

Senate Bill 290

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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 who commit crimes prior to becoming 18 years of age may not be charged with crimes in adult court. Permits persons who commit crimes prior to becoming 18 years of age to be charged with crimes under certain conditions.

A BILL FOR AN ACT

1
2 Relating to juvenile court jurisdiction; amending ORS 419C.005.

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

4 **SECTION 1.** ORS 419C.005 is amended to read:

5 419C.005. (1) Except as otherwise provided in ORS 137.707 **and this section**, the juvenile court
6 has exclusive original jurisdiction in any case involving a person who is under 18 years of age and
7 who has committed an act that is a violation, or that if done by an adult would constitute a vio-
8 lation, of a law or ordinance of the United States or a state, county or city. **A person who is under**
9 **18 years of age at the time the person commits an act that if committed by an adult would**
10 **constitute a crime is within the exclusive jurisdiction of the juvenile court and may not be**
11 **charged as an adult unless:**

12 (a) **The person is 15 years of age or older and the person is charged with an offense listed**
13 **in ORS 137.707;**

14 (b) **The juvenile court has waived the person to the appropriate court under ORS**
15 **419C.340; or**

16 (c) **The prosecution charges the person with the crime prior to the person becoming 21**
17 **years of age and the prosecution has not intentionally delayed filing the charge until after**
18 **the person became 18 years of age.**

19 (2) The provisions of subsection (1) of this section do not prevent a court of competent juris-
20 diction from entertaining a civil action or suit involving a youth.

21 (3) The court does not have jurisdiction as provided in subsection (1) of this section after a mi-
22 nor has been emancipated pursuant to ORS 419B.550 to 419B.558.

23 (4) The court's jurisdiction over a person under this section or ORS 419C.067 continues until
24 one of the following occurs:

25 (a) The court dismisses a petition filed under this chapter or waives the case under ORS
26 419C.340. If jurisdiction is based on a previous adjudication, then dismissal or waiver of a later case
27 does not terminate jurisdiction under the previous case unless the court so orders.

28 (b) The court transfers jurisdiction of the case as provided in ORS 419C.053, 419C.056 and
29 419C.059.

30 (c) The court enters an order terminating jurisdiction.

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 (d) The person becomes 25 years of age.

2 **SECTION 2.** ORS 419C.005, as amended by section 7, chapter 843, Oregon Laws 2005, is
3 amended to read:

4 419C.005. (1) Except as otherwise provided in ORS 137.707 **and this section**, the juvenile court
5 has exclusive original jurisdiction in any case involving a person who is under 18 years of age and
6 who has committed an act that is a violation, or that if done by an adult would constitute a vio-
7 lation, of a law or ordinance of the United States or a state, county or city. **A person who is under**
8 **18 years of age at the time the person commits an act that if committed by an adult would**
9 **constitute a crime is within the exclusive jurisdiction of the juvenile court and may not be**
10 **charged as an adult unless:**

11 (a) **The person is 15 years of age or older and the person is charged with an offense listed**
12 **in ORS 137.707;**

13 (b) **The juvenile court has waived the person to the appropriate court under ORS**
14 **419C.340; or**

15 (c) **The prosecution charges the person with the crime prior to the person becoming 21**
16 **years of age and the prosecution has not intentionally delayed filing the charge until after**
17 **the person became 18 years of age.**

18 (2) The provisions of subsection (1) of this section do not prevent a court of competent juris-
19 diction from entertaining a civil action or suit involving a youth.

20 (3) The court does not have jurisdiction as provided in subsection (1) of this section after a mi-
21 nor has been emancipated pursuant to ORS 419B.550 to 419B.558.

22 (4) The court's jurisdiction over a person under this section or ORS 419C.067 continues until
23 one of the following occurs:

24 (a) The court dismisses a petition filed under this chapter or waives the case under ORS
25 419C.340. If jurisdiction is based on a previous adjudication, then dismissal or waiver of a later case
26 does not terminate jurisdiction under the previous case unless the court so orders.

27 (b) The court transfers jurisdiction of the case as provided in ORS 419C.053, 419C.056 and
28 419C.059.

29 (c) The court enters an order terminating jurisdiction.

30 (d) The person becomes 25 years of age.

31 (e) The court places the person under the jurisdiction of the Psychiatric Security Review Board
32 as provided in ORS 419C.529. If the court also has jurisdiction over the person based on a previous
33 adjudication under this chapter or ORS chapter 419B, placing a person under the jurisdiction of the
34 board in a later case does not terminate wardship under the previous case unless the court so or-
35 ders.

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