

**Enrolled**  
**House Bill 3157**

Sponsored by Representatives ACKERMAN, BEYER (at the request of Lane County)

CHAPTER .....

AN ACT

Relating to local correctional facilities; amending ORS 169.040.

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

**SECTION 1.** ORS 169.040 is amended to read:

169.040. (1) The county court or board of county commissioners of each county is **the** inspector of the local correctional facilities *[of]* **in** the county *[therein]*. The court or board shall visit *[them]* **local correctional facilities operated by the county** at least once in each regular term[,] and **may visit local correctional facilities within the county that are not operated by the county. When the court or board visits a local correctional facility, it** shall examine fully into the local correctional facility, *[health,]* **including, but not limited to, the cleanliness[,] of the facility and the health and discipline of the persons confined.** If it appears to the court or board that any provisions of law have been violated or neglected, it shall *[forthwith]* **immediately** give notice of the violation or neglect to the district attorney of the district.

(2) The county health officer or the representative of the county health officer *[is authorized to]* **may** conduct health and sanitation inspections of local correctional facilities on a semiannual basis. If the county health officer determines that the facility is in an insanitary condition or unfit for habitation for health reasons, the officer *[is authorized to]* **may** notify the appropriate local governmental agency in writing of the required health and sanitation conditions or practices necessary to *[insure]* **ensure** the health and sanitation of the facility. If the local governmental agency does not comply with the required health and sanitation conditions or practices within an appropriate length of time, the county health officer may recommend the suspension of the operation of the local correctional facility to the county board of health. If after a hearing the county board of health finds that the local correctional facility is in an insanitary or unhealthful condition, it may suspend the operation of the facility until such time as *[it]* **the local correctional facility** complies with the recommended health and sanitation conditions and practices.

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**Passed by House April 13, 2005**

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Chief Clerk of House

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Speaker of House

**Passed by Senate June 1, 2005**

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President of Senate

**Received by Governor:**

.....M,....., 2005

**Approved:**

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2005

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Secretary of State