

Chapter 421

Penal and Correctional Institutions

421.016

NOTES OF DECISIONS

Apart from due process considerations, federal courts have no power to control or supervise state prison regulations and practices. *Hatfield v. Bailleaux*, (1961) 290 F2d 632, cert. denied, 368 US 862, 82 S Ct 105, 7 L Ed 2d 59.

State authorities have no obligation under the Federal Constitution to provide library facilities and an opportunity for their use to enable inmates to search for legal loopholes in the judgment and sentence under which they are held. *Id.*

This section does not authorize the warden to examine the convictions of men sent to him for custody. *Delaney v. Shobe*, (1964) 235 F Supp 662.

ATTY. GEN. OPINIONS: Discretion as to imposing of condition for payment of reward, 1922-24, p 392; duty of board to provide rules and regulations for safe keeping of convicts, 1926-28, p 606; authority of warden to release prisoner upon order of circuit court pending outcome of another trial, 1934-36, p 57; restricting outgoing mail of convicts, 1956-58, p 110; authority to pay cost of medical and other care for escapee, 1966-68, p 88.

421.065

ATTY. GEN. OPINIONS: Use of revolving fund for various projects, 1948-50, p 300.

421.075

ATTY. GEN. OPINIONS: Funds for installing fire protection apparatus for flax industry at state penitentiary, 1928-30, p 134.

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NOTES OF DECISIONS

Writ of habeas corpus will not issue because of an assault on a prisoner by a prison guard, even if the assault is unlawful, unless petitioner shows his constitutional rights will probably be violated. *Grenfell v. Gladden*, (1965) 241 Or 190, 405 P2d 532, cert. denied, 382 US 998.

FURTHER CITATIONS: *Newton v. Cupp*, (1970) 1 Or App 645, 465 P2d 734.

ATTY. GEN. OPINIONS: Amount of good time that may be lost, 1964-66, p 464.

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NOTES OF DECISIONS

It is only a record of good conduct, etc., certified by the warden, which entitles a prisoner to the prescribed deductions from his sentence. *Fehl v. Lewis*, (1937) 155 Or 499, 64 P2d 648.

Defendant is not entitled as a matter of course to good

conduct credits on resentencing. *State v. Cloran*, (1963) 236 Or 109, 386 P2d 913.

The allowance of "good time," until earned for the entire term, is a special privilege conditioned upon a record showing faithful observance of rules and absence of punishment. *State v. Kennedy*, (1969) 253 Or 145, 453 P2d 658.

Conduct that would deprive an inmate of the statutory credit may or may not be criminal. *Id.*

Premature release of convict under erroneous interpretation of statute was illegal and plaintiff was subject to arrest by the warden for return to the penitentiary as a constructive escapee. *Fredericks v. Gladden*, (1957) 209 Or 683, 308 P2d 613.

FURTHER CITATIONS: *State v. Moore*, (1951) 192 Or 39, 233 P2d 253; *Rightnour v. Gladden*, (1959) 219 Or 342, 347 P2d 103; *Gibbs v. Gladden*, (1962) 230 Or 272, 369 P2d 772; *Eubanks v. Gladden*, (1964) 236 F Supp 129; *Holland v. Gladden*, (1964) 338 F2d 52.

ATTY. GEN. OPINIONS: Constitutionality, 1936-38, p 168; good time allowance after revocation of parole, 1940-42, p 298, 1948-50, p 71, 1950-52, p 316; applicability of this section when life sentence is commuted by the Governor to a 25 year term, 1948-50, p 71; applicability of federal "good time" provisions to state prisoner transferred to federal prison, 1956-58, p 236; computation of good time allowable on consecutive sentences, 1964-66, p 245; amount of good time that may be lost, 1964-66, p 464; allowance of good time credits for time served prior to 1953 and parole violation, 1966-68, p 44; using time confined prior to commitment or time served under vacated sentence in allowing "good time" reductions, 1966-68, p 317; applicability to local inmates in work camps, 1966-68, p 347; parole under consecutive sentences of 10 years and life, 1966-68, p 549.

LAW REVIEW CITATIONS: 16 OLR 405.

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NOTES OF DECISIONS

Subsection (5) was constitutional, and the fact the exercise of this provision did not allow the convict to spend all his funds for legal books, transcripts and materials or to pay legal fees was reasonable. *Bailleaux v. Holmes*, (1959) 177 F Supp 361, 290 F2d 632, cert. denied, 368 US 862, 82 S Ct 105, 7 L Ed 2d 59.

ATTY. GEN. OPINIONS: Payment of gratuity to person immediately resentenced to the penitentiary following release on habeas corpus, 1954-56, p 21; special savings accounts of prisoners, 1956-58, p 107; convict released by unappealed court order comes within provisions of section, 1956-58, p 222; disposition of moneys in inmates' savings accounts, 1958-60, p 89; subjecting work release enrollee's earnings to garnishment, 1966-68, p 209; testing legality of regulation requiring inmates to save part of all money received, 1966-68, p 361.

<p style="text-align: center;">421.142</p> <p>ATTY. GEN. OPINIONS: Mailing of small articles of handiwork of prisoners manufactured out of their own raw materials, 1952-54, p 175.</p>	<p style="text-align: center;">421.335</p> <p>ATTY. GEN. OPINIONS: Purchase of goods from penitentiary industries by school districts, 1960-62, p 268.</p>
<p style="text-align: center;">421.170</p> <p>CASE CITATIONS: State v. Hutcheson, (1968) 251 Or 589, 447 P2d 92.</p> <p>ATTY. GEN. OPINIONS: Amount of good time that may be lost, 1964-66, p 464.</p>	<p style="text-align: center;">421.365</p> <p>ATTY. GEN. OPINIONS: Purchase by counties of convict-made goods, shipped into the state, 1956-58, p 96.</p>
<p style="text-align: center;">421.211</p> <p>ATTY. GEN. OPINIONS: Validity of this section, 1954-56, p 71; applicability of federal "good time" provisions to state prisoner transferred to federal prison, 1956-58, p 236.</p>	<p style="text-align: center;">421.405</p> <p>CASE CITATIONS: Sears v. James, (1905) 47 Or 50, 82 P 14.</p> <p>ATTY. GEN. OPINIONS: State official selling fruit indirectly to the penitentiary, 1952-54, p 189.</p>
<p style="text-align: center;">421.213</p> <p>ATTY. GEN. OPINIONS: Validity of this section, 1954-56, p 71.</p>	<p style="text-align: center;">421.410</p> <p>ATTY. GEN. OPINIONS: Mailing of small articles of handiwork of prisoners manufactured out of their own raw materials, 1952-54, p 175; harvesting agricultural products on a share basis, 1952-54, p 191.</p>
<p style="text-align: center;">421.215</p> <p>NOTES OF DECISIONS Defendant made an adequate showing that the witnesses were material. State v. Gann, (1969) 254 Or 549, 463 P2d 570.</p> <p>ATTY. GEN. OPINIONS: Validity of 1955 amendment to this section, 1954-56, p 71.</p>	<p style="text-align: center;">421.412</p> <p>ATTY. GEN. OPINIONS: Harvesting agricultural products on a share basis, 1952-54, p 191.</p>
<p style="text-align: center;">421.220</p> <p>ATTY. GEN. OPINIONS: Validity of 1955 amendment to this section, 1954-56, p 71.</p>	<p style="text-align: center;">421.450</p> <p>ATTY. GEN. OPINIONS: Venue for prosecution of escapee from work camp, (1969) Vol 34, p 540.</p>
<p style="text-align: center;">421.225</p> <p>ATTY. GEN. OPINIONS: Validity of 1955 amendment to this section, 1954-56, p 71.</p>	<p style="text-align: center;">421.455</p> <p>ATTY. GEN. OPINIONS: Amount of good time that may be lost, 1964-66, p 464; medical care for local inmates, 1966-68, p 347.</p>
<p style="text-align: center;">421.282 to 421.294</p> <p>ATTY. GEN. OPINIONS: Constitutionality of compact, transfer to facilitate out-of-state criminal proceedings, (1969) Vol 34, p 686.</p>	<p style="text-align: center;">421.465</p> <p>ATTY. GEN. OPINIONS: Medical care for local inmates, 1966-68, p 347; venue for prosecution of escapee from work camp, (1969) Vol 34, p 540.</p>
<p style="text-align: center;">421.284</p> <p>NOTES OF DECISIONS Inmate's constitutional rights were not abridged by his transfer to Colorado for trial and back to Oregon for trial. Moore v. Gladden, (1968) 275 F Supp 703.</p>	<p style="text-align: center;">421.467</p> <p>ATTY. GEN. OPINIONS: Medical care for local inmates, 1966-68, p 347; construing "temporary custody," 1966-68, p 347; venue for prosecution of escapee from work camp, (1969) Vol 34, p 540.</p>
<p style="text-align: center;">421.315</p> <p>ATTY. GEN. OPINIONS: Validity of transporting flax in interstate commerce under federal laws, 1944-46, p 483.</p>	<p style="text-align: center;">421.468</p> <p>ATTY. GEN. OPINIONS: Medical care for local inmates, 1966-68, p 347; venue for prosecution of escapee from work camp, (1969) Vol 34, p 540.</p>
<p style="text-align: center;">421.325</p> <p>ATTY. GEN. OPINIONS: Purchase of goods from penitentiary industries by school districts, 1960-62, p 268.</p>	<p style="text-align: center;">421.470</p> <p>ATTY. GEN. OPINIONS: Authority to hire guards for convicts, 1958-60, p 237; medical care for local inmates, 1966-68, p 347.</p>
<p style="text-align: center;">421.330</p> <p>ATTY. GEN. OPINIONS: Purchase by counties of convict-made goods, shipped into the state, 1956-58, p 96.</p>	<p style="text-align: center;">421.480</p> <p>ATTY. GEN. OPINIONS: Medical care for local inmates, 1966-68, p 347.</p>

421.705

ATTY. GEN. OPINIONS: Board of Control's authority to transfer inmates between the MacLaren School and the Correctional Institution, 1964-66, p 44.

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ATTY. GEN. OPINIONS: Correctional institution defined, 1962-64, p 380; Board of Control's authority to transfer inmates between the MacLaren School and the Correctional Institution, 1964-66, p 44.