

# House Bill 3264

Sponsored by COMMITTEE ON JUDICIARY

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs State Court Administrator to implement pilot program in one circuit court based on Hawaii's Opportunity Probation with Enforcement program for purpose of evaluating program's effectiveness in decreasing drug abuse, increasing compliance with terms of probation and reducing recidivism. Requires State Court Administrator to conduct study of pilot program using rigorous evaluation and randomized controlled trials.

Sunsets January 2, 2012.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to probation; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4     **SECTION 1. (1) The State Court Administrator shall implement a pilot program in one**  
5 **circuit court based on Hawaii's Opportunity Probation with Enforcement program for the**  
6 **purpose of evaluating the program's effectiveness in decreasing drug abuse, increasing com-**  
7 **pliance with the terms of probation and reducing recidivism. The Chief Justice shall deter-**  
8 **mine whether the pilot program shall be in the circuit court for Multnomah County, Marion**  
9 **County or Lane County. The pilot program shall include:**

10       **(a) Formal warnings to probationers in open court, putting the offender on notice that**  
11 **violations of probation conditions have consequences.**

12       **(b) Quick service of bench warrants on probationers who fail to appear as required.**

13       **(c) Weekly randomized testing, or twice-weekly scheduled testing, to help eliminate oth-**  
14 **erwise undetectable drug use.**

15       **(d) Presumptive jail sanctions for probation violations, starting at two days for the first**  
16 **violation and increasing for subsequent violations.**

17       **(e) As short a time as possible between probation violations and sanctions.**

18       **(f) Treatment services for probationers who are unable to comply with conditions of**  
19 **probation because of drug use.**

20     **(2) The State Court Administrator shall conduct a study of the pilot program imple-**  
21 **mented under this section. The study must use rigorous evaluation and randomized con-**  
22 **trolled trials. Upon concluding the study, the State Court Administrator shall prepare a**  
23 **report to the Legislative Assembly with detailed information on the efficacy of the program**  
24 **as determined under the trials. The report shall be submitted to the Legislative Assembly in**  
25 **the manner provided by ORS 192.245.**

26     **SECTION 2. Section 1 of this 2009 Act is repealed January 2, 2012.**

27     **SECTION 3. This 2009 Act being necessary for the immediate preservation of the public**  
28 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **on its passage.**

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