

Secretary of State  
Certificate and Order for Filing  
**PERMANENT ADMINISTRATIVE RULES**

I certify that the attached copies\* are true, full and correct copies of the PERMANENT Rule(s) adopted on March 17, 2008 by the  
Date prior to or same as filing date

Oregon Board of Parole and Post-Prison Supervision 255  
Agency and Division Administrative Rules Chapter Number

Peggy Barber, Management Assistant 2575 Center Street NE, Ste 100, Salem, OR 97301-4621 503-945-0914  
Rules Coordinator Address Telephone

to become effective April 9, 2008 Rulemaking Notice was published in the February 2008 Oregon Bulletin.\*\*  
Date upon filing or later Month and Year

**RULE CAPTION**

Clarification of the residency requirements for offenders released onto parole and post-prison supervision.  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

List each rule number separately, 000-000-0000.

**ADOPT:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**AMEND:** 255-070-0003

**REPEAL:**

**RENUMBER:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**AMEND & RENUMBER:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 144.050, 144.096, 144.098  
SB 2 (2007) (codified at 2007 OR Laws Chap 100)  
HB 2007 (2007) (codified at 2007 OR Laws Chap 99)  
Stat. Auth.

None  
Other Authority

ORS None  
Stats. Implemented

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**RULE SUMMARY**

The amendment of this rule is necessary to implement policy choices made in SB 2 and HB 2007 (2007).

  
Authorized Signer

Steven R. Powers, Chairperson  
Printed name

04-09-2008  
Date

\*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.  
\*\*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.  
ARC 930-2005

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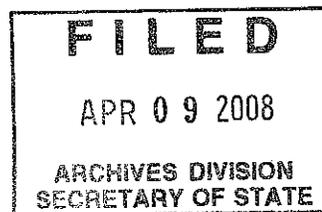
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ARC 930-2005

## DIVISION 70

### CONDITIONS OF PAROLE AND POST-PRISON SUPERVISION

#### Conditions Not Limited by Exhibit J

##### 255-070-0001

- (1) The Board may order parole conditions pursuant to OAR 255-070-0015.
- (2) The Board shall approve post-prison supervision conditions pursuant to OAR 213-11-001.
- (3) Conditions of parole and post-prison supervision are not limited to those shown in Exhibit J.

Statutory Authority: (ORS 144.096, 144.102, 144.270)

History: (5/31/85; 11/3/86, temporary; 4/1/87; 4/15/88, temporary; 5/19/88; 7/1/88; 10/18/88; 4/5/90; 4/30/92, temporary; 10/9/92; 10/15/93, 11/09/98, 9-15-99 Notice/Temp, 11-15-99, 05-22-00, 12/15/01-Notice/Temp, 01-29-02, 04-15-02 – Notice/Temp, 06-17-02, 06-13-03–notice/temp, 10-10-03, 01-14-04. 4/5/06)

#### Offender Return to County of Residence

##### 255-070-0003

- (1) Unless the Board waives the condition, the Board shall order as a condition of parole or post-prison supervision that an offender reside for the first six months in the county where the offender resided at the time of the offense that resulted in the imprisonment.
  - (2) (a) The Board or the Department of Corrections may establish the county of residency by obtaining the last address of record at the time of the offense from all of the available information in the following records:
    - (A) An Oregon driver's license, regardless of its validity;
    - (B) The Department of Revenue;
    - (C) The Department of State Police, Bureau of Criminal Identification;
    - (D) The Department of Human Resources; or
    - (E) The Department of Corrections.
  - (b) If the records do not disclose the county of residency, the Board or the Department shall find the offender resided in the county where she or he committed the crime.
  - (c) If the offender is serving multiple sentences, the county of residence shall be determined according to the date of the last arrest resulting in a conviction.
  - (d) In determining the offender's county of residence for purposes of this rule, the Board may not consider offenses committed by the offender while the offender was incarcerated in a Department of Corrections facility.
- (3) Upon motion of the Board, an offender, a victim, or a district attorney, the Board may waive the residency requirement after finding:

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Conditions of Parole

- (a) the offender provided proof of a job with no set ending date in a county other than the established county of residence;
- (b) the offender poses a significant danger to the victim;
- (c) the victim or victim's family poses a significant danger to the offender residing in the county of residence.
- (d) the offender has a spouse, registered domestic partnership, or biological or adoptive family, residing in other than the county of residence, who will be materially significant in aiding in the rehabilitation of the offender and in the success of the parole or post-prison supervision period;
- (e) the Board requires that the offender participate in a treatment program which is not available in the county of residence;
- (f) the offender desires release to another state or another state has a detainer; or
- (g) other good cause.

Statutory Authority: (ORS 144.270(5))

History: (11/1/89; 10/15/91; 10/9/92, 9-15-99 – NOTICE/TEMP, 11-15-99, 02-01-07, **04-09-08**)

**Parolee Placement in Community Corrections Centers; Standards; Limitations**  
**255-070-0005**

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

**Guidelines on General Condition Relating to "Best Interest" Return**  
**255-070-0010**

History: (2/1/79; 5/31/85; 11/3/86, temporary; 4/1/87; 5/19/88, repealed)

**Establishing Conditions**  
**255-070-0015**

- (1) The Board may order an exit interview prior to the inmate's release date to review the inmate's case and set or approve conditions. See Division 60 for exit interview procedures.
- (2) If the Board decides to waive an exit interview, it shall specify the parole condition(s) prior to release and shall include the conditions on an order of supervision.
- (3) If the Board decides to waive an exit interview, it shall specify, in an order given to the offender upon release from incarceration, the post-prison supervision condition(s).
- (4) Once the Board establishes the conditions, the Board may amend the conditions and issue an amended order by:

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Conditions of Parole

- (a) considering a requested modification administratively, if the amendment is requested before the inmate's release on parole or post-prison supervision or if a condition is deleted after release; and
  - (b) citing to a hearing, if the amendment is requested after release and the offender does not consent in writing to the addition of conditions.
- (5) The Hearings Officer may amend the conditions, after a hearing, unless the offender waives the hearing. The Hearings Officer shall send notice of the amendment to the Board.
  - (6) If the offender waives the right to a hearing and consents in writing to the addition of conditions, the supervising officer may amend the conditions. The officer shall send notice of the amendment to the Board.
  - (7) If the Board does not override the Hearings Officer or supervising officer amended conditions, the Board shall issue an amended order of conditions, however, the condition is in effect from the date the supervising officer or Hearings Officer orders it.
  - (8) The Board or the Hearings Officer shall conduct a hearing under section (4) and (5) of this rule applying rules governing violation hearings in Division 75.
  - (9) When a supervisory authority requests amended conditions before the inmate is released on parole or post-prison supervision, the supervisory authority shall submit the request in writing or by teletype to the Board prior to the release date.
  - (10) An offender may appeal the conditions of parole or post-prison supervision pursuant to the procedures of Division 80.

Statutory Authority: (ORS 144.096, 144.098, 144.102, 144.106, 144.125, 144.185, 144.270, 144.343)

History: (5/19/88, 4/5/90; 4/30/92, temporary, 10/9/92, 11/09/98)