

# House Bill 3014

Sponsored by Representative SHIELDS (at the request of Western Prison Project)

## 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**.

Requires Administrator of Correctional Education to design adult basic skills development program for persons in custody of Department of Corrections. Mandates participation in program by inmates without high school diplomas or equivalent and inmates testing below specified level. Requires program to have incentives for inmates to achieve certain levels in program.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to correctional education; amending ORS 421.081, 421.084 and 421.121; and declaring an  
3 emergency.

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

5 **SECTION 1.** ORS 421.084 is amended to read:

6 421.084. (1) The Corrections Education Advisory Committee shall assist in the development of,  
7 and the Administrator of Correctional Education shall design, **an adult basic skills development**  
8 *[a functional literacy]* program for all individuals in the custody of the Department of Corrections.

9 The program shall:

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

13 (b) Except as provided in subsection (2) of this section, be mandatory for:

14 (A) All individuals **who do not have a high school diploma or its equivalent; and**

15 (B) **All individuals** testing below *[a functional literacy level which is defined as]* a score of 230  
16 on *[the Oregon Basic Adult Skills Inventory System functional literacy test]* **a Comprehensive Adult**  
17 **Student Assessment System reading appraisal** or a 8.0 grade equivalency on other standardized  
18 tests;

19 (c) *[Consist of a minimum of 90 days of instruction in functional literacy consisting of one and*  
20 *one-half hours of instruction per day for five days per week,]* Provide progress testing *[and certification*  
21 *and provide for voluntary attendance beyond the 90-day minimum program]* **as determined by the**  
22 **administrator;**

23 (d) Provide strong incentives for *[entering and successfully completing the literacy program and*  
24 *for continuing in the program beyond the 90-day minimum period]* **all individuals who, in the judg-**  
25 **ment of the department, have sufficient ability to achieve the minimum reading level and for**  
26 **those without a high school diploma or its equivalent to successfully complete the require-**  
27 **ments for a General Educational Development (GED) certificate; and**

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

30 (2) Testing for functional literacy level and participation in the *[functional literacy]* **adult basic**

**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 **skills development** program are not required for inmates:

- 2 (a) [*Sentenced to*] **Confined by the department for** less than one year;
- 3 (b) Sentenced to life imprisonment without parole;
- 4 (c) Sentenced to death; [*or*]
- 5 (d) Who are developmentally disabled; **or**
- 6 (e) **Who are specifically exempted by the department for security or health reasons.**

7 [(3) *For the purposes of this section, "functional literacy" means those educational skills necessary*  
 8 *to function independently in society, including but not limited to, reading, writing, comprehension and*  
 9 *arithmetic computation.*]

10 **SECTION 2.** ORS 421.081 is amended to read:

11 421.081. (1) A Corrections Education Advisory Committee is established. Membership of the  
 12 committee consists of:

- 13 (a) The Administrator of Correctional Education, who shall be the chairperson of the committee;
- 14 (b) The Superintendent of Public Instruction, or a person designated by the superintendent;
- 15 (c) The Commissioner for Community College Services, or a person designated by the commis-  
 16 sioner;
- 17 (d) The chairperson of the State Board of Parole and Post-Prison Supervision, or a person des-  
 18 ignated by the chairperson; and
- 19 (e) A public member, to be appointed by the Governor, with professional experience in  
 20 correctional education.

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

25 (3)(a) The primary objective of the correctional education system is the [*functional literacy*]  
 26 **adult basic skills development** program created in ORS 421.084.

27 (b) The secondary objective is to provide professional and technical education that will [*insure*]  
 28 **ensure** that inmates who complete the professional and technical program will possess, at a mini-  
 29 mum, entry-level marketable professional and technical skills in an occupational field for which  
 30 there is a demand in this state.

31 (4) The Administrator of Correctional Education shall provide staff for the committee and shall  
 32 have administrative control and accountability for the work of the committee.

33 **SECTION 3.** ORS 421.121 is amended to read:

34 421.121. (1) Except as provided in ORS 137.635, each inmate sentenced to the custody of the  
 35 Department of Corrections for felonies committed on or after November 1, 1989, shall be eligible for  
 36 a reduction in the term of incarceration for appropriate institutional behavior, as defined by rule  
 37 of the Department of Corrections, and for participation in the [*functional literacy*] **adult basic skills**  
 38 **development** program described in ORS 421.084.

39 (2) The maximum amount of time credits earned for appropriate institutional behavior or for  
 40 participation in the [*functional literacy*] **adult basic skills development** program described in ORS  
 41 421.084 shall not exceed 20 percent of the total term of incarceration in a Department of Corrections  
 42 institution.

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

45 (4) The department shall adopt rules pursuant to the rulemaking provisions of ORS chapter 183

1 to establish a process for granting, retracting and restoring the time credits earned by the offender  
2 as allowed in subsections (1) to (3) of this section.

3 **SECTION 4. This 2005 Act being necessary for the immediate preservation of the public**  
4 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**  
5 **on its passage.**

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