

# Senate Bill 141

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## 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**.

Provides that persons committed to legal custody of Department of Corrections who are placed in physical custody of Oregon Youth Authority are subject to same provisions regarding employment and work camps as are youth offenders.

## A BILL FOR AN ACT

1  
2 Relating to Oregon Youth Authority; amending ORS 420.011.

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

4 **SECTION 1.** ORS 420.011 is amended to read:

5 420.011. (1) Except as provided in subsections (2) and (3) of this section, admissions to the youth  
6 correction facilities are limited to youth offenders who are at least 12 but less than 19 years of age,  
7 found by the juvenile court to have committed an act that if committed by an adult would constitute  
8 aggravated murder, murder, a felony or a Class A misdemeanor and placed in the legal custody of  
9 the Oregon Youth Authority. A youth offender admitted to a youth correction facility may not be  
10 transferred by administrative process to any penal or correctional institution.

11 (2)(a) In addition to the persons placed in the legal custody of the youth authority under ORS  
12 419C.478 (1) or 419C.481, and with the concurrence of the Director of the Oregon Youth Authority  
13 or the director's designee, persons who are committed to the Department of Corrections under ORS  
14 137.124 and meet the requirements of ORS 137.124 (5) or (7) may be temporarily assigned to a youth  
15 correction facility as provided by ORS 137.124 (5) or (7). A person assigned on such a temporary  
16 basis remains within the legal custody of the Department of Corrections and such reassignment is  
17 subject to termination by the Director of the Oregon Youth Authority by referring the person back  
18 to the Department of Corrections as provided in paragraph (b) of this subsection.

19 (b) After a person is transferred to the physical custody of the youth authority under ORS  
20 137.124 (5) or (7), the Director of the Oregon Youth Authority may refer the person back to the  
21 Department of Corrections for physical custody and placement if the director, after consulting with  
22 the Department of Corrections, determines that the person:

23 (A) Poses a substantial danger to youth authority staff or persons in the custody of the youth  
24 authority; or

25 (B) Is not likely, in the foreseeable future, to benefit from the rehabilitation and treatment pro-  
26 grams administered by the youth authority and is appropriate for placement in a Department of  
27 Corrections institution.

28 (3) Any person under 18 years of age at the time of committing the crime and under 20 years  
29 of age at the time of sentencing and commitment who, after waiver under ORS 419C.349, 419C.352,  
30 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712, is sentenced to

**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 a term of imprisonment in the custody of the Department of Corrections, and any person under 16  
2 years of age who after waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370 or sentencing  
3 under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712 is sentenced to a term of imprisonment in the county  
4 jail, shall be temporarily assigned to a youth correction facility by the Department of Corrections,  
5 or by the sheriff to whose custody the person has been committed, pursuant to ORS 137.124 (6). The  
6 director shall designate the appropriate youth correction facility or schools for such assignment. A  
7 person assigned to a youth correction facility under ORS 137.124 (6) and this subsection remains  
8 within the legal custody of the Department of Corrections or sheriff to whose custody the person  
9 was committed. The assignment of such a person to the youth correction facility is subject, when  
10 the person is 16 years of age or older, to termination by the director by referring the person back  
11 to the Department of Corrections or the sheriff to serve the balance of the person's sentence. As-  
12 signment to a youth correction facility pursuant to ORS 137.124 (6) and this subsection, if not ter-  
13 minated earlier by the director, shall terminate upon the person's attaining the age specified in ORS  
14 420A.010 (5) setting the age limits for which the Oregon Youth Authority may retain legal and  
15 physical custody of the person, and the person shall be referred to the Department of Corrections  
16 or the sheriff having legal custody of the person to serve the balance of the person's sentence.

17 (4) Whenever a person committed to the custody of the Department of Corrections is temporarily  
18 assigned to a youth correction facility pursuant to this section, the youth authority may provide  
19 programs and treatment for the person, and may adopt rules relating to conditions of confinement  
20 at the youth correction facility, as the youth authority determines are appropriate. **The provisions**  
21 **of ORS 420.060 to 420.074 and 420.210 to 420.235 apply to persons described in this subsection.**  
22 However, the person remains subject to laws and rules of the State Board of Parole and Post-Prison  
23 Supervision relating to parole.

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