

SB 49 A STAFF MEASURE SUMMARY

Carrier: Sen. Gelser

Joint Committee On Ways and Means

Action Date: 06/13/17

Action: Do pass the A-Eng bill.

Senate Vote

Yeas: 12 - DeBoer, Devlin, Frederick, Girod, Hansell, Johnson, Manning Jr, Monroe, Roblan, Steiner Hayward, Thomsen, Winters

House Vote

Yeas: 10 - Gomberg, Holvey, Huffman, Nathanson, Rayfield, Smith G, Smith Warner, Stark, Whisnant, Williamson

Exc: 1 - McLane

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Linda Ames, Budget Analyst

WHAT THE MEASURE DOES:

Prohibits removing youth from current placement for evaluation for fitness to proceed in a juvenile delinquency proceeding, unless youth placed in detention or correctional facility. Requires Oregon Health Authority to coordinate with Department of Human Services, local juvenile department and youth's family in determining appropriate placement for restorative services. Requires youth to be returned to previous placement following restorative services, unless previously placed in detention or correctional facility.

ISSUES DISCUSSED:

- Fiscal impact

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2013, the Legislative Assembly adopted "aid and assist" statutes for juvenile delinquency proceedings. Like their adult counterparts, ORS 419C.378 to 419C.398 envision a two-step process. First, a youth before the juvenile court is evaluated by a psychiatrist, psychologist or social worker. Second, if after receiving the results of this evaluation, the juvenile court determines that the youth is not able to aid and assist in his or her defense, the court must suspend the proceedings and order that the youth receive restorative treatment.

SB 49 addresses the physical placement of the youth at both stages of this process.