

Chapter 144

1963 REPLACEMENT PART

State Board of Parole and Probation

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ADMINISTRATION

144.010 State Board of Parole and Probation; terms of office; compensation. A State Board of Parole and Probation of five members hereby is created. The initial members of the board shall be appointed by the Governor for terms of one, two, three, four and five years each, beginning May 1, 1959. Not more than three members shall belong to the same political party. As the terms of the initial members expire their successors shall be appointed by the Governor for terms of five years. In the event of death, removal or resignation of any member, the Governor shall appoint some competent person to serve during the unexpired term. The members of the board shall elect a chairman from among their number. The Governor at any time may remove any member for inefficiency, neglect of duty or malfeasance in office. While on active duty as members, the members shall receive necessary traveling expenses and \$10 per diem compensation.

[Amended by 1953 c.223 §2; 1959 c.327 §1]

144.020 Director of Parole and Probation. The office of Director of Parole and Probation hereby is created. He shall be appointed by and serve at the pleasure of the State Board of Parole and Probation. He shall be the executive and administrative agent of the board and ex officio its secretary and shall serve as chief parole and probation officer.

144.030 Assistant parole and probation officers; other employes; office supplies. Assistant parole and probation officers shall be appointed by and serve at the pleasure of the Director of Parole and Probation. They shall be appointed on the basis of their personal qualifications in accordance with standards fixed by the board. Subject to the approval of the board, the director may employ and prescribe the duties of such other officers, employes and assistants as may be necessary and may provide necessary offices, supplies and equipment. The staff personnel shall be subject to the control of the director and shall be under his immediate supervision. The number and salaries of the staff personnel, other than the director, shall be fixed by the State Board of Parole and Probation. The foregoing provisions of this section are subject to any applicable provisions of the State Civil Service Law.

144.040 Duties of board generally. The State Board of Parole and Probation shall:

- (1) Supervise all persons:
 - (a) Placed on probation by order of a circuit or district court.
 - (b) Released from the state penitentiary on parole or conditional pardon.
 - (c) Released on parole, probation or conditional pardon from other states who reside in this state.
- (2) Make such investigations as may be necessary.
- (3) Determine whether violation of conditions of parole, conditional pardon or probation exists in specific cases.

- (4) Prepare a case history record of the prisoners to determine if they should be paroled or released on probation.

[Amended by 1955 c.688 §3]

144.050 Power of board to make rules relating to parole of prisoners. The State Board of Parole and Probation may establish rules and regulations under which any prisoner, other than one under sentence of death, who is confined in any county jail for a period of six months or more or in the state penitentiary, may be allowed to go upon parole outside the institution, but to remain while on parole in the legal custody and under the control of the board and subject to being taken back into confinement at the discretion of the board.

[Amended by 1959 c.101 §1]

144.055 Parole laws applicable to inmates of correctional institution; board to administer. The State Board of Parole and Probation shall administer the laws relating to parole and probation in this chapter with respect to persons committed or sentenced to the Oregon State Correctional Institution in the same manner as those laws are now administered with respect to inmates of the Oregon State Penitentiary. The powers, functions and duties of the State Board of Parole and Probation with respect to inmates of the Oregon State Penitentiary under this chapter shall be applicable to and exercised in the same manner and with equal effect with respect to persons committed or sentenced to the Oregon State Correctional Institution.

[1955 c.660 §12]

144.060 Acceptance of funds, grants or donations; contracts with Federal Government and others. The State Board of Parole

and Probation, with the written consent of the Governor, shall:

(1) Accept from the United States of America, or any of its agencies, such funds, equipment and supplies as may be made available to this state for any of the purposes contemplated by this chapter and shall enter into such contracts and agreements with the United States, or any of its agencies, as may be necessary, proper and convenient, not contrary to the laws of this state.

(2) Enter into an agreement with the county court or board of county commissioners of any county, or with the governing officials of any municipality of this state for the payment by the county or municipality of all or any part of the cost of the performance by the board of any parole or probation services, of the supervision of any parole or probation case arising within the county or municipality or of the maintenance therein of work camps as authorized by subsection (1) of ORS 144.510.

(3) Accept any grant or donation of land or any gift of money or other valuable thing made to the state for any of the purposes contemplated by this chapter.

144.070 Board to administer appropriations. Any appropriation made for parole purposes for the use and benefit of the Oregon State Penitentiary shall be administered by the State Board of Parole and Probation for the purpose of carrying out the provisions of the parole and probation laws of this state.

144.075 Expenses of returning violators of parole, conditional pardon or commutation to penitentiary, how paid. Any expense incurred by the state for returning to the state penitentiary any parole violator or violator of a conditional commutation or conditional pardon shall be paid out of the biennial appropriations made for the payment of the state's portion of the expenses incident to the transportation of convicts to the penitentiary.

[1953 c.191 §1]

144.080 Duties of director generally.

(1) The Director of Parole and Probation shall keep a record of, and require reports from:

- (a) All persons on parole.
- (b) All persons on conditional pardon.

(c) All persons convicted of a crime who have been placed on probation by order of a circuit or district court.

(2) The director shall:

(a) Enforce observance of rules and regulations of the State Board of Parole and Probation.

(b) Prepare and publish such reports and statistics relating to probation, parole and other disposition of criminal cases arising in Oregon as may be necessary, proper and convenient.

(c) In behalf of the board submit to the Governor, at such times as the Governor may direct, but at least annually, a complete report of the work of the board and its agents, showing the disposition of all cases coming before the board and such additional information relating thereto as the Governor may request.

[Amended by 1955 c.688 §4]

144.090 Meeting place for board. The Warden of the Oregon State Penitentiary shall provide a suitable meeting room for the State Board of Parole and Probation.

144.100 Office space for director. The Secretary of State is authorized to furnish the Director of Parole and Probation suitable office space in the capitol group.

144.110 to 144.200 [Reserved for expansion]

PAROLE AND PROBATION PROCESS

144.210 Statement and information about convict and his crime from judge, district attorney and others. After the admission to the state penitentiary of a convicted person, other than one under sentence of death, the State Board of Parole and Probation shall obtain from the sentencing judge, the district attorney and the sheriff or arresting agency a statement of all the facts concerning such convicted person's crime and any other information which they may have concerning the convicted person. The sentencing judge, the district attorney, the sheriff and the arresting agency shall give the board such information and indicate to the board what, in their judgment, should be the duration of such convicted person's confinement.

[Amended by 1959 c.101 §2]

144.220 Bringing information about convicts before board. Within six months after the admission to the state penitentiary

of a convicted person, and from time to time, the State Board of Parole and Probation shall cause to be brought before it all information regarding such convicted person. [Amended by 1959 c.101 §3]

144.226 Examination by psychiatrist of persons sentenced to an indeterminate term; report to board. (1) Any person sentenced under ORS 137.111 or 167.050 to an indeterminate term not exceeding his natural life shall at least every two years be given a complete physical, mental and psychiatric examination by a psychiatrist appointed by the Superintendent of the Oregon State Hospital. Within 60 days after the examination, the examining psychiatrist shall file a written report of his findings and conclusions relative to the examination with the State Board of Parole and Probation.

(2) The examining psychiatrist shall include in his report a statement as to whether or not in his opinion the convicted person has any mental or emotional disturbance or deficiency or condition predisposing him to the commission of any crime to a degree rendering the examined person a menace to the health or safety of others. The report shall also contain any other information which the examining psychiatrist believes will aid the State Board of Parole and Probation in determining whether the examined person is eligible for parole or release. The report shall also state the progress or changes in the condition of the examined person as well as any recommendations for treatment. A certified copy of the report shall be sent to the convicted person, to his attorney and to the executive officer of the penal or correctional institution in which the convicted person is confined.

[1955 c.636 §4; 1961 c.424 §5]

144.228 Periodic review by board of persons sentenced to indeterminate term. (1) Within six months after conviction and at least once every two years thereafter during the term of any person sentenced under ORS 137.111 or 167.050 to an indeterminate term not exceeding his natural life, the State Board of Parole and Probation shall cause to be brought before it and consider all information regarding such person. The information shall include the written report of the examining psychiatrist which shall contain all the facts necessary to assist the State Board of Parole and Probation in making its determination. The report of the examining

psychiatrist shall be made within two months of the date of its consideration.

(2) In addition to the report of the examining psychiatrist, the board shall also consider a written report to be made by the executive officer of the penal or correctional institution in which the person has been confined. The executive officer's report shall contain:

(a) A detailed account of the person's conduct while confined, all infractions of rules and discipline, all punishment meted out to the person and the circumstances connected therewith, as well as the extent to which the person has responded to the efforts made in the institution to improve his mental and moral condition.

(b) A statement as to the person's present attitude towards society, towards the judge who sentenced him, towards the district attorney who prosecuted him, towards the policeman who arrested him and towards his previous criminal career.

(c) The industrial record of the person while in or under the supervision of the institution, showing the average number of hours per day that he has been employed, the nature of his occupations and a recommendation as to the kind of work, if any, he is best fitted to perform and at which he is most likely to succeed when he leaves the institution in which he has been confined.

[1955 c.636 §5; 1961 c.424 §6]

144.230 Eligibility for parole of person convicted of first or second degree murder. No person serving a life sentence in the state penitentiary for murder in the first or second degree is eligible for release on parole until he has served at least seven years of his sentence.

Note: ORS 144.230 was amended by 1963 c.625 §1, but this amendment takes effect only if sections 37 and 38 of Article I, Oregon Constitution, are repealed by vote of the people at the regular general election in 1964, and only on the effective date of such repeal. See 1963 c.625 §6. ORS 144.230, as amended, would read:

144.230 Eligibility for parole of person convicted of first or second degree murder. (1) A person convicted of murder in the first degree shall not be eligible for parole until he has served at least 10 years of his sentence.

(2) No person serving a sentence in the state penitentiary for murder in the second degree is eligible for release on parole until he has served at least seven years of his sentence.

144.240 Convicted persons who may not be paroled. No prisoner in the state penitentiary shall be paroled unless it is the

opinion of the board that, within a reasonable probability, the prisoner will, after parole, remain outside the institution without violating the law and that such release is not incompatible with the welfare of society.

144.250 Factors considered by board in granting parole. Good conduct and efficient performance of duties assigned in the state penitentiary will be factors considered by the State Board of Parole and Probation in granting parole.

144.260 Director to inform judge, district attorney and others of prospective release on parole of convicted person. Prior to the release on parole from the state penitentiary of any convicted person, the Director of Parole and Probation shall inform the sentencing judge, district attorney, sheriff or arresting agency of the prospective date of release and of any special conditions thereof.

144.270 Conditions of parole shall be in writing; delivery of copy thereof to parolee. The State Board of Parole and Probation, in releasing a person on parole, shall specify in writing the conditions of his parole and a copy of such conditions shall be given to the person paroled.

144.280 to 144.300 [Reserved for expansion]

TERMINATION OF PAROLE

144.310 Final discharge of parolee. When any paroled prisoner has performed the obligations of his parole for such time as satisfies the State Board of Parole and Probation that his final release is not incompatible with his welfare and that of society, the board may make a final order of discharge and issue to the paroled prisoner a certificate of discharge; but no such order of discharge shall be made in any case within a period of less than one year after the date of release on parole, except that when the period of the sentence imposed by the court expires at an earlier date, a final order of discharge shall be made and a certificate of discharge issued to the paroled prisoner not later than the date of expiration of the sentence.

Note: ORS 144.310 was amended by 1963 c.625 §2, but this amendment takes effect only if sections 37 and 38 of Article I, Oregon Constitution, are repealed by vote of the people at the regular general election in 1964, and only on the effective date of

such repeal. See 1963 c.625 §6. ORS 144.310, as amended, would read:

144.310 Final discharge of parolee. When any paroled prisoner has performed the obligations of his parole for such time as satisfies the State Board of Parole and Probation that his final release is not incompatible with his welfare and that of society, the board may make a final order of discharge and issue to the paroled prisoner a certificate of discharge; but no such order of discharge shall be made in the case of a person convicted of murder in the first degree and in no other case within a period of less than one year after the date of release on parole, except that when the period of the sentence imposed by the court expires at an earlier date, a final order of discharge shall be made and a certificate of discharge issued to the paroled prisoner not later than the date of expiration of the sentence.

144.320 [Repealed by 1961 c.412 §5]

144.330 Written order by board to take violator of parole, conditional pardon or probation into custody. Whenever the State Board of Parole and Probation finds that a prisoner has violated the conditions of his conditional pardon, parole or probation, or whenever the board has been advised in writing by the Governor that the prisoner has violated the terms of a conditional pardon, the written order of the board is sufficient warrant for any law enforcement officer to take into custody such person. All sheriffs, police, constables, parole and probation officers, prison officials and other peace officers shall execute such order.

144.340 Power of director to retake and return violators of parole, conditional pardon or probation. The Director of Parole and Probation, in accordance with the rules and regulations or directions of the State Board of Parole and Probation or the Governor, as the case may be, may retake and return persons to the institution, whether in or out of the state, whenever they have violated the conditions of their parole, probation or conditional pardon.

144.350 Power of director to order arrest and detention of violator of parole, conditional pardon or probation. The Director of Parole and Probation may order the arrest and detention of any person then under the supervision or legal custody of the State Board of Parole and Probation upon being informed and having reasonable grounds to believe that such person has violated the conditions of his parole, probation or conditional pardon.

144.360 Effect of director's order for arrest and detention of violator of parole, conditional pardon or probation. Any order

issued by the Director of Parole and Probation as authorized by ORS 144.350 constitutes full authority for the arrest and detention of the violator, and all the laws applicable to warrants of arrest shall apply to such orders.

144.370 Investigation following director's order for arrest and detention; revocation of parole, conditional pardon or probation or release. Upon issuing an order for the arrest and detention of any person under the provisions of ORS 144.350, the Director of Parole and Probation shall proceed immediately to investigate for the purposes of ascertaining whether or not the terms of the parole, probation or conditional pardon have been violated. Within 15 days after the issuance of any such order, the detained person's parole, probation or conditional pardon shall either be revoked as provided by law or such person shall be released from detention.

144.374 Deputization of persons in other states to act in returning Oregon parole violators. (1) The Director of Parole and Probation may deputize, in writing, any person regularly employed by another state, to act as an officer and agent of this state for the return of any person who has violated the conditions of his parole, probation or conditional pardon.

(2) Any person deputized pursuant to subsection (1) of this section shall have the same powers with respect to the return of any person who has violated the conditions of his parole, probation or conditional pardon as any peace officer of this state.

(3) Any person deputized pursuant to subsection (1) of this section shall carry formal evidence of his deputization and shall produce the same on demand.

[1955 c.369 §1]

144.376 Contracts for sharing expense with other states of cooperative returns of parole violators. The State Board of Parole and Probation, with the approval of the Director of the Department of Finance and Administration, may enter into contracts with similar officials of any state, for the purpose of sharing an equitable portion of the cost of effecting the return of any person who has violated the conditions of his parole, probation or conditional pardon.

[1955 c.369 §2]

144.380 After revocation of parole, conditional pardon or probation violator is fugitive from justice. After the cancellation or revocation of the parole, probation or conditional pardon of any convicted person, and until his return to custody, he shall be considered a fugitive from justice.

144.390 After revocation, time elapsed while on parole does not diminish term of sentence. A prisoner recommitted for violation of parole, conditional pardon or probation shall serve out his sentence, and the time during which he was out on parole is not a part thereof.

144.400 Power of board to parole violator again and without recommitment. The State Board of Parole and Probation may parole a violator of parole, conditional pardon or probation. The board may by order duly entered of record, without first returning a parole violator to the Oregon State Penitentiary, cancel a revocation of a parole previously issued by it and by such order restore the parolee to his former parole status.

144.410 to 144.500 [Reserved for expansion]

STATE WORK FOR PAROLEES AND PROBATIONERS

144.510 Camps for persons on parole or probation; wages. (1) The State Board of Parole and Probation may maintain camps at which persons released on parole or probation may be employed for not more than six months at public works under the supervision of the State Board of Forestry or State Highway Commission or other state agency or county or municipality authorizing such work. Any person so employed shall receive such wage for his services as may be fixed by the State Board of Parole and Probation.

(2) The State Forester may employ persons who are paroled from the Oregon State Penitentiary or the Oregon State Correctional Institution in forestry camps established by the State Board of Forestry for making fire trails, prevention of forest fire hazards, planting trees and such other service in connection with the administration of the laws relating to forests and forest fires as the State Forester determines. The persons so employed shall be paid from funds available for the use of the State Board of Forestry not to exceed \$2 for each day of

work performed and shall also receive their board and lodging while so employed.

[Amended by 1961 c.656 §1]

144.520 Persons employed by State Forester; report to State Board of Parole and Probation. The persons to be employed under subsection (2) of ORS 144.510 shall be those upon whom the State Board of Parole and Probation and the State Forester are mutually agreed. Such employes shall be responsible to the State Forester for their conduct while under his employ and supervision and he shall report to the parole board any failure on the part of such parolees to comply with the rules of conduct established by him.

144.530 to 144.600 [Reserved for expansion]

UNIFORM ACT FOR OUT-OF-STATE SUPERVISION

144.610 Out-of-state supervision of parolees; contract with other states. The Governor of this state may execute a compact on behalf of the State of Oregon with any of the United States joining therein in the form substantially as follows:

A compact entered into by and among the contracting states signatory hereto with the consent of the Congress of the United States of America granted by an Act entitled, "An Act Granting the Consent of Congress to any Two or More States to Enter into Agreements or Compacts for Cooperative Effort and Mutual Assistance in the Prevention of Crime and for Other Purposes."

The contracting states agree:

(1) That the judicial and administrative authorities of a state party to this compact (herein called "sending state") may permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state") while on a probation or parole, if:

(a) Such person is in fact a resident of, or has his family residing within, the receiving state and can obtain employment there;

(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.

Before granting such permission, opportunity shall be granted to the receiving state

to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

(2) That each receiving state shall assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon, and not reviewable within, the receiving state; provided, however, that if at the time when a state seeks to retake a probationer or parolee there is pending against him within the receiving state any criminal charge or if he is suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states party to this compact without interference.

(5) That the Governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(6) That this compact shall become operative immediately upon its execution by any state as between it and any other state so executing. When executed it shall have the

full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

(7) That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto.

144.620 Short title. ORS 144.610 may be cited as the Uniform Act for Out-of-State Supervision.

144.630 to 144.700 [Reserved for expansion]

MISCELLANEOUS PROVISIONS

144.710 Cooperation of public officials with State Board of Parole and Probation. All public officials shall cooperate with the State Board of Parole and Probation and give to the board, its officers and employes such information as may be necessary to enable it to perform its functions.

144.720 Judge's power to suspend execution of sentence or grant probation prior to commitment unaffected. Nothing in this chapter shall be construed as impairing or restricting the power given by law to the judge of any court to suspend execution of sentence or to grant probation to any person who is convicted of a crime before such person is committed to serve the sentence for the crime.

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 December 1, 1963.

Sam R. Haley
Legislative Counsel

