

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 -- BOARD OF PAROLE

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DIVISION 30

sis, OAR 255-30-012 and amending  
basis OAR 255-30-025

PRISON TERM HEARING PROCEDURE

Scheduling and Hearing Procedure for Aggravated Murder  
255-30-012

(1) Those persons sentenced under ORS 163.095 for aggravated murder shall be seen at a prison term hearing within six months of confinement at a state institution. The Board shall make necessary findings such as history/risk score, aggravation or mitigation and shall establish the maximum period of confinement and first eligibility for a hearing under ORS 163.105 (3).

(2) At any time after the minimum period of confinement has been served the prisoner may petition the Board for a hearing. Within a reasonable period of time the Board shall hold a hearing under the provisions of ORS 163.105 (3), (4), (5) and (6).

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

255-30-002 - Policy (1) Whenever the Parole Board considers the release or the setting of a prison term, it shall be the policy of the Board to utilize the rules in effect at the time the prisoner was given an executed sentence to prison.

(2) In January, 1977, the Board of Parole adopted rules creating the matrix system. Prior to the adoption of the matrix, the Board did not give a firm release date to the prisoner. Instead the Board set a parole consideration hearing pursuant to the authority granted by the existing statutes, ORS 144.175 and 144.180 (repealed by 1977 c 372 §18). Consequently, it is the policy of the Board that inmates who were sentenced on or before December 31, 1976, may either remain under the system which was in effect prior to 1977 or may receive a firm release date under the matrix system. If the prisoner chooses to remain under the system in effect prior to 1977, the Board cannot give him or her a firm release date. The Board can only give a consideration date and review the inmate, using the criteria of the above statutes which are set out verbatim in Exhibit J. A prisoner who applies for and receives a firm date shall not later request to be given a parole consideration hearing pursuant to ORS 144.175 and 144.180.



DIVISION 30

PRISON TERM HEARING PROCEDURE

Definitions  
255-30-005

- [(1) "Prison term hearing": The hearing given a prisoner within six (6) months of admission to a correctional institution at which the Board establishes a prison term to be served according to the guideline ranges.]
- [(2) "Prison Term": The actual time to be served before the initial parole release date.]
- [(3) "Victim": The actual victim, a representative selected by the victim, or the victim's next of kin.]

Repealed

Permanent effective 5/19/88

DIVISION 30

PRISON TERM HEARING PROCEDURE

Definitions

255-30-005

- (1) "Prison term hearing": The hearing given a prisoner within six (6) months of admission to a correctional institution at which the Board establishes a prison term to be served according to the guideline ranges.
- (2) "Prison Term": The actual time to be served before the initial parole release date.
- (3) "Victim": The actual victim, a representative selected by the victim or the victim's next of kin.

Permanent effective 4/28/87

DIVISION 30

PRISON TERM HEARING PROCEDURE

Definitions

255-30-005

- (1) "Prison term hearing": The hearing given a prisoner within six (6) months of admission to a correctional institution at which the Board establishes a prison term to be served according to the guideline ranges.
- (2) "Prison Term": The actual time to be served before the initial parole release date.
- (3) "Victim": The person(s) who has suffered financial, social, psychological or physical harm as a result of a crime. This includes, in case of a homicide, a member of the immediate family of the decedent; in the case of a minor victim, the legal guardian of the minor. In no event shall the criminal defendant be considered a victim.

Temporary 12/2/86 to 5/30/87;

superceded by Permanent effective 4/28/87

DIVISION 30

PRISON TERM HEARING PROCEDURE

255-30-005 Definitions

- (1) "Prison term hearing": The hearing given a prisoner within six (6) months of admission to a correctional institution at which the Board establishes a prison term to be served according to the guideline ranges.
- (2) "Prison term": The actual [amount of] time [the Board determines a prisoner will serve when it sets a parole release date or chooses not to set a parole release date (i.e., denies parole)] to be served before the initial parole release date.

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CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

**Definitions**

255-30-005 (1) "Prison term hearing": The hearing given a prisoner within six months of admission to a correctional institution at which the Board establishes a prison term to be served according to the guideline ranges.

(2) "Prison term": The actual amount of time the Board determines a prisoner will serve when it sets a parole release date or chooses not to set a parole release date, i.e., denies parole.

Stat. Auth.: ORS Ch. 144  
Hist: 2PB 1-1979, f. & ef. 2-1-79



DIVISION 30

**PRISON TERM HEARING PROCEDURE**

255-030-0010

Scheduling Prison Term Hearings

- (1) The Board shall conduct a hearing to establish a prison term for each new inmate whose crime was committed prior to November 1, 1989 within:
  - (a) six (6) months of admission to a Department of Corrections facility for those sentenced to five years or less;
  - (b) eight (8) months of admission to a Department of Corrections facility for those sentenced to more than five years but less than fifteen years; or
  - (c) twelve (12) months of admission to a Department of Corrections facility for those sentenced to life or fifteen (15) years or more.
- (2) The Board shall follow section 1 of this rule to schedule a prison term hearing for any additional sentence received while in custody of a Department of Corrections facility.
- (3) For those prison term hearings which must be conducted within six (6) months, the Board may defer setting a prison term for ninety days to obtain additional information.
- (4) The Board may establish prison terms after hearing or administratively pursuant to 255-030-0024.

Statutory Authority: ORS 144.120(1)

History: (2/1/79; 5/31/85; 12/2/86, temporary; 4/28/87; 5/19/88; 11/1/89; 10/9/92, 03/14/97, 06-09-00)

Permanent effective 06/09/2000

**DIVISION 30**

**PRISON TERM HEARING PROCEDURE**

**255-030-0010**

**Scheduling Prison Term Hearings**

- (1) The Board shall conduct a hearing to establish a prison term for each new inmate whose crime was committed prior to November 1, 1989 within:
  - (a) six (6) months of admission to a Department of Corrections facility for those sentenced to five years or less;
  - (b) eight (8) months of admission to a Department of Corrections facility for those sentenced to more than five years but less than fifteen years; or
  - (c) twelve (12) months of admission to a Department of Corrections facility for those sentenced to life or fifteen (15) years or more.
- (2) The Board shall follow section 1 of this rule to schedule a prison term hearing for any additional sentence received while in custody of a Department of Corrections facility.
- (3) For those prison term hearings which must be conducted within six (6) months, the Board may defer setting a prison term for ninety days to obtain additional information.
- (4) The Board may establish prison terms after hearing or administratively pursuant to 255-30-024.

Statutory Authority: ORS 144.120(1)

History: (2/1/79; 5/31/85; 12/2/86, temporary; 4/28/87; 5/19/88; 11/1/89; 10/9/92, 03/14/97)

03/14/97

Prison Term Hearing

Permanent effective 3/14/97

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

DIVISION 30

PRISON TERM HEARING PROCEDURE

Scheduling Prison Term Hearings  
255-30-010

- (1) The Board shall conduct a hearing to establish a prison term for each new prisoner whose crime was committed prior to November 1, 1989 within:
  - (a) six (6) months of admission to a Department of Corrections facility for those sentenced to five years or less;
  - (b) eight (8) months of admission to a Department of Corrections facility for those sentenced to more than five years but less than fifteen years; or
  - (c) twelve (12) months of admission to a Department of Corrections facility for those sentenced to life or fifteen (15) years or more.
- (2) The Board shall follow section 1 of this rule to schedule [A] a prison term hearing for any additional sentence received while in custody of a Department of Corrections facility [shall be scheduled pursuant to section (1) of this rule].
- (3) For those prison term hearings which must be conducted within six (6) months, the Board may defer setting a prison term for ninety days to obtain additional information.
- (4) The Board may establish [P]prison terms [may be established] after hearing or administratively pursuant to 255-30-024.

Statutory Authority: (ORS 144.120(1))  
History: (2/1/79; 5/31/85; 12/2/86, temporary; 4/28/87; 5/19/88; 11/1/89;  
10/9/92)

10/9/92

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Prison Term Hearing

Permanent effective 10/9/92

DIVISION 30

PRISON TERM HEARING PROCEDURE

Scheduling Prison Term Hearings

255-30-010

- (1) The Board shall conduct a hearing to establish a prison term for each new prisoner whose crime was committed prior to November 1, 1989 within:
  - (a) six (6) months of admission to a Department of Corrections facility for those sentenced to five years or less;
  - (b) eight (8) months of admission to a Department of Corrections facility for those sentenced to more than five years but less than fifteen years; or
  - (c) [, or within one year] twelve (12) months of admission to a Department of Corrections facility for those sentenced to life or [if the prisoner's sentence is] fifteen (15) years or more.
- (2) A prison term hearing, [shall be scheduled within six (6) months of sentencing] for any additional sentence received while in custody of a Department of Corrections facility, shall be scheduled pursuant to section (1) of this rule. [or within one year of sentencing if the new sentence is fifteen (15) years or more.]
- (3) For those prison terms hearings which must be conducted within six (6) months, the Board may defer setting a prison term for [thirty] ninety days to obtain additional information.
- (4) Prison terms may be established after hearing or administratively pursuant to 255-30-023.

DIVISION 30

PRISON TERM HEARING PROCEDURE

Scheduling Prison Term Hearings  
255-30-010

- (1) The Board shall [schedule] conduct a [prison term] hearing to establish a prison term for each new prisoner within six (6) months of admission to a Department of Corrections [Division] facility, or within one year of admission if the prisoner's sentence is fifteen (15) years or more.
- (2) [The Board may continue the hearing to obtain additional information. The continuance may not extend past six (6) months from admission plus thirty (30) days.]

A prison term hearing shall be scheduled within six (6) months of sentencing for any additional sentence received while in custody of a Department of Corrections facility, or within one year of sentencing if the new sentence is fifteen (15) years or more.

- (3) [A prison term hearing shall be scheduled within six (6) months of commitment for any additional sentence received while in custody of a Corrections Division facility.]

For those hearings which must be conducted within six (6) months, the Board may defer setting a prison term for thirty days to obtain additional information.

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PRISON TERM HEARING PROCEDURE

Scheduling Prison Term Hearings  
255-30-010

- (1) The Board shall [schedule] conduct a prison term hearing to establish a prison term for each new prisoner within six (6) months of admission to a Corrections Division facility.
- (2) The Board may continue the hearing to obtain additional information. The continuance may not extend beyond [past] six (6) months from admission plus thirty (30) days.
- (3) A prison term hearing shall be scheduled within six (6) months of commitment for any additional sentence received while in custody of a Corrections Division facility.
- [(4) The prisoner shall be notified in writing of the hearing and its purpose within fourteen (14) working days of the hearing date.]

Temporary effective 12/2/86 to 5/30/87;  
became Permanent effective 4/28/87

DIVISION 30

PRISON TERM HEARING PROCEDURE

255-30-010 Scheduling [Notice and Deferral of] Prison Term Hearings

- (1) The Board shall schedule a prison term hearing to establish a prison term for each new prisoner within six (6) months of admission to a Corrections Division facility.
- [(1) Every prisoner initially incarcerated at any institution of the Corrections Division shall be given a hearing for the purpose of establishing a prison term as follows:
  - (a) A prisoner incarcerated at any institution of the Corrections Division with a sentence of up to one year shall be scheduled for a hearing within two months of admission or as soon thereafter as possible;
  - (b) A prisoner with a sentence of one to three years shall be scheduled for a hearing within three months of admission or as soon thereafter as possible;
  - (c) A prisoner with a sentence of over three years shall be scheduled for a hearing within four months of admission or as soon thereafter as possible;
  - (d) In no case shall a prisoner be scheduled for a hearing more than six months after admission.]
- (2) [(3) Prior to making a decision,] T[t]he Board may continue the hearing [for a reasonable period of time, if necessary,] to obtain additional information. The continuance may not extend past six (6) months from admission plus thirty (30) days.
- (3) A prison term hearing shall be scheduled within six (6) months of commitment for any additional sentence received while in custody of a Corrections Division facility.
- (4) [(2)] The prisoner shall be notified in writing of the hearing and its purpose within fourteen (14) days [a reasonable time] of the hearing date.

DIVISION 30

PRISON TERM HEARING PROCEDURE

**Scheduling, Notice, and Deferral of Prison Term Hearings**

**255-30-010** (1) Every prisoner initially incarcerated at any institution of the Corrections Division shall be given a hearing for the purpose of establishing a prison term as follows:

(a) A prisoner incarcerated at any institution of the Corrections Division with a sentence of up to one year shall be scheduled for a hearing within two months of admission or as soon thereafter as possible.

(b) A prisoner with a sentence of one to three years shall be scheduled for a hearing within three months of admission or as soon thereafter as possible.

(c) A prisoner with a sentence of over three years shall be scheduled for a hearing within four months of admission or as soon thereafter as possible.

(d) In no case shall a prisoner be scheduled for a hearing more than six months after admission.

(2) The prisoner shall be notified in writing of the hearing and its purpose within a reasonable time of the hearing date.

(3) Prior to making a decision, the Board may continue the hearing for a reasonable period of time, if necessary, to obtain additional information. The continuance may not extend past six months from admission plus 30 days.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & ef. 2-1-79



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DIVISION 30

PRISON TERM HEARING PROCEDURE

[255-30-012 Scheduling and Hearing Procedure for Aggravated Murder

[(1) Those persons sentenced under ORS 163.905 for aggravated murder shall be seen at a prison term hearing within six months of confinement at a state institution. The Board shall make necessary findings such as history/risk score, aggravation or mitigation and shall establish the maximum period of confinement and first eligibility for a hearing under ORS 163.105(3).

(2) At any time after the minimum period of confinement has been served the prisoner may petition the Board for a hearing. Within a reasonable period of time the Board shall hold a hearing under the provisions of ORS 163.105(3), (4), (5) and (6).]

Repealed  
Permanent effective 5/31/85

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

sis, OAR 255-30-012 and amending  
basis OAR 255-30-025

PRISON TERM HEARING PROCEDURE

Scheduling and Hearing Procedure for Aggravated Murder  
255-30-012

(1) Those persons sentenced under ORS 163.095 for aggravated murder shall be seen at a prison term hearing within six months of confinement at a state institution. The Board shall make necessary findings such as history/risk score, aggravation or mitigation and shall establish the maximum period of confinement and first eligibility for a hearing under ORS 163.105 (3).

(2) At any time after the minimum period of confinement has been served the prisoner may petition the Board for a hearing. Within a reasonable period of time the Board shall hold a hearing under the provisions of ORS 163.105 (3), (4), (5) and (6).



DIVISION 30

PRISON TERM HEARING PROCEDURE

255-030-0013

Notification of Hearing

- (1) The Board shall send written notice of the hearing and its purpose to the inmate. The inmate shall receive a copy of the Board Review Packet at least 14 days prior to the hearing.
- (2) If the inmate did not receive 14 days notice, the Board may reschedule the hearing or the inmate may waive the notice and the Board shall conduct the hearing.
- (3) The Board shall attempt to notify the victim, if the victim requests notification and furnishes the Board a current address, and the District Attorney of the committing county at least thirty (30) days before all hearings by sending written notice to the current addresses of both parties.

Statutory Authority: ORS 144.120(7), 144.130

History: (12/2/86, temporary; 4/28/87; 5/19/88; 4/5/90; 10/9/92, 03/14/97)

Permanent effective 3/14/97

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Notification of Hearing  
255-30-013

- (1) The Board shall send written notice [prisoner shall be notified, in writing,] of the hearing and its purpose to the prisoner. [and] The prisoner shall receive a copy of the Board Review Packet at least 14 days prior to the hearing.
- (2) If the prisoner did not receive 14 days notice, the Board may reschedule the hearing [may be rescheduled,] or the prisoner may waive the notice and the Board shall conduct the hearing [shall be conducted].
- (3) The Board shall attempt to notify the victim, if the victim requests notification and furnishes the Board a current address, and the District Attorney of the committing county at least thirty (30) days before all hearings by sending written notice to the current addresses of both parties.

Statutory Authority: (ORS 144.120(7), 144.130)

History: (12/2/86, temporary; 4/28/87; 5/19/88; 4/5/90; 10/9/92)

Permanent effective 10/9/92

DIVISION 30

PRISON TERM HEARING PROCEDURE

Notification of Hearing

255-30-013 (12/2/86, temporary; 4/28/87; 5/19/88; 4/5/90)

- (1) The prisoner shall be notified, in writing, of the hearing and its purpose and shall receive a copy of the Board Review Packet at least 14 days prior to the hearing.
- (2) If the prisoner did not receive 14 days notice, the hearing may be rescheduled, or the prisoner may waive the notice and the hearing shall be conducted.
- (3) The [Parole] Board shall attempt to notify the victim, if the victim requests [to be notified] notification and furnishes the Board a current address, and the District Attorney of the committing county at least thirty (30) days before all hearings by sending written notice to the current addresses of both parties.

Notification of Hearing

255-30-013

- (1) The prisoner shall be notified, in writing, of the hearing and its purpose and shall receive a copy of the Board Review Packet at least 14 days prior to the hearing.
- (2) If the prisoner did not receive 14 days notice, the hearing may be rescheduled, or the prisoner may waive the notice and the hearing shall be conducted.
- (3) The [Parole] Board shall attempt to notify the victim (if the victim requests [to be notified] notification and furnishes the Board a current address) and the District Attorney of the committing county at least thirty (30) days before all hearings by sending written notice to the current addresses of both parties.

Notification of Hearing  
255-30-013

- (1) The prisoner shall be notified, in writing, of the hearing and its purpose and shall receive a copy of the Board Review Packet at least 14 days prior to the hearing [date].
- (2) If the prisoner did not receive 14 days notice, the hearing may be rescheduled, or the prisoner may waive the notice and the hearing shall be conducted.
- (3) The Parole Board shall attempt to notify the victim, if the victim requests to be notified and furnishes the Board a current address, and the [d]District [a]Attorney of the committing county at least thi[e]rty (30) days before all hearings by sending written notice to the current addresses of both parties .

Notification of Hearing

255-30-012

- (1) The prisoner shall be notified, in writing, of the hearing and its purpose at least fourteen (14) days prior to the hearing date.
  
- (2) The Parole Board shall attempt to notify the victim, if the victim requests to be notified and furnishes the Board a current address, and the district attorney of the committing county at least thirty (30) days before all hearings by sending written notice to the current addresses of both.

Temporary effective 12/2/86 to 5/30/87;  
became Permanent effective 4/28/87



DIVISION 30

**PRISON TERM HEARING PROCEDURE**

255-030-0015

When Full Board is Required; Procedures for Board Decision

- (1) Except as otherwise provided in this rule, a panel of two voting members of the Board shall conduct all prison term hearings and shall make the final decision.
- (2) A majority of the Board may conduct the following hearings; a majority of the Board shall make the final decision in cases in which:
  - (a) the court sentenced the inmate under ORS 161.725 and 161.735 as a dangerous offender;
  - (b) the Department of Corrections recommends an extension of more than two years in the prison term for misconduct;
  - (c) the court ordered a minimum sentence pursuant to ORS 144.110 and the minimum exceeds the matrix range and the variations permitted a panel;
  - (d) a panel recommends a decision to set the prison term below a judicially set minimum sentence (A panel may uphold a judicial minimum.);
  - (e) a panel recommends unsumming a unified range.
- (3) A majority of the Board may conduct the following hearings; the full Board shall make the final decision:
  - (a) cases involving a prisoner sentenced to [death for aggravated murder or] life imprisonment for murder or aggravated murder;
  - (b) cases where the inmate was convicted of a crime involving the death of a victim, whether or not the prosecution directly charged the prisoner with causing the death of the victim.
- (4) If a Board member is not present at a hearing, and statute or rule compels review, or the vote may affect the outcome of the hearing, the Board member may vote administratively after reviewing the Board Review Packet and the handwritten Board Action Form with attached exhibits, or may request that a hearing be rescheduled. The Board's action shall be considered final if the absent member's vote is not required for a final decision.
- (5) A panel of one Board member or of one Board member and one hearings officer may conduct prison term hearings for inmates convicted of non-person-to-person crimes. In cases of a panel consisting of one Board member, another member shall vote after review of the record as provided in section 4 of this rule. A hearings officer may not participate on a panel in cases in which, pursuant to ORS 144.110, a court imposed a minimum sentence that exceeds the matrix range and variations permitted a panel.

DIVISION 30

PRISON TERM HEARING PROCEDURE

- (6) (a) If there is a division in a panel so that a decision is not unanimous, another Board member shall vote after review of the record as provided in section 4 of this rule.
- (b) If the original panel was made up of one Board member, and the member voting after administrative review of the record disagrees with the decision, the chairperson shall reassign the case to a panel made up of the remaining Board members. If this second panel agrees with neither member of the original panel, the chairperson will refer the case for hearing and decision before the full Board.
- (c) When a panel recommends a decision to exceed the allowable variation from the matrix permitted to the panel and a third vote, the chairperson shall reassign the case for hearing and decision before the full Board.
- (d) When a panel recommends denying parole, the chairperson shall reassign the case for hearing before the full Board, and three members must affirmatively agree to deny parole, except that if the result is life imprisonment, the vote must be unanimous.

Statutory Authority: ORS 144.035, 144.054

History: (2/1/79; 5/31/85; 11/13/86, temporary; 12/2/86, temporary; 3/25/88, temporary; 5/19/88; 12/6/88; 11/1/89; 5/1/91, temporary; 10/15/91, 03/14/97, 06-09-00)

## DIVISION 30

### PRISON TERM HEARING PROCEDURE

#### 255-030-0015

#### When Full Board is Required; Procedures for Board Decision

- (1) Except as otherwise provided in this rule, a panel of two voting members of the Board shall conduct all prison term hearings and shall make the final decision.
- (2) A majority of the Board may conduct the following hearings; a majority of the Board shall make the final decision in cases in which:
  - (a) the court sentenced the inmate under ORS 161.725 and 161.735 as a dangerous offender;
  - (b) the Department of Corrections recommends an extension of more than two years in the prison term for misconduct;
  - (c) the court ordered a minimum sentence pursuant to ORS 144.110 and the minimum exceeds the matrix range and the variations permitted a panel,
  - (d) a panel recommends a decision to set the prison term below a judicially set minimum sentence (A panel may uphold a judicial minimum ),
  - (e) a panel recommends unsumming a unified range
- (3) A majority of the Board may conduct the following hearings: the full Board shall make the final decision:
  - (a) cases involving a prisoner sentenced to death for aggravated murder or life imprisonment for murder or aggravated murder,
  - (b) cases where the inmate was convicted of a crime involving the death of a victim, whether or not the prosecution directly charged the prisoner with causing the death of the victim.
- (4) If a Board member is not present at a hearing, and statute or rule compels review, or the vote may affect the outcome of the hearing, the Board member may vote administratively after reviewing the Board Review Packet and the handwritten Board Action Form with attached exhibits, or may request that a hearing be rescheduled. The Board's action shall be considered final if the absent member's vote is not required for a final decision.
- (5) A panel of one Board member or of one Board member and one hearings officer may conduct prison term hearings for inmates convicted of non-person-to-person crimes. In cases of a panel consisting of one Board member, another member shall vote after review of the record as provided in section 4 of this rule. A hearings officer may not participate on a panel in cases in which, pursuant to ORS 144.110, a court imposed a minimum sentence that exceeds the matrix range and variations permitted a panel.
- (6)
  - (a) If there is a division in a panel so that a decision is not unanimous, another Board member shall vote after review of the record as provided in section 4 of this rule.
  - (b) If the original panel was made up of one Board member, and the member voting after administrative review of the record disagrees with the decision, the chairperson shall reassign the case to a panel made up of the remaining Board members. If this second panel agrees with neither member of the original panel, the chairperson will refer the case for hearing and decision before the full Board.

Permanent effective 3/14/97

- (c) When a panel recommends a decision to exceed the allowable variation from the matrix permitted to the panel and a third vote, the chairperson shall reassign the case for hearing and decision before the full Board
- (d) When a panel recommends denying parole, the chairperson shall reassign the case for hearing before the full Board, and three members must affirmatively agree to deny parole, except that if the result is life imprisonment, the vote must be unanimous.

Statutory Authority    ORS 144.035, 144.054  
History                    (2/1/79; 5/31/85; 11/13/86, temporary; 12/2/86 temporary; 3/25/88,  
temporary; 5/19/88, 12/6/88, 1/1/89, 5/1/91 temporary; 10/15/91,  
03/14/97)

When Full Board is Required; Procedures for Board Decision (ORS 144.035, 144.054)

255-30-015 (2/1/79; 5/31/85; 11/13/86, temporary; 12/2/86, temporary; 3/25/88, temporary; 5/19/88; 12/6/88; 11/1/89; 5/1/91, temporary; 10/15/91)

(1) Except as otherwise provided in this rule, [all prison term hearings shall be conducted by ] a panel of two voting members of the Board shall conduct all prison term hearings and shall make the final decision.

(2) [The following hearings may be conducted by a quorum] A majority of the Board may conduct the following hearings; [ , with final decision by a quorum] a majority of the Board shall make the final decision in cases in which:

(a) [cases where the prisoner was sentenced] the court sentenced the prisoner under ORS 161.725 and 161.735 as a dangerous offender;

(b) [cases where] the Department of Corrections recommends an extension of more than two years in the prison term [is recommended] for misconduct;

[(c) whenever a panel lacks a quorum and is unable to come to a unanimous decision to set a prisoner's prison term, and a second panel is assigned to hear the case, and no quorum occurs in the second panel.]

[(3) The following hearings may be conducted by a quorum of the Board with final decision by at least four members of the Board:]

[(a)](c) [cases where] the court ordered a [the] minimum sentence [imposed by a judge] pursuant to ORS 144.110 and the minimum exceeds the matrix range and the variations permitted a panel;

[(b) whenever a panel recommends a decision to exceed the allowable variation from the matrix permitted to the panel and a third vote];

[(c) whenever the panel recommends denying parole;]

[(d)](d) [whenever] a panel recommends a decision to set the prison term below a judicially set minimum sentence (A panel may uphold a judicial minimum.);

[(e)](e) [whenever] a panel recommends unsumming a unified range.

[(4)](3) [The following hearings may be conducted by a quorum] A majority of the Board may conduct the following hearings; [with review of] the full Board shall make the final decision [by the full Board]:

(a) cases involving a prisoner sentenced to death for aggravated murder or life imprisonment for murder or aggravated murder;

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- (b) cases where the prisoner was convicted of a crime involving the death of a victim, whether or not the prosecution directly charged the prisoner with causing the death of the victim.
- [(5)](4) If a Board member is not present at a [Full Board] hearing, and statute or rule compels review [is compelled by statute or rule], or the vote may affect the outcome of the hearing, the Board member may vote administratively after reviewing the Board Review Packet and the handwritten Board Action Form with attached exhibits, or may request that a hearing be rescheduled. The Board's action shall be considered final if the absent member's vote is not required for a final decision.
- [(6)](5) A panel of one Board member or of one Board member and one hearings officer may conduct prison term hearings for prisoners convicted of [Class C felonies] non-person-to-person crimes. In case of a panel consisting of one board member, another member shall vote after review of the record as provided in section 4 of this rule. A hearings officer may not participate on a panel in cases [where] in which, pursuant to ORS 144.110, a court imposed a [the] minimum sentence [imposed by a judge pursuant to ORS 144.110] that exceeds the matrix range and variations permitted a panel.
- (7) (a) If there is a division in a panel so that a decision is not unanimous, another Board member shall vote after review of the record as provided in section 4 of this rule.
- (b) If the original panel was made up of one board member, and the member voting after administrative review of the record disagrees with the decision, the chairperson shall reassign the case to a panel made up of the remaining Board members. If this second panel agrees with neither member of the original panel, the chairperson will refer the case for hearing and decision before the full Board.
- (c) When a panel recommends a decision to exceed the allowable variation from the matrix permitted to the panel and a third vote, the chairperson shall reassign the case for hearing and decision before the full Board.
- (d) When a panel recommends denying parole, the chairperson shall reassign the case for hearing before the full Board, and three members must affirmatively agree to deny parole, except that if the result is life imprisonment, the vote must be unanimous.

When Full Board is Required; Procedures for Board Decision (ORS 144.035,  
144.054)  
255-30-015 (2/1/79; 5/31/85; 11/13/86, temporary; 12/2/86, temporary;  
3/25/88, temporary; 5/19/88; 12/6/88; 11/1/89; 5/1/91,  
temporary)

- (1) Except as otherwise provided in this rule, [all prison term hearings shall be conducted by ] a panel of two voting members of the Board shall conduct all prison term hearings and shall make the final decision.
- (2) [The following hearings may be conducted by a] A quorum of the Board may conduct the following hearings [, with final decision by] ; a quorum of the Board shall make the final decision in cases in which:
  - (a) [cases where the prisoner was sentenced] the court sentenced the prisoner under ORS 161.725 and 161.735 as a dangerous offender;
  - (b) [cases where] the Department of Corrections recommends an extension of more than two years in the prison term [is recommended] for misconduct;
  - [(c) whenever a panel lacks a quorum and is unable to come to a unanimous decision to set a prisoner's prison term, and a second panel is assigned to hear the case, and no quorum occurs in the second panel.]
- [(3) The following hearings may be conducted by a quorum of the Board with final decision by at least four members of the Board:]
  - [(a)](c) [cases where] the court ordered a [the] minimum sentence [imposed by a judge] pursuant to ORS 144.110 and the minimum exceeds the matrix range and the variations permitted a panel;
  - [(b)](d) [whenever] a panel recommends a decision to exceed the allowable variation from the matrix permitted to the panel [and a third vote];
  - [(c) whenever the panel recommends denying parole;]
  - [(d)](e) [whenever] a panel recommends a decision to set the prison term below a judicially set minimum sentence (A panel may uphold a judicial minimum.);
  - [(e)](f) [whenever] a panel recommends unsumming a unified range.
- (4) [The following hearings may be conducted by a] A quorum of the Board may conduct the following hearings; [with review of] the full Board shall make the final decision [by the full Board]:
  - (a) cases involving a prisoner sentenced to death for aggravated murder or life imprisonment for murder or aggravated murder;
  - (b) cases where the prisoner was convicted of a crime involving the death of a victim, whether or not the prosecution directly charged the prisoner with causing the death of the victim.

5/1/91

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Prison Term Hearing

Temporary effective 5/1/91 to 10/27/91  
superceded by permanent filing 10/15/91

DIVISION 30

PRISON TERM HEARING PROCEDURE

- (c) when a panel recommends denying parole.
- (5) If a Board member is not present at a [Full Board] hearing, and statute or rule compels review [is compelled by statute or rule], or the vote may affect the outcome of the hearing, the Board member may vote administratively after reviewing the Board Review Packet and the handwritten Board Action Form with attached exhibits, or may request that a hearing be rescheduled. The Board's action shall be considered final if the absent member's vote is not required for a final decision.
- (6) A panel of one Board member or of one Board member and one hearings officer may conduct prison term hearings for prisoners convicted of [Class C felonies] non-person-to-person crimes. In case of a panel consisting of one board member, another member shall vote after review of the record as provided in section 5 of this rule. A hearings officer may not participate on a panel in cases [where] in which, pursuant to ORS 144.110, a court imposed a [the] minimum sentence [imposed by a judge pursuant to ORS 144.110] that exceeds the matrix range and variations permitted a panel.
- (7) (a) If there is a division in a panel so that a decision is not unanimous, another Board member shall vote after review of the record as provided in section 5 of this rule.
- (b) If the original panel was made up of one board member, and the member voting after administrative review of the record disagrees with the decision, the matter shall be reassigned to a panel made up of the remaining Board members. If this second panel agrees with neither member of the original panel, the matter will be referred for hearing and decision before the full Board.

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

When a Full Board is Required; Procedures for Full Board

Decision

255-30-015

- (1) Except as otherwise provided in this rule, all prison term hearings shall be conducted by a panel of two voting members of the Board.
- (2) The following hearings may be conducted by a quorum of the Board with final decision by a quorum of the Board:
  - (a) cases where the prisoner was sentenced under ORS 161.725 and 161.735 as a dangerous offender;
  - (b) cases where an extension of more than two years in the prison term is recommended for misconduct.
  - (c) whenever a panel lacks a quorum and is unable to come to a unanimous decision to set a prisoner's prison term, and a second panel is assigned to hear the case and no quorum occurs in the second panel. [; and]
- (3) The following hearings may be conducted by a quorum of the Board with final decision by at least four members of the Board:
  - (a) cases where the minimum sentence imposed by a judge pursuant to ORS 144.110 exceeds the matrix range and the variations permitted a panel;
  - (b) whenever a panel recommends a decision to exceed the allowable variation from the matrix permitted to the panel and a third vote;
  - (c) whenever the panel recommends denying parole;

- (d) whenever a panel recommends a decision to set the prison term below a judicially set minimum sentence; (A panel may uphold a judicial minimum.)
- (e) whenever a panel recommends unsumming a unified range.
- (4) The following hearings may be conducted by a quorum of the Board with review of the final decision by the full Board:
- (a) cases involving a prisoner sentenced to death for aggravated murder or life imprisonment [,to death] for murder or for aggravated murder;
  - (b) cases where the prisoner was convicted of a crime involving the death of a victim, whether or not the prosecution directly charged the prisoner with causing the death of the victim.
- (5) If a Board member is not present at a Full Board hearing, and review is compelled by statute [,] or rule, or the vote may affect the outcome of the hearing, the Board member may vote administratively after reviewing the Board Review Packet and the handwritten Board Action Form with attached exhibits, or may request that a hearing be rescheduled. The Board's action shall be considered final if the absent member's vote is not required for a final decision.
- (6) A panel of one Board member and one hearings officer may conduct prison term hearings for prisoners convicted of Class C felonies. A hearings officer may not participate on a panel in cases where the minimum sentence imposed by a Judge pursuant to ORS 144.110 exceeds the matrix range and variations permitted a panel.

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

When a Full Board is Required; Procedures for Full Board  
Decision  
255-30-015

- (1) Except as otherwise provided in this rule, all prison term hearings shall be conducted by a panel of two voting members of the Board.
- (2) The following hearings may be conducted by a quorum of the Board with final decision by a quorum of the Board: [more votes may be necessary for a final decision:]
- [c](a) cases where the prisoner was sentenced under ORS 161.725 and 161.735 as a dangerous offender;
- [e](b) cases where an extension of more than two years in the prison term is recommended for misconduct.
- [i](c) whenever a panel lacks a quorum and is unable to come to a unanimous decision to set a prisoner's prison term, and a second panel is assigned to hear the case and no quorum occurs in the second panel. [; and]
- (3) The following hearings may be conducted by a quorum of the Board with final decision by at least four members of the Board:
- [d](a) cases where the minimum sentence imposed by a judge pursuant to ORS 144.110 exceeds the matrix range and the variations permitted a panel [(reviewed by at least four members of the Board)];
- [f](b) whenever a panel recommends a decision to exceed the allowable variation from the matrix permitted to the panel and a third vote. [(review by at least four members of the Board);]
- [g](c) whenever the panel recommends denying parole [(review by at least four members of the Board)];
- [h](d) whenever a panel recommends a decision below a judicially set minimum sentence [(review by at least four members of the Board)];

Permanent effective 12/6/88

[j](e) whenever a panel recommends unsuming a unified range [(review by at least four members of the Board)].

(4) The following hearings may be conducted by a quorum of the Board with review of the final decision by the full Board:

- (a) cases involving a prisoner sentenced to life imprisonment, to death, for murder, or for aggravated murder [(review by the full membership of the Board)];
- (b) cases where the prisoner was convicted of a crime involving the death of a victim, whether or not the prosecution directly charged the prisoner with causing the death of the victim. [(review by full membership of the Board);]

[3](5) If a Board member is not present at a Full Board hearing, and review is compelled by statute, rule, or the vote may affect the outcome of the hearing, the Board member may vote administratively after reviewing the Board Review Packet and the handwritten Board Action Form with attached exhibits [record of the hearing], or may request that a hearing be rescheduled. The Board's action shall be considered final if the absent member's vote is not required for a final decision.

Permanent effective 12/6/88

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

[Panels: When a Two-Member Panel Conducts a Prison Term Hearing;]  
When a Full Board is Required; Procedures for Full Board Decision  
255-30-015

- (1) Except as provided in this rule, all prison term hearings shall be [heard] conducted by a panel of two voting members of the Board.
- (2) The following hearings may be conducted by a quorum of the Board:
  - (a) cases involving a prisoner sentenced to life imprisonment, to death, for murder, or for aggravated murder (review by the full membership of the Board);
  - (b) cases where the prisoner was convicted of a crime involving the death of a person, whether or not the prosecution directly charged the prisoner with causing the death of the person (review by full membership of the Board);
  - (c) cases where the prisoner was sentenced under ORS 161.725 and 161.735 as a dangerous offender; and
  - (d) cases where the minimum sentence imposed by a judge pursuant to ORS 144.110 exceeds the matrix range and the variations permitted a panel (review by at least four members of the Board).
  - (e) cases where an extension of over two years is recommended for misconduct.

- (3) The Full Board or a quorum thereof shall review and make a final decision in the following cases:
- (a) whenever a panel recommends a decision to exceed the allowable variation from the matrix permitted to the panel and a third vote;
  - (b) whenever the panel recommends denying parole;
  - (c) whenever a panel recommends a decision below a judicially set minimum sentence;
  - (d) whenever a panel lacks a quorum and is unable to come to a unanimous decision to set a prisoner's prison term; and
  - (e) whenever a panel recommends unsuming a unified range.
- (4) If a Board member is not present at a full Board hearing, and review is compelled by statute, rule, or the vote may affect the outcome of the hearing, the Board member shall vote administratively after reviewing the record of the hearing, or may request that a hearing be rescheduled. The Board's action shall be considered final if the absent member's vote is not required for a final decision.

[(2) The following cases shall be decided by the Full Board (i.e., all five voting members), according to the procedures in rule 255-30-020:]

- [(a) Any cases involving a prisoner sentenced to life imprisonment; convicted of a crime involving the death of a victim, whether or not the prosecution directly charged the prisoner with causing the death of the victim; sentenced under ORS 161.725 and 161.735 as a dangerous offender;]
- [(b) Whenever a panel recommends a decision to exceed the allowable variation from the matrix permitted to the panel or deny parole;]
- [(c) Whenever a minimum sentence imposed by a judge pursuant to ORS 144.110 exceeds the applicable matrix guideline range in Exhibit C plus the maximum variation from the range shown in Exhibit D;]
- [(d) Whenever a panel recommends a decision below a judicially set minimum sentence;]
- [(e) Whenever an extension of a prison term due to institutional misconduct for more than one (1) year is recommended]

Permanent effective 5/19/88

[Panels: When a Two-Member Panel Conducts a Prison Term Hearing;] When a Full Board is Required; Procedures for Full Board Decision  
255-30-015

- (1) Except as provided in this rule, all prison term hearings shall be [heard] conducted by a panel of two voting members of the Board.
- (2) The following hearings may be conducted by a quorum of the Board, more votes may be necessary for a final decision:
  - (a) cases involving a prisoner sentenced to life imprisonment, to death, for murder, or for aggravated murder (review by the full membership of the Board);
  - (b) cases where the prisoner was convicted of a crime involving the death of a victim, whether or not the prosecution directly charged the prisoner with causing the death of the victim (review by full membership of the Board);
  - (c) cases where the prisoner was sentenced under ORS 161.725 and 161.735 as a dangerous offender;
  - (d) cases where the minimum sentence imposed by a judge pursuant to ORS 144.110 exceeds the matrix range and the variations permitted a panel (review by at least four members of the Board);
  - (e) cases where an extension of more than two years in the prison term is recommended for misconduct;
  - (f) whenever a panel recommends a decision to exceed the allowable variation from the matrix permitted to the panel and a third vote (review by at least four members of the Board);
  - (g) whenever the panel recommends denying parole (review by at least four members of the Board);
  - (h) whenever a panel recommends a decision below a judicially set minimum sentence (review by at least four members of the Board);
  - (i) whenever a panel lacks a quorum and is unable to come to a unanimous decision to set a prisoner's prison term, and a second panel is assigned to hear the case, and no quorum occurs in the second panel; and
  - (j) whenever a panel recommends unsuming a unified range (review by at least four members of the Board).

Temporary effective 3/25/88 to 9/20/88  
superceded by 5/19/88 permanent filing

(3) If a Board member is not present at a full Board hearing, and review is compelled by statute, rule, or the vote may affect the outcome of the hearing, the Board member shall vote administratively after reviewing the record of the hearing, or may request that a hearing be rescheduled. The Board's action shall be considered final if the absent member's vote is not required for a final decision.

[(2) The following cases shall be decided by the Full Board (i.e., all five voting members), according to the procedures in rule 255-30-020:]

[(a) Any cases involving a prisoner sentenced to life imprisonment; convicted of a crime involving the death of a victim, whether or not the prosecution directly charged the prisoner with causing the death of the victim; sentenced under ORS 161.725 and 161.735 as a dangerous offender;]

[(b) Whenever a panel recommends a decision to exceed the allowable variation from the matrix permitted to the panel or deny parole;]

[(c) Whenever a minimum sentence imposed by a judge pursuant to ORS 144.110 exceeds the applicable matrix guideline range in Exhibit C plus the maximum variation from the range shown in Exhibit D;

[(d) Whenever a panel recommends a decision below a judicially set minimum sentence;]

[(e) Whenever an extension of a prison term due to institutional misconduct for more than one (1) year is recommended]

panels: When a Two-Member Panel Conducts a Prison Term Hearing; When Full Board is Required; Procedures for Full Board Decision  
255-30-015 (1) Except as provided in this rule, all prison term hearings shall be heard by a panel of two voting members of the Board.

(2) The following cases shall be decided by the full Board (i.e., all five voting members) according to the procedures in rule 255-30-020:

(a) Any cases involving a prisoner sentenced to life imprisonment; convicted of a crime involving the death of a victim, whether or not the prosecution directly charged the prisoner with causing the death of the victim; sentenced under ORS 161.725 and 161.735 as a dangerous offender;

(b) Whenever a panel recommends a decision to exceed the allowable variation from the matrix permitted to the panel or deny parole;

(c) Whenever a minimum sentence imposed by a judge pursuant to ORS 144.110 exceeds the applicable matrix guideline range in Exhibit C plus the maximum variation from the range shown in Exhibit D;

(d) Whenever a panel recommends a decision below a judicially set minimum sentence;

(e) Whenever an extension of a prison term due to institutional misconduct for more than one (1) year is recommended.

Previous amendments suspended  
Temporary effective 12/2/86 to 5/30/87  
Amended 3/25/88

Panels: When a Two-Member Panel Conducts a Prison Term Hearing; When a [Full] Board is Required [; Procedures for Full Board Decision]

255-30-015 (1) Except as provided in this rule, all prison term hearings shall be heard by a panel of two voting members of the Board.

(2) All hearings held under this rule shall follow the procedures provided in OAR 255-30-020.

~~[(2)]~~(3) The following cases shall be decided by the full Board (i.e., all five voting members) : [according to the procedures in rule 255-30-020:]

(a) Any cases involving a prisoner sentenced to life imprisonment; convicted of a crime involving the death of a victim, whether or not the prosecution directly charged the prisoner with causing the death of the victim; or [sentenced under ORS 161.725 and 161.735 as a dangerous offender;]

(b) Cases where the prisoner was convicted of Aggravated Murder under ORS 163.005 to 163.105.

(4) Cases shall be reviewed by at least four members of the Board pursuant to ORS 144.110 whenever:

(a) A panel recommends a decision below a judicially set minimum sentence; or

(b) A minimum sentence imposed by a judge exceeds the applicable matrix guideline range in Exhibit C plus the maximum variation from the range shown in Exhibit D.

Temporary effective 11/13/86 to 12/1/86  
Revert to previous rule until 3/25/88

(5) The following cases shall be decided by a majority of the Board (i.e., at least 3 members);

[(b)](a) Whenever a panel recommends a decision to exceed the allowable variation from the matrix permitted to the panel or deny parole;

(b) The prisoner was sentenced under ORS 161.725 and 161.735 as a dangerous offender; or

[(c) Whenever a minimum sentence imposed by a judge pursuant to ORS 144.110 exceeds the applicable matrix guideline range in Exhibit C plus the maximum variation from the range shown in Exhibit D;

(d) Whenever a panel recommends a decision below a judicially set minimum sentence;]

[(e)](c) Whenever an extension of a prison term due to institutional misconduct for more than one (1) year is recommended.

Temporary effective 11/13/86 to 12/1/86.  
Revert to previous rule until 3/25/88.

DIVISION 30

PRISON TERM HEARING PROCEDURE

255-30-015 Panels: When a Two-Member Panel Conducts a Prison Term Hearing; When Full Board is Required; Procedures for Full Board Decision

- (1) Except as provided in this rule, all prison term hearings shall be heard by a panel of two voting members of the Board.
- (2) The following cases shall be decided by the full Board (i.e., all five voting members) according to the procedures in Rule 255-30-020:
  - (a) Any cases involving a prisoner sentenced to life imprisonment; convicted of a crime involving the death of a victim, whether or not the prosecution directly charged the prisoner with causing the death of the victim; sentenced under ORS 161.725 and 161.735 as a dangerous offender;
  - (b) Whenever a panel recommends a decision to exceed the allowable variation from the matrix permitted to the panel or deny parole;
  - (c) Whenever a minimum sentence imposed by a judge pursuant to ORS 144.110 exceeds the applicable matrix guideline range in Exhibit C plus the maximum variation from the range shown in Exhibit D;
  - (d) Whenever a panel [or member] recommends a decision below a judicially set minimum sentence;
  - (e) Whenever an extension of a prison term due to institutional misconduct for more than one (1) year is recommended.

DIVISION 30

PRISON TERM HEARING PROCEDURE

**Panels: When a Two-Member Panel Conducts a Prison Term Hearing; When Full Board is Required; Procedures for Full Board Decision**

255-30-015 (1) Except as provided in this rule, all prison term hearings shall be heard by a panel of two voting members of the Board.

(2) The following cases shall be decided by the full Board (i.e., all five voting members) according to the procedures in rule 255-30-020:

(a) Any cases involving a prisoner sentenced to life imprisonment, convicted of a crime involving the death of a victim, whether or not the prosecution directly charged the prisoner with causing the death of the victim, sentenced under ORS 161.725 and 161.735 as a dangerous offender;

(b) Whenever a panel recommends a decision to exceed the allowable variation from the matrix permitted to the panel or deny parole;

(c) Whenever a minimum sentence imposed by a judge pursuant to ORS 144.110 exceeds the applicable matrix guideline range in Exhibit C plus the maximum variation from the range shown in Exhibit D;

(d) Whenever a panel or member recommends a decision below a judicially set minimum sentence;

(e) Whenever an extension of a prison term due to institutional misconduct for more than one year is recommended.



OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Procedures for Full Board Decisions  
255-30-020

[The following procedures shall apply to cases decided by the full board:]

[(1) A hearing shall be conducted by [the] a Board with at least a quorum present when:]

[(a) Setting a prison term for prisoners falling under subsection 255-30-015(2)(a);]

[(b) The Board considers denying parole, except when denial is because the guideline range exceeds the good time date on a sentence.]

[(c) Extending a prison term, in any case, for longer than one (1) year.]

[(2) Prisoners in custody in another jurisdiction may be heard by a conference call or returned to Oregon for the hearing.]

[(3) If a Board member is not present at a hearing, he/she shall vote after reviewing the record of the hearing.]

Repealed

Permanent effective 5/19/88

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Procedures for Full Board Decisions  
255-30-020

[The following procedures shall apply to cases decided by the full board:]

[(1) A hearing shall be conducted by [the] a Board with at least a quorum present when:]

[(a) Setting a prison term for prisoners falling under subsection 255-30-015(2)(a);]

[(b) The Board considers denying parole, except when denial is because the guideline range exceeds the good time date on a sentence.]

[(c) Extending a prison term, in any case, for longer than one (1) year.]

[(2) Prisoners in custody in another jurisdiction may be heard by a conference call or returned to Oregon for the hearing.]

[(3) If a Board member is not present at a hearing, he/she shall vote after reviewing the record of the hearing.]

Temporary effective 3/25/88 to 9/20/88  
superceded by 5/19/88 permanent filing

rocedures for Full Board Decisions

255-30-020 The following procedures shall apply to cases decided by the full Board:

(1) A hearing shall be conducted by the Board with at least a quorum present when:

(a) Setting a prison term for prisoners falling under subsection 255-30-015(2)(a);

(b) The Board considers denying parole, except when denial is because the guideline range exceeds the good time date on a sentence;

(c) Extending a prison term, in any case, for longer than one (1) year.

(2) Prisoners in custody in another jurisdiction may be heard by a conference call or returned to Oregon for the hearing.

(3) If a Board member is not present at a hearing, he/she shall vote after reviewing the record of the hearing.

Previous amendments suspended  
Temporary effective 12/2/86 to 5/30/87

Procedures for [Full] Board Decisions

255-30-020 The following procedures shall apply to cases decided [by the full Board:] pursuant to OAR 255-30-015:

(1) A hearing shall be conducted by [the] a Board with at least a quorum present when:

(a) Setting a prison term for prisoners falling under [subsection 255-30-015 (2)(a);] OAR 255-30-015(3)(a) and (b);

(b) The Board considers denying parole; or [, except when denial is because the guideline range exceeds the good time date on a sentence;]

(c) Extending a prison term, in any case, for longer than one (1) year.

[(2) Prisoners in custody in another jurisdiction may be heard by conference call or returned to Oregon for the hearing.]

(3) If a Board member is not present at a hearing, he/she shall vote after reviewing the record of the hearing.]

Temporary effective 11/13/86 to 12/1/86.  
Reverts back to previous rule until  
suspended 3/25/88

DIVISION 30

PRISON TERM HEARING PROCEDURE

255-30-020 Procedures for Full Board Decisions

The following procedures shall apply to cases decided by the full Board:

- (1) A hearing shall be conducted by the Board with at least a quorum present when:
  - (a) Setting a prison term for prisoners falling under subsection 255-30-015(2)(a);
  - [(b) The Board considers exceeding the normal variations permitted to the full Board in Rule 255-35-035;]
  - (b)[(c)] The Board considers denying parole, except when denial is because the guideline range exceeds the good time date on a sentence;
  - (c)[(d)] Extending a prison term, in any case, for longer than one (1) year.
- (2) Prisoners in custody in another jurisdiction may be heard by a conference call or returned to Oregon for the hearing.
- (3) If a Board member is not present at a hearing, he/she shall vote after reviewing the record of the hearing.
- [(4) In all other cases, the Board may:
  - (a) Circulate the record to be considered with a copy of the proposed action for comment and voting by the individual Board members; or
  - (b) Decide the matter at a business meeting at which a quorum is present.
- (5) A simple majority vote of the Board shall be required to reach a decision except when a vote of four members is required by statute or rule.]

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

**Procedures for Full Board Decisions**

255-30-020 The following procedures shall apply to cases decided by the full Board:

(1) A hearing shall be conducted by the Board with at least a quorum present when:

(a) Setting a prison term for prisoners falling under subsection 255-30-015(2)(a);

(b) The Board considers exceeding the normal variations permitted to the full Board in rule 255-35-035;

(c) The Board considers denying parole, except when denial is because the guideline range exceeds the good time date on a sentence;

(d) Extending a prison term, in any case, for longer than one year.

(2) Prisoners in custody in another jurisdiction may be heard by a conference call or returned to Oregon for the hearing.

(3) If a Board member is not present at a hearing, he/she shall vote after reviewing the record of the hearing.

(4) In all other cases, the Board may:

(a) Circulate the record to be considered with a copy of the proposed action for comment and voting by the individual Board members; or

(b) Decide the matter at a business meeting at which a quorum is present.

(5) A simple majority vote of the Board shall be required to reach a decision except when a vote of four members is required by statute or rule.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & ef. 2-1-79



Teleconference Hearing  
255-30-021

At the [discretion of the] chairperson's discretion, the Board or its designated representative may conduct any hearing [may be conducted] by teleconference call.

Statutory Authority: (ORS 144.035(5))

History: (5/31/85; 12/2/86, temporary; 4/28/87; 5/19/88; 11/1/89; 10/9/92)

Permanent effective 10/9/92

DIVISION 30

PRISON TERM HEARING PROCEDURE

Teleconference Hearing  
255-30-021

At the discretion of the chairperson, any hearing may be conducted by teleconference call.

- [(1) A prisoner in custody in another jurisdiction may have a hearing by teleconference call, or may be returned to Oregon for a hearing.
- (2) A prisoner who resides outside of Marion County may have a hearing by teleconference call.]

11/01/89

3 Permanent effective 11/1/89

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 -- BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

[Procedures for Hearings Involving Out of State Jurisdictions]  
Teleconference hearing  
255-30-021

- (1) A prisoner in custody in another jurisdiction may have a hearing [be returned to Oregon or heard] by teleconference call, or may be returned to Oregon for a hearing. [whether a full board or panel is applicable.]
- (2) A prisoner who resides outside of Marion County may have a hearing by teleconference call.

Permanent effective 5/19/88

Procedures for Hearings Involving Out of State Jurisdictions  
ZSS-3Q-021

A prisoner in custody in another jurisdiction may be returned to Oregon or heard by teleconference call whether a full board or panel is applicable.

Temporary effective 12/2/86 to 5/30/87;  
became Permanent effective 4/28/87

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 -- BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

255-30-021      Procedures for Hearings Involving Out of State Jurisdictions

A prisoner in custody in another jurisdiction may be returned to Oregon or heard by teleconference call.



DIVISION 30

PRISON TERM HEARING PROCEDURE

255-030-0023

Prisoner Appearance at Board Hearing

- (1) The inmate shall be present in person or by telephone at the Parole Board hearing.
- (2) The Board may compel an inmate's appearance when a inmate refuses to appear.
- (3) The Board may elect not to compel the inmate to attend the hearing. In this instance, the Board may reschedule the hearing, or set the prison term in the inmate's absence.

Statutory Authority: ORS 144.035(5), 144.120

History: (5/19/88; 11/1/89; 2/20/90, temporary; 7/1/90; 10/9/92, 03/14/97)

Permanent effective 3/14/97

Prisoner Appearance at Board Hearing

255-30-023

- (1) The prisoner shall be present in person or by telephone at the Parole Board hearing.
- (2) The Board may compel a prisoner's appearance when [A] a prisoner [who] refuses to appear [may be compelled to do so by the Board]
- (3) The Board may elect not to compel the prisoner to attend the hearing. In this instance, the Board may reschedule the hearing [to see the prisoner at a later date], or set the prison term in the prisoner's absence.

Statutory Authority: (ORS 144.035(5), 144.120)

History: (5/19/88; 11/1/89; 2/20/90, temporary; 7/1/90; 10/9/92)

Permanent effective 10/9/92

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Prisoner Appearance at Board Hearing

255-30-023

(5/19/88; 11/1/89;

- (1) The prisoner shall be present in person or by telephone at the Parole Board hearing.
- (2) A prisoner who refuses to appear may be compelled to do so by the Board.
- (3) The Board may elect not to compel the prisoner to attend the hearing. In this instance, the Board may reschedule the hearing to see the prisoner at a later date, or set the prison term in the prisoner's absence.
- [(4) Notwithstanding subsections 1 - 3 of this rule, a prisoner sentenced to a Class C non-person-to-person felony may waive his/her right to a prison term hearing.
  - (a) Within the time limits provided by 255-30-010, the prison term may be set administratively.
  - (b) If the Board is not satisfied that the waiver was made knowingly or intelligently or if it believes more information is necessary before making its decision, the Board may deny the waiver and order a hearing.]

Temporary effective 2/20/90 to 8/1/90  
became permanent 7/1/90

DIVISION 30

PRISON TERM HEARING PROCEDURE

Prisoner Appearance at [Parole] Board Hearing  
255-30-023

- (1) The prisoner shall be present in person or by telephone at the Parole Board hearing.
- (2) A prisoner who refuses to appear may be compelled to do so by the Board.
- (3) The Board may elect not to compel the prisoner to attend the hearing. In this instance, the Board may reschedule the hearing to see the prisoner at a later date, or set the prison term in the prisoner's absence.
- (4) Notwithstanding subsections 1 - 3 of this section, a prisoner sentenced to a Class C non-person-to-person felony may waive his/her right to a prison term hearing. Within the time limits provided by 255-30-010, the prison term may be set administratively. If the Board is not satisfied that the waiver was made knowingly or intelligently or if it believes more information is necessary before making its decision, the Board may deny the waiver and order a hearing.

11/01/89

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Permanent effective 11/1/89

DIVISION 30

PRISON TERM HEARING PROCEDURE

Prisoner Appearance at Parole Board Hearing  
255-30-023

- (1) The prisoner shall be present in person or by telephone at the Parole Board hearing.
- (2) A prisoner who refuses to appear may be compelled to do so by the Board.
- (3) The Board may elect not to compel the prisoner to attend the hearing, in this instance, the Board may reschedule the hearing to see the prisoner at a later date, or set the prison term in the prisoner's absence.



DIVISION 30

**PRISON TERM HEARING PROCEDURE**

255-030-0024

Prison Term Hearing Waiver

- (1) Notwithstanding OAR 255-030-0023, an inmate may waive his/her right to a prison term hearing based on the following criteria:
  - (a) Sentence of less than 15 years; and
  - (b) Non-person felony (The non-person felonies are designated on Exhibit A1 of these rules.); and
  - (c) Matrix range of up to 14 - 20 months; and
  - (d) Completed Prison Term Hearing Packet.
- (2) Within the time limits provided by OAR 255-030-0010, the Board, at its discretion, may notify the inmate in writing of:
  - (a) his/her eligibility to waive the prison term hearing; and
  - (b) the proposed prison term and conditions of parole.
- (3) A Department of Corrections counselor will review the Prison Term Hearing Packet and the waiver form with the inmate.
- (4) Upon receipt of a signed waiver, the Board shall make the findings required by OAR 255-035-0013 or 255-035-0014 and shall send the final Board order to the inmate.
- (5) If the Board is not satisfied that the waiver was made knowingly and intelligently or if it needs more information before making its decision, the Board may deny the waiver and order a hearing.

Statutory Authority: ORS 144.120(1)(b)

History: (2/20/90, temporary; 7/1/90; 10/15/91, 03/14/97, 06-09-00)

Permanent effective 06/09/2000

DIVISION 30

PRISON TERM HEARING PROCEDURE

255-030-0024

Prison Term Hearing Waiver

- (1) Notwithstanding OAR 255-30-023, an inmate may waive his/her right to a prison term hearing based on the following criteria:
  - (a) Sentence of less than 15 years; and
  - (b) Non-person felony (The non-person felonies are designated on Exhibit A1 of these rules.); and
  - (c) Matrix range of up to 14 - 20 months; and
  - (d) Completed Prison Term Hearing Packet.
- (2) Within the time limits provided by OAR 255-30-010, the Board, at its discretion, may notify the inmate in writing of:
  - (a) his/her eligibility to waive the prison term hearing; and
  - (b) the proposed prison term and conditions of parole.
- (3) A Department of Corrections counselor will review the Prison Term Hearing Packet and the waiver form with the inmate.
- (4) Upon receipt of a signed waiver, the Board shall make the findings required by OAR 255-035-013 or 255-35-014 and shall send the final Board order to the inmate.
- (5) If the Board is not satisfied that the waiver was made knowingly and intelligently or if it needs more information before making its decision, the Board may deny the waiver and order a hearing.

Statutory Authority: ORS 144.120(1)(b)

History: (2/20/90, temporary; 7/1/90; 10/15/91, 03/14/97)

03/14/97

Prison Term Hearing  
Permanent effective 3/14/97

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 -- BOARD OF PAROLE

DIVISION 30

PRISON TERM HEARING PROCEDURE

Prison Term Hearing Waiver (ORS 144.120(1)(b))  
255-30-024 (2/20/90, temporary; 7/1/90; 10/15/91)

- (1) Notwithstanding OAR 255-30-023, a prisoner may waive his/her right to a prison term hearing based on the following criteria:
  - (a) Sentence of less than 15 years [or less]; and
  - (b) Non-person felony (The non-person felonies are designated on Exhibit AI of these rules.); and
  - (c) Matrix range of up to 14 - 20 months; and
  - (d) Completed Prison Term Hearing Packet.
- (2) Within the time limits provided by 255-30-010, the Board, at its discretion, [will] may notify the prisoner in writing of:
  - (a) his/her eligibility to waive the prison term hearing; and
  - (b) [of] the proposed prison term and conditions of parole.
- (3) A Department of Corrections counselor will review the Prison Term Hearing Packet and the waiver form with the prisoner.
- (4) Upon receipt of a signed waiver, the Board [will] shall make the findings required by OAR 255-035-013 or 255-35-014 and [will] shall send the final Board order to the prisoner.
- (5) If the Board is not satisfied that the waiver was made knowingly and intelligently or if it [believes] needs more information [is necessary] before making its decision, the Board may deny the waiver and order a hearing.

Prison Term Hearing

Permanent effective 10/15/91

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Prison Term Hearing Waiver  
255-30-024

- (1) Notwithstanding OAR 255-30-023, a prisoner may waive his/her right to a prison term hearing based on the following criteria:
  - (a) Sentence of 15 years or less; and
  - (b) Non-person felony (The non-person felonies are designated on Exhibit A of these rules.); and
  - (c) Matrix range of up to 14 - 20 months; and
  - (d) Completed Prison Term Hearing Packet.
- (2) Within the time limits provided by 255-30-010, the Board, at its discretion, will notify the prisoner in writing of his/her eligibility to waive and of the proposed prison term and conditions of parole.
- (3) A Department of Corrections counselor will review the Prison Term Hearing Packet and the waiver form with the prisoner.
- (4) Upon receipt of a signed waiver, the Board will make the findings required by OAR 255-035-013 or 255-35-014 and will send the final Board order to the prisoner.
- (5) If the Board is not satisfied that the waiver was made knowingly and intelligently or if it believes more information is necessary before making its decision, the Board may deny the waiver and order a hearing.

Temporary effective 2/20/90 to 8/1/90  
became permanent 7/1/90



PRISON TERM HEARING PROCEDURE

255-030-0025

Who May Accompany an Inmate at a Board of Parole and Post-Prison Supervision Hearing

(1) Purpose: The purpose of this rule is to jointly establish with the Department of Corrections policies and procedures governing who may accompany an inmate in a hearing before the Board of Parole and Post-Prison Supervision

(2) Policy:

(a) It is the joint policy of the Department of Corrections and Board of Parole and Post-Prison Supervision that inmates be permitted to have a person accompany them in hearings before the Board in accordance with ORS 144.123, as provided in these rules.

(b) A person's access to a Department of Corrections facility is subject to the Department of Corrections rules on Facility Access (OAR 291-016), Visiting (Inmate) (OAR 291-127), and this rule, and may be prohibited or restricted by the functional unit manager or designee of the facility in which the hearing is being conducted when deemed necessary or advisable to maintain the health, safety and security of staff, inmates, or the public, or to maintain the safe, secure, and orderly operation and management of the facility.

(3) Persons Who May Accompany an Inmate at a Board Hearing:

(a) When appearing before the Board of Parole and Supervision in a hearing, an inmate may be accompanied at the Department of Corrections facility in which the inmate is confined, subject to the prior approval of the facility functional unit manager or designee, by:

(A) A person who has been approved for privileged visiting in accordance with the Department of Corrections rule on Visiting (Inmate) (OAR 291-127);

TEMP NOTICE 05-14-04 to 11-10-04

perm adopt 11-3-04

DIVISION 30

PRISON TERM HEARING PROCEDURE

**255-030-0025**

**Inmate Accompaniment to Board of Parole and Post-Prison Supervision Hearing**

- (1) Purpose: The purpose of these rules is to jointly establish with the Department of Corrections policies and procedures governing who may accompany an inmate in a hearing before the Board of Parole and Post-Prison Supervision
- (2) Policy: It is the joint policy of the Department of Corrections and Board of Parole and Post-Prison Supervision that inmates be permitted to have a person accompany them in hearings before the Board in accordance with ORS 144.123, as provided in these rules. The decision to approve a person's access to a Board hearing held within a Department of Corrections facility will be made by the functional unit manager or designee of the facility in which the inmate is confined, in accordance with the department's rules on Facility Access (OAR 291-016) and Visiting (Inmate) (OAR 291-127). A person's access to a Department of Corrections facility may be prohibited or restricted by the functional unit manager or designee consistent with these rules; the health, safety and security of staff, inmates, and the public; and with the safe, secure, and orderly operation and management of the facility.

Statutory Authority: ORS 144.123, 144.120(1)

History: (2/1/79; 11/4/81, temporary; 5/19/82; 12/2/86, temporary; 4/28/87; 5/19/88; 4/5/90; 10/9/92, 03/14/97, 06-09-00, 05/14/04-temporary; **11-02-2004**)

PERM EFFECTIVE 11/02/04

PRISON TERM HEARING PROCEDURE

(B) An assigned inmate legal assistant from the Department of Corrections facility where the inmate is confined; or

(C) The inmate's attorney.

(b) In addition to those persons specified in subsection (3)(a) of this rule, the inmate may be accompanied at the hearing via telephone or videoconference by such other person, other than another inmate, as the Board of Parole and Post-Prison Supervision may, in its discretion, approve by prior arrangement.

(4) The Department of Corrections, if requested by an inmate or the Board, will assign an assigned inmate legal assistant from the Department of Corrections facility where the inmate is confined to accompany the inmate at a Board hearing.

(5) A person who is permitted to access a Department of Corrections facility for the purpose of accompanying an inmate at a Board hearing is subject to the rules of conduct, and the terms and conditions of visiting set forth in the department's rules on Facility Access (OAR 291-016) and Visiting (Inmate) (OAR 291-127).

(6) Who May Appear at a Board Hearing

(a) The victim, personally, by counsel, or by representative, and the District Attorney from the committing jurisdiction, parole officer and institution counselor shall have the right to appear at hearings.

(b) Any member of the public, including the media, may attend Board hearings, but may not participate. The Board may eject any disruptive person from a hearing. The Board may require all parties other than the Board and its staff to leave the hearing during deliberations. All parties shall abide by Department of Corrections' rules while attending hearings within Department of Corrections' facilities.

Stat. Auth.: ORS 144.123 & ORS 144.120(7)

Stats. Implemented: ORS 144.120(7), ORS 144.123 & ORS 192.630

DIVISION 30

PRISON TERM HEARING PROCEDURE

Hist.: 2PB 1-1979, f. & ef. 2-1-79; 2PB 10-1981(Temp), f. & ef. 11-4-81; 2PB 1-1982, f. & ef. 5-19-82; 2PB 4-1986(Temp), f. & ef. 12-2-86; PAR 3-1987, f. & ef. 4-28-87; PAR 6-1988, f. & ef. 5-19-88; PAR 4-1989, f. & ef. 11-1-89; PAR 2-1990, f. & cert. ef. 4-5-90; PAR 8-1992, f. & cert. ef. 10-9-92; PAR 3-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 6-2000, f. & cert. ef. 6-9-00; PAR 4-2004(Temp), f. & cert. ef. 5-14-04 thru 11-10-04

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DIVISION 30

**PRISON TERM HEARING PROCEDURE**

255-030-0025

Who May Appear at a Board Hearing

- (1) This is a joint rule with the Department of Corrections.
- (2) The inmate may be accompanied at a Board of Parole and Post-Prison Supervision hearing by a person of the inmate's choice, however, the accompanist must be:
  - (a) approved for visiting according to Department of Corrections rules on visiting (OAR 291-127[-005 to 045]); or
  - (b) an assigned inmate legal assistant, selected pursuant to Department of Corrections rules (OAR 291-139[-005 to 045]), from the institution where the inmate is in custody.
- (3) In addition to a person of the prisoner's choice, an assistant shall be provided by the Department of Corrections or the Board for inmates incapable of presenting their position due to a foreign language barrier, or a documented physical, mental or emotional incapacity.
- (4) The victim, personally, by counsel, or by representative, and the District Attorney from the committing jurisdiction, parole officer and institution counselor shall have the right to appear at hearings.
- (5) Any member of the public, including the media, may attend Board hearings, but may not participate. The Board may eject any disruptive person from a hearing. The Board may require all parties other than the Board and its staff to leave the hearing during deliberations. All parties shall abide by Department of Corrections' rules while attending hearings within Department of Corrections' facilities.

Statutory Authority: ORS 144.123, 144.120(7)

History: (2/1/79; 11/4/81, temporary; 5/19/82; 12/2/86, temporary; 4/28/87; 5/19/88; 4/5/90; 10/9/92, 03/14/97, 06-09-00)

Permanent effective 06/09/2000

DIVISION 30

PRISON TERM HEARING PROCEDURE

255-030-0025

Who May Appear at a Board Hearing

- (1) This is a joint rule with the Department of Corrections.
- (2) The inmate may be accompanied at a Board of Parole and Post-Prison Supervision hearing by a person of the inmate's choice, however, the accompanist must be:
  - (a) approved for visiting according to Department of Corrections rules on visiting (OAR 291-127-005 to 045); or
  - (b) an assigned inmate legal assistant, selected pursuant to Department of Corrections rules (OAR 291-139-005 to 045), from the institution where the inmate is in custody.
- (3) In addition to a person of the prisoner's choice, an assistant shall be provided by the Department of Corrections or the Board for inmates incapable of presenting their position due to a foreign language barrier, or a documented physical, mental or emotional incapacity.
- (4) The victim, personally, by counsel, or by representative, and the District Attorney from the committing jurisdiction shall have the right to appear at hearings.
- (5) Any member of the public, including the media, may attend Board hearings, but may not participate. The Board may eject any disruptive person from a hearing. The Board may require all parties other than the Board and its staff to leave the hearing during deliberations. All parties shall abide by Department of Corrections' rules while attending hearings within Department of Corrections' facilities.

Statutory Authority: ORS 144.123, 144.120(7)

History: (2/1/79; 11/4/81, temporary; 5/19/82; 12/2/86, temporary; 4/28/87;  
5/19/88; 4/5/90; 10/9/92, 03/14/97)

Permanent effective 3/14/97

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 -- BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Who May Appear at a Board Hearing  
255-30-025

- (1) This is a joint rule with the Department of Corrections.
- (2) The prisoner may be accompanied at a Board of Parole and Post-Prison Supervision hearing by a person of the prisoner's choice, however, the accompanist must be:
  - (a) approved for visiting according to Department of Corrections rules on visiting (OAR 291-127-005 to -045); or
  - (b) an assigned inmate legal assistant, selected pursuant to Department of Corrections rules ( OAR 291-139-005 to -045), from the institution where the prisoner is in custody.
- (3) In addition to a person of the prisoner's choice, an assistant shall be provided by the Department of Corrections or the Board for prisoners incapable of presenting their position due to a foreign language barrier, or a documented physical, mental or emotional incapacity.
- (4) The victim, personally, by counsel, or by representative, and the District Attorney from the committing jurisdiction shall have the right to appear at hearings.
- (5) Any member of the public, including the media, may attend Board hearings, but may not participate. The Board may eject any disruptive person from a hearing. The Board may require all parties other than the Board and its staff to leave the hearing during deliberations. All parties shall abide by Department of Corrections' rules while attending hearings within Department of Corrections' facilities.

Statutory Authority: (ORS 144.123, 144.120(7), 192.630)  
History: (2/1/79; 11/4/81, temporary; 5/19/82; 12/2/86, temporary;  
4/28/87; 5/19/88; 4/5/90; 10/9/92)

Permanent effective 10/9/92

Who May Appear at a Board Hearing

255-30-025 (2/1/79; 11/4/81, temporary; 5/19/82; 12/2/86, temporary;  
4/28/87; 5/19/88; 4/5/90)

- (1) This is a joint rule with the Department of Corrections.
- (2) The prisoner may be accompanied at a Board of Parole and Post-Prison Supervision hearing by a person of the prisoner's choice [.] , however, the accompanist must be:
  - (a) approved for visiting according to Department of Corrections rules on visiting (OAR 291-127-005 to -045); or
  - (b) an assigned inmate legal assistant, selected pursuant to Department of Corrections rules ( OAR 291-139-005 to -045), from the institution where the prisoner is in custody. [Procedures for admission to a Parole Board hearing will be governed by the Department of Corrections rule governing visiting.]
- (3) In addition to a person of the prisoner's choice, an assistant shall be provided by the Department of Corrections or the Board for [Assistance shall be provided to] prisoners incapable of presenting their position due to a foreign language barrier, or a documented physical, mental or emotional incapacity.
- [(3) If the prisoner has an assistant provided pursuant to subsection (2) of this rule, this shall not preclude the prisoner from being accompanied to the hearing by a person of the prisoner's choice.]
- (4) The victim, personally, by counsel, or by representative, and the District Attorney from the committing jurisdiction shall have the right to appear at [Parole Board] hearings.

Permanent effective 4/5/90

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Who May Appear at a [Parole] Board Hearing  
255-30-025

- (1) The prisoner may be accompanied at a Board of Parole and Post-Prison Supervision hearing by a person of the prisoner's choice [.] , however, the accompanist must be:
  - (a) approved for privileged visiting according to Department of Corrections rules on visiting (OAR 291-127-005 to -065); or
  - (b) an assigned inmate legal assistant, selected pursuant to Department of Corrections rules (OAR 291-139-005 to 045), from the institution where the prisoner is in custody. [Procedures for admission to a Parole Board hearing will be governed by the Department of Corrections rule governing visiting.]
- (2) In addition to a person of the prisoner's choice, an assistant shall be provided by the Department of Corrections or the Board of Parole for [Assistance shall be provided to] prisoners incapable of presenting their position due to a foreign language barrier, or a documented mental or emotional incapacity.
- [(3) If the prisoner has an assistant provided pursuant to subsection (2) of this rule, this shall not preclude the prisoner from being accompanied to the hearing by a person of the prisoner's choice.]
- (4) The victim, personally, by counsel, or by representative, and the District Attorney from the committing jurisdiction shall have the right to appear at [Parole] Board Hearings.

11/01/89

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Permanent effective 11/1/89

DIVISION 30

PRISON TERM HEARING PROCEDURE

Who May Appear at a Parole Board Hearing  
255-30-025

- [(1) The prisoner shall appear at the Parole Board hearing. Willful failure to appear does not relieve the Board of its statutory responsibility to make a decision in the prisoner's case.]
- (1) [(2)] The prisoner may be accompanied by a person of the prisoner's choice. Procedures for admission to a Parole Board hearing will be governed by the [Corrections Division] Department of Corrections rule governing visiting. [At the conclusion of the hearing, the person accompanying the prisoner may make a statement, not to exceed three (3) minutes.]
- (2) [(3)] Assistance shall be provided to prisoners incapable of presenting their position due to a foreign language barrier[s], or a documented mental or emotional incapacity [or educational deficiency].
- (3) [(4)] If the prisoner has an assistant provided pursuant to subsection (2) of this rule, this shall not preclude the prisoner from being accompanied to the hearing by a person of the prisoner's choice.
- (4) [(5)] The victim, personally, by counsel, or by representative, and the District Attorney from the committing jurisdiction shall have the right to appear at Parole Board Hearings.

Permanent effective 5/19/88

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 -- BOARD OF PAROLE

DIVISION 30

PRISON TERM HEARING PROCEDURE

Who May Appear at a Parole Board Hearing  
255-30-025

- (1) The prisoner shall appear at the Parole Board hearing. Willful failure to appear does not relieve the Board of its statutory responsibility to make a decision in the prisoner's case. [Exceptions being those inmates who fail to appear due to circumstances beyond their control.]
- (2) The prisoner may be accompanied by a person of the prisoner's choice. Procedures for admission to a Parole Board hearing will be governed by the Corrections Division rule governing visiting. At the conclusion of the hearing, [T]he person accompanying the prisoner may make a statement, not to exceed three (3) minutes, [at the conclusion of the hearing.]
- (3) Assistance shall be provided to prisoners incapable of presenting their position due to language barriers, mental or emotional incapacity or educational deficiency, [shall be provided to prisoners meeting these criteria by persons recommended by the institution superintendent and appointed by the chairperson of the panel.]
- (4) If the prisoner [needs assistance and] has an assistant [appointed by the chairperson] pursuant to this rule, it [this] shall not preclude the prisoner from being accompanied to the hearing by a person of the prisoner's choice.
- (5) The victim, personally, by counsel, or by representative and the District Attorney from the committing jurisdiction have the right to appear at Parole Board Hearings.

Temporary effective 12/2/86 to 5/30/87

became Permanent effective 4/28/87

DIVISION 30

PRISON TERM HEARING PROCEDURE

255-30-025 Who May Appear at a Parole Board Hearing

- (1) The prisoner shall appear at the Parole Board hearing. Willful failure to appear does not relieve the Board of its responsibility to make a decision in the prisoner's case. Exceptions being those inmates who fail to appear due to circumstances beyond their control. [unless the prisoner waives parole in writing or by refusal to appear. The Board may choose not to set a release date if the prisoner waives parole. However, the prisoner, shall be rescheduled for a hearing upon written request from the prisoner who previously waived.]
- (2) The prisoner may be accompanied by a person of the prisoner's choice. Procedures for admission to a Parole Board hearing will be governed by the Corrections Division rule governing visiting. The person accompanying the prisoner may make a statement, not to exceed three (3) [five] minutes, at the conclusion of the hearing.
- (3) Assistance to prisoners incapable of presenting their position due to language barriers, mental or emotional incapacity or educational deficiency shall be provided to prisoners meeting these criteria by persons recommended by the institution superintendent and appointed by the chairperson of the panel.
- (4) If the prisoner needs assistance and has an assistant [assistance] appointed by the chairperson pursuant to this rule, this shall not preclude the prisoner being accompanied to the hearing by a person of the prisoner's choice.

DIVISION 30

PRISON TERM HEARING PROCEDURE

Who May Appear at a Parole Board Hearing

255-30-025(1) The prisoner shall appear at the Parole Board hearing unless the prisoner waives parole in writing [.] or by refusal to appear. The Board may choose not to set a release date if the prisoner waives parole. However, the prisoner, shall be rescheduled for a hearing upon written request from the prisoner who previously waived.

[(2) No person other than the prisoner, shall appear in the prisoner's behalf unless the prisoner is incapable of presenting his/her position due to language barriers, mental or emotional incapacity, or education deficiency. Assistance shall be provided to prisoners meeting these criteria by persons recommended by the institution superintendent and appointed by the Chairperson of the Board.]

(2) The prisoner may be accompanied by a person of the prisoner's choice. Procedures for admission to a parole board hearing will be governed by the Corrections Division rule governing visiting. The person accompanying the prisoner may make a statement, not to exceed five minutes, at the conclusion of the hearing.

(3) Assistance to prisoners incapable of presenting their position due to language barriers, mental or emotional incapacity or educational deficiency shall be provided to prisoners meeting these criteria by persons recommended by the institution superintendent and appointed by the chairperson of the panel.

(4) If the prisoner needs assistance and has an assistant appointed by the chairperson pursuant to this subsection, this shall not preclude the prisoner being accompanied to the hearing by a person of the prisoner's choice.

Who May Appear at a Parole Board Hearing

255-30-025(1) The prisoner shall appear at the Parole Board hearing unless the prisoner waives parole in writing [.] or by refusal to appear. The Board may choose not to set a release date if the prisoner waives parole. However, the prisoner, shall be rescheduled for a hearing upon written request from the prisoner who previously waived.

[(2) No person other than the prisoner, shall appear in the prisoner's behalf unless the prisoner is incapable of presenting his/her position due to language barriers, mental or emotional incapacity, or education deficiency. Assistance shall be provided to prisoners meeting these criteria by persons recommended by the institution superintendent and appointed by the Chairperson of the Board.]

(2) The prisoner may be accompanied by a person of the prisoner's choice, subject to rules and procedures of the Corrections Division. The person accompanying the prisoner may make a statement, not to exceed five minutes, at the conclusion of the hearing.

(3) Assistance to prisoners incapable of presenting their position due to language barriers, mental or emotional incapacity or educational deficiency shall be provided to prisoners meeting these criteria by persons recommended by the institution superintendent and appointed by the chairperson of the panel.

(4) If the prisoner needs assistance and has an assistant appointed by the chairperson pursuant to this subsection, this shall not preclude the prisoner being accompanied to the hearing by a person of the prisoner's choice.

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

**Who May Appear at a Prison Term Hearing**

255-30-025 (1) The prisoner shall appear at the prison term hearing unless he/she waives appearance in writing.

(2) No person, other than the prisoner, shall appear in the prisoner's behalf unless the prisoner is incapable of presenting his/her position due to language barriers, mental or emotional incapacity, or educational deficiency. Assistance shall be provided to prisoners meeting these criteria by persons recommended by the institution superintendent and appointed by the chairperson of the Board.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & ef. 2-1-79



**DIVISION 30**

**PRISON TERM HEARING PROCEDURE**

**255-030-0026**

**Who May Appear at a Board of Parole and Post-Prison Supervision Hearing**

- (1) Inmate Accompaniment: When appearing before the Board of Parole and Supervision in a hearing, an inmate may be accompanied at the Department of Corrections facility in which the inmate is confined, subject to the prior approval of the facility functional unit manager or designee, by:
  - (a) A person who has been approved for privileged visiting in accordance with the Department of Corrections rule on Visiting (Inmate) (OAR 291-127);
  - (b) An assigned inmate legal assistant, selected in accordance with the Department of Corrections rule on Legal Affairs (Inmate) (OAR 291-139), from the Department of Corrections facility where the inmate is confined; or
  - (c) The inmate's attorney.
- (2) In addition to those persons specified in subsection (1) of this rule, the inmate may be accompanied at the hearing via telephone or videoconference by such other person as the Board of Parole and Post-Prison Supervision, in its discretion, may approve by prior arrangement.
- (3) The Department of Corrections, if requested by the inmate or the Board, will assign an assigned inmate legal assistant from the Department of Corrections facility where the inmate is confined to accompany an inmate at a Board hearing.
- (4) Others Who May Attend/Appear at a Board Hearing
  - (a) Victim and District Attorney: The victim, personally, or by counsel or other representative, and the District Attorney from the committing jurisdiction or his/her representative, may attend/appear Board of Parole and Post-Prison Supervision Hearings.
  - (b) Public: Members of public may attend, but not participate in, Board of Parole and Post-Prison Supervision hearings.
  - (c) Media Representatives: Approved media representatives may attend, but not participate in, Board of Parole and Post-Prison Supervision hearings.
  - (d) Department of Corrections Employees, Volunteers, and Contractors: Department of Corrections employees, volunteers, and contractors may attend, but not participate in, Board of Parole and Post-Prison Supervision hearings, except as requested by the Board in order to provide testimony in the hearing.

**DIVISION 30**

**PRISON TERM HEARING PROCEDURE**

- (5) Means and Manner of Appearance/Attendance:
- (a) Board Hearings Conducted With Inmate in Person Within a Department of Corrections Facility:
- (A) If the inmate will appear before the Board of Parole and Post-Prison Supervision in person within a Department of Corrections facility, the person(s) accompanying the inmate, the victim and the District Attorney, and/or their representatives, members of the public, and approved media representatives, may appear/attend the hearing in person at the Department of Corrections facility, subject to the approval by the functional unit manager of the facility in which the hearing is being conducted, or via telephone or videoconference as arranged in advance with the Board.
- (B) A person desiring to appear/attend a Board of Parole and Post-Prison Supervision hearing in a Department of Corrections facility must contact the functional unit manager or designee of the Department of Corrections facility in which the hearing is scheduled to take place in advance of the hearing to arrange for their attendance/appearance.
- (C) A person's access to a Department of Corrections facilities is subject to the Department of Corrections rules on Facility Access (OAR 291-016) and Visiting (Inmate) (OAR 291-127), and may be prohibited or restricted by the functional unit manager or designee of the facility in which the hearing is being conducted consistent with the health, safety and security of staff, inmates, and the public, and with the safe, secure, and orderly operation and management of the facility.
- (D) A person who appears/attends a Board of Parole and Post-Prison Supervision hearing in a Department of Corrections facility is subject to the rules of conduct, and the terms and conditions of visiting set forth in the department's rules on Facility Access (OAR 291-016) and Visiting (Inmate) (OAR 291-127).
- (b) Board Hearings Conducted With Inmate Via Telephone or Videoconference: If the inmate will appear before the Board of Parole and Post-Prison Supervision via telephone or videoconference, the person(s) accompanying the inmate, the victim and the District Attorney, and/or their representatives, members of the public, and approved media representatives, may appear/attend the hearing at the place in which the Board is meeting for purposes of conducting the hearing, or via telephone or videoconference, as arranged in advance with the Board.
- (6) Conduct of Hearing: The Board of Parole and Post-Prison Supervision may eject any disruptive person from a hearing. The Board may require all persons to leave the designated hearing area during deliberations.

Statutory Authority: ORS 144.123, 144.120(7)  
History: 05/14/04 - temporary; **11/02/04**





DIVISION 30

**PRISON TERM HEARING PROCEDURE**

255-030-0027

Victim, District Attorney and Inmate Statements

- (1) During the hearing, the victim, personally, by counsel, or by representative, and the District Attorney from the committing jurisdiction, parole officer and institution counselor may make statements not to exceed three minutes.
- (2) Following the victim and the District Attorney statements, the person accompanying the inmate may make a statement not to exceed three minutes.

Statutory Authority: ORS 144.120(7)

History: (12/2/86, temporary; 4/28/87; 5/19/88; 1/13/92, 03/14/97, 06-09-00)

Permanent effective 06/09/2000

DIVISION 30

PRISON TERM HEARING PROCEDURE

255-030-0027

Victim, District Attorney and Inmate Statements

- (1) During the hearing, the victim, personally, by counsel, or by representative, and the District Attorney from the committing jurisdiction, may make statements not to exceed three minutes.
- (2) Following the victim and the District Attorney statements, the person accompanying the inmate may make a statement not to exceed three minutes.

Statutory Authority: ORS 144.120(7)

History: (12/2/86, temporary; 4/28/87; 5/19/88; 1/13/92, 03/14/97)

255-030-0030

Panel Decision: Use of Guidelines; Unanimity Requirement

History: (2/1/79; 5/31/85; 5/19/88, repealed)

03/14/97

Prison Term Hearing

Permanent effective 3/14/97

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Victim, District Attorney and Inmate Statements  
255-30-027

- (1) [At the conclusion of] During the hearing, the victim, personally, by counsel, or by representative, and the District Attorney from the committing jurisdiction, may make statements not to exceed three minutes.
- (2) Following the victim and the District Attorney statements, the person accompanying the prisoner may make a statement not to exceed three minutes.

Statutory Authority: (ORS 144.120(7))  
(12/2/86, temporary; 4/28/87; 5/19/88; 1/13/92)

Permanent effective 1/13/92

DIVISION 30

PRISON TERM HEARING PROCEDURE

Victim, [ and ] District Attorney and Inmate Statements  
255-30-027

- (1) At the conclusion of the hearing, the victim, personally, by counsel, or by representative, and the District Attorney from the committing jurisdiction, may make statements not to exceed three minutes.
- (2) Following the victim and the District Attorney statements, the person accompanying the prisoner may make a statement not to exceed three minutes. [At their discretion, the victim and/or the District Attorney may submit written statements adequately and reasonably expressing their views concerning the crime and person responsible, in lieu of a personal appearance. These statements shall be received by the Board at least seven (7) days prior to the Parole Board hearing.]
- [(3) Written statements provided by the victim and/or the District Attorney in lieu of personal appearances shall be included in the Board Review Packet.]

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

DIVISION 30

PRISON TERM HEARING PROCEDURE

Victim and District Attorney Statements  
255-10-022

- (1) At the conclusion of the hearing, the victim, personally, by counsel, or by representative, and the District Attorney from the committing jurisdiction, may make statements.
- (2) At their discretion, the victim and/or the District Attorney may submit written statements adequately and reasonably expressing their views concerning the crime and person responsible in lieu of a personal appearance. These statements shall be received by the Board at least seven (7) days prior to the Parole Board hearing.
- (3) Written statements, provided by the victim and/or the District Attorney in lieu of personal appearance, shall be included in the Board Review Packet.

Temporary effective 12/2/86 to 5/30/87

became Permanent effective 4/28/87



OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Panel Decision: Use of Guidelines; Unanimity Requirement  
255-30-030

- [(1) The panel shall consider the case in accordance with the guidelines in Division 35.]
- [(2) The decision of a panel of two members must be unanimous. In the absence of a unanimous decision, there is a no quorum vote. In such a case, each panel member shall forward his/her recommendation to the chairperson for reassignment. No matter so reassigned shall be decided by fewer than three (3) affirmative votes. This may be done by another two-member panel reaching a unanimous decision in agreement with a member of the prior panel. Should a unanimous decision by three members not be obtained, the case will be reassigned to a the Full Board.]

Repealed

Permanent effective 5/19/88

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

255-30-030 Panel Decisions: Use of Guidelines/Unanimity Requirement

- (1) The panel shall consider the case in accordance with the guidelines in Division 35.
- (2) The decision of a panel of two (2) [or three] members must be unanimous. In the absence of a unanimous decision, there is a no quorum vote. In such a case, each panel member shall forward his/her recommendation to the chairperson for reassignment to a different panel. No matter so reassigned shall be decided by fewer than three (3) affirmative votes. This may be done by another two-member panel reaching a unanimous decision in agreement with a member of the prior panel. Should a unanimous decision by three members not be obtained, the case will be reassigned to the Full Board. [The decision becomes the decision of the Board. The provisions of Section 255-30-025(2) and Rule 255-30-020 shall govern full Board cases.]

Permanent effective 5/31/85

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

**Panel Decisions: Use of Guidelines; Unanimity Requirement**

255-30-030 (1) The panel shall consider the case in accordance with the guidelines in division 35.

(2) The decision of a panel of two or three members must be unanimous. In the absence of a unanimous decision, each panel member shall forward his/her recommendation to the chairperson for reassignment. No matter so reassigned shall be decided by fewer than three affirmative votes. This may be done by another two-member panel reaching a unanimous decision in agreement with a member of the prior panel. The decision becomes the decision of the Board. The provisions of section 255-30-015(2) and rule 255-30-020 shall govern full Board cases.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & ef. 2-1-79

Permanent effective 2/1/79



DIVISION 30

**PRISON TERM HEARING PROCEDURE**

255-030-0032

Evidence

- (1) The presiding chairperson at a Board hearing shall explain the issues for decision, which, in the case of a prison term hearing, are those issues set forth in OAR 255-035-0013.
- (2) Evidence of a type that reasonably prudent persons would commonly rely upon in the conduct of their serious affairs shall be admissible in Board hearings, including:
  - (a) The information set forth in OAR 255-030-0035;
  - (b) Other relevant evidence concerning the inmate if reasonably available.
- (3) Reliable, probative and substantial evidence shall support Board orders. Substantial evidence is found when the record, viewed as a whole, would permit a reasonable person to make a particular finding.
- (4) The Board may exclude evidence if it is:
  - (a) unduly repetitious;
  - (b) not of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs;
  - (c) provided by a person, other than a justice system official, without first hand knowledge of the circumstances of the crime;
  - (d) provided by a person, other than a justice system official, without first hand knowledge of the character of the inmate;
  - (e) addressing only guilt or innocence; or
  - (f) irrelevant or immaterial to the findings being made at that particular hearing.
- (5) The Board may receive evidence to which the inmate objects. If the presiding chairperson does not make rulings on its admissibility or exclusion during the hearing, the Board shall make findings on the record at the time a final order is issued.
- (6) Erroneous rulings on evidence shall not preclude Board action on the record unless shown to have substantially prejudiced the rights of the inmate.

Statutory Authority: ORS 144.050, 144.140

History: (11/1/89; 10/5/90; 1/13/92, 03/14/97, 06-09-00)

Permanent effective 06/09/2000

DIVISION 30

PRISON TERM HEARING PROCEDURE

255-030-0032

Evidence

- (1) The presiding chairperson at a Board hearing shall explain the issues for decision, which, in the case of a prison term hearing, are those issues set forth in OAR 255-35-013.
- (2) Evidence of a type that reasonably prudent persons would commonly rely upon in the conduct of their serious affairs shall be admissible in Board hearings, including:
  - (a) The information set forth in OAR 255-30-035;
  - (b) Other relevant evidence concerning the inmate if reasonably available.
- (3) Reliable, probative and substantial evidence shall support Board orders. Substantial evidence is found when the record, viewed as a whole, would permit a reasonable person to make a particular finding.
- (4) The Board may exclude evidence if it is:
  - (a) unduly repetitious;
  - (b) not of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs;
  - (c) provided by a person, other than a justice system official, without first hand knowledge of the circumstances of the crime;
  - (d) provided by a person, other than a justice system official, without first hand knowledge of the character of the inmate;
  - (e) addressing only guilt or innocence; or
  - (f) irrelevant or immaterial to the findings being made at that particular hearing.
- (5) The Board may receive evidence to which the inmate objects. If the presiding chairperson does not make rulings on its admissibility or exclusion during the hearing, the Board shall make findings on the record at the time a final order is issued.
- (6) Erroneous rulings on evidence shall not preclude Board action on the record unless shown to have substantially prejudiced the rights of the inmate.

Statutory Authority: ORS 144.050, 144.140

History: (11/1/89; 10/5/90; 1/13/92, 03/14/97)

Permanent effective 3/14/97

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

DIVISION 30

PRISON TERM HEARING PROCEDURE

Evidence  
255-30-032

- (1) The presiding chairperson at a Board hearing [before the Board of Parole and Post-Prison Supervision] shall explain the issues for decision [to be decided and shall ensure that the record developed at the hearing shows a full and fair inquiry into the facts necessary for consideration of all issues properly before the Board,] which, in the case of a prison term hearing, are those issues set forth in 255-35-013. [The Board may pursue lines of inquiry and follow up on potential evidence that may be favorable to the prisoner.]
- (2) Evidence of a type that reasonably prudent persons would commonly [relied] rely upon [by reasonably prudent persons] in the conduct of their serious affairs shall be admissible in Board hearings [before the Board], including:
  - (a) The information set forth in 255-30-035;
  - (b) Other relevant evidence concerning the prisoner [as may be] if reasonably available.
- (3) [Board orders shall be supported by] [r]Reliable, probative and substantial evidence shall support Board orders. Substantial evidence is found when the record, viewed as a whole, would permit a reasonable person to make a particular finding.
- (4) The Board may exclude [E]vidence [may be excluded] if it is:
  - (a) unduly repetitious;
  - (b) not of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs;
  - (c) provided by a person, other than a justice system official, without first hand knowledge of the circumstances of the crime;
  - (d) provided by a person, other than a justice system official, without first hand knowledge of the character of the prisoner;
  - (e) addressing only guilt or innocence; or
  - (f) irrelevant or immaterial to the findings being made at the particular hearing.
- (5) The Board may receive [E]vidence [objected to by] to which the prisoner objects [may be received by the Board]. If the presiding chairperson does not make [R]ulings on its admissibility or exclusion[, if not made] during the hearing [by the presiding chairperson], the Board shall [be made] make findings on the record at [or before] the time a final order is issued.
- (6) Erroneous rulings on evidence shall not preclude Board action on the record unless shown to have substantially prejudiced the rights of the prisoner.

Statutory Authority: (ORS 144.050, 144.140)  
History: (11/1/89; 10/5/90; 1/13/92)

Permanent effective 1/13/92

Evidence

255-30-032

(11/1/89; 10/5/90)

- (1) The presiding chairperson at a hearing before the Board of Parole and Post-Prison Supervision shall explain the issues to be decided and shall ensure that the record developed at the hearing shows a full and fair inquiry into the facts necessary for consideration of all issues properly before the Board, which, in the case of a prison term hearing, are those issues set forth in 255-35-013. The Board may pursue lines of inquiry and follow up on potential evidence that may be favorable to the prisoner.
- (2) Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible in hearings before the Board, including:
  - (a) The information set forth in 255-30-035;
  - (b) Other relevant evidence concerning the prisoner as may be reasonably available.
- (3) Board orders shall be supported by reliable, probative and substantial evidence. Substantial evidence is found when the record, viewed as a whole, would permit a reasonable person to make a particular finding.
- (4) {Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. At a prison term hearing, evidence relating to guilt or innocence is irrelevant.}  
Evidence may be excluded if it is:
  - (a) unduly repetitious;
  - (b) not of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs;
  - (c) provided by a person, other than a justice system official, without firsthand knowledge of the circumstances of the crime;
  - (d) provided by a person, other than a justice system official, without firsthand knowledge of the character of the prisoner;
  - (e) addressing only guilt or innocence; or
  - (f) irrelevant or immaterial to the findings being made at the particular hearing.
- (5) Evidence objected to by the prisoner may be received by the Board. Rulings on its admissibility or exclusion, if not made during the hearing by the presiding chairperson, shall be made on the record at or before the time a final order is issued.
- (6) Erroneous rulings on evidence shall not preclude Board action on the record unless shown to have substantially prejudiced the rights of the prisoner.

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Evidence  
255-30-032

- (1) The presiding chairperson at a hearing before the Board of Parole and Post-Prison Supervision shall explain the issues to be decided and shall ensure that the record developed at the hearing shows a full and fair inquiry into the facts necessary for consideration of all issues properly before the Board, which, in the case of a prison term hearing, are those issues set forth in 255-35-013. The Board may pursue lines of inquiry and follow up on potential evidence that may be favorable to the prisoner.
- (2) Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible in hearings before the Board, including:
  - (a) The information set forth in 255-30-035;
  - (b) Other relevant evidence concerning the prisoner as may be reasonably available.
- (3) Board orders shall be supported by reliable, probative and substantial evidence. Substantial evidence is found when the record, viewed as a whole, would permit a reasonable person to make a particular finding.
- (4) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. At a prison term hearing, evidence relating to guilt or innocence is irrelevant.
- (5) Evidence objected to by the prisoner may be received by the Board. Rulings on its admissibility or exclusion, if not made during the hearing by the presiding chairperson, shall be made on the record at or before the time a final order is issued.
- (6) Erroneous rulings on evidence shall not preclude Board action on the record unless shown to have substantially prejudiced the rights of the prisoner.



DIVISION 30

**PRISON TERM HEARING PROCEDURE**

255-030-0035

Information the Board Shall Consider

- (1) The Board Review Packet shall contain:
- (a) inmate's notice of rights and notice of administrative appeal;
  - (b) PSI, PAR, PSR or report of similar content;
  - (c) sentencing/judgement orders;
  - (d) facesheet;
  - (e) certification of time served credits;
  - (f) Board Action Forms;
  - (g) information pursuant to Ballot Measure 10;
  - (h) material submitted by the inmate or representative relating to the calculation of the prison term;
  - (i) current psychological/psychiatric evaluations;
  - (j) other relevant material selected at the Board's discretion.
- (2) The Board may consider additional information and recommendations from those with a special interest in the case. If considered, the Board Review Packet shall include the information. The Board must receive any information submitted pursuant to this section at least seven (7) days prior to the hearing. The Board may waive the seven day requirement.

Statutory Authority: ORS 144.185, 144.223

History: (2/1/79; 11/25/81, temporary; 5/19/82; 5/31/85; 12/2/86, temporary; 4/28/87; 5/19/88; 11/1/89; 1/13/92)

Permanent effective 3/14/97

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Information the Board Shall Consider  
255-30-035

- (1) The Board Review Packet shall contain:
  - (a) inmate's notice of rights and notice of administrative appeal;
  - (b) PSI, PAR, PSR or report of similar content;
  - (c) sentencing/judgement orders;
  - (d) face sheet;
  - (e) certification of time served credits;
  - (f) Board Action Forms;
  - (g) information pursuant to Ballot Measure 10;
  - (h) material submitted by the inmate or representative relating to the calculation of the prison term;
  - (i) current psychological/psychiatric evaluations;
  - (j) other relevant material selected at the Board's discretion.
  
- (2) The Board may consider [A]additional information and recommendations from those with a special interest in the case [may be considered]. If considered, the Board Review Packet shall include [such] the information [shall be included in the Board Review Packet]. The Board must receive [A]ny information submitted pursuant to this section [must be received by the Board] at least seven (7) days prior to the hearing. The Board may waive the seven day requirement.

Statutory Authority: (ORS 144.185, 144.223)  
History: (2/1/79; 11/25/81, temporary; 5/19/82; 5/31/85;  
12/2/86, temporary; 4/28/87; 5/19/88; 11/1/89; 1/13/92)

Permanent effective 1/13/92

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Information the Board Shall Consider at a Prison Term Hearing  
255-30-035

- (1) The Board Review Packet shall contain:
  - (a) Inmate's Notice of Rights and Notice of Administrative Appeal;
  - (b) PSI, PAR, PSR or report of similar content;
  - (c) sentencing/judgement orders;
  - (d) face sheet;
  - (e) certification of time served credits;
  - (f) Board Action Forms;
  - (g) information pursuant to Ballot Measure 10;
  - (h) material submitted by the inmate or representative relating to the calculation of the prison term;
  - (i) current psychological/psychiatric evaluations;
  - (j) other material selected at the Board's discretion.
  
- (2) Additional information and recommendations from those with a special interest in the case may be considered. If considered, such information shall be included in the Board Review Packet. Any information submitted pursuant to this section must be received by the Board at least seven (7) days prior to the hearing.

Permanent effective 11/1/89

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

DIVISION 30

PRISON TERM HEARING PROCEDURE

Information the Board Shall Consider at a Prison Term Hearing  
255-30-035

- (1) [The Board Shall consider all information in the Board Review Packet pursuant to OAR 255-15-030.]

The Board Review Packet shall contain:

- (a) inmate's notice of rights and notice of administrative appeal;
- (b) PSI, PAR, PSR;
- (c) sentencing/judgement orders;
- (d) face sheet;
- (e) certification of time served credits;
- (f) Board Action Forms;
- (g) information pursuant to Ballot Measure 10;
- (h) material submitted by the inmate or representative relating to the calculation of the prison term;
- (i) current psychological/psychiatric evaluations; and
- (j) other material selected at the Board's discretion.

- [(2) The Corrections Division will provide a Presentence Investigation Report or similar report to the Board within 90 days of admission to a correctional facility. This report shall be prepared according to the sectional outline in Exhibit F. Any transcripts forwarded by the sentencing judge shall be attached to the Pre-sentence Investigation.]

- (2) [(3)] Additional information and recommendations from those [others] with a special interest in the case may be considered. If considered, such information shall be included in the Board Review Packet. Any information submitted pursuant to this section must be received by the Board at least seven (7) days prior to the hearing.

- (3) [(4)] If the victim, his/her representative, or the District Attorney wishes to rebut any of the material in the Board Review Packet, the response [rebuttal] must be received by the Board seven (7) [ten (10)] days prior to the hearing.

- (4) Information from the inmate or representative shall be submitted at least seven (7) days prior to the hearing.

- [(5) All rebuttal information shall be included in the Board Review Packet and shall be released to the inmate in accordance with OAR 255-15-010.]

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

DIVISION 30

PRISON TERM HEARING PROCEDURE

Information the Board [Must] Shall Consider at a Prison Term Hearing [Parole Analysis Report, Other Material]  
255-30-032

- (1) The Board shall consider all information in the Board Review Packet pursuant to OAR 255-15-030
- (2) [(1)]The Corrections Division will provide a Presentence Investigation Report or similar report to the Board within 90 days of admission to a correctional facility. [prior to the prisoner's prison term hearing.] This report shall be prepared according to the sectional outline in Exhibit E. Any transcripts forwarded by the sentencing judge shall be attached to the Pre-Sentence Investigation.
- (3) [(2)]Additional information and recommendations from [police, district attorney, defense attorney, and] others with a special interest in the case [shall] may be considered [if available]. If considered, [S]uch information shall be included in the Board Review Packet, [subject to the criteria of disclosure as set forth per OAR 255-15-010, to the prisoner.]
- (4) If the victim, his/her representative, or the District Attorney wishes to rebut any of the material in the Board Review Packet, the rebuttal must be received by the Board ten (10) days prior to the hearing.
- (5) All rebuttal information shall be included in the Board Review Packet, and shall be released to the inmate in accordance with OAR 255-15-010.

DIVISION 30

PRISON TERM HEARING PROCEDURE

Information the Board [Must] Shall Consider at a Prison Term Hearing[; Parole Analysis Report; Other Material]  
255-30-035

(1) The Board Shall consider all information in the Board Review Packet pursuant to Exhibit N.

(2) [(1)]The Corrections Division will provide a Presentence Investigation Report or similar report to the Board within 90 days of admission to a correctional facility. [prior to the prisoner's prison term hearing.] This report shall be prepared according to the sectional outline in Exhibit F. Any transcripts forwarded by the sentencing judge shall be attached to the Pre[-]sentence Investigation.

(3) [(2)]Additional information and recommendations from [police, district attorney, defense attorney, and] others with a special interest in the case [shall] may be considered [if available]. If considered, [S]such information shall be included in the Board Review Packet. [subject to the criteria of disclosure as set forth per OAR 255-15-010. to the prisoner.]

(4) If the victim, his/her representative, or the District Attorney wishes to rebut any of the material in the Board Review Packet, the rebuttal must be received by the Board ten (10) days prior to the hearing.

(5) All rebuttal information shall be included in the Board Review Packet, and shall be released to the inmate in accordance with OAR 255-15-010.

Temporary effective 12/2/86 to 5/30/87;  
superceded by permanent filing 4/28/87

DIVISION 30

PRISON TERM HEARING PROCEDURE

- 255-30-035 Information the Board Must Consider at a Prison Term Hearing: Parole Analysis Report/Other Material
- (1) The Corrections Division will provide a Pre-sentence Investigation or similar report to the Board prior to the prisoner's prison term hearing. This report shall be prepared according to the sectional outline in (Exhibit F[M]). Any transcripts forwarded by the sentencing judge shall be attached to the Pre-sentence Investigation.
  - (2) Additional information and recommendations from police, district attorney, defense attorney, and others with a special interest in the case shall be considered if available. Such information shall be subject to disclosure to the prisoner.
  - [(3) Transcripts forwarded by the sentencing judge shall be considered if available. The Board may continue a hearing to request the transcript if not received.]

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Amendment to 255-30-035

Amending OAR 255-30-035 to read as follows:

Information the Board Must Consider at a Prison Term Hearing:  
Parole Analysis Report; Other Material

255-30-035 (1) The Corrections Division will provide a [Parole Analysis Report] Pre-sentence Investigation or similar report to the Board prior to the prisoner's prison term hearing. This report shall be prepared according to the sectional outline attached (Exhibit For I). Any transcripts forwarded by the sentencing judge shall be attached to the [Parole Analysis Report] Pre-sentence Investigation.

(2) Additional information and recommendations from police, district attorney, defense attorney, and others with a special interest in the case shall be considered if available. Such information shall be subject to disclosure to the prisoner.

(3) Transcripts forwarded by the sentencing judge shall be considered if available. The Board may continue a hearing to request the transcript if not received.

Stat. Auth.: ORS Ch. 144  
Hist. 2PB 1-1979, f. & ef. 2-1-79

Permanent effective 5/19/82

DIVISION 30

PRISON TERM HEARING PROCEDURE

Amending and adopting on a temporary basis 255-30-035

Information the Board Must Consider at a Prison Term Hearing:  
Parole Analysis Report; Other Material

255-30-035 (1) The Corrections Division will provide a [Parole Analysis Report] Pre-sentence Investigation or similar report to the Board prior to the prisoner's prison term hearing. This report shall be prepared according to the sectional outline attached (Exhibit F). Any transcripts forwarded by the sentencing judge shall be attached to the [Parole Analysis Report] Pre-sentence Investigation.

(2) Additional information and recommendations from police, district attorney, defense attorney, and others with a special interest in the case shall be considered if available. Such information shall be subject to disclosure to the prisoner.

(3) Transcripts forwarded by the sentencing judge shall be considered if available. The Board may continue a hearing to request the transcript if not received.

Stat. Auth.: ORS Ch. 144  
Hist. 2PB 1-1979, f. & ef. 2-1-79

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

**Information the Board Must Consider at a Prison Term Hearing:  
Parole Analysis Report; Other Material**

255-30-035 (1) The Corrections Division will provide a Parole Analysis Report to the Board prior to the prisoner's

prison term hearing. This report shall be prepared according to the sectional outline attached (Exhibit F). Any transcripts forwarded by the sentencing judge shall be attached to the Parole Analysis Report.

(2) Additional information and recommendations from police, district attorney, defense attorney, and others with a special interest in the case shall be considered if available. Such information shall be subject to disclosure to the prisoner.

(3) Transcripts forwarded by the sentencing judge shall be considered if available. The Board may continue a hearing to request the transcript if not received.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & ef. 2-1-79

1 - Div. 30

Permanent effective 2/1/79



DIVISION 30

**PRISON TERM HEARING PROCEDURE**

**255-030-0040**

**Inmate's Access to Written Materials**

- (1) The inmate shall have access to all the material in the Board Review Packet except that exempted by OAR 255-015-0010.
- (2) The inmate shall have access to all the victim and District Attorney's responses pursuant to OAR 255-030-0035 except that exempted by the Board pursuant to OAR 255-015-0010. The Board shall include the responses in the Board Review Packet or shall give the responses to the inmate as soon as they are available to the Board.
- (3) If the victim, his/her representative, or the District Attorney wishes to rebut any of the material in the Board Review Packet, the Board must receive the response seven (7) days prior to the hearing. The Board shall notify the victim that the Board will include the response in the Board Review Packet sent to the inmate unless the victim requests confidentiality.
- (4) The inmate or representative shall submit any relevant information at least seven (7) days prior to the hearing.

Statutory Authority: ORS 144.130

History: (2/1/79; 5/31/85; 12/2/86, temporary; 4/28/87; 5/19/88; 11/1/89; 10/9/92, 03/14/97, 06-09-00)

Permanent effective 06/09/2000

DIVISION 30

PRISON TERM HEARING PROCEDURE

255-030-0040

Inmate's Access to Written Materials

- (1) The inmate shall have access to all the material in the Board Review Packet except that exempted by OAR 255-15-010.
- (2) The inmate shall have access to all the victim and District Attorney's responses pursuant to OAR 255-30-035 except that exempted by the Board pursuant to OAR 255-15-010. The Board shall include the responses in the Board Review Packet or shall give the responses to the inmate as soon as they are available to the Board.
- (3) If the victim, his/her representative, or the District Attorney wishes to rebut any of the material in the Board Review Packet, the Board must receive the response seven (7) days prior to the hearing. The Board shall notify the victim that the Board will include the response in the Board Review Packet sent to the inmate unless the victim requests confidentiality.
- (4) The inmate or representative shall submit any relevant information at least seven (7) days prior to the hearing.

Statutory Authority: ORS 144.130

History: (2/1/79; 5/31/85; 12/2/86, temporary; 4/28/87; 5/19/88; 11/1/89; 10/9/92, 03/14/97)

03/14/97

Prison Term Hearing

Permanent effective 3/14/97

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Prisoner's Access to Written Materials  
255-30-040

- (1) The prisoner shall have access to all the material in the Board Review Packet except that exempted by OAR 255-15-010.
- (2) The prisoner shall have access to all the victim and District Attorney's responses [made by the victim and the District Attorney] pursuant to OAR 255-30-035 except that exempted by the Board pursuant to OAR 255-15-010. The Board shall include the responses [shall be included with] in the Board Review Packet or [they] shall [be given] give the responses to the inmate as soon as they are available to the Board.
- (3) If the victim, his/her representative, or the District Attorney wishes to rebut any of the material in the Board Review Packet, the Board must receive the response [must be received by the Board] seven (7) days prior to the hearing. The Board shall notify the victim [shall be notified] that the Board will include the response [will be included] in the Board Review Packet sent to the inmate unless the victim requests confidentiality.
- (4) [Information from the] The inmate or representative shall [be submitted] submit any relevant information at least seven (7) days prior to the hearing.

Statutory Authority: (ORS 144.130)  
History: (2/1/79; 5/31/85; 12/2/86, temporary; 4/28/87; 5/19/88; 11/1/89;  
10/9/92)

Permanent effective 10/9/92

DIVISION 30

PRISON TERM HEARING PROCEDURE

Prisoner's Access to the Written Materials Considered at  
Hearings and Interviews  
255-30-040

- (1) The prisoner shall have access to all the material in the Board Review Packet except that exempted by OAR 255-15-010.
- (2) The prisoner shall have access to all the responses made by the victim and the District Attorney pursuant to OAR 255-30-035 except that exempted by the Board pursuant to OAR 255-15-010. The responses shall be included with the Board Review Packet or they shall be given to the inmate as soon as they are available to the Board.
- (3) If the victim, his/her representative, or the District Attorney wishes to rebut any of the material in the Board Review Packet, the response must be received by the Board seven (7) days prior to the hearing. The victim shall be notified that the response will be included in the Board Review Packet sent to the inmate unless the victim requests confidentiality.
- (4) Information from the inmate or representative shall be submitted at least seven (7) days prior to the hearing.

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Prisoner's Access to the Written Materials Considered at Hearings  
and Interviews  
255-30-040

- (1) The prisoner shall have access to all the material in the Board Review Packet except that exempted by OAR 255-15-010 [and 255-30-045].
- (2) [Information in the Board Review Packet subject to disclosure shall be sent to the inmate 30 days prior to the scheduled hearing or when the material is made available to the Board.]

The prisoner shall have access to all the responses made by the victim and the District Attorney pursuant to OAR 255-30-035. The responses shall be included with the Board Review Packet or they shall be given to the inmate as soon as they are available to the Board.

- [(3) The prisoner shall have access to all personal statements made by the victim and the District Attorney pursuant to OAR 255-30-027, and all rebuttal information pursuant to OAR 255-30-035.]

Permanent effective 5/19/88

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Prisoner's Access to the Written Materials Considered at Hearings  
and Interviews  
255-30-040

[ All information the Board is to consider at a hearing regarding the prisoner, except that exempted by ORS 192.500(2)(d), shall be reduced to writing and made available to the prisoner.]

- (1) The prisoner shall have access to all the material in the Board Review Packet except that exempted by OAR 255-15-010 or 255-30-045.
- (2) Information in the Board Review Packet subject to disclosure shall be sent to the inmate 30 days prior to the scheduled hearing or when the material is made available to the Board.
- (3) The prisoner shall have access to all personal statements made by the victim and the District Attorney pursuant to OAR 255-30-027, and all rebuttal information pursuant to OAR 255-30-035.

Temporary effective 12/2/86 to 5/30/87; became  
Permanent effective 4/28/87

DIVISION 30

PRISON TERM HEARING PROCEDURE

255-30-040 Prisoner's Access to Written Materials Considered at Hearings and Interviews [Inmate Access to Written Materials Considered at Parole Board Hearings and Interviews]

All information the Board is to consider at a hearing regarding the prisoner, except that exempted by ORS 192.500 (2) (d), shall be reduced to writing and made available to the prisoner.

[Prior to any hearing affecting his/her parole status, any prisoner shall have access to the written material the Board considers with respect to his/her release on parole under Rule 255-30-035. Verbal communication which the Board considers shall be reduced to writing and subject to disclosure as written material.]

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

**Inmate Access to Written Materials Considered at Parole Board Hearings and Interviews**

255-30-040 Prior to any hearing affecting his/her parole status, any prisoner shall have access to the written material the Board considers with respect to his/her release on parole under rule 255-30-035. Verbal communication which the Board considers shall be reduced to writing and subject to disclosure as written material.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & ef. 2-1-79

1 - Div. 30

Permanent effective 2/1/79



OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Exemptions from Disclosure

255-30-045

- [(1) Prisoners shall have access to written materials, including psychiatric and psychological reports prepared for Board use, which the Board considers, with the following exception:]
- [(a) Information or records of the Corrections Division, to the extent that disclosure thereof would interfere with the rehabilitation of the person;]
  - [(b) Information or records, the disclosure of which would substantially prejudice or prevent the Corrections Division from carrying out its normal functions; or]
  - [(c) If the public interest in confidentiality clearly outweighs the public interest in disclosure.]
- [(2) Prisoners shall have access to psychiatric and psychological reports not prepared solely for the Board's use that are considered in a hearing concerned with the release or parole of a prisoner, except when:]
- [(a) Release of the information would constitute an immediate and grave danger to the prisoner;]
  - [(b) The information relates to an individual other than the prisoner seeking it;]
  - [(c) The release of the information would constitute a danger to another person; or]
  - [(d) The release of the information would compromise the privacy of an individual source.]
- [(3) Disclosure of medical, psychiatric, and/or psychological records may be in the form of accurate, representative summary of the complete contents of the written materials.]
- [(4) When disclosure of information is denied, a written statement of the reasons for denial must be entered into the record.]
- [(5) Written materials subject to disclosure to be considered by the Board shall be sent to the inmate at the same time the material is made available to the Board.]
- [(6) Where a particular document contains information that is exempt from disclosure, exempt material shall be separated from nonexempt material and the nonexempt material must be disclosed.]

Repealed  
Permanent effective 5/19/88

## Exemptions from Disclosure

- (1) Prisoners shall have access to written materials, including psychiatric and psychological reports prepared [solely] for Board use, which the Board considers, with the following exception:
  - (a) Information or records of the Corrections Division, to the extent that disclosure thereof would interfere with the rehabilitation of the person;
  - (b) Information or records, the disclosure of which would substantially prejudice or prevent the Corrections Division from carrying out its normal functions; or
  - (c) If the public interest in confidentiality clearly outweighs the public interest in disclosure.
- (2) Prisoners shall have access to psychiatric and psychological reports not prepared solely for the Board's use that are considered in a hearing concerned with the release or parole of a prisoner, except when:
  - (a) Release of the information would constitute an immediate and grave danger to the prisoner;
  - (b) The information relates to an individual other than the prisoner seeking it;
  - (c) The release of the information would constitute a danger to another person; or
  - (d) The release of the information would compromise the privacy of an individual source.
- (3) Disclosure of medical, psychiatric, and/or psychological records may be in the form of an accurate, representative summary of the complete contents of the written materials.
- (4) When disclosure of information is denied, a written statement of the reasons for denial must be entered into the record.
- (5) Written materials subject to disclosure to be considered by the Board shall be sent to the inmate at the same time the material is made available to the Board.
- (6) Where a particular document contains information that is exempt from disclosure, exempt material shall be separated from non-exempt material and the non-exempt material must be disclosed.

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 -- BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

**Exemptions From Disclosure**

255-30-045 (1) Prisoners shall have access to written materials, including psychiatric and psychological reports prepared solely for Board use, which the Board considers, with the following exception:

(a) Information or records of the Corrections Division, to extent that disclosure thereof would interfere with the abilitation of the person;

(b) Information or records, the disclosure of which would substantially prejudice or prevent the Corrections Division from carrying out its normal functions; or

(c) If the public interest in confidentiality clearly outweighs the public interest in disclosure.

(2) Prisoners shall have access to psychiatric and psychological reports not prepared solely for the Board's use that are considered in a hearing concerned with the release or parole of a prisoner, except when:

(a) Release of the information would constitute an immediate and grave danger to the prisoner;

(b) The information relates to an individual other than the prisoner seeking it;

(c) The release of the information would constitute a danger to another person; or

(d) The release of the information would compromise the privacy of an individual source.

(3) Disclosure of medical, psychiatric, and/or psychological records may be in the form of an accurate, representative summary of the complete contents of the written materials.

(4) When disclosure of information is denied, a written statement of the reasons for denial must be entered into the record.

(5) Written materials subject to disclosure to be considered by the Board shall be sent to the inmate at the same time the material is made available to the Board.

(6) Where a particular document contains information that is exempt from disclosure, exempt material shall be separated from non-exempt material and the non-exempt material must be disclosed.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & ef. 2-1-79



DIVISION 30

PRISON TERM HEARING PROCEDURE

Record of Hearing: Content; Time to be Maintained  
255-30-050

[Record of the prison term hearing and any other hearings shall be kept by the Board for at least two (2) years. The record shall contain:]

- [(1) Documents considered by the Board at the hearings, which shall be kept in a separate file; documents considered but not disclosed shall be specifically noted as undisclosed;]
- [(2) A statement of the facts and specific reasons for actions taken by the Board and the individual votes of the Board members;]
- [(3) A record of the oral proceedings of the hearing, with the exceptions of the deliberations of the Board. (This record may be kept by any manual or electronic means which is capable of being transcribed. Once transcribed, the transcript may be substituted for the original.)]

Repealed  
Permanent effective 5/19/88

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

255-30-050 Record of Hearing: Content/Time to be Maintained

Record of the prison term hearing and any other hearings shall be kept by the Board for at least two (2) years. The record shall contain:

- (1) Documents considered by the Board at the hearings, which shall be kept in a separate file; documents considered but not disclosed shall be specifically noted as undisclosed;
- (2) A statement of the facts and specific reasons for actions taken by the Board and the individual votes of the Board members;
- (3) A record of the oral proceedings of the hearing, with the exception of the deliberations of the Board. (This record may be kept by any manual or electronic means which is capable of being transcribed. Once transcribed, the transcript may be substituted for the original records.)

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

**Record of Hearing: Content; Time to be Maintained**

255-30-050 Record of the prison term hearing and any other hearings shall be kept by the Board for at least two years. The record shall contain:

(1) Documents considered by the Board at the hearings, which shall be kept in a separate file; documents considered but not disclosed shall be specifically noted as undisclosed.

(2) A statement of the facts and specific reasons for actions taken by the Board and the individual votes of the Board members.

(3) A record of the oral proceedings of the hearing, with the exception of the deliberations of the Board. (This record may be kept by any manual or electronic means which is capable of being transcribed. Once transcribed, the transcript may be substituted for the original record.)

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & ef. 2-1-79



DIVISION 30

PRISON TERM HEARING PROCEDURE

255-030-0055

Notice of Decision

- (1) Following a Board decision concerning the prison term of an inmate, the Board shall send written notice of the Board's final order to the inmate, District Attorney, sheriff or arresting agency, the Department of Corrections, and upon request, the victim, the sentencing judge and the trial counsel.
- (2) The Board's final order shall contain the following applicable findings:
  - (a) the prison term commencement date;
  - (b) the history/risk assessment score;
  - (c) the crime category with the subcategory rationale;
  - (d) the matrix range;
  - (e) when there are consecutive sentences, whether the range is unsummed and the reason for unsumming;
  - (f) when there is a variation from the range, the reason for the variation;
  - (g) aggravation;
  - (h) mitigation;
  - (i) the votes on minimum sentences;
  - (j) the prison term set;
  - (k) the votes of the Board members;
  - (l) the parole release date;
  - (m) when there are conditions of parole or post-prison supervision set, findings concerning the waiver of the residency condition, if any; and
  - (n) sentencing guidelines range, if applicable.

Statutory Authority: ORS 144.120, 144.260, 144.135

History: (2/1/79; 5/31/85; 12/2/86, temporary; 4/28/87; 5/19/88; 11/1/89; 10/9/92; 10/29/93, 03/14/97)

Permanent effective 3/14/97

**Notice of Decision**  
**255-30-055**

- (1) Following a Board decision concerning the prison term of an inmate, the Board shall send written notice of the Board's final order to the prisoner, [sentencing court], District Attorney, sheriff or arresting agency, the Department of Corrections, and upon request, the victim, the sentencing judge and the trial counsel.
- (2) The Board's final order shall contain the following applicable findings:
  - (a) the prison term commencement date;
  - (b) the history/risk assessment score;
  - (c) the crime category with the subcategory rationale;
  - (d) the matrix range;
  - (e) when there are consecutive sentences, whether the range is unsummed and the reason for unsumming;
  - (f) when there is a variation from the range, the reason for the variation;
  - (g) aggravation;
  - (h) mitigation;
  - (i) the votes on minimum sentences;
  - (j) the prison term set;
  - (k) the votes of the individual Board members;
  - (l) the parole release date;
  - (m) when there are conditions of parole or post-prison supervision set, findings concerning the waiver of the residency condition, if any; and
  - (n) sentencing guidelines range, if applicable.

Statutory Authority: ORS 144.120, 144.260, 144.135

History: (2/1/79; 5/31/85; 12/2/86, temporary; 4/28/87; 5/19/88; 11/1/89; 10/9/92; 10/29/93)

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Notice of Decision  
255-30-055

- (1) Following a Board decision concerning the prison term of an inmate, the Board shall send written notice of the Board's final order to the prisoner, sentencing court, District Attorney, the Department of Corrections, and upon request, the victim [shall be notified in writing of the Board's final order].
  
- (2) The Board's final order shall contain the following applicable findings:
  - (a) the prison term commencement date;
  - (b) the history/risk assessment score;
  - (c) the crime category with the subcategory rationale;
  - (d) the matrix range;
  - (e) when there are consecutive sentences, whether the range is unsummed and the reason for unsumming;
  - (f) when there is a variation from the range, the reason for the variation;
  - (g) aggravation;
  - (h) mitigation;
  - (i) the votes on minimum sentences;
  - (j) the prison term set;
  - (k) the votes of the individual Board members;
  - (l) the parole release date;
  - (m) when there are conditions of parole or post-prison supervision set, findings concerning the waiver of the residency condition, if any; and
  - (n) sentencing guidelines range, if applicable.

Statutory Authority: (ORS 144.120, 144.260, 144.135)  
History: (2/1/79; 5/31/85; 12/2/86, temporary; 4/28/87; 5/19/88; 11/1/89;  
10/9/92)

Permanent effective 10/9/92

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Notification of Decision; Proposed Order; Parties Notified;  
Content  
255-30-055

- (1) Following a Board decision concerning the prison term of an inmate, the prisoner, sentencing court, District Attorney, the Department of Corrections, and upon request, the victim shall be notified in writing of the Board's final order.
- (2) The Board's final order shall contain:
  - (a) the prison term commencement date;
  - (b) the history/risk assessment score;
  - (c) the crime category with the subcategory rationale;
  - (d) the matrix range;
  - (e) when there are consecutive sentences, whether the range is unsummed and the reason for unsumming;
  - (f) when there is a variation from the range, the reason for the variation;
  - (g) aggravation;
  - (h) mitigation;
  - (i) the votes on minimum sentences;
  - (j) the prison term set;
  - (k) the votes of the individual Board members; [and]
  - (l) the parole release date; [.]
  - (m) when there are conditions of parole or post-prison supervision set, findings concerning the waiver of the residency condition, if any; and
  - (n) sentencing guidelines range, if applicable.

Permanent effective 11/1/89

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Notification of Decision: Parties Notified; Content  
255-30-055

- (1) Following a Board decision concerning the prison term of an inmate, the prisoner, sentencing court, district attorney, the [Corrections Division] Department of Corrections, and upon request, the victim shall be notified in writing of the Board's final order [action].
- (2) The Board's final order shall contain:
  - (a) the prison term commencement date;
  - (b) the history/risk assessment score;
  - (c) the crime category with the subcategory rationale;
  - (d) the matrix range;
  - (e) when there are consecutive sentences, whether the range is unsummed and the the reason for unsumming;
  - (f) when there is a variation from the range, the reason for the variation;
  - (g) aggravation;
  - (h) mitigation;
  - (i) the votes on minimum sentences;
  - (j) the prison term set;
  - (k) the votes of the individual Board members; and
  - (l) the parole release date.

[Such notification shall state the specific facts and reasons for the Board decision, including the history/risk score, offense severity rating, range and date set, the specific facts and reasons for a Board decision to go outside the applicable guideline range or to deny parole, and the votes of the individual Board members.]

- [(3) The prisoner shall be given written notice of his/her right to administrative appeal of the decision as set forth in Division 80 of these rules.]

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Notification of Decision: Parties Notified: Content  
255-30-055

- (1) Following a Board decision concerning the prison term of an inmate, the prisoner, sentencing court, District Attorney, the Corrections Division, and, upon request, the [prisoner's counsel] victim shall be notified in writing of the Board action.
- (2) Such notification shall state the specific facts and reasons for the Board decision, including the history/risk score, offense severity rating, range and date set, the specific facts and reasons for a Board decision to go outside the applicable guideline range or to deny parole, and the votes of the individual Board members.
- (3) The prisoner shall be given written notice of his/her right to administrative appeal of the decision as set forth in Division 80 of these rules.

Temporary effective 12/2/86 to 5/30/87  
became Permanent effective 4/28/87

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

255-30-055 Notification of Decision: Parties Notified/  
Content

- (1) Following a Board decision, the prisoner, sentencing court, district attorney, Corrections Division, and upon request, the prisoner's counsel shall be notified in writing of the Board action.
- (2) Such notification shall state the specific facts and reasons for the Board decision, including the history/risk score, offense severity rating, range and date set, the specific facts and reasons for a Board decision to go outside the applicable guideline range or to deny parole, and the votes of the individual Board members.
- (3) The prisoner shall be given written notice of his/her right to administrative appeal of the decision as set forth in Division 80 of these rules.

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

**Notification of Decision: Parties Notified; Content**

255-30-055 (1) Following a Board decision, the prisoner, sentencing court, district attorney, Corrections Division, and upon request, the prisoner's counsel shall be notified in writing of the Board action.

(2) Such notification shall state the specific facts and reasons for the Board decision, including the history/risk score, offense severity rating, range and date set, the specific facts and reasons for a Board decision to go outside the applicable guideline range or to deny parole, and the votes of the individual Board members.

(3) The prisoner shall be given written notice of his/her right to administrative appeal of the decision.

Stat. Auth.: ORS Ch. 144  
Hist: 2PB 1-1979, f. & ef. 2-1-79



OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Notification of Release; Parties Notified  
255-30-056

- [(1) The Board shall notify the Sentencing Judge, the District Attorney, and the victim, if so requested under ORS 144.120(7), at least 30 days prior to the release from actual physical custody, whether by work release, institutional leave, or any other means, of any convicted person.]
- [(2) Notification of release shall be accomplished with cooperation from the Corrections Division.]

Repealed

Permanent effective 5/19/88

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 30 — BOARD OF PAROLE

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DIVISION 30

PRISON TERM HEARING PROCEDURE

Notification of Release; Parties Notified  
255-30-056

- (1) The Board shall notify the Sentencing Judge, the District Attorney, and the victim, if so requested under ORS 143.120 (2), at least 30 days prior to the release from actual physical custody, whether by work release, institutional leave, or any other means, of any convicted person.
- (2) Notification of release shall be accomplished with cooperation from the Corrections Division.

Temporary effective 12/2/86 to 5/30/87;  
became Permanent effective 4/28/87