

OREGON CRIMEFIGHTING ACT

The People of Oregon hereby adopt the following statute, to be known as the "Oregon Crimefighting Act." This Act has three principal objectives: End the "Catch and Release" system as to those charged with felonies and Class A misdemeanors; empower counties and cities to pass ordinances to fight local crime, including public use of drugs which are illegal under federal law; require the state to pay for jail space as to those charged with felonies and Class A misdemeanors who need to be held until the trial process is complete.

Part A. End "Catch and Release" of defendants.

Section 1. For purposes of this Part A of this act:

- a. "Serious crime" means any felony, and any Class A misdemeanor, charged in Circuit Court.
- b. "Pretrial release" means a release of a criminal defendant from incarceration (usually jail) before trial.
- c. "Arraignment" means an appearance in front of a Circuit Court Judge, either in person or by electronic means such as video.

Section 2. Each criminal defendant charged with a serious crime shall not be eligible for pretrial release from incarceration until the criminal defendant is presented for arraignment.

Section 3. When a criminal defendant charged with a serious crime appears at arraignment, the Circuit Court Judge presiding at the arraignment shall review the criminal defendant's record, and the charges pending against the criminal defendant, and the Judge shall decide whether the criminal defendant shall be released from incarceration pending trial. In making this decision, the judge shall consider:

- a. Rights established in the Constitution of the United States.
- b. Rights established in the Constitution of Oregon; these include but are not limited to the provisions of Article I, Section 43 of the Oregon Constitution which provide the right of a crime victim to be reasonably protected from the criminal defendant throughout the criminal justice process and the right of the public and the victim to have decisions regarding the pretrial release of a criminal defendant be based upon the principle of reasonable protection of the victim and the public, as well as the likelihood that the criminal defendant will appear for trial.
- c. The seriousness of the criminal defendant's criminal record and the seriousness of the new charges against the criminal defendant. The defendant's criminal record shall include all arrests and convictions, and all citations in lieu of arrest, in Oregon. The criminal record shall also include, to the extent practicable, all arrests and convictions outside Oregon.

Section 4. The Circuit Court Judge is empowered to establish security as to the appearance of the criminal defendant for trial, without restrictions previously imposed by statute, as to any serious crime.

Part B. Allow local governments to better protect public safety.

Section 1. Notwithstanding any other provision of state law, local governments have the power to criminally prohibit or restrict the following:

- a. Public intoxication as to alcohol or drugs.
- b. Public drinking of alcohol.
- c. Public use of any drug which is illegal under federal law.
- d. Disorderly conduct.
- e. Trespassing on public property.

Section 2. The powers listed in Section 1 of Part B are in addition to any power which may be held by a unit of local government.

Part C. Ensure sufficient jail space and funding for each jail.

Section 1. The state shall reimburse each county for the costs of pretrial incarceration of all persons charged with felonies or Class A misdemeanors. The reimbursement shall cover the costs of incarceration for each day that a person charged with a felony or Class A misdemeanor is in the custody of the supervisory authority of the county, from the date of the person's arrest until the resolution of the criminal charge.

Section 2. Every month, the county shall submit to the Oregon Department of Corrections a written request for reimbursement for the cost of incarcerating persons described in Section 1 of this Part C.

Section 3. The Department of Corrections shall reimburse a county that submits a request under Section 2 of this Part C within 30 days of receiving the request. The reimbursement shall occur at the rate of \$145 per person per day of incarceration or the actual daily cost of incarcerating a person, whichever is higher.

Section 4. If the Department of Corrections determines that the reimbursement request by a county under Part C is excessive, the issue shall be immediately submitted for consideration and resolution by the Circuit Court of that county. The decision of the Circuit Court as to the amount to be reimbursed shall be final and not subject to appeal.

Section 5. If any county jail exceeds 90% of its capacity for 30 days or more, the supervisory authority for the county shall report this to the Department of Corrections, which shall provide incarceration facilities, staffed by Department of Corrections personnel, to house inmates from that county, at state expense. This shall continue until the supervisory authority confirms that the capacity problem has been resolved.

Section 6. None of the reimbursement or housing of inmates provisions of Part C of this Act may be set off by any other funding obligations of the state to any county.

Part D. This Oregon Crimefighting Act supersedes all inconsistent provisions of Oregon law.

Part E. This Act is effective upon passage. The provisions of this Act apply to crimes committed on or after January 1, 2027.