

Senate Bill 910

Sponsored by Senator STARR

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**.

Requires public agencies and political subdivisions to provide notice to certain persons before establishing certain facilities.

A BILL FOR AN ACT

Relating to establishing specified facilities; amending ORS 169.690.

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

SECTION 1. ORS 169.690 is amended to read:

169.690. *[(1)(a)]* **(1)** 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) of this]* subsection **(2) of this section**, the city, county, department, youth authority or agency *[must designate a citizens advisory committee in the proposed affected geographic area.]* **shall provide the following persons with the information described in subsection (3) of this section at least 90 days before the facility is established:**

[(b)] **(a)** *[If there is]* An established citizens group or neighborhood organization in the affected geographic area *[which]* **if a group or organization** 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.]*;

(b) Any person who owns real property or resides within 1,000 feet of the facility;

(c) The county sheriff or chief of police of a city police department, having jurisdiction over the facility;

(d) The fire chief having jurisdiction over the facility; and

(e) The state or local agency responsible for providing mental health services in the area.

[(c)] **(2)** The facilities to which *[paragraph (a) of this]* subsection **(1) of this section** applies are:

[(A)] **(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)] **(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. For purposes of this paragraph, a residential treatment home or facility is secure if a resident's exit from the home or facility or its grounds is restricted through the use of locking devices on resident exit doors, gates

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 **or other closures.**

2 *[(2) The local governmental body having jurisdiction over the affected geographic area shall ap-*
 3 *point to the citizens advisory committee persons from those nominated under subsection (1) of this sec-*
 4 *tion and shall invite the participation of officers of local governments having jurisdiction over the*
 5 *area.]*

6 (3) For each *[proposed house, center or other]* facility, the agency responsible for establishing the
 7 *[house, center or]* facility shall *[inform fully the citizens advisory committee of each affected geographic*
 8 *area of]* **include the following information in the notice described in subsection (1) of this**
 9 **section:**

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

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

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

13 (d) Such other relevant information *[as]* **that the city, county, department, youth authority**
 14 **or** agency responsible for establishing the *[house, center or]* facility considers appropriate or
 15 *[which]* **that** the advisory committee requests. **Nothing in this paragraph authorizes the disclo-**
 16 **sure of information that is protected under state or federal law.**

17 *[(4) The citizens advisory committee shall advise the agency responsible for establishing the house,*
 18 *center or facility as to the suitability of the proposed house, center or other facility and may suggest*
 19 *changes in the proposal submitted under subsection (3) of this section. The advice shall be in writing*
 20 *and must represent the view of the majority of the committee.]*

21 **(4) A person who is notified under subsection (1) of this section may provide the city,**
 22 **county, department, youth authority or agency with written advice regarding matters af-**
 23 **fecting public health or safety or the health or safety of the occupants of the facility.**

24 **(5) As used in this section, “establishes” includes entering into a contract to provide for**
 25 **the operation of a facility described in subsection (2) of this section.**

26 *[(5) If the agency responsible for establishing the house, center or facility rejects any of the advice*
 27 *of the citizens advisory committee, it must submit its reasons in writing to the committee.]*

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

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