

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed and Rescind the Subsequent Referral to the Committee on Judiciary
Vote:	5 - 0 - 0
Yeas:	Bonamici, Kruse, Metsger, Morse, Hass
Nays:	0
Exc.:	0
Prepared By:	Dana Richardson, Administrator
Meeting Dates:	3/2, 3/18, 3/30

WHAT THE MEASURE DOES: Replaces provisions of Senate Bill 1092 (2008) and requires notice of certain offenses to school administrator or superintendent of school district for youth within jurisdiction of juvenile court. Specifies contents of notice. Modifies types of offenses for which notice is required. Specifies locations where youth violations would be subject to notice provisions. Requires that documents or information relating to petition that is set aside or dismissed be removed and destroyed. Provides that placement procedures for appropriate counseling or education of person who is subject of notice and has disabilities must comply with federal law relating to disabilities education. Provides operative date of July 1, 2009. Declares an emergency; effective upon passage.

ISSUES DISCUSSED:

- Definition of “youth”
- Meaning of “threatened harm” and “serious” physical injury
- Impact on workload for prosecutors and school personnel
- Judicial discretion to determine when schools should receive notification
- Information on transfer students

EFFECT OF COMMITTEE AMENDMENT: Expands definition of school administrator to include director of Oregon School for the Deaf, Oregon School for the Blind, and Superintendent of Public Instruction for youth in Youth Corrections Education Program. Provides for notice to be provided to these school administrators and principal of charter school. Adds sexual assault of an animal or animal abuse in any degree to acts that trigger notice to a school administrator. Specifies that manufacture of a controlled substance, delivery of such a controlled substance, or delivery of a controlled substance to a person under 18 years of age triggers notice to a school administrator. Requires entity responsible for providing notice to request a court determination if notice is necessary to safeguard the safety and security of the school, students, and staff if conduct is assault in the fourth degree. Provides operative date of July 1, 2009.

BACKGROUND: During the 2008 Special Legislative Session, Senate Bill 1092 was enacted to expand notification requirements to include reports to specified educational administrators once a youth made a first appearance before a juvenile court. The measure also required a designated school administrator to contact a youth’s previous school when he or she transferred to an Oregon school from an out-of-state school in order to request information relating to the youth’s history of activities likely to risk the safety of school employees, school subcontractors, or other students. The measure also required the Oregon Law Commission to study policies requiring notice to schools for those considered youths under the Juvenile Code in ORS Chapter 419A.

Senate Bill 512A is a product of the Law Commission’s study and work group on Senate Bill 1092. It modifies provisions requiring disclosure of information to schools about students involved in the justice system prior to adjudication. It also contains additional provisions regarding the individual rights of students and narrows the list of alleged acts that trigger notice to schools.

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This summary has not been adopted or officially endorsed by action of the committee.