

Chapter 421

1955 REPLACEMENT PART

State Penitentiary, Correctional Institution and Convicts

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**PENITENTIARY; OFFICERS;
FINANCIAL ADMINISTRATION**

421.005 Definitions. As used in this chapter, unless the context requires otherwise:

- (1) "Board" means the Oregon State Board of Control.
- (2) "Penitentiary" means the Oregon State Penitentiary.
- (3) "Warden" means the Warden of the Oregon State Penitentiary.

421.010 Location and use of penitentiary. The Oregon State Penitentiary, located in Salem, Marion County, shall be used as a penal institution for the imprisonment of persons committed to its custody.

421.015 Duties and powers of warden. The warden:

- (1) Shall be the chief executive officer of the penitentiary.
- (2) Shall keep all convicts safely, according to law and the rules and regulations of the board.
- (3) With the approval of the board, shall appoint a business manager and not more than two deputy wardens. The positions of the deputy wardens shall be in the unclassified service for the purposes of the State Civil Service Law. The salaries of the deputy wardens shall be fixed by the board within the appropriations therefor and the limitations otherwise provided by law.
- (4) May make and prescribe rules for the government of the convicts, subject to the approval of the board.
- (5) May offer rewards and pay expenses for the apprehension, safekeeping and return of all escaped prisoners.
- (6) Shall maintain a rogues' gallery and place therein the pictures of all convicts confined in the penitentiary, and take such other steps as he deems necessary for the recognition and detection of convicts and criminals. [Amended by 1953 c.476 §5]

421.020 Powers and duties of deputy wardens and business manager. (1) The warden may delegate to the deputy wardens any powers and duties relating to the government of the convicts.

(2) The warden may delegate to the business manager any powers and duties relating to the business administration of the penitentiary, its annex, its farming activities and its industries. [Amended by 1953 c.476 §5]

421.025 Residence of officers. The warden and, when housing is available at the penitentiary, the deputy wardens shall, and the business manager may, reside at the penitentiary and each shall be furnished residences or housekeeping rooms, also household furniture, provisions, heat and light, at such rates of payment therefor as the board prescribes. [Amended by 1953 c.476 §5]

421.030 Matron; appointment; duties. Whenever one or more females are imprisoned in the penitentiary, the warden shall appoint a woman of good moral character as matron of the penitentiary. The matron shall look after and attend to all female prisoners and perform such other necessary and proper duties as may be assigned to her by the warden.

421.035 Chaplains of state institutions; appointment; duties. There shall be appointed by the board two chaplains of the Oregon State Penitentiary, two chaplains of the Oregon State Correctional Institution and two chaplains of the MacLaren School for Boys. One shall be a non-Catholic clergyman, the other a Catholic clergyman of the archdiocese of Oregon, in each instance. They shall:

- (1) Look after and attend to the spiritual wants of the inmates of the penitentiary, the correctional institution and the MacLaren School for Boys and of all other public institutions in Marion County, when called upon so to do by the inmates, respectively.
- (2) Visit their respective charges for the purpose of giving them religious and moral instructions at such times as their services are required by their charges, and visit the sick in the hospital. [Amended by 1955 c.660 §28]

421.040 to 421.050 [Reserved for expansion]

421.055 Cost-accounting system. The board may make such rules and regulations as it deems necessary to set up in the penal or reformatory institutions, or both, a cost-accounting system in connection with the manufacture or production of all goods, wares or merchandise of those institutions. The system shall take into consideration a reasonable compensation to be set aside for the labor of any prisoner or convict employed in any industry of those institutions. This compensation shall be held for the bene-

fit of the prisoner or convict, or under proper rules and regulations be remitted to his dependents.

421.060 Penitentiary Revolving Fund.

(1) There is created a fund to be known as the Penitentiary Revolving Fund. All moneys accruing to the revolving fund from the sources mentioned in subsection (2) of this section shall constitute a continuing appropriation from the General Fund of the State Treasury and all sums so accruing to the revolving fund shall be credited to the revolving fund as they are deposited in the State Treasury.

(2) All funds received from the sale of products under ORS 421.325 shall be deposited in the State Treasury, to be credited and become part of the Penitentiary Revolving Fund.

421.065 Use of revolving fund; limitations. (1) The Penitentiary Revolving Fund shall be available for:

(a) The purchase of all necessary machinery and equipment for equipping and enlarging the flax industry and the wood-working plant now at the penitentiary.

(b) Any other industries that may be established in the discretion of the Governor and the warden of the penitentiary.

(c) The purchase of raw materials, the payment of salaries and wages and all other expenses necessary and proper in the judgment of the Governor and the warden of the penitentiary in the conduct and operation of said industries.

(d) Whenever the board deems it necessary in the interest of said flax industry, the purchase, or lease, and operation of a pilot flax processing plant and adequate ground therefor in the proximity of the Oregon State College, to be used in conjunction with the United States agricultural research office now operating at that college.

(2) No part of the fund shall be expended for maintenance, repairs, construction or reconstruction, or general or special expenses of the penitentiary, other than said industrial plants.

421.070 Revolving fund surplus transfer to General Fund; use for maintenance of penitentiary. (1) Whenever it appears to the board that the amount of the Penitentiary Revolving Fund is in excess of that reasonably required for the purposes for which the fund was created, the board may, in its dis-

cretion, transfer such surplus to the General Fund.

(2) When the revolving fund has increased to the extent that the moneys appropriated by section 1, chapter 232, Oregon Laws 1923, are no longer needed, the same may, in the discretion of the Governor and the warden be used for the maintenance of the penitentiary.

421.075 Procedure for borrowing from General Fund. Whenever in the judgment of the Governor and of the warden it becomes necessary to borrow money from the General Fund in order to meet current demands on the Penitentiary Revolving Fund, they shall certify to the Secretary of State and the State Treasurer, that, in their judgment, it is necessary to borrow a specified sum of money for such purpose from the moneys in the General Fund not otherwise appropriated. Upon the receipt of such certificate the Secretary of State and State Treasurer shall credit to the revolving fund as an appropriation from the moneys in the General Fund, not required for immediate disbursement, the sum so certified. The sum so credited shall be repaid from the revolving fund to the General Fund by charging the same against the revolving fund and crediting it to the General Fund by the Secretary of State and State Treasurer at such time as shall be specified by the Secretary of State and State Treasurer, together with interest thereon at such rate as shall be specified by the Secretary of State and State Treasurer, not exceeding four percent per annum. When any transfer or credit is made to the revolving fund, the Secretary of State and State Treasurer shall notify the Governor and the warden of the amount so credited to the revolving fund, the date when the same is to be repaid and the rate of interest to be paid thereon. For the purpose of authorizing such loans to be made from the State Treasury, there is appropriated from any moneys in the General Fund, not otherwise appropriated, the sum of \$100,000, which sum is in addition to the \$50,000 appropriated by section 4, chapter 232, Oregon Laws 1923. The total amount of loans under this section existing at any time shall not exceed \$150,000. [Amended by 1955 c.389 §1]

STATE CORRECTIONAL INSTITUTION

421.080 Oregon State Correctional Institution established. There hereby is estab-

lished and permanently located in Marion County a correctional institution to be known as the Oregon State Correctional Institution. This institution is to be maintained for the confinement, discipline, education, rehabilitation and reformation of such male persons as are committed to its custody or transferred to it under ORS 137.125 and 421.265. [1955 c.660 §1]

421.083 Principal objectives of correctional institution. (1) The principal objectives of the Oregon State Correctional Institution are to provide for the discipline, correction and rehabilitation of male persons convicted of a crime who, because of their experience in crime or delinquency, are not eligible for commitment to or would be serious disciplinary or security risks at the MacLaren School for Boys but who are considered amenable to rehabilitation and do not require a sentence imposing a punishment of imprisonment in the Oregon State Penitentiary.

(2) Primary emphasis shall be placed upon the rehabilitation of persons committed to the institution. Restoration to useful citizenship shall be the principal aim of the institution.

(3) The superintendent of the institution and his subordinate officers and employees shall use their best and consistent endeavors to bring about rehabilitation and restoration through a program of work, education, guidance and discipline so that the inmates are trained and developed to become useful and honorable members of society and that they will be encouraged to live a law abiding existence upon their release. [1955 c.660 §2]

421.086 Provisions governing conduct and treatment of prisoners and administration of penitentiary made applicable to prisoners and administration of correctional institution. (1) The prohibitions and protection of ORS 421.105 shall apply to officers, employees and inmates of the Oregon State Correctional Institution.

(2) Reductions in term of sentence or good time credits for inmates of the Oregon State Correctional Institution shall be computed in the manner provided in ORS 421.120.

(3) Clothing and money allowances shall be made to persons discharged from the Oregon State Correctional Institution to the extent provided in ORS 421.125.

(4) The Superintendent of the Oregon State Correctional Institution shall have the same authority under this section with regard to his institution as the Warden of the Oregon State Penitentiary exercises under ORS 421.015, 421.020, 421.105, 421.120, 421.125, 421.140 and 421.142. [1955 c.660 §11]

421.090 to 421.100 [Reserved for expansion]

RIGHTS, PRIVILEGES, CUSTODY, TRANSFER AND CLASSIFICATION OF CONVICTS

421.105 Enforcement of rules; violence and injury to convicts prohibited. (1) The warden may enforce obedience to the rules for the government of the convicts by appropriate punishment but neither the warden nor any other prison official or employee may strike or inflict physical violence except in self-defense, or inflict any cruel or unusual punishment.

(2) The person of a convict sentenced to imprisonment in the penitentiary is under the protection of the law and he shall not be injured except as authorized by law. [Amended by 1953 c.476 §5]

421.110 Effect of imprisonment in the penitentiary upon civil rights; exceptions. (1) A judgment of imprisonment in the penitentiary:

(a) Suspends all the civil rights of the person so sentenced.

(b) Forfeits all public offices and all private trusts, authority or power during the term or duration of such imprisonment.

(2) However, a person so sentenced may lawfully exercise all civil rights that are not political during any period of parole or probation.

(3) The provisions of subsections (1) and (2) of this section and ORS 421.115 are not intended to render a person sentenced to imprisonment in the penitentiary incapable of making a will or power of attorney or incapable of making and acknowledging a sale or conveyance of property. [Amended by 1955 c.532 §1; subsection (3) enacted as 1955 c.485 §2]

421.112 Civil rights of persons committed to correctional institution. (1) The civil rights, including the right to vote, of a person committed to the Oregon State Correc-

tional Institution shall be restored to him automatically upon final discharge or upon discharge on parole, unless such person is transferred to the Oregon State Penitentiary for disciplinary or security reasons or unless the parole of a person discharged from the correctional institution is subsequently revoked.

(2) During the period of actual confinement in the Oregon State Correctional Institution the laws relating to civil disabilities of persons committed to the Oregon State Penitentiary shall be applicable to persons committed to the Oregon State Correctional Institution. [1955 c.660 §10]

421.115 [Repealed by 1955 c.532 §3]

421.120 Reduction in term of sentence of convicts. (1) Each prisoner now or hereafter confined, in execution of the judgment of sentence upon any conviction, in the penitentiary, for any term other than life, and whose record of conduct shows that he faithfully has observed the rules of the institution, and where industry and general reformation are certified to the Governor by the warden of the penitentiary, shall be entitled, upon the order of the Governor, to a deduction from the term of his sentence to be computed as follows:

(a) Upon a sentence of not less than six months nor more than one year, five days for each month of actual service of such sentence in the penitentiary.

(b) Upon a sentence of more than one year, 10 days for each month of actual service of such sentence in the penitentiary.

(c) Upon any sentence, two days for each month of actual work in prison industry, or in meritorious work in connection with prison maintenance and operation, during the first year of prison employment, four days for each month of such work after the first year to and including the fifth year of prison employment, and five days for each month of such work after the fifth year of prison employment.

(d) Upon any sentence, three days for each month of actual work in agriculture or at work camp during the first year of prison employment, and five days for each month of such work thereafter.

(e) The deductions allowed in paragraphs (c) and (d) of this subsection shall be in addition to those allowed in paragraphs (a) and (b) of this subsection.

(f) In this subsection, "prison employ-

ment" includes actual work in prison industry, meritorious work in connection with prison maintenance and operation, actual work in agriculture and actual work at work camp.

(2) When a paroled convict violates any condition of his parole, no deduction from the term of his sentence, as provided in subsection (1) of this section, shall be made for service by such convict in the penitentiary prior to his acceptance and release on parole, except when authorized by the State Board of Parole and Probation upon recommendation of the warden. [Amended by 1953 c.560 §2; 1955 c.505 §1]

421.125 Clothing and money for discharged or paroled convict; receipts. (1) Upon the discharge or parole of any convict from the penitentiary, the warden shall see that such discharged or paroled convict is properly clothed.

(2) Where a convict is finally discharged, if the money standing to the credit of the convict in the accounts of the penitentiary does not equal \$50, the warden shall pay the convict such additional sum as will equal \$50.

(3) In all cases where a convict is paroled, if the money standing to the credit of the convict in the accounts of the penitentiary does not equal \$25, the warden shall pay the convict such additional sum as will equal \$25.

(4) The warden shall take a receipt for any payment under subsections (2) and (3) of this section, which receipt shall be the authority of the board to reimburse the warden from the funds appropriated for maintenance of the penitentiary.

(5) The warden shall safeguard the moneys standing to the credit of each individual convict, whether such moneys are from outside sources or from earnings of the convict while in the penitentiary, to the end that in so far as possible the convict will have at least \$50 to his credit on discharge, or at least \$25 to his credit on parole.

(6) Subject to approval of the board, the warden may promulgate such rules and regulations as are deemed necessary or desirable to carry out the provisions of this section.

(7) The provisions of subsections (2) and (3) shall not apply where the convict is released to legal custody of authorities in the state or from another jurisdiction. [Amended by 1955 c.265 §1]

421.130 Credit to convicts for road work; forfeiture. Each convict worked upon the public roads mentioned in ORS 421.430 shall receive a credit upon his time of two days for each day that he faithfully and diligently works upon those public roads. In case at any time he fails to do so, he shall forfeit all or as many of the credits as in the judgment of the warden shall be proper.

421.135 Wages and funds for wood camp labor. (1) The warden may draw warrants against the betterment fund of the penitentiary for payment of wages to paroled convicts employed in any wood camp under ORS 421.425.

(2) Wages for paroled convicts employed under ORS 421.425 shall be reasonable and in no case in excess of ordinary wages granted to free labor for similar employment.

421.140 Amount and method of paying convict labor. The warden may fix reasonable compensation, not to exceed \$1 per day, for such labor as he may lawfully require convicts to perform and when, in his judgment, compensation is proper. The warden shall credit the account of each laborer with the amount of his earnings. For payment of such compensation the board is authorized and directed to draw upon moneys in the General Fund appropriated for such purpose, or any other moneys made available therefor by law, including the Penitentiary Revolving Fund and the betterment fund. In carrying out this section the warden shall be governed by all applicable rules and regulations of the board.

421.142 Manufacture and sale of articles of handiwork by convicts; disposition of moneys received. (1) The Warden of the Oregon State Penitentiary hereby is vested with authority, in his discretion, to allow the manufacture of small articles of handiwork by the prisoners of the penitentiary, out of raw materials purchased by the prisoners with their own funds, which articles may be sold to the public at the penitentiary. State-owned property shall not be sold or given to prisoners under this section.

(2) The warden may provide that all or a part of the sales price of the articles be deposited to the account of the prisoner manufacturing the article. [1953 c.537 §1]

421.145 Disposition of moneys earned by convicts. No moneys obtained from the

sale of the products of any convict's labor shall be applied either toward his maintenance, toward the support of his dependents, or shall become a part of the betterment fund of the penitentiary, until after all the cost of operation, maintenance, depreciation and other expenses in connection with the plant of the penitentiary industry in which the convict is employed are fully paid from the fund arising from the sale of such products.

421.150 to 421.200 [Reserved for expansion]

421.205 Contracts with other states for detention of female convicts. (1) The board may enter into contract with the authorities of any state of the United States having a women's reformatory or prison for the confinement, and detention of female convicts; such contract to provide for the reception, detention, care, maintenance and employment of all females convicted of felony in the courts of this state and sentenced to a term of imprisonment therefor.

(2) The board may enter into contracts with other states to receive, detain, care for, maintain and employ females convicted of felony in other states, on such basis as it may agree with the authorities of any state of the United States.

421.210 Transfer of female convicts to contract institutions; term of confinement. After the making of a contract under ORS 421.205, all females convicted of felony in the courts of this state and sentenced to a term of imprisonment in the state prison, including those who, at the date of entering into the contract, are confined therein, shall be conveyed, as provided by law, by the warden of the penitentiary or his assistants to the institution named in the contract. They shall be delivered to the authorities of said institution, there to be confined until their respective sentences have expired or until they are otherwise discharged by law.

421.211 Contracts with the Federal Government, other states or any counties in this state for detention of male convicts; transfer of male convicts from penitentiary to contract institutions. The board may enter into a contract or arrangement with the authorities of the Federal Government, or the authorities of any state of the United States or of any county in this state providing for the detention, in an institution or jail

operated by such governmental unit, of male prisoners convicted of a felony in the courts of this state and sentenced to a term of imprisonment therefor in the Oregon State Penitentiary. After the making of a contract or arrangement under this section, prisoners sentenced to a term of imprisonment in the Oregon State Penitentiary may be conveyed by the warden or his assistants to the institution or jail named in the contract. The prisoners shall be delivered to the authorities of the institution or jail, there to be confined until their sentences have expired or they are otherwise discharged by law, or until they are returned to the Oregon State Penitentiary for further confinement. [1955 c.309 §2]

421.213 Notice of transfer from penitentiary required. Whenever a prisoner who is serving a sentence imposed by a court of this state is transferred from the penitentiary under this chapter, the warden shall send to the clerk of the court pursuant to whose order or judgment the prisoner was committed to the penitentiary a notice of transfer, disclosing the name of the prisoner transferred and giving the name and location of the institution to which the prisoner was transferred. The warden shall keep a copy of all notices of transfer on file as a public record open to inspection; and the clerk of the court shall file with the judgment roll in the appropriate case each copy of a notice of transfer which he receives from the warden. [1955 c.309 §7]

421.215 Procurement of transferred prisoners when required for judicial proceedings. Should the presence of any prisoner confined in an institution of another state under ORS 421.210, or confined in a county jail or in the institution of another state or the Federal Government under ORS 421.211, be required in any judicial proceeding of this state, the warden of the penitentiary shall, upon being so directed by the board, or upon the written order or direction of any court of competent jurisdiction, or of a judge thereof, procure such prisoner, bring him to the place directed in such order and hold him in custody subject to the further order and direction of the board, or of the court or of a judge thereof, until he is lawfully discharged from custody. The warden may, by direction of the board or of the court, or a judge thereof, deliver such prisoner into the custody of the sheriff of the county in which he was convicted, or may, by like or-

der, return such prisoner to the institution from which he was taken. [Amended by 1955 c.309 §3]

421.220 Return of respective prisoners.

(1) Upon the expiration of any contract entered into under ORS 421.205 or 421.211, all prisoners of this state confined in such institution or jail shall be returned by the warden to the penitentiary of this state, or delivered to such other institution as the board has contracted with under ORS 421.205 or 421.211.

(2) This state shall likewise direct the warden to return any female prisoner to such other state as may be contracted with. The board shall make provision for the return to this and to the other states of their respective female prisoners, as may be agreed upon at the expiration of their terms of imprisonment. [Amended by 1955 c.309 §4]

421.225 Expenses of warden. The warden shall be allowed and paid all his necessary expenses and disbursements incurred while performing any duty enjoined upon him by ORS 421.205 to 421.211 and 421.215 and 421.220. [Amended by 1955 c.309 §5]

421.230 Custody of federal prisoners. Whenever the proper authorities of the United States Government desire that United States prisoners be imprisoned in the Oregon State Penitentiary, the board may make such arrangements for the custody of the prisoners as may be meet and proper and upon terms that will be just to both the State of Oregon and the United States Government.

421.232 Persons sentenced to an indeterminate term for sex crimes to be observed and treated. Any person sentenced under ORS 137.111 or ORS 137.116 or 167.050 to an indeterminate term not exceeding his natural life, shall be given such physical, mental and psychiatric observation and treatment as is available and may tend to rehabilitate such person and make possible the earliest possible release from the penal or correctional institution in which such person is confined, with the least possible danger to the health and safety of others. [1955 c.636 §4]

421.233 Written report to State Board of Parole and Probation concerning conduct of persons sentenced to indeterminate term for sex crimes. The executive officer of the

penal or correctional institution in which a person sentenced under ORS 137.111, 137.116 or 167.050 is confined, shall make the reports required by subsection (2) of ORS 144.228. [1955 c.636 §8]

421.235 Transfer of mentally ill convicts to hospital; retransfer. When any convict confined in the penitentiary is, in the opinion of the warden or physician of the penitentiary, insane, notice shall at once be given to the clerk of the board. The board shall thereupon order his examination by one or more of the physicians of the Oregon State Hospital. If the examining physicians find the convict insane and so certify under oath to the board, the board shall order the convict transferred to the Oregon State Hospital for treatment. However, the board may at any time cause the convict to be transferred back to the penitentiary to serve out his sentence according to law.

421.237 Convicts may be given medical or surgical treatment away from penitentiary. (1) When, in the opinion of the warden or physician of the penitentiary, a convict confined in the penitentiary requires medical or surgical treatment which cannot be accomplished with the equipment and personnel available in the penitentiary:

(a) The convict may be transferred to any state institution having facilities for examination and treatment and transferred back to the penitentiary if his term has not expired during the period of his treatment.

(b) The warden may keep the convict in his custody and convey the convict to a physician, clinic or hospital for examination and treatment.

(2) Any time spent pursuant to transfer for examination or treatment under this section shall be counted as part of the sentence being served by the prisoner. The board shall pay the cost of examination and treatment under this section from the appropriation to the penitentiary. [1955 c.254 §2]

421.239 Convicts may be permitted to visit sick relatives and to attend funerals. The executive head of the Oregon State Penitentiary may, in his discretion, promulgate rules and regulations subject to the approval of the Board of Control, to permit an inmate confined in such institution to:

(1) Go to the bedside of the inmate's wife, husband, child, mother or father who is seriously ill.

(2) Attend the funeral of a relative listed in subsection (1) of this section. [1955 c.59 §1]

421.240 [Amended by 1953 c.111 §3; renumbered 421.270]

421.245 and 421.250 [Reserved for expansion]

421.255 Correctional Classification Board established. There hereby is established the Correctional Classification Board to be constituted of the Chairman of the State Board of Parole and Probation, the Director of Parole and Probation, the Warden of the Oregon State Penitentiary, the Superintendent of the Oregon State Correctional Institution and the Superintendent of the MacLaren School for Boys. [1955 c.660 §6]

421.260 Classification system for persons committed to any state correctional, reformatory or penal institution; classification board to supervise transfer of inmates. (1) The Correctional Classification Board shall, whenever facilities have been provided by the Legislative Assembly, establish a modern system of classification for persons committed to any correctional, reformatory or penal institution of this state for the purpose of reducing disciplinary and administrative problems in those institutions.

(2) The Correctional Classification Board shall supervise and control the transfer of inmates between the Oregon State Penitentiary, the Oregon State Correctional Institution and the MacLaren School for Boys to the extent authorized by law.

(3) The Correctional Classification Board may enact rules and regulations in accordance with ORS chapter 183 for the purpose of establishing a system of classification in keeping with modern penology and for the purpose of effecting transfers of inmates between the state penal, correctional and reformatory institutions. [1955 c.660 §7]

421.265 Transfer of prisoners from MacLaren School for Boys, the correctional institution and the penitentiary. (1) Any male person who is committed to the MacLaren School for Boys, the Oregon State Correctional Institution or the Oregon State Penitentiary may be transferred from any of those institutions to any other institution

mentioned in this section, subject to the following restrictions:

(a) Any inmate of the Oregon State Penitentiary may be transferred to either the Oregon State Correctional Institution or the MacLaren School for Boys.

(b) Any inmate of the Oregon State Correctional Institution may be transferred to the Oregon State Penitentiary or to the MacLaren School for Boys.

(c) No person committed to the MacLaren School for Boys shall be transferred to the Oregon State Penitentiary or to the Oregon State Correctional Institution; provided, however, that any person committed to the Oregon State Penitentiary or to the Oregon State Correctional Institution who has been transferred to the MacLaren School for Boys may be retransferred to the institution where he was originally committed by order of the Correctional Classification Board.

(2) Removal from the institution and transfers of inmates of the Oregon State Correctional Institution for the purpose of medical, surgical or psychiatric examination or treatment may be made in the manner provided by law for such removal and transfers of inmates of the Oregon State Penitentiary.

(3) The limitations on court commitments provided in ORS 137.127 shall not prevent any transfer authorized under this section. [1955 c.660 §8]

421.270 Transfer of prisoners under 21 to MacLaren School for Boys. All persons convicted of felonies and sentenced to the penitentiary who are under the age of 21 years may be transferred by the Governor on his own motion or upon the recommendation of the State Board of Parole and Probation, whenever the warden of the penitentiary certifies that he believes it would be to the best interest of such minor to be transferred to the MacLaren School for Boys. If any minor transferred from the penitentiary to the school should prove incorrigible, the Governor, upon the recommendation of the superintendent of the school, may retransfer such minor from the school to the penitentiary. [Formerly 421.240]

421.275 to 421.300. [Reserved for expansion]

PENITENTIARY INDUSTRIES; PRISON-MADE COMMODITIES

421.305 Establishment of industries in institutions. The board may:

(1) Install and equip such plants as in its discretion may be advisable in any of the penal or reformatory institutions, or both, for the employment of any of the inmates therein in forms of industry and employment not inconsistent with ORS 421.305 to 421.340 and 421.410.

(2) Purchase, acquire, install, maintain and operate such materials, machinery and appliances as it may deem necessary in the conduct and operation of such plants.

421.310 Rules for conduct of industries. The board may make such rules and regulations as it deems necessary governing the conduct of industries in the penal or reformatory institutions, or both, as will result:

(1) In the manufacture, mining or production of only such goods, wares or merchandise as may be used or needed:

(a) In the several penal, custodial, charitable and reformatory institutions, or any of them, the major portion of whose maintenance is contributed by the state or any of the political subdivisions thereof, or for the use and consumption of the institutionally-confined population of those institutions.

(b) To fulfill the requirements of any contract or agreement entered into pursuant to ORS 421.312.

(2) In the manufacture at such penal and reformatory institutions of as wide a variety of products as practicable, it being the purpose and intent of this section to direct the management of the institutions to so diversify the institution products as to eliminate the concentration of prison labor in any one or few industries, thus to minimize as nearly as may be the possible competition of those industries with private industry and private capital. [Amended by 1955 c.55 §3]

421.312 Contracts with Federal Government for producing goods or furnishing services of inmates during national emergency authorized. (1) The board may enter into contracts or agreements with any agency of the Federal Government providing for the sale to such agency of goods, wares or merchandise manufactured, mined or produced in any of the penal or reformatory institutions of this state, or providing for the furnishing of the labor or services of inmates

of any such institutions to such agency, or containing both such provisions, when the President of the United States has, by official action, recognized the existence of a national emergency.

(2) A contract or agreement made pursuant to subsection (1) of this section may authorize the use of the facilities of any penal or reformatory institution in conjunction with:

(a) The manufacturing, mining or producing of any goods, wares or merchandise being sold to an agency of the Federal Government.

(b) The furnishing of the labor or services of inmates of any penal or reformatory institution to any agency of the Federal Government. [1955 c.55 §2]

421.315 Interstate shipment of prison-made goods prohibited; exceptions. No goods, wares or merchandise manufactured, produced or mined in any penal or reformatory institution shall be shipped outside of this state for sale or exchange except:

(1) Flax processed by prisoners.

(2) Goods, wares or merchandise needed to fulfill the requirements of any contract or agreement entered into pursuant to ORS 421.312. [Amended by 1955 c.55 §4]

421.320 Exchange for products of other states prohibited. The exchange of the prison products of penal or reformatory institutions of this state with the products of any other state is prohibited.

421.325 Sale of products of industries. The products of penitentiary industries shall be sold pursuant to rules and regulations made by the board for the sale thereof. They shall be sold for cash, or on such terms as may be approved by the board.

421.330 Sales on open market of prison-made goods prohibited; flax excepted. (1) The sale on the open market of the State of Oregon of all goods, wares or merchandise manufactured, produced or mined, wholly or in part, by convicts or prisoners, except prisoners on parole or probation, in any penal or reformatory institution, except flax processed by prisoners, is prohibited. This section and other regulations and laws of this state not inconsistent with this section shall apply to all goods, wares and merchandise, manufactured or mined, wholly or in part, by convicts or prisoners, except prisoners on parole or probation, in any penal or

reformatory institution and transported into this state for use or distribution, to the same extent and in the same manner as if such goods and merchandise were so manufactured, produced or mined within the state.

(2) "Open market," as used in this section, means all sales or exchanges conducted or transacted through the medium of stores, shops, sales offices, sales agents or agencies, whether retail or wholesale, or in any other manner, to the consuming public.

421.335 Sale to or exchange of goods with other institutions. ORS 421.330 does not apply to the sale or exchange of convict-made goods produced in the penal or reformatory institutions to or with other penal, charitable, reformatory or custodial institutions, the major portions of whose maintenance is contributed by the state or any of the political subdivisions thereof, for the use or consumption of those institutions or their inmates.

421.340 Rules for exchange of products among institutions. The board and such officials as may direct or control the management of penal, custodial, charitable and reformatory institutions of the state or its political subdivisions, shall jointly annually effect such rules and regulations as may be necessary to authorize the purchase by said institutions of the products to be manufactured in the penal and reformatory institutions of this state.

421.345 Disposal of flax plant equipment; deposit of proceeds. (1) The board may sell and dispose of all machinery, materials, tools and equipment used in connection with the flax plant at the penitentiary at such time as within the judgment of the board:

(a) Private capital has developed at a suitable place or suitable places within the state flax mills or plants of such size, capacity and general financial soundness as, within the judgment of the board, will in the future properly handle and dispose of the products of flax fields within the state; or

(b) The financial losses in the operation of the flax plant at the penitentiary are such that, in the judgment of the board, the flax plant operation should be discontinued.

(2) Any moneys received from the sale of machinery, materials, tools or equipment of the flax plant shall be deposited with the State Treasurer to be credited to and become

a part of the Penitentiary Revolving Fund. [Amended by 1955 c.445 §1]

421.350 Marking of convict-made goods before sale. All goods, wares and merchandise made by convict labor in any penitentiary, prison, reformatory, or other establishment in which convict labor is employed shall, before being exposed for sale, be branded, labeled or marked as provided in ORS 421.355 and shall not be exposed for sale in any place within the state without such brand, label or mark.

421.355 Method of marking. (1) The brand, label or mark required by ORS 421.350 shall contain at the head or top thereof the words "Convict-made," followed by the year and name of the penitentiary, prison, reformatory or other establishment in which it was made, in plain English lettering of the style and size known as Great Primer Roman Capitals.

(2) The brand or mark shall in all cases, where the nature of the article will permit, be placed upon the article itself. Only where such branding and marking is impossible shall it be placed upon the box or other covering of the article or be attached to the article as a label. The brand or mark shall be placed upon the most conspicuous part of the article or its covering. The label, when used instead of a brand or mark, shall be attached in the most conspicuous place.

421.360 Possessing for sale unbranded goods; removing or defacing brand. No person in this state dealing in any convict-made goods, wares or merchandise, shall have them in his possession for the purpose of sale, or offer them for sale, without the brand, mark or label required by ORS 421.350, or remove or deface such mark, brand or label.

421.365 Treatment and marking of commodities made by convicts outside Oregon. (1) No person, firm or corporation within this state shall sell, offer, keep, expose or display for sale any goods, wares or merchandise, made in whole or in part by convict labor in any penitentiary, prison, reformatory or other establishment outside this state in which convict labor is employed, unless such commodity is:

(a) Properly disinfected, in accordance with the rules and regulations of the State Board of Health.

(b) Labeled permanently, plainly and

legibly with the words "These Goods Are Convict-made" in plain, bold letters, followed by the name of the penitentiary, prison, reformatory or other establishment in which the commodities were made.

(2) When the commodities are advertised in any periodical or publication the wording required by subsection (1) of this section shall appear in type or letters conforming in size and shape to those used in the general text of the periodical or publication.

421.370 to 421.400 [Reserved for expansion]

PRISON LABOR GENERALLY; FOREST WORK CAMPS

421.405 Use of convict labor for benefit of officials prohibited; exceptions. No official or employe of the state shall receive the use or profit of the labor or services of any prisoner, or be directly or indirectly interested in any contract or work upon which convicts are employed. This section does not prohibit convicts from acting as janitors or gardeners in or about the premises occupied by the warden or deputy warden or from driving any carriage used by any prison official in the discharge of official business.

421.410 Contract with private person for labor of inmates prohibited. It is unlawful for the state, its officers, agencies or its political subdivisions to enter into any agreement or contract with any private person, firm or corporation for the labor of any inmate of any penal or reformatory institution of this state.

421.412 Contracts providing for inmate labor in the acquisition of crops to be consumed in state institutions authorized. (1) Notwithstanding any other provision of law, the Department of Finance and Administration may enter into a contract or agreement with a person for the purchase or donation of fruit, vegetables or other crops for use or consumption in state institutions, which contract or agreement may provide that any or all labor required inside or outside of the penitentiary to harvest, load and transport the fruit, vegetables or other crop shall be performed by prisoners confined in the penitentiary. The Department of Finance and Administration may enter into a contract or agreement pursuant to this section only if it appears to the Department of Finance and

Administration that the contract or agreement would be advantageous to the state.

(2) Notwithstanding any other provision of law, the warden, under the direction of the board and under its rules and regulations, may use prisoners confined in the penitentiary for the purpose of harvesting, loading and transporting the fruit, vegetables or other crops which are the subject matter of a contract or agreement made under subsection (1) of this section.

(3) This section does not authorize using prison labor for sharecropping, cultivating, clearing, grading, draining or other improvement of private land, or any contract or agreement therefor. [1955 c.253 §2]

421.415 Work on public highways and at state institutions. Upon the written request of the county court or board of county commissioners of any county or of any superintendent of any state institution, the Oregon State Board of Control may detail from the penitentiary such convicts as in its judgment may seem proper for use on the public highways, or on or about any state institution. These convicts shall be delivered to the county court, the board of county commissioners, or to the superintendent of any state institution on such terms and conditions as are prescribed by the State Board of Parole and Probation and approved by the Board of Control.

421.420 Use of convict labor to clear unimproved land; disposition of products. The Board of Control may enter into contract with any person who in its discretion may be advisable in connection with the penitentiary for employment of convicts therein in clearing unimproved land in the state. The board may also distribute such wood and fuel as may be the products of the labor of the convicts in executing such contracts to the various state institutions and sell such surplus as may be deemed advisable by the board.

421.425 Employment of paroled convicts at wood camps. The warden, under the direction of the board and under its rules and regulations, may employ paroled convicts at any wood camp which may be conducted in connection with the penitentiary under any contract entered into by the board for the cutting of wood for use at any of the state institutions.

421.430 Work on roads to state institutions. The warden shall furnish and use

such convicts as is deemed in his judgment reasonably safe for that purpose, to do the work necessary to repair, improve and construct the public roads leading from the penitentiary to the Oregon State Hospital, the cottage farm of the Oregon State Hospital, the Oregon Tuberculosis Hospital and the penitentiary annex and in the vicinity of those public buildings, from time to time as the weather permits and if the roads are in proper condition to be worked upon, until they are rendered good, safe and convenient for use during all seasons of the year.

421.435 Employment of road builder and guards; purchase of materials. (1) For the purposes of ORS 421.430 and subject to ORS chapter 240, the warden may:

(a) Employ a competent person to superintend and direct the manner of constructing, repairing and improving the public roads mentioned in ORS 421.430.

(b) Employ extra guards, when deemed necessary, to guard convicts when working upon those public roads. While so employed, the guards shall receive the same wages paid to guards in the regular employ of the penitentiary for like services.

(c) Purchase the necessary plows, picks, shovels, rollers and other appliances and materials necessarily required in doing the work by convict labor, in addition to those already purchased and owned by the state for that purpose.

(2) In no case shall more than the customary price in open market be paid by the warden for any article, material or thing purchased. They shall be paid for in like manner as supplies purchased for the penitentiary.

(3) The extra guards and the supplies purchased under this section shall be paid for out of a fund set apart by section 4 on page 114 of Oregon Laws 1903, for that purpose.

421.440 to 421.450 [Reserved for expansion]

421.455 Forest work camps. (1) The Oregon State Board of Control shall establish at places in state forests recommended by the State Board of Forestry one or more forest work camps at which shall be employed convicts determined to be minimum security classification convicts under ORS 421.460.

(2) The State Board of Forestry may make contracts with any other state agency

in order to effectuate the purposes of ORS 421.455 to 421.475.

421.460 Board determining eligibility for forest camp labor. A board composed of the Warden of the Oregon State Penitentiary, the State Forester and the State Director of Parole and Probation, assisted by such medical, psychiatric and technical assistants as are required to evaluate the capacity of a convict for assignment to a forest camp, shall determine which convicts shall be eligible for employment under ORS 421.455, and shall establish and modify lists of convicts eligible for such employment. Any member of this board may appoint any of his assistants or subordinates to represent him in the performance of his duties as a member of that board.

421.465 Transfer of convicts to forest camp; limitations and conditions. (1) Upon the requisition of the State Forester, the warden of the penitentiary shall send at the time and to the place designated the number of convicts requisitioned or such number thereof as have been determined to be eligible for employment at a forest camp and are available.

(2) Until eligibility of a convict has been determined under ORS 421.460, no convict shall be eligible or released for such employment.

(3) Before a convict is sent to any forest camp, the warden of the penitentiary shall cause him to be given such inoculations as are necessary in the public interest.

421.470 Custody, care and return of convicts. (1) While the convicts are at the forest camps, the warden of the penitentiary is responsible for their custody and care. The warden also has custody of the camps except as provided in subsection (2) of this section.

(2) The State Forester shall assign and supervise the work of the convicts, which shall be, as far as possible, manual labor of the type contemplated by the Oregon Forest Rehabilitation Act.

421.475 Payment of convicts for labor at forest camps. The warden of the penitentiary shall pay each convict from the moneys paid by the State Board of Forestry a wage of not more than \$2 for each day of work performed. After deducting from a convict's earnings under this section any

amount that has been distributed to him as spending money in accordance with rules made by the warden and approved by the Oregon State Board of Control, the payment to the convict of any balance remaining due shall be made to him as follows:

(1) One hundred dollars or the amount of any balance, whichever is less, at the time of his discharge or parole from the penitentiary.

(2) Seventy-five dollars or the amount of any balance, whichever is less, per month thereafter until any balance is paid.

(3) If, after a review of all the circumstances, it appears to the warden that increased payments should be made in individual cases, the warden, in his discretion, may increase the payments specified in subsection (1) or (2) of this section, provided such increased payments do not exceed the total balance remaining due to the convict or former convict concerned. [Amended by 1955 c.433 §1]

421.480 Return of convicts to penitentiary. When the need for the labor of a convict transferred to a camp pursuant to ORS 421.465 has ceased or when he is guilty of any violation of the rules and regulations of the penitentiary or camp, the warden may return him to the penitentiary.

421.485 to 421.985 [Reserved for expansion]

PENALTIES

421.990 Penalties. (1) Violation of ORS 421.055, 421.315, 421.320, 421.330, 421.340 or 421.410 is punishable upon conviction by a fine not exceeding \$1,000 or by imprisonment in the county jail for a term not exceeding one year, or both.

(2) Violation of any of the provisions of ORS 421.350 to 421.360 is punishable upon conviction by a fine not exceeding \$1,000 or imprisonment for a term not exceeding one year, or both.

(3) Violation of ORS 421.365 is punishable upon conviction by a fine of not less than \$50 nor more than \$500 or imprisonment in the county jail for not less than 30 days nor more than six months, or both.

(4) Violation of subsection (2) of ORS 421.105 is punishable in the same manner as if the individual injured unlawfully was not convicted or sentenced.

PENITENTIARY, CORRECTIONAL INSTITUTION, CONVICTS

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on October 15, 1955.

Sam R. Haley
Legislative Counsel

CHAPTERS 422 TO 425

[Reserved for expansion]

