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Chapter 423 — Corrections and Crime Control Administration and Programs

2009 EDITION

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423.475 Findings. The Legislative Assembly finds and declares that:

(1) Passage by the voters of chapter 2, Oregon Laws 1995, has created mandatory minimum penalties for certain violent offenses, and the probable effect thereof will be a significant increase in the demands placed on state secure facilities.

(2) These demands are a shared responsibility of the State of Oregon and its county governments. The state recognizes that it is in a better position than counties to assume responsibility for serious violent offenders and career property offenders.

(3) Counties are willing, in the context of a partnership with the state, to assume responsibility for felony offenders sentenced to a term of incarceration of 12 months or less.

(4) Under the terms of the partnership agreement, the counties agree to assume responsibility for the offenders described in subsection (3) of this section, subject to the state agreeing to provide adequate funding to the counties for this responsibility.

(5) The amendments to statutes made by sections 1a to 5, 7, 8, 9a, 9b, 9c, 10 to 14, 17 to 19 and 22 to 29, chapter 423, Oregon Laws 1995, and the provisions of ORS 423.478, 423.483 and 423.549 and section 5a, chapter 423, Oregon Laws 1995, are intended to acknowledge and implement the terms of the partnership between the state and the counties. [1995 c.423 §1]

423.478 Duties of department and counties; authority of county supervisory authority. (1) The Department of Corrections shall:

(a) Operate prisons for offenders sentenced to terms of incarceration for more than 12 months;

(b) Provide central information and data services sufficient to:

(A) Allow tracking of offenders; and

(B) Permit analysis of correlations between sanctions, supervision, services and programs, and future criminal conduct; and

(c) Provide interstate compact administration and jail inspections.

(2) Subject to ORS 423.483, the county, in partnership with the department, shall assume responsibility for community-based supervision, sanctions and services for offenders convicted of felonies who are:

(a) On parole;

(b) On probation;

(c) On post-prison supervision;

(d) Sentenced, on or after January 1, 1997, to 12 months or less incarceration;

(e) Sanctioned, on or after January 1, 1997, by a court or the State Board of Parole and Post-Prison Supervision to 12 months or less incarceration for violation of a condition of parole, probation or post-prison supervision; and

(f) On conditional release under ORS 420A.206.

(3) Notwithstanding the fact that the court has sentenced a person to a term of incarceration, when an offender is committed to the custody of the supervisory authority of a county under ORS 137.124 (2) or (4), the supervisory authority may execute the sentence by imposing sanctions other than incarceration if deemed appropriate by the supervisory authority. If the supervisory authority releases a person from custody under this subsection and the person is required to report as a sex offender under ORS 181.595, the supervisory authority, as a condition of release, shall order the person to report to the Department of State Police, a city police department or a county sheriff's office or to the supervising agency, if any:

(a) When the person is released;

(b) Within 10 days of a change of residence;

(c) Once each year within 10 days of the person's birth date;

(d) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; and

(e) Within 10 days of a change in work, vocation or attendance status at an institution of higher education.

(4) As used in this section, “attends,” “institution of higher education,” “works” and “carries on a vocation” have the meanings given those terms in ORS 181.594. [1995 c.423 §9; 1997 c.313 §33; 1997 c.433 §9; 1999 c.156 §1; 1999 c.626 §21; amendments by 1999 c.626 §44 repealed by 2001 c.884 §1; 2005 c.567 §12; 2009 c.204 §9; 2009 c.713 §16]

423.483 Baseline funding; basis on which county can discontinue participation. (1) The baseline funding for biennia beginning after June 30, 1999, is the current service level for the expenses of providing management, support services, supervision and sanctions for offenders described in ORS 423.478 (2). At a minimum, each biennium’s appropriation must be established at this baseline.

(2) If the total state community corrections appropriation is less than the baseline calculated under subsection (1) of this section, a county may discontinue participation by written notification to the director 180 days prior to implementation of the change. If a county discontinues participation, the responsibility for correctional services transferred to the county, and the portion of funding made available to the county under ORS 423.530 reverts to the Department of Corrections. In no case does responsibility for supervision and provision of correctional services to misdemeanor offenders revert to the department.

(3) As used in this section, “current service level” means the calculated cost of continuing current legislatively funded programs, phased in programs and increased caseloads minus one-time costs, decreased caseloads, phased out programs and pilot programs with the remainder adjusted for inflation as determined by the Legislative Assembly in its biennial appropriation to the Department of Corrections. [1995 c.423 §6; 1999 c.952 §1]

423.486 Costs incurred by county; rules. (1) Beginning in 2012, and every six years thereafter, the Department of Corrections shall conduct a study to determine the actual costs incurred by each county of providing management, support services, supervision and sanctions for offenders described in ORS 423.478 (2).

(2) The department may adopt rules to carry out the provisions of this section. [2009 c.168 §1]

423.497 National criminal history check. (1) During the intake process, each county shall conduct a national criminal history check on every person incarcerated in the county correctional facility.

(2) The county shall develop policies and procedures to ensure that the results of the national criminal history check are received before an inmate is released.

(3) The state shall reimburse each county for the costs of conducting the national criminal history checks. [2008 c.35 §7]

423.500 Definitions for ORS 423.500 to 423.560. As used in ORS 423.500 to 423.560, unless the context requires otherwise:

(1) “Director” means the Director of the Department of Corrections.

(2) “Department” means the Department of Corrections.

(3) “Plan” means the biennial community corrections plan required by ORS 423.535. [1977 c.412 §1a; 1979 c.160 §2; 1987 c.320 §220; 1995 c.423 §1a]

423.505 Legislative policy on program funding. Because counties are in the best position for the management, oversight and administration of local criminal justice matters and for determining local resource priorities, it is declared to be the legislative policy of this state to establish an ongoing partnership between the state and counties and to finance with appropriations from the General Fund statewide community correction programs on a continuing basis. The intended purposes of this program are to:

(1) Provide appropriate sentencing and sanctioning options including incarceration, community supervision and services;

(2) Provide improved local services for persons charged with criminal offenses with the goal of reducing the occurrence of repeat criminal offenses;

(3) Promote local control and management of community corrections programs;

(4) Promote the use of the most effective criminal sanctions necessary to protect public safety, administer punishment to the offender and rehabilitate the offender;

(5) Enhance, increase and support the state and county partnership in the management of offenders; and

(6) Enhance, increase and encourage a greater role for local government and the local criminal justice system in the planning and implementation of local public safety policies. [1977 c.412 §1; 1989 c.607 §1; 1995 c.423 §2]

423.510 [1977 c.412 §2; 1985 c.44 §3; 1985 c.558 §7; repealed by 1995 c.423 §31]

423.515 [1977 c.412 §4; 1987 c.320 §220a; repealed by 1995 c.423 §31]

423.520 Financial grants to counties from Department of Corrections. The Department of Corrections shall make grants to assist counties in the implementation and operation of community corrections programs including, but not limited to, preventive or diversionary correctional programs, probation, parole, work release and local correctional facilities and programs for offenders. The department shall require recipients of the grants to cooperate, to the extent of available information systems resources, in the collection and sharing of data necessary to evaluate the effect of community corrections programs on future criminal conduct. [1977 c.412 §5; 1987 c.320 §221; 1995 c.423 §3; 1997 c.433 §10]

423.525 Application for financial aid; review of application; rules for program evaluation; use of funds; community corrections manager; modification of plan. (1) A county, group of counties or intergovernmental corrections entity shall apply to the Director of the Department of Corrections in a manner and form prescribed by the director for funding made available under ORS 423.500 to 423.560. The application shall include a community corrections plan. The Department of Corrections shall provide consultation and technical assistance to counties to aid in the development and implementation of community corrections plans.

(2)(a) From July 1, 1995, until June 30, 1999, a county, group of counties or intergovernmental corrections entity may make application requesting funding for the construction, acquisition, expansion or remodeling of correctional facilities to serve the county, group of counties or intergovernmental corrections entity. The department shall review the application for funding of correctional facilities in accordance with criteria that consider design, cost, capacity, need, operating efficiency and viability based on the county's, group of counties' or intergovernmental corrections entity's ability to provide for ongoing operations.

(b)(A) If the application is approved, the department shall present the application with a request to finance the facility with financing agreements to the State Treasurer and the Director of the Oregon Department of Administrative Services. Except as otherwise provided in subparagraph (B) of this paragraph, upon approval of the request by the State Treasurer and the Director of the Oregon Department of Administrative Services, the facility may be financed with financing agreements, and certificates of participation issued pursuant thereto, as provided in ORS 283.085 to 283.092. All decisions approving or denying applications and requests for financing under this section are final. No such decision is subject to judicial review of any kind.

(B) If requests to finance county correctional facility projects are submitted after February 22, 1996, and the requests have not been approved by the department on the date a session of the Legislative Assembly convenes, the requests are also subject to the approval of the Legislative Assembly.

(c) After approval but prior to the solicitation of bids or proposals for the construction of a project, the county, group of counties or intergovernmental corrections entity and the department shall enter into a written agreement that determines the procedures, and the parties responsible, for the awarding of contracts and the administration of the construction project for the approved correctional facility. If the parties are unable to agree on the terms of the written agreement, the Governor shall decide the terms of the agreement. The Governor's decision is final.

(d) After approval of a construction project, the administration of the project shall be conducted as provided in the agreement required by paragraph (c) of this subsection. The agreement must require at a minimum that the county, group of counties or intergovernmental corrections entity shall submit to the department any change order or alteration of the design of the project that, singly or in the aggregate, reduces the capacity of the correctional facility or materially changes the services or functions of the project. The

change order or alteration is not effective until approved by the department. In reviewing the change order or alteration, the department shall consider whether the implementation of the change order or alteration will have any material adverse impact on the parties to any financing agreements or the holders of any certificates of participation issued to fund county correctional facilities under this section. In making its decision, the department may rely on the opinions of the Department of Justice, bond counsel or professional financial advisers.

(3) Notwithstanding ORS 283.085, for purposes of this section, “financing agreement” means a lease purchase agreement, an installment sale agreement, a loan agreement or any other agreement to finance a correctional facility described in this section, or to refinance a previously executed financing agreement for the financing of a correctional facility. The state is not required to own or operate a correctional facility in order to finance it under ORS 283.085 to 283.092 and this section. The state, an intergovernmental corrections entity, county or group of counties may enter into any agreements, including, but not limited to, leases and subleases, that are reasonably necessary or generally accepted by the financial community for purposes of acquiring or securing financing as authorized by this section. In financing county correctional facilities under this section, “property rights” as used in ORS 283.085 includes leasehold mortgages of the state’s rights under leases of correctional facilities from counties.

(4) Notwithstanding any other provision of state law, county charter or ordinance, a county may convey or lease to the State of Oregon, acting by and through the Department of Corrections, title to interests in, or a lease of, any real property, facilities or personal property owned by the county for the purpose of financing the construction, acquisition, expansion or remodeling of a correctional facility. Upon the payment of all principal and interest on, or upon any other satisfaction of, the financing agreement used to finance the construction, acquisition, expansion or remodeling of a correctional facility, the state shall reconvey its interest in, or terminate and surrender its leasehold of, the property or facilities, including the financed construction, acquisition, expansion or remodeling, to the county. In addition to any authority granted by ORS 283.089, for the purposes of obtaining financing, the state may enter into agreements under which the state may grant to trustees or lenders leases, subleases and other security interests in county property conveyed or leased to the state under this subsection and in the property or facilities financed by financing agreements.

(5) In connection with the financing of correctional facilities, the Director of the Oregon Department of Administrative Services may bill the Department of Corrections, and the Department of Corrections shall pay the amounts billed, in the same manner as provided in ORS 283.089. As required by ORS 283.091, the Department of Corrections and the Oregon Department of Administrative Services shall include in the Governor’s budget request to the Legislative Assembly all amounts that will be due in each fiscal period under financing agreements for correctional facilities. Amounts payable by the state under a financing agreement for the construction, acquisition, expansion or remodeling of a correctional facility are limited to available funds as defined in ORS 283.085, and no lender, trustee, certificate holder or county has any claim or recourse against any funds of the state other than available funds.

(6) The director shall adopt rules that may be necessary for the administration, evaluation and implementation of ORS 423.500 to 423.560. The standards shall be sufficiently flexible to foster the development of new and improved supervision or rehabilitative practices and maximize local control.

(7) When a county assumes responsibility under ORS 423.500 to 423.560 for correctional services previously provided by the department, the county and the department shall enter into an intergovernmental agreement that includes a local community corrections plan consisting of program descriptions, budget allocation, performance objectives and methods of evaluating each correctional service to be provided by the county. The performance objectives must include in dominant part reducing future criminal conduct. The methods of evaluating services must include, to the extent of available information systems resources, the collection and analysis of data sufficient to determine the apparent effect of the services on future criminal conduct.

(8) All community corrections plans shall comply with rules adopted pursuant to ORS 423.500 to 423.560, and shall include but need not be limited to an outline of the basic structure and the supervision, services and local sanctions to be applied to offenders convicted of felonies who are:

- (a) On parole;
- (b) On probation;

(c) On post-prison supervision;
(d) Sentenced, on or after January 1, 1997, to 12 months or less incarceration;
(e) Sanctioned, on or after January 1, 1997, by a court or the State Board of Parole and Post-Prison Supervision to 12 months or less incarceration for a violation of a condition of parole, probation or post-prison supervision; and

(f) On conditional release under ORS 420A.206.

(9) All community corrections plans shall designate a community corrections manager of the county or counties and shall provide that the administration of community corrections under ORS 423.500 to 423.560 shall be under such manager.

(10) No amendment to or modification of a county-approved community corrections plan shall be placed in effect without prior notice to the director for purposes of statewide data collection and reporting.

(11) The obligation of the state to provide funding and the scheduling for providing funding of a project approved under this section is dependent upon the ability of the state to access public security markets to sell financing agreements.

(12) No later than January 1 of each odd-numbered year, the Department of Corrections shall:

(a) Evaluate the community corrections policy established in ORS 423.475, 423.478, 423.483 and 423.500 to 423.560; and

(b) Assess the effectiveness of local revocation options. [1977 c.412 §6; 1987 c.320 §222; 1989 c.790 §65; 1995 c.79 §218; 1995 c.423 §§4,4a; 1996 c.4 §§7,8; 1997 c.433 §11; 1999 c.156 §2; 1999 c.952 §2]

423.530 Procedure for determining amount of financial grants; rules. (1) Financial grants for community corrections pursuant to ORS 423.500 to 423.560 consist of the Grant-in-Aid Program. The Grant-in-Aid Program consists of moneys appropriated to the Department of Corrections for the purposes of management, support services and supervision of offenders described in ORS 423.478 (2). The department shall determine, prior to July 1 of each odd-numbered year, each county's percentage share of the amount appropriated for the purposes of this subsection. Such determination shall be based upon a weighted formula of workload and population as adopted by the department by rule. In adopting the rule, the department shall consult with a broad based committee including, but not limited to, representatives of the Department of Corrections, local county community corrections, county boards of commissioners and county sheriffs.

(2) Funding received by a county pursuant to ORS 423.500 to 423.560 approved for county corrections programs shall not be reduced by the department except by action of the Legislative Assembly or the Emergency Board. Such reductions shall be made proportionately using the applicable allocation formula. [1977 c.412 §7; 1979 c.160 §1; 1985 c.708 §1; 1987 c.320 §223; 1989 c.613 §1; 1989 c.790 §66; 1993 c.680 §1; 1995 c.423 §5]

423.535 Biennial community corrections plan required; county authority to contract for services.

(1) Prior to receiving funds, the county shall have a biennial community corrections plan.

(2) The county and the Department of Corrections shall enter into an intergovernmental agreement referring to the plan.

(3) The county may contract with public or private agencies including, but not limited to, other counties, cities, special districts and public or private agencies for the provision of services to offenders. [1977 c.412 §13; 1987 c.320 §224; 1989 c.613 §2; 1995 c.423 §7]

423.540 Program compliance review by Director of Department of Corrections; effect of failure to comply. The Director of the Department of Corrections shall annually review a county's compliance with the intergovernmental agreement under ORS 423.500 to 423.560. A county must substantially comply with the provisions of its community corrections intergovernmental agreement and plan established pursuant to ORS 423.525 (7). If the director determines that there are reasonable grounds to believe that a county is not in substantial compliance with the intergovernmental agreement or plan, the director shall contact the county regarding the alleged noncompliance and offer technical assistance to reach compliance. If the county does not resolve the alleged noncompliance, the director shall, after giving the county not less than 30 days' notice, conduct a hearing to ascertain whether there is substantial compliance or satisfactory progress being made

toward compliance. After technical assistance is provided and the hearing occurs, the director may suspend any portion of the funding made available to the county under ORS 423.500 to 423.560 until the required compliance occurs. [1977 c.412 §8; 1979 c.487 §14; 1987 c.320 §225; 1995 c.423 §8; 1997 c.715 §5]

423.545 [1977 c.412 §9; 1987 c.320 §226; repealed by 1995 c.423 §31]

423.549 State positions in community corrections branch; abolishment; county authority; affected employees; pay. (1) Notwithstanding ORS 236.605 to 236.640, all state positions in the state community corrections branch of the Department of Corrections, the funding for which is transferred to counties, are abolished on January 1, 1997. Counties have sole discretion in the development of methods and means of county community corrections operation under ORS 423.500 to 423.560 including establishment of wages, benefits and working conditions and selection of any employees to operate supervision programs or other services and sanctions under ORS 423.478 and 423.525. The implementation of this section does not give rise to any bargaining obligation under ORS 243.650 to 243.782. Notwithstanding any collective bargaining agreement, the department shall first offer to any employee so affected and not hired by a county a vacant position in other department branches and operations for which the employee is qualified. This preference lapses 90 days after the operative date of this section. The department has sole discretion in selecting and filling vacant positions from among affected employees having preference.

(2) Notwithstanding subsection (1) of this section, for each month of employment during the period of January 1, 1997, through June 30, 1997, a county shall pay each affected employee hired by the county in regular full-time employment to provide or to support the provision of community corrections programs and services the same minimum gross monthly salary or hourly wage that the affected employee received in state employment immediately prior to termination of the employee's state position. In the event an affected employee formerly employed by the state in a supervisory position is hired by a county in a nonsupervisory position, the county shall pay the affected employee during this period the same minimum gross monthly salary or hourly wage to which an affected employee in the nonsupervisory position would have been entitled to receive in state employment at the top step of the state pay classification for that position immediately prior to its termination. A county shall also provide to each affected employee during this period the same benefits provided to existing county employees performing the same or substantially similar work, giving full consideration to the length of the employee's state service as though the service had been in and for the county. [1995 c.423 §16 (enacted in lieu of 423.550)]

423.550 [1977 c.412 §10; 1987 c.320 §227; 1989 c.607 §3; 1989 c.614 §3; 1993 c.680 §2; repealed by 1995 c.423 §15 (423.549 enacted in lieu of 423.550)]

423.551 [1989 c.614 §5; repealed by 1995 c.423 §31]

423.552 [1989 c.510 §2; repealed by 1995 c.423 §30]

423.553 [1989 c.510 §3; repealed by 1995 c.423 §30]

423.554 [1989 c.510 §§4,5; repealed by 1995 c.423 §30]

423.555 Statewide program evaluation and information system. The Department of Corrections shall establish and operate, with the cooperation and participation of county community corrections agencies, a statewide evaluation and information system to monitor the effectiveness of correctional services provided to criminal offenders under ORS 423.500 to 423.560. To the extent of available information systems resources, the system shall permit ongoing evaluation of apparent correlations between services provided and future criminal conduct. [1977 c.412 §11; 1987 c.320 §228; 1995 c.423 §10; 1997 c.433 §12]

423.560 Local public safety coordinating council; duties. (1) The board of county commissioners of a county shall convene a local public safety coordinating council. The council shall include, but need not be limited to:

- (a) A police chief selected by the police chiefs in the county;
- (b) The sheriff of the county or, if two or more counties have joined together to provide community corrections services, a sheriff selected by the sheriffs in the counties;
- (c) The district attorney of the county or, if two or more counties have joined together to provide community corrections services, a district attorney selected by the district attorneys of the counties;
- (d) A state court judge, and a public defender or defense attorney, both appointed by the presiding judge of the judicial district in which the county is located;
- (e) A director of community corrections, a county commissioner, a juvenile department director, a health director, a mental health director and at least one lay citizen, all appointed by the county commissioners;
- (f) A city councilor or mayor and a city manager or other city representative, both selected by the cities in the county;
- (g) A representative of the Oregon State Police, who is a nonvoting member of the council, selected by the Superintendent of State Police; and
- (h) A representative of the Oregon Youth Authority, who is a nonvoting member of the council, selected by the Director of the Oregon Youth Authority.

(2) The boards of county commissioners of two or more counties may jointly convene a single, regional local public safety coordinating council by means of an intergovernmental agreement. Local officials may combine the council with existing local criminal justice advisory councils established under ORS 1.851.

(3) The local public safety coordinating council shall, at a minimum:

- (a) Develop and recommend to the county board of commissioners a plan for use of:
 - (A) State resources to serve the local offender population; and
 - (B) State and local resources to serve the needs of that part of the local offender population who are at least 15 years of age and less than 18 years of age, which plan must provide for coordination of community-wide services involving prevention, treatment, education, employment resources and intervention strategies; and
 - (b) Coordinate local criminal justice policy among affected criminal justice entities.
- (4) Nonvoting members of a local public safety coordinating council may not be counted in determining whether a quorum exists.

(5) If a quorum is present at any meeting of the council, action may be taken by an affirmative vote of a majority of the quorum.

(6) The appointing authorities described in subsection (1) of this section shall fill a vacancy over which they have appointment authority within three months of a vacancy or as soon as possible. [1977 c.412 §12; 1995 c.423 §11; 1997 c.249 §136; 1997 c.698 §1; 2003 c.162 §1; 2007 c.682 §2; 2009 c.286 §1]

423.565 Additional duties of public safety coordinating council. In addition to the duties assigned to it under ORS 423.560, the local public safety coordinating council convened by the board of commissioners shall, at a minimum:

(1) Develop and recommend to the county board of commissioners the plan for use of state resources to serve the local youth offender population.

(2) Coordinate local juvenile justice policy among affected juvenile justice entities.

(3) In consultation with the local commission on children and families, develop and recommend to the county board of commissioners a plan designed to prevent criminal involvement by youth. The plan must provide for coordination of community-wide services involving treatment, education, employment and intervention strategies aimed at crime prevention.

(4) Create a facility advisory subcommittee when provided with the information described in ORS 169.690. The subcommittee shall be composed of the following persons:

- (a) The affected law enforcement officer described in ORS 423.560 (1)(a) or (b);
- (b) A district attorney;
- (c) A mental health director;
- (d) A designee of the city council or county board of commissioners, whichever is affected;

(e) A representative of an organization that advocates on behalf of persons with mental illness; and

(f) A consumer as defined in ORS 430.073.

(5) If a written plan of action has been provided to the council under ORS 165.127, annually review the plan and, if appropriate, make written recommendations to the affected district attorney for plan improvements. [1995 c.422 §75; 1995 c.423 §11a; 2009 c.121 §2; 2009 c.811 §12]

423.569 Annual summary. (1) The board or boards of county commissioners that have convened a local public safety coordinating council shall publish an annual summary of program, service or budget changes made in response to the recommendations of the local public safety coordinating council described in ORS 423.560 and 423.565.

(2) The summary described in subsection (1) of this section shall be provided to the local public safety coordinating council and the Oregon Criminal Justice Commission. [2007 c.682 §1]

PAYMENTS BY SUPERVISED PERSON

423.570 Monthly fee payable by person on supervised release; use; payment as condition of release; waiver. (1) A person sentenced to probation or placed by an authority on parole, post-prison supervision or other form of release, subject to supervision by a community corrections program established under ORS 423.500 to 423.560, shall be required to pay a monthly fee to offset costs of supervising the probation, parole, post-prison supervision or other supervised release.

(2) A person sentenced to probation or placed by an authority on parole, post-prison supervision or other form of release, subject to supervision other than by a community corrections program established under ORS 423.500 to 423.560, may be required by the releasing authority to pay a monthly fee to offset costs of supervising the probation, parole, post-prison supervision or other supervised release.

(3) When a fee is required under subsection (1) of this section, the fee shall be determined and fixed by the releasing authority but shall be at least \$25, and if the releasing authority fails to establish the amount of a released person's required fee, the fee shall be \$25.

(4) Fees are payable one month following the commencement of probation, parole, post-prison supervision or other supervised release and at one-month intervals thereafter. If the released person is supervised under county authority, the county shall collect or provide by contract for the collection of the fee from the released person and shall retain the fee to be used by the county for funding of its community corrections program.

(5) Except in the case of a probation granted by a court before that date, the fee requirements imposed by this section apply beginning July 1, 1981, to all persons under supervised probation, parole, post-prison supervision or other form of supervised release pursuant to subsection (1) of this section, including persons on such supervised release in this state under any interstate agreement. Timely payment of the fee is hereby made a condition of such probation, parole, post-prison supervision or other supervised release. In the case of a probation granted by a court prior to July 1, 1981, the court may amend its order granting probation to provide for payment of the fee.

(6) In cases of financial hardship or when otherwise advisable in the interest of the released person's rehabilitation:

(a) The community corrections manager may waive or reduce the amount of the fee.

(b) The sentencing court may waive or reduce the amount of the fee for any person whom the court has sentenced to probation. If any of the fee requirement is reduced by the court, only the court may restore the requirement. [1981 c.169 §1; 1983 c.252 §1; 1987 c.320 §229; 1989 c.497 §1; 1989 c.790 §67; 1993 c.14 §23; 1995 c.423 §14]