

Chapter 421

1959 REPLACEMENT PART

State Penitentiary, Correctional Institution and Convicts

- GENERAL PROVISIONS**
- 421.005 Chapter definitions
- PENITENTIARY; OFFICERS; FINANCIAL ADMINISTRATION**
- 421.010 Location and use of penitentiary
421.015 Duties and powers of warden
421.020 Powers and duties of deputy wardens and business manager
421.030 Matron; appointment; duties
421.035 Chaplains of state institutions; appointment; duties
421.055 Cost-accounting system
421.060 Penitentiary-Correctional Institution Revolving Fund
421.065 Use of revolving fund; limitations
421.070 Revolving fund surplus transfer to General Fund; use for maintenance of penitentiary
421.075 Procedure for borrowing from General Fund
- STATE CORRECTIONAL INSTITUTION**
- 421.080 Oregon State Correctional Institution established
421.083 Principal objectives of correctional institution
421.086 Provisions governing conduct and treatment of prisoners and administration of penitentiary made applicable to prisoners and administration of correctional institution
- RIGHTS, PRIVILEGES, CUSTODY, TRANSFER AND CLASSIFICATION OF CONVICTS**
- 421.105 Enforcement of rules; violence and injury to convicts prohibited
421.110 Effect of imprisonment in the penitentiary upon civil rights; exceptions
421.112 Civil rights of persons committed to correctional institution
421.120 Reduction in term of sentence of convicts
421.125 Clothing and money for discharged or paroled convict; receipts
421.135 Wages and funds for wood camp labor
421.140 Amount and method of paying convict labor
421.142 Manufacture and sale of articles of handiwork by convicts; disposition of moneys received
421.145 Disposition of moneys earned by convicts
421.205 Contracts with other states for detention of female convicts
421.210 Transfer of female convicts to contract institutions; term of confinement
421.211 Contracts with Federal Government, other states or any counties in this state for detention of male convicts; transfer of male convicts to contract institutions
421.213 Notice of transfer from penitentiary required
- 421.215 Procurement of transferred prisoners when required for judicial proceedings
421.220 Return of transferred prisoners
421.225 Expenses of warden or superintendent
421.230 Custody of federal prisoners
421.232 Persons sentenced to an indeterminate term for sex crimes to be observed and treated
421.233 Written report to State Board of Parole and Probation concerning conduct of persons sentenced to indeterminate term for sex crimes
421.239 Convicts may be permitted to visit sick relatives and to attend funerals
421.255 Correctional Classification Board established
421.260 Classification system for persons committed to any state correctional or penal institution; classification board to supervise transfer of inmates
421.265 Transfer of prisoners from the correctional institution and the penitentiary
- WESTERN INTERSTATE CORRECTIONS COMPACT**
- 421.282 Definitions for ORS 421.282 to 421.294
421.284 Western Interstate Corrections Compact
421.286 Commitments or transfers of inmates to institution in another state
421.288 Enforcing and administering compact
421.290 Hearings by Board of Control
421.292 Hearings in another state
421.294 Contracts to implement compact
- PENITENTIARY INDUSTRIES; PRISON-MADE COMMODITIES**
- 421.305 Establishment of industries in institutions
421.310 Rules for conduct of industries
421.312 Contracts with Federal Government for producing goods or furnishing services of inmates during national emergency authorized
421.315 Interstate shipment of prison-made goods prohibited; exceptions
421.320 Exchange for products of other states prohibited
421.325 Sale of products of industries
421.330 Sales on open market of prison-made goods prohibited; flax excepted
421.335 Sale to or exchange of goods with other institutions
421.340 Rules for exchange of products among institutions
421.345 Disposal of flax plant equipment; deposit of proceeds
421.350 Marking of convict-made goods before sale
421.355 Method of marking
421.360 Possessing for sale unbranded goods; removing or defacing brand
421.365 Treatment and marking of commodities made by convicts outside Oregon

PRISON LABOR GENERALLY; FOREST WORK CAMPS	
421.405	Use of convict labor for benefit of officials prohibited; exceptions
421.410	Contract with private person for labor of inmates prohibited
421.412	Contracts providing for inmate labor in the acquisition of crops to be consumed in state institutions authorized
421.415	Work on public highways and at state institutions
421.420	Use of convict labor to clear unimproved land; disposition of products
421.425	Employment of paroled convicts at wood camps
421.455	Forest work camps
421.460	Board determining eligibility for forest camp labor
421.465	Transfer of convicts to forest camp; limitations and conditions
421.470	Custody, care and return of convicts
421.475	Payment of convicts for labor at forest camps
421.480	Return of convicts to penitentiary
PENALTIES	
421.990	Penalties

CROSS REFERENCES

Barbering, inmates receiving training are eligible to become apprentice barbers, 690.060	421.080
Deaths, report of by superintendents to coroner or medical investigator, 146.030, 146.115, 146.440, 146.990	Insurance for employes of correctional institution, 243.010 to 243.070
Escheat of property of inmates for benefit of Common School Fund, 120.210	Salary of superintendent, 179.340, 292.565
Notice prior to release or after escape of arsonist from state institution, 476.730	421.086
Post-conviction relief, how sought by inmates, 138.560	Superintendent to reside at institution, 179.370
Prosecution of persons already imprisoned in penitentiary or correctional institution for other crimes, 134.510 to 134.570	421.105
Receipts for property of persons taken into custody, 142.210	Application of section to inmates of correctional institution, 421.086
State Board of Parole and Probation, Ch. 144	Treatment and employment of convicts, 137.380
Supervision by Board of Control over, and provisions of general application to, state institutions, Ch. 179	421.110
Witnesses, prisoners serving as, 44.240	Convict forfeits suffrage privileges, Const. Art. II, § 3
	Penalties on conviction of crime, 161.020
	Validation of exercise of certain civil rights, 1955 c.532 §2
	421.112
	See Cross References to ORS 421.110
	421.120
	Application of section to inmates of correctional institution, 421.086
	Commencement of prison term, 137.370
	Credit for time spent pursuant to transfer or conveyance, 179.483
	Parole and probation, Ch. 144
	Reprieves, commutations and pardons; remission of forfeitures, Ch. 143
	421.125
	Application of section to inmates of correctional institution, 421.086
	421.135
	State Institutional Betterment Fund, 179.460
	421.140
	Application of section to inmates of correctional institution, 421.086
	421.142
	Application of section to inmates of correctional institution, 421.086
	421.225
	Limitation of travel expenses, 292.250
	421.232
	Psychiatric examination and report to parole board required, 144.226
	421.239
	Time during which convict is voluntarily absent not to be counted as part of term, 137.370
	421.260
	Administrative procedures governing state agencies, 183.310 to 183.510
421.015	
Administrative procedures governing state agencies, 183.310 to 183.510	
Application of section to inmates of correctional institution, 421.086	
Duties of warden in executing judgments of death, 137.400 and 137.420	
Fingerprinting or photographing children in juvenile proceeding, 419.585	
Record of statistics to be kept by warden, 432.165	
Report of deaths to local registrars, 432.305	
Salary of warden, 179.340, 292.730	
Superintendents of state institutions generally, Ch. 179	
Warden to reside at penitentiary, 179.370	
421.020	
Application of section to inmates of correctional institution, 421.086	
421.030	
Classified civil service, 240.210	
421.035	
Classified civil service, 240.210	
421.060	
Expenditures without allotment prohibited in certain cases, 291.238	
421.065	
Allocation of moneys from Basic School Support Fund to penitentiary and correctional institution, 327.135	

- 421.284**
Interstate Compact on Juveniles, Ch. 417
- 421.286**
Contracts with other governmental units for detention of inmates, 421.211
Custody of federal prisoners, 421.230
- 421.294**
Commitments to state institutions for delinquents, 420.010, 420.140, 420.331
Disposition of funds received under contract, 179.122
Juvenile court, probation under interstate agreement for ward of, 419.507
- 421.315**
Authority to transport certain prison-made goods in interstate commerce for sale, Act of June 25, 1948, c. 645; 62 Stat. 785; 18 U.S.C.A. § 1761
- 421.325**
Proceeds of institution surplus products credited to betterment fund, 179.460
- 421.330**
See Cross References to ORS 421.315
- 421.345**
Disposition of surplus property generally, 291.656
- 421.350**
See Cross References to ORS 421.315
- 421.415**
Work of inmates on state-owned lands generally, 179.450
- 421.425**
Work for paroled convicts at camps under State Board of Parole and Probation, 144.510
- 421.455**
Work for paroled convicts at camps under State Board of Parole and Probation, 144.510
- 421.470**
Oregon Forest Rehabilitation Act, 530.220

GENERAL PROVISIONS

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

(1) "Board" means the Oregon State Board of Control.

(2) "Correctional institution" means the Oregon State Correctional Institution.

(3) "Penitentiary" means the Oregon State Penitentiary.

(4) "Superintendent" means the Superintendent of the Oregon State Correctional Institution.

(5) "Warden" means the Warden of the Oregon State Penitentiary. [Amended by 1959 c.687 §6]

**PENITENTIARY; OFFICERS;
FINANCIAL ADMINISTRATION**

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 [Amended by 1953 c.476 §5; repealed by 1959 c.80 §2]

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

421.060 Penitentiary-Correctional Institution Revolving Fund. (1) There is created a fund to be known as the Penitentiary-Correctional Institution 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-Correctional Institution Revolving Fund. [Amended by 1959 c.687 §7]

421.065 Use of revolving fund; limitations. (1) The Penitentiary-Correctional Institution 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 at the penitentiary or the correctional institution that may be established in the discretion of the Governor and the warden or the superintendent.

(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 or the superintendent in the conduct and operation of industries at each institution.

(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 or the correctional institution, other than said industrial plants. [Amended by 1959 c.687 §8]

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-Correctional Institution Revolving Fund is in excess of that reasonably required for the purposes for which the fund was created, the board may, in its discretion, 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. [Amended by 1959 c.687 §9]

421.075 Procedure for borrowing from General Fund. (1) Whenever in the judgment of the Governor, the warden and the superintendent it becomes necessary to borrow money from the General Fund in order to meet current demands on the Penitentiary-Correctional Institution 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.

(2) 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 a year. When any transfer or credit is made to the revolving fund, the Secretary of State and State Treasurer shall notify the Governor, the warden and the superintendent of the amount so credited to the revolving fund, the date when the same is to be repaid and the rate of interest be paid thereon.

(3) 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.

(4) The total amount of loans under this section existing at any time shall not exceed \$150,000. [Amended by 1955 c.389 §1; 1959 c.687 §10]

STATE CORRECTIONAL INSTITUTION

421.080 Oregon State Correctional Institution established. There hereby is established 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 employes 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, employes 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 employe 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 Correctional 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) From the term of a sentence of not less than six months nor more than one year, one day shall be deducted for every six days of such sentence actually served in the penitentiary.

(b) From the term of a sentence of more than one year, one day shall be deducted for every two days of such sentence actually served in the penitentiary.

(c) From the term of any sentence, one day shall be deducted for every 15 days of work actually performed in prison industry, or in meritorious work in connection with prison maintenance and operation, during the first year of prison employment, and one day shall be deducted for every seven days of such work actually performed after the first year to and including the fifth year of prison employment, and one day for every six days of such work actually performed after the fifth year of prison employment.

(d) From the term of any sentence, one day shall be deducted for every 10 days of work actually performed in agriculture or at work camp during the first year of prison employment, and one day for every six days of such work actually performed 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 employment" 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; 1957 c.686 §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 [Repealed by 1959 c.687 §24]

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 toward his maintenance or the support of his dependents, or shall become a part of the betterment fund of the penitentiary or the correctional institution, until all the cost of operation, maintenance, depreciation and other expenses in connection with the plant of the penitentiary or correctional institution industry in which the convict is employed are fully paid from the fund arising from the sale of such products. [Amended by 1959 c.687 §11]

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, and that is not a party to the Western Interstate Corrections Compact under ORS 421.284. This contract may provide for the reception, detention, care, maintenance and employment of 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 that are not parties to the Western Interstate Corrections Compact under ORS 421.284 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 each state. [Amended by 1959 c.290 §9]

421.210 Transfer of female convicts to contract institutions; term of confinement. After the making of a contract under ORS 421.205, 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, may 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. [Amended by 1959 c.290 §10]

421.211 Contracts with the Federal Government, other states or any counties in this state for detention of male convicts; transfer of male convicts to contract institutions. (1) The board may enter into a contract or arrangement with the authorities of the Federal Government, of any other state that is not a party to the Western Interstate Corrections Compact under ORS 421.284 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 penitentiary or the correctional institution.

(2) After the making of a contract or arrangement under this section, prisoners sentenced to a term of imprisonment in the penitentiary or the correctional institution may be conveyed by the warden or the superintendent, 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 institution in this state from which they were conveyed for further confinement. [1955 c.309 §2; 1959 c.290 §11; 1959 c.687 §12]

421.213 Notice of transfer required. Whenever a prisoner who is serving a sentence imposed by a court of this state is transferred from the penitentiary or the correctional institution under this chapter, the warden or the superintendent shall send to the clerk of the court pursuant to whose order or judgment the prisoner was committed to the penitentiary or the correctional institution 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 and the superintendent shall each

keep a copy of all notices of transfer relating to the institution under his supervision on file as a public record open to inspection. 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 or the superintendent. [1955 c.309 §7; 1959 c.687 §13]

421.215 Procurement of transferred prisoners when required for judicial proceedings. If 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, is required in any judicial proceeding of this state, the warden or the superintendent, whichever is in charge of the institution from which the prisoner was conveyed, 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 or the superintendent shall, 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, and shall, by like order, return such prisoner to the institution from which he was taken. [Amended by 1955 c.309 §3; 1959 c.687 §14]

421.220 Return of transferred 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 or by the superintendent to the correctional institution, whichever was the institution from which the prisoners were conveyed, 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; 1959 c.687 §15]

421.225 Expenses of warden or superintendent. The warden and the superintendent shall be allowed and paid all their necessary expenses and disbursements incurred while performing any duty required of them by ORS 421.205 to 421.211 and 421.215 and 421.220. [Amended by 1955 c.309 §5; 1959 c.687 §16]

421.230 Custody of federal prisoners. Whenever the proper authorities of the United States desire that United States prisoners be imprisoned in the penitentiary or the correctional institution, the board may make arrangements for the custody of the prisoners upon terms that will be just to both this state and the United States. [Amended by 1959 c.687 §17]

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 [Repealed by 1957 c.160 §6]

421.237 [1955 c.254 §2; repealed by 1957 c.160 §6]

421.239 Convicts may be permitted to visit sick relatives and to attend funerals. The warden and the superintendent may, in their discretion, promulgate rules and regulations subject to the approval of the board, to permit an inmate confined in either 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; 1959 c.687 §18]

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 consisting of the Chairman of the State Board of Parole and Probation, the Director of Parole and Probation, the Warden of the Oregon State Penitentiary and the Superintendent of the Oregon State Correctional Institution. [1955 c.660 §6; 1959 c.550 §1]

421.260 Classification system for persons committed to any state correctional 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 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 and the Oregon State Correctional Institution to the extent authorized by law.

(3) The Correctional Classification Board may enact rules and regulations in accordance with ORS 183.010 to 183.050 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 and correctional institutions. [1955 c.660 §7; 1959 c.550 §2]

421.265 Transfer of prisoners from the correctional institution and the penitentiary. (1) Any male person who is committed to the Oregon State Correctional Institution or the Oregon State Penitentiary may be transferred from one of those institutions to the other. A person who has been so transferred may be retransferred to the institution to which he was originally committed.

(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; 1959 c.550 §3]

421.270 [Formerly 421.240; repealed by 1959 c.550 §4]

421.275 to 421.280 [Reserved for expansion]

WESTERN INTERSTATE CORRECTIONS COMPACT

421.282 Definitions for ORS 421.282 to 421.294. As used in ORS 421.282 to 421.294, unless the context requires otherwise:

(1) "Compact" means the Western Interstate Corrections Compact as set forth in ORS 421.284.

(2) "Inmate," "institution" and "state" have the meanings defined in Article II of the compact. [1959 c.290 §2]

421.284 Western Interstate Corrections Compact. The Western Interstate Corrections Compact hereby is enacted into law and entered into on behalf of this state with all other states legally joining therein in a form substantially as follows:

WESTERN INTERSTATE CORRECTIONS COMPACT

ARTICLE I

Purpose and Policy

The party states, desiring by common action to improve their institutional facilities and provide programs of sufficiently high quality for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society. The purpose of this compact is to provide for the development and execution of such programs of cooperation for the confinement, treatment and rehabilitation of offenders.

ARTICLE II

Definitions

As used in this compact, unless the context clearly requires otherwise:

(a) "State" means a state of the United States, the Territory of Hawaii, or, subject to the limitation contained in Article VII, Guam.

(b) "Sending state" means a state party to this compact in which conviction was had.

(c) "Receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction was had.

(d) "Inmate" means a male or female offender who is under sentence to or confined in a prison or other correctional institution.

(e) "Institution" means any prison, reformatory or other correctional facility (including but not limited to a facility for the mentally ill or mentally defective) in which inmates may lawfully be confined.

ARTICLE III

Contracts

(a) Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

1. Its duration.
2. Payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance.
3. Participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom.
4. Delivery and retaking of inmates.
5. Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

(b) Prior to the construction or completion of construction of any institution or addition thereto by a party state, any other party state or states may contract therewith for the enlargement of the planned capacity of the institution or addition thereto, or for the inclusion therein of particular equipment or structures, and for the reservation of a

specific percentum of the capacity of the institution to be kept available for use by inmates of the sending state or states so contracting. Any sending state so contracting may, to the extent that monies are legally available therefor, pay to the receiving state, a reasonable sum as consideration for such enlargement of capacity, or provision of equipment or structures, and reservation of capacity. Such payment may be in a lump sum or in installments as provided in the contract.

(c) The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto, and nothing in any such contract shall be inconsistent therewith.

ARTICLE IV Procedures and Rights

(a) Whenever the duly constituted judicial or administrative authorities in a state party to this compact, and which has entered into a contract pursuant to Article III, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary in order to provide adequate quarters and care or desirable in order to provide an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution within the territory of said other party state, the receiving state to act in that regard solely as agent for the sending state.

(b) The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

(c) Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of Article III.

(d) Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact including a conduct record of each inmate and certify said record to the official designated by the sending state, in order that each inmate may have the benefit of his or her record in determining and altering the disposition of said inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

(e) All inmates who may be confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be cared for and treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution of the sending state.

(f) Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record together with any recommendations of the hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this subdivision, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state. Costs of records made pursuant to this subdivision shall be borne by the sending state.

(g) Any inmate confined pursuant to this compact shall be released within the territory of the sending state unless the inmate, and the sending and receiving states, shall agree upon release in some other place. The

sending state shall bear the cost of such return to its territory.

(h) Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state.

(i) The parent, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise, or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any power in respect of any inmate confined pursuant to the terms of this compact.

ARTICLE V

Acts Not Reviewable in Receiving State; Extradition

(a) Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate within such state any criminal charge or if the inmate is suspected of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited officers of the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference.

(b) An inmate who escapes from an institution in which he is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

ARTICLE VI

Federal Aid

Any state party to this compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this compact or any contract pursuant hereto and any inmate in a receiving state pursuant to this compact may participate in any such federally aided program or activity for which the sending and receiving states have made contractual provision provided that if such program or activity is not part of the customary correctional regimen the express consent of the appropriate official of the sending state shall be required therefor.

ARTICLE VII

Entry into Force

This compact shall enter into force and become effective and binding upon the state so acting when it has been enacted into law by any two contiguous states from among the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming. For the purposes of this article, Alaska and Hawaii shall be deemed contiguous to each other; to any and all of the states of California, Oregon and Washington; and to Guam. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states, or any other state contiguous to at least one party state upon similar action by such state. Guam may become party to this compact by taking action similar to that provided for joinder by any other eligible party state and upon the consent of Congress to such joinder. For the purposes of this article, Guam shall be deemed contiguous to Alaska, Hawaii, California, Oregon and Washington.

ARTICLE VIII

Withdrawal and Termination

This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until two years after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of

withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this compact.

ARTICLE IX

Other Arrangements Unaffected

Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

ARTICLE X

Construction and Severability

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. [1959 c.290 §3]

421.286 Commitments or transfers of inmates to institution in another state. Any court, agency or officer of this state having power to commit or transfer an inmate to an institution for confinement may commit or transfer the inmate to any institution in another state if this state has entered into a contract for the confinement of inmates in an institution of the other state pursuant to Article III of the compact. [1959 c.290 §4]

421.288 Enforcing and administering compact. All courts, agencies and officers of this state or any political subdivision therein shall enforce the compact and carry out its provisions including, but not limited to, making and submitting such reports as the compact requires. [1959 c.290 §5]

421.290 Hearings by Board of Control. (1) The Board of Control or officers designated by the board shall hold such hearings

as are requested by another state pursuant to Article IV (f) of the compact. ORS 183.310 to 183.510 do not apply to these hearings, which shall be conducted in compliance with Article IV (f) of the compact.

(2) The cost of any hearing conducted under subsection (1) of this section shall be paid out of the Board of Control Revolving Fund. Reimbursements received from the state that requested the hearing shall be paid into the revolving fund. [1959 c.290 §6]

421.292 Hearings in another state. (1) The State Board of Parole and Probation may hold hearings in another state in connection with the case of an inmate confined in an institution of another state that is a party to the compact, or may request a hearing to be held by officers of the other state under Article IV (f) of the compact.

(2) The cost of any hearing conducted under subsection (1) of this section shall be paid under ORS 144.070. [1959 c.290 §7]

421.294 Contracts to implement compact. The Board of Control may enter into such contracts on behalf of this state, not prohibited by any law of this state, as it considers appropriate to implement the participation of this state in the compact pursuant to Article III thereof. However, the board shall not enter into any contract:

(1) Relating to commitments or transfers of children who are under 12 years of age;

(2) Providing for commitments or transfers of inmates from another state who are 19 years of age or older to either the MacLaren School for Boys or the Hillcrest School of Oregon; or

(3) Providing for commitments or transfers of youths in this state who are under 19 years of age to an institution in another state if any of the inmates in that institution are 21 years of age or older. [1959 c.290 §8]

421.296 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 and correctional institution 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 are approved by the board. [Amended by 1959 c.687 §19]

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 sec-

tion, 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 peniten-

tiary, 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, deputy warden or superintendent, or from driving a vehicle used by any prison official in the discharge of official business. [Amended by 1959 c.687 §20]

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 the Oregon State Penitentiary or the Oregon State Correctional Institution. [Amended by 1957 c.343 §1]

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. The contract or agreement may provide that any or all labor required inside or outside of the penitentiary and the correctional institution to harvest, load and transport the fruit, vegetables or other crop shall be performed by prisoners confined in the penitentiary and the correctional institution. 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 and the superintendent, under the direction of the board and under its rules and regulations, may use prisoners confined in each institution 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 penitentiary or correctional institution labor for sharecropping, cultivating, clearing, grading, draining or other improvement of private land, or any contract or agreement therefor. [1955 c.253 §2; 1959 c.687 §21]

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 Board of Control may detail from the penitentiary and the correctional institution such convicts as in its judgment are 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. [Amended by 1959 c.687 §22]

421.420 Use of convict labor to clear unimproved land; disposition of products. The board may enter into a contract with any person whom it considers advisable in connection with the penitentiary or the correctional institution for employment of convicts therein in clearing unimproved land in the state. The board may also distribute such wood and fuel as are the products of the labor of the convicts in executing such contracts to the various state institutions and sell such surplus as the board considers advisable. [Amended by 1959 c.687 §23]

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 [Repealed by 1959 c.687 §24]

421.435 [Repealed by 1959 c.687 §24]

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.

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 November 1, 1959.

Sam R. Haley
Legislative Counsel

CHAPTERS 422 TO 425

[Reserved for expansion]