (a) of this subsection, no less than 10 percent of grant funds awarded under this section must be distributed to community-based nonprofit organizations that provide services to victims of crime.

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

(a) The Governor shall appoint the following [*five*] **seven** members:

- (A) One member shall be a district attorney.
- (B) One member shall be a county sheriff.
- (C) One member shall be a chief of police.
- (D) One member shall be a county commissioner.
- (E) One member shall be a community corrections director who is not a sheriff.

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

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

[(b)] (c) The President of the Senate shall appoint two nonvoting members from among members of the Senate.

[(c)] (d) The Speaker of the House of Representatives shall appoint two nonvoting members from among members of the House of Representatives.

(3)(a) A majority of the voting members of the committee constitutes a quorum for the transaction of business.

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

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

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

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

(4)(a) An application for a grant described in this section must be submitted by a local public safety coordinating council convened under ORS 423.560.

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

(5)(a) During a grant application period established by the commission, the proportion of grant funds available to each county shall be determined in accordance with the formula used to distribute baseline funding under ORS 423.483.

(b) At the conclusion of the grant application period, the commission shall award grants to counties in accordance with rules adopted by the commission. If unallocated funds remain at the conclusion of the grant acceptance period, the commission may establish a supplemental grant period and distribute the unallocated funds.

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

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

(7)(a) Before applying for grant funds to administer a community-based program described in subsection [(9)(a)(D)] **(10)(a)(D)** of this section, the county must obtain the consent of the presiding judge of the judicial district in which the county is located.

(b) A grant application to administer a community-based program described in subsection [(9)(a)(D)] **(10)(a)(D)** of this section must include the costs of appointed counsel.

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

(a) A methodology for reviewing and approving grant applications and distributing grant funds. Rules described in this paragraph must provide the Justice Reinvestment Grant Review Committee with the ability to approve grant applications[, *subject to*] **for submission for final approval by the commission. The commission may either approve the grant application or return the application for reconsideration by the committee.**

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

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

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

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

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

[9)] (10) As used in this section:

(a) "Community-based programs" includes:

(A) Work release programs;

(B) Structured, transitional leave programs;

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

(D) Administering a reentry court under section 29 of this 2013 Act; and

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

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

SECTION 2. ORS 137.654 is amended to read:

137.654. (1) There is established the Oregon Criminal Justice Commission consisting of nine members. The Governor shall appoint seven mem-

bers who are subject to confirmation by the Senate pursuant to section 4, Article III of the Oregon Constitution. The President of the Senate shall appoint one state Senator as a nonvoting member. The Speaker of the House of Representatives shall appoint one state Representative as a nonvoting member. Members serve at the pleasure of the appointing authority. The Governor shall appoint members of the commission consistent with the following:

(a) Members shall be appointed with consideration of [*the different geographic regions of the state*] **geographic, racial, ethnic and gender diversity.**

(b) Not more than four members may belong to the same political party. Party affiliation is determined by the appropriate entry on official election registration cards.

(2)(a) The term of office of each member is four years or until the end of a legislative member's legislative term, whichever occurs first. Before the expiration of the term of a member, the appointing authority shall appoint a successor whose term begins immediately upon the expiration of the term of the current member. A member is eligible for reappointment but may serve no more than two consecutive terms.

(b) In case of a vacancy for any cause, the appointing authority shall appoint a person to fill the office for the unexpired term. When a person is appointed under this paragraph, the unexpired term may not be considered for purposes of the limitation to two consecutive terms of service.

(3) The Governor shall appoint one of the commissioners as chairperson, to serve at the pleasure of the Governor. The members of the commission shall elect from among themselves a vice chairperson who shall preside over meetings and exercise the functions of the chairperson during absence or disability of the chairperson. The chairperson and vice chairperson shall execute the duties determined by the commission to be necessary.

(4) The chairperson shall appoint one member, subject to the approval of the commission, to serve on an executive committee with the chairperson and vice chairperson. The executive committee may exercise the powers and responsibilities of the commission between meetings of the commission. All action taken by the executive committee not previously authorized must be submitted to the commission for approval at the next regular or special meeting.

(5) A majority of the voting members of the commission constitutes a quorum for the transaction of business.

(6) The commission shall meet at least once a month, at a time and place determined by the commission. The commission shall also meet at such other times and places as are specified by the call of the chairperson. If a majority of members, in writing, request a special meeting, the chairperson shall designate a time for a special meeting as requested.

(7) The Governor shall appoint an executive director for the commission who shall be in the exempt service and who shall be responsible for the performance of duties assigned by the commission. Subject to the State Personnel Relations Law, the executive director may employ appropriate staff to carry out the duties assigned by the commission.

(8) Members of the commission are entitled to expenses as provided in ORS 292.495. Subject to the availability of funds, members of a committee established under ORS 137.658 who are not commission members may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties, subject to ORS 292.495 (2). Any legislative members are entitled to payment of compensation and expense reimbursement under ORS 171.072, payable from funds appropriated to the Legislative Assembly.

(9) The commission is subject to the provisions of ORS 291.201 to 291.222 and 291.232 to 291.260.

(10) The commission shall consult with and seek advice and counsel of the Chief Justice of the Supreme Court and the State Court Administrator on any matter that impacts the operation of the courts. The Chief Justice may have a representative participate in any meeting of the commission.

SECTION 3. ORS 137.656 is amended to read:

137.656. (1) The purpose of the Oregon Criminal Justice Commission is to improve the effectiveness and efficiency of state and local criminal justice systems by providing a centralized and impartial forum for statewide policy development and planning.

(2) The primary duty of the commission is to develop and maintain a state criminal justice policy and comprehensive, long-range plan for a coordinated state criminal justice system that encompasses public safety, offender accountability, crime reduction and prevention and offender treatment and rehabilitation. The plan must include, but need not be limited to, recommendations regarding:

(a) Capacity, utilization and type of state and local prison and jail facilities;

(b) Implementation of community corrections programs;

(c) Alternatives to the use of prison and jail facilities;

(d) Appropriate use of existing facilities and programs;

(e) Whether additional or different facilities and programs are necessary;

(f) Methods of assessing the effectiveness of juvenile and adult correctional programs, devices and sanctions in reducing future criminal conduct by juvenile and adult offenders;

(g) Methods of reducing the risk of future criminal conduct; and

(h) The effective utilization of local public safety coordinating councils.

(3) Other duties of the commission are:

(a) To conduct joint studies by agreement with other state agencies, boards or commissions on any matter within the jurisdiction of the commission.

(b) To provide Oregon criminal justice analytical and statistical information to federal agencies and serve as a clearinghouse and information center for the collection, preparation, analysis and dissemination of information on state and local sentencing practices.

(c) To provide technical assistance and support to local public safety coordinating councils.

(d) To receive grant applications to start or expand drug court programs as defined in ORS 3.450, to make rules to govern the grant process and to award grant funds according to the rules.

(e) To prepare the racial and ethnic impact statements described in ORS 137.683 and 137.685.

(f) To assess the extent to which each county is reducing racial and ethnic disparities in its correctional population.

(4) The commission shall establish by rule the information that must be submitted under ORS 137.010 (9) and the methods for submitting the information. A rule adopted under this subsection must be approved by the Chief Justice of the Supreme Court before it takes effect.

(5) The commission may:

(a) Apply for and receive gifts and grants from any public or private source.

(b) Award grants from funds appropriated by the Legislative Assembly to the commission or from funds otherwise available from any other source, for the purpose of carrying out the duties of the commission.

(c) Adopt rules to carry out the provisions of this subsection.

SECTION 4. ORS 137.658 is amended to read:

137.658. (1) The chairperson of the Oregon Criminal Justice Commission may create any committees within the commission as the chairperson may think necessary. Persons who are not commission members may be appointed as members to serve on the committees with the approval of the commission.

(2) The chairperson shall appoint members of committees created under this section in such a manner as to ensure representation from all segments of the criminal justice system that are affected by the work of the committee. In selecting members for committee assignments, the chairperson shall consider, but is not limited to, representatives from the following:

(a) The Attorney General;

(b) The Director of the Department of Corrections;

(c) The chairperson of the State Board of Parole and Post-Prison Supervision;

(d) The Superintendent of State Police;

(e) The chief administrative employee of the Psychiatric Security Review Board;

(f) The Director of Human Services;

(g) The Director of the Oregon Health Authority;

(h) The Director of the Oregon Youth Authority;

(i) Trial judges;

(j) Judges of the Oregon Supreme Court or Court of Appeals;

(k) Majority and minority parties of the House of Representatives and the Senate;

(L) District attorneys;

(m) Criminal defense attorneys;

(n) County sheriffs;

(o) County commissioners;

(p) County community corrections directors;

(q) Chiefs of police;

(r) Victims of crime;

(s) The public at large;

(t) The director of a nonprofit entity created for the purpose of increasing understanding of the adult and juvenile justice systems and promotion of effective policies for prevention and control of crime; and

(u) Private contract providers.

(3)(a) The chairperson shall establish an advisory committee for the commission.

(b) The purpose of the advisory committee is to evaluate and report on how funds are distributed under the Justice Reinvestment Program, with the goal of making recommendations for legislative changes so that funds are effectively serving:

(A) Racial and ethnic minorities;

(B) Women;

(C) Lesbian, gay, bisexual, transgender, queer and other minority gender identity communities; and

(D) Other historically underserved communities.

(c) When appointing members of the advisory committee, the chairperson shall make appointments with consideration of geographic, racial, ethnic and gender diversity. A majority of members must represent historically underserved communities. The members must include:

(A) One member with expertise in program design and evaluation and experience in data collection and analysis of racial and ethnic demographic information.

(B) Two members representing community-based service providers, one of which must be a victim services provider, that serve historically underserved communities.

(C) Two members who are also members of the Justice Reinvestment Grant Review Committee.

(D) Two members representing historically underserved communities.

(d) No later than September 15, 2020, the commission shall provide a report, to the Governor and to the subcommittee of the Joint Committee on Ways and Means with authority over the budget of the commission, with recommendations from the advisory committee on how the commission can increase equity in the allocation of public safety funds with a particular focus on the Justice Reinvestment Program. The report may include but is not limited to:

(A) Recommendations for changing grant review criteria.

(B) Recommendations for changing the data collection and reporting requirements.

(C) Recommendations on technical assistance needed by the commission.

(e) The commission may provide a per diem and reimbursement of expenses for members of the advisory committee.

SECTION 5. ORS 137.658, as amended by section 4 of this 2019 Act, is amended to read:

137.658. (1) The chairperson of the Oregon Criminal Justice Commission may create any committees within the commission as the chairperson may think necessary. Persons who are not commission members may be appointed as members to serve on the committees with the approval of the commission.

(2) The chairperson shall appoint members of committees created under this section in such a manner as to ensure representation from all segments of the criminal justice system that are affected by the work of the committee. In selecting members for committee assignments, the chairperson shall consider, but is not limited to, representatives from the following:

(a) The Attorney General;

(b) The Director of the Department of Corrections;

(c) The chairperson of the State Board of Parole and Post-Prison Supervision;

(d) The Superintendent of State Police;

(e) The chief administrative employee of the Psychiatric Security Review Board;

(f) The Director of Human Services;

(g) The Director of the Oregon Health Authority;

(h) The Director of the Oregon Youth Authority;

(i) Trial judges;

(j) Judges of the Oregon Supreme Court or Court of Appeals;

(k) Majority and minority parties of the House of Representatives and the Senate;

(L) District attorneys;

(m) Criminal defense attorneys;

(n) County sheriffs;

(o) County commissioners;

(p) County community corrections directors;

(q) Chiefs of police;

(r) Victims of crime;

(s) The public at large;

(t) The director of a nonprofit entity created for the purpose of increasing understanding of the adult and juvenile justice systems and promotion of effective policies for prevention and control of crime; and

(u) Private contract providers.

[(3)(a) The chairperson shall establish an advisory committee for the commission.]

[(b) The purpose of the advisory committee is to evaluate and report on how funds are distributed under the Justice Reinvestment Program, with the goal of making recommendations for legislative changes so that funds are effectively serving:]

[(A) Racial and ethnic minorities;]

[(B) Women;]

[(C) Lesbian, gay, bisexual, transgender, queer and other minority gender identity communities; and]

[(D) Other historically underserved communities.]

[(c) When appointing members of the advisory committee, the chairperson shall make appointments with consideration of geographic, racial, ethnic and gender diversity. A majority of members must represent historically underserved communities. The members must include:]

[(A) One member with expertise in program design and evaluation and experience in data collection and analysis of racial and ethnic demographic information.]

[(B) Two members representing community-based service providers, one of which must be a victim services provider, that serve historically underserved communities.]

[(C) Two members who are also members of the Justice Reinvestment Grant Review Committee.]

[(D) Two members representing historically underserved communities.]

[(d) No later than September 15, 2020, the commission shall provide a report, to the Governor and to the subcommittee of the Joint Committee on Ways and Means with authority over the budget of the commission, with recommendations from the advisory committee on how the commission can increase equity in the allocation of public safety funds with a partic-

ular focus on the Justice Reinvestment Program. The report may include but is not limited to:]

[(A) Recommendations for changing grant review criteria.]

[(B) Recommendations for changing the data collection and reporting requirements.]

[(C) Recommendations on technical assistance needed by the commission.]

[(e) The commission may provide a per diem and reimbursement of expenses for members of the advisory committee.]

SECTION 6. The amendments to ORS 137.658 by section 5 of this 2019 Act become operative on July 1, 2023.

SECTION 7. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Criminal Justice Commission by section 1, chapter 520, Oregon Laws 2019 (Enrolled Senate Bill 5506), for the biennium beginning July 1, 2019, is increased by \$110,000, to pay for research into increasing equity in the allocation of Justice Reinvestment Program funds.

Approved by the Governor July 23, 2019
 Filed in the office of Secretary of State July 29, 2019
 Effective date January 1, 2020