



STATUTORY MINOR CORRECTION

DOC 4-2026

CHAPTER 291

DEPARTMENT OF CORRECTIONS

FILED

03/04/2026 12:16 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Examination and Inspection of Legal Mail and Official Mail

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AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

AMEND: 291-131-0030

RULE SUMMARY: Fixes incorrect references in (1)(a) to defined terms in these rules.

CHANGES TO RULE:

291-131-0030

Examination and Inspection of Legal Mail and Official Mail ¶¶

(1) Legal mail and official mail shall be afforded special processing as provided in subsections (2) and (3) of this rule.¶¶

(a) To qualify for special processing, mail that otherwise qualifies as legal mail or as official mail under OAR 291-131-0010(147) or (218), respectively, must have affixed to the addressee side of the envelope or parcel the words "LEGAL MAIL" or "OFFICIAL MAIL", as appropriate. The "LEGAL MAIL" or "OFFICIAL MAIL" designation should be set apart from both the return address and the mailing address, and should be of sufficient size, to permit easy recognition by facility mailroom employees.¶¶

(b) Mail that otherwise qualifies as legal mail or as official mail but lacks the proper designation shall be processed as ordinary mail (that is, shall be subject to inspection; for example, opening, examination, reading or photocopying) outside the adult in custody's presence.¶¶

(2) Legal mail and official mail sent from or received in a Department of Corrections facility in sealed envelopes or parcels shall be opened and examined for contraband in the presence of the adult in custody, but shall not be read or photocopied, except as authorized in subsection (3) of this rule.¶¶

(3) Legal mail and official mail may be inspected (that is, opened, examined, read or photocopied) outside of the adult in custody's presence only when directed by the Department of Corrections facility functional unit manager or designee, and approved by the Assistant Director of Operations or the Inspector General, based on specific circumstances or specific information indicating that an adult in custody or other person has or may be in the process of violating provisions of law, department administrative rules, or may otherwise be engaged in activity that threatens or impairs the security, good order, or discipline of the facility and officials, employees, or adults in custody.¶¶

(4) Legal mail and or official mail may include a single, postage-paid return envelope that meets the following criteria:¶¶

(a) White, standard weight;¶¶

(b) Pre-printed address and return address; and¶¶

(c) Metered or other prepaid postage (other than postage stamps).

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

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