Chapter 421

1979 REPLACEMENT PART

Penal and Correctional Institutions

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DEFINITIONS

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

(1) "Assistant director" means the Assistant Director for Corrections.

(2) "Correctional center" means the Oregon Women's Correctional Center.

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

(4) "Division" means the Corrections Division.

(5) "Penitentiary" means the Oregon State Penitentiary, and includes the building for female inmates committed to the penitentiary.

(6) "Penal and correctional institutions" or similar words means the penitentiary, the correctional center and the correctional institution, and includes any camps maintained under this chapter for inmates or paroled former inmates of these institutions.

(7) "Superintendent" means the Superintendent of the Oregon Women's Correctional Center, the Superintendent of the Oregon State Correctional Institution or the Superintendent of the Oregon State Penitentiary. [Amended by 1959 c.687 §6; 1965 c.616 §47; 1969 c.502 §8; 1971 c.212 §1]

ADMINISTRATION

421.010 [Renumbered 421.605]

421.012 [Formerly 421.086; repealed by 1969 c.502 §27]

421.015 [Amended by 1953 c.476 §5; repealed by 1965 c.616 §48 (421.016 enacted in lieu of 421.015)]

421.016 Functions of superintendents. (1) The Superintendent of the Oregon State Penitentiary shall be the chief executive officer of the penitentiary.

(2) The Superintendent of the Oregon State Correctional Institution shall be the chief executive officer of the correctional institution.

(3) The Superintendent of the Oregon Women's Correctional Center shall be the chief executive officer of the correctional center.

(4) The superintendents:

(a) Shall keep all inmates safely, according to law and the rules of the Corrections Division.

(b) With the approval of the assistant director, shall each appoint deputies as approved by the division. These positions shall be in the unclassified service for purposes of the State Merit System Law.

(c) May each prescribe rules for the government of the inmates, subject to the approval of the administrator.

(d) May each offer rewards and pay expenses for the apprehension, safekeeping and return of all escaped inmates.

(e) Shall maintain an identification system and place therein the pictures of all inmates, and take other steps necessary for the recognition and detection of inmates and criminals. [1965 c.616 §49 (enacted in lieu of 421.015); 1969 c.502 §1; 1971 c.212 §2]

421.020 [Amended by 1953 c.476 §5; repealed by 1965 c.616 §101]

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

421.030 [Renumbered 421.615]

421.035 [Amended by 1955 c.660 §28; repealed by 1963 c.554 §3]

421.055 Cost-accounting system. The assistant director may set up in the penal and correctional institutions a cost-accounting system in connection with the manufacture or production of all goods, wares or merchandise in those institutions. The system shall take into consideration a reasonable compensation to be set aside for the labor of any inmate employed in any industry in those institutions. This compensation shall be held for the benefit of the inmate or be remitted to his dependents. [Amended by 1965 c.616 §50]

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

(2) All funds received from the sale of products under ORS 421.325 shall be deposited in the State Treasury, to be credited and become part of the Penitentiary-Correctional Institution Revolving Fund. [Amended by 1959 c.687 §7]

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

(a) The purchase of all necessary machinery and equipment for establishing, equipping and enlarging any industry in a penal or correctional institution.

(b) The purchase of raw materials, the payment of salaries and wages and all other expenses necessary and proper in the judgment of the assistant director in the conduct and operation of industries in each institution.

(c) Transfers to the Inmate Injury Fund created by ORS 655.540 for the payment of expenses therefrom authorized by law.

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

(3) The transfers referred to in paragraph (c) of subsection (1) of this section may be authorized by the Legislative Assembly, or the Emergency Board if the Legislative Assembly is not in session, whenever it appears to the Legislative Assembly or the board, as the case may be, that there are insufficient moneys in the Inmate Injury Fund for the payment of expenses therefrom authorized by law. [Amended by 1959 c.687 §8; 1965 c.616 §51; 1975 c 631 §2]

421.070 [Amended by 1959 c.687 §9; repealed by 1965 c.616 §101]

421.075 Procedure for borrowing from General Fund. (1) Whenever in the judgment of the Assistant Director for Corrections it becomes necessary to borrow money from the General Fund in order to meet current demands on the Penitentiary-Correctional Institution Revolving Fund, the assistant director shall certify to the State Treasurer, that, in his judgment, it is necessary to borrow a specified sum of money for such purpose from the moneys in the General Fund not otherwise appropriated. Upon the receipt of such certificate the State Treasurer shall credit to the revolving fund as an appropriation from the moneys in the General Fund, not required for immediate disbursement, the sum so certified.

(2) The sum so credited shall be repaid from the revolving fund to the General Fund by charging the same against the revolving fund and crediting it to the General Fund by the State Treasurer at such time as shall be specified by the State Treasurer, together with interest thereon at such rate as shall be specified by the State Treasurer, not exceeding four percent a year. When any transfer or credit is made to the revolving fund, the State Treasurer shall notify the assistant director of the amount so credited to the revolving fund, the date when the same is to be repaid and the rate of interest to be paid thereon.

(3) For the purpose of authorizing such loans to be made from the State Treasury, there is continuously appropriated from any moneys in the General Fund, not otherwise appropriated, the sum of $150,000. The total amount of loans under this section existing at any time shall not exceed $150,000. [Amended by 1955 c.389 §1; 1959 c.687 §10; 1965 c.616 §52; 1969 c.597 §132]

421.077 [1975 c.443 §1, repealed by 1979 c.204 §1]

421.080 [1955 c.660 §1; renumbered 421.705]

421.082 Joint Corrections Education Planning and Development Team; membership; duties and powers; report to Emergency Board. (1) A Joint Corrections Education Planning and Development Team shall be established, with membership to consist of staff from the Department of Education and the Corrections Division. Higher education and community college staff shall be contracted as members of the team through the Department of Education.

(a) Department of Education staff shall be appointed by the Superintendent of Public Instruction, who shall retain administrative control and accountability for the work of that staff.

(b) Corrections Division staff shall be appointed by the division assistant director, who shall retain administrative control and accountability for the work of that staff.

(2) The Joint Corrections Education Planning and Development Team shall be charged with designing and developing an educational delivery system which can be operated by the Corrections Division within the existing correctional institutions, in community-based programs and through other agencies and institutions, both public and private, to provide a full range of educational services and programs for inmates, parolees and probationers.

(a) In designing the delivery system, the team shall consider results of the State Corrections Education Commission report dated September 30, 1974.

(b) Following a planning phase, an operational program shall be undertaken by the Corrections Division in the first year and continue through the biennium.

(c) A report on the planning and initial implementation shall be prepared by the team and presented jointly to the Emergency Board. The report shall include a cost benefit evaluation of educational programs in the corrections system. [1975 c.443 §2]

Note: 421.082 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 421 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

421.083 [1955 c.660 §2; renumbered 421.710]

INMATE RIGHTS

421.085 Experimentation on inmates prohibited; inmate's right to judicial restraint of violation; action for damages. (1) As used in this section:

(a) "Medical experimentation or research" includes, but is not limited to, the testing and use of drugs and medication, medical and surgical procedures, exposure to substances or conditions or physical manipulation to ascertain their nontherapeutic effect on human beings, and any substance, condition, drug, medication, treatment, or procedure that is not generally recognized and accepted as therapeutic in the medical profession.

(b) "Psychiatric or psychological experimentation or research" includes, but is not limited to, any treatment, therapy, drug, medication, procedure, surgery, or device not generally recognized and accepted as therapeutic in the psychiatric and psychological professions.

(2) There shall be no medical, psychiatric, or psychological experimentation or research with inmates in penal or correctional institutions of the State of Oregon.

(3) Notwithstanding ORS 137.240 to 137.260, an inmate in any penal or correctional institution is entitled to maintain an action to restrain any violation of this section or to maintain an action to recover damages caused by a violation of this section. [1973 c.371 §2]

421.086 [1955 c.660 §11; renumbered 421.012]

421.095 Right of inmate to patent or copyright; right to dispose of and proceeds from patented or copyrighted material. (1) Any inventions, manuscripts or compositions prepared by an inmate of any penal or correctional institution may be patented or copyrighted by the inmate. Any inmate shall be entitled to publish, exhibit, sell or otherwise dispose of any of these inventions, manuscripts, compositions or any rights pertaining thereto in accordance with rules to be determined by the Assistant Director for Corrections.

(2) While an inmate is imprisoned, any proceeds resulting from any rights acquired pursuant to this section shall be deposited in the account of the inmate. [1973 c.210 §2]

CUSTODY OF INMATES

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

(2) The person of an inmate sentenced to imprisonment in the penal or correctional institution is under the protection of the law and he shall not be injured except as authorized by law. [Amended by 1953 c.476 §5; 1969 c.502 §9]

421.110 [Amended by 1955 c.532 §1; subsection (3) of 1959 Replacement Part enacted as 1955 c.485 §2; 1961 c.412 §2; renumbered 137.240]

421.112 [1955 c.660 §10; 1961 c.412 §3; renumbered 137.250]

421.115 [Repealed by 1955 c.532 §3]

421.120 Reduction in term of sentence of inmates. (1) Each inmate confined in execution of the judgment of sentence upon any conviction in the penal or correctional institution, for any term other than life, and whose record of conduct shows that he faithfully has observed the rules of the institution, shall be entitled to a deduction from the term of his sentence to be computed as follows:

(a) From the term of a sentence of not less than six months nor more than one year, one day shall be deducted for every six days of such sentence actually served in the penal or correctional institution.

(b) From the term of a sentence of more than one year, one day shall be deducted for

every two days of such sentence actually served in the penal or correctional institution.

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

(d) From the term of any sentence, one day shall be deducted for every 10 days of work actually performed in agriculture during the first year of prison employment, and one day for every six days of such work actually performed thereafter.

(e) From the term of any sentence one day shall be deducted for every six days' work performed at work camp during the first year of prison employment, and one day for every four days thereafter. Once the four-day rate is achieved it may be applied to subsequent work or education release programs while the inmate is serving the same term.

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

(g) In this subsection, "prison employment" includes actual work in prison industry, meritorious work in connection with prison maintenance and operation, actual work in agriculture and actual work at work camp.

(h) The Corrections Division shall develop pursuant to the rulemaking provisions of ORS 183.310 to 183.500 a uniform procedure for granting, retracting and restoring deductions allowed in paragraphs (a) to (g) of this subsection.

(2) When a paroled inmate violates any condition of his parole, no deduction from the term of his sentence, as provided in subsection (1) of this section, shall be made for service by such inmate in the penal or correctional institution prior to his acceptance and release on parole, except when authorized by the State Board of Parole upon recommendation of the superintendent thereof. [Amended by 1953 c.560 §2; 1955 c.505 §1; 1957 c.686 §1; 1969 c.502 §10; 1973 c.562 §1; 1975 c.264 §1; 1977 c.374 §2]

421.122 Status of time enrolled in work release. For purposes of ORS 421.120, the time that a person is enrolled in good standing in the work release program is considered to be part of his sentence actually served in the penitentiary. Employment performed by an enrollee while so enrolled is considered to be prison employment and shall qualify for the reduction in sentence authorized under paragraph (d) of subsection (1) of ORS 421.120 in addition to any other reduction for which he may qualify. [1965 c.463 §15; 1969 c.361 §1]

421.125 Clothing and money for discharged or paroled inmate. (1) Upon the discharge or parole of any inmate from the penitentiary or correctional institution, the superintendent thereof shall see that such discharged or paroled inmate is properly clothed.

(2) Where an inmate is finally discharged, if the money standing to the credit of the inmate in the accounts of the penitentiary or correctional institution does not equal $100, the superintendent shall pay the inmate such additional sum as will equal $100.

(3) In all cases where an inmate is paroled, if the money standing to the credit of the inmate in the accounts of the penitentiary or correctional institution does not equal $100, the superintendent shall pay the inmate such additional sum as will equal $100.

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

(5) The superintendent shall safeguard the moneys standing to the credit of each individual inmate, whether such moneys are from outside sources or from earnings of the inmate while in the penitentiary or correctional institution, to the end that in so far as possible the inmate will have at least $100 to his credit on discharge or parole.

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

(7) The provisions of subsections (2) and (3) of this section shall not apply where the inmate is released to legal custody of authorities in the state or from another jurisdiction. [Amended by 1955 c.265 §1; 1967 c.612 §1; 1969 c.502 §11; 1969 c.597 §122b; 1969 c.678 §3]

421.130 [Repealed by 1959 c.687 §24]

421.135 [Renumbered 421.625]

421.137 Labeling of goods made in hobby and recreation programs; disposition of sale price. (1) The requirements imposed by this chapter on the labeling and sale of goods, wares and merchandise made by inmates in any penal or correctional institution do not apply to any goods, wares or merchandise made as part of any hobby or recreation program at the institutions or made by an inmate on his own time.

(2) The balance of any proceeds from the sale of any goods, wares or merchandise made by an inmate made as part of a hobby or recreation program or on his own time, after deducting any amount that has been distributed to him as spending money in accordance with rules made by the Assistant Director for Corrections, shall be paid to the inmate upon release. [1971 c.275 §2]

421.140 [Renumbered 421.408]

421.142 Manufacture and sale of handiwork; disposition of sale price. (1) The superintendent of the penal or correctional institution hereby is vested with authority, in his discretion, to allow the manufacture of small articles of handiwork by the inmates of the penal or correctional institution, out of raw materials purchased by the inmates with their own funds, which articles may be sold to the public at the penal or correctional institution. State-owned property shall not be sold or given to inmates under this section.

(2) The superintendent of the penal or correctional institution in which the inmate manufacturing the article is confined may provide that all or a part of the sales price of the articles be deposited to the account of the inmate manufacturing the article. [1953 c.537 §1; 1969 c.502 §12]

421.145 Disposition of moneys earned by inmates. No moneys obtained from the sale of the products of any inmate's labor shall be applied toward his maintenance or the support of his dependents, or shall become a part of the betterment fund of the penitentiary or the correctional institution, until all the cost of operation, maintenance, depreciation and other expenses in connection with the plant of the penitentiary or correctional institution industry in which the inmate is employed are fully paid from the fund arising from the sale of such products. [Amended by 1959 c.687 §11]

421.150 Custody of federal prisoners. Whenever the proper authorities of the United States desire that United States prisoners be imprisoned in the penitentiary or the correctional institution, the division may make arrangements for the custody of the prisoners upon terms that will be just to both this state and the United States. [Formerly 421.230]

421.155 Dangerous offenders to be observed and treated. Any person sentenced under ORS 161.725 and 161.735, shall be given such physical, mental and psychiatric observation and treatment as is available and may tend to rehabilitate such person and make possible the earliest possible release from the penal or correctional institution in which such person is confined, with the least possible danger to the health and safety of others. [Formerly 421.232; 1971 c.743 §364]

421.160 Written report concerning conduct of dangerous offenders. The executive officer of the penal or correctional institution in which a person sentenced under ORS 161.725 and 161.735 is confined, shall make the reports required by subsection (2) of ORS 144.228. All such reports shall be made available to the Assistant Director for Corrections. [Formerly 421.233; 1969 c.597 §133; 1971 c.743 §365]

421.165 Temporary leave. (1) As used in this section, "temporary leave" means a leave of absence from a penal or correctional institution to allow an inmate to visit a specifically designated place or places for a period not to exceed 30 days for the purpose of visiting his family or a seriously ill relative, attending the funeral of a relative, obtaining medical services not otherwise available, contacting prospective employers, or for any other reason consistent with approved rehabilitation and corrections practices.

(2) The Corrections Division shall adopt and promulgate rules and regulations to permit an inmate confined in a penal or correctional institution to be granted temporary leave from the institution.

(3) Upon determining that circumstances are suitable for an inmate to be granted temporary leave, the superintendent of the penal

or correctional institution in which the inmate is confined may grant leave to the inmate and fix the duration and conditions of the leave. [Formerly 421.239; 1963 c.269 §1; 1967 c.354 §2; 1969 c.502 §13; 1969 c.597 §134]

421.170 Enrollment of inmate in work release program. The superintendent of the penal or correctional institution in which an inmate is confined may recommend to the Assistant Director for Corrections that an inmate of the penitentiary or correctional institution be enrolled in the work release program established under ORS 144.420. If the inmate has not served at least one-fourth of the maximum term of his sentence, the superintendent must, prior to making his recommendation, consider the original recommendation, if any, of the sentencing court. [1965 c.463 §6; 1969 c.502 §14]

INMATE DISCIPLINE

421.180 Disciplinary procedures; approval by Governor. The division shall adopt procedures to be utilized in disciplining persons committed to the physical and legal custody of the division. The procedures adopted shall be subject to the approval of the Governor. [1973 c.621 §4]

421.185 Assistance and representation in disciplinary procedures. The procedures adopted pursuant to ORS 421.180 shall provide that an inmate shall be entitled to assistance and representation under terms and conditions established by the division. Nothing in this section shall be construed to limit the authority of the division to designate persons eligible to assist and represent the inmate. [1973 c 621 §5]

421.190 Admissible evidence at disciplinary hearing. Evidence may be received at disciplinary hearings even though inadmissible under rules of evidence applicable to court procedure and the division shall establish procedures to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to afford the inmate a reasonable opportunity for a fair hearing. [1973 c 621 §6]

421.195 Judicial review of certain disciplinary orders. If an order places an inmate in segregation or isolation status for more than seven days, institutionally transfers him for disciplinary reasons or provides for nondeduction from the term of his sentence under paragraphs (a) and (b) of subsection (1) of ORS 421.120, the order and the proceedings underlying the order are subject to review by the Court of Appeals upon petition to that court filed within 30 days of the order for which review is sought. The division shall transmit to the court the record of the proceeding, or, if the inmate agrees, a shortened record. A copy of the record transmitted shall be delivered to the inmate by the division. The court may affirm, reverse or remand the order on the same basis as provided in paragraphs (a) to (d) of subsection (8) of ORS 183.482. The filing of the petition shall not stay the division's order, but the division may do so, or the court may order a stay upon application on such terms as it deems proper. [1973 c.621 §7; 1977 c.323 §1; 1977 c.374 §4]

TRANSFER OF INMATES

421.205 Contracts with Federal Government, other states or counties, or other agencies for detention and care of inmates. (1) The Corrections Division may enter into contracts or arrangements with the authorities of the Federal Government, of any state having a reformatory or prison for the confinement and detention of inmates that is not a party to the Interstate Corrections Compact under ORS 421.245 or the Western Interstate Corrections Compact under ORS 421.284, or of any county in this state. This contract may provide for the reception, detention, care, maintenance and employment of persons convicted of felony in the courts of this state and sentenced to a term of imprisonment therefor.

(2) The Corrections Division may enter into contracts or arrangements with the Federal Government and with states that are not parties to the Interstate Corrections Compact under ORS 421.245 or the Western Interstate Corrections Compact under ORS 421.284 to receive, detain, care for, maintain and employ persons convicted of felony by the Federal Government or in such other states, on such basis as it may agree with the authorities of the Federal Government or of each state. [Amended by 1959 c.290 §9; 1971 c.242 §1; 1973 c.444 §1; 1979 c.486 §4]

421.210 Transfer of inmates to contract institutions; term of confinement. After the making of a contract under ORS

421.205, persons convicted of felony in the courts of this state and sentenced to the legal and physical custody of the Corrections Division, including those who, at the date of entering into the contract, are in the legal and physical custody of the Corrections Division, may be conveyed, as provided by law, by the Corrections Division to the jurisdiction named in the contract. They shall be delivered to the authorities of said jurisdiction, there to be confined until their respective sentences have expired or until they are otherwise discharged by law. [Amended by 1959 c.290 §10; 1969 c.502 §15; 1973 c.444 §2]

421.211 [1955 c.309 §2; 1959 c.290 §11; 1959 c.687 §12; 1969 c.502 §16; repealed by 1973 c.444 §3]

421.213 Notice of transfer required. Whenever an inmate who is serving a sentence imposed by a court of this state is transferred from the penitentiary or the correctional institution under this chapter, the superintendent of the penal or correctional institution in which the inmate was confined shall send to the clerk of the court pursuant to whose order or judgment the inmate was committed to the penitentiary or the correctional institution a notice of transfer, disclosing the name of the inmate transferred and giving the name and location of the institution to which the inmate was transferred. The superintendent shall keep a copy of all notices of transfer relating to the institution under his supervision on file as a public record open to inspection. The clerk of the court shall file each copy of a notice of transfer which he receives in the trial court file, as defined in ORS 19.005, for the appropriate case. [1955 c.309 §7; 1959 c.687 §13, 1967 c.471 §5; 1969 c 502 §17]

421.215 Procurement of transferred inmates when required for judicial proceedings. If the presence of any inmate confined in an institution of another state under ORS 421.210, or confined in a county jail or in the institution of another state or the Federal Government under ORS 421.211, is required in any judicial proceeding of this state, the superintendent in charge of the institution from which the inmate was conveyed, shall, upon being so directed by the assistant director or upon the written order or direction of any court of competent jurisdiction or of a judge thereof, procure such inmate, bring him to the place directed in such order and hold him in custody subject to the further order and direction of the assistant director, or of the court or of a judge thereof, until he is lawfully discharged from custody. The superintendent shall, by direction of the assistant director or of the court or a judge thereof, deliver such inmate into the custody of the sheriff of the county in which he was convicted, and shall, by like order, return such inmate to the institution from which he was taken. [Amended by 1955 c.309 §3; 1959 c 687 §14; 1965 c.616 §53; 1969 c.502 §18]

421.220 Return of transferred inmates. (1) Upon the expiration of any contract entered into under ORS 421.205, all inmates of this state confined in such institution or jail shall be returned by the superintendent of the penitentiary to the penitentiary or by the superintendent of the correctional institution to the correctional institution, whichever was the institution from which the inmates were conveyed, or delivered to such other institution as the Corrections Division has contracted with under ORS 421.205.

(2) The assistant director shall likewise direct the return of any female inmate to such other state as may be contracted with. The assistant director shall make provision in accordance with such agreements for the return to this and to the other states of female inmates at the expiration of their terms of imprisonment. [Amended by 1955 c.309 §4; 1959 c.687 §15; 1965 c.616 §54; 1969 c.502 §19]

421.225 Expenses of superintendents. The superintendents shall be allowed and paid all their necessary expenses and disbursements incurred while performing any duty required of them by ORS 421.205 to 421.210 and 421.215 and 421.220. [Amended by 1955 c.309 §5; 1959 c.687 §16; 1969 c.502 §20]

421.229 Transfer of foreign inmates; authority of Governor; written approval of inmate. When a treaty is in effect between the United States and a foreign country providing for the transfer of a convicted criminal offender who is a citizen or national of a foreign country to the foreign country of which the offender is a citizen or national, the Governor is authorized to act, in accordance with the treaty, on behalf of the State of Oregon and to approve the transfer of the convicted criminal offender, provided that such offender approves of the transfer in writing. [1979 c.486 §5]

Note: 421.229 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 421 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

421.230 [Amended by 1959 c.687 §17; renumbered 421.150]

421.232 [1955 c.636 §4; 1961 c.424 §7; renumbered 421.155]

421.233 [1955 c.636 §8; 1961 c.424 §8; renumbered 421.160]

421.235 [Repealed by 1957 c.160 §6]

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

421.239 [1955 c.59 §1; 1959 c.687 §18; renumbered 421.165]

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

INTERSTATE CORRECTIONS COMPACT

421.245 Interstate Corrections Compact. The Interstate Corrections Compact is enacted into law and entered into by this state with all other jurisdictions legally joining therein in the form substantially as follows:

ARTICLE I
PURPOSE AND POLICY

The party states, desiring by common action to fully utilize and improve their institutional facilities and provide adequate programs for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society and effecting economies in capital expenditures and operational costs. The purpose of this compact is to provide for the mutual development and execution of such programs of cooperation for the confinement, treatment and rehabilitation of offenders with the most economical use of human and material resources.

ARTICLE II
DEFINITIONS

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

(1) "State" means a state of the United States, the United States of America, a territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico.

(2) "Sending state" means a state party to this compact in which conviction or court commitment was had.

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

(4) "Inmate" means a male or female offender who is committed, under sentence to or confined in a penal or correctional institution.

(5) "Institution" means any penal or correctional facility, including but not limited to a facility for the mentally ill or mentally defective, in which inmates as defined in subsection (4) of this Article may lawfully be confined.

ARTICLE III
CONTRACTS

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

(a) Its duration.

(b) Payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance.

(c) Participation in programs of inmate employment, if any, the disposition or crediting of any payments received by inmates on account thereof, and the crediting of proceeds from or disposal of any products resulting therefrom.

(d) Delivery and retaking of inmates.

(e) Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

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

ARTICLE IV
PROCEDURES AND RIGHTS

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

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

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

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

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

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

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

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

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

ARTICLE V
ACTS NOT REVIEWABLE IN RECEIVING STATE; EXTRADITION

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

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

ARTICLE VI
FEDERAL AID

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

ARTICLE VII
ENTRY INTO FORCE

This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.

ARTICLE VIII
WITHDRAWAL AND TERMINATION

This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until one year after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this compact.

ARTICLE IX
OTHER ARRANGEMENTS UNAFFECTED

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

ARTICLE X
CONSTRUCTION AND SEVERABILITY

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability

thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[1979 c.486 §1]

Note: 421.245 to 421.254 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 421 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

421.250 Powers of Governor; delegation of authority. The Governor is authorized and directed to do all things necessary or incidental to the carrying out of the compact in every particular and he may in his discretion delegate this authority to the Assistant Director for Corrections. [1979 c.486 §2]

Note: See note under 421.245.

421.254 Priority of corrections compacts. Whenever any state that is a party to the Western Interstate Corrections Compact becomes a party to the Interstate Corrections Compact, this state will perform its duty toward that state under the Interstate Corrections Compact instead of under the Western Interstate Corrections Compact in so far as the two compacts conflict. [1979 c.486 §3]

Note: See note under 421.245.

421.255 [1955 c.660 §6; 1959 c.550 §1; repealed by 1965 c.616 §101]

421.260 [1955 c.660 §7; 1959 c.550 §2; repealed by 1965 c.616 §101]

421.265 [1955 c.660 §8; 1959 c.550 §3; repealed by 1965 c.616 §101]

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

WESTERN INTERSTATE CORRECTIONS COMPACT

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

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

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

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

ARTICLE I
PURPOSE AND POLICY

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

ARTICLE II
DEFINITIONS

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

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

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

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

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

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

ARTICLE III
CONTRACTS

(a) Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in insti-

tutions situated within receiving states. Any such contract shall provide for:

1. Its duration.

2. Payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance.

3. Participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom.

4. Delivery and retaking of inmates.

5. Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

(b) Prior to the construction or completion of construction of any institution or addition thereto by a party state, any other party state or states may contract therewith for the enlargement of the planned capacity of the institution or addition thereto, or for the inclusion therein of particular equipment or structures, and for the reservation of a specific percentum of the capacity of the institution to be kept available for use by inmates of the sending state or states so contracting. Any sending state so contracting may, to the extent that monies are legally available therefor, pay to the receiving state, a reasonable sum as consideration for such enlargement of capacity, or provision of equipment or structures, and reservation of capacity. Such payment may be in a lump sum or in instalments as provided in the contract.

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

ARTICLE IV
PROCEDURES AND RIGHTS

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

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

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

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

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

(f) Any hearing or hearings to which an inmate confined pursuant to this compact may

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

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

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

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

ARTICLE V
ACTS NOT REVIEWABLE IN RECEIVING STATE: EXTRADITION

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

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

ARTICLE VI
FEDERAL AID

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

ARTICLE VII
ENTRY INTO FORCE

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

ARTICLE VIII
WITHDRAWAL AND
TERMINATION

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

ARTICLE IX
OTHER ARRANGEMENTS
UNAFFECTED

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

ARTICLE X
CONSTRUCTION AND
SEVERABILITY

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

[1959 c.290 §3]

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

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

421.290 Hearings by assistant director. (1) The assistant director shall hold such hearings as are requested by another state pursuant to Article IV (f) of the compact. ORS 183.310 to 183.500 do not apply to these hearings, which shall be conducted in compliance with Article IV (f) of the compact.

(2) The cost of any hearing conducted under subsection (1) of this section shall be paid out of the Corrections Division Revolving Fund. Reimbursements received from the

state that requested the hearing shall be paid into the revolving fund. [1959 c.290 §6; 1965 c.616 §55; 1969 c.597 §135]

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

(2) The cost of any hearing conducted under subsection (1) of this section shall be paid by the Corrections Division out of money appropriated to the division for the purpose of paying lawful expenses of the division. [1959 c.290 §7; 1969 c.597 §136]

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

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

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

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

INMATE INDUSTRIES AND COMMODITIES

421.305 Establishment of industries in institutions. The assistant director may:

(1) Install and equip plants in any of the penal or correctional institutions for the employment of any of the inmates therein in forms of industry and employment not inconsistent with ORS 421.305 to 421.340 and 421.410.

(2) Purchase, acquire, install, maintain and operate materials, machinery and appliances necessary in the conduct and operation of such plants. [Amended by 1965 c.616 §57]

421.310 Rules for conduct of industries; Advisory Committee on Penitentiary Industries. The assistant director shall make such rules governing the conduct of industries in the penal and correctional institutions as will result:

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

(a) To fulfill the requirements of any interagency agreement entered into pursuant to ORS 279.714.

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

(2) In the manufacture in the penal and correctional institutions of as wide a variety of products as practicable, it being the intent of this section to direct the management of the institutions to diversify the institution products so as to minimize as nearly as may be the possible competition of those industries with private industry and private capital.

(3) In furtherance of the rehabilitative purposes of the penitentiary industries and the provisions of subsection (2) of this section, the assistant director will appoint an Advisory Committee on Penitentiary Industries to consist of nine members representing business and industry, labor, state government, and the general public. Appointments will be for three years and may be renewed, except that initial appointments under this section will be as follows: Three members for one year, three members for two years, and three members for three years. Members will serve without compensation except for actual expenses incurred in the course of official committee business, and these expenses will be chargeable to the penitentiary industries appropriation. Committee members will elect a chairman at their first meeting, which will be called by the assistant director within 60 days of August 22, 1969. Meetings will be held in accordance with rules to be adopted by the committee but no less often than twice annually. In addition to such other activities as the committee may pursue in serving the purposes herein stated, it will submit to the assistant director a biennial report between May 1 and July 1 of even-numbered years for his use in program and policy planning, budget development, and consideration of possible substantive law recommendations to the legislature. [Amended by 1955 c.55 §3; 1965 c.616 §58; 1969 c 349 §4]

421.312 Contracts with Federal Government for producing goods or furnishing services of inmates during national emergency authorized. (1) The Corrections Division may enter into contracts or agreements with any agency of the Federal Government providing for the sale to such agency of goods, wares or merchandise manufactured, mined or produced in any of the penal or correctional institutions of this state, or providing for the furnishing of the labor or services of inmates of any such institutions to such agency, or containing both such provisions, when the President of the United States has, by official action, recognized the existence of a national emergency.

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

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

(b) The furnishing of the labor or services of inmates of any penal or correctional institution to any agency of the Federal Government. [1955 c.55 §2; 1965 c.616 §59]

421.315 Interstate shipment of inmate-made goods prohibited; exceptions. No goods, wares or merchandise manufactured, produced or mined in any penal or correctional institution shall be shipped outside of this state for sale or exchange except when needed to fulfill the requirements of any contract or agreement entered into pursuant to ORS 421.312. [Amended by 1955 c.55 §4, 1965 c.616 §60]

421.320 Exchange for products of other states prohibited. The exchange of the products of inmates of penal or correctional institutions of this state with the products of any other state is prohibited. [Amended by 1965 c 616 §61]

421.325 Sale of products of industries. The products of penitentiary and correctional institution industries shall be sold pursuant to rules and regulations made by the division for the sale thereof. They shall be sold for cash or on such terms as are approved by the division. [Amended by 1959 c.687 §19]

421.330 Sales on open market of inmate-made goods prohibited. (1) The sale on the open market in this state of all goods, wares or merchandise manufactured, produced or mined, wholly or in part, by inmates of any penal or correctional institution, except persons on parole or probation, is prohibited. This section and other regulations and laws of this state not inconsistent with this section shall apply to all goods, wares and merchandise, manufactured or mined, wholly or in part, by inmates of any penal or correctional institution, except persons on parole or probation, and transported into this state for use or distribution, to the same extent and in the same manner as if such goods and merchandise were so manufactured, produced or mined within the state.

(2) "Open market," as used in this section, means all sales or exchanges conducted or transacted through the medium of stores, shops, sales offices, sales agents or agencies, whether retail or wholesale, or in any other manner, to the consuming public. [Amended by 1965 c.616 §62]

421.335 Sale to or exchange of goods with other institutions. ORS 421.330 does not apply to the sale or exchange of goods produced by inmates in the penal or correctional institutions to or with other penal, correctional, charitable or custodial institutions or juvenile training schools, the major portions of whose maintenance is contributed by the state or any of the political subdivisions thereof, for the use or consumption of those institutions or their inmates or to any sale or exchange under ORS 279.714 or 421.312. [Amended by 1965 c.616 §63; 1969 c.349 §5]

421.340 Rules for exchange of products among institutions. The Corrections Division and such officials as may direct or control the management of penal, correctional, custodial and charitable institutions of the state or its political subdivisions, and the juvenile training schools, shall jointly annually promulgate rules to authorize the purchase by such institutions of the products to be manufactured by inmates in the penal and correctional institutions of this state. [Amended by 1965 c.616 §64]

421.345 [Amended by 1955 c.445 §1; repealed by 1965 c.616 §101]

421.350 Marking of inmate-made goods before sale. All goods, wares and merchandise made by inmates in any penal or correctional institution shall, before being exposed for sale, be branded, labeled or marked as provided in ORS 421.355 and shall

not be exposed for sale in any place without such brand, label or mark. [Amended by 1965 c.616 §65]

421.355 Method of marking. (1) The brand, label or mark required by ORS 421.350 shall contain at the head or top thereof the words "Prison-made."

(2) The brand or mark shall in all cases, where the nature of the article will permit, be placed upon the article itself. Only where such branding and marking is impossible shall it be placed upon the box or other covering of the article or be attached to the article as a label. The brand or mark shall be placed upon the most conspicuous part of the article or its covering. The label, when used instead of a brand or mark, shall be attached in the most conspicuous place. [Amended by 1965 c.616 §66]

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

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

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

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

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

INMATE LABOR GENERALLY

421.405 Use of inmate labor for benefit of officials prohibited; exceptions. (1) Except as provided in subsection (2) of this section, no officer or employe of this state shall receive the use or profit of the labor or services of any inmate of a penal or correctional institution, or be directly or indirectly interested in any contract or work upon which inmates are employed. However, this subsection does not prohibit inmates from doing work or services:

(a) As janitors or gardeners in or about the institutional premises occupied by the superintendents of the correctional institution and penitentiary and the assistant superintendents of the penitentiary.

(b) As chauffeur or driver of a vehicle used by any prison official in the discharge of official business.

(c) Contemplated under ORS 421.455 to 421.480.

(2) Subsection (1) of this section does not prohibit inmates from performing work or services as apprentices or trainees in a program conducted pursuant to ORS chapter 660 for any officer or employe of this state who does not exercise direct penal or correctional institution supervisory authority over the inmates. [Amended by 1959 c.687 §20; 1961 c.213 §1; 1965 c.616 §67; 1969 c.502 §21; 1979 c.68 §1]

421.408 Inmate compensation; disposition of compensation. The assistant director may fix reasonable compensation, not to exceed $3 per day, for such labor as the superintendent of the penal or correctional institution in which the inmate is confined may lawfully require inmates to perform. The superintendent shall credit such compensation to the account of each laborer. In carrying out this section the superintendent shall be governed by the rules of the assistant director. [Formerly 421.140; 1965 c.616 §68; 1969 c.502 §22; 1969 c.570 §1]

421.410 Contract with private person for labor of inmates prohibited; exception. It is unlawful for the state, its officers, agencies or its political subdivisions to enter into any agreement or contract with any private person for the labor of any inmate of a penal or correctional institution. However, this section does not apply to:

(1) Fire-fighting labor designated in paragraph (b) of subsection (2) of ORS 421.470;

(2) Persons enrolled in the work release program established under ORS 144.420; or

(3) Apprentices or trainees in a program conducted pursuant to ORS chapter 660. [Amended by 1957 c.343 §1; 1961 c.213 §2; 1965 c.463 §20; 1965 c.616 §69; 1979 c.68 §2]

421.412 Contracts for inmate labor in acquisition of crops to be consumed in state institutions. (1) Notwithstanding any other provision of law, the Corrections Division may enter into a contract with a person for the purchase or donation of fruit, vegetables or other crops for use or consumption in state institutions. The contract may provide that any or all labor required inside or outside of the penal and correctional institutions to harvest, load and transport the fruit, vegetables or other crop shall be performed by inmates confined in such institutions. The division may enter into a contract pursuant to this section only if it appears to the division that the contract would be advantageous to the state.

(2) Notwithstanding any other provision of law, the superintendent of the penitentiary or the superintendent of the correctional institution, in compliance with the rules of the division, may use inmates from the institution under his supervision for the purpose of harvesting, loading and transporting the fruit, vegetables or other crops which are the subject matter of a contract made under subsection (1) of this section.

(3) This section does not authorize using inmate labor for sharecropping, cultivating, clearing, grading, draining or other improvement of private land, or any contract or agreement therefor. [1955 c 253 §2; 1959 c.687 §21; 1965 c.616 §70; 1969 c.502 §23]

421.415 [Amended by 1959 c.687 §22; repealed by 1965 c.616 §101]

421.420 Use of inmate labor to clear unimproved land; disposition of products. The Corrections Division may enter into a contract with any person whom it considers advisable in connection with a penal or correctional institution for employment of inmates therein in clearing unimproved land in the state. [Amended by 1959 c.687 §23; 1965 c 616 §71]

421.425 [Renumbered 421.620]

421.430 [Repealed by 1959 c 687 §24]

421.435 [Repealed by 1959 c.687 §24]

FOREST AND WORK CAMPS

421.450 Definitions for ORS 421.455 to 421.480. As used in ORS 421.455 to 421.480, unless the context requires otherwise:

(1) "Local inmate" means a person sentenced by a court or legal authority to serve sentence in a county or city jail, but does not include a child detained by order of the juvenile court.

(2) "State inmate" means an inmate of the penitentiary or correctional institution. [1967 c.504 §2]

421.455 Forest work camps. (1) The assistant director shall establish at places in state forests recommended by the State Board of Forestry one or more forest work camps at which state inmates and local inmates may be employed.

(2) The State Board of Forestry may make contracts with any other state agency in order to effectuate the purposes of ORS 421.455, 421.465, 421.470 and 421.475. [Amended by 1965 c.616 §72; 1967 c.504 §5]

421.460 [Amended by 1961 c.656 §2; repealed by 1965 c.616 §101]

421.465 Transfer of state inmates to forest work camp; limitations and conditions. (1) Upon the requisition of the State Forester, the superintendent shall send at the time and to the place designated as many state inmates requisitioned from the institution under his supervision as have been determined under rules promulgated by the assistant director to be eligible for employment at a forest work camp and as are available.

(2) Before a state inmate is sent to any forest work camp, the superintendent of the institution in which the inmate is confined shall cause him to be given such inoculations as are necessary in the public interest.

(3) While a state inmate is at a forest work camp, the superintendent of the institution in which the inmate was confined is responsible for his custody and care. [Amended by 1961 c.656 §3; 1965 c.616 §73; 1967 c.504 §6; 1969 c.502 §24]

421.467 Transfer of local inmates to forest work camp; limitations and conditions. (1) Subject to ORS 421.468, the governing body of a county or city in this state may transfer a local inmate to the temporary custody of the Corrections Division solely for employment at a forest work camp established under ORS 421.455 to 421.480. The county or

city transferring the local inmate shall pay the cost of transportation and other expenses incidental to the local inmate's conveyance to the forest work camp and his return to the county or city, including the expenses of law enforcement officers accompanying him, and is responsible for costs of any medical treatment of the local inmate while he is employed at the forest work camp not compensated under ORS 655.505 to 655.550.

(2) Before a local inmate is sent to a forest work camp, the governing body of the county or city shall cause him to be given such inoculations as are necessary in the public interest, and must submit to the division a certificate, signed by a physician licensed under ORS chapter 677, that the local inmate is physically and mentally able to perform the work described in ORS 421.470, and is free from communicable disease. [1967 c.504 §3]

421.468 Prior approval required for transfer of local inmate; return; custody and jurisdiction. (1) A local inmate may not be transferred under ORS 421.467 without the prior approval of the Assistant Director for Corrections. The assistant director shall return each local inmate to the county or city from which he was transferred at such time as the local inmate is to be released by the county or city, or upon request of the governing body of the county or city.

(2) While employed at a forest work camp established under ORS 421.455 to 421.480, a local inmate is temporarily within the custody of the assistant director and subject to rules promulgated by the assistant director governing such custody and employment, but remains subject to the jurisdiction of the county or city. [1967 c.504 §4]

421.470 Authority over inmates in camps; cost of care. (1) The assistant director has authority over the forest work camps except as provided in subsection (2) of this section.

(2) The State Forester shall assign and supervise the work of the state inmates and local inmates, which work shall be:

(a) Manual labor, as far as possible, of the type contemplated by ORS 530.210 to 530.300.

(b) Fire-fighting labor of the type contemplated for forest protection districts under ORS chapter 477.

(3) Moneys for the cost of custody of the state inmates and local inmates, and for the labor done by them under this section, shall be paid from funds appropriated and made available to the State Board of Forestry. Moneys for the cost of care of each local inmate shall be paid by the county or city from which the local inmate was transferred under ORS 421.467, but not to exceed $2 a day for each local inmate. Additional moneys required for the cost of care of local inmates shall be paid from funds appropriated and made available to the State Board of Forestry. All such moneys shall be collected by the assistant director who shall deposit such funds to the credit of the miscellaneous receipts account of the Oregon State Penitentiary. [Amended by 1961 c.213 §3; 1961 c.656 §4; 1965 c 253 §142; 1967 c.504 §7]

421.475 Payment of inmates for labor at forest camps. The assistant director shall pay each state inmate and local inmate, from the moneys paid by the State Board of Forestry, a wage of not more than $3 for each day of work performed. After deducting from an inmate's earnings under this section any amount that has been distributed to him as spending money in accordance with rules made by the assistant director, the payment to the inmate of any balance remaining due shall be made to him upon release. [Amended by 1955 c.433 §1; 1961 c.656 §5; 1965 c.616 §74; 1967 c.504 §8; 1969 c.570 §2]

421.480 Return of inmate to institution. When the need for the labor of a state inmate or local inmate transferred to a forest work camp has ceased or when he is guilty of any violation of the rules of the assistant director, the assistant director may return him to the institution, county or city from which he was transferred. [Amended by 1961 c.656 §6; 1967 c.504 §9]

421.490 Work camps. In addition to camps established under ORS 421.455 to 421.480 the Corrections Division may execute agreements for the establishment and operation of work camps for minimum custody inmates of the Oregon State Penitentiary and the Oregon State Correctional Institution in cooperation with all public agencies. [1963 c.157 §2]

STATE PENITENTIARY

421.605 Location and use of penitentiary. The Oregon State Penitentiary, located in Salem, Marion County, shall be used as a penal institution for the imprisonment of

male persons committed to the custody of the Corrections Division. [Formerly 421.010; 1971 c.212 §3]

OREGON WOMEN'S CORRECTIONAL CENTER

421.610 Oregon Women's Correctional Center. The Oregon Women's Correctional Center, located in Salem, Marion County, shall be used as a correctional institution for the imprisonment of female persons committed to the custody of the Corrections Division. [1961 c.491 §1; 1971 c.212 §4]

421.615 [Formerly 421.030; 1969 c.502 §25; repealed by 1971 c 212 §6]

421.620 [Formerly 421.425; repealed by 1965 c.616 §101]

421.625 [Formerly 421.135; repealed by 1965 c 616 §101]

STATE CORRECTIONAL INSTITUTION

421.705 Oregon State Correctional Institution established. The Oregon State Correctional Institution in Marion County is to be maintained for the confinement, discipline, education, rehabilitation and reformation of such male persons as are committed to its custody or transferred to it under ORS 179.473. [Formerly 421.080; 1965 c.616 §75]

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

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

(3) The superintendent of the institution and his subordinate officers and employes shall use their best and consistent endeavors to bring about rehabilitation and restoration through a program of work, education, guidance and discipline so that the inmates are trained and developed to become useful and honorable members of society and that they will be encouraged to live a law abiding existence upon their release. [Formerly 421.083]

BRANCH INSTITUTIONS

421.805 Location of branch institutions. The Corrections Division may establish and operate branches of existing state penal and correctional institutions outside Marion County. The branches may be located at places in the state that the board considers suitable for them. The branches shall be used for the care and custody of inmates assigned thereto and shall be operated to facilitate the return of the inmates to society. [1969 c.580 §2]

Note: 421.805 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 421 by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

PENALTIES

421.990 Penalties. (1) Violation of ORS 421.055, 421.315 to 421.360 or 421.410 is punishable upon conviction by a fine not exceeding $1,000 or by imprisonment in the county jail for a term not exceeding one year, or both.

(2) Violation of ORS 421.365 is punishable upon conviction by a fine of not more than $500 or imprisonment in the county jail for not more than six months, or both.

(3) Violation of subsection (2) of ORS 421.105 is punishable in the same manner as if the individual injured unlawfully was not convicted or sentenced. [Amended by 1965 c.616 §76]

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 422
[Reserved for expansion]