

Summary of DOC Bills

2001-2003 Legislative Session

Bills the Oregon Department of Corrections has asked the 2001-2003 Legislative Assembly to consider include:

HB 2094

Authority to provide Services/Assistance to Local Governments

From time to time, local governments ask the Department of Corrections to assist them in the event of an emergency or in providing certain medical services for inmates in their jails or juvenile detention facilities. The department, however, has no statutory authority to enter into such agreements or to contract with its local partners. This bill allows the department to assist local governments with services such as health care, treatment and security, creating win-wins for both types of government.

HB 2095

Extend Statutory Authority for Out-of-State Rental Beds

DOC's authority to rent beds in out-of-state facilities expires on December 31, 2001 due to a sunset provision in the 1995 law.

The department would like to continue to have this authority in the event that demand for beds exceeds the department's capacity to safely house state inmates. Although the department is in the midst of a prison construction and expansion program, changes to sentencing laws can rapidly affect the department's ability to manage the inmate population. Rental beds are a safety valve that the department needs to retain as a housing option.

HB 2096

Witnesses to Executions

Current laws do not provide any details regarding step-by-step procedures the department must use in carrying out an execution. The department established rules that provide that detail, including what steps in the process witnesses may see and what they may disclose about what they see.

The Oregon Supreme Court held, in 1999, that the department exceeded its statutory authority in adopting these portions of the rules.

In response to the decision of the Oregon Supreme Court, the department seeks amendment of the current statutes to grant to this Department of Corrections the same authority to determine what steps witnesses see as is the law in 33 other states. (34 states have lethal injection — one state, South Dakota, has not yet adopted rules).

OREGON DEPARTMENT
OF CORRECTIONS

DAVID S. COOK
DIRECTOR

The mission of the Oregon Department of Corrections is to promote public safety by holding offenders accountable for their actions and reducing the risk of future criminal behavior.

JOHN A. KITZHABER, M.D.
GOVERNOR



By granting this express authority to have rules that establish the steps that witnesses observe, the Legislature preserves the department's ability to discharge its singular statutory responsibility to carry out death sentences in a manner that is consistent with the safe, secure and orderly management and operation of the penitentiary. This includes the safety and security of department staff and other persons directly involved in the execution process, and their families, with due regard for the dignity of the condemned inmate, and within the limitations of space and resources.

HB 2097

Authority to Provide Medical and Mental Health Treatment to Minors

The Department of Corrections is required under current law to provide adequate health and medical care for all inmates. However, the law is not clear with regard to inmates who are under 18 years of age.

This concept will provide legal clarification of the DOC's authority to provide treatment to minors. It permits the department to provide these inmates with ordinary medical, dental, and mental health care. Furthermore, it permits the department to authorize surgery or other extraordinary care in an emergency situation.

HB 2099

Change Uniform Criminal Extradition Act to Recognize Pre-signed Extradition Waivers

In many states, offenders are required to sign a "waiver of extradition" as a condition of being supervised on probation, parole, or other supervised release. This waiver means that the offender agrees not to contest extradition to his/her home state in the event a warrant is issued for their return.

Current Oregon law does not allow the courts to recognize a pre-signed waiver of extradition. As a result, when an offender from another state is arrested in Oregon, the individual must be physically taken before a judge before being extradited to the state demanding the inmate on its warrant.

The proposed solution is that Oregon statute be amended to allow pre-signed waivers to be recognized in lieu of physical appearance before a judge. An administrative process would be established that would effectively recognize another state's pre-signed waiver and then permit surrendering the offender to the demanding state.

HB 2100

Wednesday, Thursday or Friday Release

Inmates scheduled to be released from a correctional facility on a weekend or legal holiday may under current law be released on the weekday before the actual release date (often a Friday). Many times that date does not fit well with placing an inmate in community programs. For instance, if an inmate is released on the Friday before a three-day weekend, he goes for at least three days without services, potentially compromising public safety.

This concept gives prisons and jails a bit more flexibility when the actual release date lands on a weekend or holiday. It permits releasing authorities the discretion to adjust release dates up to three days in advance of a weekend or holiday to fit with housing or programs in the community.

Legislative Briefings

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