

HB 2251 STAFF MEASURE SUMMARY

Carrier: Sen. Manning Jr

Senate Committee On Judiciary

Action Date: 05/09/17

Action: Do pass.

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: No fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Prohibits person under age 18 from being incarcerated in a Department of Corrections institution.

ISSUES DISCUSSED:

- Codifies current practice
- Research indicates that placing youth with adult offenders increases recidivism and risk of harm to the minor
- Ensures compliance with the Juvenile Justice and Delinquency Prevention Act, a federal law that prohibits site and sound contact between juveniles and adults

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Currently, if a person is under age 18 when he or she commits an offense and under age 20 at the time of commitment to the Department of Corrections (DOC) at sentencing, the person's physical custody must be transferred to the Oregon Youth Authority (OYA) if: (1) the person will complete the sentence before turning age 25 or (2) DOC and OYA determine that incarceration at a DOC institution is inappropriate because of the person's age, immaturity, or mental or emotional condition or risk of physical harm to the person. A person placed at OYA under this provision is returned to the physical custody of DOC if the conditions or circumstances that warranted placement at OYA are no longer present. House Bill 2251 adds a requirement that a person's physical custody be transferred to OYA if the person is under age 18 at the time of sentencing and commitment. Persons transferred to the physical custody of OYA cannot be returned to the physical custody of DOC until the person is 18 years of age. HB 2251 also prohibits a person under age 18 from being incarcerated in a DOC institution under any circumstances. It makes minor and conforming changes.