

House Bill 3533

Sponsored by Representative OLSON

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**.

Transfers authority over Juvenile Crime Prevention Advisory Committee, subcommittees and subgroups from State Commission on Children and Families to Oregon Criminal Justice Commission. Becomes operative June 30, 2012.

A BILL FOR AN ACT

1
2 Relating to the Juvenile Crime Prevention Advisory Committee; creating new provisions; and
3 amending ORS 137.656, 417.735, 417.845, and 417.850.

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

5 **SECTION 1.** ORS 417.735 is amended to read:

6 417.735. (1) The State Commission on Children and Families shall promote the wellness of chil-
7 dren and families at the state level and shall act in accordance with the principles, characteristics
8 and values identified in ORS 417.708 to 417.725. The state commission shall provide no direct ser-
9 vices.

10 (2)(a) Funds for local commissions shall consist of payments from moneys appropriated for local
11 commissions to the State Commission on Children and Families by the Legislative Assembly. The
12 state commission shall develop an equitable formula for the distribution of funds to counties or re-
13 gions for services for children and families, and a minimum annual grant shall be provided to each
14 county or region.

15 (b) The state commission shall provide technical assistance and research-based information to
16 local commissions to support the development of county goals, performance measures and outcomes
17 for services and programs.

18 (c) The state commission may withhold funds from a local commission if services and programs
19 funded through the local commission do not meet appropriate performance measures and outcomes.

20 (3) The state commission shall:

21 (a) Set guidelines for the planning, coordination and delivery of services by local commissions
22 in partnership with other planning bodies and agencies providing services for children and families.
23 The guidelines shall be consistent with the key elements of the service system developed and im-
24 plemented under ORS 417.705 to 417.801. In conjunction with other planning bodies and agencies
25 providing social supports, the state commission shall use the local coordinated comprehensive plans
26 to advise agencies, the Legislative Assembly and the Governor;

27 (b) Advise the Legislative Assembly and the Governor concerning possible solutions to problems
28 facing children and families;

29 (c) In consultation with other agencies, identify high-level and intermediate outcomes relating
30 to children and families and monitor the progress of local coordinated comprehensive plans in
31 meeting intermediate outcome targets;

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 (d) Encourage the development of innovative projects, based on proven practices of effective-
 2 ness, that benefit children and families;

3 (e) Ensure that all services for children and families are integrated and evaluated according to
 4 their outcomes;

5 (f) Compile, analyze and distribute information that informs and supports statewide coordinated
 6 planning;

7 (g) Establish a uniform system of reporting and collecting statistical data from counties and
 8 other agencies serving children and families;

9 (h) Provide a process whereby the Department of Human Services, Oregon Health Authority,
 10 Juvenile Crime Prevention Advisory Committee, Oregon Youth Authority, Department of Education,
 11 Department of Community Colleges and Workforce Development, Employment Department, Housing
 12 and Community Services Department and Oregon Business Development Department review all
 13 findings from data collected by the local commissions through the local coordinated comprehensive
 14 plans. The information gathered in this review shall be considered by those agencies in designing
 15 future economic resources and services and in the coordination of services;

16 (i) Make recommendations to the Commission for Child Care for the development of the state's
 17 biennial child care plan; and

18 (j) Communicate information and policy advice on current research and proven practices of ef-
 19 fectiveness, from both inside and outside the state, including successful local strategies, to local
 20 commissions, the Governor, the Legislative Assembly, state agencies and the public. The information
 21 shall include progress in meeting intermediate outcome targets identified in the local coordinated
 22 comprehensive plans.

23 (4)(a) The state commission shall develop a review and approval process for local coordinated
 24 comprehensive plans that includes:

25 (A) A requirement that the local plan has been approved by the board or boards of county
 26 commissioners;

27 (B) Assurance that the local plan meets essential criteria and approval required by appropriate
 28 entities and meets appropriate systems and planning connections; and

29 (C) Review of state expenditures of resources allocated to the local commissions on children and
 30 families.

31 (b) The state commission shall develop the process under this subsection in consultation with
 32 other entities involved in the review and approval process.

33 (c) The state commission shall act on any waiver request from a local commission within 90 days
 34 after receipt of the request.

35 (d) The state commission may disapprove a local plan for failure to address the elements de-
 36 scribed in paragraph (a) of this subsection within 90 days after receipt of the request.

37 (5) The state commission, in coordination with the local commissions on children and families,
 38 shall:

39 (a) Assist the local commissions in the development and implementation of performance meas-
 40 ures and outcomes for evaluating services at the local level;

41 (b) Monitor the progress in meeting intermediate outcome targets in the local coordinated
 42 comprehensive plans;

43 (c) In conjunction with the Department of Human Services and using the staff resources and
 44 other resources of the state commission, educate, inform and provide technical assistance to local
 45 commissions, including but not limited to technical assistance with:

1 (A) Federal and state laws, regulations and rules, and changes therein, governing the use of
 2 federal and state funds;

3 (B) Facilitation;

4 (C) Planning;

5 (D) Policy development;

6 (E) Proven practices of effectiveness;

7 (F) Local systems development;

8 (G) Community problem solving and mobilization; and

9 (H) Other services, as appropriate;

10 (d) Conduct research and disseminate information to local commissions on children and families;

11 (e) Negotiate federal waivers in consultation with the Department of Human Services; and

12 (f) Develop a process for reviewing requests for waivers from requirements of the state com-
 13 mission. Requests for waivers shall be granted or denied as a part of the approval process for a local
 14 coordinated comprehensive plan. The state commission shall not grant a request for waiver that al-
 15 lows funds to be used for any purpose other than early childhood prevention, intervention and
 16 treatment programs.

17 (6) The state commission shall employ a staff director who shall be responsible for hiring and
 18 supervising any additional personnel necessary to assist the state commission in performing its du-
 19 ties. The staff director shall be responsible for management functions of the state commission sub-
 20 ject to policy direction by the state commission.

21 (7) To the extent that federal funding is not jeopardized, the State Commission on Children and
 22 Families shall enter into an interagency agreement with the Department of Human Services in
 23 which they agree on a system to:

24 (a) Distribute all Title XX Social Services Block Grant funds;

25 (b) Ensure that federal and state requirements are met for federal funds administered by the
 26 state commission; and

27 (c) Carry out the necessary auditing, monitoring and information requirements for federal funds
 28 distributed by the state commission.

29 (8) In addition to the authority under subsection (5)(e) of this section, the state commission may
 30 direct the Department of Human Services or the appropriate state department providing services for
 31 children and families to negotiate federal waivers. If the Department of Human Services or any
 32 other state agency does not pursue a federal waiver recommended by the state commission, the state
 33 commission may ask the Governor to direct the Department of Human Services or other state
 34 agency to apply for and negotiate the waiver.

35 (9) If the Department of Human Services or any other state agency refuses to distribute state
 36 or federal funds as requested by the state commission, the state commission may ask the Governor
 37 to direct the Department of Human Services or other state agency to distribute the funds.

38 (10) The programs shall be funded as fully as possible by Title XX of the federal Social Security
 39 Act, consistent with the terms and conditions of the block grant program and the local coordinated
 40 comprehensive plans that reflect community priorities established by the local planning process.

41 (11) In conjunction with the Department of Human Services, the state commission, as soon as
 42 possible, shall develop a plan to re-engineer and integrate the data processing systems related to
 43 children's programs with the objective of making management information more accessible. The
 44 state commission shall make regular presentations to the Joint Legislative Committee on Informa-
 45 tion Management and Technology on its progress in developing and implementing the plan.

1 (12) Before each regular session of the Legislative Assembly, the state commission shall report,
 2 to the Governor and to the appropriate joint interim committee as determined by the Speaker of the
 3 House of Representatives and the President of the Senate, the following:

4 (a) Any additional proposals contained in “A Positive Future for Oregon’s Children and
 5 Families” by the 1991-1992 Oregon Children’s Care Team Interim Task Force that should be under-
 6 taken;

7 (b) The status in all counties of local service systems related to the health and wellness of
 8 children and the adequacy of financial resources to deliver services;

9 (c) The progress in achieving desired outcomes, including but not limited to the statewide
 10 guidelines set by the state commission under ORS 417.710 (1);

11 (d) Barriers to achieving intermediate and high-level outcome targets as identified in local co-
 12 ordinated comprehensive plans;

13 (e) Proposed solutions to barriers identified under paragraph (d) of this subsection, including
 14 proven, effective and innovative strategies; and

15 (f) County and community mobilization to increase public awareness and involvement and fund-
 16 ing of community determined priorities.

17 (13)(a) The state commission may solicit, accept and receive federal moneys or moneys or other
 18 property from persons or corporations, public or private, for the purpose of carrying out the pro-
 19 visions of ORS 417.705 to 417.801 and 419A.170.

20 (b) All federal moneys collected or received under paragraph (a) of this subsection shall be ac-
 21 cepted and transferred or expended by the state commission upon such terms and conditions as are
 22 prescribed by the federal government.

23 (c) All moneys and other property accepted by the state commission under this subsection shall
 24 be transferred, expended or used upon such terms and conditions as are prescribed by the donor in
 25 a manner consistent with applicable law.

26 *[(14) The state commission shall:]*

27 *[(a) Implement the recommendations of the Juvenile Crime Prevention Advisory Committee, as ap-
 28 proved by the Governor; and]*

29 *[(b) In cooperation with other state and federal agencies, coordinate technical assistance efforts on
 30 a statewide and county-specific basis relating to juvenile crime prevention programs and services.]*

31 *[(15)]* (14) The state commission may contract with local governments or other entities to ad-
 32 minister juvenile crime prevention programs and services. In accordance with the applicable pro-
 33 visions of ORS chapter 183, the state commission may adopt rules necessary for the administration
 34 of juvenile crime prevention programs and services.

35 **SECTION 2.** ORS 417.845 is amended to read:

36 417.845. (1) The Juvenile Crime Prevention Advisory Committee is created within the [*State*
 37 *Commission on Children and Families*] **Oregon Criminal Justice Commission established under**
 38 **ORS 137.654.**

39 (2) The committee shall have the following members:

40 (a) The Director of the Oregon Youth Authority or a designee of the director;

41 (b) The staff director of the State Commission on Children and Families or a designee of the staff
 42 director;

43 (c) The Director of the Oregon Health Authority or one or more designees of the director, one
 44 of whom has expertise in treatment and prevention of substance abuse;

45 (d) The executive director of the Oregon Criminal Justice Commission or a designee of the

1 executive director;

2 (e) The Superintendent of Public Instruction or a designee of the superintendent;

3 (f) The Superintendent of State Police or a designee of the superintendent;

4 (g) The Director of the Department of Corrections or a designee of the director;

5 (h) One designee of the Governor;

6 (i) One member appointed by the President of the Senate, who shall be a member of the Senate
7 and who shall be a nonvoting, advisory member;

8 (j) One member appointed by the Speaker of the House of Representatives, who shall be a
9 member of the House of Representatives and who shall be a nonvoting, advisory member; and

10 (k) One designee of the Chief Justice of the Supreme Court from the Judicial Department who
11 serves as a nonvoting member to provide information and support the partnership role of the courts
12 in an effective comprehensive statewide approach to high-risk youth and their families.

13 (3) In addition to the members listed in subsection (2) of this section, the Governor shall appoint
14 the following members who shall be representative of the geographic and cultural diversity of the
15 state:

16 (a) To represent local public and private entities:

17 (A) A county commissioner;

18 (B) A local juvenile director;

19 (C) A director of a local commission on children and families;

20 (D) Two law enforcement officials;

21 (E) A county mental health director;

22 (F) An alcohol and drug abuse professional;

23 (G) A school superintendent;

24 (H) A private youth service provider; and

25 (I) An elected city official;

26 (b) A researcher;

27 (c) A citizen member; and

28 (d) Other members as determined by the Governor.

29 (4) Each member of the committee appointed by the Governor under subsection (3) of this sec-
30 tion shall serve a term of four years. Members appointed by the Governor shall serve at the pleasure
31 of the Governor. A vacancy in the office of any member appointed by the Governor under subsection
32 (3) of this section shall be filled by the Governor by appointment for the unexpired term.

33 (5) The Governor shall select one of the members of the committee as chairperson and one of
34 its members as vice chairperson.

35 (6) The committee shall meet at times, places and intervals deemed advisable by a majority of
36 the members.

37 (7) The [*State Commission on Children and Families*] **Oregon Criminal Justice Commission**
38 shall provide staff support to the committee.

39 **SECTION 3.** ORS 417.850 is amended to read:

40 417.850. The Juvenile Crime Prevention Advisory Committee shall:

41 (1) Review the budget and allocation formula for appropriations for the purpose of juvenile crime
42 prevention;

43 (2) Review the components of the local coordinated comprehensive plans for children and fami-
44 lies created pursuant to ORS 417.775 that address local high-risk juvenile crime prevention plans
45 developed under ORS 417.855 and make recommendations to the Governor about the local plans;

1 (3) Ensure that high-risk juvenile crime prevention planning criteria are met by state and local
2 public and private entities;

3 (4) Recommend high-risk juvenile justice and juvenile crime prevention policies to the Governor
4 and the Legislative Assembly;

5 (5) Ensure initiation of contracts based on approved local high-risk juvenile crime prevention
6 plans and oversee contract changes;

7 (6) Review data and outcome information;

8 (7) Establish and publish review and assessment criteria for the local high-risk juvenile crime
9 prevention plans. The criteria shall include, but not be limited to, measuring changes in juvenile
10 crime and juvenile recidivism;

11 (8) Review and coordinate county youth diversion plans and basic services grants with the local
12 high-risk juvenile crime prevention plans. Basic services grants may be used for detention and other
13 juvenile department services including:

14 (a) Shelter care;

15 (b) Treatment services;

16 (c) Graduated sanctions; and

17 (d) Aftercare for youth offenders;

18 (9) Work to ensure broad-based citizen involvement in the planning and execution of high-risk
19 juvenile crime prevention plans at both the state and local levels;

20 (10) Develop a funding policy that provides incentives for flexible programming and promotes
21 strategies that stress reinvestment in youth;

22 (11) Periodically report to the Governor and the Legislative Assembly on the progress of the
23 committee;

24 (12) Oversee and approve funding and policy recommendations of the state advisory group as
25 required by the federal Juvenile Justice and Delinquency Prevention Act of [1974] **2002**, 42 U.S.C.
26 5601 et seq.; and

27 (13) Work with tribal governments to develop tribal high-risk juvenile crime prevention plans.

28 **SECTION 4.** ORS 137.656 is amended to read:

29 137.656. (1) The purpose of the Oregon Criminal Justice Commission is to improve the effec-
30 tiveness and efficiency of state and local criminal justice systems by providing a centralized and
31 impartial forum for statewide policy development and planning.

32 (2) The primary duty of the commission is to develop and maintain a state criminal justice policy
33 and comprehensive, long-range plan for a coordinated state criminal justice system that encompasses
34 public safety, offender accountability, crime reduction and prevention and offender treatment and
35 rehabilitation. The plan must include, but need not be limited to, recommendations regarding:

36 (a) Capacity, utilization and type of state and local prison and jail facilities;

37 (b) Implementation of community corrections programs;

38 (c) Alternatives to the use of prison and jail facilities;

39 (d) Appropriate use of existing facilities and programs;

40 (e) Whether additional or different facilities and programs are necessary;

41 (f) Methods of assessing the effectiveness of juvenile and adult correctional programs, devices
42 and sanctions in reducing future criminal conduct by juvenile and adult offenders;

43 (g) Methods of reducing the risk of future criminal conduct; and

44 (h) The effective utilization of local public safety coordinating councils.

45 (3) Other duties of the commission are:

1 (a) To conduct joint studies by agreement with other state agencies, boards or commissions on
2 any matter within the jurisdiction of the commission.

3 (b) To provide Oregon criminal justice analytical and statistical information to federal agencies
4 and serve as a clearinghouse and information center for the collection, preparation, analysis and
5 dissemination of information on state and local sentencing practices.

6 (c) To provide technical assistance and support to local public safety coordinating councils.

7 (d) To receive grant applications to start or expand drug court programs as defined in ORS
8 3.450, to make rules to govern the grant process and to award grant funds according to the rules.

9 **(e) To implement the recommendations of the Juvenile Crime Prevention Advisory Com-**
10 **mittee, and of its subcommittees and subgroups, as approved by the Governor.**

11 **(f) In cooperation with other state and federal agencies, to coordinate technical assist-**
12 **ance efforts on a statewide and county-specific basis relating to juvenile crime prevention**
13 **programs and services.**

14 (4) The commission shall establish by rule the information that must be submitted under ORS
15 137.010 (9) and the methods for submitting the information. A rule adopted under this subsection
16 must be approved by the Chief Justice of the Supreme Court before it takes effect.

17 (5) The commission may:

18 (a) Apply for and receive gifts and grants from any public or private source.

19 (b) Award grants from funds appropriated by the Legislative Assembly to the commission or
20 from funds otherwise available from any other source, for the purpose of carrying out the duties of
21 the commission.

22 (c) Adopt rules to carry out the provisions of this subsection.

23
24 **TRANSFER**

25
26 **SECTION 5. All the duties, functions and powers of the State Commission on Children**
27 **and Families relating to the creation, supervision and operation of the Juvenile Crime Pre-**
28 **vention Advisory Committee and all of its subcommittees and subgroups are imposed upon,**
29 **transferred to and vested in the Oregon Criminal Justice Commission established under ORS**
30 **137.654.**

31
32 **RECORDS AND PROPERTY**

33
34 **SECTION 6. On or before June 30, 2012, the staff director of the State Commission on**
35 **Children and Families shall deliver to the Oregon Criminal Justice Commission all records**
36 **and property within the jurisdiction of the staff director that relate to the duties, functions**
37 **and powers of the state commission with respect to the creation, supervision and operation**
38 **of the Juvenile Crime Prevention Advisory Committee and all of its subcommittees and**
39 **subgroups, and the Oregon Criminal Justice Commission shall take possession of the records**
40 **and property transferred under this section.**

41
42 **UNEXPENDED REVENUES**

43
44 **SECTION 7. (1) The unexpended balances of amounts authorized to be expended by the**
45 **State Commission on Children and Families for the biennium beginning July 1, 2011, from**

1 revenues dedicated, continuously appropriated, appropriated or otherwise made available for
 2 the purpose of administering and enforcing the duties, functions and powers of the state
 3 commission with respect to the creation, supervision and operation of the Juvenile Crime
 4 Prevention Advisory Committee and all of its subcommittees and subgroups are transferred
 5 to and are available for expenditure by the Oregon Criminal Justice Commission for the
 6 biennium beginning July 1, 2011, for the purpose of administering and enforcing the duties,
 7 functions and powers of the Oregon Criminal Justice Commission in the creation, supervision
 8 and operation of the Juvenile Crime Prevention Advisory Committee and all of its subcom-
 9 mittees and subgroups.

10 (2) The expenditure classifications, if any, established by Acts authorizing or limiting
 11 expenditures by the state commission remain applicable to expenditures by the Oregon
 12 Criminal Justice Commission under this section.

13
 14 **ACTION, PROCEEDING, PROSECUTION**

15
 16 **SECTION 8.** The transfer of duties, functions and powers to the Oregon Criminal Justice
 17 Commission by section 5 of this 2011 Act does not affect any action, proceeding or prose-
 18 cution involving or with respect to the duties, functions and powers begun before and pend-
 19 ing at the time of the transfer, except that the Oregon Criminal Justice Commission is
 20 substituted for the State Commission on Children and Families in the action, proceeding or
 21 prosecution.

22
 23 **LIABILITY, DUTY, OBLIGATION**

24
 25 **SECTION 9.** (1) Nothing in sections 5 to 8 of this 2011 Act or the amendments to ORS
 26 137.656, 417.735, 417.845 and 417.850 by sections 1 to 4 of this 2011 Act relieves a person of a
 27 liability, duty or obligation accruing under or with respect to the duties, functions and pow-
 28 ers transferred by section 5 of this 2011 Act. The Oregon Criminal Justice Commission may
 29 undertake the collection or enforcement of any such liability, duty or obligation.

30 (2) The rights and obligations of the State Commission on Children and Families legally
 31 incurred under contracts, leases and business transactions executed, entered into or begun
 32 before the operative date of section 5 of this 2011 Act are transferred to the Oregon Criminal
 33 Justice Commission. For the purpose of succession to these rights and obligations, the
 34 Oregon Criminal Justice Commission is a continuation of the State Commission on Children
 35 and Families and not a new authority.

36
 37 **RULES**

38
 39 **SECTION 10.** Notwithstanding the transfer of duties, functions and powers by section 5
 40 of this 2011 Act, the rules of the State Commission on Children and Families that pertain to
 41 the creation, supervision and operation of the Juvenile Crime Prevention Advisory Commit-
 42 tee and all of its subcommittees and subgroups in effect on the operative date of section 5
 43 of this 2011 Act continue in effect until superseded or repealed by rules of the Oregon
 44 Criminal Justice Commission. References in rules of the State Commission on Children and
 45 Families pertaining to the duties, functions and powers transferred by section 5 of this 2011

1 Act to the state commission or to an officer, employee, member, agent or representative of
2 the state commission, are considered to be references to the Oregon Criminal Justice Com-
3 mission or to an officer, employee, member, agent or representative of the Oregon Criminal
4 Justice Commission.

5 **SECTION 11.** Whenever, in any uncodified law or resolution of the Legislative Assembly
6 or in any rule, document, record or proceeding authorized by the Legislative Assembly per-
7 taining to the duties, functions and powers transferred by section 5 of this 2011 Act, refer-
8 ence is made to the State Commission on Children and Families or to an officer, employee,
9 member, agent or representative of the state commission, the reference is considered to be
10 a reference to the Oregon Criminal Justice Commission or to an officer, employee, member,
11 agent or representative of the Oregon Criminal Justice Commission.

12
13 **OPERATIVE DATE**

14
15 **SECTION 12.** Sections 5 to 8 of this 2011 Act and the amendments to ORS 137.656, 417.735,
16 417.845 and 417.850 by sections 1 to 4 of this 2011 Act become operative on June 30, 2012.

17
18 **DISCLAIMER**

19
20 **SECTION 13.** The unit captions used in this 2011 Act are provided only for the conven-
21 ience of the reader and do not become part of the statutory law of this state or express any
22 legislative intent in the enactment of this 2011 Act.
23 _____