

B-Engrossed
House Bill 4134

Ordered by the House February 20
Including House Amendments dated February 13 and February 20

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D.)

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.

Directs Youth Development Council to allocate funds available to support community-based prevention and intervention programs and services based on indicators of need for youth ages 6 through 20. Requires allocation to take place by public process and be reviewed biennially. Becomes operative July 1, 2015.

Creates Juvenile Crime Prevention Funding Committee to make findings regarding funding issues, recommend changes to policies and practices adopted and utilized by Youth Development Council and report to Legislative Assembly on or before January 1, 2015. **Directs Governor to appoint seven members to committee, including two persons who are members of council, four persons to represent counties, two of whom shall be directors of juvenile departments, appointed upon recommendation of Association of Oregon Counties, and one person to represent tribal governments. Provides that Legislative Administrator and Oregon Department of Administrative Services shall staff committee.** Sunsets June 30, 2015.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to high-risk youth; creating new provisions; amending ORS 417.850, 417.855 and 417.857; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 417.855 is amended to read:

6 417.855. (1) Each board of county commissioners **and tribal government** shall designate an
7 agency or organization to serve as the lead planning organization to [*facilitate the creation of a*
8 *partnership among*] **partner with** state and local public and private entities in each county. [*The*
9 *partnership*] **Partnerships** shall include, but [*is*] **are** not limited to, **community-based organiza-**
10 **tions, parents, youth,** education representatives, public health representatives, local alcohol and
11 drug planning committees, representatives of the court system, local mental health planning com-
12 mittees, city or municipal representatives and local public safety coordinating councils. [*The part-*
13 *nership*] **Partnerships** shall develop [*a local high-risk juvenile crime prevention plan*] **priorities for**
14 **community-based prevention and intervention programs and services for high-risk youth.**

15 (2) [*The local high-risk juvenile crime prevention plans shall use services and activities to*] **The**
16 **priorities for community-based prevention and intervention programs and services for high-**
17 **risk youth developed under this section must** meet the needs of a targeted population of youths
18 who:

19 (a) Have more than one of the following risk factors:

20 (A) Antisocial behavior;

21 (B) Poor family functioning or poor family support;

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 (C) Failure in school;
- 2 (D) Substance abuse problems; or
- 3 (E) Negative peer association; and

4 (b) Are clearly demonstrating at-risk behaviors that have come to the attention of government
5 or community agencies, schools or law enforcement and will lead to imminent or increased involve-
6 ment in the juvenile justice system.

7 (3)(a) The Youth Development Council shall allocate funds available to support *[the local high-*
8 *risk juvenile crime prevention plans to counties based on the youth population age 18 or younger in*
9 *those counties]* **community-based prevention and intervention programs and services for high-**
10 **risk youth based on indicators of need for youth from ages 6 through 20 years. Indicators**
11 **of need shall be determined by the council based on measures of educational success, labor**
12 **force participation and criminal involvement. The council shall allocate funds through a**
13 **public process and review allocations biennially.**

14 (b) **Notwithstanding paragraph (a) of this subsection,** the Youth Development Council shall
15 *[award a minimum grant to small counties. The minimum grant level shall be determined by the council*
16 *through a public process and reviewed by the council biennially]* **ensure that minimum grants for**
17 **community-based prevention and intervention programs and services for high-risk youth are**
18 **available for each county and tribe.**

19 **SECTION 2.** ORS 417.850 is amended to read:

20 417.850. The Youth Development Council established by ORS 417.847 shall:

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

23 (2) Review the *[components of local high-risk juvenile crime prevention plans]* **priorities for**
24 **community-based prevention and intervention programs and services for high-risk youth de-**
25 **veloped under ORS 417.855 and make recommendations to the Governor about the [local plans]**
26 **programs and services;**

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

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

31 (5) Ensure initiation of contracts based on approved *[local high-risk juvenile crime prevention*
32 *plans]* **community-based prevention and intervention programs and services for high-risk**
33 **youth developed under ORS 417.855** and oversee contract changes;

34 (6) Review data and outcome information;

35 (7) Establish and publish review and assessment criteria for the *[local high-risk juvenile crime*
36 *prevention plans]* **community-based prevention and intervention programs and services for**
37 **high-risk youth developed under ORS 417.855.** The criteria shall include, but not be limited to,
38 measuring changes in juvenile crime and juvenile recidivism;

39 (8) Review and coordinate county youth diversion plans and basic services grants with the *[local*
40 *high-risk juvenile crime prevention plans]* **community-based prevention and intervention pro-**
41 **grams and services for high-risk youth developed under ORS 417.855.** Basic services grants may
42 be used for detention and other juvenile department services including:

- 43 (a) Shelter care;
- 44 (b) Treatment services;
- 45 (c) Graduated sanctions; and

1 (d) Aftercare for youth offenders;

2 (9) Work to ensure broad-based citizen involvement in the planning and execution of [*high-risk*
3 *juvenile crime prevention plans at both the state and local levels*] **community-based prevention and**
4 **intervention programs and services for high-risk youth developed under ORS 417.855;**

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

7 (11) Periodically report to the Governor and the Legislative Assembly on the progress of the
8 council;

9 (12) Oversee and approve funding and policy recommendations of the state advisory group as
10 required by the federal Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601 et
11 seq.; and

12 (13) Work with tribal governments to develop tribal [*high-risk juvenile crime prevention plans*]
13 **community-based prevention and intervention programs and services for high-risk youth.**

14 **SECTION 3.** ORS 417.857 is amended to read:

15 417.857. (1) Deschutes County may place greater emphasis on early intervention and work with
16 younger children than required by the Youth Development Council if the county has been granted
17 a waiver pursuant to this section.

18 (2) The Youth Development Council shall develop an objective process, review criteria and
19 timetable for consideration of a waiver request. A waiver granted under this section applies to the
20 requirements for basic services grants described in ORS 417.850 (8) and high-risk juvenile crime
21 prevention resources managed by the Youth Development Division. The waiver shall be consistent
22 with the goals of ORS 417.705 to 417.800, 417.850 and 417.855.

23 (3) Any documentation required for a waiver under this section shall be obtained to the greatest
24 extent possible from [*material contained in the county's juvenile crime prevention plan*] **the county's**
25 **community-based prevention and intervention programs and services for high-risk youth**
26 **developed under ORS 417.855** and from material as determined through biennial intergovernmental
27 agreements. The Youth Development Council may ask the county to submit additional information
28 regarding how the county intends to use crime prevention funds under the waiver.

29 (4) The Youth Development Council shall grant a waiver or continue a waiver based on criteria
30 that include:

31 (a) The rate of Oregon Youth Authority discretionary bed usage compared to other counties;

32 (b) The county's rates of first-time juvenile offenders, chronic juvenile offenders and juvenile
33 recidivism compared to other counties;

34 (c) The amount and allocation of expenditures from all funding sources for juvenile crime pre-
35 vention, including prevention and early intervention strategies, and how the requested waiver ad-
36 dresses the needs and priorities for the target population described in ORS 417.855 and for the
37 target population described in the waiver;

38 (d) Inclusion of prevention or early intervention strategies in the [*juvenile crime prevention*
39 *plan*] **community-based prevention and intervention programs and services for high-risk**
40 **youth developed under ORS 417.855;**

41 (e) Investments in evidence-based crime prevention programs and practices;

42 (f) Support of the local public safety coordinating council and the board of county commission-
43 ers;

44 (g) Local integration practices including citizens, victims, courts, law enforcement, business and
45 schools;

1 (h) Identification of the risk factors for the target population described in the waiver; and

2 (i) Changes in the risk factors for the target population described in the waiver.

3 (5) The Youth Development Council shall review and act on any request for a waiver within 90
4 days after receipt of the request.

5 (6) The duration of a waiver granted under this section is four years. Before the expiration of
6 a waiver granted under this section, the county may submit a request for another waiver.

7 **SECTION 4. (1) The Juvenile Crime Prevention Funding Committee is created. The com-**
8 **mittee consists of nine members to be appointed as follows:**

9 (a) **The President of the Senate and the Speaker of the House of Representatives shall**
10 **appoint two legislators to the committee. One shall be a Senator appointed by the President**
11 **and one shall be a Representative appointed by the Speaker.**

12 (b) **The Governor shall appoint seven members as follows:**

13 (A) **Two persons who shall be members of the Youth Development Council;**

14 (B) **Four persons to represent the counties, two of whom shall be directors of juvenile**
15 **departments, appointed upon the recommendation of the Association of Oregon Counties; and**

16 (C) **One person to represent tribal governments.**

17 (2)(a) **The members of the committee shall select from among themselves a chairperson.**

18 (b) **The committee shall meet at such times and places as determined by the chairperson.**

19 (3) **Legislative members shall not be entitled to payment of compensation or expense re-**
20 **imbursement for their service on the committee.**

21 (4) **The committee shall:**

22 (a) **Identify how the funding currently allocated to counties pursuant to ORS 417.855 for**
23 **juvenile crime prevention is being spent, with a breakdown of the percentage of activities and**
24 **services spent on prevention as compared to activities and services spent to reduce**
25 **recidivism once high-risk youth connect with the juvenile justice system;**

26 (b) **Identify activities and services that are currently funded and that would not be**
27 **funded under the current policies and practices adopted and utilized by the Youth Develop-**
28 **ment Council to allocate funding as required under ORS 417.855; and**

29 (c) **Recommend changes to the current policies and practices adopted and utilized by the**
30 **Youth Development Council to allocate funding as required under ORS 417.855 to ensure that**
31 **programs, activities and services with demonstrated outcomes related to juvenile crime**
32 **recidivism are eligible to compete for continued and future funding.**

33 (5) **The committee shall report to the committees of the Legislative Assembly with sub-**
34 **ject matter jurisdiction over juvenile crime prevention and high-risk youth regarding the**
35 **findings and recommendations of the committee under subsection (4) of this section on or**
36 **before January 1, 2015.**

37 (6) **The Legislative Administrator and the Oregon Department of Administrative Services**
38 **shall staff the committee.**

39 **SECTION 5. Section 4 of this 2014 Act is repealed on June 30, 2015.**

40 **SECTION 6. The amendments to ORS 417.850, 417.855 and 417.857 by sections 1 to 3 of this**
41 **2014 Act become operative on July 1, 2015.**

42 **SECTION 7. This 2014 Act being necessary for the immediate preservation of the public**
43 **peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect**
44 **on its passage.**