



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: Legal Affairs (AIC)

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/25/2026 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)

Proposed amendments to these rules are necessary to: 1) allow the Legal Library to make copies of letters addressed to the Attorney General and District Attorneys, and 2) allow adults in custody to access secure network storage.

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 these proposed amendments to its Division 139 rules (Legal Affairs) will have a neutral impact on racial equity in the State of Oregon.

The Department's Division 139 rules (Legal Affairs) establish department policy and procedures for affording AICs reasonable access to law library services and equipment and to necessary supplies for the preparation and filing of legal documents with the courts and paroling authorities.

The proposed amendments to OAR 291-139-0120 clarify that adults in custody may access law library services and equipment to prepare and file correspondence with the court or paroling authorities, and to communicate with counsel in the Attorney General's Office or with the district attorney, in connection with a legal matter that is pending before the courts or paroling authorities. The proposed amendments to OAR 291-139-0190 reflect the Department's transition away from providing adults in custody with access to removable media devices for storage of legal documents in favor of access to more secure network storage. The clarification of and changes to department's policy and procedures in this area that are supported by these proposed rules amendments apply to all adults in custody in a neutral manner. For these reasons, the department anticipates that these proposed rule amendments will have a neutral impact on racial equity in this state.

FISCAL AND ECONOMIC IMPACT:

The proposed amendments add two sections: Section 291-139-0120 (1)(b) authorizes Adults in Custody (AICs) to use library services for preparing and printing correspondence to the Attorney General or District Attorney, codifying an existing practice; and Section 291-139-0190 (3) modifies electronic storage rules to address thumb drive security risks by implementing AICNet-assigned network storage, enabling their phase-out.

The cost associated with removing thumb drives and transitioning to network-based storage is already built into the existing AICNet environment. Network storage is available to support this effort, and we do not anticipate the need for additional storage as part of this project.

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:

291-139-0120, 291-139-0190

AMEND: 291-139-0120

RULE SUMMARY: Amends rules around access to law library services and equipment for the preparation and filing of correspondence in connection with pending legal matters.

CHANGES TO RULE:

291-139-0120

Access to Law Library Services and Equipment ¶

(1) General: ¶

(a) Within the inherent limitation of resources and the need for facility security, safety, health, and order, and subject to operational contingencies, all inmates will be afforded reasonable opportunities to access law library services and equipment, and necessary supplies for the preparation and filing of legal documents with the courts and paroling authorities, on a prioritized basis, in accordance with these rules.¶

(b) Inmates may be permitted access to law library services and equipment to prepare and file correspondence with the court or paroling authorities, and to communicate with counsel in the Attorney General's Office or with the district attorney, in connection with a legal matter that is pending before the court or paroling authorities.¶

(2) Priority Access to Law Library Services and Equipment:¶

(a) Inmate access to law library services and equipment will be prioritized in the following order:¶

(A) Priority legal users with an imminent court deadline;¶

(B) General legal users with an imminent court deadline;¶

(C) Priority legal users without an imminent court deadline; and¶

(D) General legal users without an imminent court deadline.¶

(b) Library coordinators will consider whether the inmate has assigned legal counsel when determining priority within these categories.¶

(3) Submission of Access Request Form Required: In order to obtain access to law library services and equipment and necessary supplies, an inmate must submit to the library coordinator a written request using the appropriate access request forms.¶

(4) Inmates may be allowed a reasonable amount of time to do legal research and to prepare legal documents in the facility law library or in the inmate's assigned cell or living unit.¶

(a) A special time allowance for research and preparation of legal documents using law library services and equipment may be granted to a legal user who demonstrates such a need with verification of an imminent court deadline.¶

(b) In the event of extended facility operational modifications library staff will prioritize access to law library services and equipment for inmates in the order described in subsection (2) above.¶

(5) Inmates received from other state or federal jurisdictions who are incarcerated in a Department of Corrections facility will be afforded access to law library services and equipment and necessary supplies in the same manner as Oregon inmates; however, the department will not be responsible for providing inmates with legal research materials specific to other state jurisdictions other than those materials that are regularly made available to Oregon inmates. These inmates must contact their respective state or federal corrections authorities to acquire state-specific materials.¶

(6) Oregon inmates who are incarcerated in a correctional facility located in another state or in a federal correctional facility may request access to Oregon-specific legal research materials and assistance from an assigned inmate legal assistant through correspondence directed to the library coordinator at the Oregon facility they were last housed. Such requests will be processed with reasonable diligence.

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

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

RULE SUMMARY: Amends rule to provide for the assignment of network storage space to adults in custody.

CHANGES TO RULE:

291-139-0190

Storage, Control, and Disposition of Legal Materials ¶

(1) General:¶

(a) Each inmate may possess and store their own legal materials as authorized by the department in accordance with the department's rules on Personal Property (Inmate) (OAR 291-117).¶

(b) Each inmate is responsible for maintaining custody of their own authorized legal materials except for those authorized legal materials that are maintained on digital or electronic storage media, which will be maintained in the facility law library.¶

(2) Removable Media Devices:¶

(a) The department, in its discretion, may make removable media devices available for inmate use for saving and storing legal documents created using word processing equipment in the facility law library.¶

(b) When made available by the department for inmate use, removable media devices that are owned by the department may be assigned to an inmate by the library coordinator. ~~In order to~~ To receive authorization for assignment and use of a department-owned removable media device an inmate must agree to the terms and conditions of use set forth in a Removable Media Use Acknowledgment Statement (CD1761).¶

(c) An assigned removable media device may only be used by the inmate for the creation and storage of legal documents; and is subject to cursory review by the library coordinator and other correctional staff. Any material stored on an assigned removable media device that is not legal in nature, or which belongs to another inmate or pertains to another inmate's legal affairs will be confiscated in accordance with the department's rules on Personal Property (Inmate) (OAR 291-117). Misuse of removable media devices may result in loss of privileges.¶

(d) Assigned removable media devices will be securely stored in the facility law library or in another secure area designated by the functional unit manager or designee. Inmates may access their assigned removable media by checkout for use at an approved law library terminal.¶

(e) The use of removable media by inmates is governed by the department's rules on Inmate Access to Automation (OAR 291-086) and the Removable Media Use Acknowledgment Statement (CD1761).¶

(3) Assigned Network Storage Space:¶

(a) The department, in its discretion, may make network storage space available for inmate use for saving and storing legal documents and authorized correspondence as provided under OAR 291-139-0120(1)(b) created using word processing equipment in the facility law library.¶

(b) When made available by the department for inmate use, network storage space that is owned by the department may be assigned to an inmate by the library coordinator. In order to receive authorization for assignment and use of a department-owned storage space an inmate must agree to the terms and conditions of use set forth in the AICNet Storage Use Acknowledgment Statement.¶

(c) Assigned network storage space may only be used by the inmate for the creation and storage of legal documents and is subject to cursory review by the library coordinator and other correctional staff. Any material stored on assigned storage space that is not legal in nature, or which belongs to another inmate or pertains to another inmate's legal affairs will be confiscated in accordance with the department's rules on Personal Property (AIC) (OAR 291-117). Misuse of assigned storage space may result in loss of privileges.¶

(d) Assigned network storage space will only be accessible at approved law library terminals.¶

(e) The use of assigned network storage space by inmates is governed by the department's rules on AIC Access to Automation (OAR 291-086) and the AICNet Storage Use Acknowledgment Statement.¶

(4) Audio or Video Recordings of Court and Paroling Authority Hearings and Proceedings:¶

(a) Inmates in Department of Corrections facilities may be authorized by the library coordinator to access recordings of their official court and paroling authority hearings and proceedings sent in from the court, paroling authority, or the inmate's attorney. Inmates can request access to those recordings by using the Law library Request Form for General Population (CD1714).¶

(b) Authorized audio or video recordings of hearings and proceedings sent into the facility from a court, paroling authority, or attorney will be securely stored in the law library.¶

(c) Authorized audio or video recordings hearings and proceedings sent into the facility from a court, paroling authority or attorney must be labeled to identify the inmate's name and State Identification ("SID") number, and the court and case caption and number that the records pertain to. The library coordinator may place additional labeling on electronic media sent in from a court, paroling authority, or the inmate's attorney for purposes of storage and tracking.¶

(d) Authorized audio or video recordings of hearings and proceedings sent into the facility from a court, paroling authority, or the inmate's attorney must be compatible with the media software made available for inmate use by the department. Any media that is not compatible with the department existing media software will be returned to the sender. Inmates are responsible for informing their attorney of department requirements.¶

(e) Only those inmates who are the subject of and a party to the court or paroling authority case or proceeding, or assigned legal assistants as requested by the inmate, will be authorized to review the audio or video recording of the court or paroling authority hearing or proceeding.¶

(45) Transfers Within the Department:¶

(a) Inmates who transfer to another Department of Corrections facility will have their legal property transferred with them.¶

(b) Electronic material stored on an assigned removable media device will be forwarded by the library coordinator or other supervising staff at the previous facility to the library coordinator at the receiving facility without charge to the inmate.¶

(56) Disposition of Legal Material:¶

(a) Department of Corrections staff will process the disposition of legal documents and materials in accordance with the provisions in the department's rules on Personal Property (Inmate) (OAR 291-117).¶

(b) Upon an inmate's release from a Department of Corrections or other facility upon completion of the inmate incarceration term or sentence, or upon the death of an inmate, all stored legal materials of the inmate will be processed in accordance with the department's rules on Personal Property (Inmate) (OAR 291-117).¶

(c) Legal documents and other materials will be destroyed if department staff are unable to identify the inmate to which the materials belong in accordance with the rules on Personal Property (Inmate) (OAR 291-117).

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

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