

**Enrolled**  
**House Bill 2299**

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon Juvenile Department Directors' Association)

CHAPTER .....

AN ACT

Relating to detention facilities; amending ORS 419A.055.

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

**SECTION 1.** ORS 419A.055 is amended to read:

419A.055. *[The county court or board of commissioners of a county may institute an examination of the county's juvenile detention facility and establish its capacity in accordance with constitutional standards. If a county court or board of commissioners adopts a capacity limit and that limit is exceeded, the county, through the juvenile department director, shall immediately notify the judge of the juvenile court who shall authorize the release of a sufficient number of detainees to reduce the population of the detention facility to the established capacity.]*

**(1) As used in this section:**

**(a) "Contracting county" means a county that contracts with another county or a regional juvenile detention correctional facility to place youths and youth offenders in a detention facility in another county or in a regional juvenile detention correctional facility.**

**(b) "County court" has the meaning given that term in ORS 174.100.**

**(2) The county court of a county may:**

**(a) Institute an examination of the county's detention facility and establish its capacity in accordance with constitutional standards; and**

**(b) Issue an order establishing the capacity of the county's detention facility.**

**(3)(a) A county court of a county may adopt standards for releasing youths and youth offenders when the capacity of the detention facility is exceeded.**

**(b) A county court of a contracting county may adopt standards for releasing youths and youth offenders when the number of youths or youth offenders requiring placement in a detention facility in another county or in a regional juvenile detention correctional facility exceeds the number of youths and youth offenders for whose placement the contracting county has contracted.**

**(4) If a county court issues an order establishing the capacity of the detention facility and that capacity is exceeded, the county court, through the juvenile department director of that county, may release a sufficient number of youths or youth offenders to reduce the population of the detention facility to the established capacity.**

**(5) If the number of youths and youth offenders requiring placement in a detention facility in another county or in a regional juvenile detention correctional facility exceeds the number for whose placement the contracting county has contracted, the county court of the**

contracting county, through the juvenile department director of the contracting county, may release a sufficient number of youths or youth offenders who have been placed in a detention facility in another county or in a regional juvenile detention correctional facility to reduce the number of youths and youth offenders to the number for whose placement the contracting county has contracted.

(6)(a) The county court of a county, through the juvenile department director of the county, shall immediately notify the judge of the juvenile court of the county of the release of the youths or youth offenders.

(b) The county court of a contracting county, through the juvenile department director of the contracting county, shall immediately notify the judge of the juvenile court of the contracting county of the release of the youths or youth offenders.

(7) This section does not create a cause of action and may not be asserted as the basis for a per se negligence claim.

Passed by House April 27, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate May 27, 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