

SENATE AMENDMENTS TO SENATE BILL 411

By COMMITTEE ON JUDICIARY

April 1

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating new provisions;
2 amending ORS 419C.150;”.

3 On page 3, line 10, after the period delete the rest of the line and delete lines 11 and 12.

4 Delete lines 15 through 18 and insert:

5 “(5) If a youth is removed for the purpose of an evaluation under section 2 of this 2011 Act, the
6 youth shall be returned to the youth’s current placement immediately upon conclusion of the eval-
7 uation.

8 “**SECTION 5.** (1)(a) If a party to a proceeding under section 1 of this 2011 Act raises the issue
9 of fitness to proceed, the party shall file the original report on the evaluation conducted under
10 section 2 of this 2011 Act with the clerk of the court and deliver copies of the report to all parties
11 to the proceeding.

12 “(b) If the court raises the issue of fitness to proceed under section 1 of this 2011 Act, the per-
13 son conducting the evaluation under section 2 of this 2011 Act shall file with the clerk of the court
14 the original report on the evaluation and two copies of the report. The clerk of the court shall de-
15 liver the copies to the district attorney and to counsel for the youth.”.

16 In line 19, delete “(b)” and insert “(c)”.

17 On page 4, line 2, delete “that the youth is fit” and insert “regarding the youth’s fitness”.

18 In line 9, delete “that the youth is fit” and insert “regarding the youth’s fitness”.

19 In line 10, delete “10” and insert “24”.

20 In line 12, delete “written objection is filed” and insert “hearing is held”.

21 On page 5, line 38, after “authority” insert “, in consultation with the department,”.

22 Delete lines 40 through 45.

23 On page 6, delete lines 1 through 5 and insert:

24 “**SECTION 11. (1) A youth may not be removed from the youth’s current placement solely**
25 **for the purpose of receiving restorative services pursuant to a court order under section 8**
26 **of this 2011 Act unless the court finds:**

27 “(a) That removal is necessary to provide restorative services under section 10 of this
28 2011 Act;

29 “(b) That removal is in the best interest of the youth; and

30 “(c) If the Department of Human Services has custody of the youth, that:

31 “(A) The department made reasonable efforts to prevent or eliminate the need for re-
32 moval and make it possible for the youth to safely return to the youth’s current placement;
33 or

34 “(B) Reasonable efforts have not been made by the department but reasonable efforts
would not have eliminated the need for removal under paragraphs (a) and (b) of this sub-

1 **section.**

2 **“(2) If a youth is removed for the purpose of receiving restorative services, the youth**
3 **shall be returned to the youth’s current placement immediately upon conclusion of the pro-**
4 **vision of the restorative services.**

5 **“SECTION 12.** ORS 419C.150 is amended to read:

6 **“419C.150. (1) Except as provided in subsection (3) of this section,** a youth may be held in
7 detention under this section and ORS 419C.145, 419C.153 and 419C.156 for a maximum of 28 days
8 except for good cause shown prior to the expiration of the 28-day period. If good cause for continued
9 detention is shown, the period of detention may be extended for no more than an additional 28 days
10 unless the adjudication is continued with the express consent of the youth.

11 **“(2) Subsection (1) of this section does not apply to a youth alleged to be within the jurisdiction**
12 **of the juvenile court for having committed an act that would be murder, attempted murder, con-**
13 **spiracy to commit murder or treason if committed by an adult and if proof of the act is evident or**
14 **the presumption strong that the youth committed the act. The juvenile court may conduct such**
15 **hearing as the court considers necessary to determine whether the proof is evident or the**
16 **presumption strong.**

17 **“(3)(a) The time limits described in subsection (1) of this section do not apply if:**

18 **“(A) The court has stayed the proceedings on the petition alleging jurisdiction under ORS**
19 **419C.005 pursuant to section 1 of this 2011 Act;**

20 **“(B) The court has not entered an order determining the youth’s fitness to proceed pur-**
21 **suant to a motion made under section 1 of this 2011 Act or the motion has not otherwise**
22 **been resolved; and**

23 **“(C) The court holds the review hearings required by ORS 419C.153 and determines that**
24 **detention of the youth under ORS 419C.145 should continue.**

25 **“(b)(A) Except as provided in subparagraph (B) of this paragraph, the detention of the**
26 **youth whose detention has been continued under subsection (3)(a) of this section may be**
27 **extended for no more than 28 days upon entry of an order determining the youth’s fitness**
28 **to proceed pursuant to a motion made under section 1 of this 2011 Act or upon other resol-**
29 **ution of the motion, and if the court holds the review hearings required by ORS 419C.153 and**
30 **determines that detention of the youth under ORS 419C.145 should continue.**

31 **“(B) The detention of the youth may be extended for more than 28 days under this par-**
32 **agraph if expressly agreed to by the youth, and if the court holds the review hearings re-**
33 **quired by ORS 419C.153 and determines that detention of the youth under ORS 419C.145**
34 **should continue.”.**

35 In line 6, delete “12” and insert “13” and after “Act” insert “and the amendments to ORS
36 419C.150 by section 12 of this 2011 Act”.

37 In line 8, delete “13” and insert “14”.