

County Public Safety Services And Duties Required By Oregon Law

At Studies & Information

Web Page: http://www.hugoneighborhood.org/JSPSS_Studies.htm

Justice System & Public Safety Services Study Design: 2015 (Study Design)

Web Page: <http://www.hugoneighborhood.org/justicesystemexploratorycommittee.htm>

Mike Walker & Jon Whalen, Members
JS&PSS Exploratory Committee
Hugo Neighborhood Association & Historical Society



Very Draft February 8, 2016

The information that follows on “*County Public Safety Services And Duties Required By Oregon Law*” was transcribed by the authors from the 2009 report on *State Mandated County Services*

- State Of Oregon Legislative Counsel Committee. April 1, 2009. *State Mandated County Services*. Johnson, Dexter A., Legislative Counsel. Salem, OR.

The 2009 report is an updated version of the report on state mandated county services. As in the first report, it summarizes each statutory provision that require Oregon counties to provide a service includes summaries of provisions that do not mandate any particular service, but that regulate services that counties generally perform.

The outline of 2016 topics that follows is in the order the PSS were addressed in *State Mandated County Services*. State mandated county services that were not PSS were not included.

The authors are not responsible, nor liable, for any transcription errors, nor decision or inclusion or omission. The reader is referred to the primary original publication - *State Mandated County Services* at http://www.hugoneighborhood.org/JSPSS_Studies.htm.

An information copy of this document was sent to the Josephine County Management Team February 8, 2016 via email (ref: Management Team’s August 19, 2014 recommended strategy elements to JO CO Board of County Commissioners (BCC) to identify mandated and elective PSS; and JO CO BCC’s request for the team to identify any necessary or mandated services).

County Public Safety Services And Duties Required By Oregon Law

- Duties and Services Relating to County Officials
- Duties and Services Relating to Courts, Prisons and Involuntary Commitment
- Duties and Services Relating to Land Use
- Fiscal Duties and Services
- Duties and Services Relating to County Roads
- Other Mandated Duties and Services

County Public Safety Services And Duties Required By Oregon Law

- Walker, Mike; Whalen, Jon, Members of JS&PSS Exploratory Committee. Draft February 8, 2016. *County Public Safety Services And Duties Required By Oregon Law*. Hugo Neighborhood Association & Historical Society. Based on 2009. *State Mandated County Services*. Hugo, OR

I. DUTIES AND PSS RELATING TO COUNTY OFFICIALS

A. LAW

A county's electorate must elect a sheriff, a county clerk, a county assessor, a county treasurer, a county surveyor and the appropriate number of county commissioners. ORS 204.005. The county's governing body must determine a compensatory amount for these officers, and the county must compensate them. ORS 204.116. Additionally, the county's governing body may hire other county employees. ORS 204.601. If a county hires additional employees, it must determine a compensatory amount for those employees and it must compensate them. ORS 204.601.

ORS 204.005¹ Election or appointment of county officers

- (1) The following county officers shall be elected at the primary election or general election, as provided in ORS 249.088 (Nomination or election of candidate at nominating election):
 - (a) A sheriff.
 - (b) A county clerk.
 - (c) A county assessor.
 - (d) A county treasurer.
 - (e) A county commissioner to succeed any commissioner whose term of office expires the following January.
 - (f) In any county where there is a vacancy from any cause in the office of county commissioner, an additional commissioner to fill the vacancy.
- (2) Unless an adopted county charter or a county ordinance provides otherwise, the governing body of a county shall appoint a county surveyor. [Subsection (2) enacted as 1953 c.477 §2; subsection (3) enacted as 1959 c.174 §3; 1959 c.628 §1; 1961 c.571 §3; subsection (4) enacted as 1963 c.386 §2; 1965 c.221 §21; 1969 c.532 §3; 1971 c.88 §4; 1983 c.327 §4; 2005 c.797 §29; 2009 c.491 §1]

1. Legislative Counsel Committee, CHAPTER 204—County Officers, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors204.html External_link_icon(2013) (last accessed Apr. 27, 2014).

2. OregonLaws.org contains the contents of Volume 21 of the ORS, inserted along-side the pertinent statutes. See the preface to the ORS Annotations External_link_icon for more information.

3. OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent.

ORS 204.116¹ Governing body to fix compensation of county officers, deputies and employees

- disposition of fees

(1) Except as otherwise provided by law, the governing body of each county shall fix the compensation of its own members and of every other county officer, deputy and employee when the compensation of such individuals is paid from county funds.

(2) Any commission, fees or other moneys received by a county officer, deputy or employee for services rendered in the course of that individuals office or employment shall not be allowed to or retained by that individual, but shall promptly be paid into the county treasury except:

(a) For compensation fixed under subsection (1) of this section;

(b) As otherwise determined by the governing body of the county; or

(c) As otherwise provided by ORS 106.120 (Who may solemnize marriage) or 205.320 (Fees collected by county clerk) (6). [1981 c.48 §2; 1997 c.253 §2; 1997 c.424 §2; 1999 c.776 §4; 2001 c.501 §8]

1. Legislative Counsel Committee, CHAPTER 204—County Officers,

https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors204.html External_link_icon(2013)

(last accessed Apr. 27, 2014).

ORS 204.601¹ Number and appointment of deputies and other employees

(1) The county court or board of county commissioners of each county shall fix the number of deputies and employees of county officers whose compensation is to be paid from county funds.

(2) All such deputies and employees shall be appointed by such county officer, and shall hold office during the pleasure of the appointing officer. [1953 c.306 §9]

1. Legislative Counsel Committee, CHAPTER 204—County Officers,

https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors204.html External_link_icon(2013)

(last accessed Apr. 27, 2014).

B. COUNTY OFFICIALS

1. COUNTY CLERK (non-PSS)

2. COUNTY SHERIFF (PSS) A sheriff must arrest and imprison violators of the law. ORS 206.010(1). To facilitate the fulfillment of these duties, a county must provide its sheriff with an office in the building that serves as the county court. ORS 206.180. Additionally, a sheriff must:

- Maintain order in the sheriff's county;
- Execute and process court orders and warrants;
- Obey the orders of any court that has jurisdiction over the county (for instance, a court may order a sheriff to take personal property into the sheriff's custody when that property is subject to a lien); and
- Keep a record of all fees. ORS 206.010, 206.020, 206.030.

Sheriffs also have duties relating to the operation of county prisons and the disposition of county lands. ORS chapters 169, 275. Those duties are more thoroughly described in Chapter II.

ORS 206.010(1)

Arrest and commit to prison all persons who break the peace, or attempt to break it, and all persons guilty of public offenses.

ORS 206.010¹ General duties of sheriff

The sheriff is the chief executive officer and conservator of the peace of the county. In the execution of the office of sheriff, it is the sheriffs duty to:

- (1) Arrest and commit to prison all persons who break the peace, or attempt to break it, and all persons guilty of public offenses.
 - (2) Defend the county against those who, by riot or otherwise, endanger the public peace or safety.
 - (3) Execute the process and orders of the courts of justice or of judicial officers, when delivered to the sheriff for that purpose, according to law.
 - (4) Execute all warrants delivered to the sheriff for that purpose by other public officers, according to law.
 - (5) Attend, upon call, the Supreme Court, Court of Appeals, Oregon Tax Court, circuit court, justice court or county court held within the county, and to obey its lawful orders or directions.
- [Amended by 1985 c.339 §1]

Annotations/Notes of Decisions

When state statute mandates service and requires counties to provide funding for it, but does not specify service level, amount of funding or alternative method of determining amount of funding, statute necessarily leaves at least budgetary decision over amount of funding to county governing bodies. *Burks v. Lane County*, 72 Or App 257, 695 P2d 1373 (1985)

Sheriff does not have authority to enter into security services agreement with private company. *Weyerhaeuser Co. v. Klamath County*, 151 F3d 996 (9th Cir. 1998)

1. Legislative Counsel Committee, CHAPTER 206—Sheriffs,
https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors206.html External_link_icon(2013)
(last accessed Apr. 27, 2014).

ORS 206.180 Location of sheriffs office

The sheriff of each county shall keep an office in such room or building, at the place appointed by law for holding courts therein, as the county court may by order designate.

ORS 206.020¹ (Title not available: statute has been repealed or renumbered.)

[Amended by 1983 c.310 §1; repealed by 2013 c.34 §1]

ORS 206.030¹ Duty to execute process and make return

- taking concealed personal property
- use of force

An officer to whom any process, order or paper is delivered shall execute or serve it according to its command or direction, or as required by law, and must make a written return of the execution or service thereof. If a sheriff is directed by a court to take personal property into custody at a

specific premises, and the property is concealed in a building or enclosure, the sheriff shall demand its delivery. If delivery is not made, the sheriff shall use such reasonable force as is necessary to enter into the building or enclosure and take the property into possession. [Amended by 2003 c.304 §1]

Annotations/Notes of Decisions

ORCP 7E, which enlarges class of persons who may serve summons in civil actions, does not affect sheriffs statutory duty to serve summons under this section. Hamilton and Hamilton, 66 Or App 936, 676 P2d 341 (1984)

1. Legislative Counsel Committee, CHAPTER 206—Sheriffs, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors206.html External_link_icon(2013) (last accessed Apr. 27, 2014).

3. COUNTY TREASURER (non-PSS)

4. COUNTY SURVEYOR (non-PSS)

5. DISTRICT ATTORNEY (PSS) A district attorney must prosecute violators of the law. ORS 8.650. That process includes the initiation of indictment proceedings. ORS 8.660. Additionally, a district attorney must:

- Administer laws on public assistance and support enforcement;
- Collect state penalties and forfeitures;
- Assist the juvenile court; and
- Advise and represent county officers and employees, unless the county's governing body appoints legal counsel to handle those duties. ORS 8.675 to 8.690. 203.145

ORS 8.675. Priority given to administration of laws relating to public assistance and enforcement of support

ORS 8.680. Prosecuting and collecting penalties and forfeitures; prosecuting and defending for state

ORS 8.685. Assisting juvenile court; right to appear

ORS 8.690. Advising and representing county officers and employees

Although the state has its responsibility of paying a district attorney's salary, a county may supplement that salary. ORS 8.830, 8.852. A county must determine the number and compensation of deputy district attorneys, and the county must pay those attorneys with county funds. ORS 8.760.

ORS 8.650¹ District attorney as public prosecutor

The district attorney in each county is the public prosecutor therein and has the authority to appear and prosecute violations of the charter and ordinances of any city provided the circuit court for the county has jurisdiction with respect to violations of the charter and ordinances of each such city. In cities of a population of more than 300,000 the district attorney shall be responsible for the prosecution of all city ordinance violations. [Amended by 1971 c.633 §14; 1995 c.658 §21]

Annotations/Notes of Decisions

This section gives Multnomah County District Attorney authority to prosecute in name of City of Portland without necessity of agreement under ORS 221.315 (Enforcement of charter provisions and ordinances). *City of Portland v. Smith*, 75 Or App 38, 705 P2d 205 (1985), Sup Ct review denied

Atty. Gen. Opinions. District attorneys duty to prosecute municipal ordinance violations, (1980) Vol 40, p 515

1. Legislative Counsel Committee, CHAPTER 8—Court Officers and District Attorneys, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors008.html External_link_icon(2013) (last accessed Apr. 27, 2014).

ORS 8.660¹ Attending court and prosecuting offenses

(1) The district attorney shall attend the terms of all courts having jurisdiction of public offenses within the district attorneys county, and, except as otherwise provided in this section, conduct, on behalf of the state, all prosecutions for such offenses therein.

(2) A district attorney shall not conduct prosecutions under this section when:

(a) A city attorney is prosecuting a violation under ORS chapter 153; or

(b) The district attorney is prohibited from appearing in a violation proceeding under the provisions of ORS 153.076 (Conduct of trial). [Amended by 1975 c.451 §170; 1981 c.626 §1; 1981 c.692 §6a; 1999 c.1051 §116]

1. Legislative Counsel Committee, CHAPTER 8—Court Officers and District Attorneys, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors008.html External_link_icon(2013) (last accessed Apr. 27, 2014).

ORS 8.675 to 8.690

ORS 8.675. Priority given to administration of laws relating to public assistance and enforcement of support

ORS 8.680. Prosecuting and collecting penalties and forfeitures; prosecuting and defending for state

ORS 8.685. Assisting juvenile court; right to appear

ORS 8.690. Advising and representing county officers and employees

ORS 8.675¹ Priority given to administration of laws relating to public assistance and enforcement of support

In the performance of official duties, unless otherwise specifically required by law and except for criminal and juvenile proceedings, the district attorney shall give priority to the performance of those duties involving the administration of the laws relating to public assistance and reciprocal enforcement of support. [1959 c.539 §5]

1. Legislative Counsel Committee, CHAPTER 8—Court Officers and District Attorneys, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors008.html External_link_icon(2013) (last accessed Apr. 27, 2014).

ORS 8.680 Prosecuting And Collecting Penalties And Forfeitures Prosecuting And Defending For State

The district attorney shall prosecute for all penalties and forfeitures to the state that may be incurred in the county of the district attorney, and for which no other mode of prosecution and

collection is expressly provided by statute, and in like case, prosecute or defend all actions, suits and proceedings in the county to which the state is a party.

ORS 8.685¹ Assisting juvenile court; right to appear

- (1) The district attorney shall, upon request of the juvenile court, appear in the juvenile court to assist the court in any matter within its jurisdiction.
- (2) In counties having a population of more than 150,000, according to the latest federal decennial census, the district attorney shall designate a deputy to assist the juvenile court as provided in subsection (1) of this section.
- (3) The district attorney is entitled to appear on behalf of the state in the juvenile court in any matter within the jurisdiction of the court. [1959 c.432 §63 (enacted in lieu of 8.750); 1991 c.681 §4]

1. Legislative Counsel Committee, CHAPTER 8—Court Officers and District Attorneys, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors008.html External_link_icon(2013) (last accessed Apr. 27, 2014).

ORS 8.690¹ Advising and representing county officers and employees

Upon request of a county officer, the district attorney and deputies of the district attorney shall advise the county court and other county officers on all legal questions that may arise. When any action is instituted against any county officer or county employee for damages for an alleged wrongful act or omission in the performance of official duty, the district attorney shall defend such action. The district attorney shall also prosecute and defend all actions, suits, and proceedings to which the county may be a party. For such services the district attorney shall receive no compensation other than salary. [Amended by 1957 c.151 §1; 1965 c.419 §1]

Annotations/Related

Atty. Gen. Opinions

County costs for services of private attorney defending in criminal prosecution on charges relating to alleged abuse of public office, (1982) Vol. 42, p 403

1. Legislative Counsel Committee, CHAPTER 8—Court Officers and District Attorneys, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors008.html External_link_icon(2013) (last accessed Apr. 27, 2014).

ORS 203.145¹ Appointment of legal counsel for county governing body

- authority of counsel
- compensation

- (1) As used in this section, board means board of county commissioners, county court or county governing body of a county, as the case may be.
- (2) Unless otherwise provided by county charter or legislation enacted pursuant thereto, the board of each county may appoint a person or persons licensed to practice law in the State of Oregon as counsel to advise the board and other county officers, to render services in connection with legal questions of a civil nature arising in the discharge of their functions, to prosecute violations of county law as defined by ORS 203.810 (Offenses under county law), and to provide such additional services as the board determines. Counsel shall serve at the pleasure of the board, on a full- or part-time basis, and be compensated in the manner and amounts the board determines. The board shall reimburse counsel for necessary expenses incurred in performance

of services rendered and may provide personnel, facilities and office space necessary for counsel to render such services.

(3) When a person or persons licensed to practice law in the State of Oregon have been appointed pursuant to subsection (2) of this section, they shall have the same civil authority and responsibilities as are otherwise provided for the district attorney when acting as advisor to the board and county officers. [Formerly 203.121]

Annotations/Related

Atty. Gen. Opinions. County costs for services of private attorney defending in criminal prosecution on charges relating to alleged abuse of public office, (1982) Vol. 42, p 403

Chapter 203. Atty. Gen. Opinions. Standards county may impose for approval of private roads created in partitioning land, (1972) Vol 35, p 1230

1. Legislative Counsel Committee, CHAPTER 203—County Governing Bodies; County Home Rule, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors203.html External_link_icon(2013) (last accessed Apr. 27, 2014).

Although the state has its responsibility of paying a district attorney's salary, a county may supplement that salary. ORS 8.830, 8.852. A county must determine the number and compensation of deputy district attorneys, and the county must pay those attorneys with county funds. ORS 8.760.

ORS 8.830¹ Additional compensation from county for district attorney and deputies paid by state

Whenever, in the judgment of any county court or board of county commissioners, the salaries paid by the state to the district attorney, or to any deputy district attorney, are not commensurate with the character of the service performed, the county court or board of county commissioners may pay out of the funds of the county such additional amounts as will properly compensate said officers for the service performed. [Amended by 1955 c.220 §1]

1. Legislative Counsel Committee, CHAPTER 8—Court Officers and District Attorneys, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors008.html External_link_icon(2013) (last accessed Apr. 27, 2014).

ORS 8.852¹ Salary plan for district attorneys

The district attorneys of the various counties shall be paid monthly salaries as adopted in the salary plan provided for in ORS 240.240 (Application of chapter to unclassified or management service) (2), to include salary adjustments awarded management service employees. [1991 c.432 §2; reenacted by 1993 c.290 §2; reenacted by 1995 c.9 §2; reenacted by 1997 c.75 §2]

1. Legislative Counsel Committee, CHAPTER 8—Court Officers and District Attorneys, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors008.html External_link_icon(2013) (last accessed Apr. 27, 2014).

ORS 8.760¹ Deputies may be authorized and paid by county

The county court or board of county commissioners may empower the district attorney to appoint one or more deputy district attorneys whose compensation shall be fixed by the county court or board of county commissioners and paid out of the county funds in the same manner as county officers are paid. [Amended by 1961 c.586 §4]

1. Legislative Counsel Committee, CHAPTER 8—Court Officers and District Attorneys, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors008.html External_link_icon(2013) (last accessed Apr. 27, 2014).

6. MEDICAL EXAMINERS (PSS)

A county's governing body must appoint a medical examiner to investigate questionable deaths. ORS 146.065(1). A county must pay for the medical examiner's expenses, including equipment, maintenance costs, investigation costs and compensation. ORS 146.075(2) and (4). Additionally, a county must pay for the burial of any unclaimed bodies. ORS 146.075(5). ORS chapter 146 also set forth the procedure for investigating deaths. Medical examiners and sheriffs must follow these procedures. [authors' note: Some or all of these ORS have been revised]

ORS 146.065. Local medical examiners; appointment; Deputy State Medical Examiner

- (1) In each county there shall be a medical examiner for the purpose of investigating and certifying the cause and manner of deaths requiring investigation.
- (2) Each district medical examiner shall be appointed by the State Medical Examiner with approval of the appropriate board or boards of commissioners and may be discharged by the State Medical Examiner without such approval.

ORS 146.075 District office duties; personnel; expenses for certain duties; records and reports

- (1) The district medical examiner shall serve as the administrator of the district medical examiner's office. Subject to applicable provisions of a county personnel policy or civil service law, the district medical examiner may employ such other personnel as the district medical examiner deems necessary to operate the office.
- (2) All expenses of equipping, maintaining and operating the district medical examiner's office, including the compensation of the district medical examiner and assistant district medical examiners, shall be paid by the county or counties of the district from funds budgeted for such purpose.
- (3) When a district medical examiner also serves as local health officer, the county shall separately budget the compensation and expenses to be paid for medical examiner's duties.
- (4) All expenses of death investigations shall be paid from county funds budgeted for such purpose except that, in counties under 200,000 population upon the approval of the State Medical Examiner, one-half of the costs of autopsies ordered under ORS 146.117 shall be paid annually by the state from funds for such purpose. If funds available for this payment are insufficient to meet one-half of these costs, even proportional payments to the counties shall be made.
- (5) Expenses of burial or other disposition of an unclaimed body shall be paid by the county where the death occurs, as provided by ORS 146.100 (2), in the manner provided by ORS 146.121 (4).

7. COUNTY ACCOUNTANTS (non-PSS)

A county is not required to employ a county accountant. ORS 210-100. However, if a county chooses to employ a county accountant, the county accountant must comply with the regulations in ORS chapter 210.

8. OTHER COUNTY OFFICIALS

Additionally, counties must have a county assessor, a budget officer and budget committee, a county board of property tax appeals, and executive emergency management officer, a civil service commission and a land use planning director. ORS chapters 215, 241, 294, 308, 309, 401. The duties of those officials are more thoroughly described below.

II. DUTIES AND PSS RELATING TO COURTS, PRISONS AND INVOLUNTARY COMMITMENT

A. CIRCUIT COURTS

A county must provide its circuit courts with courtrooms, offices and jury rooms, and it must pay for the maintenance and utility costs of those facilities. ORS 1.185(1)(a). Although the state pays for these courts' supplies and materials, a county must pay for a court's other expenses. ORS 1.185(1)(b) and (2).

ORS 1.185¹ County to provide courtrooms, offices and jury rooms

(1) The county in which a circuit court is located or holds court shall:

(a) Provide suitable and sufficient courtrooms, offices and jury rooms for the court, the judges, other officers and employees of the court and juries in attendance upon the court, and provide maintenance and utilities for those courtrooms, offices and jury rooms.

(b) Pay expenses of the court in the county other than those expenses required by law to be paid by the state.

(2) Except as provided in subsection (1) of this section, all supplies, materials, equipment and other property necessary for the operation of the circuit courts shall be provided by the state under ORS 1.187 (State to provide supplies and personal property for courts). [Formerly 1.165]

Annotations/Related

Chapter 1

Law Review Citations

53 OLR 436 (1974)

1. Legislative Counsel Committee, CHAPTER 1—Courts and Judicial Officers Generally, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/-2013ors001.-html External_link_icon(2013) (last accessed Apr. 27, 2014).

B. JUSTICE COURTS

A county is not required to establish a justice court. ORS 51.020. However, if a county established a justice court, it must provide the court's justice of the peace with equipment, supplies, books, records and statutory materials. ORS 51.140. The county may provide the justice of the peace with a courtroom and clerical assistance. ORS 51.140(1). ORS chapter 51 also sets forth basic guidelines for regulating justice courts. If a county chooses to establish a justice court, it must comply with regulations in ORS chapter 51.

ORS 51.020¹ Justice of the peace districts

- establishing and modifying boundaries
- maximum number of districts

(1) The county court or board of county commissioners of every county may set off and establish, or modify the boundaries of, justice of the peace districts within the county. No more than six justice of the peace districts shall be set off or established or permitted to remain in

existence within any county. Except in the counties of Baker, Gilliam, Grant, Harney, Morrow, Sherman, Tillamook and Wheeler, a justice of the peace district may not include any portion of the city that is the county seat for the county or any portion of a city in which a circuit court regularly holds court. In the counties of Baker, Gilliam, Grant, Harney, Morrow, Sherman, Tillamook and Wheeler, a justice of the peace district in existence on January 15, 1998, may include any portion of the city that is the county seat for the county, or any portion of a city in which a circuit court regularly holds court, until such time as the justice court ceases to provide judicial services within the county seat or city. If the justice court ceases to provide judicial services within the county seat or city, the district that includes portions of the county seat or city shall cease to exist and may not thereafter be reestablished.

(2) At the time that the county court or board of county commissioners of a county sets off and establishes the boundaries of a justice of the peace district, the county court or board of county commissioners may require as a qualification for the office that a person serving as justice of the peace in the district be a member of the Oregon State Bar.

(3) The prohibition of subsection (1) of this section on a justice of the peace district that includes any portion of the city that is the county seat for the county, or any portion of a city in which a circuit court regularly holds court, does not prevent a justice of the peace from conducting an arraignment for a person in custody in the city that is the county seat for the county, or in a city in which a circuit court regularly holds court, if the accusatory instrument for the offense was filed in the justice court and the offense was committed within the boundaries of the justice of the peace district. [Amended by 1965 c.568 §5; 1995 c.658 §53; 1997 c.801 §105; 1999 c.449 §1; 2011 c.420 §1]

1. Legislative Counsel Committee, CHAPTER 51—Justice Courts; Jurisdiction, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/-2013ors051.-html External_link_icon(2013) (last accessed Apr. 27, 2014).

ORS 51.140¹ Office, courtroom and clerical assistance; books, office equipment and supplies

The county court or board of county commissioners of the county in which the justice of the peace has been elected or appointed:

(1) May provide for the office of the justice of the peace the office and courtroom and clerical assistance necessary to enable the justice of the peace to effectuate the prompt, efficient and dignified administration of justice.

(2) Shall provide for the office of the justice of the peace:

(a) The books, records, forms, papers, stationery, postage and office equipment and supplies necessary in the proper keeping of the records and files of the judicial office and the transaction of the business thereof.

(b) The latest edition of the Oregon Revised Statutes and all official materials published from time to time to supplement such edition. [Amended by 1955 c.448 §1; 1957 c.180 §1]

1. Legislative Counsel Committee, CHAPTER 51—Justice Courts; Jurisdiction, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/-2013ors051.-html External_link_icon(2013) (last accessed Apr. 27, 2014).

C. COUNTY COURTS

A county is not required to operate a county court. It may instead establish a board of county commissioners according to the procedures set forth in ORS chapter 201. However, if a county chooses to operate a county court, it must comply with the regulations in ORS chapter 5.

D. JUVENILE COURTS

A county must establish a county juvenile department and appoint one or more counselors to the juvenile department. ORS 419A.010(1)(a). The juvenile department must conduct investigations, represent the interests of the child, ward, youth or youth offender and furnish information to and for the courts. The juvenile department must take charge of the child, ward, youth or youth offender before and after court hearings. ORS 419A.012. The juvenile department also must report annually to the Oregon Criminal Justice Commission. ORS 419A.014.

ORS 419A.010(1)(a)¹ Appointment of counselors and director; juvenile director oversight committee

(1)(a) Subject to paragraph (b) of this subsection, the governing body of any county, after consultation with the judges of the juvenile court in that county, shall appoint or designate one or more persons of good moral character as counselors of the juvenile department of the county, to serve at the pleasure of and at a salary designated by the governing body of the county.

(b) The governing bodies of two or more contiguous counties may, pursuant to an agreement between the counties concerned, and after consultation with the judges of the juvenile courts in those counties, jointly appoint one or more persons of good moral character as counselors of the juvenile departments of the counties, to serve at the pleasure of and at a salary designated by the governing bodies of the counties concerned.

1. Legislative Counsel Committee, CHAPTER 419A—Juvenile Code: General Provisions and Definitions, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors419A.html
External_link_icon(2013) (last accessed Apr. 27, 2014).

ORS 419A.012¹ Duties of director or counselor

The director of a juvenile department or one of the counselors shall:

(1) Make or cause to be made an investigation of every child, ward, youth or youth offender brought before the court and report fully thereon to the court.

(2) Be present in court to represent the interests of the child, ward, youth or youth offender when the case is heard.

(3) Furnish such information and assistance as the court requires.

(4) Take charge of any child, ward, youth or youth offender before and after the hearing as may be directed by the court. [1993 c.33 §5; 2003 c.396 §2]

1. Legislative Counsel Committee, CHAPTER 419A—Juvenile Code: General Provisions and Definitions, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors419A.html
External_link_icon(2013) (last accessed Apr. 27, 2014).

ORS 419A.014¹ Reports by juvenile department

The juvenile department of a county shall report annually to the Oregon Criminal Justice Commission the frequency with which runaway children held under ORS 419C.156 (Detention of runaway from another state), youths and youth offenders are held in preadjudicative detention and the duration of the detention. [1993 c.33 §6; 2001 c.904 §2; 2001 c.905 §3; 2003 c.396 §3]

1. Legislative Counsel Committee, CHAPTER 419A—Juvenile Code: General Provisions and Definitions, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/419a.html External_link_icon(2009) (last accessed Mar. 8, 2010).

E. PRISONS

A county must have correctional facility, unless an incorporated city within the county's boundaries contracts with the county to carry out that duty. ORS 169.030(1) and (3). The county must use fireproof materials to build the facility, and it must build a sufficient number of suitable located fire exits. ORS 169.030. The county must also provide for the care of its prisoners. ORS 169.220.

Sheriffs are responsible for every prisoner in their county's correctional facility. ORS 169.320. ORS chapter 169 delineates the proper treatment of prisoners. ORS 169.105 to 169.220. To properly execute a sheriff's duties, a sheriff must comply with these regulations.

ORS 169.030¹ Construction, maintenance and use of local correctional facilities by county and city

- renting suitable structure
- provision of facilities by another county or city

(1) Every county and city in this state shall provide, keep and maintain within or without the county or city, as the case may be, a local correctional facility for the reception and confinement of prisoners committed thereto. The local correctional facility shall be constructed of fireproof materials and should have fire exits in sufficient number and suitably located for the removal of prisoners.

(2) Any county, or incorporated city may rent or lease any structure answering the requirements of subsection (1) of this section, either in connection with or separately from any other county or city building.

(3) Any county and any incorporated city may, by agreement, provide, maintain, and use for their separate requirements, such a local correctional facility as is required by this section.

(4) Any county or incorporated city may, by agreement with any other county or incorporated city, provide for one such county or city to furnish local correctional facility accommodations for the imprisonment of prisoners of the other such county or city. Pursuant to such agreement, an Oregon county or city may secure the use of jail accommodations outside the state, but only in a county that adjoins the Oregon county or the county in which the Oregon city is located.

(5) The jail accommodations provided by or furnished to a county under this section shall be considered to be jail accommodations of the county for purposes of ORS 135.215 (Direction to sheriff), 137.167 (Imprisonment when county jail is not suitable for safe confinement) and 137.330 (Where judgment of imprisonment in county jail is executed). [Amended by 1963 c.236 §2; 1973 c.740 §10; 1987 c.550 §1]

Annotations/Related

Chapter 169
Law Review Citations
53 OLR 32 (1973)

1. Legislative Counsel Committee, CHAPTER 169—Local and Regional Correctional Facilities; Prisoners; Juvenile Facilities, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors169.html
External_link_icon(2013) (last accessed Apr. 27, 2014)

ORS 169.220.¹ Care of county prisoners

All persons lawfully confined in a county local correctional facility, or as prisoners engaged in work under the custody and jurisdiction of a county, shall be fed and maintained at actual cost to the county. All persons confined in a county local correctional facility shall be given three meals per day. An accurate account of each meal furnished to others than inmates of local correctional facilities, together with the names of the recipients thereof, whether facility employees or otherwise, shall be kept and reported by the sheriff each month to the county court or board of county commissioners. The county court or board of county commissioners shall furnish the sheriff with adequate equipment and supplies for carrying out the provisions of this section. The sheriff has authority to employ such assistance therefor as may be necessary. All supplies and equipment needed to feed and maintain such persons as provided in this section shall be purchased by the county court or board of county commissioners upon requisitions duly verified and presented by the sheriff to the county court or board of county commissioners. All supplies so purchased shall be paid for by warrant drawn upon the general fund of the county, upon presentation of vouchers containing itemized statements of all supplies so furnished, duly verified by the sheriff and by the person selling the same, each of whom shall certify that the supplies were actually furnished and received in the quantities represented and were of good quality, and that the price charged therefor was reasonable and just. [Amended by 1957 c.698 §1; 1973 c.740 §20]

Annotations/Related

Atty. Gen. Opinions
County statutory obligation to house parole violators held on Parole Board suspension and detention orders, (1982) Vol. 42, p 225; Reimbursement of county by municipal government for housing prisoners in county facility, (1983) Vol 43, p 136

Chapter 169
Law Review Citations
53 OLR 32 (1973)

1. Legislative Counsel Committee, CHAPTER 169—Local and Regional Correctional Facilities; Prisoners; Juvenile Facilities, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors169.html
External_link_icon(2013) (last accessed Apr. 27, 2014).

ORS 169.320¹ Control over prisoners; work by prisoners

(1) Except as otherwise provided in ORS 169.170 (Assignment of county prisoners to public works) to 169.210 (Contracts for private employment of prisoners), each county sheriff has custody and control of all persons legally committed or confined in the county local correctional facility of the county of the sheriff during the period of the commitment or confinement. Under the direction of the county court or board of county commissioners of the county, the sheriff may cause the prisoners in the county local correctional facility to engage in any work that is otherwise authorized by law. The work shall be performed at the places and times and in the manner as the court or board may direct. The sheriff may retain and put to work any prisoners as may be required to perform necessary services in and about the facility.

(2)(a) If the county is located within an intergovernmental corrections entity formed under ORS 190.265 (Intergovernmental corrections entities), the county sheriff of the county in which the facility is located is responsible for the physical custody and control of all persons legally committed to or confined in the facility during the period of the commitment or confinement and as provided in the intergovernmental agreement. The county sheriff may cause the prisoners in the local correctional facility to engage in any work that is otherwise authorized by law. The work shall be performed at the places and times and in the manner as the governing body of the intergovernmental corrections entity may direct. The sheriff may retain and put to work any prisoners as may be required to perform necessary services in and about the facility.

(b) Notwithstanding paragraph (a) of this subsection, a sheriff oversight committee has the responsibilities described in paragraph (a) of this subsection if the following requirements have been met:

(A) The agreement establishing the intergovernmental corrections entity provides for the formation and operation of a sheriff oversight committee;

(B) A sheriff oversight committee consisting of the sheriff of each county that is a member of the intergovernmental corrections entity has been formed; and

(C) Each sheriff has an equal vote on the sheriff oversight committee.

(c) A sheriff oversight committee formed as described in this subsection has all the duties and liabilities regarding the management of the local correctional facility and the physical custody and control of all persons legally committed to or confined in the facility as described in ORS 169.320 (Control over prisoners) to 169.360 (Appointment of keeper of local correctional facility) and 169.610 (Policy) to 169.677 (Converted facilities to house felony or misdemeanor prisoners). [Amended by 1973 c.740 §21; 1996 c.4 §5; 1999 c.801 §4]

Annotations/Related; Notes of Decisions

County jail inmates performing work authorized by this section were not subject workers under ORS 656.027 (Who are subject workers) where county had not filed election of coverage re-quired by ORS 656.041 (City or county may elect to provide coverage for jail inmates). *Westfall v. Multnomah County*, 57 Or App 459, 645 P2d 561 (1982)

Chapter 169

Law Review Citations

53 OLR 32 (1973)

1. Legislative Counsel Committee, CHAPTER 169—Local and Regional Correctional Facilities; Prisoners; Juvenile Facilities, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/-2013ors169.-html External_link_icon(2013) (last accessed Apr. 27, 2014).

ORS chapter 169 delineates the proper treatment of prisoners. ORS 169.105 to 169.220.

TREATMENT OF PRISONERS (ORS 169.105 to 169.220)

ORS 169.105 Unconscious person not to be admitted to custody in facility.

No person who is unconscious shall be admitted to custody in a facility described in ORS 169.005, but shall instead be taken immediately to the nearest appropriate medical facility for medical diagnosis, care and treatment. [1983 c.547 §2]

ORS 169.110 Time credit for good behavior.

(1) Each prisoner convicted of an offense against the laws of this state, who is confined, in execution of the judgment or sentence upon conviction, including confinement imposed as a condition of probation pursuant to ORS 137.540, in a county local correctional facility in this state for a definite term, whose record of conduct shows that the prisoner has faithfully observed all the rules of the facility, is entitled, in the discretion of the sheriff or other officer having custody of such prisoner, to a deduction from the term of the sentence of the prisoner to be calculated as follows, commencing on the first day of the arrival of the prisoner at the facility to serve the sentence of the prisoner:

(a) Upon a sentence of not less than 10 or more than 30 days, one day for each 10 days.

(b) Upon a sentence of more than 30 days but not more than 90 days, three days for each 30-day period.

(c) Upon a sentence of more than 90 days but not more than 180 days, four days for each 30-day period.

(d) Upon a sentence of more than 180 days but not more than 270 days, five days for each 30-day period.

(e) Upon a sentence of more than 270 days, six days for each 30-day period.

(2)(a) Deductions under this section may be allowed for time served in an alternative sentencing facility operated pursuant to a community corrections plan if the county governing body authorizes the allowing of deductions.

(b) For purposes of calculating deductions allowable under paragraph (a) of this subsection, each day served in the facility is counted as a day of confinement. [Amended by 1965 c.346 §3; 1971 c.196 §1; 1973 c.740 §13; 1979 c.487 §11; 2011 c.203 §1]

ORS 169.115 Temporary leave.

(1) Any prisoner serving a sentence in a county jail may be eligible for temporary leave for a period not to exceed 10 days for the purpose of visiting a seriously ill relative, attending the funeral of a relative, or obtaining medical services not otherwise available.

(2) All requests for temporary leave must be presented to the sheriff for examination. Exemptions shall be restricted to those prisoners who are considered a possible threat to society, or those who pose a risk of not returning at the termination of such leave.

(3) Upon determining that circumstances are suitable for a prisoner to be granted temporary leave, the sheriff may grant leave to the prisoner and fix the duration and conditions of the leave.

(4) In adopting rules governing temporary leave, the sheriff shall consult with the Department of Corrections in an effort to establish statewide uniform rules governing temporary leave for county jail prisoners. [1973 c.499 §1; 1979 c.487 §12; 1987 c.320 §98]

ORS 169.120 Credit for work.

(1)(a) In addition to the allowances provided for in ORS 169.110, all prisoners in a county local correctional facility who are engaged in work either inside or outside the facility are entitled to an allowance of credits in time or compensation, or both, for the work.

(b) The allowances under paragraph (a) of this subsection may not be inconsistent with ORS 169.170 to 169.210.

(2)(a) The credits provided by this section may not be in excess of 10 days for a period of 30 days and shall be set by the county court, board of county commissioners or local correctional facility supervisor.

(b) Notwithstanding paragraph (a) of this subsection, in the case of a sentence of not less than 10 or more than 30 days the credits provided by this section are one day of credit for each 10 days of sentence.

(3)(a) Credits under this section may be allowed for time served in an alternative sentencing facility operated pursuant to a community corrections plan if the county governing body authorizes the allowing of credits.

(b) For purposes of calculating credits allowable under paragraph (a) of this subsection, each day served in the facility is counted as a day of confinement. [Amended by 1967 c.284 §1; 1971 c.196 §2; 1973 c.740 §14; 1979 c.487 §13; 2011 c.203 §2]

ORS 169.130 [Amended by 1959 c.533 §1; repealed by 1971 c.743 §432]

ORS 169.140 Furnishing prisoners food and clothing.

The keeper of each local correctional facility shall furnish and keep clean the necessary bedding and clothing for all prisoners in the custody of the keeper, and shall supply them with wholesome food, fuel and necessary medical aid. [Amended by 1973 c.740 §15]

ORS 169.150 Payment of expenses of keeping prisoners; health care fees.

(1) The charges and expenses for safekeeping and maintaining all persons duly committed to the local correctional facility of the county for trial, sentenced to imprisonment in the county local correctional facility, or committed for the nonpayment of any fine or for any contempt, shall, unless otherwise provided by law, be paid out of the treasury of the county. The account of the keeper shall be first allowed by the county court or board of county commissioners of the county from which the prisoner was committed.

(2) A city or, notwithstanding subsection (1) of this section or any other provision of law, the county may charge persons committed to the local correctional facility of the county or city a reasonable health care fee for any health care services, medications and equipment provided to the person while committed if the county or city:

(a) Provides necessary medical care regardless of the person's ability to pay;

(b) Provides equal treatment to all persons committed to the local correctional facility regardless of a person's ability to pay;

(c) Establishes a system that notifies the person of the fees and what services are covered; and

(d) Establishes a grievance system that allows a person to challenge the deduction of a fee from the person's account. [Amended by 1973 c.740 §16; 1995 c.523 §1; 1999 c.801 §1]

ORS 169.151 Expenses of keeping prisoners; reimbursement from prisoners; amounts; procedures.

(1) A city or, notwithstanding ORS 169.150 (1), a county may seek reimbursement from a person who is or was committed to the local correctional facility of the county or city upon conviction of a crime for any expenses incurred by the county or city in safekeeping and maintaining the person. The county or city may seek reimbursement:

(a) At a rate of \$60 per day or its actual daily cost of safekeeping and maintaining the person, whichever is less, multiplied by the total number of days the person was confined to the local correctional facility, including, but not limited to, any period of pretrial detention; and

(b) For any other charges or expenses that the county or city is entitled to recover under ORS 169.150.

(2) The county or city may seek reimbursement for expenses as provided in subsection (1) of this section by filing a civil action no later than six years after the person from whom reimbursement is sought is released from the local correctional facility.

(3) When a person is found liable for expenses described in subsection (1) of this section and an amount is determined, the court shall, before entering a judgment against the person, allow the person to present evidence on the issue of the person's ability to pay. When a person presents such evidence, the court shall determine the person's ability to pay taking into consideration:

(a) The financial resources of the person and the burden that payment will impose on the person in providing basic economic necessities to the person or the person's dependent family; and

(b) Any other monetary obligations imposed upon the person by the court as a result of the conviction for which the person was committed to the local correctional facility.

(4) The court, and not a jury, shall determine the defendant's ability to pay under subsection (3) of this section.

(5) Upon the conclusion of a proceeding under subsection (3) of this section, the court may enter a judgment:

(a) Of dismissal if the court finds that the person lacks the ability to pay;

(b) For less than the full amount determined if the court finds that the person has the ability to pay a portion of the amount; or

(c) For the full amount determined, plus costs and disbursements, if the court determines the person has the ability to pay.

(6) Any reimbursements collected under this section must be credited to the general fund of the county or city to be available for general fund purposes. [1997 c.349 §2; 1999 c.801 §2; 2009 c.783 §15]

ORS 169.152 Liability for costs of medical care for persons in county facility.

Notwithstanding ORS 169.140, 169.150 and 169.220, when a person is lawfully confined in a county local correctional facility for violation of a city ordinance, for nonpayment of a fine imposed by a municipal court or as a result of a warrant of arrest issued by a magistrate in another county, the county in which the warrant was issued or the city shall be liable for the costs of medical care provided to the person while confined in the county local correctional facility. The keeper of the local correctional facility shall bill the other county or city for the actual cost of the medical care provided, and the other county or city shall pay the charges within 60 days after receiving the cost statement from the keeper. [1985 c.530 §2]

ORS 169.153 Liability of public agency for costs of medical care provided to persons in transport.

(1) Subject to ORS 30.260 to 30.300 and 414.805, payment of the costs of medical care provided to a person who becomes ill or is injured while being lawfully transported in the custody of a law enforcement officer at the request of a public agency other than the public agency by which the officer is employed is the responsibility of the public agency that requested the transportation of the person.

(2) As used in this section, “law enforcement officer” and “public agency” have the meanings given those terms by ORS 414.805. [1985 c.530 §3; 1993 c.196 §5]

ORS 169.155 Definitions for ORS 169.155 and 169.166.

As used in ORS 169.166 and this section:

(1) “Local correctional facility” includes lockups and temporary hold facilities.

(2) “Reasonable efforts to collect the charges and expenses” means that the provider has billed the individual to whom the emergency medical services were provided or the insurer or health care service contractor of the individual before seeking to collect from the keeper of the local correctional facility. [1979 c.530 §4; 1993 c.196 §6]

ORS 169.160 [Repealed by 1971 c.743 §432]

ORS 169.165 [1979 c.530 §2; 1981 c.690 §1; repealed by 1993 c.196 §12]

ORS 169.166 Liability for costs of medical services.

Notwithstanding ORS 169.140 and 169.150 and except as otherwise provided in ORS 414.805 and 414.807:

(1) An individual who receives medical services not provided by the county or city while in the custody of a local correctional facility or juvenile detention facility is liable:

(a) To the provider of the medical services not provided by the county or city for the charges and expenses therefor; and

(b) To the keeper of the local correctional facility for any charges or expenses paid by the keeper of the facility for the medical services not provided by the county or city.

(2) A person providing medical services not provided by the county or city to an individual described in subsection (1)(a) of this section shall first make reasonable efforts to collect the charges and expenses thereof from the individual before seeking to collect them from the keeper of the local correctional facility.

(3)(a) Except as otherwise provided in subsection (4) of this section, if the provider has not been paid within 45 days of the date of the billing, the provider may bill the keeper of the local correctional facility who shall pay the account in accordance with ORS 169.140 and 169.150.

(b) A bill submitted to the keeper of a local correctional facility under this subsection must be accompanied by evidence documenting that:

(A) The provider has billed the individual or the individual’s insurer or health care service contractor for the charges or expenses owed to the provider; and

(B) The provider has made a reasonable effort to collect from the individual or the individual’s insurer or health care service contractor the charges and expenses owed to the provider.

(c) If the provider receives payment from the individual or the insurer or health care service contractor after receiving payment from the keeper of the facility, the provider shall repay the keeper the amount received from the keeper less any difference between payment received from the individual, insurer or contractor and the amount of the billing.

(4) Except as otherwise provided by ORS 30.260 to 30.300 and federal civil rights laws, upon release of the individual from the actual physical custody of the local correctional facility, the keeper of the local correctional facility is not liable for the payment of charges and expenses for medical services provided to the individual. [1991 c.778 §6; 1999 c.801 §3; 2007 c.71 §53]

Note: 169.166 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 169 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

ORS 169.170 Assignment of county prisoners to public works.

All convicts sentenced by any court or legal authority, whether in default of the payment of a fine, or committed for a definite number of days to serve sentence in a county local correctional facility, during the period of such sentence, for the purposes of ORS 169.120 and 169.170 to 169.210, are under the exclusive and absolute control of the county court or board of county commissioners of the county in which the crime was committed for which the convict was sentenced. The court or board has full power to place such convicts under the control of any road supervisor or other person appointed to take charge of them, and to cause them to work upon the public roads of the county, or such other work of a public nature as said court or board may direct. All such convicts shall be delivered to the supervisor or other person appointed to take charge of them, upon the written request of the court or board. The sheriff shall obtain a receipt from the person to whom such convicts are delivered for each of the convicts, and thereupon the sheriff's liability ceases. The county court may at any time return any convict, taken under the provisions of this section, to the sheriff, who shall thereupon take charge of the convict. The court or board is authorized and directed to provide rules and regulations in regard to the employment of said convicts not inconsistent with ORS 169.170 to 169.210. [Amended by 1959 c.530 §7; 1973 c.740 §17]

ORS 169.180 Assignment of city prisoners to public works.

All convicts sentenced by any court or legal authority in any city, whether in default of the payment of a fine or committed for a definite number of days to serve sentence in any local correctional facility, during the period of the sentence shall, with the consent of the proper city authorities and for the purposes of ORS 169.120 and 169.170 to 169.210, be under the absolute and exclusive control of the county court or board of county commissioners of the county in which said city is located. Such city convicts shall be delivered to the county court by any officer having custody thereof in the same manner as county prisoners, and may be returned to the officer from whom they are received in the same manner, and shall be subject to the same rules and regulations as provided in ORS 169.170 for county prisoners. [Amended by 1973 c.740 §18]

ORS 169.190 Transfer of prisoners to another county for public work.

Any county court or board of county commissioners may transfer to the county court or board of county commissioners of any other county any of the convicts committed to its control, under ORS 169.170 or 169.180. The court or board to which such convicts are so transferred has the same power and authority respecting such convicts as if they had been sentenced to serve in that county. The transfer of convicts from one county to another shall be made upon such terms and conditions as may be agreed upon by the county courts or boards concerned in the transfer.

ORS 169.200 [Repealed by 1973 c.740 §28]

ORS 169.210 Contracts for private employment of prisoners; agencies having power to work prisoners

- (1) Except for work release programs, no county or city shall enter into any agreement or contract with any private person, firm or corporation for the employment of any convict.
- (2) If any board or tribunal is created which has charge and management of the public roads of the county, such board or tribunal shall have the same power and authority as is conferred upon the county court or board of county commissioners by ORS 169.120 and 169.170 to 169.210. [Amended by 1973 c.740 §19]

ORS 169.220 Care of county prisoners

All persons lawfully confined in a county local correctional facility, or as prisoners engaged in work under the custody and jurisdiction of a county, shall be fed and maintained at actual cost to the county. All persons confined in a county local correctional facility shall be given three meals per day. An accurate account of each meal furnished to others than inmates of local correctional facilities, together with the names of the recipients thereof, whether facility employees or otherwise, shall be kept and reported by the sheriff each month to the county court or board of county commissioners. The county court or board of county commissioners shall furnish the sheriff with adequate equipment and supplies for carrying out the provisions of this section. The sheriff has authority to employ such assistance therefor as may be necessary. All supplies and equipment needed to feed and maintain such persons as provided in this section shall be purchased by the county court or board of county commissioners upon requisitions duly verified and presented by the sheriff to the county court or board of county commissioners. All supplies so purchased shall be paid for by warrant drawn upon the general fund of the county, upon presentation of vouchers containing itemized statements of all supplies so furnished, duly verified by the sheriff and by the person selling the same, each of whom shall certify that the supplies were actually furnished and received in the quantities represented and were of good quality, and that the price charged therefor was reasonable and just. [Amended by 1957 c.698 §1; 1973 c.740 §20]

ORS 169.310 [Repealed by 1957 c.698 §2]

F. COMMUNITY CORRECTIONS

A county must take responsibility for felony offenders sentenced to 12 months or less. ORS 423.475. The county also must assume responsibility for community-based supervision, sanctions and services for felony offenders who are on parole, probation, post-prison supervision or conditional-release. ORS 423.478(2).

ORS 423.475¹ 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 (Duties of department and counties), 423.483 (Baseline funding) and 423.549 (State positions in community corrections branch) 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]

1. Legislative Counsel Committee, CHAPTER 423—Corrections and Crime Control Administration and Programs, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors423.-html
 External_link_icon(2013) (last accessed Apr. 27, 2014).

ORS 423.478(2).¹ 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 (Baseline funding), 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 (Conditional release).

1. Legislative Counsel Committee, CHAPTER 423—Corrections and Crime Control Administration and Programs, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors423.-html
 External_link_icon(2013) (last accessed Apr. 27, 2014).

G. COURT COSTS AND MENTAL HEALTH SERVICES RELATING TO INVOLUNTARY COMMITMENT PROCEEDINGS

In involuntary commitment proceeding, a county must pay for:

- (1) The services of the district attorney or any other appointed counsel who presents the state's case;
- (2) Cost incurred during the proceeding, including the costs of transporting, committing and delivering the involuntarily committed person;
- (3) The costs of hearings; and
- (4) The fees charged by physicians and other qualified persons. ORS 426.250, 426.255.

If a county pays for these expenses, but the involuntarily committed person is a resident of another county, the county of which the person is a resident must reimburse the county that paid the expenses for any reasonable and actual expense related to the care, custody, treatment, examination and commitment of the person. ORS 426.310.

A county also must pay a hospital for any costs associated with the emergency psychiatric care, psychiatric treatment and custody of a person admitted to the hospital for purposes related to involuntary commitment. Although the state provides with funds for this purpose, a county is responsible for these expenses when the county exhausts those funds.

Also, a hospital must charge and collect other expenses related to the care of the person from other responsible parties, such as an insurance company or a parent with custody of the admitted person. ORS 426.241.

III. DUTIES AND PSS RELATING TO LAND USE (non-PSS)

- Planning & Zoning
- Coordination With Cities
- Coordination With Department of State Lands
- Disposition Of County Lands
- Historic Properties

IV. FISCAL DUTIES AND PSS (non-PSS)

- Budgeting
- Levying Of Taxes
- Property Assessment
- Appraisal Appeals
- Auditing
- County School Fund

V. DUTIES AND PSS RELATING TO COUNTY ROADS (non-PSS)

VI. OTHER MANDATED DUTIES AND PSS (PSS & non-PSS)

- **Regulation Of County Civil Servants** (non-PSS)
- **Regulation Of Emergency Services** (PSS & non-PSS)

A county must establish an emergency management agency and appoint an executive officer to manage that agency. ORS 401.305(1) & (2). The agency must coordinate with county personnel in planning and executing an emergency operations plan. ORS 401.305(5)(a). The agency also must coordinate with the Office of Emergency Management to integrate federally required emergency preparedness practices ORS 401.720(2).

ORS 401.305¹ Emergency management agency of city, county or tribal government

- emergency program manager
- coordination of emergency management functions

(1) As used in this section, tribal government means a federally recognized sovereign tribal government operating within the borders of this state or an intertribal organization formed by two or more federally recognized sovereign tribal governments operating within this state.

(2) Each county of this state shall, and each city or tribal government may, establish an emergency management agency that is directly responsible to the executive officer or governing body of the county, city or tribe.

(3) The executive officer or governing body of each county, and any city or tribe that participates, shall appoint an emergency program manager who is responsible for the organization, administration and operation of the emergency management agency, subject to the direction and control of the county, city or tribe.

(4) When a city or tribal government has an emergency management agency, the city or tribal government, as applicable, and the counties within which the city or tribal government operates shall jointly establish policies that:

(a) Provide direction and identify and define the purpose and roles of the individual emergency management programs;

(b) Specify the responsibilities of the emergency program managers and staff; and

(c) Establish lines of communication, succession and authority of elected officials for an effective and efficient response to emergency conditions.

(5) Each emergency management agency shall perform emergency program management functions within the territorial limits of the county, city or tribal government and may perform the functions outside the territorial limits as required under any mutual aid or cooperative assistance agreement or as requested and authorized by the county or city in whose territorial limits the emergency functions are performed.

(6) The emergency management functions include, at a minimum:

(a) Coordination of the planning activities necessary to prepare and maintain a current emergency operations plan, management and maintenance of emergency operating facilities from which elected and appointed officials can direct emergency and disaster response activities;

(b) Establishment of an incident command structure for management of a coordinated response by all local emergency service agencies; and

(c) Coordination with the Office of Emergency Management to integrate effective practices in emergency preparedness and response as provided in the National Incident Management System established by the Homeland Security Presidential Directive 5 of February 28, 2003. [1983 c.586 §12; 1993 c.187 §9; 2005 c.825 §11; 2013 c.189 §2]

Annotations/Related

Chapter 401

Law Review Citations

54 OLR 677 (1975)

1. Legislative Counsel Committee, CHAPTER 401—Emergency Management and Services, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/-2013ors401.-html External_link_icon(2013) (last accessed Apr. 27, 2014).

ORS 401.720¹ (Title not available: statute has been repealed or renumbered.)

[1981 c.533 §2; 1989 c.793 §8; 1991 c.743 §3; 1999 c.241 §1; 2009 c.203 §4; renumbered 403.115 (9-1-1 emergency reporting systems mandatory) in 2009]

ORS 403.115¹ 9-1-1 emergency reporting systems mandatory

- requirements
- 9-1-1 as primary emergency number
- alternate numbers required
- enhancement requirements

(1) The primary emergency telephone number within the state is 9-1-1, but a public or private safety agency shall maintain both a separate 10-digit secondary emergency number for use by the telephone company operator and a separate 10-digit nonemergency number.

(2) Every public and private safety agency in this state shall establish or participate in a 9-1-1 emergency reporting system.

(3) An emergency telephone number other than 9-1-1 may not be published on the top three-quarters of the emergency listing page of a telephone book. However, an alternative nonemergency telephone number for a 9-1-1 jurisdiction may be printed on the top three-quarters of the emergency listing page of a telephone book. The publisher may use the remainder of the page to list the Oregon Poison Center, Federal Bureau of Investigation, a designated mental health crises service and United States Coast Guard, where applicable. If there is more than one mental health crises service in a jurisdiction, the county health department shall decide which mental health crises service the publisher may list by using the criteria of a 24-hour staffed service, nonprofit organization and non-9-1-1 participating agency. The publisher shall refer to the community services section for other numbers.

(4) The 9-1-1 emergency reporting system must include at a minimum:

(a) A primary public safety answering point that is automatically accessible anywhere in the 9-1-1 jurisdiction service area by calling 9-1-1;

(b) Central dispatch of public and private safety services in the 9-1-1 service area or relay or transfer of 9-1-1 calls to an appropriate public or private safety agency; and

(c) Two 9-1-1 circuits from each central office to each primary public safety answering point.

(5) In addition to the requirements set forth in subsection (4) of this section, enhanced 9-1-1 telephone service must provide:

(a) Two call-taker stations and staffing for at least one of the stations at all times;

(b) Automatic display of the incoming telephone number and address in the designated public safety answering point at the time of receiving an incoming 9-1-1 call;

(c) A network developed to transport address and telephone number information to the designated public safety answering point automatically when a call is placed to 9-1-1; and

(d) Emergency telephone service in which one or fewer calls in 100 attempts receive a busy signal on the first attempt during the average busiest hour. A public safety answering point may not have fewer than two 9-1-1 circuits. [Formerly 401.720]

Annotations/Related

§§ 403.105 (Definitions for ORS 305.823 and 403.105 to 403.250) to 403.250 (Primary public safety answering points) (formerly 401.710 to 401.790)

Atty. Gen. Opinions

Allocation of tax funds in connection with nontelephonic items such as radio, microwave and computer components, (1982) Vol. 42, p 239

1. Legislative Counsel Committee, CHAPTER 403—9-1-1 Emergency Communications System; 2-1-1 System; Public Safety Communications Systems, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/-2013ors403.-html External_link_icon(2013) (last accessed Apr. 27, 2014).

ORS 403.105¹ (Definitions for ORS 305.823 and 403.105 to 403.250)

As used in ORS 305.823 (Local government tax on telephone services prohibited) and 403.105 (Definitions for ORS 305.823 and 403.105 to 403.250) to 403.250 (Primary public safety answering points), unless the context requires otherwise:

- (1) Account means the Emergency Communications Account.
- (2) Automatic location identification means a component or capability of enhanced 9-1-1 telephone service that provides automatic display in the designated public safety answering point of geographic information about the location of the instrument used to originate an incoming 9-1-1 call.
- (3) Automatic number identification means a component or capability of enhanced 9-1-1 telephone service that provides automatic display in the designated public safety answering point of a telephone number associated with the access line from which an incoming 9-1-1 call originates.
- (4) Call-back number means a telephone number used by a primary public safety answering point to contact the location from which an incoming 9-1-1 call originates.
- (5) Central office means a utility that houses the switching and trunking equipment serving telephones in a defined area.
- (6) Department means the Department of Revenue.
- (7) Emergency call means a telephone request that results from a situation in which prompt service is essential to preserve human life or property.
- (8) Emergency response location identifier means a component or capability of enhanced 9-1-1 telephone service that identifies a specific emergency response location.
- (9) Enhanced 9-1-1 telephone service means 9-1-1 telephone service consisting of a network, database and on-premises equipment that provides automatic display in the designated public safety answering point of a telephone number and geographic information about the location of the instrument used to originate an incoming 9-1-1 call when the call is received.
- (10) Exchange access services means:
 - (a) Telephone exchange access lines or channels that provide local access by a subscriber in this state to the local telecommunications network to effect the transfer of information; and
 - (b) Unless a separate tariff rate is charged therefor, any facility or service provided in connection with the services described in paragraph (a) of this subsection.
- (11) Governing body means the board of county commissioners of a county, city council of a city, other governing body of a city or county, board of directors of a special district or a 9-1-1 jurisdiction.
- (12) Key telephone system means a type of multiline telephone system designed to provide exchange access services through shared exchange access lines or channels that typically appears to offer direct line termination on a particular instrument.
- (13) Local government has the meaning given that term in ORS 190.710 (Definitions for ORS 190.710 to 190.800).
- (14) Multiline telephone system means a communications system, including network, premises-based, PBX, hybrid and key telephone systems, that offers two or more telephone exchange access lines and consists of a common control unit, instruments, control hardware and software and adjunct systems installed at a subscribers premises to support the 9-1-1 emergency reporting system.
- (15) Provider means a utility or other vendor or supplier of telecommunications service or equipment that provides telecommunications with access to the 9-1-1 emergency reporting system through local exchange service, cellular service or other wired or wireless means.

(16) Public or private safety agency means any unit of state or local government, a special-purpose district or a private firm that provides or has authority to provide fire-fighting, police, ambulance or emergency medical services.

(17) Public safety answering point means a 24-hour communications facility established as an answering location for 9-1-1 calls originating within a given service area. A primary public safety answering point receives all calls directly from the public. A secondary public safety answering point only receives calls from a primary public safety answering point on a transfer or relay basis.

(18) Subscriber means a person who has telecommunication access to the 9-1-1 emergency reporting system through local exchange service, cellular service or other wired or wireless means.

(19) TTY means a telephone-typewriter used by an individual with a hearing or speech impairment to communicate with another device or individual.

(20) Utility means a utility, as defined in ORS 759.005 (Definitions), a telecommunications carrier, as defined in ORS 133.721 (Definitions for ORS 41.910 and 133.721 to 133.739), a municipality or any provider of exchange access services.

(21) Vendor means a person providing telephone customer premises equipment or equipment specific to the operation of enhanced 9-1-1 telephone service.

(22) 9-1-1 emergency reporting system means a telephone service that provides the users of a public telephone system the ability to reach a primary public safety answering point by calling 9-1-1.

(23) 9-1-1 jurisdiction means:

(a) An entity created under ORS chapter 190;

(b) A county service district established under ORS chapter 451 to provide an emergency communications system;

(c) An emergency communications district created under ORS 403.300 (Definitions for ORS 403.300 to 403.380) to 403.380 (Advisory committee); or

(d) A group of public or private safety agencies who have agreed in writing to jointly plan the installation, maintenance, operation or improvement of a 9-1-1 emergency reporting system.

(24) 9-1-1 service area means the geographical area that contains the entire central office serving area from which the primary public safety answering point will have the capability to answer calls placed to 9-1-1. [Formerly 401.710; 2013 c.305 §1]

Annotations/Related

§§ 403.105 (Definitions for ORS 305.823 and 403.105 to 403.250) to 403.250 (Primary public safety answering points)
(formerly 401.710 to 401.790)

Atty. Gen. Opinions

Allocation of tax funds in connection with nontelephonic items such as radio, microwave and computer components, (1982) Vol. 42, p 239

1. Legislative Counsel Committee, CHAPTER 403—9-1-1 Emergency Communications System; 2-1-1 System; Public Safety Communications Systems,
https://www.oregonlegislature.gov/bills_laws/laws/statutes/2013ors403.html External_link_icon(2013)
(last accessed Apr. 27, 2014).

The **sheriff of a county** must adopt a search and rescue plan for the county. ORS 401.573(1). That plan must comply with the Office of Emergency Management's search and rescue guidelines. ORS 401.573(4). Also, county emergency personnel must participate in the state's 9-1-1 emergency reporting system. ORS 401.720(2).

ORS 401.573¹ County sheriff to adopt search and rescue plan

- contents
- annual review

(1) **The sheriff of each county shall adopt a search and rescue plan for the county.** The search and rescue plan shall set forth search and rescue policies, including policies for implementation of multicounty search and rescue activities, for the county that comply with the relevant provisions of the National Incident Management System Incident Command System established by Homeland Security Presidential Directive 5 of February 28, 2003, and shall describe procedures for implementing those policies. A county search and rescue plan shall list and describe materials, mutual aid agreements, equipment and personnel available within the county for search and rescue incidents. The plan shall also include:

- (a) A detailed description of activities and circumstances that constitute search and rescue in the county.
- (b) Identification of volunteer organizations available to the county for use for search and rescue.
- (c) Procedures for contacting and requesting assistance from volunteer organizations during search and rescue activities.
- (d) Procedures for contacting and requesting available assistance from other agencies and groups.
- (e) Minimum standards for individuals whose technical or professional skills may be required for search and rescue.

(2) A county search and rescue plan adopted under this section shall require a person in charge of a search and rescue to complete a fact sheet for the incident. The fact sheet shall contain the incident number assigned under ORS 401.580 (Search and rescue incident number) for search and rescue and such other information required under the search and rescue plan of the county.

(3) **The sheriff of each county shall review and, if necessary or desirable, revise the search and rescue plan annually.** After the initial adoption of a search and rescue plan under this section and after each annual review or revision of the plan, the sheriff shall submit the plan to the Search and Rescue Coordinator appointed under ORS 401.550 (Search and Rescue Coordinator).

(4) **The Office of Emergency Management, after consultation with the Oregon State Sheriffs' Association, may establish guidelines for county search and rescue plans.**

(5) The Office of Emergency Management shall annually publish and distribute to the sheriff of each county a search and rescue resource inventory, which shall include materials, equipment and personnel available from counties, agencies and the State of Oregon for use in search and rescue incidents. [1985 c.470 §2; 1993 c.18 §94; 1993 c.187 §20; 2007 c.530 §2]

Annotations/Related

Chapter 401

Law Review Citations

54 OLR 677 (1975)

Finally, a county must develop a plan to provide for and coordinate ambulance services. As part of that plan, a county must establish one or more service areas. ORS 682.062(1).

ORS 682.062¹ County plan for ambulance and emergency medical services

- rules

(1) Each county shall develop a plan for the county or two or more contiguous counties may develop a plan relating to the need for and coordination of ambulance services and establish one or more ambulance service areas consistent with the plan for the efficient and effective provision of ambulance services.

(2) Each person, city or rural fire protection district within the county that provides or desires to provide ambulance services shall notify the county in writing if the person, city or district wants to be consulted prior to the adoption or amendment of a county plan for ambulance services.

(3) Prior to adopting or amending a plan under subsection (1) of this section, a county shall notify each person, city or district that notified the county under subsection (2) of this section of its desire to be consulted. The county governing body shall consult with and seek advice from such persons, cities and districts with regard to the plan and to the boundaries of any ambulance service areas established under the plan. After such consultation, the county shall adopt or amend a plan in the same manner as the county enacts nonemergency ordinances.

(4) Any plan developed and any service area established pursuant to subsection (1) of this section shall be submitted to the Oregon Health Authority.

(5) The authority, in consultation with the appropriate bodies specified in subsection (1) of this section, shall adopt rules pursuant to ORS chapter 183 that specify those subjects to be addressed and considered in any plan for ambulance services and areas under subsection (1) of this section and those subjects to be addressed and considered in the adoption of any such plan. The rules shall be uniform, as far as practicable, but take into consideration unique circumstances of local districts.

(6) The authority shall review a plan submitted under subsection (4) of this section for compliance with the rules of the authority adopted under subsection (5) of this section. Not later than 60 days after receiving the plan, the authority shall approve the plan if it complies with the rules or disapprove the plan. The authority shall give written notice of such action to the county and, when a plan is not approved, the notice shall indicate specifically how the plan does not comply with the rules of the authority. The county shall modify the plan to comply with the rules and shall submit the modified plan to the authority for review under this subsection.

(7) The rules adopted under subsection (5) of this section shall be enforceable by the authority in a proceeding in circuit court for equitable relief.

(8) This section does not require a county to establish more than one ambulance service area within the county. [Formerly 682.205; 2009 c.595 §1073]

Annotations/Related

(formerly 485.573 [bad link], then 823.180, then 682.205)

Notes of Decisions

This section permits counties to establish single countywide ambulance service area and Portland City charter provision proscribing exclusive franchise is simply inapplicable to county function of regulation of ambulances. *Care Ambulance Co., Inc. v. Multnomah County*, 97 Or App 618, 777 P2d 997 (1989), Sup Ct review denied

Atty. Gen. Opinions

County authority to dispatch emergency personnel or vehicles other than ambulances or ambulance attendants, (1980) Vol 40, p 240

1. Legislative Counsel Committee, CHAPTER 682—Regulation of Ambulance Services and Emergency Medical Services Providers,
https://www.oregonlegislature.gov/bills_laws/lawsstatutes/-2013ors682.-html External_link_icon(2013)
(last accessed Apr. 27, 2014).

- **Regulation Of Solid Waste Disposal** (non-PSS)
- **Regulation Of Other County Service Facilities** (non-PSS)
- **Local Commissions On Children And Families** (non-PSS)
- **Public Health Services** (non-PSS)

- **Dog Control (PSS)**

A county may declare that the county is a dog control district. ORS 609.030. If a county has a dog control program, every dog owner must pay a licensing fee to the county. ORS 609.200.

ORS 609.030¹ Establishing dog control district

- appointment of supervisors
- enforcement
- county governing body as supervisors
- dog control officer

- (1) The governing body of any county may declare the county a dog control district.
- (2) Upon declaration of the dog control district the county governing body may appoint a board of supervisors, and provide for the terms, compensation and other aspects of service by board members, at least two of whom shall be connected directly or indirectly with the livestock industry.
- (3) The board may issue licenses and enforce all of the county and state laws relating to the control of dogs within the county, including that of making arrests and shall perform such other duties as the county governing body may assign to it.
- (4) The county governing body may elect to act as the board of supervisors of the dog control district.
- (5) The county governing body may provide for appointment of a dog control officer and otherwise provide for administration and enforcement of a dog control program. [Amended by 1957 c.79 §1; 1963 c.398 §1; 1975 c.297 §1; 1977 c.189 §9]

Annotations/ Related

Chapter 609

Atty. Gen. Opinions

Possession and administration of sodium pentobarbital by **county animal control program**, (1982) Vol 42, p 297

1. Legislative Counsel Committee, CHAPTER 609—Dogs; Exotic Animals; Dealers, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors609.html External_link_icon(2013) (last accessed Apr. 27, 2014).

- **Operation Of Public Libraries (non-PSS)**

- **Homeless Removal Policy (non-PSS)**

Appendix A. ORS 423.483

ORS 423.483¹ 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 (Duties of department and counties) (2). At a minimum, each bienniums 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 (Procedure for determining amount of financial grants) 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]

Note 1: The amendments to 423.483 (Baseline funding) by section 20, chapter 649, Oregon Laws 2013, become operative July 1, 2015. See section 21, chapter 649, Oregon Laws 2013. The text that is operative from July 1, 2015, until July 1, 2025, is set forth for the users convenience.

423.483 (Baseline funding). (1)(a) 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 (Duties of department and counties) (2). At a minimum, each bienniums appropriation must be established at this baseline.

(b) The baseline funding described in paragraph (a) of this subsection:

(A) May not be decreased as a result of time credits earned under ORS 137.633 (Earned reduction of supervision period).

(B) May not be increased as a result of community-based sanctions, services and programs that are funded under section 53, chapter 649, Oregon Laws 2013.

(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 (Procedure for determining amount of financial grants) 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.

Note 2: The amendments to 423.483 (Baseline funding) by section 22, chapter 649, Oregon Laws 2013, become operative July 1, 2025. See section 23, chapter 649, Oregon Laws 2013. The text that is operative on and after July 1, 2025, is set forth for the users convenience.

423.483 (Baseline funding). (1)(a) 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 (Duties of department and counties) (2). At a minimum, each bienniums appropriation must be established at this baseline.

(b) The baseline funding described in paragraph (a) of this subsection may not be decreased as a result of time credits earned under ORS 137.633 (Earned reduction of supervision period).

(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 (Procedure for determining amount of financial grants) 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.

1. Legislative Counsel Committee, CHAPTER 423—Corrections and Crime Control Administration and Programs, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors423.html External_link_icon(2013) (last accessed Apr. 27, 2014).

File: JSPSS_2009_StateMandatedCountyServices