

Chapter 169

1979 REPLACEMENT PART

Local and Regional Correctional Facilities; Prisoners

DEFINITIONS		169.220	Care of county prisoners
169.005	Definitions for ORS 169.005 to 169.680		
LOCAL CORRECTIONAL FACILITIES		DUTIES AND LIABILITIES OF SHERIFF	
169.010	Authority to erect local correctional facilities	169.320	Control over prisoners
169.020	Letting of construction contract for local correctional facilities	169.330	Civil liability for release of prisoner
169.030	Construction, maintenance and use of local correctional facilities by county and city; renting suitable structure	169.340	Liability for escape of defendant in a civil action
169.040	Inspection of local correctional facilities	169.350	Liability for failing to serve papers
169.050	Contracts for boarding of prisoners	169.360	Appointment of keeper of local correctional facility
169.060	Advertising for boarding contract; bond required	169.380	Report of Clackamas and Multnomah County sheriffs respecting prisoners
169.070	Coordination of state services by Corrections Division; inspections to determine compliance with standards	FEDERAL PRISONERS	
169.076	Standards for local correctional facilities	169.530	Duty to receive federal prisoners
169.077	Standards for lockup facilities	169.540	Liability for expenses of keeping federal prisoners
169.078	Standards for temporary hold facilities	REGIONAL FACILITIES	
169.079	Standards for juvenile detention facilities	169.610	Policy
169.080	Effect of failure to comply with standards; enforcement by Attorney General; private action	169.620	"Regional correctional facility" defined
169.085	Submission of construction or renovation plans to Corrections Division; recommendations by Corrections Division	169.630	Joint operation of facilities; operation by Corrections Division
169.090	Manual of guidelines for local correctional facility operation	169.640	Status of facility for custody of misdemeanants and violators
TREATMENT OF PRISONERS		169.650	Status of facility operated by Corrections Division
169.110	Time credit for good behavior	169.660	Status of persons confined in facility operated by Corrections Division
169.115	Temporary leave	169.670	Transfer of persons to facility operated by Corrections Division; costs; return; exception
169.120	Credit for work	169.680	Reimbursement by state for expenses incurred by city or county in operating facility
169.140	Furnishing prisoners food and clothing	HALFWAY HOUSES	
169.150	Payment of expenses of keeping prisoners	169.690	Citizen advisory committee; review of proposed halfway houses and other facilities; nomination and appointment of committee members; written report required of agency rejecting views of advisory committee; committee members to serve without compensation
169.155	Definitions for ORS 169.165		
169.165	Liability for costs of emergency medical services		
169.170	Assignment of county prisoners to public works		
169.180	Assignment of city prisoners to public works		
169.190	Transfer of prisoners to another county for public work		
169.210	Contracts for private employment of prisoners; agencies having power to work prisoners		

CRIMES AND PUNISHMENTS

CROSS REFERENCES

Children's Services Division responsible for medical costs of certain children in detention facilities, 418.034	169.110 Persons eligible for parole, 137.520
Confinement as condition of probation: Credit for, if probation revoked, 137.550 Duration, 137.540	169.140 Confinement of minors with adults, 419.575, 420.915 Health facilities for prisoners, 434.170
Confinement in city or county jail of: Military prisoners, 398.258 Ordinance violators, 221.914 Sexually dangerous persons, 426.670	169.170 Private gainful employment of prisoner at direction of court, 137.520 Rigorous treatment of prisoners prohibited, Const. Art I, §13
Confinement of mentally ill person in jail, 426.140	
Escape from official detention, penalty, 162.135 to 162.205	169.180 Transfer of jail inmate to forest work camp, 421.405 to 421.480
Escape, prevention, use of force, 161.265	
Maximum jail terms, 161.615	
Post-conviction relief, 138.510 to 138.680	
Release of prisoners whose terms expire on legal holidays, 137.375	
Reports required to commanding officer of military prisoner, 398.062	
Workers' compensation for inmates, 656.041	169.190 Transfer of prisoners when jail not suitable, 137.140
169.010 Condemnation authorized to acquire land for jail, 281.340	169.320 Net earnings of prisoner in gainful employment, control of by sheriff, 137.520
169.030 Condemnation by city authorized to acquire land for jail, 223.005	169.690 Work release program, quartering of enrollees, 144.460

DEFINITIONS

169.005 Definitions for ORS 169.005 to 169.680. As used in ORS 169.005 to 169.680, unless the context requires otherwise:

(1) "Detainee" means a person held with no criminal charges.

(2) "Juvenile detention facility" means a facility as described in ORS 419.612 and includes local correctional facilities and lockups where juveniles are detained.

(3) "Local correctional facility" means a jail or prison for the reception and confinement of prisoners that is provided, maintained and operated by a county or city and holds persons for more than 36 hours.

(4) "Lockup" means a facility for the temporary detention of arrested persons held up to 36 hours, excluding holidays, Saturdays and Sundays, but the period in lockup shall not exceed 96 hours after booking.

(5) "Month" means a period of 30 days.

(6) "Prisoner" means a person held with criminal charges or sentenced to the facility.

(7) "Temporary hold" means a facility, the principal purpose of which is the temporary detention of a prisoner for four or less hours while awaiting court appearance or transportation to a local correctional facility. [1973 c.740 §1; 1979 c.487 §1]

Note: The amendment to 169.005 by section 1, chapter 487, Oregon Laws 1979, takes effect July 1, 1980. See section 16, chapter 487, Oregon Laws 1979. 169.005 (1977 Replacement Part) is set forth for the users' convenience.

169.005 As used in ORS 169.005 to 169.680, unless the context requires otherwise:

(1) "Local correctional facility" means a jail or prison for the reception and confinement of inmates that is provided, maintained and operated by a county or city.

(2) "Lockup" means a facility for the temporary detention of arrested persons or inmates.

LOCAL CORRECTIONAL FACILITIES

169.010 Authority to erect local correctional facilities. The county court or board of county commissioners in each county of this state may, whenever it deems proper, erect a county local correctional facility for the reception and confinement of prisoners and criminals. [Amended by 1963 c.236 §1; 1973 c.740 §8]

169.020 Letting of construction contract for local correctional facilities. Whenever the county court or board of county commissioners decides to erect a local correctional facility as authorized by ORS 169.010, it may either receive sealed proposals for the performance of the whole or any part of the work, or for furnishing materials, or may sell the same at public auction to the lowest bidder. Before the court or board enters into any such contract, it shall give notice by advertisement published in some newspaper of general circulation in the county for at least three weeks in succession, or by putting up advertisements in five public places within the county, three weeks before the time for letting the contract. The advertisements shall state the day that the court or board will attend at the court house in the county for the purpose of receiving proposals or selling at public auction, and entering into such contract. The contractor shall enter into bond, payable to the State of Oregon for the use of the county, with such securities and in such sum as the court shall approve, conditioned on the faithful performance of the contract agreeably to the stipulations thereof. [Amended by 1973 c.740 §9]

169.030 Construction, maintenance and use of local correctional facilities by county and city; renting suitable structure. Every county and city in this state shall provide, keep and maintain within or without the county or city, as the case may be, a local correctional facility for the reception and confinement of prisoners committed thereto. The local correctional facility shall be constructed of fireproof materials and should have fire exits in sufficient number and suitably located for the removal of prisoners. Any county, or incorporated city may rent or lease any structure answering the requirements of this section, either in connection with or separately from any other county or city building. Any county and any incorporated city may, by agreement, provide, maintain, and use for their separate requirements, such a local correctional facility as is required by this section. [Amended by 1963 c.236 §2; 1973 c.740 §10]

169.040 Inspection of local correctional facilities. (1) The county court or board of county commissioners of each county is inspector of the local correctional facilities of the county therein. The court or board shall visit them at least once in each regular term, and shall examine fully into the local correc-

tional facility, health, cleanliness, and discipline. If it appears to the court or board that any provisions of law have been violated or neglected, it shall forthwith give notice of the violation or neglect to the district attorney of the district.

(2) The county health officer or his representative is authorized to conduct health and sanitation inspections of local correctional facilities on a semiannual basis. If the county health officer determines that the facility is in an insanitary condition or unfit for habitation for health reasons, the officer is authorized to notify the appropriate local governmental agency in writing of the required health and sanitation conditions or practices necessary to insure the health and sanitation of the facility. If the local governmental agency does not comply with the required health and sanitation conditions or practices within an appropriate length of time, the county health officer may recommend the suspension of the operation of the local correctional facility to the county board of health. If after a hearing the county board of health finds that the local correctional facility is in an insanitary or unhealthful condition, it may suspend the operation of the facility until such time as it complies with the recommended health and sanitation conditions and practices. [Amended by 1973 c.740 §11]

169.050 Contracts for boarding of prisoners. The county court or board of county commissioners of each county in this state, not having more than 300,000 inhabitants, shall advertise for bids for boarding of prisoners confined in the county local correctional facilities of the county, and may award the contract for boarding them to the lowest responsible bidder. If any responsible bidder, other than the sheriff, receives the contract from the county for the boarding of prisoners, such bidder shall receive compensation for boarding such prisoners rather than the sheriff, and the sheriff shall afford to such bidder all facilities for carrying out the county's contract for boarding prisoners. [Amended by 1973 c 740 §12]

169.060 Advertising for boarding contract; bond required. The advertisements mentioned in ORS 169.050 shall be published for at least four weeks in one or more newspapers published in the county, prior to the opening of such bids. The court or board shall determine the time for letting a boarding contract, and may require a bond

from the person receiving the contract, in such sum and with such sureties and conditions as it deems necessary to secure the contract fulfillment.

169.070 Coordination of state services by Corrections Division; inspections to determine compliance with standards. The Corrections Division shall provide and coordinate state services to local governments with respect to local correctional facilities and juvenile detention facilities. The Assistant Director for Corrections shall designate staff to provide technical assistance to local governmental agencies in the planning and operation of local correctional facilities, lockups, temporary holds and juvenile detention facilities, and advice on provisions of state law applicable to these facilities. The staff shall inspect local correctional facilities, lockups, temporary holds and juvenile detention facilities, to insure compliance with the standards established in ORS 169.076 to 169.079 and 419.575. [1973 c.740 §2; 1979 c.338 §2; 1979 c.487 §2]

Note: The amendment to 169.070 by section 2, chapter 338, Oregon Laws 1979, is repealed on July 1, 1980, and the amendment to 169.070 by section 2, chapter 487, Oregon Laws 1979, takes effect July 1, 1980. See sections 15 and 16, chapter 487, Oregon Laws 1979. 169.070 as amended by section 2, chapter 338, Oregon Laws 1979, is set forth for the users' convenience.

169.070 The Corrections Division shall provide and coordinate state services to local governments with respect to local correctional facilities and juvenile detention facilities, including jails and lockups where juveniles are detained. The Assistant Director for Corrections shall designate staff to provide technical assistance to local governmental agencies in the planning and operation of local correctional facilities and juvenile detention facilities, including jails and lockups where juveniles are detained, and advice on provisions of state law applicable to these facilities. The staff may inspect local correctional facilities and juvenile detention facilities, including jails and lockups where juveniles are detained, to insure compliance with the standards established in ORS 169.075 and 419.575.

169.075 [1973 c.740 §3; repealed by 1979 c.487 §5 (169.076, 169.077, 169.078 and 169.079 enacted in lieu of 169.075)]

Note: 169.075 is repealed effective July 1, 1980. See section 5, chapter 487, Oregon Laws 1979. 169.075 (1977 Replacement Part) is set forth for the users' convenience.

169.075 Each local correctional facility shall:

(1) Maintain 24-hour supervision when persons are confined; such supervision may include the use of electronic monitoring equipment when approved by the Corrections Division and the governing body of the area in which the facility is located.

(2) Make a personal inspection of each person confined at least each hour

(3) Have a female supervisor present when a female prisoner requires a search or at any time during confinement that a female prisoner's cell needs to be entered.

(4) Prohibit firearms from the security area of the facility except in times of emergency as determined by the administrator of the local correctional facility.

(5) Serve three meals a day to the prisoners at reasonable intervals and within the local correctional facility.

(6) Not administer any physical punishment to any prisoner at any time.

(7) Forward, without examination or censorship, each prisoner's written communications with the Governor, jail administrator, Attorney General, judge or his own attorney.

(8) Provide rules and regulations of the facility governing correspondence, visiting privileges and disciplinary rules and regulations governing his behavior to each prisoner.

(9) Keep the facility safe and secure in accordance with Uniform Building Code of the International Conference of Builders

(10) Formulate and publish plans to meet emergencies involving escape, riots, assaults, fires, rebellions and other types of emergencies; and policies and regulations for the operation of the facility.

169.076 Standards for local correctional facilities. Each local correctional facility shall:

(1) Provide sufficient staff to perform all audio and visual functions involving security, control, custody and supervision of all confined detainees and prisoners, with personal inspection at least once each hour. Such supervision may include the use of electronic monitoring equipment when approved by the Corrections Division and the governing body of the area in which the facility is located.

(2) Have a comprehensive written policy with respect to:

- (a) Legal confinement authority.
- (b) Denial of admission.
- (c) Telephone calls.
- (d) Admission and release medical procedures.
- (e) Medication and prescriptions.
- (f) Personal property accountability which complies with ORS 133.455.
- (g) Vermin and communicable disease control.

(h) Release process to include authority, identification and return of personal property.

(i) Rules of the facility governing correspondence and visitations.

(3) Formulate and publish plans to meet emergencies involving escape, riots, assaults, fires, rebellions and other types of emergencies; and regulations for the operation of the facility.

(4) Not administer any physical punishment to any prisoner at any time.

(5) Provide for emergency medical and dental health, having written policies providing for:

(a) Licensed physician review of the facility's medical and dental plans.

(b) The security of medication and medical supplies.

(c) A medical and dental record system to include request for medical and dental attention, treatment prescribed, prescriptions, special diets and other services provided.

(d) First aid supplies and staff first aid training.

(6) Prohibit firearms from the security area of the facility except in times of emergency as determined by the administrator of the facility.

(7) Insure that confined detainees and prisoners:

(a) Will be fed daily at least three meals served at regular times, with no more than 14 hours between meals except when routinely absent from the facility for work or other such purposes.

(b) Will be fed nutritionally adequate meals in accordance with a plan reviewed by a registered dietician or the Health Division.

(c) Be provided special diets as prescribed by the designated facility physician.

(d) Shall have food procured, stored, prepared, distributed and served under sanitary conditions, as defined by the Health Division rules as authorized by ORS 624.100.

(8) Insure that the facility be clean, and provide each confined detainee or prisoner:

(a) Materials to maintain personal hygiene.

(b) Clean clothing twice weekly.

(c) Mattresses and blankets that are clean and fire-retardant.

(9) Require each prisoner to shower at least twice weekly.

(10) Forward, without examination or censorship, each prisoner's outgoing written communications to the Governor, jail administrator, Attorney General, judge, Corrections Division or his own attorney.

(11) Keep the facility safe and secure in accordance with the State of Oregon Structural Specialty Code and Fire and Life Safety Code.

(12) Have and provide each prisoner with written rules for inmate conduct and disciplinary procedures. If a prisoner cannot read or is unable to understand the written rules, the information shall be conveyed to the prisoner orally.

(13) Not restrict the free exercise of religion unless failure to impose the restriction will cause a threat to facility or order.

(14) Safeguard and insure that the prisoner's legal rights to access to legal materials are protected. [1979 c.487 §6 (enacted in lieu of 169.075)]

169.077 Standards for lockup facilities. Each lockup facility shall:

(1) Maintain 24-hour supervision when persons are confined; such supervision may include the use of electronic monitoring equipment when approved by the Corrections Division and the governing body of the area in which the facility is located.

(2) Make a personal inspection of each person confined at least once each hour.

(3) Prohibit firearms from the security area of the facility except in times of emergency as determined by the administrator of the facility.

(4) Insure that confined detainees and prisoners will be fed daily at least three nutritionally adequate meals served at regular times, with no more than 14 hours between meals except when routinely absent from the facility for work or other such purposes.

(5) Forward, without examination or censorship, each prisoner's outgoing written communications to the Governor, jail administrator, Attorney General, judge, Corrections Division or his own attorney.

(6) Provide rules of the facility governing correspondence and visitations.

(7) Keep the facility safe and secure in accordance with the State of Oregon Structural

al Specialty Code and Fire and Life Safety Code.

(8) Formulate and publish plans to meet emergencies involving escape, riots, assaults, fires, rebellions and other types of emergencies; and policies and regulations for the operation of the facility.

(9) Insure that the facility be clean, provide mattresses and blankets that are clean and fire-retardant, and furnish materials to maintain personal hygiene.

(10) Provide for emergency medical and dental health, having written policies providing for licensed physician review of the facility's medical and dental plans. [1979 c.487 §7 (enacted in lieu of 169.075)]

169.078 Standards for temporary hold facilities. Each temporary hold shall:

(1) Provide access to sanitation facilities.

(2) Provide adequate seating.

(3) Maintain supervision of prisoners or detainees when confined. Such supervision may include the use of electronic monitoring equipment when approved by the Corrections Division and the governing body of the area in which the facility is located.

(4) Prohibit firearms from the secure area except in times of emergency.

(5) Keep the facility safe and secure in accordance with the State of Oregon Structural Specialty Code and Fire and Life Safety Code. [1979 c.487 §8 (enacted in lieu of 169.075)]

169.079 Standards for juvenile detention facilities. (1) The standards established in ORS 169.076 to 169.078 shall apply to juveniles detained in juvenile detention facilities. In addition, local correctional facilities and juvenile detention facilities shall provide:

(a) Personal inspection of each juvenile at least once each hour unless a particular situation requires more frequent inspection;

(b) Supervision on each floor where juveniles are detained unless the facility is equipped with approved electronic monitoring equipment;

(c) Separation of detained juveniles from the sight and sound of detained adults; and

(d) Comprehensive written policies with respect to:

(A) Admission and release policies, procedures and authority;

(B) Disciplinary procedures and use of physical restraints;

(C) A juvenile's access to medical treatment, including treatment by the juvenile's own physician if any; and

(D) Provision for education, counseling and exercise for juveniles detained for more than five judicial days.

(2) The standards established in paragraphs (a) and (b) of subsection (1) of this section shall apply to lockups where juveniles are detained. The standards established in paragraph (c) of subsection (1) of this section shall apply to lockups where juveniles are detained for more than three hours. [1979 c. 487 §9 (enacted in lieu of 169.075)]

169.080 Effect of failure to comply with standards; enforcement by Attorney General; private action. (1) If the condition or treatment of prisoners in a local correctional facility, lockup or temporary hold or juvenile detention facility is not in accordance with the standards established in ORS 169.076 to 169.079 or 419.575, the staff of the Corrections Division may notify in writing the appropriate local governmental agency of the standards which are not being met and specific recommendations for the agency to comply with the standards. Corrective measures shall be taken by the local governmental agency to insure compliance with all standards within a reasonable length of time jointly agreed upon by the agency and the Corrections Division.

(2) The provisions of ORS 169.076 to 169.079 and 419.575 shall be enforceable by the Attorney General of the State of Oregon. The Attorney General, at the request of the Corrections Division, may bring suit or action and may seek declaratory judgment as provided in ORS chapter 28 as well as pursue any other form of suit or action provided under Oregon law. Nothing in this section shall preclude a private right of suit or action. [1973 c 740 §4; 1979 c.338 §3; 1979 c 487 §3]

Note: The amendment to 169.080 by section 3, chapter 338, Oregon Laws 1979, is repealed on July 1, 1980, and the amendment to 169.080 by section 3, chapter 487, Oregon Laws 1979, takes effect July 1, 1980. See sections 15 and 16, chapter 487, Oregon Laws 1979. 169.080 as amended by section 3, chapter 338, Oregon Laws 1979, is set forth for the users' convenience.

169.080 If the condition or treatment of prisoners in the local correctional facility, juveniles in the juvenile detention facility or juveniles in the jail or lockup used to detain juveniles, is not in accordance with the standards established in ORS 169.075 or 419.575, the staff of the

Corrections Division may notify in writing the appropriate local governmental agency of the standards which are not being met and specific recommendations for the agency to comply with the standards. If corrective measures are not taken by the local governmental agency to insure compliance with all standards within a reasonable length of time jointly agreed upon by the agency and the Corrections Division, the division may request the Attorney General to initiate appropriate legal action to insure compliance with the standards.

169.085 Submission of construction or renovation plans to Corrections Division; recommendations by Corrections Division. All plans of new construction or major renovation of local correctional facilities, lockups and juvenile detention facilities shall be submitted to the Corrections Division for review and advisory recommendations to assist local governmental agencies to provide a safe and secure facility. The recommendations of the Corrections Division shall be advisory and not binding upon the local governmental agency with the exception of those standards established in ORS 169.076 to 169.079 and 419.575. The Corrections Division must notify the respective local governmental agency 45 days after submission of the plans of its recommendations on the proposed construction or major renovation of the local correctional facility. [1973 c.740 §5; 1979 c.487 §4]

Note: The amendment to 169.085 by section 4, chapter 487, Oregon Laws 1979, takes effect July 1, 1980. See section 16, chapter 487, Oregon Laws 1979. 169.085 (1977 Replacement Part) is set forth for the users' convenience.

169.085 All plans of new construction or major renovation of local correctional facilities shall be submitted to the Corrections Division for review and advisory recommendations to assist local governmental agencies to provide a safe and secure facility. The recommendations of the Corrections Division shall be advisory and not binding upon the local governmental agency with the exception of those standards established in ORS 169.075. The Corrections Division must notify the respective local governmental agency 45 days after submission of the plans of its recommendations on the proposed construction or major renovation of the local correctional facility.

169.090 Manual of guidelines for local correctional facility operation. The Assistant Director for Corrections shall publish and distribute a manual of recommended guidelines for the operation of local correctional facilities and lockups as developed by a jail standards committee appointed by the assistant director. This manual shall be revised when appropriate with consultation and advice of the Oregon Sheriffs Association, the Oregon Association of Chiefs of Police, Association of Oregon Counties, the League of

Oregon Cities and other appropriate groups and agencies and will be redistributed upon the approval of the Director of the Department of Human Resources and the Governor. [1973 c.740 §6]

TREATMENT OF PRISONERS

169.110 Time credit for good behavior. Each prisoner convicted of any offense against the laws of this state, who is confined, in execution of the judgment or sentence upon any such conviction, including confinement imposed as a condition of probation pursuant to ORS 137.540, in any county local correctional facility in this state for a definite term, whose record of conduct shows that he has faithfully observed all the rules of the facility, shall be entitled, in the discretion of the sheriff or other officer having custody of such prisoner, to a deduction from the term of his sentence to be calculated as follows, commencing on the first day of his arrival at the facility to serve his sentence:

(1) Upon a sentence of not less than 10 nor more than 30 days, one day for each 10 days.

(2) Upon a sentence of more than 30 days but not more than 90 days, three days for each 30-day period.

(3) Upon a sentence of more than 90 days but not more than 180 days, four days for each 30-day period.

(4) Upon a sentence of more than 180 days but not more than 270 days, five days for each 30-day period.

(5) Upon a sentence of more than 270 days, six days for each 30-day period. [Amended by 1965 c.346 §3; 1971 c.196 §1; 1973 c.740 §13; 1979 c.487 §11]

Note: The amendment to 169.110 by section 11, chapter 487, Oregon Laws 1979, takes effect July 1, 1980. See section 16, chapter 487, Oregon Laws 1979. 169.110 (1977 Replacement Part) is set forth for the users' convenience.

169.110 Each prisoner convicted of any offense against the laws of this state, who is confined, in execution of the judgment or sentence upon any such conviction, including confinement imposed as a condition of probation pursuant to ORS 137.540, in any county local correctional facility in this state for a definite term, whose record of conduct shows that he has faithfully observed all the rules of the facility, shall be entitled, in the discretion of the sheriff or other officer having custody of such prisoner, to a deduction from the term of his sentence to be estimated as follows, commencing on the first day of his arrival at the facility to serve his sentence

(1) Upon a sentence of not less than 10 nor more than 30 days, one day for each 10 days.

(2) Upon a sentence of more than 30 days but not more than 90 days, three days for each month.

(3) Upon a sentence of more than 90 days but not more than six months, four days for each month

(4) Upon a sentence of more than six months but not more than nine months, five days for each month

(5) Upon a sentence of more than nine months, six days for each month.

169.115 Temporary leave. (1) Any prisoner serving a sentence in a county jail may be eligible for temporary leave for a period not to exceed 10 days for the purpose of visiting a seriously ill relative, attending the funeral of a relative, or obtaining medical services not otherwise available.

(2) All requests for temporary leave must be presented to the sheriff for examination. Exemptions shall be restricted to those prisoners who are considered a possible threat to society, or those who pose a risk of not returning at the termination of such leave.

(3) Upon determining that circumstances are suitable for a prisoner to be granted temporary leave, the sheriff may grant leave to the prisoner and fix the duration and conditions of the leave.

(4) In adopting rules governing temporary leave, the sheriff shall consult with the Corrections Division in an effort to establish state-wide uniform rules governing temporary leave for county jail prisoners. [1973 c.499 §1; 1979 c.487 §12]

Note: The amendment to 169.115 by section 12, chapter 487, Oregon Laws 1979, takes effect July 1, 1980. See section 16, chapter 487, Oregon Laws 1979. 169.115 (1977 Replacement Part) is set forth for the users' convenience.

169.115 (1) Any inmate serving a sentence in a county jail may be eligible for temporary leave for a period not to exceed 10 days for the purpose of visiting a seriously ill relative, attending the funeral of a relative, or obtaining medical services not otherwise available.

(2) All requests for temporary leave must be presented to the sheriff for examination. Exemptions shall be restricted to those inmates who are considered a possible threat to society, or those who pose a risk of not returning at the termination of such leave.

(3) Upon determining that circumstances are suitable for an inmate to be granted temporary leave, the sheriff may grant leave to the inmate and fix the duration and conditions of the leave.

(4) In adopting rules governing temporary leave, the sheriff shall consult with the Corrections Division in an

effort to establish state-wide uniform rules governing temporary leave for county jail inmates.

169.120 Credit for work. In addition to the allowances provided for in ORS 169.110, all prisoners in a county local correctional facility who are engaged in any work either inside or outside the facility are entitled to an allowance of credits in time or compensation, or both, for such work. The allowances shall not be inconsistent with ORS 169.170 to 169.210. The credits provided by this section shall not be in excess of 10 days for a period of 30 days and shall be set by the county court, board of county commissioners or local correctional facility supervisor. However, in the case of a sentence of not less than 10 nor more than 30 days the credits provided by this section are one day of credit for each 10 days of sentence. [Amended by 1967 c.284 §1; 1971 c.196 §2; 1973 c.740 §14; 1979 c.487 §13]

Note: The amendment to 169.120 by section 13, chapter 487, Oregon Laws 1979, takes effect July 1, 1980. See section 16, chapter 487, Oregon Laws 1979. 169.120 (1977 Replacement Part) is set forth for the users' convenience.

169.120 In addition to the allowances provided for in ORS 169.110, all prisoners in a county local correctional facility who are engaged in any work either inside or outside the facility are entitled to an allowance of credits in time and compensation for such work. The allowances shall not be inconsistent with ORS 169.170 to 169.210. The credits provided by this section shall not be in excess of 10 days for each calendar month and shall be set by the county court, board of county commissioners or local correctional facility supervisor. However, in the case of a sentence of not less than 10 nor more than 30 days the credits provided by this section are one day of credit for each 10 days of sentence

169.130 [Amended by 1959 c.533 §1; repealed by 1971 c.743 §432]

169.140 Furnishing prisoners food and clothing. The keeper of each local correctional facility shall furnish and keep clean the necessary bedding and clothing for all prisoners in his custody, and shall supply them with wholesome food, fuel and necessary medical aid. [Amended by 1973 c.740 §15]

169.150 Payment of expenses of keeping prisoners. The charges and expenses for safekeeping and maintaining all persons duly committed to the local correctional facility of the county for trial, sentenced to imprisonment in the county local correctional facility, or committed for the nonpayment of any fine or for any contempt, shall, unless otherwise provided by law, be paid out of the treasury of the county. The account of the keeper shall be

first allowed by the county court or board of county commissioners of the county from which the prisoner was committed. [Amended by 1973 c.740 §16]

169.155 Definitions for ORS 169.165. As used in ORS 169.165 and this section:

(1) "Local correctional facility" includes lockups and temporary hold facilities.

(2) "Reasonable efforts to collect the charges and expenses" means that the provider has billed the individual to whom the emergency medical services were provided or the insurer or health care service contractor of the individual before seeking to collect from the keeper of the local correctional facility.

[1979 c.530 §4]

169.160 [Repealed by 1971 c.743 §432]

169.165 Liability for costs of emergency medical services. Notwithstanding ORS 169.140 and 169.150:

(1) An individual who receives emergency medical services while in the custody of a local correctional facility is liable:

(a) To the provider of the emergency medical services for the charges and expenses therefor; and

(b) To the keeper of the local correctional facility for any charges or expenses paid by the keeper of the facility for the emergency medical services.

(2) A person providing emergency medical services to an individual described in paragraph (a) of subsection (1) of this section shall first make reasonable efforts to collect the charges and expenses thereof from the individual before seeking to collect them from the keeper of the local correctional facility.

(3) If the provider has not been paid within 30 days of the date of the billing the provider shall bill the keeper of the local correctional facility who shall pay the account in accordance with ORS 169.140 and 169.150. If the provider receives payment from the individual or the insurer or health care contractor after receiving payment from the keeper of the facility, the provider shall repay the keeper the amount received from the keeper less any difference between payment received from the individual, insurer or contractor and the amount of the billing. [1979 c.530 §2]

169.170 Assignment of county prisoners to public works. All convicts sentenced by any court or legal authority, whether in default of the payment of a fine, or committed

for a definite number of days to serve sentence in a county local correctional facility, during the period of such sentence, for the purposes of ORS 169.120 and 169.170 to 169.210, are under the exclusive and absolute control of the county court or board of county commissioners of the county in which the crime was committed for which the convict was sentenced. The court or board has full power to place such convicts under the control of any road supervisor or other person appointed to take charge of them, and to cause them to work upon the public roads of the county, or such other work of a public nature as said court or board may direct. All such convicts shall be delivered to the supervisor or other person appointed to take charge of them, upon the written request of the court or board. The sheriff shall obtain a receipt from the person to whom such convicts are delivered for each of the convicts, and thereupon the sheriff's liability ceases. The county court may at any time return any convict, taken under the provisions of this section, to the sheriff, who shall thereupon take charge of the convict. The court or board is authorized and directed to provide rules and regulations in regard to the employment of said convicts not inconsistent with ORS 169.170 to 169.210. [Amended by 1959 c 530 §7; 1973 c.740 §17]

169.180 Assignment of city prisoners to public works. All convicts sentenced by any court or legal authority in any city, whether in default of the payment of a fine or committed for a definite number of days to serve sentence in any local correctional facility, during the period of the sentence shall, with the consent of the proper city authorities and for the purposes of ORS 169.120 and 169.170 to 169.210, be under the absolute and exclusive control of the county court or board of county commissioners of the county in which said city is located. Such city convicts shall be delivered to the county court by any officer having custody thereof in the same manner as county prisoners, and may be returned to the officer from whom they are received in the same manner, and shall be subject to the same rules and regulations as provided in ORS 169.170 for county prisoners. [Amended by 1973 c.740 §18]

169.190 Transfer of prisoners to another county for public work. Any county court or board of county commissioners may transfer to the county court or board of county

commissioners of any other county any of the convicts committed to its control, under ORS 169.170 or 169.180. The court or board to which such convicts are so transferred has the same power and authority respecting such convicts as if they had been sentenced to serve in that county. The transfer of convicts from one county to another shall be made upon such terms and conditions as may be agreed upon by the county courts or boards concerned in the transfer.

169.200 [Repealed by 1973 c.740 §28]

169.210 Contracts for private employment of prisoners; agencies having power to work prisoners. (1) Except for work release programs, no county or city shall enter into any agreement or contract with any private person, firm or corporation for the employment of any convict.

(2) If any board or tribunal is created which has charge and management of the public roads of the county, such board or tribunal shall have the same power and authority as is conferred upon the county court or board of county commissioners by ORS 169.120 and 169.170 to 169.210. [Amended by 1973 c.740 §19]

169.220 Care of county prisoners. All persons lawfully confined in a county local correctional facility, or as prisoners engaged in work under the custody and jurisdiction of a county, shall be fed and maintained at actual cost to the county. All persons confined in a county local correctional facility shall be given three meals per day. An accurate account of each meal furnished to others than inmates of local correctional facilities, together with the names of the recipients thereof, whether facility employes or otherwise, shall be kept and reported by the sheriff each month to the county court or board of county commissioners. The county court or board of county commissioners shall furnish the sheriff with adequate equipment and supplies for carrying out the provisions of this section. The sheriff has authority to employ such assistance therefor as may be necessary. All supplies and equipment needed to feed and maintain such persons as provided in this section shall be purchased by the county court or board of county commissioners upon requisitions duly verified and presented by the sheriff to the county court or board of county commissioners. All supplies so purchased shall be paid for by warrant drawn upon the general

fund of the county, upon presentation of vouchers containing itemized statements of all supplies so furnished, duly verified by the sheriff and by the person selling the same, each of whom shall certify that the supplies were actually furnished and received in the quantities represented and were of good quality, and that the price charged therefor was reasonable and just. [Amended by 1957 c.698 §1; 1973 c.740 §20]

DUTIES AND LIABILITIES OF SHERIFF

169.310 [Repealed by 1957 c.698 §2]

169.320 Control over prisoners.

Except as otherwise provided in ORS 169.170 to 169.210, each county sheriff shall have custody and control of all persons legally committed or confined in the county local correctional facility of his county during the period of such commitment or confinement; and under the direction of the county court or board of county commissioners of his county, he shall work such prisoners in the county local correctional facility as are held to labor under existing law. The work shall be at such places and such time and in such manner as the court or board may direct. The sheriff may retain and put to work such number of such prisoners as may be required to perform necessary services in and about the facility and in the care thereof. [Amended by 1973 c.740 §21]

169.330 Civil liability for release of prisoner. When a prisoner has been committed to the county local correctional facility to be held until he has paid a sum of money to a private party, or a fine or penalty to the state, and is permitted to depart the facility without legal order or process, the private party or the state may recover in a civil action against the sheriff, the damages sustained by reason of the prisoner's departure. [Amended by 1961 c.649 §8; 1973 c.740 §22]

169.340 Liability for escape of defendant in a civil action. (1) A sheriff who suffers the escape of a prisoner, arrested or in a local correctional facility, without the consent or connivance of the party on whose behalf the arrest or imprisonment was made, is liable to an action by such party, as follows:

(a) When the arrest is upon an order of arrest in a civil action, suit or proceeding; when the presence of the defendant at the return of the summons is necessary to enable

the plaintiff to proceed therein, and the defendant does not appear at the time and place specified in the summons.

(b) When the arrest or imprisonment is upon an order of arrest in any other civil action, suit or proceeding, or upon a surrender in exoneration of the sheriff or of bail, and the defendant is not found upon an execution against his person issued to the proper county on a judgment or decree in such action, suit, or proceeding.

(c) When the arrest is on an execution or commitment to enforce the payment of money, and the party interested is not recaptured or surrendered into custody at the expiration of the time limited for the service thereof, or legally discharged therefrom.

(d) When a person is imprisoned on an execution or commitment to enforce the payment of money, and he escapes after the time limited for the service, and is not recaptured or surrendered before an action is commenced for the escape.

(2) The measure of damages in an action brought under subsection (1) of this section, is as follows:

(a) For the escape mentioned in paragraph (a) of subsection (1) of this section, the actual damages sustained.

(b) In any other case, the amount expressed in the execution or commitment. [Amended by 1973 c.740 §23]

169.350 Liability for failing to serve papers. When a sheriff or his officer, upon whom is served a paper in a judicial proceeding directed to a prisoner in his custody, fails to forthwith deliver it to the prisoner, with a note thereon of the time of its service, the sheriff is liable to the prisoner for all damages occasioned thereby, and if he wilfully fails to so act, such sheriff or officer is guilty of a misdemeanor.

169.360 Appointment of keeper of local correctional facility. The sheriff may appoint a keeper of the county local correctional facility, to be denominated the jailer, for whose acts as such he is responsible. The appointment shall be in writing, and the sheriff shall file a certified copy thereof in the office of the county clerk. [Amended by 1973 c.740 §24]

169.370 [Repealed by 1961 c.22 §1]

169.380 Report of Clackamas and Multnomah County sheriffs respecting prisoners. The sheriffs of Clackamas County and Multnomah County shall, on the first day of each month, make a duly verified report to the county auditor of the number of prisoners confined in the county local correctional facility for the preceding month, and the number of days each of the prisoners was so confined.

[Amended by 1973 c.740 §25]

169.510 [Repealed by 1963 c.547 §11]

169.520 [Amended by 1959 c.687 §4; repealed by 1963 c.547 §11]

FEDERAL PRISONERS

169.530 Duty to receive federal prisoners. The sheriff shall receive and keep in the county local correctional facility every prisoner who is committed thereto under civil or criminal process issued by a court of the United States, until he is discharged according to the laws thereof, as if he had been committed under process issued by the authority of this state. He shall receive all sums payable by the United States for the use of the facility, and remit such sums to the county treasurer not later than the first day of the month succeeding their receipt. A sheriff or jailer to whose custody such prisoner is committed is answerable for his safekeeping in the courts of the United States, according to the laws thereof. [Amended by 1973 c.740 §26]

169.540 Liability for expenses of keeping federal prisoners. The United States shall pay for the support and keeping of prisoners committed by virtue of legal process issued by or under its authority, the same charges and allowance provided for the support or keeping of prisoners committed under the laws of this state.

REGIONAL FACILITIES

169.610 Policy. It is the policy of the Legislative Assembly to encourage better rehabilitative care to misdemeanants by encouraging the establishment of regional correctional facilities that can effectively provide a program that not only includes better custodial facilities than can be provided by cities or counties individually, but also that can provide work release, educational and other types of leave, and parole supervision by the Corrections Division. [1971 c.636 §1]

169.620 "Regional correctional facility" defined. As used in ORS 169.610 to 169.680, "regional correctional facility" means a correctional facility used primarily to house misdemeanor prisoners, prisoners convicted of violation of municipal ordinances and persons having pre-trial or post-trial status. [1971 c.636 §2]

169.630 Joint operation of facilities; operation by Corrections Division. (1) Two or more counties or, two or more cities, or any combination of them, may by agreement entered into pursuant to ORS chapter 190, operate a regional correctional facility.

(2) Pursuant to agreement with two or more counties or two or more cities, or a combination of them, the Corrections Division may operate a regional correctional facility. [1971 c.636 §3]

169.640 Status of facility for custody of misdemeanants and violators. (1) For purposes of sentencing and custody of a misdemeanor, a regional correctional facility shall be considered a county local correctional facility.

(2) For purposes of sentencing or custody of a person for violating a city ordinance, the regional correctional facility shall be considered a city local correctional facility. [1971 c.636 §4; 1973 c.740 §27]

169.650 Status of facility operated by Corrections Division. A regional correctional facility operated under agreement by the Corrections Division is not a state institution but it may be located in the same buildings as are used for a branch facility authorized by ORS 421.805. [1971 c.636 §7]

169.660 Status of persons confined in facility operated by Corrections Division. Persons confined in a regional correctional facility operated by the Corrections Division shall be considered to be in the custody of the division and shall be subject to such rules and regulations as the division may prescribe. [1971 c.636 §5]

169.670 Transfer of persons to facility operated by Corrections Division; costs; return; exception. Whenever the governing body of a county or city transfers a misdemeanor or violator or a person with pre-trial or post-trial status to a regional correctional facility operated by the Corrections Division, the county or city shall pay the cost of trans-

portation to and from the facility and other expenses incidental thereto, including the expenses of law enforcement officers accompanying him. The Corrections Division shall cause at the expense of the county or city, each misdemeanor, violator or person with pre-trial or post-trial status transferred to its custody under ORS 169.660 to be returned upon request of the governing body of the county or city. However, such return is not required when the release is pursuant to work release or parole where other arrangements have been made for his placement. [1971 c.636 §6]

169.680 Reimbursement by state for expenses incurred by city or county in operating facility. (1) Subject to the availability of funds therefor, expenditures incurred by a county or city for a regional correctional facility, whether operated by the county, city or under agreement with the Corrections Division, may be subject to reimbursement by the state in accordance with the provisions of this section and the regulations of the Corrections Division.

(2) Upon the approval of a county or city plan for a regional correctional facility, whether to be operated directly or by agreement with the Corrections Division, the Corrections Division may enter into a matching fund relationship with the county or city to finance the regional correctional facility. In all cases the matching formula shall be no greater than 50 percent state funds to 50 percent local funds.

(3) Subject to appropriation therefor, there may be paid to each county or city on account of expenditures subject to reimbursement, 50 percent of the net amount expended from county or city funds. Any moneys received by the county or city except state grants or federal funds, shall be considered a portion of the county or city's contribution for the purpose of determining the net amount of funds expended.

(4) When certified by the Assistant Director for Corrections, claims for state reimbursement shall be paid in the same manner as other claims against the state are paid. [1971 c.636 §8]

HALFWAY HOUSES

169.690 Citizen advisory committee; review of proposed halfway houses and other facilities; nomination and appointment of committee members; written report required of agency rejecting views of advisory committee; committee members to serve without compensation. (1) Before the Corrections Division or any city, county or other public agency establishes any halfway house, work release center or any other domiciliary facility for persons released from any penal or correctional institution but still in the custody of the city, county or other public agency, the city, county or other public agency must designate a citizens advisory committee in the proposed affected geographic area. If there is an established citizens group or neighborhood organization in the affected geographic area which is established or recognized by the city or county where it is located, it shall be asked to nominate the committee. If there is none, the local government body having jurisdiction over the affected area shall appoint a committee selected from residents of the area.

(2) The local governmental body having jurisdiction over the affected geographic area shall appoint to the citizens advisory committee persons from those nominated under subsection (1) of this section and shall invite the participation of officers of local governments having jurisdiction over the area.

(3) For each proposed house, center or other facility, the agency responsible for establishing the house, center or facility shall inform fully the citizens advisory committee of each affected geographic area of the following:

- (a) The proposed location, estimated population size and use;
- (b) The numbers and qualifications of resident professional staff;
- (c) The proposed rules of conduct and discipline to be imposed on residents; and
- (d) Such other relevant information as the agency responsible for establishing the house, center or facility considers appropriate or which the advisory committee requests.

(4) The citizens advisory committee shall advise the agency responsible for establishing the house, center or facility as to the suitability of the proposed house, center or other facility and may suggest changes in the proposal submitted under subsection (3) of this section.

The advice shall be in writing and must represent the view of the majority of the committee.

(5) If the agency responsible for establishing the house, center or facility rejects any of the advice of the citizens advisory committee, it must submit its reasons in writing to the committee.

(6) No person serving on a committee established under this section should be entitled to receive any compensation or reimbursement for service on such committee.

[1975 c 367 §1, 1977 c 381 §1]

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,
October 1, 1979.

Thomas G Clifford
Legislative Counsel

CHAPTER 170 [Reserved for expansion]