

Enrolled House Bill 2052

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Human Services and Women's Wellness)

CHAPTER

AN ACT

Relating to establishing specified facilities; creating new provisions; and amending ORS 169.690 and 423.565.

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

SECTION 1. ORS 169.690 is amended to read:

169.690. (1)(a) Before the Department of Corrections, Oregon Youth Authority, [or] Department of Human Services or any city, county or other public agency establishes a facility described in paragraph [(c)] (b) of this subsection, the city, county, department, youth authority or agency **shall fully inform the local public safety coordinating council convened under ORS 423.560 of the following:**

- (A) **The proposed location, estimated population size and use of the facility;**
- (B) **The proposed number and qualifications of resident professional staff at the facility;**
- (C) **The proposed rules of conduct for residents of the facility; and**
- (D) **Other relevant information that the city, county, department, youth authority or agency responsible for establishing the facility considers appropriate or that the council requests. Nothing in this subparagraph authorizes the disclosure of information that is protected under state or federal law. [must designate a citizens advisory committee in the proposed affected geographic area.]**

[(b) *If there is an established citizens group or neighborhood organization in the affected geographic area which is established or recognized by the city or county where it is located, it shall be asked to nominate the committee. If there is none, the local government body having jurisdiction over the affected area shall appoint a committee selected from residents of the area.*]

[(c)] (b) The facilities to which paragraph (a) of this subsection applies are:

(A) Halfway houses, work release centers or any other domiciliary facilities for persons released from any penal or correctional facility but still in the custody of the city, county or public agency; [and]

(B) Youth care centers or other facilities authorized to accept youth offenders under ORS 419C.478[.]; **and**

(C) **Residential treatment homes and residential treatment facilities, as those terms are defined in ORS 443.400, for persons who, as a condition of release under ORS 161.315 to 161.351, are required to live in a secure home or facility.**

[(2) *The local governmental body having jurisdiction over the affected geographic area shall appoint to the citizens advisory committee persons from those nominated under subsection (1) of this*

section and shall invite the participation of officers of local governments having jurisdiction over the area.]

[(3) For each proposed house, center or other facility, the agency responsible for establishing the house, center or facility shall inform fully the citizens advisory committee of each affected geographic area of the following:]

[(a) The proposed location, estimated population size and use;]

[(b) The numbers and qualifications of resident professional staff;]

[(c) The proposed rules of conduct and discipline to be imposed on residents; and]

[(d) Such other relevant information as the agency responsible for establishing the house, center or facility considers appropriate or which the advisory committee requests.]

[(4)] **(2)** The [citizens advisory committee] **facility advisory subcommittee of the local public safety coordinating council** shall advise the **city, county, department, youth authority or agency** responsible for establishing the [house, center or] facility as to the suitability of the proposed [house, center or other] facility and may suggest changes in the proposal submitted under subsection [(3)] **(1)** of this section. The advice shall: [be in writing and must represent the view of the majority of the committee.]

(a) Be in writing;

(b) Represent the view of the majority of the subcommittee; and

(c) Be provided to the city, county, department, youth authority or agency no more than 60 days after receiving the information described in subsection (1) of this section.

[(5)] **(3)** If the **city, county, department, youth authority or agency** responsible for establishing the [house, center or] facility rejects any of the advice of the [citizens advisory committee] **facility advisory subcommittee**, it must submit its reasons in writing to the [committee] **subcommittee**.

[(6) No person serving on a committee established under this section should be entitled to receive any compensation or reimbursement for service on such committee.]

(4) This section does not apply if a board of county commissioners has failed to convene a local public safety coordinating council.

(5) As used in this section:

(a) "Establishes" includes entering into a contract to provide for the operation of a facility described in subsection (1)(b) of this section.

(b) "Secure home or facility" has the meaning given that term in rules adopted by the Department of Human Services.

SECTION 2. ORS 423.565 is amended to read:

423.565. In addition to the duties assigned to it under ORS 423.560, the local public safety coordinating council convened by the board of commissioners shall, at a minimum:

(1) Develop and recommend to the county board of commissioners the plan for use of state resources to serve the local youth offender population[;].

(2) Coordinate local juvenile justice policy among affected juvenile justice entities[; and].

(3) In consultation with the local commission on children and families, develop and recommend to the county board of commissioners a plan designed to prevent criminal involvement by youth. The plan must provide for coordination of community-wide services involving treatment, education, employment and intervention strategies aimed at crime prevention.

(4) Create a facility advisory subcommittee when provided with the information described in ORS 169.690. The subcommittee shall be composed of the following persons:

(a) The affected law enforcement officer described in ORS 423.560 (1)(a) or (b);

(b) A district attorney;

(c) A mental health director;

(d) A designee of the city council or county board of commissioners, whichever is affected;

(e) A representative of an organization that advocates on behalf of persons with mental illness; and

(f) A consumer as defined in ORS 430.073.

SECTION 3. The amendments to ORS 169.690 and 423.565 by sections 1 and 2 of this 2009 Act apply to facilities established on or after the effective date of this 2009 Act.

Passed by House March 11, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate May 12, 2009

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President of Senate

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State