

House Bill 2425

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

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**.

Permits Oregon Youth Authority and juvenile department to disclose and provide copies of certain juvenile records to Department of Corrections for purpose of exercising custody or supervision of person committed to legal and physical custody of Department of Corrections.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to disclosure of certain juvenile records to Department of Corrections; amending ORS
3 419A.257; and declaring an emergency.

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

5 **SECTION 1.** ORS 419A.257 is amended to read:

6 419A.257. (1) Reports and other materials relating to a child, ward, youth or youth offender's
7 history and prognosis that are created or maintained by or on behalf of the Oregon Youth Authority
8 or the juvenile department are privileged and, except with the consent of the child, ward, youth or
9 youth offender or with the authorization of the court, shall be withheld from public inspection.

10 (2) The Oregon Youth Authority and the juvenile department may disclose and provide copies
11 of reports and other materials relating to the child, ward, youth or youth offender's history and
12 prognosis, if the disclosure is reasonably necessary to perform official duties relating to the in-
13 volvement of the child, ward, youth or youth offender with the juvenile court or the juvenile de-
14 partment, to the following:

15 (a) Each other;

16 (b) The court;

17 (c) Service providers in the case;

18 (d) School superintendents and their designees in cases under ORS 419C.005;

19 (e) Attorneys of record for the child, ward, youth or youth offender;

20 (f) Attorneys representing a party in the case;

21 (g) The district attorney or assistant attorney general representing a party in the case;

22 (h) The Department of Human Services;

23 (i) The court appointed special advocate; and

24 (j) The Psychiatric Security Review Board.

25 **(3)(a) The Oregon Youth Authority and the juvenile department may disclose and provide**
26 **copies of reports and other materials relating to the child, ward, youth or youth offender's**
27 **history and prognosis to the Department of Corrections for the purpose of enabling the De-**
28 **partment of Corrections to perform the department's official duties relating to the exercise**
29 **of custody or supervision of a person committed to the legal and physical custody of the**
30 **Department of Corrections.**

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 **(b) The youth authority shall adopt rules to carry out the purposes of this subsection.**

2 ~~[(3)]~~ **(4)** A person that obtains copies of reports or other materials under this section is respon-
3 sible for preserving the confidentiality of the reports or other materials. A service provider, school
4 superintendent or superintendent's designee who obtains copies of reports or other materials under
5 this section shall destroy the copies upon the conclusion of involvement in the case.

6 ~~[(4)(a)]~~ **(5)(a)** Information appearing in reports or other materials relating to the child, ward,
7 youth or youth offender's history or prognosis may not be disclosed directly or indirectly to any
8 person not described in subsection (2) **or** (3) of this section unless the consent of the child, ward,
9 youth or youth offender or the authorization of the court has been obtained, except for purposes of
10 evaluating the child, ward, youth or youth offender's eligibility for special education as provided in
11 ORS chapter 343.

12 (b) Information appearing in reports or other materials may not be used in evidence in any
13 proceeding to establish criminal or civil liability against the child, ward, youth or youth offender,
14 whether the proceeding occurs after the child, ward, youth or youth offender has reached 18 years
15 of age or otherwise, except for the following purposes:

16 (A) In connection with a presentence investigation after guilt has been admitted or established
17 in a criminal court.

18 (B) In connection with a proceeding in another juvenile court concerning the child, ward, youth
19 or youth offender or an appeal from an order or judgment of the juvenile court.

20 ~~[(5)(a)]~~ **(6)(a)** Information contained in reports and other materials relating to a child, ward,
21 youth or youth offender's history and prognosis that, in the professional judgment of the Oregon
22 Youth Authority, juvenile department, juvenile counselor, caseworker, school superintendent or
23 superintendent's designee, teacher or detention worker to whom the information contained in the
24 reports and other materials has been provided, indicates a clear and immediate danger to another
25 person or to society, shall be disclosed to the appropriate authority and the person or entity that
26 is in danger from the child, ward, youth or youth offender.

27 (b) An agency or a person that discloses information under paragraph (a) of this subsection has
28 immunity from any liability, civil or criminal, that might otherwise be incurred or imposed for
29 making the disclosure.

30 (c) Nothing in this subsection affects the provisions of ORS 146.750, 146.760, 419B.035, 419B.040
31 and 419B.045.

32 ~~[(6)]~~ **(7)** The disclosure of information under this section does not make the information admis-
33 sible in any court or administrative proceeding if it is not otherwise admissible.

34 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**
35 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
36 **on its passage.**

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