Chapter 421

1993 EDITION

Department of Corrections Institutions; Compacts

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DEFINITIONS

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

(1) "Department" means the Department of Corrections.

(2) "Department of Corrections institutions" means those Department of Corrections facilities used for the incarceration of persons sentenced to the custody of the Department of Corrections, and includes the satellites, camps or branches of those facilities.

(3) "Director" means the Director of the Department of Corrections.

(4) "Discharge" means any lawful release from a state correctional institution pursuant to the expiration of a judicial sentence or other incarcerative sanction.

(5) "Release authority" means an entity having authority to grant release in a particular case. [Amended by 1959 c.687 §6; 1965 c.616 §47; 1969 c.502 §8; 1971 c.212 §1; 1983 c.505 §7; 1987 c.320 §7; 1989 c.790 §55]

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421.012 [Formerly 421.086; repealed by 1969 c.502 §27]

421.015 [Amended by 1953 c.476 §5; repealed by 1965 c.616 §48 (421.016 enacted in lieu of 421.015)]

421.016 [1965 c.616 §49 (enacted in lieu of 421.015); 1969 c.502 §1; 1971 c.212 §2; repealed by 1987 c.320 §246]

421.020 [Amended by 1953 c.476 §5; repealed by 1965 c.616 §101]

421.025 [Amended by 1953 c.476 §5; repealed by 1959 c.80 §2]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421.035 [Amended by 1955 c.660 §28; repealed by 1963 c.554 §3]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 Director of the Department of Corrections may set up in the Department of Corrections 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 the dependents of the inmate. [Amended by 1965 c.616 §50; 1987 c.320 §160]

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 Department of Corrections 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 director in the conduct and operation of industries in each institution.

(c) Transfers to the inmate injury component of the Insurance Fund 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 Department of Corrections institution, other than the industrial plants.

(3) The transfers referred to in subsection (1)(c) 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 component of the Insurance Fund for the payment of expenses therefrom authorized by law. [Amended by 1959 c.687 §8; 1965 c.616 §51; 1975 c.631 §2; 1987 c.320 §161; 1993 c.18 §106]

421.068 Revenue from certain sources to be used to enhance inmate activities and programs. (1) Revenues, less operating expenses, from the following sources shall be deposited into an account established by the Department of Corrections to provide money to enhance inmate activities and programs including education programs:

(a) Operation of correctional institution canteens;

(b) Operation of the vending machines in the inmate visiting area of correctional institutions;

(c) Operation of inmate telephones in correctional institutions;

(d) Funds confiscated from the inmates under existing disciplinary procedures; and

(e) Funds donated under administrative rules promulgated by the Director of the Department of Corrections.

(2) The Department of Corrections shall limit use of the fund to uses benefiting the general inmate population and enhancing inmate activities and programs including education programs. [1991 c.663 §1]

Note: 421.068 and 421.081 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 421 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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

421.075 [Amended by 1955 c.389 §1; 1959 c.687 §10; 1965 c.616 §52; 1969 c.597 §132; repealed by 1983 c.574 §5]

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

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

421.081 Corrections Education Advisory Committee; membership; duties. (1) A Corrections Education Advisory Committee is established. Membership of the committee consists of:

(a) The Administrator of Correctional Education, who shall be the chairperson of the committee;

(b) The Superintendent of Public Instruction, or a person designated by the superintendent;

(c) The Commissioner of the Office of Community College Services, or a person designated by the commissioner;

(d) The chairperson of the State Board of Parole and Post-Prison Supervision, or a person designated by the chairperson; and

(e) A public member, to be appointed by the Governor, with professional experience in correctional education.

(2) The Administrator of Correctional Education shall plan, design and implement a correctional educational delivery system that can be operated within the existing correctional institutions for inmates of those institutions. The Corrections Education Advisory Committee shall advise the administrator in the planning, design and implementation.

(3)(a) The primary objective of the correctional education system is the functional literacy program created in ORS 421.084.

(b) The secondary objective is to provide professional and technical education that will insure that inmates who complete the professional and technical program will possess, at a minimum, entry-level marketable professional and technical skills in an occupational field for which there is a demand in this state.

(4) The Administrator of Correctional Education shall provide staff for the committee and shall have administrative control and accountability for the work of the committee. [1991 c.855 §2]

Note: See note under 421.068.

421.082 [1975 c.443 §2; 1987 c.320 §162; 1989 c.363 §1; repealed by 1991 c.855 §6]

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

421.084 Inmate functional literacy program; contents. (1) The Corrections Education Advisory Committee shall assist in the development, and the Administrator of Correctional Education shall design a functional literacy program for all individuals in the custody of the Department of Corrections. The program shall:

(a) Test individuals for functional literacy level. Testing for basic intelligence, learning disabilities, developmental disabilities and adaptive behavior skills shall be administered as needed except that the administrator may accept equivalent test results from other sources;

(b) Except as provided in subsection (2) of this section, be mandatory for all individuals testing below a functional literacy level which is defined as a score of 230 on the Oregon Basic Adult Skills Inventory System functional literacy test or a 8.0 grade equivalency on other standardized tests;

(c) Consist of a minimum of 90 days of instruction in functional literacy consisting of one and one-half hours of instruction per day for five days per week, provide progress testing and certification and provide for voluntary attendance beyond the 90-day minimum program;

(d) Provide strong incentives for entering and successfully completing the literacy program and for continuing in the program beyond the 90-day minimum period; and

(e) Maintain records of an individual's achievement in the program and make those records available to the State Board of Parole and Post-Prison Supervision.

(2) Testing for functional literacy level and participation in the functional literacy program are not required for inmates:

(a) Sentenced to less than one year;

(b) Sentenced to life imprisonment without parole;

(c) Sentenced to death; or

(d) Who are developmentally disabled.

(3) For the purposes of this section, "functional literacy" means those educational skills necessary to function independently in society, including but not limited to, reading, writing, comprehension and arithmetic computation. [1989 c.363 §3; 1991 c.855 §4]

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 Department of Corrections institutions of the State of Oregon.

(3) Notwithstanding ORS 137.260, an inmate in any Department of Corrections 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; 1987 c.320 §163]

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 Department of Corrections 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 Director of the Department of 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; 1987 c.320 §164]

Note: Section 1, chapter 486, Oregon Laws 1987, provides:

Sec. 1. (1) A person who while an inmate of a penal or correctional institution in this state was subjected to radiation as part of a study on the effects of radiation conducted under the auspices of the Pacific Northwest Research Foundation between the dates of 1963 and 1973 is entitled to:

(a) Receive an annual evaluation of the consequences of the radiation experiments and care or treatment for any condition directly related to such experiments;

(b) Have evaluation and care or treatments described in paragraph (a) of this subsection provided by qualified professionals of the Oregon Health Sciences University or by other qualified professionals not employed by the Department of Corrections; and

(c) Maintain an action to obtain the services identified under this section without any limitation of time when the action must be commenced.

(2) The examination, care and treatment required under subsection (1) of this section shall be without expense to the person. Costs shall be paid by the Department of Corrections. [1987 c.486 §1]

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 the supervision of the superintendent by appropriate punishment but neither the superintendent nor any other prison official or employee 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 Department of Corrections institution is under the protection of the law and the inmate shall not be injured except as authorized by law. [Amended by 1953 c.476 §5; 1969 c.502 §9; 1987 c.158 §75; 1987 c.320 §165]

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; rules. (1) Each inmate confined in execution of the judgment of sentence upon any conviction in the Department of Corrections institution, for any term other than life, and whose record of conduct shows that the inmate faithfully has observed the rules of the institution, shall be entitled to a deduction from the term of 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 Department of Corrections 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 Department of Corrections 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 Department of Corrections shall develop pursuant to the rulemaking provisions of ORS 183.310 to 183.550 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 parole, no deduction from the term of sentence, as provided in subsection (1) of this section, shall be made for service by such inmate in the Department of Corrections institution prior to acceptance and release on parole, except when authorized by the State Board of Parole and Post-Prison Supervision upon recommendation of the superintendent thereof.

(3) The provisions of this section shall apply only to offenders sentenced for felonies committed prior to November 1, 1989. [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; 1981 c.425 §2; 1985 c.53 §1; 1987 c.320 §166; 1989 c.790 §56]

421.121 Reduction in term of incarceration; rules. (1) Except as provided in ORS 137.635, each inmate sentenced to the custody of the department for felonies committed on or after November 1, 1989, shall be eligible for a reduction in the term of incarceration for appropriate institutional behavior, as defined by rule of the Department of Corrections, and for participation in the functional literacy program described in ORS 421.084.

(2) The maximum amount of time credits earned for appropriate institutional behavior or for participation in the functional literacy program described in ORS 421.084 shall not exceed 20 percent of the total term of incarceration in a Department of Corrections institution.

(3) The time credits shall not be used to shorten the term of actual prison confinement to less than six months.

(4) The department shall adopt rules pursuant to the rulemaking provisions of ORS 183.310 to 183.550 to establish a process for granting, retracting and restoring the time credits earned by the offender as allowed in subsections (1) to (3) of this section. [1989 c.790 §§60, 61; 1991 c.855 §5]

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 the sentence of the person actually served in the Department of Corrections institution. Employment performed by an enrollee while so enrolled is considered to be prison employment and shall qualify for the reduction in sentence authorized under ORS 421.120 (1)(d) in addition to any other reduction for which the enrollee may qualify. [1965 c.463 §15; 1969 c.361 §1; 1987 c.320 §167]

421.125 Clothing and money for released inmate; inmate moneys. (1) Upon the discharge or parole of any inmate from the Department of Corrections, the department shall see that such discharged or paroled inmate is properly clothed.

(2) It is the responsibility of every inmate of the Department of Corrections, during the inmate's term of imprisonment, to accumulate funds in anticipation of parole, discharge or other authorized prerelease and for the purposes set out in this subsection. The Department of Corrections shall adopt rules to:

(a) Safeguard inmate moneys, whether such moneys are from earnings of the inmate while in a Department of Corrections facility, or from other sources, and to provide for disbursement of such moneys to the inmate following the inmate's release from imprisonment;

(b) Establish, within appropriations provided for this purpose, a program of release funds to be provided for those inmates who have not been able to accumulate sufficient moneys to accommodate their release needs;

(c) Assess fees to the inmate for self-improvement programs, services and assistance provided by the department when the inmate has moneys to pay for such programs, services and assistance;

(d) Permit inmates to purchase elective programs, services or assistance which are approved by, but are not provided by, the department; and

(e) Assess the inmate for damages or destruction caused by willful misconduct of the inmate.

(3) An inmate sentenced to the custody of the Department of Corrections by an Oregon court is eligible to apply for release funds for a period up to 90 days following the release of the inmate from the Department of Corrections facility by parole or discharge, including a release to the legal custody of another authority in this state. However, inmates eligible to apply for release funds do not include inmates released to the legal custody of another authority in this state for ultimate transfer to the custody of a law enforcement or corrections agency in another state. An inmate released to the legal custody of another authority in this state is not eligible to apply for release funds so long as the person is imprisoned under such authority. [Amended by 1955 c.265 §1; 1967 c.612 §1; 1969 c.502 §11; 1969 c.597 §122b; 1969 c.678 §3; 1983 c.447 §1; 1987 c.320 §168]

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 Department of Corrections 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 the inmate's 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 the inmate's own time, after deducting any amount that has been distributed to the inmate as spending money in accordance with rules made by the Director of the Department of Corrections, shall be paid to the inmate upon release. [1971 c.275 §2; 1987 c.320 §169]

421.140 [Renumbered 421.408]

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

(2) The superintendent of the Department of Corrections 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; 1987 c.320 §170]

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 the maintenance of the inmate or the support of the dependents of the inmate, or shall become a part of the betterment fund of the Department of Corrections institution, until all the cost of operation, maintenance, depreciation and other expenses in connection with the plant of the Department of Corrections 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; 1987 c.320 §171]

421.150 Custody of federal prisoners. Whenever the proper authorities of the United States desire that United States prisoners be imprisoned in a Department of Corrections institution, the Department of Corrections 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; 1987 c.320 §172]

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 Department of Corrections 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; 1987 c.320 §173]

421.160 Written report concerning conduct of dangerous offenders. The executive officer of the Department of Corrections institution in which a person sentenced under ORS 161.725 and 161.735 is confined, shall make the reports required by ORS 144.228 (2). All such reports shall be made available to the Director of the De-

partment of Corrections. [Formerly 421.233; 1969 c.597 §133; 1971 c.743 §365; 1987 c.320 §174]

421.165 [Formerly 421.239; 1963 c.269 §1; 1967 c.354 §2; 1969 c.502 §13; 1969 c.597 §134; 1980 c.9 §1; 1983 c.516 §1; 1987 c.320 §175; 1989 c.790 §57; 1989 c.1024 §1; repealed by 1989 c.790 §58]

421.166 Emergency leave. The director shall establish by rule an emergency leave program. An inmate may be granted emergency leave not to exceed 10 days in length for the following purposes:

(1) To visit a terminally ill member of the inmate's family if the member lives within the state.

(2) To visit a gravely ill or injured child of the inmate if the child lives within the state.

(3) To attend the funeral of a member of the inmate's immediate family if the funeral is in the state. [1989 c.790 §62]

421.168 Transitional leave. (1) The director shall establish by rule a short-term transitional leave program. The program shall provide inmates with an opportunity to secure appropriate transitional support when necessary for successful reintegration into the community prior to the inmate's discharge to post-prison supervision.

(2) An inmate may submit a transition plan to the department. The plan shall indicate that the inmate has secured an employment, educational or other transitional opportunity in the community to which the offender will be released and that a leave of up to 30 days is an essential part of the offender's successful reintegration into the community.

(3) Upon verification of the inmate's transition plan, the department may grant a transitional leave no more than 30 days prior to the inmate's discharge date.

(4) No inmate shall be eligible for transitional leave before having served six months of prison incarceration.

(5) The department shall establish by rule a set of release conditions for offenders released on transitional leave status. An offender on transitional leave status shall be subject to immediate return to prison for any violation of the conditions of release.

(6) The provisions of this section do not apply to inmates whose sentences were imposed under ORS 137.635. [1989 c.790 §63]

421.170 Enrollment of inmate in work release program. The superintendent of the Department of Corrections institution in which an inmate is confined may recommend to the Director of the Department of Corrections that an inmate of the Department of Corrections 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 the sentence, the superintendent must, prior to making a recommendation, consider the original recommendation, if any, of the sentencing court. [1965 c.463 §6; 1969 c.502 §14; 1987 c.320 §176]

INMATE DISCIPLINE

421.180 Disciplinary procedures. The Department of Corrections by rule shall adopt procedures to be utilized in disciplining persons committed to the physical and legal custody of the department. [1973 c.621 §4; 1983 c.211 §1; 1987 c.320 §177]

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 department. Nothing in this section shall be construed to limit the authority of the department to designate persons eligible to assist and represent the inmate. [1973 c.621 §5; 1987 c.320 §178]

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 department 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; 1987 c.320 §179]

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 the inmate for disciplinary reasons or provides for nondeduction from the term of the sentence under ORS 421.120 (1)(a) and (b), 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 department 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 department. The court may affirm, reverse or remand the order on the same basis as provided in ORS 183.482. The filing of the petition shall not stay the department's order, but the department 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; 1983 c.740 §144; 1987 c.320 §180]

TRANSFER OF INMATES

421.205 Contracts with Federal Government, other states or counties, or other agencies for detention and care of inmates. (1) The Department of Corrections 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 Department of Corrections 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; 1987 c.320 §181]

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 Department of Corrections, including those who, at the date of entering into the contract, are in the legal and physical custody of the Department of Corrections, may be conveyed, as provided by law, by the Department of Corrections 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; 1987 c.320 §182]

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 Records of transfer; availability of information. Whenever an inmate serving a sentence imposed by a court of this state is transferred from a Department of Corrections institution under this chapter, the superintendent of the Department of Corrections institution in which the inmate was confined shall retain a record of the transfer and shall make such information available to law enforcement agencies and the courts upon request. The Department of Corrections shall adopt rules governing the release of this information to other interested parties under ORS 192.410 to 192.505. [1955 c.309 §7; 1959 c.687 §13; 1967 c.471 §5; 1969 c.502 §17; 1983 c.248 §1; 1987 c.320 §183]

421.215 Procurement of transferred inmates when required for judicial proceedings. If the presence of any inmate confined in a county jail or in the institution of another state or the Federal Government, is required in any judicial proceeding of this state, the superintendent in charge of the institution from which the inmate was conveyed, upon being so directed by the Director of the Department of Corrections or upon the written order or direction of any court of competent jurisdiction or of a judge thereof, shall procure such inmate, bring the inmate to the place directed in such order and hold the inmate in custody subject to the further order and direction of the director, or of the court or of a judge thereof, until the inmate is lawfully discharged from custody. The superintendent shall, by direction of the director or of the court or a judge thereof, deliver such inmate into the custody of the sheriff of the county in which the inmate was convicted, and shall, by like order, return such inmate to the institution from which the inmate was taken. [Amended by 1955 c.309 §3; 1959 c.687 §14; 1965 c.616 §53; 1969 c.502 §18; 1983 c.740 §145; 1987 c.320 §184]

421.220 Return of transferred inmates. 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 Department of Corrections to department custody, or delivered to such other institution as the Department of Corrections has contracted with under ORS 421.205. [Amended by 1955 c.309 §4; 1959 c.687 §15; 1965 c.616 §54; 1969 c.502 §19; 1983 c.740 §146; 1987 c.320 §185]

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, 421.210, 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 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 the status of the inmate changed on account of any action or proceeding in which the inmate 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 the 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 the inmate 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 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 421 or any series therein by legislative action. See 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 the Governor may in the discretion of the Governor delegate this authority to the Director of the Department of Corrections. [1979 c.486 §2; 1987 c.320 §186]

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

1. Its duration.

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

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

4. Delivery and retaking of inmates.

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

(b) Prior to the construction or completion of construction of any institution or addition thereto by a party state, any other party state or states may contract therewith for the enlargement of the planned capacity of the institution or addition thereto, or for the inclusion therein of particular equipment or structures, and for the reservation of a specific percentum of the capacity of the institution to be kept available for use by inmates of the sending state or states so contracting. Any sending state so contracting may, to the extent that monies are legally available therefor, pay to the receiving state, a reasonable sum as consideration for such enlargement of capacity, or provision of equipment or structures, and reservation of capacity. Such payment may be in a lump sum or in 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 the status of the inmate changed on account of any action or proceeding in which the inmate 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 the 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 the inmate 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 director. (1) The Director of the Department of Corrections shall hold such hearings as are requested by another state pursuant to Article IV (f) of the compact. ORS 183.310 to 183.550 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 Department of Corrections 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; 1987 c.320 §187]

421.292 Hearings in another state. (1) The State Board of Parole and Post-Prison Supervision 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 Department of Corrections out of money appropriated to the department for the purpose of paying lawful expenses of the department. [1959 c.290 §7; 1969 c.597 §136; 1983 c.740 §147; 1987 c.320 §188]

421.294 Contracts to implement compact. The Department of Corrections 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 department 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; 1987 c.320 §189]

INTERSTATE FOREST FIRE SUPPRESSION COMPACT

421.296 Interstate Forest Fire Suppression Compact. The Interstate Forest Fire Suppression Compact 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

The purpose of this compact is to provide for the development and execution of programs to facilitate the use of offenders in the forest fire suppression efforts of the party states for the ultimate protection of life, property and natural resources in the party states. The purpose of this compact is also, in emergent situations, to allow a sending state to cross state lines with an inmate when, because of weather or road conditions, it is necessary to cross state lines to facilitate the transport of an inmate.

ARTICLE II

Definitions

(1) "Sending state" means a state party to this compact from which a fire suppression unit is traveling.

(2) "Receiving state" means a state party to this compact to which a fire suppression unit is traveling.

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

(4) "Institution" means any prison, reformatory, honor camp or other correctional facility, except facilities for the mentally ill or mentally handicapped, in which inmates may lawfully be confined.

(5) "Fire suppression unit" means a group of inmates selected by the sending states, corrections personnel and any other persons deemed necessary for the transportation, supervision, care, security and discipline of inmates to be used in forest fire suppression efforts in the receiving state.

(6) "Forest fire" means any fire burning in any land designated by a party state or the federal land management agencies as forestland.

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 assistance of one or more fire suppression units in forest fire suppression efforts. Any such contract shall provide for 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 part of any contract entered into by the authority of, or pursuant to, this compact. Nothing in any such contract may be inconsistent with this compact.

ARTICLE IV

Procedures and Rights

(1) Each party state shall appoint a liaison for the coordination and deployment of the fire suppression units of each party state.

(2) Whenever the duly constituted judicial or administrative authorities in a state party to this compact, which has entered into a contract pursuant to this compact, decide that the assistance of a fire suppression unit of a party state is required for forest fire suppression efforts, the authorities may request the assistance of one or more fire suppression units of any state party to this compact through an appointed liaison.

(3) Inmates who are members of a fire suppression unit shall at all times be subject to the jurisdiction of the sending state and at all times shall be under the ultimate custody of corrections officers duly accredited by the sending state.

(4) The receiving state must make adequate arrangements for the confinement of inmates who are members of a fire suppression unit of a sending state in the event corrections officers duly accredited by the sending state make a discretionary determination that an inmate requires institutional confinement.

(5) Cooperative efforts shall be made by corrections officers and personnel of the receiving state located at a fire camp with the corrections officers and other personnel in the establishment and maintenance of fire suppression unit base camps.

(6) All inmates who are members of a fire suppression unit of a sending state shall be cared for and treated equally with such similar inmates of the receiving state.

(7) Further, in emergent situations, a sending state shall be granted authority and all the protections of this compact to cross state lines with an inmate when, because of road conditions, it is necessary to facilitate the transport of an inmate.

ARTICLE V

Acts Not Reviewable in Receiving State: Extradition

(1) If while located within the territory of a receiving state there occurs against the inmate within such state any criminal charge or if the inmate is suspected of committing 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 member of a fire suppression unit of the sending state who is deemed to have escaped by a duly accredited corrections officer of a sending state shall be under the jurisdiction of both the sending state and the receiving state. Nothing contained in this Article shall be construed to prevent or affect the activities of officers and guards of any jurisdiction directed toward the apprehension and return of an escapee.

ARTICLE VI

Entry into Force

This compact shall enter into force and become effective and binding upon approval of this compact by at least two of the states from among the States of Idaho, Oregon and Washington.

ARTICLE VII

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.

ARTICLE VIII

Other Arrangements Unaffected

Nothing contained in this compact shall be construed to abrogate or impair any agreement 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 IX

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.

[1991 c.302 §2]

421.297 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 the Governor may in the discretion of the Governor delegate this authority to the Director of the Department of Corrections. [1991 c.302 §3]

421.298 Duties of State Forester. The State Forester shall make reasonable efforts to use local available crews within Oregon before calling on fire suppression units from other states. [1991 c.302 §4]

INMATE INDUSTRIES AND COMMODITIES

421.305 Establishment of industries in institutions. (1) The Director of the Department of Corrections, in accordance with rules adopted by the board of directors established in ORS 421.310, may:

(a) Install and equip plants in any of the Department of Corrections 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.

(b) Purchase, acquire, install, maintain and operate materials, machinery and appliances necessary in the conduct and operation of such plants.

(c) Enter into contracts or agreements with private business concerns or government agencies to accomplish the marketing of products or services produced by inmates or the production of goods, wares or services by inmates on behalf of the business concern or agency.

(2) Products and services provided to a private vendor pursuant to a contract under paragraph (c) of subsection (1) of this section are not subject to the limits imposed by ORS 421.312.

(3) Plants may be installed or equipped for purposes of this section at such locations as the director may determine, whether on or off the premises of a Department of Corrections institution.

(4) Compensation to inmates employed pursuant to this section shall not be subject to ORS 421.408, but shall be fixed by the board of directors described in ORS 421.310 (2), taking into consideration the individual inmate's experience and productivity. The prevailing wage paid in the marketplace for the work performed shall be paid to workers, other than inmates, who are employed to operate the industry provided for in this section.

(5) The board shall adopt rules reasonably to insure that products and services provided under this section:

(a) Do not adversely affect existing production or delivery of such products or services by private industry within the state; and

(b) Are not introduced or perpetuated in any work area where the unemployment rate in the industry providing the products or services exceeds the average statewide unemployment rate in that industry.

(6) The director may provide, in accordance with accepted correctional practice, that all or a part of an inmate's compensation under this section be set aside for eventual payment upon release or for disbursement to pay restitution, fines, family expenses or other financial obligations of the inmate while incarcerated. [Amended by 1965 c.616 §57; 1983 c.574 §1; 1987 c.320 §190]

421.310 Rules for conduct of industries; board to oversee operation. (1) The board of directors appointed under subsection (2) of this section shall make such rules governing the conduct of industries in the Department of Corrections institutions as will:

(a) Result in the manufacture, mining, production or providing of only such goods, wares, merchandise or services as may be used or needed:

(A) To fulfill the requirements of any interagency agreement.

(B) To fulfill the requirements of any contract or agreement entered into pursuant to ORS 421.305 or 421.312.

(b) Provide as wide a variety of products and services as practicable to diversify the institution products and services.

(2) In furtherance of the purposes of the corrections industries and the provisions of subsection (1) of this section, the Governor shall appoint a board of directors to oversee the operation of corrections industries and to monitor the compliance of the industries with applicable laws and administrative rules. The board shall consist of 10 members, with three members representing business and industry, three members representing labor and three members representing the general public. One of the 10 members shall be a representative of the purchasing division of the Oregon Department of Administrative Services. In addition,

the Director of the Department of Corrections or the designee thereof shall serve as an ex officio nonvoting member of the board. However, the director shall have final authority on all matters pertaining to the assignment and control of inmates and security of the industries operations. Appointments to the board are for three years and may be renewed. Members shall serve without compensation except for actual expenses incurred in the course of official board business, and these expenses will be chargeable to the corrections industries appropriation. Board members shall elect a chairperson. Meetings shall be held in accordance with rules to be adopted by the board but no less often than twice annually.

(3) The Director of the Department of Corrections shall appoint a manager, who shall be in the unclassified service, to be directly in charge of the corrections industries. The director shall consult with the board prior to appointing or discharging the manager. The manager shall provide to the board all such information regarding the industries as the board may request. [Amended by 1955 c.55 §3; 1965 c.616 §58; 1969 c.349 §4; 1981 c.380 §1; 1983 c.574 §2; 1987 c.153 §2; 1987 c.320 §191; 1989 c.89 §1]

421.312 Contracts with Federal Government for producing goods or furnishing services of inmates during national emergency authorized. (1) The Department of Corrections 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 Department of Corrections 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 Department of Corrections 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 Department of Corrections institution to any agency of the Federal Government. [1955 c.55 §2; 1965 c.616 §59; 1987 c.320 §192]

421.315 [Amended by 1955 c.55 §4; 1965 c.616 §60; repealed by 1981 c.380 §4]

421.320 [Amended by 1965 c.616 §61; repealed by 1981 c.380 §4]

421.325 Sale of products and services. The products and services of corrections industries shall be sold pursuant to rules and regulations made by the board of directors established in ORS 421.310 for the sale thereof. They shall be sold for cash or on such terms as are approved by the board of directors. [Amended by 1959 c.687 §19; 1983 c.574 §4; 1987 c.320 §193]

421.330 [Amended by 1965 c.616 §62; repealed by 1981 c.380 §4]

421.335 [Amended by 1965 c.616 §63; 1969 c.349 §5; repealed by 1981 c.380 §4]

421.340 Rules for exchange of products among institutions. The Department of Corrections 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 Department of Corrections institutions of this state. [Amended by 1965 c.616 §64; 1987 c.320 §194]

421.343 Corrections industries petty cash fund. (1) The Director of the Department of Corrections shall establish a petty cash account from the appropriation for carrying out the functions of the department in the amount of $2,000 for use by corrections industries for travel and purchases under $50.

(2) The business manager for corrections industries shall:

(a) Designate custodians for this account; and

(b) Establish administrative guidelines for the management and auditing of the petty cash fund.

(3) Subject to rule established by the Oregon Department of Administrative Services:

(a) The designated custodians may make disbursements as authorized by subsection (1) of this section.

(b) The designated custodians may hold petty cash funds in cash or may deposit them in the State Treasury, or may hold part in cash and deposit the remainder, or may draw warrants against the designated funds for reimbursement purposes. [1989 c.82 §1]

Note: 421.343 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 Preface to Oregon Revised Statutes for further explanation.

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

421.350 [Amended by 1965 c.616 §65; repealed by 1981 c.380 §4]

421.355 [Amended by 1965 c.616 §66; repealed by 1981 c.380 §4]

421.360 [Repealed by 1981 c.380 §4]

421.365 [Repealed by 1981 c.380 §4]

INMATE LABOR GENERALLY

421.400 Goals; programs; rules. (1) It shall be the goal of the Department of Corrections that all inmates confined in a Department of Corrections institution, except such as are precluded by the terms of the judgment and sentence under which the inmate is confined, shall perform labor under rules prescribed by the department. Within resources available, there shall be sufficient work, education and treatment programs to insure that every eligible inmate is productively involved in one or more programs. These programs shall include:

(a) Drug and alcohol treatment programs for inmates diagnosed as addicted to drugs or alcohol;

(b) Educational programs leading to a high school diploma or its equivalent or other appropriate educational programs; and

(c) Work programs appropriate to the job market.

(2) No later than January 1, 1991, the Director of the Department of Corrections shall prepare and submit to the Legislative Assembly a comprehensive management plan outlining the department's plan to meet this goal. The plan shall include:

(a) A cost-effective analysis of current inmate industries programs.

(b) A study on the feasibility of expanding inmate industries programs, particularly in regard to programs that:

(A) Are not capital intensive;

(B) Do not compete with existing Oregon industry;

(C) Are labor intensive;

(D) Emphasize service industry jobs;

(E) Use inmate labor on public lands, forests and parks; and

(F) Are designed to increase the motivation, develop the work capabilities and foster the cooperation of the inmates. [1989 c.855 §1]

Note: 421.400 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 Preface to Oregon Revised Statutes for further explanation.

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 employee of this state shall receive the use or profit of the labor or services of any inmate of a Department of Corrections 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.

(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 employee of this state who does not exercise direct Department of Corrections 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; 1987 c.320 §195]

421.408 Inmate compensation; disposition of compensation. The Director of the Department of Corrections may fix reasonable compensation, not to exceed $3 per day, for such labor as the superintendent of the Department of Corrections 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 director. [Formerly 421.140; 1965 c.616 §68; 1969 c.502 §22; 1969 c.570 §1; 1987 c.320 §196]

421.410 When contract for labor of inmates prohibited. (1) 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 Department of Corrections institution. However, this section does not apply to:

(a) Fire-fighting labor designated in ORS 421.470 (2)(b);

(b) Persons enrolled in the work release program established under ORS 144.420 or assigned to work camps established under this chapter;

(c) Apprentices or trainees in a program conducted pursuant to ORS chapter 660; or

(d) Persons employed in plants or under contracts established pursuant to ORS 421.305.

(2) Nothing in this section is intended to prevent the sale of products or services provided, produced or manufactured by the industries established in the Department of Corrections institutions under ORS 421.305. [Amended by 1957 c.343 §1; 1961 c.213 §2; 1965 c.463 §20; 1965 c.616 §69; 1979 c.68 §2; 1981 c.380 §2; 1983 c.574 §3; 1987 c.320 §197]

421.412 Use of inmate labor in acquisition of crops to be consumed in state institutions. (1) Notwithstanding any other provision of law, the Department of Corrections 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 Department of Corrections institutions to harvest, load and transport the fruit, vegetables or other crop shall be performed by inmates confined in such institutions. The department may enter into a contract pursuant to this section only if it appears to the department that the contract would be advantageous to the state.

(2) Notwithstanding any other provision of law, the superintendent of a Department of Corrections institution, in compliance with the rules of the department, may use inmates from the institution under the supervision of the superintendent 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; 1987 c.320 §198]

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

421.420 Use of inmate labor to clear unimproved land. The Department of Corrections may enter into a contract with any person whom it considers advisable in connection with a Department of Corrections institution for employment of inmates therein in clearing unimproved land in the state. [Amended by 1959 c.687 §23; 1965 c.616 §71; 1987 c.320 §199]

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 a Department of Corrections institution. [1967 c.504 §2; 1987 c.320 §200]

421.455 Forest work camps; restrictions on placement at camps. (1) The Director of the Department of Corrections 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. Only such state inmates as are determined by the Department of Corrections to require minimum security may be placed at a forest work camp, but the Department of Corrections shall not place an inmate at a forest work camp if the department is aware that the inmate has ever been convicted, of:

(a) Rape in the first degree, as described in ORS 163.375.

(b) Rape in the second degree, as described in ORS 163.365.

(c) Rape in the third degree, as described in ORS 163.355.

(d) Sodomy in the first degree, as described in ORS 163.405.

(e) Sodomy in the second degree, as described in ORS 163.395.

(f) Sodomy in the third degree, as described in ORS 163.385.

(g) Unlawful sexual penetration in the first degree, as described in ORS 163.411.

(h) Unlawful sexual penetration in the second degree, as described in ORS 163.408.

(i) Sexual abuse in the first degree, as described in ORS 163.427.

(j) Sexual abuse in the second degree, as described in ORS 163.425.

(k) Any crime in any other jurisdiction that would constitute a crime described in this subsection if presently committed in this state.

(L) Any attempt to commit a crime described in this subsection.

(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; 1987 c.320 §201; 1987 c.478 §1; 1991 c.386 §13; 1991 c.830 §12]

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 the supervision of the superintendent as have been determined under rules adopted by the Director of the Department of Corrections 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 the inmate 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 the custody and care of the inmate. [Amended by 1961 c.656 §3; 1965 c.616 §73; 1967 c.504 §6; 1969 c.502 §24; 1987 c.320 §202]

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 Department of Corrections 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 the return of the local inmate to the county or city, including the expenses of law enforcement officers accompanying the local inmate, and is responsible for costs of any medical treatment of the local inmate while the local inmate 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 the local inmate to be given such inoculations as are necessary in the public interest, and must submit to the Department of Corrections 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; 1987 c.320 §203]

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 Director of the Department of Corrections. The director shall return each local inmate to the county or city from which the local inmate 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 Director of the Department of Corrections and subject to rules promulgated by the director governing such custody and employment, but remains subject to the jurisdiction of the county or city. [1967 c.504 §4; 1987 c.320 §204]

421.470 Authority over inmates in camps; cost of care. (1) The Director of the Department of Corrections 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 530.280.

(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 Director of the Department of Corrections who shall deposit such funds to the credit of the miscellaneous receipts account of the Department of Corrections. [Amended by 1961 c.213 §3; 1961 c.656 §4; 1965 c.253 §142; 1967 c.504 §7; 1987 c.320 §205]

421.475 Payment of inmates for labor at forest camps. The Director of the Department of Corrections 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 the inmate as spending money in accordance with rules made by the director, the payment to the inmate of any balance remaining due shall be made to the inmate upon release. [Amended by 1955 c.433 §1; 1961 c.656 §5; 1965 c.616 §74; 1967 c.504 §8; 1969 c.570 §2; 1987 c.320 §206]

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 the inmate is guilty of any violation of the rules of the Director of the Department of Corrections, the director may return the inmate to the institution, county or city from which the inmate was transferred. [Amended by 1961 c.656 §6; 1967 c.504 §9; 1987 c.320 §207]

421.490 Work camps. In addition to camps established under ORS 421.455 to 421.480 the Department of Corrections may

execute agreements for the establishment and operation of work camps for minimum custody inmates of Department of Corrections institutions in cooperation with all public agencies. [1963 c.157 §2; 1987 c.320 §208]

ALTERNATIVE INCARCERATION PROGRAM

421.500 Findings. The Legislative Assembly finds that:

(1) There is no method in this state for diverting sentenced offenders from a traditional correctional setting;

(2) The present correctional system does not adequately address the needs of young offenders;

(3) The absence of a program that instills discipline, enhances self-esteem and promotes alternatives to criminal behavior has a major impact on overcrowding of prisons and criminal recidivism in this state; and

(4) An emergency need exists to implement a highly structured corrections program that involves intensive mental and physical training and substance abuse treatment. [1993 c.681 §1]

Note: 421.500 to 421.512 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 421 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

421.502 Definitions for ORS 421.502 to 421.512. As used in ORS 421.502 to 421.512:

(1) "Cognitive restructuring" means any rehabilitation process that redirects the thinking of an offender into more socially acceptable directions and that is generally accepted by rehabilitation professionals.

(2) "Department" means the Department of Corrections.

(3)(a) "Offender" includes a person who:

(A) Is in the custody of the department; and

(B) Is at least 18 but no more than 40 years of age at the time of entry into the program.

(b) "Offender" includes a person who is under 18 years of age and has been convicted of a crime upon remand from the juvenile court.

(c) "Offender" does not include a person convicted of a crime described in ORS 163.095, 163.115, 163.118, 163.235, 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.435, 163.525, 164.325 or 164.415.

(4) "Program" means the special alternative incarceration program established under ORS 421.504. [1993 c.681 §2]

Note: See note under 421.500.

421.504 Alternative incarceration program; establishment; requirements. (1) The Department of Corrections, in consultation with the State Sentencing Guidelines Board, shall establish a special alternative incarceration program stressing a highly structured and regimented routine. The program:

(a) Shall be based on a military basic training model that includes extensive discipline, physical work, physical exercise and military drill;

(b) Shall provide for cognitive restructuring in conformance with generally accepted rehabilitative standards;

(c) Shall include a drug and alcohol treatment component that meets standards generally accepted by mental health professionals; and

(d) Shall be no longer than 210 days' duration.

(2) The department shall provide capital improvements and capital construction necessary for the implementation of the program. [1993 c.681 §3]

Note: See note under 421.500.

421.508 Determination of eligibility for program; recommendations by court; denial; suspension; completion. (1)(a) The Department of Corrections is solely responsible for determining which offenders are eligible to participate in, and which offenders are accepted for, the program. The sentencing court may recommend to the department that an offender be allowed to participate in the program, but the recommendation is not binding on the department.

(b) The department may not accept an offender into the program unless the offender submits a written request to participate. The request must contain a signed statement providing that the offender:

(A) Is physically and mentally able to withstand the rigors of the program; and

(B) Has reviewed the program description provided by the department and agrees to comply with each of the requirements of the program.

(c) The department may deny, for any reason, a request to participate in the program. The department shall make the final determination regarding an offender's physical or mental ability to withstand the rigors of the program.

(d) If the department determines that an offender's participation in the program is consistent with the safety of the community, the welfare of the applicant, the program objectives and the rules of the department, the

department may, in its discretion, accept the offender into the program.

(2) The department may suspend an offender from the program for administrative or disciplinary reasons.

(3) When an offender has successfully completed the program, the department may release the offender on post-prison supervision. Successful completion of the program does not relieve the offender from fulfilling any other obligations imposed as part of the sentence including, but not limited to, the payment of restitution and fines. [1993 c.681 §4]

Note: See note under 421.500.

421.512 Rulemaking. (1) The Department of Corrections shall adopt rules to carry out the provisions of ORS 421.504 and 421.508.

(2) The State Sentencing Guidelines Board shall adopt or amend rules as necessary to integrate the program into sentencing guidelines. [1993 c.681 §5]

Note: See note under 421.500.

MEDICAL TREATMENT PROGRAMS

421.590 Medical treatment programs; sex offenders; establishment; rules; report to legislature. (1) For the purposes of this section:

(a) "Medical treatment program" means a treatment program based on a successful medical model that has been proven to reduce recidivism, and that may include treatment by prescribed medication when recommended by a qualified psychiatrist or physician, psychological treatment, or both. Any treatment administered under a medical treatment program must be within the range of treatments generally recognized as acceptable within the medical community.

(b) "Program participant" means a person sentenced for a term of imprisonment based on conviction of a sex crime or a felony attempt to commit a sex crime, or a person who is eligible for parole or post-prison supervision after a term of imprisonment based on conviction of a sex crime or a felony attempt to commit a sex crime, who agrees to participate in a medical treatment program after having been evaluated to be a suitable candidate and who has been provided with adequate information to give informed consent to participation.

(c) "Sex crime" means rape in any degree, sodomy in any degree, unlawful sexual penetration in any degree and sexual abuse in the first or second degree.

(2) The Department of Corrections shall establish a medical treatment program for persons convicted of a sex crime or a felony attempt to commit a sex crime. Any person sentenced for a sex crime or a felony attempt to commit a sex crime may be evaluated to determine if available medical or psychological treatment would be likely to reduce the biological, emotional or psychological impulses that were the probable cause of the person's criminal conduct. If the evaluation determines that the person is a suitable candidate, the department shall offer to allow the person to participate in the medical treatment program. The person must agree to become a program participant.

(3) The State Board of Parole and Post-Prison Supervision shall offer as a condition of parole or post-prison supervision to persons convicted of a sex crime or a felony attempt to commit a sex crime the opportunity to participate in a medical treatment program established by the Department of Corrections under this section. Any person eligible for release for a sex crime or felony attempt to commit a sex crime may be evaluated to determine if available medical or psychological treatment would be likely to reduce the biological, emotional or psychological impulses that were the probable cause of the person's criminal conduct. If the evaluation determines that the person is a suitable candidate, the board shall offer to allow the person to participate in the medical treatment program. The person must agree to become a program participant.

(4) The Department of Corrections shall adopt rules prescribing the procedures and guidelines for implementing the medical treatment programs required under the provisions of this section.

(5) The Department of Corrections shall report to the Sixty-eighth and Sixty-ninth Legislative Assemblies on the success of the medical treatment programs required under the provisions of this section, including a report on recidivism rates of program participants. [1993 c.807 §5]

Note: 421.590 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 Preface to Oregon Revised Statutes for further explanation.

STATE PENITENTIARY

421.605 Location and use of penitentiary. The Oregon State Penitentiary, located in Salem, Marion County, shall be used as a Department of Corrections institution for the imprisonment of male persons committed to the custody of the Department of Corrections. [Formerly 421.010; 1971 c.212 §3; 1987 c.320 §208a]

421.610 [1961 c.491 §1; 1971 c.212 §4; repealed by 1987 c.320 §246]

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]

421.705 [Formerly 421.080; 1965 c.616 §75; 1983 c.505 §8; repealed by 1987 c.320 §246]

421.710 [Formerly 421.083; 1983 c.505 §9; repealed by 1987 c.320 §246]

BRANCH INSTITUTIONS

421.805 Siting of branch institutions. The Department of Corrections may establish and operate institutions, other domiciliary facilities or branches of existing Department of Corrections institutions or domiciliary facilities. Siting of such institutions, branches or domiciliary facilities must be done in accordance with statutes governing the siting or locating of correctional institutions. The institutions, branches or facilities 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; 1983 c.740 §148; 1987 c.320 §209]

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 Preface to Oregon Revised Statutes for further explanation.

PENALTIES

421.990 Penalties. (1) Violation of ORS 421.055, 421.325, 421.340 or 421.410 is punishable upon conviction by a fine not exceeding $1,000 or by imprisonment in the county jail for a term not exceeding one year, or both.

(2) Violation of ORS 421.105 (2) is punishable in the same manner as if the individual injured unlawfully was not convicted or sentenced. [Amended by 1965 c.616 §76; 1981 c.380 §3]

CHAPTER 422

[Reserved for expansion]