

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Without Recommendation as to Passage and Be Referred to the Committee on Judiciary by prior reference
Vote:	8 - 0 - 0
Yeas:	Frederick, Greenlick, Harker, Parrish, Thompson, Weidner, Gilliam, Tomei
Nays:	0
Exc.:	0
Prepared By:	Jennifer Kellar, Administrator
Meeting Dates:	2/11, 2/16, 2/21

WHAT THE MEASURE DOES: Establishes standards and procedures in the Juvenile Code for determining fitness of youth to proceed on a delinquency petition. Requires Oregon Health Authority to develop guidelines on how to conduct an evaluation of fitness of youth to proceed and administer a program to provide restorative services to youth who are determined unfit to proceed and who present substantial probability of gaining or regaining fitness.

ISSUES DISCUSSED:

- Measure ensures youth will not be adjudicated without being able to aid and assist in their own defense
- Discussion regarding adult versus youth fitness determination process
- History of aid and assist laws
- No current aid and assist provisions for juveniles in Oregon
- Role of court once a juvenile is found unfit
- Concerns relating to mandated rather than voluntary services for delinquent youth

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Current Oregon statutes do not specify provisions regarding fitness to proceed in juvenile delinquency cases. Like adult criminal defendants, juveniles have a constitutional right to raise the issue of fitness. There are currently no substantive guidelines for juvenile courts to use in determining whether a youth is fit to proceed. Additionally, there are no procedures, specific to juveniles, in place to direct a court once a juvenile is found unfit and no provisions regarding restorative services.

The Oregon Law Commission and Juvenile Code Revision Workgroup developed language surrounding juvenile aid and assist in the 2006 interim. House Bill 2108 focuses on conducting evaluations and, if needed, providing restorative services in the youth's current placement. The evaluation will focus on determining ability to aid and assist. Restoration services are psycho-educational services to teach youth about the nature of the alleged offense and the juvenile court process and would be provided in aiding the youth to fitness.