

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	7 - 2 - 0
Yeas:	Clem, Huffman, Komp, Lim, Roblan, Whisnant, Buckley
Nays:	Greenlick, Krummel
Exc.:	0
Prepared By:	Dana Richardson, Administrator
Meeting Dates:	2/19, 2/21

WHAT THE MEASURE DOES: Requires person filing petition when youth first makes an appearance before court alleging jurisdiction in juvenile court to notify youth's resident superintendent, superintendent's designee, or, if known to prosecutor that youth is in a private or charter school, the principal of that school within 15 days from petition filing. Provides for elements of notice. Applies to following criminal conduct: harm or threatened harm, including criminal homicide, assault or attempt to cause physical harm; sexual assault of animal or animal abuse; sex crimes except rape in the third degree; crimes involving a weapon or threatened use of weapon; possession or manufacture of destructive device; or offenses with elements of possession, use, manufacture, or delivery of alcohol or a controlled substance. Requires school administrator to inform school employees and school subcontractors who need information to safeguard safety and security of the school or arrange appropriate counseling or education of notification within 48 hours. Requires school personnel to keep information in notice confidential. Proscribes use of such information for admissions or disciplinary decisions unless violation occurred during school function or on school property. Permits such information to be used for educational placement. Limits liability for failure to comply with notification and confidentiality provisions. Requires school administrator to contact school of out-of-state transfer youth and request information relating to youth's history of activities likely to risk safety of school employees, school subcontractors, or students. Requires person filing petition to notify youth's resident superintendent, superintendent's designee or, if known to prosecutor that youth is in a private or charter school, the principal of that school if case is set aside or dismissed. Decreases time for notice of youth being charged as adult from 15 to five days. Expands who may receive notice currently required to include school subcontractors. Requires Oregon Law Commission to study policies of requiring notice to schools regarding youths. Requires commission to report and provide recommendations to appropriate interim legislative committees by October 1, 2008. Repeals authorization for study as of January 2, 2010.

ISSUES DISCUSSED:

- Liability provisions
- Impact on out-of-state transfer students
- Notification procedures
- Changes in behavior due to information received through notification
- Current notification requirements
- Effective date for charter schools
- Offenses included
- Best interests of the youth charged
- Inclusion of an emergency clause
- Operative date

EFFECT OF COMMITTEE AMENDMENT: Clarifies offenses to include felony assault or attempt to cause serious physical injury to another person. Requires Oregon Law Commission to study policies of requiring notice to schools regarding youths. Requires commission to report and provide recommendations to appropriate interim legislative committees by October 1, 2008. Repeals authorization for study as of January 2, 2010.

BACKGROUND: ORS 419A.015 currently requires juvenile departments to provide a monthly report to school districts of all youth who are on court probation within their jurisdiction. Additionally, a school district may request of a juvenile department the offense of any youth who is on probation.

Senate Bill 1092-B expands notification requirements to include reports to specified educational administrators once a youth has made a first appearance before a juvenile court. The measure also requires the designated school administrator to contact a youth's previous school when he or she transfers to an Oregon school from an out-of-state school. The school administrator is required to request from that school information relating to the youth's history of activities that are likely to risk the safety of school employees, school subcontractors, or students. The school administrator is required to provide the information received in response to this inquiry to school employees and school subcontractors who have been determined to need the information to safeguard the safety and security of the school and arrange for appropriate counseling and education for the youth.