

House Bill 3503

Sponsored by Representatives WILLIAMSON, OLSON

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**.

Directs Department of Corrections to establish Family Sentencing Alternative Pilot Program in partnership with circuit courts, county community corrections agencies and Department of Human Services. Specifies requirements of defendants entering program. Authorizes court to sentence defendant to probation with certain conditions and monitor defendant's progress in program.

Authorizes Department of Corrections to increase reduction in term of imprisonment if inmate meets certain criteria.

Sunsets July 1, 2025.

A BILL FOR AN ACT

1
2 Relating to offenders with minor children.

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

4 **SECTION 1. (1) The Department of Corrections, in partnership with the circuit court of**
5 **each county, county community corrections agencies and the Department of Human Ser-**
6 **vices, shall establish the Family Sentencing Alternative Pilot Program.**

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

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

11 **(b) The defendant has never been convicted of:**

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

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

15 **(c) The defendant is not being sentenced for an offense requiring a specified sentence**
16 **under ORS 137.635, 137.700, 137.707, 164.061, 475.907, 475.925, 475.930 or 813.010; and**

17 **(d) The defendant is the parent or legal guardian of a minor child and had physical cus-**
18 **tody of the child at the time of the offense.**

19 **(3) If the defendant meets the eligibility requirements described in subsection (2) of this**
20 **section, the court shall order that the Department of Human Services provide the court with**
21 **information concerning any open or current juvenile dependency proceeding or any prior**
22 **substantiated allegation of abuse or neglect involving the defendant and a minor child. As a**
23 **requirement for entering the Family Sentencing Alternative Pilot Program, the court may**
24 **order the defendant to sign a release authorizing the department to provide the court with**
25 **the required information.**

26 **(4) After receipt of the information described in subsection (3) of this section, the court**
27 **shall determine if the Family Sentencing Alternative Pilot Program is an appropriate sen-**
28 **tence for the defendant. When making the determination, the court shall consider:**

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 (a) The information described in subsection (3) of this section and the defendant's crim-
2 inal history;

3 (b) Input from the victim, if any; and

4 (c) Whether the program is likely to facilitate the rehabilitation of the defendant and
5 promote the well-being of the defendant's minor child.

6 (5) If the court determines that the Family Sentencing Alternative Pilot Program is an
7 appropriate sentence for the defendant, the court shall sentence the defendant to 24 months
8 of probation. The court may order conditions of probation under ORS 137.540 and may impose
9 any additional conditions it considers appropriate including, but not limited to:

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

11 (b) Participation in vocational training; and

12 (c) Completion of:

13 (A) Parenting skills classes;

14 (B) Drug or alcohol treatment;

15 (C) Mental health treatment; or

16 (D) Life skills classes.

17 (6) The Department of Corrections or the county community corrections agency shall
18 provide quarterly progress reports to the court concerning the defendant's progress in the
19 Family Sentencing Alternative Pilot Program.

20 (7) The court may at any time during the defendant's participation in the Family Sen-
21 tencing Alternative Pilot Program order that the defendant appear before the court to eval-
22 uate the defendant's progress in the program. The court may, after notice to the defendant
23 and an opportunity to be heard, modify the conditions of probation if the modification will
24 assist the defendant in successfully completing the program.

25 (8) The court may revoke the defendant's participation in the Family Sentencing Alter-
26 native Pilot Program and sentence the defendant to a term of imprisonment under the rules
27 of the Oregon Criminal Justice Commission if the court finds the defendant in willful vio-
28 lation of the conditions of probation.

29 (9) The Department of Corrections shall adopt rules to implement this section.

30 **SECTION 2.** (1) The Department of Corrections may further reduce the term of
31 incarceration of an inmate as described in ORS 421.121 by a period of an additional six
32 months if the inmate meets the following eligibility requirements:

33 (a) The inmate has never been convicted of:

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

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

37 (b) The inmate is not serving a sentence for an offense requiring a specified sentence
38 under ORS 137.635, 137.700, 137.707, 164.061, 475.907, 475.925, 475.930 or 813.010;

39 (c) The inmate is the parent or legal guardian of a minor child and had physical custody
40 of the child at the time of the offense; and

41 (d) The inmate has demonstrated appropriate institutional behavior as defined by rule
42 of the department.

43 (2) The State Board of Parole and Post-Prison Supervision or the local supervisory au-
44 thority may, in addition to the conditions of post-prison supervision described in ORS 144.102,
45 order additional conditions of post-prison supervision for a person released under this section

- 1 as the board or authority considers appropriate including, but not limited to:
- 2 (a) Geographical restrictions, including house arrest and electronic surveillance;
- 3 (b) Participation in vocational training; and
- 4 (c) Completion of:
- 5 (A) Parenting skills classes;
- 6 (B) Drug or alcohol treatment;
- 7 (C) Mental health treatment; or
- 8 (D) Life skills classes.
- 9 (3) The Department of Corrections and the State Board of Parole and Post-Prison
- 10 Supervision shall adopt rules to implement this section.
- 11 SECTION 3. Sections 1 and 2 of this 2015 Act are repealed on July 1, 2025.
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