

Senate Bill 428

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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**.

Authorizes placement of child in facility that provides care and services to victims of sexual exploitation if child engages in certain prostitution-related activities and if peace officer or other person taking child into protective custody has reason to believe that, if released, child is likely to continue to engage in prostitution-related activities.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to prostitution; amending ORS 419B.150; and declaring an emergency.

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

4 **SECTION 1.** ORS 419B.150 is amended to read:

5 419B.150. (1) A child may be taken into protective custody by a peace officer, counselor, em-
6 ployee of the Department of Human Services or any other person authorized by the juvenile court
7 of the county in which the child is found, in the following circumstances:

8 (a) When the child's condition or surroundings reasonably appear to be such as to jeopardize the
9 child's welfare;

10 (b) When the juvenile court, by order indorsed on the summons as provided in ORS 419B.839 or
11 otherwise, has ordered that the child be taken into protective custody; or

12 (c) When it reasonably appears that the child has run away from home.

13 (2)(a) Before issuing an order under subsection (1)(b) of this section, the court shall review an
14 affidavit sworn on information and belief provided by a peace officer, counselor or employee of the
15 department or other person authorized by the juvenile court that sets forth with particularity the
16 facts and circumstances on which the request for protective custody is based, why protective cus-
17 tody is in the best interests of the child and the reasonable efforts or, if the Indian Child Welfare
18 Act applies, active efforts made by the department to eliminate the need for protective custody of
19 the child.

20 (b) Except as provided in paragraph (c) of this subsection, an order directing that a child be
21 taken into protective custody under subsection (1) of this section shall contain written findings, in-
22 cluding a brief description of the reasonable efforts or, if the Indian Child Welfare Act applies, ac-
23 tive efforts to eliminate the need for protective custody of the child that the department has made
24 and why protective custody is in the best interests of the child.

25 (c) The court may issue an order even though no services have been provided if the court makes
26 written findings that no existing services could eliminate the need for protective custody of the child
27 and that protective custody is in the best interests of the child.

28 (3) When a child is taken into protective custody as a runaway under subsection (1) of this

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 section, the peace officer or other person who takes the child into custody:

2 (a)(A) Shall release the child without unnecessary delay to the custody of the child's parent or
3 guardian or to a shelter facility that has agreed to provide care and services to children who have
4 run away from home and that has been designated by the juvenile court to provide such care and
5 services; or

6 (B) Shall follow the procedures described in ORS 419B.160, 419B.165, 419B.168 and 419B.171;

7 (b) Shall, if possible, determine the preferences of the child and the child's parent or guardian
8 as to whether the best interests of the child are better served by placement in a shelter facility that
9 has agreed to provide care and services to children who have run away from home and that has
10 been designated by the juvenile court to provide such care and services or by release to the child's
11 parent or guardian; and

12 (c) Notwithstanding ORS 419B.165 and subsection (1) of this section, shall release the child to
13 a shelter facility that has agreed to provide care and services to children who have run away from
14 home and that has been designated by the juvenile court to provide such care and services if it
15 reasonably appears that the child would not willingly remain at home if released to the child's
16 parent or guardian.

17 **(4) When a child is taken into protective custody as a result of engaging in conduct de-**
18 **scribed in ORS 167.007 (1)(a) and the peace officer or other person who takes the child into**
19 **custody has reason to believe that, if released, the child is likely to continue to engage in**
20 **conduct described in ORS 167.007 (1)(a), the peace officer or other person shall:**

21 **(a) Release the child without unnecessary delay to the custody of a shelter facility that**
22 **has agreed to provide care and services to children who are victims of sexual exploitation**
23 **and that has been designated by the juvenile court to provide such care and services; or**

24 **(b) Shall follow the procedures described in ORS 419B.160, 419B.165, 419B.168 and**
25 **419B.171.**

26 **SECTION 2. This 2011 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
28 **on its passage.**

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