

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 291
DEPARTMENT OF CORRECTIONS

FILED

05/15/2024 2:39 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Admission, Sentence Computation, and Release

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/04/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

CONTACT: Julie Vaughn
971-701-0139
julie.a.vaughn@doc.oregon.gov

3723 Fairview Industrial Drive SE #200
Salem, OR 97302

Filed By:
Julie Vaughn
Rules Coordinator

NEED FOR THE RULE(S)

These rules establish department policy and procedures for the computation of sentences, and for the admission and release of adults in custody. These revisions clarify rules; remove references to "inmate" and gendered language; add definitions and information on legal name changes; match other rule definitions; update information on ORS 137.370(4) to align with the statute language; update rule titles and statutory references; and for minor punctuation.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 137.370 Commencement and computation of term of imprisonment in state correctional institution:

https://oregon.public.law/statutes/ors_137.370.

House Bill 2993 (2021):

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB2993/Enrolled>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department of Corrections anticipates the proposed rule as amended will have an overall positive impact on racial equity in the state of Oregon. These rules establish department policy and procedures for the computation of sentences, and for the admission and release of adults in custody.

Among the revisions to these rules are changes in terminology from "inmate" to "adult in custody" and "offender" to "adult on supervision", which seeks to normalize and humanize the experience of adults in custody (AIC) and adults on supervision. Another change to these rules provides an option and process for AICs to change their legal name and, if approved, for the Department of Corrections to incorporate it into their records. People change their names for many reasons – a marriage, a divorce, or some other life event. The Department of Corrections policy provides the flexibility to recognize the impact such life events could have on those in our custody. Both of these updates, the terminology update and the legal name change process, are expected to have a positive impact on racial equity within the state. The Department of Corrections understands that taking steps to normalize and humanize the custodial experience,

improves relationships between staff and AICs, which in turn promotes the maintenance of internal security, order and discipline, and safety for all who live and work in Department of Corrections correctional facilities. Department of Corrections further understands that all AICs, including minority racial groups, are positively impacted when a culture of inclusivity, normalization, and humanization is created, and that these proposed rule amendments represent another step toward creating this culture.

Updates to statutory references, the addition and clarification of definitions, the removal of gendered language, and the addition of clarifying language to the rules are not expected to have any impact on racial equity in the state. These revisions make these rules clearer and therefore easier to understand and align these rules with department philosophy regarding gendered references and standard definitions.

FISCAL AND ECONOMIC IMPACT:

Rule 291-100 changes include a variety of housekeeping items, including changes in terminology to reflect inmates as "AICs", updates on ORS 137.370(4) to align with the statute language, definition and name changes. The department reports these revisions will have no fiscal impact.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

The changes are not anticipated to have an impact on the Department of Corrections, AICs, other state agencies, local governments (the counties), or the general public.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules as they will not be impacted by these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The department has determined that use of an advisory committee would not have provided any substantive assistance in drafting these rule revisions because of the technical nature of the revisions.

RULES PROPOSED:

291-100-0005, 291-100-0008, 291-100-0013, 291-100-0027, 291-100-0070, 291-100-0075, 291-100-0080, 291-100-0085, 291-100-0090, 291-100-0095, 291-100-0100, 291-100-0105, 291-100-0110, 291-100-0115, 291-100-0120, 291-100-0130, 291-100-0140, 291-100-0150, 291-100-0160

AMEND: 291-100-0005

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody"; to update the Authority statement to include all statutory references from OAR 291-100; and to update Statutes/Other Implemented.

CHANGES TO RULE:

291-100-0005

Authority, Purpose and Policy ¶¶

(1) Authority: The authority for these rules is granted to the Director of the Department of Corrections in accordance with ORS ~~137.315, 137.320, 137.370, 137.372, 137.375, 137.635, 144.108, 144.110, 144.245, 161.648.038, 137.071, 137.120, 137.123, 137.124, 137.315, 137.320, 137.370, 137.372, 137.373, 137.375, 137.540, 137.545, 137.550, 137.635, 137.637, 137.700, 137.707, 137.750, 137.751, 144.108, 144.110, 144.245,~~

144.390, 161.085, 161.610, 161.515, 169.005, 169.110, 169.120, 179.040, 421.120, 421.121, 421.122, 421.508, 423.020, 423.030, 423.075, and 426.6730.450 to 430.555.¶

(2) Purpose: To establish department policy and procedures for the computation of sentences, and for the admission and release of inmates~~adults in custody~~.¶

(3) Policy: It is the policy of the Department of Corrections to admit and release inmates~~adults in custody~~ and to compute sentences, in accordance with ORS 137.315_; 137.320_; 137.370_; 137.372_; 137.375_; 137.635_; 144.108_; 144.110_; 144.245_; former 144.390 (repealed by 1989 Oregon Laws, Chapter 790, §47a)_; 161.610_; 421.120_; 421.121_; 421.122_; and 426.675.

Statutory/Other Authority: ORS 137, 144, 161.610, 179.040, 421, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 137, 144, 161.610, 179.0540, 421, 423.020, 423.030, 423.075

AMEND: 291-100-0008

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody"; to change the term "offender" to "adult on supervision"; to clarify definitions; to add definitions and information on legal name changes and to match other rule definitions; to define the term "conduct", "crime", and the Offender Information and Sentence Computation unit; and to update Statutes/Other Implemented.

CHANGES TO RULE:

291-100-0008

Definitions ¶¶

(1) Abscond: Unauthorized absence from parole or post-prison supervision.¶¶

(2) Adult In Custody (AIC): Any person under the supervision of the Department of Corrections who is not on parole, probation, or post-prison supervision status.¶¶

(3) Adult on supervision: Any person under the supervision of the Department of Corrections, local supervisory authority or community corrections who is on probation, parole, or post-prison supervision status.¶¶

(4) Commitments: A sentence of incarceration to the legal and physical custody of the Department of Corrections.¶¶

(35) Concurrent/and Consecutive Ghosts: InmateAICs with Oregon Department of Corrections sentences who are housed in a federal or another state's jurisdiction (not physically housed in an Oregon Department of Corrections facility) and their Oregon sentence is ordered to be served either concurrently or consecutively or both to a sentence from the federal or other state's jurisdiction.¶¶

(46) Court Name: The inmate namenduct: Unless the context requires otherwise, "conduct" has the meaning provided in ORS 161.085.¶¶

(7) Court/Legal Name: As referenced on facesheets used within institutions, defined as follows:¶¶

(a) Court Name: The AIC name based on the name provided in the first judgment of the custody cycle sentencing an AIC to the custody of the Department of Corrections, as established and used by the Oregon Department of Corrections for use on an inmateAIC's case file, identification card, medical file, etc., based on the name provided in the first judgment in the custody cycle sentencing an inmate to the custody.¶¶

b) Legal Name: an alternative AIC name requested by an AIC that is:¶¶

A) Materially different from the court name;¶¶

B) Supported by legal documentation; and¶¶

C) Authorized for use by the Department of Corrections ofn the Oregon Department of CorrectionsAIC's case file, identification card, medical file, etc.¶¶

(8) Crime: Unless the context requires otherwise, "crime" has the meaning provided in ORS 161.515.¶¶

(59) Custodial Authority: The authority holding physical custody of the inmateAIC, who is responsible for certifying time served while in theirat authority's custody.¶¶

(610) Custody Cycle: The time period during which an offender person begins incarceration with the Department of Corrections and, including the time period when the person is under the supervision of community corrections, until discharge from all Department of Corrections and community corrections incarceration and supervision.¶¶

(711) Department of Corrections Facility: Any institution, facility, or staff office, including the grounds, operated by the Department of Corrections.¶¶

(812) Earned Time Credits: Sentence reduction creditsReduction in the term of incarceration, up to 30 percent of the term of incarceration imposed, that can be earned by an inmateAIC sentenced under Ssentencing Gguidelines, pursuant to ORS 421.121 and the department's rules on Prison Term Modification, (OAR 291-097).¶¶

(913) Escape: Unauthorized departure of an inmateAIC from the physical or legal custody of the Department of Corrections. Escape includes "constructive escape" where an inmateAIC has any unserved Department of Corrections felony sentence(s) and, by no effort of the inmateAIC, is voluntarily absent from the Department of Corrections (for example, where an inmateAIC is released from custody after serving a local supervisory sentence despite the inmateAIC having an unserved Department of Corrections felony sentence(s)).¶¶

(104) Extra Good Time Credits: Sentence reduction creditsReduction in the term of sentence that can be earned by an inmateAIC sentenced for crimes committed prior to November 1, 1989, (Non-Sentencing Guidelines), pursuant to ORS 421.120(2)(c), (d) and, (e) and 421.122, and the department's rules on Prison Term Modification, (OAR 291-097).¶¶

(145) Facesheet: DA document used within institutions that shows a summary of sentences for which an inmateAIC is incarcerated by the Department of Corrections.¶¶

(126) Good Time Date: An indeterminate sentence's release date calculated for inmateAICs serving a sentence(s) for a crime(s) committed prior to November 1, 1989, (Non-Sentencing Guidelines), achieved through reduction in

the sentence due to the granting of statutory good time credits and extra good time credits.¶

~~(13) Inmate: A person under the supervision of the Department of Corrections who is not on parole, post-prison supervision, or probation status.~~¶

~~(147) Inoperative Time: Time spent on abscond, escape, or unauthorized departure from custody, any form of temporary or transitional leave, or parole or post-prison supervision, which does not count toward service of the sentence(s).~~¶

~~(158) Intake Facility: A Department of Corrections facility designated by the department to receive inmate AICs upon commitment to the legal and physical custody of the department; and to conduct intake evaluations of the inmate AICs including custody classification, needs assessment, and some program assessments.~~¶

~~(169) Jail Good Time/ and Work Time Credits: Time credits for good behavior and work performed as allowed for inmate AICs in a county local correctional facility pursuant to ORS 169.110 and 169.120, which are included as time thus served toward a probation revocation sentence if certified as part of the probationary sentence.~~¶

~~(1720) Judgment: Document issued by the court that commits an inmate AIC to the legal and physical custody of the Department of Corrections, and reflects the inmate's sentence length AIC's term of incarceration, any applicable statutes, term of post-prison supervision (for crimes committed on or after November 1, 1989), and court-ordered supervision conditions, if any.~~¶

~~(218) Maximum Sentence Expiration Date: The very latest date that a person can be held or supervised by the department on a particular sentence.~~¶

~~(1922) Offender: Any person under the supervision of the Department of Corrections, local supervisory authority or community corrections who is on probation, parole, or post-prison supervision status~~ Information & Sentence Computation Unit (OISC): The functional unit charged to administer applicable statutes pertaining to sentencing; develop, implement, and revise applicable processes for sentence computation; respond to public information requests regarding AICs and offenders; certify an AIC's release date; and provide supportive services to department facilities regarding AIC sentencing.¶

~~(203) ORS 137.635 Sentence: A determinate sentence resulting from a conviction of one or more at least one of ten listed felony crimes (i.e., Murder for example, Murder in any degree, including any aggravated form of Murder, Manslaughter I, Assault I, Kidnapping I, Rape I, Sodomy I, Unlawful Sexual Penetration I, Burglary I, Arson I and/or Robbery I); if the inmate AIC also has a prior conviction for one or more at least one of those ten listed felony crimes.~~¶

~~(214) Parole Release Date: The date on which an inmate AIC is ordered to be released from an indeterminate prison sentence(s) to parole by the Board of Parole and Post-Prison Supervision. Parole release may be to the community, detainer, or to another Department of Corrections sentence.~~¶

~~(225) Parole Suspension and Warrant: Issuance of an arrest and detain warrant by the Board of Parole and Post-Prison Supervision which ceases the running of an inmate's parole an AIC's parole supervision.~~¶

~~(236) Parole Violator: Any person whose parole supervision has been revoked by the Board of Parole and Post-Prison Supervision.~~¶

~~(247) Post-Prison Supervision: A period of community supervision ordered by the sentencing judge for offender persons convicted of a crime(s) committed on or after November 1, 1989.~~¶

~~(258) Post-Prison Supervision Violator: Any person whose post-prison supervision has been revoked by the Board of Parole and Post-Prison Supervision.~~¶

~~(269) Predicate Crime: A crime listed in ORS 137.635(2) that serves as a previous conviction in designating an inmate~~ Pursuant to ORS 137.635(2), a felony crime in which a prior conviction qualifies an AIC to be sentenced as an ORS 137.635 felon.¶

~~(2730) Pre-sentencing Guidelines Sentences: ~~S~~Indeterminate sentences imposed for crimes committed on or after October 4, 1977 and prior to November 1, 1989. Also may, pursuant to ORS 137.120(1). May also be referred to as "Matrix" sentences.~~¶

~~(2831) Prison Term:~~¶

~~(a) Sentencing Guidelines Sentences: ~~F~~For sentences imposed for crimes committed on or after November 1, 1989, the length of incarceration time within a Department of Corrections facility as established by the court in the judgment for each crime of conviction.~~¶

~~(b) Pre-Sentencing Guidelines Sentences: ~~F~~For indeterminate sentences imposed for crimes committed on or after October 4, 1977 and prior to November 1, 1989, the length of required incarceration time within a Department of Corrections facility as established by the order of the Board of Parole and Post-Prison Supervision setting of a parole release date.~~¶

~~(329) Projected Release Date: A release date calculated for inmates serving a sentence(s) for crimes committed on or after November 1, 1989 (Sentencing Guidelines), based on earned time sentence reduction credits earned through the last review period and a projected full compliance of earned time sentence reduction credits on the remaining sentence to be served~~ The date upon which an AIC is anticipated to complete service of the term of incarceration.¶

(303) Qualifying ORS 137.635 Conviction: Conviction of a crime listed in ORS 137.635 that was committed following a predicate conviction of any of the ten crimes listed in ORS 137.635(2).¶

(314) Release Date Adjustment Form (CD 1417): A standardized form used by the Department of Corrections for documentation of the request and approval/or disapproval for early release as authorized by the Department of Corrections.¶

(325) Revocation Sanction: A term of incarceration or confinement designated by the Board of Parole and Post-Prison Supervision (or its designee) for violation of conditions of parole and post-prison supervision.¶

(336) Sentence: The punishment given to a person who has been convicted (~~i.e. found to be guilty~~) of a crime.¶

(a) Sentencing Guidelines Sentences: For purposes of these rules and Department of Corrections sentence computation, "sentence" means the length of incarceration time within a Department of Corrections facility, as established by the court in the judgment.¶

~~(b) Pre-Sentencing Guidelines Sentences: For each crime of conviction for crimes committed on or after November 1, 1989.¶~~

(b) Pre-Sentencing Guidelines Sentences: For the purposes of these rules and Department of Corrections sentence computation, the length of time an inmateAIC is ordered to the legal and physical custody of the Department of Corrections, up to the maximum indeterminate amount authorized by Oregon law, as established by the court in the judgment and reduced by statutory good time credits and extra good time credits for crimes committed on or after October 4, 1977 and prior to November 1, 1989.¶

(347) Sentencing Guidelines Sentences: Sentences imposed for crimes committed on or after November 1, 1989 pursuant to ORS 137.120(2).¶

(358) Statutory Good Time Credits: Prison term reduction credits ~~granted to an inmate~~applicable to sentenceds for crimes committed prior to November 1, 1989, (~~Non-Spre-sentencing G~~guidelines), pursuant to ORS 421.120(2)(a) and, (b), and these ~~rules~~ department's rules on Prison Term Modification (OAR 291-097).¶

(369) Time Served Certification: A signed statement by a sheriff of the number of days an inmateAIC was imprisoned prior to delivery of the inmateAIC to a Department of Corrections facility.¶

~~(3740)~~ Time Served Credits: Pre-sentence time an inmateAIC is confined in a county jail prior to sentencing, as certified in accordance with ~~thisese~~ rules. Time served credits also include time confined in jail between sentencing and arrival at a Department of Corrections intake facility.¶

~~(3841)~~ True Name: An alternative name added to an inmate's case file and used as an additional identifier when supporting documentation is received (~~e.g. for example~~, legal name change, birth certificate, marriage license) to the satisfaction of the department. This name may also be entered as a "Court/Legal Name" upon receipt of request from the AIC.

Statutory/Other Authority: ORS 137, 144, 161.620, 179.040, 421, 423.020, 423.030, 423.075
 Statutes/Other Implemented: ORS 137, 144, 161.610, 179.0540, 421, 423.020, 423.030, 423.075

AMEND: 291-100-0013

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody"; to clarify rules; to add information on requests to use an alternative name as the DOC name of record; and to update Statutes/Other Implemented.

CHANGES TO RULE:

291-100-0013

Admissions ¶

(1) In-State Commitments:¶

(a) Intake Facility: The Coffee Creek Correctional Facility is the general intake facility for male and female inmateAICs committed to the Oregon Department of Corrections except as outlined in (e), (f), and (j-) through (l) below.¶

(b) Pursuant to ORS 137.124(1) and (2), an inmateAIC sentenced on or after January 1, 1997 to a sentence that exceeds 12 months will be delivered to the appropriate Department of Corrections intake facility and an inmateAIC sentenced to 12 months or less will be committed to the custody of the supervisory authority of the county in which the crime of conviction occurred.¶

(c) Pursuant to ORS 137.320(1), the sheriff shall deliver with the inmateAIC a copy of the judgment and a time served certification. Pursuant to ORS 137.315, the sentencing court or the sheriff may transmit a notice of the judgment by electronic telecommunication, as long as the notice is followed by a duplicate or photographic copy of the judgment.¶

(d) ~~Youth offenders~~ committed to the legal custody of the Department of Corrections will follow the department's rules on Transfers/and Responsibilities Between Oregon Youth Authority and Department of Corrections; (OAR 291-052).¶

(e) Male inmateAICs sentenced to death will be delivered by the sheriff to the Oregon State Penitentiary. Female inmateAICs sentenced to death will be delivered by the sheriff to the Coffee Creek Correctional Facility.¶

(f) In extraordinary circumstances where intensive confinement or special immediate treatment of an inmateAIC is essential; ~~e.g. (for example, medical/ or mental health problems;)~~ the sheriff may deliver the inmateAIC directly to an approved department facility other than the designated department intake facility. In such cases, the sheriff must obtain prior approval by contacting the Department of Correction's Population Management Administrator or designee.¶

(g) Upon receipt of the judgment and the time served certification, ~~the Offender Information and Sentence Computation Unit (OISC)~~ OISC staff will establish a case file and compute the inmateAIC's sentence. After the case file is established and the inmateAIC's sentence is computed, OISC staff will send a copy of the face-sheet ~~and judgment~~ to the Board of Parole and Post-Prison Supervision.¶

(A) The court name used by the Department of Corrections on an inmateAIC's case file and other documents (~~e.g. for example,~~ identification cards, medical files) will be established and based on the name provided in the first judgment sentencing an inmateAIC to the custody of the Oregon Department of Corrections. This court name remains the same as long as an inmateAIC remains in the same custody cycle.¶

(B) ~~If the department receives documentation of a legal name that is different than the established~~ Alternately, an AIC may request an alternative name to be their Department of Corrections name of record if it is materially different from the court name, the department will be supported by legal documentation of their legal name, as the inmate's "True Name" in the case file and is authorized for use by the Department of Corrections on the AIC's case file, identification card, medical file, etc.¶

(h) In the event the sheriff does not deliver a time served certification with the inmateAIC, the department will accept a time served certification by email, fax, mail, or teletype at OISC.¶

(i) If a time served certification is received after admission of the inmateAIC, the OISC staff designated to perform sentence calculation shall amend the sentence computation pursuant to ORS 137.370 and send a copy of the amended face-sheet to the Board of Parole and Post-Prison Supervision.¶

(j) Parole violators will be accepted at the designated Department of Corrections intake facility with a revocation order issued by the Board of Parole and Post-Prison Supervision chairperson, or for a Board of Parole and Post-Prison Supervision warrant from out-of-state.¶

(k) A post-prison supervision violator is to be returned to the appropriate Department of Corrections intake facility by Community Corrections staff or the county sheriff upon receipt of authorization from the Board of Parole and Post-Prison Supervision. The authorization must include the ~~date of arrest,~~ arrest date; suspend and detain; date; revocation; date; the days to be served on the violation sanction; and the sanction release date; or pending future disposition hearing.¶

(l) InmateAICs being returned from escape will be accepted at the Department of Corrections intake facility or other designated Department of Corrections facility, ~~(as approved),~~ upon verification of escape status and positive

identification.¶

(2) Concurrent/and Consecutive Ghosts:¶

(a) Pursuant to ORS 137.320(2), if an inmateAIC is surrendered to another state or federal authority after sentencing, the sheriff shall forward to the OISC Unit at the Department of Corrections intake facility a copy of the judgment, a statement of the number of days the inmateAIC was imprisoned in the county jail prior to surrender and an identification of the authority to whom the prisoner was surrendered.¶

(b) Upon receipt of the judgment and the time served certification, OISC staff will establish a case file and compute the inmateAIC's sentence(s). After the case file is established and the inmateAIC's sentence(s) is computed, OISC staff will send a copy of the face-sheet and judgment to the Board of Parole and Post-Prison Supervision.

Statutory/Other Authority: ORS 137, 144, 161.620, 179.040, 421, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 137, 144, 161.610, 179.0540, 421, 423.020, 423.030, 423.075

RULE SUMMARY: Amends rule to correct punctuation; and to update Statutes/Other Implemented.

CHANGES TO RULE:

291-100-0027

Computing Sentences under ORS 137.320

(1) When computing a sentence under ORS 137.320, OISC staff will review the judgment document for information that is necessary to properly compute the sentence and to determine if it complies with ORS 137.071 and ORS 18.038 by considering whether the judgment document:

- (a) is identified as a "judgment;"
- (b) identifies the court and case number;
- (c) identifies the defendant;
- (d) specifies the determination for each charged crime in the information, indictment, or complaint, (for example, whether the charge resulted in acquittal, dismissal, conviction, or merger with another conviction);
- (e) specifies the crime of conviction and sentence imposed for each charge that resulted in a conviction;
- (f) includes any information required by statute or court rules. Examples of this type of information include:
 - (A) The imposition of any applicable mandatory minimum sentence;
 - (B) For crimes committed on or after December 5, 1996, as required under ORS 137.750, includes a statement regarding whether the defendant may be considered by the executing or releasing authority for any form of temporary leave from custody, reduction in sentence, work release, or program of conditional or supervised release authorized by law for which the defendant is otherwise eligible at the time of sentencing; and
 - (g) Contains the judge's signature, or the signature of the court administrator who is authorized by law to sign the judgment document, and the date the judgment document is signed.

(2) Consecutive sentences: As provided under ORS 137.123, the department will compute sentences with concurrent terms unless the judgment expressly provides for consecutive sentences.

- (a) When a judgment provides that a sentence is partly or completely "consecutive" to another sentence, the department will presume that the terms "consecutive" or "consecutively" refer to being in a series with one another (that is, sequential,) unless the judgment requires or provides a different meaning.
- (b) Unless otherwise provided or required by law or in the judgment, when computing consecutive sentences, the department may order the sequence of consecutive sentences in any manner that best effectuates the court's intent expressed in the judgment.
- (c) As provided in ORS 137.123, a court may impose a sentence that is consecutive to any other sentence which has been previously imposed or is simultaneously imposed.
 - (A) Unless the judgment or law provides otherwise, when a judgment provides that a sentence will be served "consecutive to sentences previously imposed" or "consecutively to sentences previously imposed," (or includes similar language to that effect,) the department will compute that sentence as being consecutive to any sentences imposed by any court on or before the date of sentencing, including other counts in the same case number.
 - (B) Unless the judgment or law provides otherwise, when a judgment provides that a sentence will be served "consecutive to sentences simultaneously imposed" or "consecutively to sentences simultaneously imposed," (or includes similar language to that effect,) the department will compute that sentence as being consecutive to any other sentences imposed by any court on the date of sentencing, including other counts in the same case number.
 - (C) Unless the judgment or law provides otherwise, when a judgment provides that a sentence will be served "consecutive to sentences currently being served" or "consecutively to sentences currently being served," (or includes similar language to that effect,) the department will compute that sentence as being consecutive to any sentences imposed by any court on or before the date of sentencing, including other counts in the same case number.

Statutory/Other Authority: ORS 423.020, 423.030, ~~423.300~~, 423.075, 179.040, 137.144, 161.610, 421

Statutes/Other Implemented: ORS 423.020, 423.030, ~~423.300~~, 423.075, 179.040, 137.320, 137.370, 144, 161.610, 421

AMEND: 291-100-0070

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody"; and to update Statutes/Other Implemented.

CHANGES TO RULE:

291-100-0070

First/and Last Day Credit ¶¶

- (1) An inmateAIC will receive a full day of credit for the date of commitment to the department.¶
 - (2) An inmateAIC will receive a full day of credit for the last day of the sentence in a department facility.
- Statutory/Other Authority: ORS 137, 144, 161.620, 179.040, 421, 423.020, 423.030, 423.075
Statutes/Other Implemented: ORS 137, 144, 161.610, 179.0540, 421, 423.020, 423.030, 423.075

AMEND: 291-100-0075

RULE SUMMARY: Amends rule to update rule title, clarify rule, remove unnecessary reference to "offender"; and to update statutory reference.

CHANGES TO RULE:

291-100-0075

~~Department's~~ Definition of a Month

(1) Upon receipt of a judgment imposing a certain number of months to be served, the Department of Corrections will complete the calculation by adding that number of months to the begin date. The actual number of days served will vary slightly depending on whether the corresponding months have 28, 29, 30 or 31 days.¶

(2) For ~~offender~~ persons sentenced to a term of imprisonment in the that includes a commitment to the legal and physical custody of Oregon the Department of Corrections, there is no statutory definition of a month. ORS 169.005(6) is applicable to local correctional and juvenile facilities only.

Statutory/Other Authority: ORS ~~eh-137, Ch 144, 161.610, 179.0540, eh 421, 423.020, 423.030, 423.075~~

Statutes/Other Implemented: ORS ~~eh-137, Ch 144, 161.610, 179.0540, eh 421, 423.020, 423.030, 423.075~~

AMEND: 291-100-0080

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody"; to update statutory reference; to remove gendered language; to clarify rule; for minor punctuation; and to align rule with language used in ORS 137.370(4).

CHANGES TO RULE:

291-100-0080

Credit for Pre-sentence Time Served (ORS 137.370) ¶

(1) OISC must receive time served certifications directly from the county sheriff or other qualified certifying authority. Time served certifications will not be accepted from an inmate AIC. Time served must be certified by the custodial authority. ¶

(2) It is the inmate AIC's responsibility to direct inquiries to OISC regarding pre-sentence time served certified by the county if he/she believes it does not include all the time they were confined in that county's jail. Forms for this purpose will be available at the institution law library. ¶

(3) Pursuant to ORS 137.320(3) and 137.370: ¶

(a) For Sentences Imposed Prior to August 1, 2015: An inmate AIC will receive time served credit only for the actual number of days confined after arrest in a county jail or other non-Department of Corrections facility, (as authorized by statute), as a result of the crime for which the sentence is imposed. A conviction for a lesser included offense may receive pre-sentence time while confined on the greater inclusive crime. Credit will be given only for the pre-sentence time the inmate AIC was confined in the county jail or other non-Department of Corrections facility, (as authorized by statute). The days must be certified by the county sheriff or other qualified certifying authority and then verified by OISC (for example, days certified when the inmate AIC was not actually confined in that county's jail cannot be applied). ¶

(b) For Sentences Imposed on or after August 1, 2015: An inmate AIC will receive time served credit only for the actual number of days confined by any authority after the arrest for the crime for which sentence is imposed; a lesser or greater inclusive offense of the crime for which sentence was imposed; and any other crime constituting a violation of Oregon law within the same county if designated by the sentencing court in the judgment as having been committed as part of the same criminal episode as the crime for which sentence was imposed. ¶

(c) An inmate AIC will receive time served credit for time confined in a county jail or other non-Department of Corrections facility, (as authorized by statute), against only the first of multiple consecutive sentences unless different dates are indicated for the consecutive sentences. ¶

(d) An inmate AIC will receive time served credit for time confined in a county jail or other non-Department of Corrections facility, (as authorized by statute), against each of multiple concurrent sentences, if certified individually by case number. ¶

(e) An inmate AIC will not receive time served credit for the time the inmate AIC is incarcerated in a Department of Corrections facility while awaiting trial and sentencing on additional criminal charges against the incarceration term arising out of those additional charges. ¶

(f) Pursuant to ORS 137.370(4): ¶

(A) For a sentences imposed prior to August 1, 2015, an inmate AIC will not receive time served credit on a department sentence if, while incarcerated in the county jail, the inmate was serving an existing department sentence, probation, parole or post-prison supervision revocation sanction, county jail sentence, or other state or federal sentence for time served in jail if that person also was confined as the result of a sentence for a crime or conduct that is not directly related to the crime for which the sentence is imposed, or for violation of the conditions of probation, parole, or post-prison supervision. ¶

(B) For a sentences imposed on or after August 1, 2015, an inmate unless the sentencing court orders otherwise, an AIC will not receive time served credit on a department sentence if, while incarcerated in the county jail, the inmate was serving an existing department sentence, probation, parole or post-prison supervision revocation sanction, county jail sentence, or other state or federal sentence for time served in jail if that person also was confined as the result of a sentence for a crime or conduct that is not directly related to the crime for which the sentence is imposed, or for violation of the condition of probation, parole, or post-prison supervision, unless the court expressly orders otherwise. ¶

(g) An inmate AIC will not receive time served credit for time in custody on a warrant or detainer unless that custody is the sole result of the warrant/ or detainer. ¶

(h) An inmate AIC will not receive time served credit for time not confined in the county jail, such as time spent on house arrest, electronic monitoring, or in a county work release program.

Statutory/Other Authority: ORS 137, 144, 161.620, 179.040, 421, 423.020, 423.030, 423.075, Oregon Laws

1995, Chapter 657, section 20, Oregon Laws 2015, Chapter 508, section 1

Statutes/Other Implemented: ORS 137, 144, 161.610, 179.0540, 421, 423.020, 423.030, 423.075

AMEND: 291-100-0085

RULE SUMMARY: Amends rule to change "inmate" to "adult in custody"; and to update statutory reference.

CHANGES TO RULE:

291-100-0085

Credit for Time Served as Part of a Probationary Sentence (ORS 137.372(2)) ¶

An inmate AIC who has been ordered confined as part of a probationary sentence for a crime committed on or after July 18, 1995, shall receive credit for time served in jail after arrest and before commencement of the probationary term unless the sentencing judge orders otherwise.

Statutory/Other Authority: ORS 137, 144, 161.620, 179.040, 421, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 137, 144, 161.610, 179.0540, 421, 423.020, 423.030, 423.075

AMEND: 291-100-0090

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody"; for minor punctuation; to clarify around definition of downward dispositional departure; and to update statutory reference.

CHANGES TO RULE:

291-100-0090

Credit for Time Served Toward a Probation Revocation Sentence ¶¶

(1) Time served as a condition of probation:¶¶

(a) Crimes committed prior to November 1, 1989: Pursuant to ORS 137.545 (formerly ORS 137.550), an inmateAIC will receive credit for time served as a condition of probation pursuant to ORS 137.540 against the incarceration term of any subsequent sentence resulting from revocation of probation. Time served includes jail good time and work time credits as certified.¶¶

(b) Crimes committed on or after November 1, 1989 and judgments entered prior to July 18, 1995: Pursuant to ORS 137.372 and former 137.550(6), an inmateAIC will receive credit for time served as a condition of probation pursuant to ORS 137.540, or as part of a probationary sentence pursuant to the rules of the Oregon Criminal Justice Commission, against the incarceration term of any subsequent sentence resulting from revocation of probation only if ordered by the sentencing judge in the judgment. Time thus served includes jail good time and work time credits as certified.¶¶

(c) Crimes committed on or after November 1, 1989 and judgments entered on or after July 18, 1995 and before August 1, 2015: Pursuant to ORS 137.372, former ORS 137.550(6), and ORS 137.545(7), an inmateAIC will receive credit for time served as a condition of probation pursuant to ORS 137.540, or as part of a probationary sentence pursuant to the rules of the Oregon Criminal Justice Commission, against the incarceration term of any subsequent sentence resulting from revocation of probation unless the sentencing judge orders otherwise in the judgment. Time thus served includes jail good time and work time credits as certified.¶¶

(d) Crimes committed on or after November 1, 1989 and judgments entered on or after August 1, 2015 and imposed as a downward dispositional departure, as defined in the Oregon Criminal Justice Commission rules, OAR 213-003, including optional probation: Pursuant to ORS 137.372(1)(a), an inmateAIC will receive time served on a sentence, imposed as a downward dispositional departure under the rules of the Oregon Criminal Justice Commission, for time served credit served in jail for time after arrest and before commencement of the probationary sentence and for the time served in jail as part of the probationary sentence up to 90 days. If the time served credit is greater than 90 days, the sentencing judge may limit or deny credit for any of the time that exceeds 90 days.¶¶

(e) Crimes committed on or after November 1, 1989 and judgments entered on or after August 1, 2015 and imposed as a presumptive probation: Pursuant to ORS 137.372(1)(b), an inmateAIC will receive time served on a sentence, imposed as a presumptive probationary sentence under the rules of the Oregon Criminal Justice Commission, for time served credit served in jail for time after arrest and before the commencement of the probationary sentence and for the time served in jail as part of the probationary sentence unless the sentencing judge orders otherwise.¶¶

(f) Crimes committed on or after November 1, 1989 and judgments entered on or after April 13, 2018 and imposed as an optional probation: Pursuant to ORS 137.372(1)(b), an inmateAIC will receive time served on a sentence, imposed as an optional probation sentence under the rules of the Oregon Criminal Justice Commission, for time served credit served in jail for the time after arrest and before the commencement of the probationary sentence and for the time served in jail as part of the probationary sentence unless the sentencing judge orders otherwise.¶¶

(2) Time served prior to commencement of probation:¶¶

(a) Pursuant to ORS 137.370(2)(a), an inmateAIC who has been revoked from a probationary sentence for a crime committed on or after November 1, 1989 and prior to July 18, 1995, will receive credit for the time served in jail after arrest and before commencement of the probationary sentence.¶¶

(b) Pursuant to ORS 137.370(2)(a), former ORS 137.372(1), and ORS 137.372(1)(b), an inmateAIC who has been revoked from a presumptive probationary sentence for a crime committed on or after July 18, 1995, will receive credit for the time served in jail after arrest and before commencement of the probationary sentence unless the sentencing judge orders otherwise.¶¶

(c) Pursuant to ORS 137.370(2)(a) and ORS 137.372(1)(a), an inmateAIC who has been revoked from a downward dispositional departure probationary sentence, including optional probation, (under the rules of the Oregon Criminal Justice Commission) for a crime committed on or after November 1, 1989 and judgment entered on or after August 1, 2015, will receive credit for the time served in jail after arrest and before commencement of the probationary sentence and for the time served in jail as part of the probationary sentence up to 90 days. If the

time served credit is greater than 90 days, the sentencing judge may limit or deny credit for any of the time that exceeds 90 days.¶

(d) Pursuant to ORS 137.370(2)(a) and ORS 137.372(1)(b), an inmate AIC who has been revoked from a presumptive probationary sentence (under the rules of the Oregon Criminal Justice Commission) for a crime committed on or after November 1, 1989 and judgment entered on or after August 1, 2015, will receive credit for the time served in jail for the time after arrest and before the commencement of the probationary sentence and for the time served in jail as part of the probationary sentence unless the sentencing judge orders otherwise.¶

(e) Pursuant to ORS 137.370(2)(a) and ORS 137.372(1)(b), an inmate AIC who has been revoked from an optional probationary sentence (under the rules of the Oregon Criminal Justice Commission) for a crime committed on or after November 1, 1989 and judgment entered on or after April 13, 2018 will receive credit for the time served in jail for the time after arrest and before the commencement of the probationary sentence and for the time served in jail as part of the probationary sentence unless the sentencing judge orders otherwise.

Statutory/Other Authority: ORS 137, 144, 161.620, 179.040, 421, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 137, 144, 161.610, 179.0540, 421, 423.020, 423.030, 423.075

AMEND: 291-100-0095

RULE SUMMARY: Amends rule to remove unnecessary reference to "offender"; to clarify rule; and to update statutory reference.

CHANGES TO RULE:

291-100-0095

Credit for Time Served Following Failure of Diversion or Specialty Court Program {(ORS 137.373(2)}

For judgments imposed on or after August 1, 2015, an offender person who is ordered to the custody of the Department of Corrections following the failure to complete a diversion program (ORS 430.450 to 430.555) or a specialty court program (e.g. for example, Drug Court) in which the offender person was not on probation shall receive credit for the time served in jail after arrest and before commencement of the program and for the time served in jail as a sanction for violating the terms of the program, unless the sentencing judge orders otherwise.

Statutory/Other Authority: ORS ~~eh~~ 137, ~~eh~~ 144, ~~eh~~ 421, 161.610, 179.0540, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS ~~eh~~ 137, ~~eh~~ 144, ~~eh~~ 421, 161.610, 179.0540, 423.020, 423.030, 423.075

AMEND: 291-100-0100

RULE SUMMARY: Amends rule to clarify rule, for minor punctuation, to align with other department rules; and to update statutory reference.

CHANGES TO RULE:

291-100-0100

Prison Term and Sentence Reduction Credits ¶

(1) Statutory Good Time and Extra Good Time Credits: ~~M~~Statutory Good Time and Extra Good Time Credits may be applied in accordance with ORS 421.120(2), 421.122, and the department's rules on Prison Term Modification, (OAR 291-097).¶

(2) Earned Time Credits: ~~M~~Earned Time Credits may be applied in accordance with ORS 421.121 and the department's rules on Prison Term Modification, (OAR 291-097).

Statutory/Other Authority: ORS 137, 144, 161.620, 179.040, 421, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 137, 144, 161.610, 179.0540, 421, 423.020, 423.030, 423.075

AMEND: 291-100-0105

RULE SUMMARY: Amends rule to update rule title; to clarify; to align with other department rules; and to update statutory reference.

CHANGES TO RULE:

291-100-0105

Convictions Under ORS 137.700 and 137.707 ¶

When a person is convicted of an offense listed in ORS 137.700 or 137.707 for a crime committed on or after the effective dates listed in ORS 137.700 and 137.707, the person shall serve the entire ~~term~~sentence imposed by the court and is not eligible for earned time, work release, alternative incarceration programs, release on post-prison supervision, or any form of temporary leave from custody during the service of the ~~term of imprisonment~~mandatory minimum sentence imposed by the court in accordance with ORS 137.700; ORS 137.707; ~~and~~; the department's rules on Prison Term Modification; (OAR 291-097); ~~the department's rules on~~ Work Release Programs; (OAR 291-149); ~~the department's rules on~~ Alternative Incarceration Programs; (OAR 291-062); and ~~the department's rules on~~ Short-Term Transitional Leaves, Emergency Leaves and Supervised Trips; (OAR 291-063).

Statutory/Other Authority: ORS 137, 144, 161.620, 179.040, 421, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 137, 144, 161.610, 179.0540, 421, 423.020, 423.030, 423.075

AMEND: 291-100-0110

RULE SUMMARY: Amends rule to remove unnecessary reference to "inmate" or "offender"; to change the term "inmate" to "adult in custody"; to clarify rule; to align rule with other department rules; and to update statutory reference.

CHANGES TO RULE:

291-100-0110

Convictions Under ORS 137.635 (Ballot Measure 4 Sentences) ¶

(1) Prior Convictions for ORS 137.635 Predicate Crimes:¶

(a) For purposes of ORS 137.635, an ~~inmate~~ person has a prior conviction for an ORS 137.635 predicate crime if the ~~inmate~~ person committed and was previously convicted for one of the crimes listed in ORS 137.635 prior to the commission of an ORS 137.635 crime for which the ~~inmate~~ person is currently sentenced.¶

(b) A prior conviction for an ORS 137.635 predicate crime may have occurred either before, ~~or on,~~ or after January 1, 1990, the effective date of ORS 137.635.¶

(c) A prior conviction for an ORS 137.635 predicate crime may be a prior conviction from another state or federal jurisdiction that is the equivalent of a listed ORS 137.635 felony crime.¶

(d) Determination of a prior conviction for an ORS 137.635 predicate crime:¶

(A) For crimes committed on or after January 1, 1990 with judgments entered prior to August 23, 1993, OISC staff will determine whether an ~~inmate~~ AIC has a qualifying prior conviction for an ORS 137.635 predicate crime and whether an ~~inmate~~ AIC is subject to the sentencing provisions of ORS 137.635. If a prior conviction for an ORS 137.635 predicate crime is from another state or federal jurisdiction, OISC staff will obtain documents necessary to verify that the elements of the predicate felony crime for which the ~~inmate~~ AIC was previously convicted are identical to the elements of one or more of the ten felony crimes listed in ORS 137.635.¶

(B) For crimes committed on or after January 1, 1990 with judgments entered on or after August 23, 1993, the court will determine whether an ~~inmate~~ AIC has a qualifying prior conviction for an ORS 137.635 predicate crime and whether an ~~inmate~~ AIC is subject to the sentencing provisions of ORS 137.635.¶

(2) Qualifying ORS 137.635 Convictions:¶

(a) An ~~inmate~~ AIC who is currently convicted of one or more ORS 137.635 crimes committed on or after January 1, 1990, who is sentenced by the court to a determinate sentence and who has a prior conviction for an ORS 137.635 predicate crime is subject to the sentence computation requirements of ORS 137.635 on the qualifying second or repeat conviction.¶

(b) An ~~inmate~~ AIC who receives two or more qualifying ORS 137.635 convictions arising out of the same criminal episode (~~e.g. such as,~~ convictions that are separate counts in the same criminal case, ~~or~~ convictions that arise in the same court appearance), is not subject to an ORS 137.635 sentence as a result of the convictions, unless the ~~inmate~~ AIC has a prior conviction for an ORS 137.635 predicate crime.¶

(3) Sentence Computation of ORS 137.635 Sentences:¶

(a) The incarceration term of a current determinate ORS 137.635 sentence is determined by the court as indicated in the judgment committing the ~~offender~~ person to the legal and physical custody of the Department of Corrections.¶

(b) An ~~inmate~~ AIC that is determined to be subject to an ORS 137.635 sentence shall serve the entire ~~incarceration term of the~~ sentence imposed by the court, and is not eligible to earn sentence reduction credits (~~i.e. such as,~~ earned time) during service of the qualifying ORS 137.635 sentence.¶

(c) An ~~inmate~~ AIC that is determined to be subject to an ORS 137.635 sentence is not eligible for parole, earned time, work release, alternative incarceration programs, release on post-prison supervision, or any form of temporary leave from custody, including medical leave, during the service of the ~~term of imprisonment~~ entire sentence imposed by the court in accordance with ORS 137.635, and the department's rules on Prison Term Modification, (OAR 291-097); the department's rules on Work Release Programs, (OAR 291-149); the department's rules on Alternative Incarceration Programs, (OAR 291-062); and the department's rules on Short-Term Transitional Leaves, Emergency Leaves and Supervised Trips, (OAR 291-063).¶

(d) An ~~inmate~~ AIC serving a sentence for a predicate conviction for a crime committed on or after November 1, 1989, may be eligible for earned time credits on that prior sentence pursuant to ORS 421.121, ~~but not during service of the qualifying ORS 137.635 sentence.~~¶

(e) An ~~inmate~~ AIC serving a sentence for a predicate conviction for a crime committed prior to November 1, 1989, may be eligible for statutory good time and extra good time credits on that prior sentence pursuant to ORS 421.120(1) and 421.122 and in accordance with the department's rules on Prison Term Modification, (OAR 291-097).

Statutory/Other Authority: ORS 137, 144, 161.620, 179.040, 421, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 137, 144, 161.610, 179.0540, 421, 423.020, 423.030, 423.075

AMEND: 291-100-0115

RULE SUMMARY: Amends rule to update rule title; to change the term "inmate" to "adult in custody"; for minor punctuation; and to update statutory reference.

CHANGES TO RULE:

291-100-0115

Sentencing Pursuant to ORS 137.750 and ORS 137.751

(1) Sentences imposed for crimes committed on or after December 5, 1996 and before January 1, 2009: Pursuant to ORS 137.750, when the court sentences a defendant for any crime committed on or after December 5, 1996 and before January 1, 2009, the court must order on the record in open court if the defendant may be eligible for any form of temporary leave from custody, reduction in sentence, work release, alternative incarceration program, or program of conditional or supervised release authorized by law unless the court finds substantial and compelling reasons to order a defendant not be considered for such leave, release or program.¶

(2) Sentences imposed for crimes committed on or after January 1, 2009:¶

(a) Pursuant to ORS 137.750, when the court sentences a defendant for any crime committed on or after January 1, 2009, the court must order on the record in open court if the defendant may be eligible for any form of temporary leave from custody, reduction in sentence, work release, or program of conditional or supervised release authorized by law unless the court finds substantial and compelling reasons to order a defendant not be considered for such leave, release or program.¶

(b) Pursuant to ORS 137.751, when the court sentences a defendant for any crime committed on or after January 1, 2009, the court must make certain findings and must order in the judgment that the Department of Corrections may release the defendant on post-prison supervision under ORS 421.508(4) for a defendant to be eligible for an Alternative Incarceration Program.¶

(3) The Department of Corrections may consider the inmate AIC for any form of temporary leave, sentence reduction credits, work release, alternative incarceration programs, or programs of conditional or supervised release, only upon order of the sentencing court appearing in the judgment.¶

(4) The Department of Corrections will not consider an inmate AIC eligible for a ORS 137.750 or 137.751 programming unless a sentencing court specifically orders, in writing, that the inmate AIC is eligible for such program(s) in the judgment.

Statutory/Other Authority: ORS 137, 144, 161.620, 179.040, 421, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.0540, 421, 423.020, 423.030, 423.075, ORS 137, 144, 161.610

AMEND: 291-100-0120

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody"; clarify rules; align with other department rules; and to update statutory reference.

CHANGES TO RULE:

291-100-0120

ORS 161.610 Use of Firearm (Gun) Minimums ¶

(1) Pre-Sentencing Guidelines:¶

(a) Pursuant to ORS 161.610, ~~inmate~~AICs serving a sentence(s) for crime(s) committed prior to November 1, 1989; containing an ORS 161.610 ~~gun~~ minimum incarceration term will begin the ~~gun~~ minimum incarceration term on the begin date of the sentence, less eligible time served credits.¶

(b) ~~Inmate~~AICs serving an ~~ORS 161.610~~ minimum incarceration term pursuant to ORS 161.610 shall not become eligible for work release or parole until the minimum incarceration term, less reductions for statutory good time, is served.¶

(c) ~~Inmate~~AICs shall be released upon completion of the ~~ORS 161.610~~ minimum incarceration term pursuant to ORS 161.610, or upon the parole release date, whichever is longer.¶

(2) Sentencing Guidelines Sentences:¶

(a) Pursuant to ORS 137.637, ~~inmate~~AICs serving a sentence(s) for crime(s) committed on or after November 1, 1989; containing an ORS 161.610 ~~gun~~ enhancement penalty shall have their sentence release date computed on the determinate sentence imposed less earned time under ORS 421.121, or the presumptive sentence as provided by the rules of the Oregon Criminal Justice Commission, whichever is longer.¶

(b) ~~Inmate~~AICs serving an ~~ORS 161.610~~ minimum incarceration term pursuant to ORS 161.610 will not be eligible for work release, alternative incarceration programs, release on post-prison supervision or any form of temporary leave from custody during the service of the term of imprisonment in accordance with the department's rules on Prison Term Modification; (OAR 291-097); the department's rules on Work Release Programs; (OAR 291-149); the department's rules on Alternative Incarceration Programs; (OAR 291-062); and the department's rules on Short-Term Transitional Leaves, Emergency Leaves and Supervised Trips; (OAR 291-063).

Statutory/Other Authority: ORS 137, 144, 161.620, 179.040, 421, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 137, 144, 161.610, 179.0540, 421, 423.020, 423.030, 423.075

AMEND: 291-100-0130

RULE SUMMARY: Amends rule to change "inmate" to adult in custody"; to update rule reference; and to update statutory reference.

CHANGES TO RULE:

291-100-0130

Computation of Inoperative Time-¶¶

(1) Pursuant to 137.370(2), time on escape or on "suspend" status from transitional leave outside a Department of Corrections or other assigned facility status will not be credited toward service of a department sentence.¶¶

(2) An inmateAIC's service of a department sentence ceases on the date that the inmateAIC escapes from a Department of Corrections or other assigned facility or on the date that transitional leave is suspended. A full day of credit will be given for the day of escape or for the day transitional leave is suspended. The inmateAIC's sentence commences to run again on the date the inmateAIC is incarcerated in an Oregon county jail with a full day of credit given for the day of incarceration in an Oregon county jail, with earned time calculated in accordance with OAR 291-097-0240(9) and former OAR 291-097-0020(86). If Oregon county jail incarceration information cannot be obtained or verified by the department, the inmateAIC's sentence commences to run again on the date the inmateAIC is incarcerated in a Department of Corrections facility.

Statutory/Other Authority: ORS 137, 144, 161.620, 179.040, 421, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 137, 144, 161.610, 179.0540, 421, 423.020, 423.030, 423.075

AMEND: 291-100-0140

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody"; for minor punctuation; and to update statutory reference.

CHANGES TO RULE:

291-100-0140

Computation of Sentences for Parole Violators ¶¶

(1) Upon parole revocation, the suspend, revocation, and arrest dates provided by the Board of Parole and Post-Prison Supervision will be used by OISC staff to calculate new good time and maximum sentence expiration dates.¶¶

(2) A new sentence received by a parolee who has been returned to the Department of Corrections without revocation will be calculated in the same manner as a new commitment.¶¶

(3) ~~Inmate~~AICs paroled before September 13, 1975; who are revoked and returned to a Department of Corrections facility will not receive any credit toward their indeterminate sentence(s) for time served on parole prior to the revocation.¶¶

(4) Pursuant to former ORS 144.390 (repealed 1975 Oregon Laws, Chapter 589), ~~inmate~~AICs paroled on or after September 13, 1975; who are revoked and returned to a Department of Corrections intake facility will receive credit toward their indeterminate sentence for time served on parole prior to revocation, except inoperative time.¶¶

(5) Absconders from parole will cease to accrue time served on parole toward their indeterminate sentence as of the date of issuance of the parole suspend warrant. Parole time resumes upon arrest in Oregon for the abscond warrant. If the absconder is arrested out of state, parole time resumes upon return to the Department of Corrections intake facility or placement in an Oregon local correctional facility, (as approved).¶¶

(6) All previously granted statutory good time and extra good time credits are forfeited upon revocation of parole.

Statutory/Other Authority: ORS 137, 144, 161.620, 179.040, 421, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 137, 144, 161.610, 179.0540, 421, 423.020, 423.030, 423.075

AMEND: 291-100-0150

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody"; to clarify rule; and to update statutory reference.

CHANGES TO RULE:

291-100-0150

Release ¶

- (1) An inmateAIC shall not be released from confinement in a Department of Corrections facility except as authorized in writing by an appropriate releasing authority.¶
- (2) InmateAICs serving a sentence(s) for crime(s) committed on or after November 1, 1989; shall be released from confinement on that sentence(s) only upon completion of their incarceration term, or upon receipt and verification of:¶
- (a) A court order or judgment requiring the inmateAIC's release; or¶
- (b) A commutation or pardon order issued by the Governor requiring the inmateAIC's release.; or¶
- (c) An order of release to post-prison supervision issued by the Board of Parole and Post-Prison Supervision for those sentences, (in accordance with statutes), the Board has release authority over.¶
- (3) InmateAICs serving a sentence(s) for crime(s) committed prior to November 1, 1989; shall be released from confinement on that sentence(s) only upon:¶
- (a) Receipt and verification of:¶
- (A) An order of parole release issued by the Board of Parole and Post-Prison Supervision; or¶
- (B) An order of parole-like release six months prior to the inmateAIC's good time date in the event an inmateAIC refuses parole for crimes committed prior to September 20, 1985; or¶
- (C) A court order or judgment requiring the inmateAIC's release; or¶
- (D) A commutation or pardon order issued by the Governor requiring the inmateAIC's release.¶
- (b) Discharge of a sentence, upon:¶
- (A) The good time date; when the good time date is reached on or before a parole release date set by the Board of Parole and Post-Prison Supervision; or¶
- (B) ¶For crimes committed prior to September 20, 1985, upon the good time date; when the good time date is reached and the offenderAIC has refused parole; for crimes committed prior to September 20, 1985.; or¶
- (C) Compelled parole pursuant to ORS 144.245(2) for crimes committed on or after September 20, 1985 and prior to November 1, 1989.¶
- (4) OISC staff shall receive and distribute to the Department of Corrections facility having physical custody of the inmateAIC, any verified court order or judgment requiring the inmateAIC's release.
Statutory/Other Authority: ORS 137, 144, 161.620, 179.040, 421, 423.020, 423.030, 423.075
Statutes/Other Implemented: ORS 137, 144, 161.610, 179.0540, 421, 423.020, 423.030, 423.075

AMEND: 291-100-0160

RULE SUMMARY: Amends rule to change "inmate" to "adult in custody"; to clarify reference to department forms; and to update statutory reference.

CHANGES TO RULE:

291-100-0160

Adjusted Release Date ¶

(1) Pursuant to ORS 137.375, when an ~~inmate~~AIC's release date falls on a Saturday, Sunday, or legal holiday, the ~~inmate~~AIC shall be released at the discretion of the releasing authority, on the first, second, or third day preceding the date of release which is not a Saturday, Sunday, or legal holiday. The ~~inmate~~AIC may be released on the Wednesday or Thursday immediately prior to the release date if the release date interferes with community supervision or transitional planning. ¶

(2) The release counselor may request an adjusted release by submitting a Release Date Adjustment form (CD 1417) to the designated Reentry and Release Services staff. The designated Reentry and Release Services staff will approve or deny the request. This will be done on a case-by-case basis and documented on the Release Date Adjustment form: (CD 1417). ¶

(3) Once approved or denied, and upon receipt of the Release Date Adjustment form (CD 1417), the release counselor will notify the appropriate staff of the decision and provide a copy of the Release Date Adjustment form (CD 1417) to the facility's OISC institution records office. ¶

(4) If a release date changes and there is no longer a need for an adjusted release date, the designated Reentry and Release Services staff will write "canceled" across the top of the ~~Adjusted Release Date form~~Adjustment form (CD 1417) and send a copy to the release counselor who will forward a copy to the appropriate staff.

Statutory/Other Authority: ORS 137, 144, 161.620, 179.040, 421, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 137, 144, 161.610, 179.0540, 421, 423.020, 423.030, 423.075