

Enrolled
House Bill 3420

Sponsored by Representative BARKER; Representatives BOONE, CAMERON, FLORES, HANNA, KRIEGER, SCHAUFLER, WHISNANT, Senator DEVLIN (at the request of Crime Victims United)

CHAPTER

AN ACT

Relating to juvenile departments; creating new provisions; amending ORS 419C.001; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 419C.001 is amended to read:

419C.001. (1) The Legislative Assembly declares that in delinquency cases, the purposes of the Oregon juvenile justice system from apprehension forward are to protect the public and reduce juvenile delinquency and to provide fair and impartial procedures for the initiation, adjudication and disposition of allegations of delinquent conduct. The system is founded on the principles of personal responsibility, accountability and reformation within the context of public safety and restitution to the victims and to the community. The system shall provide a continuum of services that emphasize prevention of further criminal activity by the use of early and certain sanctions, reformation and rehabilitation programs and swift and decisive intervention in delinquent behavior. The system shall be open and accountable to the people of Oregon and their elected representatives.

(2)(a) Programs, policies and services shall be regularly and independently audited. *[as to their effectiveness in providing public safety and preventing a youth's return to criminal behavior. The Secretary of State shall select and oversee the auditors.]* Audits performed under this subsection must include program audits and performance audits, as defined in ORS 297.070. Programs, policies and services that were established before, on or after June 30, 1995, are subject to audit under this subsection.

(b) The programs, policies and services of county juvenile departments shall be *[audited]* **subject to regular review** pursuant to this subsection.

(c) The Secretary of State shall perform an audit that includes the performance of county juvenile departments.

[(c)] (d) ORS 297.405 to 297.555 do not apply to an audit conducted pursuant to this subsection.

(e) Notwithstanding ORS 297.040, the costs and expenses of audits conducted under this subsection may not be charged to the county juvenile departments. The Secretary of State shall pay the costs and expenses of audits conducted under this subsection from funds available to the Secretary of State.

(3) To facilitate an audit under subsection (2) of this section:

(a) The Secretary of State may subpoena witnesses, require the production of books and papers and the rendering of reports in such manner and form as the Secretary of State requires and may do all things necessary to secure a full and thorough investigation.

(b) The custodian of information that the Secretary of State deems necessary to conduct the audit shall provide the Secretary of State or the auditor selected by the Secretary of State access to the information notwithstanding the fact that the information may be made confidential or access to the information restricted by ORS 419A.255 or another law. Information obtained by the Secretary of State or the auditor pursuant to this paragraph and made confidential by ORS 419A.255 or another law may be used by the Secretary of State, the officers and employees of the Secretary of State or the auditor solely for the purpose of performing the audit required by subsection (2) of this section and may not be used or disclosed for any other purpose.

SECTION 2. (1) The Secretary of State shall perform an audit that includes no fewer than four counties each biennium during the 2007-2009 and 2009-2011 biennia.

(2) No later than September 1, 2010, the Secretary of State shall submit to the Legislative Assembly a report containing the results of the audits of county juvenile departments and including recommendations for the most efficient collection of future audit data.

SECTION 3. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect July 1, 2007.

Passed by House May 16, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate June 4, 2007

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President of Senate

Received by Governor:

.....M.,....., 2007

Approved:

.....M.,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2007

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Secretary of State