



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 291
DEPARTMENT OF CORRECTIONS

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: General Library Services (AIC)

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/19/2025 12:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

These rules establish the department's policy, procedures, and expectations for adults in custody accessing general library services and materials. Proposed revisions to these rules ensure a clear distinction is made between general library services and legal library services for adults in custody; provide consistency to general libraries in institutions statewide, align with current practices, and replaces the term "inmate" with "adult in custody" per legislative direction. Other changes clarify the rules or further define process, add or update definitions, improve consistency within these rules and with other department rules, and reorganize the rules for ease of understanding and to combine like topics.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department of Corrections anticipates that the proposed amendments to its division 141 General Library Services rules will have an overall positive impact on racial equity within this state.

The department's division 141 rules establish the department's policy, procedures, and expectations for adults in custody accessing general library services and materials.

Among the proposed amendments to the rules are amendments that clarify the rules, add definitions, improve consistency within these rules and with other department rules, further define process or align these rules with current process, and reorganize the rules for ease of understanding and to combine like topics. These changes are anticipated to have a neutral impact on racial equity in the state.

Other proposed amendments to these rules incorporate in the rules the new statutory term for individuals incarcerated in Department of Corrections institutions – "adult in custody," reflecting a significant and substantive change in the way Department of Corrections staff address and refer to individuals who are incarcerated in Department of Corrections facilities. These proposed rule amendments align with the Department of Corrections mission and guiding principles

which seek to normalize and humanize the experience of adults in custody who are confined in Oregon's prisons. The Department of Corrections further understands that all adults in custody, including individuals of color, are positively impacted when a culture of inclusivity, normalization, and humanization is created, and that these proposed rule amendments represent another step toward creating this culture.

Additional proposed amendments clarify and standardize guidelines and expectations for adults in custody regarding access to general library materials and library management practices promoting consistency statewide. The department believes that these revisions may help encourage all adults in custody, including individuals of color, to access general library materials and services regardless of the facility to which they are assigned.

For the above reasons, the department anticipates that these proposed rule amendments will have an overall positive impact on racial equity in this state.

FISCAL AND ECONOMIC IMPACT:

Proposed changes to OAR 291-141 update "inmate" language to "AIC", add guidelines for progressive discipline when library materials are damaged or lost, and clarify maximum number of leisure library materials that may be borrowed at a time by an AIC.

The changes are not anticipated to have an impact on DOC, AICs, other state agencies, local governments (the counties), or the general public.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules as they will not be impacted by these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The department has determined that use of an advisory committee would not have provided any substantive assistance in drafting these rule revisions because of the technical nature of the revisions.

RULES PROPOSED:

291-141-0005, 291-141-0010, 291-141-0015, 291-141-0020, 291-141-0035, 291-141-0040, 291-141-0045

AMEND: 291-141-0005

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody" and make a clear distinction between general library services and legal library services for adults in custody.

CHANGES TO RULE:

291-141-0005

Authority, Purpose and Policy ¶

(1) Authority: The authority for these rules is granted to the Director of the Department of Corrections in

accordance with ORS 179.040, 423.020, 423.030, and 423.075.¶

(2) Purpose: The purpose of ~~this~~these ~~rules~~ is to establish uniform guidelines for the operation of general libraries and the provision for general library services in each Department of Corrections facility.¶

(3) Policy: It is the policy of the Department of Corrections ~~policy~~ to maintain institution general libraries for the ~~educational reinforcement, broadening and strengthening of the rehabilitative program of each inmate~~literary enrichment of adults in custody.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

AMEND: 291-141-0010

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody", define terms used within these rules or update definitions, and make a clear distinction between general library services and legal library services for adults in custody

CHANGES TO RULE:

291-141-0010

Definitions ¶¶

(1) "Adult in Custody: Any person under the supervision of the Department of Corrections who is not on parole, probation, or post-prison supervision status."¶

(2) Department of Corrections Facility-": Any institution, facility, or staff office, including the grounds, operated by the Department of Corrections."¶

(23) "Inmate." Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision, or probation statusGeneral Library: A collection of books and other materials, not including Law Library books or materials."¶

(4) Library Clerk: An adult in custody assigned to work in a Department of Corrections facility library."¶

(5) Library Coordinator: A department employee assigned to provide general and law library services to adults in custody in a Department of Corrections facility."¶

(6) Special Housing: Adult in custody housing assignments other than general population, including but not limited to, disciplinary segregation unit, administrative segregation, intensive management unit, mental health infirmary, behavioral health unit, intermediate care housing, and infirmary."

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

AMEND: 291-141-0015

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody", align with current practice, reorganize, make a distinction between general library services and legal library services for adults in custody, and clarify duties.

CHANGES TO RULE:

291-141-0015

Services ¶¶

(1) Information regarding general library services will be a part of the adult in custody's orientation to the Department of Corrections facility.¶¶

(2) Each Department of Corrections facility with a library coordinator will provide inmateadult in custody library services. Those facilities without a library coordinator will provide a level and variety of leisuregeneral reading material approved by the Assistant Director of Institutions.¶¶

(2) Information regarding library services will be a part of the inmate's orientation to the Department of Corrections facility.¶¶

(3) Library staff will coordinate and supervise library services, including, assisting inmates to obtain information and reference services either from that library's own collection or from the Oregon Stat.¶¶

(3) Books and materials acquired from inter-library loan shall be subject to the procedures governing facility library books and materials unless the lending libraries have specific requirements.¶¶

(4) Library Coordinator Duties: The Library according to procedures established or other employee assigned by to the Oregon State Library for that purpose.¶¶

(4) The library coordinator will mgeneral library shall:¶¶

(a) Maintain a comprehensive variety of readingbooks and materials to reflect the varying interests, reading abilities, languages, and needs of inmatesadults in custody and will update the books and materials through donations and planned acquisition.¶¶

(5b) The library coordinator will aAcquire books and reading materials that complement the facilities education and treatment programs.¶¶

(c) Accept or decline donations of material using the same criteria as described in section (4) of this rule.¶¶

(6d) The library will acquire educational reading materials that supplement and support the facility's edueCoordinate and supervise general library services, including assisting adults in custody to obtain information and treatment programs, working in conjunction with designated staff from those areas.¶¶

(7) Staff assigned to the library will select, train and supervise inmates as library clerks.¶¶

(8) Materials acquired from inter-library loan shall be subject to the procedures governing facility library booksreference services either from that general library's own collection or from the Oregon State Library according to procedures established by the Oregon State Library for that purpose.¶¶

(e) Select, train, and materials unless the lending library have specific requirementsupervise adults in custody as library clerks.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

AMEND: 291-141-0020

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody", to clarify, make a distinction between general library services and legal library services for adults in custody, and for consistency with other department rules.

CHANGES TO RULE:

291-141-0020

Schedule II

(1) ~~At facilities with a general library that allows in-person library book and material check out, a schedule of the general library's hours will be posted in areas convenient for inmate~~ adult in custody observation and notification. ¶

(2) This schedule will afford ~~inmates~~ adults in custody the opportunity to use the general library in accordance with available space and supervision. ¶

(3) ~~Inmates~~ Adults in custody in special housing ~~status~~ will be provided general library services in accordance with the ~~Department of Correction's~~ rules on Segregation (Disciplinary) (OAR 291-011) and Intensive Management Unit (OAR 291-055).

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

AMEND: 291-141-0035

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody", to make a distinction between general library services and legal library services for adults in custody, for consistency with other department rules, and to further define process for returned, overdue, lost, or damaged library books or materials.

CHANGES TO RULE:

291-141-0035

Returned, Overdue, Lost, and Damaged Library Books and Materials ¶

(1) ~~Inmates~~ When transferring to another Department of Corrections facility, adults in custody shall make every effort to leave all general library books and materials at their originating facility. If an adult in custody inadvertently transfers to another correctional facility with any general library book or material, they shall immediately turn the item into the general library at the facility to which they have been transferred. ¶

(2) General Library Books and Materials: ¶

(a) ~~Adults in custody who lose, damage, or fail to return library~~ general library books or materials may receive a misconduct report, be charged for the costs of the materials, and may sustain modified library privileges order for a cell-in. General library books or materials will be considered overdue if not returned within two weeks of due date. After three overdue notices the item will be considered lost, and a conduct order can be issued for the lost or damaged general library books or materials process outlined above. The adult in custody's conduct history will be used to determine the length of cell-in. ¶

(A) 1st time - Up to 24 Hours ¶

(B) 2nd time - Up to 48 hours ¶

(C) 3rd time - Up to 72 hours ¶

(b) If an adult in custody has already received three conduct orders for losing, damaging, or failing to return a general library book or material, a misconduct report may be written. The offense on the misconduct report will be consistent with the criteria established in 1.06 Property II (Minor). ¶

(23) ~~Damage to or defects in library~~ general library books and materials will be documented (on the library material) item before it is re-issued.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

AMEND: 291-141-0040

RULE SUMMARY: Amends rule to change "inmate" to "adult in custody" and for consistency with language used in other department rules.

CHANGES TO RULE:

291-141-0040

Legal Library Services ¶

Legal library services to ~~inmates~~adults in custody residing in Department of Corrections facilities will be provided in accordance with the ~~D~~Department of Corrections R's rules on Legal Affairs (~~Inmate~~AIC) (OAR 291-139).

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

AMEND: 291-141-0045

RULE SUMMARY: Amends rule to change "inmate" to "adult in custody", for consistency within these rules and with other department rules, to make a distinction between general library services and legal library services for adults in custody, to clarify.

CHANGES TO RULE:

291-141-0045

General ¶

(1) ~~The section of Prohibited Mail OAR 291-131-0035 in the Department of Corrections rule on Mail (Inmate) will be the criteria used to determine the suitability of any library materials entering the facility~~ All general library books and materials entering facilities and made available to adults in custody shall conform to the department's standards for mail in OAR 291-131. ¶

(2) The following information will be included in the general library services handout at the inmate adult in custody's orientation to the Department of Corrections facility: ¶

(a) Days and times when the general library is open for ~~general use~~ use, depending on available space and supervision; ¶

(b) The process ~~involved in~~ for checking out, renewing, and returning books and materials; ¶

(c) The maximum ~~amount of~~ number of five general library books and materials that may be checked out from the general library at any given time; and ¶

(d) The length of time books and materials may be kept before it is considered overdue.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075