

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
Senate Committee On Judiciary

MEASURE: SB 448
CARRIER: Sen. Roblan

Fiscal: No Fiscal Impact
Revenue: No Revenue Impact

Action Date: 02/19/15
Action: Do Pass.
Meeting Dates: 02/19

Senate

Yeas: 5 - Burdick, Gelser, Thatcher, Prozanski, Kruse

Prepared By: Laura Handzel, Administrator

WHAT THE MEASURE DOES:

Allows presiding judge of 7th Judicial District, with Chief Justice of the Oregon Supreme Court's approval, to enter memorandums of understanding with the Confederated Tribes of Warm Springs regarding adjudication and disposition of youths and youth offenders for cases arising in Wasco County or Hood River County.

ISSUES DISCUSSED:

- Importance of state working with sovereign tribes
- Success of partnership between 22nd Judicial District and Confederated Tribes of Warm Springs (Warm Springs)
- Outcome of providing cultural support network for Warm Springs' youths
- Warm Springs' youths attending high schools off-reservation in Wasco and Jefferson Counties
- Effect of lessening burden on civil courts
- Possibility of replication with other tribes
- *U.S. v. Belgard*, U.S. Dist. Ct., D. OR (1988)

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Under current Oregon law, the presiding judge of the 22nd Judicial District may, with the approval of the Chief Justice of the Oregon Supreme Court, enter into a memorandum of understanding (MOU) with the Confederated Tribes of Warm Springs to allow youths and youth offenders to be transferred to the Warm Springs Juvenile Court. Eligible youths include those that are enrolled tribal members living on the Warm Springs Reservation, with the exception of those being adjudicated for Measure 11 offenses. The 22nd Judicial District is comprised of the Jefferson and Crook County Circuit Courts. The Warm Springs Reservation, however, spans several county lines. This leaves Warm Springs tribal members living on the north side of the reservation, which encompasses Hood River County and Wasco County, without the same opportunity to move youth matters to tribal court.

Senate Bill 448 provides consistency across the Warm Springs Reservation to allow youths and youth offenders the same opportunity to have matters transferred to the tribal court system by allowing the presiding judge of the 7th Judicial District, with the approval of the Chief Justice of the Oregon Supreme Court, to enter into MOUs for cases arising in Wasco or Hood River Counties.