

House Bill 3420

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Secretary of State to conduct regular statewide audits of county juvenile departments. Requires audits of no fewer than eight departments per biennium for audit period beginning July 1, 2007. Requires audits of no fewer than four departments per biennium for audit periods after initial statewide audits are complete.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to juvenile departments; creating new provisions; amending ORS 419C.001; and declaring
3 an emergency.

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

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

6 419C.001. (1) The Legislative Assembly declares that in delinquency cases, the purposes of the
7 Oregon juvenile justice system from apprehension forward are to protect the public and reduce ju-
8 venile delinquency and to provide fair and impartial procedures for the initiation, adjudication and
9 disposition of allegations of delinquent conduct. The system is founded on the principles of personal
10 responsibility, accountability and reformation within the context of public safety and restitution to
11 the victims and to the community. The system shall provide a continuum of services that emphasize
12 prevention of further criminal activity by the use of early and certain sanctions, reformation and
13 rehabilitation programs and swift and decisive intervention in delinquent behavior. The system shall
14 be open and accountable to the people of Oregon and their elected representatives.

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

21 (b) The programs, policies and services of county juvenile departments shall be audited pursuant
22 to this subsection.

23 **(c) The Secretary of State shall audit the county juvenile departments of no fewer than**
24 **four counties during each biennium.**

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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

9 **SECTION 2. (1)(a) Notwithstanding ORS 419C.001 (2)(c), during the initial audit period,**
 10 **the Secretary of State shall audit no fewer than eight county juvenile departments per**
 11 **biennium until audits of all county juvenile departments are complete. The departments au-**
 12 **ditied in any biennium in the initial audit period shall be selected for audit according to**
 13 **county population as follows:**

14 (A) No fewer than four departments from the most populous counties in the state not
 15 yet audited in the initial audit period; and

16 (B) No fewer than four departments from the least populous counties in the state not
 17 yet audited in the initial audit period.

18 (b) When the Secretary of State has completed the initial audit period, audits shall be
 19 conducted pursuant to subsection (2) of this section.

20 (2) Beginning in the first biennium following the completion of the initial audit period and
 21 thereafter, the Secretary of State shall audit no fewer than four county juvenile departments
 22 per biennium. The four departments audited per biennium shall be selected for audit as fol-
 23 lows:

24 (a) No fewer than two departments from the most populous counties in the state not yet
 25 audited in the current audit period; and

26 (b) No fewer than two departments from the least populous counties in the state not yet
 27 audited in the current audit period.

28 (3) For purposes of this section:

29 (a) "Audit period" means the period of time during which a statewide audit of all county
 30 juvenile departments is conducted, commencing on the first day of the biennium during
 31 which the current statewide audit of county juvenile departments begins and ending on the
 32 last day of the biennium in which the final county juvenile department is audited.

33 (b) "Initial audit period" means the audit period beginning on July 1, 2007.

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

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