

House Bill 2143

Sponsored by Representative NATHANSON; Representatives DEMBROW, DOHERTY, GARRETT (at the request of State and Local Government Efficiency Task Force) (Presession filed.)

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 **as introduced**.

Eliminates requirement that Department of Corrections inspect local detention facilities for compliance with specified provisions of state law. Requires local government to conduct inspections for compliance.

A BILL FOR AN ACT

1
2 Relating to inspection of local detention facilities; amending ORS 169.070, 169.076, 169.077 and
3 169.078.

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

5 **SECTION 1.** ORS 169.070 is amended to read:

6 169.070. (1) The Department of Corrections shall provide and coordinate state services to local
7 governments with respect to local correctional facilities and juvenile detention facilities. The Di-
8 rector of the Department of Corrections shall designate staff to provide technical assistance to local
9 governmental agencies in the planning and operation of local correctional facilities, lockups, tem-
10 porary holds and juvenile detention facilities, and advice on provisions of state law applicable to
11 these facilities. [*The department*]

12 **(2) Each local government** shall inspect **its** local correctional facilities, lockups, temporary
13 holds and juvenile detention facilities, to ensure compliance with the standards established in ORS
14 169.076 to 169.078, 169.740, 419A.059 and 419B.180.

15 [(2)] **(3)** In carrying out its duties under subsection [(1)] **(2)** of this section, the [*department*] **local**
16 **government** may enter into agreements with public or private entities to conduct inspections of **its**
17 local correctional facilities, lockups, temporary holds and juvenile detention facilities.

18 **SECTION 2.** ORS 169.076 is amended to read:

19 169.076. Each local correctional facility shall:

20 (1) Provide sufficient staff to perform all audio and visual functions involving security, control,
21 custody and supervision of all confined detainees and prisoners, with personal inspection at least
22 once each hour. The supervision may include the use of electronic monitoring equipment when ap-
23 proved by the Department of Corrections and the governing body of the [*area*] **jurisdiction** in which
24 the facility is located.

25 (2) Have a comprehensive written policy with respect to:

26 (a) Legal confinement authority.

27 (b) Denial of admission.

28 (c) Telephone calls.

29 (d) Admission and release medical procedures.

30 (e) Medication and prescriptions.

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 (f) Personal property accountability which complies with ORS 133.455.
 2 (g) Vermin and communicable disease control.
 3 (h) Release process to include authority, identification and return of personal property.
 4 (i) Rules of the facility governing correspondence and visitations.
 5 (3) Formulate and publish plans to meet emergencies involving escape, riots, assaults, fires, re-
 6 bellions and other types of emergencies; and regulations for the operation of the facility.
 7 (4) Not administer any physical punishment to any prisoner at any time.
 8 (5) Provide for emergency medical and dental health, having written policies providing for:
 9 (a) Licensed physician or nurse practitioner review of the facility's medical and dental plans.
 10 (b) The security of medication and medical supplies.
 11 (c) A medical and dental record system to include request for medical and dental attention,
 12 treatment prescribed, prescriptions, special diets and other services provided.
 13 (d) First aid supplies and staff first aid training.
 14 (6) Prohibit firearms from the security area of the facility except in times of emergency as de-
 15 termined by the administrator of the facility.
 16 (7) [*Insure*] **Ensure** that confined detainees and prisoners:
 17 (a) Will be fed daily at least three meals served at regular times, with no more than 14 hours
 18 between meals except when routinely absent from the facility for work or other purposes.
 19 (b) Will be fed nutritionally adequate meals in accordance with a plan reviewed by a registered
 20 dietitian or the Oregon Health Authority.
 21 (c) Be provided special diets as prescribed by the designated facility physician or nurse practi-
 22 tioner.
 23 (d) Shall have food procured, stored, prepared, distributed and served under sanitary conditions,
 24 as defined by the authority under ORS 624.041.
 25 (8) [*Insure*] **Ensure** that the facility be clean, and provide each confined detainee or prisoner:
 26 (a) Materials to maintain personal hygiene.
 27 (b) Clean clothing twice weekly.
 28 (c) Mattresses and blankets that are clean and fire-retardant.
 29 (9) Require each prisoner to shower at least twice weekly.
 30 (10) Forward, without examination or censorship, each prisoner's outgoing written communi-
 31 cations to the Governor, jail administrator, Attorney General, judge, Department of Corrections or
 32 the attorney of the prisoner.
 33 (11) Keep the facility safe and secure in accordance with the State of Oregon Structural Spe-
 34 cialty Code and Fire and Life Safety Code.
 35 (12) Have and provide each prisoner with written rules for inmate conduct and disciplinary
 36 procedures. If a prisoner cannot read or is unable to understand the written rules, the information
 37 shall be conveyed to the prisoner orally.
 38 (13) Not restrict the free exercise of religion unless failure to impose the restriction will cause
 39 a threat to facility or order.
 40 (14) Safeguard and [*insure*] **ensure** that the prisoner's legal rights to access to legal materials
 41 are protected.
 42 **SECTION 3.** ORS 169.077 is amended to read:
 43 169.077. Each lockup facility shall:
 44 (1) Maintain 24-hour supervision when persons are confined[; *such*]. **The** supervision may include
 45 the use of electronic monitoring equipment when approved by the Department of Corrections and

1 the governing body of the *[area]* **jurisdiction** in which the facility is located.

2 (2) Make a personal inspection of each person confined at least once each hour.

3 (3) Prohibit firearms from the security area of the facility except in times of emergency as de-
4 termined by the administrator of the facility.

5 (4) *[Insure]* **Ensure** that confined detainees and prisoners will be fed daily at least three nutri-
6 tionally adequate meals served at regular times, with no more than 14 hours between meals except
7 when routinely absent from the facility for work or other such purposes.

8 (5) Forward, without examination or censorship, each prisoner's outgoing written communi-
9 cations to the Governor, jail administrator, Attorney General, judge, Department of Corrections or
10 the attorney of the prisoner.

11 (6) Provide rules of the facility governing correspondence and visitations.

12 (7) Keep the facility safe and secure in accordance with the State of Oregon Structural Specialty
13 Code and Fire and Life Safety Code.

14 (8) Formulate and publish plans to meet emergencies involving escape, riots, assaults, fires, re-
15 bellions and other types of emergencies; and policies and regulations for the operation of the facility.

16 (9) *[Insure]* **Ensure** that the facility be clean, provide mattresses and blankets that are clean
17 and fire-retardant, and furnish materials to maintain personal hygiene.

18 (10) Provide for emergency medical and dental health, having written policies providing for li-
19 censed physician review of the facility's medical and dental plans.

20 **SECTION 4.** ORS 169.078 is amended to read:

21 169.078. Each temporary hold shall:

22 (1) Provide access to sanitation facilities.

23 (2) Provide adequate seating.

24 (3) Maintain supervision of prisoners or detainees when confined. *[Such]* **The** supervision may
25 include the use of electronic monitoring equipment when approved by the Department of Corrections
26 and the governing body of the *[area]* **jurisdiction** in which the facility is located.

27 (4) Prohibit firearms from the secure area except in times of emergency.

28 (5) Keep the facility safe and secure in accordance with the State of Oregon Structural Specialty
29 Code and Fire and Life Safety Code.

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