



**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 291  
**DEPARTMENT OF CORRECTIONS**

**FILED**

04/29/2025 3:50 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: RELEASE FUNDS

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/19/2025 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.*

CONTACT: Julie Vaughn  
971-701-0139  
julie.a.vaughn@doc.oregon.gov

3723 Fairview Industrial Drive SE  
Suite 200  
Salem, OR 97302

Filed By:  
Julie Vaughn  
Rules Coordinator

NEED FOR THE RULE(S)

These rules ensure adults in custody have access to basic financial support for and upon release. Proposed revisions to OAR 291-157 clarify rules, make minor grammatical changes or changes to titles; update statutory citations; change the term "inmate" to "adult in custody"; remove gendered language and remove set amount for release funds and accompanying obsolete process; update, add or clarify definitions; update and further define process; and repeal unnecessary rule.

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 rule amendments will have an overall positive impact on racial equity in Oregon. This rulemaking action proposes changes to the distribution and processing of release funds to establish a consistent process for issuing release funds through the Reentry and Release Unit for all releasing adults in custody, to ensure that they have sufficient access to immediate financial resources at release. Access to financial resources at release is an important factor for successful reentry and transition into the community, particularly in the critical days following release when community resources may be limited. These changes reduce the financial burden on family, friends, and community partners who might otherwise need to provide immediate support and establish a non-subjective process based on trust account balances and how funds are distributed to the adult in custody. Because adults in custody are disproportionately represented with respect to race, as compared to communities within the state, rules that promote successful reentry and transition into the community will have a positive impact on racial equity. Other proposed changes to these rules include replacing "release subsidies" with "release funds"; updating statutory references; and adding or amending definitions to align with department philosophy or other department rules and policies, for clarity, or to further define process. These changes are not anticipated to have any impact on racial equity in

the state.

This rulemaking action also includes proposed amendments that will confirm the rules to incorporate the new statutory term for individuals incarcerated in Department of Corrections institutions – “adults in custody,” and reflect changes in the way Department of Corrections employees address and refer to individuals who are incarcerated in Department of Corrections institutions. Department of Corrections understands that taking steps to normalize and humanize the custodial experience improves relationships between staff and adults in custody, which in turn promotes the maintenance of internal security, order and discipline, and safety for the adults in custody and staff who live and work in Department of Corrections correctional facilities. Department of Corrections further understands that all adults in custody, including communities 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.

For these reasons, the Department of Corrections anticipates that the proposed rule amendments will have an overall positive impact on racial equity in Oregon.

---

#### FISCAL AND ECONOMIC IMPACT:

Proposed changes to OAR 291-157 remove the maximum release fund amount provided to an AIC upon release of \$25. The intent is for increased flexibility to allow access to release subsidy amounts for AICs based on financial need.

The fiscal impact of this rule change is indeterminate. The ultimate cost will depend on 1) The specific release amount established by the department and 2) The total number of AICs who qualify for the benefit under the revised guidelines. DOC believes it is likely that the increased discretionary amounts could lead to a higher overall fiscal impact. Until a final policy framework is adopted, and data is gathered on implementation outcomes, the department cannot provide a definitive cost estimate. However, it is reasonable to anticipate that the revised rule may result in increased costs to the agency over time.

The changes are anticipated to have an impact on DOC and DOC AICs. The changes are not anticipated to have a fiscal impact on 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:

291-157-0005, 291-157-0010, 291-157-0015, 291-157-0021, 291-157-0035

AMEND: 291-157-0005

RULE SUMMARY: Amends rule for minor grammatical changes, to update statutory citations, and to change the term "inmate" to "adult in custody".

CHANGES TO RULE:

291-157-0005

Authority, Purpose and Policy ¶¶

(1) Authority: The authority for ~~this~~these rules is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030, 423.075, and 423.1075.¶

(2) Purpose: To ~~as~~ensure inmatesadults in custody have access to basic financial support for and upon release.¶

(3) Policy: It is the policy of the Department of Corrections to establish a program to provide releasing ~~inmates~~adults in custody with financial assistance to meet minimum release needs, in accordance with the requirements set by ORS 421.125(2)(b), and within funds appropriated for this purpose.

Statutory/Other Authority: ORS 179.040, 421.125, 423.020, 423.030, 423.075, 423.105

Statutes/Other Implemented: ORS 179.040, 421.125, 423.020, 423.030, 423.075, 423.105

AMEND: 291-157-0010

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody"; to remove gendered language; to update statutory citations; to update definitions to align with those in other department rules or policies, as appropriate for these rules; and adds or clarifies definitions to capture change in practice or further define process.

CHANGES TO RULE:

291-157-0010

Definitions ¶

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

(2) ~~Release Subsidy: Financial assistance allocated to a releasee by the county for the purpose of purchasing essential goods or services related to release needs.~~Adult in Custody Trust Account: An account established and maintained in trust by the Department of Corrections for the deposit and safeguarding of monies that are the property of an adult in custody or associated on behalf of an adult in custody by their state identification number (SID). ¶

(3) Discharge: Any lawful release from a state correctional institution pursuant to the expiration of a judicial sentence or other incarcerative sanction. ¶

(34) ~~Release Counselor: Any person employed by~~released from the physical custody of the Department of Corrections charged with release planning for inmate to the community on leave, parole, post-prison supervision, or discharge status. ¶

(45) ~~Incidental Funds: Funds not to exceed \$25~~Release Funds: Financial assistance allocated to a releasee by the Department of Corrections for immediate financial assistance upon the purpose of purchasing essential goods or services related to release needs. ¶

(46) ~~Releasee: Any inmate that is being released to or has been released to the community on parole, post-prison supervision, or discharge statu~~Services Manager: A Department of Corrections employee designated to supervise release processes and release services employees. ¶

(57) ~~Trust Account Funds: Those m~~Monies deposited to an inmate~~adult in custody's trust account which may be used by the inmate~~adult in custody to purchase authorized items or services during his/her the adult in custody's term of incarceration or be assessed by the functional unit to pay any indebtedness incurred while under supervision of the Department of Corrections.

Statutory/Other Authority: ORS 179.040, 421.125, 423.020, 423.030, 423.075, 423.105

Statutes/Other Implemented: ORS 179.040, 421.125, 423.020, 423.030, 423.075, 423.105

AMEND: 291-157-0015

RULE SUMMARY: Amends rule to change "inmate" to "adult in custody"; clarify rules, remove gendered language and obsolete process; to update title; and remove the set amount for release funds to allow for flexibility due to inflation and changes in budget allocations.

CHANGES TO RULE:

291-157-0015

Procedures ¶

(1) ~~Notice to Inmates: Each inmate is responsible for saving money for release purposes~~Adults in Custody: During the term of incarceration, each adult in custody is responsible for accumulating funds in anticipation of parole, post-prison supervision, or discharge. All monies received in the trust account during ~~his/her~~the term of incarceration will be ~~tallied~~calculated by Department of Corrections Central Trust, including any funds accumulated in a transition fund as provided in ORS 423.105, and the total figure~~amount~~ may be the basis for approval or denial of release ~~subsidies~~funds in accordance with ORS 421.125.¶

(2) Administration: The Assistant Director for ~~Transi~~Correctional Services or designee is responsible for the administration of the release ~~subsidy~~ program. ~~However, eligibility for release subsidies and coordination of payments for releasees shall be determined by the local county director of community corrections or designee.~~¶

(3) ~~Twenty percent of the total allocation of subsidy monies will be retained by the Transition and Release administrator for institution release purposes and may be used towards incidental funds.~~¶

(4) ~~The balance of allocated subsidy monies will be distributed to all counties via the community corrections work load formula. Counties will receive subsidy funds through the quarterly allotment process~~funds program.

Statutory/Other Authority: ORS 179.040, 421.125, 423.020, 423.030, 423.075, 423-105

Statutes/Other Implemented: ORS 179.040, 421.125, 423.020, 423.030, 423.075, 423-105

AMEND: 291-157-0021

RULE SUMMARY: Amends rule to change "incidental funds" to "release funds"; and update and further define process for distribution and processing of release funds.

CHANGES TO RULE:

291-157-0021

Distribution and Processing of ~~Incidental~~ Release Funds ¶

(1) ~~The inmate's release counselor will:¶~~

~~(a) Interview the releasee to determine specific needs. An adult in custody's trust account will be calculated by Central Trust.¶~~

~~(2) A Release Services Manager will:¶~~

~~(ba) Review the inmate's trust account history and inmate support system in the community.¶~~

~~(c) Determine iDetermine whether the adult in custody needs release funds to meet minimum release needs, in accordance with the requirements set by ORS 421.125(2)(b), and the amount of the releasee is in need of incidental funds based funds needed based on the calculated balance on¶ the information gathered.¶~~

~~(2) If it is determined that the releasee is in need of incidental funds, adult in custody's trust account, the availability of funds being appropriated for this purpose, and any special considerations as approved by the rRelease counselor wServices Manager; and¶~~

~~(b) Will notify Central Trust.¶~~

~~(3) Upon receipt of notification from a of the need for release counselor that incidental funds are needed, Central Trust will issue funds to the inmate via a check or by placing thfunds for the releasing adult in custody.¶~~

~~(3) Upon approval of the release funds, Central Trust will provide the release funds to the inmate's Offender Debit Cardadult in custody.~~

Statutory/Other Authority: ORS 179.040, 421.125, 423.020, 423.030, 423.075, 423.105

Statutes/Other Implemented: ORS 179.040, 421.125, 423.020, 423.030, 423.075, 423.105

REPEAL: 291-157-0035

RULE SUMMARY: Repeals rule as unnecessary. The appeal process is already outlined in the department's rules on Grievance Review System OAR 291-109.

CHANGES TO RULE:

~~291-157-0035~~

~~Appeal Process~~

~~Appeal Rights: An inmate or releasee may appeal decisions in the application of this rule by using the process outlined in the Department of Corrections rule on Grievance Review System (Inmate) (OAR 291-109).~~

~~Statutory/Other Authority: ORS 179.040, 421.125, 423.020, 423.030, 423.075~~

~~Statutes/Other Implemented: ORS 179.040, 421.125, 423.020, 423.030, 423.075~~