Chapter 423

1974 REPLACEMENT PART

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GENERAL PROVISIONS

423.010 Definitions for ORS 423.010 to 423.070. As used in ORS 423.010 to 423.070, unless the context requires otherwise:

(1) "Administrator" means the Administrator of the Corrections Division.

(2) "Division" means the Corrections Division.

(3) "Juvenile training school" means the Hillcrest School of Oregon, the MacLaren School for Boys and any other school established by law for similar purposes, and includes any camps maintained under ORS chapter 420 for students of such schools.

(4) "Penal and correctional institutions" means the Oregon State Penitentiary, the Oregon State Correctional Institution, and includes (a) the building for female inmates committed to the penitentiary, and (b) any camps or facilities maintained under ORS chapter 421 for inmates or paroled former inmates of such institutions.

[1965 c.616 §1; 1969 c.597 §96]

423.020 Corrections Division; duties and powers. (1) The Corrections Division shall:

(a) Supervise the management and administration of the penal and correctional institutions, parole and probation services and other functions related to state programs for corrections, and

(b) Accept the custody of persons committed to its jurisdiction by the courts of this state.

(2) The Corrections Division may provide consultation services related to the prevention, control and treatment of crime to local or state-wide public or private agencies, groups, and individuals, or initiate such consultation services. Consultation services shall include, but not be limited to, conducting studies and surveys, sponsoring or participating in educational programs, and advising and assisting these agencies, groups or individuals.

[1965 c.616 §2; 1967 c.352 §1; 1967 c.585 §6; 1969 c.597 §98; 1971 c.401 §107]

Note: Chapter 789, Oregon Laws 1973, established a State Corrections Education Commission to report to the 1974 special legislative session concerning educational programs of the Corrections Division. Chapter 789, Oregon Laws 1973, is repealed effective September 30, 1974.

423.025 [1969 c.597 §§97, 137; repealed by 1971 c.319 §11]

423.027 Duties and functions of Adult Community Services Unit. Among the duties and functions of the unit on Adult Community Services are:

(1) To provide to the State Board of Parole and Probation necessary staff services to enable the board to carry out its functions. Such services shall include but are not limited to securing, assembling, evaluating and submitting case materials as required by the parole board.

(2) To provide probation and parole services for persons residing in this state who are:

(a) Placed on probation by order of a circuit or district court; or

(b) Released from a state penal or correctional institution on parole, conditional pardon; or

(c) Released on parole, probation or conditional pardon from other states.

(3) To make investigation required in relation to granting, revoking or modifying parole, probation, conditional pardon or other conditional release as required by the Corrections Division.

(4) In accordance with general policies established by the Administrator of the Corrections Division, adopt rules necessary for the administration of the unit on Adult Community Services and enforce such rules.

(5) To keep a record of, and require reports from:

(a) All persons on parole or conditional pardon; and

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

(6) To prepare and publish reports and statistics relating to probation, parole and other disposition of criminal cases arising in Oregon.

(7) To perform such additional duties in the supervision and counseling of persons in various stages of legal and physical custody of the Corrections Division as the administrator may direct.

[1969 c.597 §111]

Note: ORS 423.027 was not added to and made a part of ORS 423.010 to 423.070 by legislative action.

423.030 Division not limited by ORS 423.020. The enumeration of duties, functions and powers in ORS 423.020 is not exclusive nor intended as a limitation on the powers and authority vested in the division by other provisions of law.

[1965 c.616 §3; 1969 c.597 §99]

423.040 Administrator of Corrections Division. (1) The Administrator of the Corrections Division is responsible for the management and administration of the affairs and the performance of the functions and

duties of the division. Subject to the approval of the Director of Human Resources, the administrator may organize and reorganize the division as necessary to properly conduct the work of the division.

(2) Upon request of the Director of Human Resources, the administrator shall submit statistical and progress reports and make recommendations relative to the institutions, schools and other programs and services under jurisdiction of the division.
[1965 c.616 §4; 1967 c.7 §39; 1969 c.597 §100; 1971 c.319 §7]

423.050 Appointment of subordinates within division. The administrator may appoint all classified and unclassified employes of the division, prescribe their duties and fix their compensation, subject to the limitations prescribed by law.
[1965 c.616 §5]

423.060 Rules. In order to carry out the programs and responsibilities of the division, the administrator shall promulgate rules for the administration of the division and its institutions, schools, programs and services.
[1965 c.616 §6; 1969 c.597 §101]

423.070 Deposit and disbursement of funds received under Western Interstate Corrections Compact. All funds received by this state or by the division for this state under a lawful contract with another party to the Western Interstate Corrections Compact made in compliance with Article III thereof, shall be paid into the State Treasury. The administrator shall expend these funds in compliance with the contract.
[Formerly 179.122]

423.080 [1967 c.564 §§8, 9; repealed by 1969 c.597 §281]

423.090 Establishment or designation of diagnostic facilities. The Corrections Division may establish or designate facilities to be used for diagnostic purposes for such categories of persons as the division may by rule assign to the facility. Such assignments shall not exceed 60 days in duration.
[1967 c.585 §1]

423.100 Revolving fund. (1) On written request of the Corrections Division, the Executive Department shall establish a revolving fund of not to exceed $10,000, including unreimbursed advances, by drawing warrants on amounts appropriated to the Corrections Division for operating expenses. The revolving fund shall be deposited with the State Treasurer, to be held in a special account against which the division may draw checks.

(2) The revolving fund established under subsection (1) of this section may be used by the division to pay for:

(a) Travel expenses for employes of the division and for any consultants or advisors for whom payment of travel expenses is authorized by law, or advances therefor;

(b) Purchases not exceeding $100 each, which may be required from time to time; or

(c) Receipt or disbursement of federal funds available under federal law.

(3) The revolving fund shall be reimbursed by warrants drawn by the Executive Department upon the verified claims of the division charged against the appropriate fund or account.
[1973 c.818 §5; 1974 s.s. c.13 §6]

LAW ENFORCEMENT COUNCIL

423.205 "Law enforcement" defined. For the purposes of ORS 423.205 to 423.240, "law enforcement" means all activities pertaining to crime prevention or reduction and enforcement of the criminal law, including police, courts, public prosecutors and defenders, corrections, and juvenile delinquency programs.
[1969 c.177 §7]

423.210 Assistants; acceptance of gifts and grants. (1) The law enforcement coordinator may employ specialists, clerks and other employes as may be required in carrying out a crime control and prevention program.

(2) The Law Enforcement Council may accept grants and gifts from, and cooperate with, governmental and private agencies and private individuals in carrying out a crime control and prevention program.
[1967 c.572 §1; 1969 c.177 §4]

423.220 Law Enforcement Council; membership; confirmation; duties. (1) There is hereby established the Law Enforcement Council. The Governor shall appoint to the council such number of qualified members as he deems appropriate, to serve at his pleasure. Members of the legislative and judicial branches of government shall be eligible to be appointed to the council.

(2) The Governor shall appoint the chairman of the Law Enforcement Council and shall appoint a law enforcement coordinator to serve at his pleasure.

(3) All appointments of members to the council by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.560 and 171.570.

(4) The Law Enforcement Council shall:

(a) Assist the Governor in developing, planning and carrying out a long-range, statewide crime and delinquency control and prevention program for Oregon, embracing all facets of law enforcement.

(b) Assist the Governor in coordinating the crime and delinquency prevention activities of all state departments and agencies.

(c) Advise and assist local communities and citizen groups in developing, planning and carrying out citizen-action type, local crime and delinquency control and prevention councils and programs.

(d) Advise and assist the Governor in establishing a clearing house for law enforcement programs, methods and techniques.

(e) Advise and assist the law enforcement coordinator in conducting and supervising conferences and educational programs.

(f) Serve as a supervisory body for law enforcement and for juvenile delinquency planning programs initiated by federal legislation.

[1967 c.572 §2; 1969 c.177 §1; 1973 c.212 §1; 1973 c.792 §15]

423.230 Duties of coordinator in crime prevention program. For the purposes of furthering a crime control and prevention program and gathering information and data to be submitted to the Governor, the law enforcement coordinator, in consultation with the Law Enforcement Council and at the direction of the Governor, shall:

(1) Supervise all matters relating to the crime control and prevention program.

(2) Collect and compile statistics relative to crime control and prevention which he may deem important or of value to such a program.

(3) Assist in establishing local crime control and prevention councils and student crime prevention councils in the cities, counties and schools of this state.

(4) Conduct an educational program to inform the citizenry concerning the nature, extent, underlying causes, control and prevention of crime and delinquency in this state.

(5) Make surveys, investigations and inquiries into the causes of crime and its control and prevention.

[1967 c.572 §3; 1969 c.177 §2]

423.240 Cooperation of state agencies. All officers, boards, commissions and other agencies of the state shall cooperate with the Governor and the law enforcement coordinator in accomplishing the purposes of ORS 423.210 to 423.280.

[1967 c.572 §4; 1969 c.177 §3]

423.280 Crime Control Coordinating Council Account. There hereby is established in the General Fund of the State Treasury an account to be known as the Crime Control Coordinating Council Account. All moneys received by the council shall be paid into the State Treasury and credited to such account and hereby are appropriated continuously for and shall be used by the council in carrying out the purposes of ORS 423.210 to 423.280.

[1967 c.572 §5]

COURT SERVICES

423.310 Administering court services. In administering court services, as defined in ORS 3.250, the Children's Services Division shall:

(1) Assist and maintain liaison with counties and circuit courts in developing plans and programs relating to court services.

(2) Promote and assist in the development of academic and inservice training programs in public and private agencies, including the division.

(3) Assist in locating qualified applicants and in making their names available to persons responsible for administering court services in the counties.

[1967 c.534 §7; 1971 c.401 §108]

423.320 Advisory committee on court services. (1) There is created an advisory committee on court services to advise the Children's Services Division and the courts in carrying out their duties under chapter 534, Oregon Laws 1967, and consisting of:

(a) One judge of the Oregon Supreme Court, appointed by the Chief Justice.

(b) Four circuit court judges, appointed by the Chief Justice of the Oregon Supreme Court.

(c) Four members, one each from the fields of education, law enforcement, mental health and social welfare, appointed by the Governor.

(d) One member of the Oregon State Bar, appointed by the Governor from a panel of three nominated by the Board of Governors of the Oregon State Bar.

(2) The advisory committee shall select one of its members as chairman, and another as vice chairman, for such terms and with such powers and duties necessary for the performance of the functions of such offices as the committee shall determine. A majority of the committee constitutes a quorum for the transaction of business.

(3) The term of office of a member is four years, but judges appointed pursuant to paragraphs (a) and (b) of subsection (1) of this section shall serve only for as long as they hold the office of judge. In case of a vacancy for any cause, the authority which appointed the vacating member shall make an appointment to become immediately effective for the unexpired term.

(4) A member of the advisory committee shall receive no compensation for his service as a member; but, subject to any other applicable law regulating travel and other expenses of state officers, he may receive his actual and necessary travel and other expenses incurred in the performance of his official duties.

[1967 c.534 §8; 1971 c.401 §109]

423.330 Definitions for ORS 423.330 to 423.360. As used in ORS 423.330 to 423.360:

(1) "State contribution" means the amount of money to which each county is entitled from the funds appropriated for the purposes of carrying out the provisions of ORS 423.330 to 423.360 as determined by the following formula:

$$\text{State contribution} = \frac{\text{County risk population}}{\text{State risk population}} \times \left\{\begin{array}{l}\text{110 percent of}\\ \text{sum appropri-}\\ \text{ated for state}\\ \text{assistance}\end{array}\right.$$

(2) "Risk population" means the number of children between the ages of 4 years and 18 years residing in the county according to the latest school census.

[1969 c.498 §2; 1971 c.429 §2]

423.340 Financial aid to counties for court services. (1) The state shall provide financial assistance to the counties which apply therefor by January 1 of the fiscal year from funds appropriated for that purpose for court services, as defined in ORS 3.250, provided under a plan approved under ORS 423.360 and in accordance with this section. In any fiscal year, the amount of assistance shall be the lesser of:

(a) The state contribution not expended;

(b) Seventy percent of the amount expended by the county for court services in the fiscal year for which reimbursement is sought that is in excess of the amount expended for the same purposes, other than capital expenditures, in the fiscal year beginning July 1, 1968; or

(c) Fifty percent of the total cost, other than capital expenditures, of its court services in the fiscal year for which reimbursement is sought.

(2) In order to remain eligible for state financial assistance for any fiscal year for which assistance is sought, the county must not reduce its expenditures for court services in that year to less than the amount expended for court services in the fiscal year 1968-69.

(3) When certified by the Children's Services Division, claims for state financial assistance shall be presented to the Executive Department for payment in the same manner that other claims against the state are paid.

(4) In any fiscal year when the funds available do not allow the amount of assistance to be computed as provided in this section, all counties claiming assistance shall receive a pro rata reimbursement of the amount to which they would otherwise be entitled based on the ratio that the total amount of funds available bears to the total amount of funds required for such assistance.

[1969 c.498 §3; 1971 c.429 §3]

423.350 Qualifications for financial aid. In order to qualify for state financial assistance for court services, the court with juvenile court jurisdiction, after consultation with the governing body of the affected county or counties, must submit a plan to the Children's Services Division for improving or expanding its court services in matters described in ORS 3.260 that are within the jurisdiction of the court.

[1969 c.498 §4; 1971 c.401 §110; 1971 c.429 §1]

423.360 Policy; guidelines; determination of eligibility for aid. (1) It is the intent of the Legislative Assembly that with the limited amount of funds available certain services to juveniles should be expanded. The advisory committee on court services established under ORS 423.320 shall develop guidelines to assist the circuit courts and the Children's Services Division in the application of funds provided under ORS 423.330 to 423.360, such guidelines to be consistent with the definition of court services contained in ORS 3.250 and the provisions of this section.

(2) In determining whether to approve a

plan submitted by a circuit court, the Children's Services Division, after determining that the plan complies with the requirements of subsection (1) of this section, shall consider, among other factors:

(a) Availability, qualifications and supervision of personnel to administer and provide court services under the plan.

(b) The extent to which the plan contemplates joint use of personnel and existing facilities.

(c) Utilization of and cooperation with other community agencies, public or private, under the plan.

(d) Impact of the plan on the total court services offered by or through the circuit court.

(e) Physical facilities for staff and for juvenile detention and shelter under the plan.

(3) If the Children's Services Division approves the plan, financial assistance may be given for the court services according to ORS 423.340.

[1969 c.498 §5; 1971 c.401 §111]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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 June 1, 1974.

Thomas G. Clifford
Legislative Counsel

CHAPTERS 424 AND 425

[Reserved for expansion]