

House Bill 2579

Sponsored by Representatives RAYFIELD, OLSON (Presession filed.)

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**.

Requires Oregon Youth Authority to supervise person who completes Department of Corrections incarceration sentence in physical custody of authority.

A BILL FOR AN ACT

1
2 Relating to supervision of young offenders; creating new provisions; and amending ORS 420.011.

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

4 **SECTION 1.** ORS 420.011 is amended to read:

5 420.011. (1) Except as provided in subsections (2) and (3) of this section, admissions to the youth
6 correction facilities are limited to youth offenders who are at least 12 but less than 19 years of age,
7 found by the juvenile court to have committed an act that if committed by an adult would constitute
8 aggravated murder, murder, a felony or a Class A misdemeanor and placed in the legal custody of
9 the Oregon Youth Authority. A youth offender admitted to a youth correction facility may not be
10 transferred by administrative process to any penal or correctional institution.

11 (2)(a) In addition to the persons placed in the legal custody of the youth authority under ORS
12 419C.478 (1) or 419C.481, and with the concurrence of the Director of the Oregon Youth Authority
13 or the director's designee, persons who are committed to the Department of Corrections under ORS
14 137.124 and meet the requirements of ORS 137.124 (5) or (7) may be temporarily assigned to a youth
15 correction facility as provided by ORS 137.124 (5) or (7). A person assigned on such a temporary
16 basis remains within the legal custody of the Department of Corrections and such reassignment is
17 subject to termination by the Director of the Oregon Youth Authority by referring the person back
18 to the Department of Corrections as provided in paragraph (b) of this subsection.

19 (b) After a person is transferred to the physical custody of the youth authority under ORS
20 137.124 (5) or (7), the Director of the Oregon Youth Authority may refer the person back to the
21 Department of Corrections for physical custody and placement if the director, after consulting with
22 the Department of Corrections, determines that the person:

23 (A) Poses a substantial danger to youth authority staff or persons in the custody of the youth
24 authority; or

25 (B) Is not likely, in the foreseeable future, to benefit from the rehabilitation and treatment pro-
26 grams administered by the youth authority and is appropriate for placement in a Department of
27 Corrections institution.

28 (3) Any person under 18 years of age at the time of committing the crime and under 20 years
29 of age at the time of sentencing and commitment who, after waiver under ORS 419C.349, 419C.352,
30 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712, is sentenced to
31 a term of imprisonment in the custody of the Department of Corrections, and any person under 16

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 years of age who after waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370 or sentencing
 2 under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712 is sentenced to a term of imprisonment in the county
 3 jail, shall be temporarily assigned to a youth correction facility by the Department of Corrections,
 4 or by the sheriff to whose custody the person has been committed, pursuant to ORS 137.124 (6). The
 5 director shall designate the appropriate youth correction facility or schools for such assignment. A
 6 person assigned to a youth correction facility under ORS 137.124 (6) and this subsection remains
 7 within the legal custody of the Department of Corrections or sheriff to whose custody the person
 8 was committed. The assignment of such a person to the youth correction facility is subject, when
 9 the person is 16 years of age or older, to termination by the director by referring the person back
 10 to the Department of Corrections or the sheriff to serve the balance of the person's sentence. As-
 11 signment to a youth correction facility pursuant to ORS 137.124 (6) and this subsection, if not ter-
 12 minated earlier by the director, shall terminate upon the person's attaining the age specified in ORS
 13 420A.010 (5) setting the age limits for which the Oregon Youth Authority may retain legal and
 14 physical custody of the person, and the person shall be referred to the Department of Corrections
 15 or the sheriff having legal custody of the person to serve the balance of the person's sentence.

16 (4) Whenever a person committed to the custody of the Department of Corrections is temporarily
 17 assigned to a youth correction facility pursuant to this section, the youth authority may provide
 18 programs and treatment for the person, and may adopt rules relating to conditions of confinement
 19 at the youth correction facility, as the youth authority determines are appropriate. *[However, the*
 20 *person remains subject to laws and rules of the State Board of Parole and Post-Prison Supervision*
 21 *relating to parole.]*

22 (5)(a) **A person temporarily assigned to a youth correction facility under this section or**
 23 **ORS 137.124, and who completes the sentence of incarceration while in the physical custody**
 24 **of the youth authority, shall be under the supervision of the youth authority during the pe-**
 25 **riod of the person's post-prison supervision.**

26 (b) **A person temporarily assigned to a youth correction facility under this section or**
 27 **ORS 137.124, and who completes the sentence of incarceration while in the physical custody**
 28 **of the Department of Corrections after transfer under this section or ORS 137.124 or**
 29 **420A.200, shall be under the supervision of the State Board of Parole and Post-Prison**
 30 **Supervision or the local supervisory authority as defined in ORS 144.087 during the period**
 31 **of the person's post-prison supervision.**

32 **SECTION 2. The amendments to ORS 420.011 by section 1 of this 2017 Act apply to per-**
 33 **sons completing incarceration sentences on or after the effective date of this 2017 Act.**

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