

House Bill 3031

Sponsored by Representative CAMERON; Representatives BUCKLEY, CLEM

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 Oregon Youth Authority to contract with county or counties to provide parole and probation services. Authorizes county or counties providing parole and probation services to determine whether youth offender has violated parole, revoke parole or conditional release and order youth be taken into custody and detained.

Requires youth authority to mediate when youth authority declines request of county or counties to contract to provide parole and probation services. Clarifies responsibilities when responsibility for parole and probation services is transferred from youth authority to county or counties.

A BILL FOR AN ACT

1
2 Relating to contracts with counties to provide juvenile supervision services; amending ORS 420.019,
3 420.045, 420A.010, 420A.115 and 420A.120.

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

5 **SECTION 1.** ORS 420A.010 is amended to read:

6 420A.010. (1) The Oregon Youth Authority is established. The youth authority shall:

7 (a) Supervise the management and administration of youth correction facilities, [*state*] parole and
8 probation services, community out-of-home placement for youth offenders committed to its legal
9 custody and other functions related to state programs for youth corrections;

10 (b) Provide capital improvements and capital construction necessary for the implementation of
11 all youth correction facilities;

12 (c) Carry out dispositions of youth offenders committed to its legal custody;

13 (d) Exercise custody and supervision over those youth offenders committed to the youth au-
14 thority by order of the juvenile court and persons placed in the physical custody of the youth au-
15 thority under ORS 137.124 or other statute until the time that a lawful release authority authorizes
16 release or terminates the commitment or placement;

17 (e) Provide adequate food, clothing, health and medical care, sanitation and security for confined
18 youth offenders and others in youth authority custody;

19 (f) Provide youth offenders and others in youth authority custody with opportunities for self-
20 improvement and work; and

21 (g) Conduct investigations and prepare reports for release authorities.

22 (2) To meet the individual circumstances of each person committed to its custody, the youth
23 authority shall:

24 (a) Develop a flexible fee-for-service provider system that can respond quickly to each person's
25 identified and changing circumstances; and

26 (b) Develop a process for joint state and county review of contracts entered into under sub-
27 section (6)(b) of this section and paragraph (a) of this subsection based on:

28 (A) Measurable outcomes, which must include in dominant part the reduction of future criminal

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 antisocial conduct and which also must include:

- 2 (i) Academic progress;
- 3 (ii) Social adjustments;
- 4 (iii) Behavioral improvements;
- 5 (iv) Rearrests; and
- 6 (v) Other measurements as determined by the youth authority;

7 (B) Performance measurements including:

- 8 (i) Fiscal accountability;
- 9 (ii) Compliance with state and federal regulations;
- 10 (iii) Record keeping, including data collection and management; and
- 11 (iv) Reporting; and

12 (C) Provision of services identified under the reformation plan.

13 (3) In order to measure performance as required in subsection (2) of this section, the youth au-
 14 thority shall require parties to the contracts to compile, manage and exchange data to the extent
 15 of available information systems resources to facilitate the measurement of outcomes including, but
 16 not limited to, reduction in future criminal or antisocial conduct.

17 (4) The youth authority may administer a program of state assistance to counties for the con-
 18 struction and operation of local youth detention facilities or to purchase detention services.

19 (5) The youth authority shall accept and exercise legal or physical custody of youth offenders
 20 and others 12 years of age and over and under 25 years of age who are committed to, or placed with,
 21 the youth authority pursuant to:

22 (a) A juvenile court adjudication and disposition under ORS chapter 419C; or

23 (b) ORS 137.124.

24 (6)(a) The youth authority shall cooperate with and assist county governments and juvenile de-
 25 partments in carrying out the principles and purposes of the juvenile justice system as provided in
 26 ORS 419C.001.

27 (b) The youth authority is authorized to contract with [*counties, groups of counties*] **the gov-**
 28 **erning body of a county, the governing bodies of a group of counties** or private providers to
 29 administer juvenile corrections programs and services, **including but not limited to parole and**
 30 **probation services**, as provided in ORS 420.017, 420.019, **420A.120**, 420A.145 and 420A.155 (1) to (4).

31 (c) The youth authority may provide consultation services related to the juvenile justice system
 32 to local or statewide public or private agencies, groups and individuals or may initiate such con-
 33 sultation services. Consultation services include, but are not limited to, conducting studies and
 34 surveys, sponsoring or participating in educational programs and providing advice and assistance.
 35 Nothing in ORS 419C.001 and 420A.005 to 420A.155 is intended to diminish the state's efforts to plan,
 36 evaluate and deliver effective human services programs to youth offenders, either in a youth cor-
 37 rection facility or on probation or parole. Therefore, the Oregon Youth Authority and the Depart-
 38 ment of Human Services shall jointly develop and implement needed social and rehabilitative
 39 services.

40 (7) The youth authority is the recipient of all federal funds paid or to be paid to the state to
 41 enable the state to provide youth correction programs and services assigned to the Department of
 42 Human Services prior to January 1, 1996.

43 (8) The youth authority shall report its progress in implementing the provisions of chapter 422,
 44 Oregon Laws 1995, to the Legislative Assembly at each odd-numbered year regular session.

45 (9) The equal access provisions of ORS 417.270 apply to the youth authority's development and

1 administration of youth correction facilities, programs and services, including the development and
 2 implementation of the statewide diversion plan described in ORS 420.017.

3 (10) The youth authority shall:

4 (a) Be cognizant of and sensitive to the issue of overrepresentation of minority youth offenders
 5 in youth correction facilities;

6 (b) Endeavor to develop and operate, and require its subcontractors to develop and operate,
 7 culturally appropriate programs for youth offenders; and

8 (c) Keep data reflecting the ethnicity and gender of all youth offenders committed to its care.

9 (11) The youth authority is a designated agency as defined in ORS 181.010.

10 **SECTION 2.** ORS 420A.115 is amended to read:

11 420A.115. (1) The Director of the Oregon Youth Authority may authorize any youth offender to
 12 go on parole, subject to conditions of supervision and custody established by the Director of the
 13 Oregon Youth Authority and subject to being taken into custody and detained under written order
 14 of the Director of the Oregon Youth Authority or as provided in ORS 420A.120.

15 (2) The Director of the Oregon Youth Authority **or a county or group of counties that has**
 16 **contracted with the youth authority pursuant to ORS 420.019 or 420A.010 (6) to provide parole**
 17 **and probation services** shall determine whether violations of conditions of parole have occurred.

18 **SECTION 3.** ORS 420A.120 is amended to read:

19 420A.120. (1) The Oregon Youth Authority **or a county or group of counties that has con-**
 20 **tracted with the youth authority pursuant to ORS 420.019 or 420A.010 (6) to provide parole**
 21 **and probation services**, upon being informed and having reasonable grounds to believe that a youth
 22 offender under the youth authority's supervision or control has violated the conditions of parole or
 23 other conditional release from custody, may suspend the youth offender's parole or conditional re-
 24 lease and order that the youth offender be taken into custody and detained. The written order of the
 25 youth authority **or the county or group of counties** is sufficient warrant for any law enforcement
 26 officer to take custody of the youth offender.

27 (2) The youth authority shall adopt rules establishing standards and procedures for revocation
 28 of parole and conditional release. The rules must be consistent with the requirements of due process
 29 and other applicable law.

30 (3) If the juvenile court has committed a youth offender to the legal custody of the youth au-
 31 thority and has placed the youth offender on probation, and the youth authority has probable cause
 32 to believe that the youth offender has violated a condition of probation, the juvenile court, upon
 33 request of the youth authority, may order that the youth offender be taken into custody as provided
 34 in ORS chapter 419C.

35 **SECTION 4.** ORS 420.019 is amended to read:

36 420.019. (1)(a) The Oregon Youth Authority may contract with the governing body of a county
 37 or **the governing bodies of** two or more counties, if the counties have joined together as a con-
 38 sortium or region, for implementing the statewide diversion plan, which may include juvenile parole
 39 and probation services or out-of-home placement. **When the governing body of a county or the**
 40 **governing bodies of a group of counties desire to contract with the youth authority under**
 41 **this section but the youth authority declines to contract with the county or group of coun-**
 42 **ties, the youth authority and the governing body of the county or the governing bodies of the**
 43 **group of counties shall participate in mediation under ORS 36.220 to 36.238.**

44 (b) A county or **group of counties** that [*contract*] **contracts** with the Oregon Youth Authority
 45 under this section shall have access to a continuum of out-of-home placement options including, but

1 not limited to, youth correction facilities, youth care centers, foster care and private placements.
 2 Participating counties **or groups of counties** shall be ensured access to an equitable share of out-
 3 of-home placements.

4 (c) A county or **group of counties** that [*contract*] **contracts** with the Oregon Youth Authority
 5 under this section [*have*] **has** the responsibility for parole decisions regarding youths from the
 6 county or **group of counties** committed to youth correction facilities. In the event that a county or
 7 **group of counties** [*are*] **is** operating over the allocated youth correction facility cap, the youth au-
 8 thority may assume parole authority until the [*county*] population is at the cap.

9 (d) The state and county may agree that the governing body of the county or **the governing**
 10 **bodies of a group of counties** may subcontract for services or that the state will provide services
 11 or that the county or **group of counties** may subcontract for some services and the state provide
 12 other services as stipulated in the contract with the youth authority.

13 (e) When services previously provided by the Oregon Youth Authority [*transfer*] **are trans-**
 14 **ferred to the responsibility of** a county or **group of counties**, **the** terms of the contract must in-
 15 clude, but need not be limited to, **either** the actual cost of employee salaries, benefits and other
 16 payroll expenses, plus support costs necessary for the transferred positions, **or a specific allocation**
 17 **that is equivalent to the actual cost of providing the transferred services.**

18 (f) The youth authority is responsible for performance auditing of contracts and subcontracts.

19 (g) The youth authority shall contract directly with service providers in those counties where
 20 the governing body of the county or **the governing bodies of a group of counties** [*chooses*] **choose**
 21 not to contract with the youth authority.

22 (h) The funds provided to implement the diversion plan or provide for out-of-home placement or
 23 parole and probation services shall not be used by a county to supplant moneys otherwise provided
 24 to the county juvenile department for services to delinquent youth.

25 (2)(a) Unless otherwise provided in the contract, a county **or a group of counties** that is con-
 26 tracting with the youth authority under subsection (1) of this section shall supervise state **and**
 27 **county** employees providing parole and probation services within the county **or group of**
 28 **counties.**

29 (b) Subject to a collective bargaining agreement, **when a county or group of counties super-**
 30 **vises a state employee**, supervision under this subsection includes discipline, performance evalu-
 31 ation, training and all other functions previously carried out by state employed supervisors.

32 (c) **If a state employee is not transferred to the employment of a county or group of**
 33 **counties under this section, the provisions of ORS 236.605 to 236.640 do not apply.**

34 **SECTION 5.** ORS 420.045 is amended to read:

35 420.045. (1) Upon finding that a youth offender placed in a youth correction facility is ready for
 36 release therefrom and that the youth offender had best be returned to the parent or guardian of the
 37 youth offender or to a suitable and desirable home or facility, the Director of the Oregon Youth
 38 Authority may, after advising the committing court, release the youth offender on parole conditioned
 39 upon good behavior.

40 (2) At such time as the Director of the Oregon Youth Authority finds that final release is com-
 41 patible with the safety of the community and the best interests of the youth offender, with the con-
 42 sent of the committing court, the Director of the Oregon Youth Authority may make and issue a
 43 final order discharging the youth offender.

44 (3) The Director of the Oregon Youth Authority **or a county or group of counties that has**
 45 **contracted with the youth authority pursuant to ORS 420.019 or 420A.010 (6)** may revoke a

1 parole if the conditions of the parole have been violated or if the continuation of the youth offender
2 on parole would not be in the best interests of the youth offender or the community. After the re-
3 vocation of parole, the Director of the Oregon Youth Authority **or the county or group of coun-**
4 **ties** shall immediately advise the committing court [*thereof*] **of the revocation of parole.**

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