

## BOARD OF PAROLE AND POST-PRISON SUPERVISION

### DIVISION 62

#### SETTING OF PAROLE DEFERRAL PERIODS

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255-062-0011

#### Type of Hearing Eligible for a Deferral of More than Two Years

OAR 255-062-~~0005~~ 0006 applies to the following hearings:

- (1) *Murder Review Hearing*: If the State Board of Parole and Post-Prison Supervision denies a petition for a change in the terms of confinement filed by an inmate under ORS 163.105 or ORS 163.115, the Board may not grant the inmate a subsequent hearing that is less than two years, or more than 10 years, from the date the petition is denied.
- (2) *Exit Interview Hearing: Crime Commitment Date prior to 11/01/1989 — but on or after 10/4/1977*: If the State Board of Parole and Post-Prison Supervision concludes, applying ORS 144.125(3), that an inmate suffers from a present severe emotional disturbance such as to constitute a danger to the health or safety of the community, the Board may not defer the projected parole release date for less than two years, or more than 10 years, ~~from the date of inmate's current projected parole release date.~~ from the date of the hearing, unless the inmate would be held beyond the maximum sentence.
- (3) *Exit Interview Hearing: Crime Commitment Date on or between 1/29/1977 and 10/3/1977*: If the State Board of Parole and Post-Prison Supervision finds, based on the doctor's report and diagnosis, coupled with all the information that the Board is considering, and applying OAR 254-50-015 (1977), ORS 144.180, and pursuant to 144.175(1), (2), that deferral of the inmate's projected parole release date is necessary, the Board may not defer the projected parole release date for less than two years, or more than 10 years, from the date of ~~inmate's current projected parole release date~~ the hearing, unless the inmate would be held beyond the maximum sentence.
- 4) Exit Interview Hearing for inmates who were convicted of aggravated murder committed on any date, and who have been found by the Board to be likely to be rehabilitated within a reasonable period of time, or who were convicted of murder committed on or after June 30, 1995: If the State Board of Parole and Post-Prison Supervision concludes, applying ORS 144.125(3), that an inmate suffers from a present severe emotional disturbance such as to constitute a danger to the health or safety of the community, the Board may not defer the projected parole release date for less than two years, or more than 10 years from the date of the hearing.
- (45) *Parole Consideration Hearing*: If the State Board of Parole and Post-Prison Supervision finds, pursuant to ORS 144.228, that an inmate who was sentenced as a dangerous offender under 161.725 ~~has a mental or emotional disturbance, deficiency, condition, or disorder predisposing the inmate to the commission of any crime to a degree rendering him or her a danger to the health or safety of others, and that therefore, the condition that made the inmate dangerous is not in remission and the inmate continues to~~ remains a danger, and that the inmate cannot be adequately controlled with supervision and mental health treatment which are available in the community, the Board will conduct the next review hearing no less than two years, or more than 10 years, from the current parole consideration date.
- (56) *Parole Hearing: Crime Commitment Date before 1/29/1977*: If the State Board of Parole and Post-Prison Supervision finds that there is not a reasonable probability that an inmate will, after parole, remain outside the institution without violating the law, and that the inmate's parole release is not compatible with the welfare of society, the Board may not grant the inmate a subsequent hearing that is less than two years,

or more than 10 years, from the date ~~the petition~~parole is denied, unless the deferral period would exceed the maximum sentence imposed by the court.

Stat. Auth.: ORS 144.228, 144.232, 163.105, 163.115 & 2009 Ch. 660

Stats. Implemented: ORS 144.228, 144.232, 163.105, 163.115 & 2009 OL Ch. 660

Hist.: PAR 6-2010(Temp), f. 7-2-10, cert. ef. 7-6-10 thru 1-1-11; PAR 9-2010, f. & cert. ef. 9-29-10