

House Bill 2600

Sponsored by Representative OLSON, Senators KRUSE, ROBLAN, Representative MCKEOWN; Representatives GOMBERG, RAYFIELD, WITT, Senators BEYER, BURDICK (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**.

Transfers authority over court appointed special advocates and CASA Volunteer Programs from Oregon Volunteers Commission for Voluntary Action and Service to Oregon Criminal Justice Commission. Becomes operative July 1, 2017.

Prescribes duties and responsibilities of Oregon Criminal Justice Commission. Authorizes commission to contract with nongovernmental entity to serve as statewide coordinating entity for provision of court appointed special advocate services throughout state. Requires statewide coordinating entity to provide biannual reports to commission. Requires commission to report annually to interim committees of Legislative Assembly regarding provision of court appointed special advocate services in state.

Establishes Court Appointed Special Advocate Fund and continuously appropriates moneys in fund to commission for purpose of providing court appointed special advocate services in state.

Requires each CASA Volunteer Program to report biannually to interim committees of Legislative Assembly on court appointed special advocate services.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to court appointed special advocates; creating new provisions; amending ORS 131A.360,
3 137.656, 419A.004, 419A.255, 419B.112, 458.558 and 458.568; repealing ORS 458.580, 458.581,
4 458.582 and 458.584; and declaring an emergency.

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

COURT APPOINTED SPECIAL ADVOCATES

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7
8
9 **SECTION 1. ORS 458.580, 458.581, 458.582 and 458.584 are repealed.**

10 **SECTION 2. Sections 3 to 6 of this 2017 Act are added to and made a part of ORS chapter**
11 **137.**

12 **SECTION 3. As used in ORS 137.656 and 419B.112 and sections 4 to 6 of this 2017 Act:**

13 (1) **“CASA Volunteer Program” means a program that is approved or sanctioned by a**
14 **juvenile court, has received accreditation from the National CASA Association and has en-**
15 **tered into a contract with the Oregon Criminal Justice Commission under section 4 of this**
16 **2017 Act to recruit, train and supervise volunteers to serve as court appointed special advo-**
17 **cates.**

18 (2) **“Court appointed special advocate” means a person in a CASA Volunteer Program**
19 **who is appointed by the court to act as a court appointed special advocate pursuant to ORS**
20 **419B.112.**

21 **SECTION 4. (1) The Oregon Criminal Justice Commission shall:**

22 (a) **Contract with all CASA Volunteer Programs in this state to recruit, train and su-**
23 **pervise court appointed special advocates. The commission may delegate authority to con-**
24 **tract under this paragraph to the statewide coordinating entity contracted with under**

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 paragraph (b) of this subsection.

2 (b) Contract with a nongovernmental entity to serve as the statewide coordinating entity
 3 for the provision of court appointed special advocate services throughout this state. The
 4 nongovernmental entity must be a member of the National CASA Association and have a
 5 board or other membership structure that contains directors from the CASA Volunteer
 6 Programs in this state. At a minimum, the contract must include authority for the state-
 7 wide coordinating entity to:

8 (A) Contract with CASA Volunteer Programs;

9 (B) Disburse and expend moneys in the Court Appointed Special Advocate Fund estab-
 10 lished in section 6 of this 2017 Act to CASA Volunteer Programs in this state; and

11 (C) Execute the standards described in paragraph (c) of this subsection.

12 (c) Oversee and monitor CASA Volunteer Program standards, with assistance from the
 13 statewide coordinating entity contracted with by the commission under paragraph (b) of this
 14 subsection, to recruit, train and supervise court appointed special advocates.

15 (d) Disburse and expend moneys in the Court Appointed Special Advocate Fund estab-
 16 lished under section 6 of this 2017 Act for the purposes set forth in this section and ORS
 17 419B.112. The commission may disburse and expend moneys from the fund to the statewide
 18 coordinating entity contracted with pursuant to paragraph (b) of this subsection for the
 19 purposes set forth in this section and ORS 419B.112.

20 (e) With the assistance of the statewide coordinating entity contracted with pursuant to
 21 paragraph (b) of this subsection, oversee the provision of court appointed special advocate
 22 services throughout this state in a uniform, consistent and cost-efficient manner by ensuring
 23 that CASA Volunteer Programs:

24 (A) Adopt policies, procedures, standards and guidelines regarding the provision of court
 25 appointed special advocate services as directed by the commission; and

26 (B) Develop and provide training and education for court appointed special advocates and
 27 employees and other volunteers in CASA Volunteer Programs as directed by the commission.

28 (f) Identify statewide outcome or performance measures for CASA Volunteer Programs.

29 (g) Collect, evaluate and summarize data regarding CASA Volunteer Programs and court
 30 appointed special advocate services in this state.

31 (h) Adopt rules for carrying out the commission's responsibilities, duties and functions
 32 under this section and ORS 419B.112.

33 (2) The commission may:

34 (a) Delegate to a statewide coordinating entity contracted with under subsection (1)(b)
 35 of this section the responsibility to:

36 (A) Create, supervise and operate CASA Volunteer Programs throughout this state; and

37 (B) Develop and provide training for court appointed special advocates and employees and
 38 volunteers of CASA Volunteer Programs.

39 (b) Consult with public agencies or private nonprofit organizations for the purpose of
 40 developing:

41 (A) An allocation formula for the disbursement of moneys to CASA Volunteer Programs
 42 in this state; and

43 (B) Policies, procedures, standards and guidelines regarding the provision of court ap-
 44 pointed special advocate services in this state.

45 (c) Apply for and receive funds from state, federal and private sources for CASA Volun-

1 **teer Programs and the provision of court appointed special advocate services in this state.**

2 **(3) The statewide coordinating entity to which the commission has delegated responsi-**
 3 **bilities under this section, or with which the commission has contracted under subsection**
 4 **(1)(b) of this section, shall provide biannual reports to the commission regarding:**

5 **(a) The fulfillment of responsibilities that have been delegated or contracted for; and**

6 **(b) When applicable to responsibilities delegated or contracted for, the achievement of**
 7 **the objectives in subsection (1)(d) to (g) of this section.**

8 **(4) The commission shall report annually to interim committees of the Legislative As-**
 9 **sembly related to the provision of court appointed special advocate services regarding the**
 10 **disbursement of moneys in the Court Appointed Special Advocate Fund established under**
 11 **section 6 of this 2017 Act, the extent to which statewide outcome or performance measures**
 12 **identified under subsection (1)(f) of this section are being met and the current status of**
 13 **court appointed special advocate services provided in this state.**

14 **SECTION 5. Each CASA Volunteer Program shall report biannually to interim commit-**
 15 **tees of the Legislative Assembly related to the provision of court appointed special advocate**
 16 **services. The statewide coordinating entity contracted with by the Oregon Criminal Justice**
 17 **Commission under section 4 of this 2017 Act may present the biannual reports required under**
 18 **this section on behalf of the CASA Volunteer Programs in this state. The report must in-**
 19 **clude each program's status with respect to the statewide outcome or performance measures**
 20 **identified by the Oregon Criminal Justice Commission under section 4 of this 2017 Act.**

21 **SECTION 6. (1) The Court Appointed Special Advocate Fund is established within the**
 22 **State Treasury, separate and distinct from the General Fund. Interest earned by the Court**
 23 **Appointed Special Advocate Fund shall be credited to the fund.**

24 **(2) Moneys in the Court Appointed Special Advocate Fund shall consist of:**

25 **(a) Amounts appropriated or otherwise transferred to the fund by the Legislative As-**
 26 **sembly;**

27 **(b) Amounts received from state, federal and private sources;**

28 **(c) Amounts donated to the fund; and**

29 **(d) Other amounts deposited in the fund from any source.**

30 **(3) Moneys in the fund are continuously appropriated to the Oregon Criminal Justice**
 31 **Commission for the purpose of carrying out the provisions of ORS 419B.112 and section 4 of**
 32 **this 2017 Act.**

33 **(4) The commission may use moneys in the fund to pay the administrative costs of the**
 34 **commission associated with the fund and with carrying out the provisions of ORS 419B.112**
 35 **and section 4 of this 2017 Act.**

36 **SECTION 7. ORS 137.656 is amended to read:**

37 **137.656. (1) The purpose of the Oregon Criminal Justice Commission is to improve the effec-**
 38 **tiveness and efficiency of state and local criminal justice systems by providing a centralized and**
 39 **impartial forum for statewide policy development and planning.**

40 **(2) The primary duty of the commission is to develop and maintain a state criminal justice policy**
 41 **and comprehensive, long-range plan for a coordinated state criminal justice system that encompasses**
 42 **public safety, offender accountability, crime reduction and prevention and offender treatment and**
 43 **rehabilitation. The plan must include, but need not be limited to, recommendations regarding:**

44 **(a) Capacity, utilization and type of state and local prison and jail facilities;**

45 **(b) Implementation of community corrections programs;**

- 1 (c) Alternatives to the use of prison and jail facilities;
- 2 (d) Appropriate use of existing facilities and programs;
- 3 (e) Whether additional or different facilities and programs are necessary;
- 4 (f) Methods of assessing the effectiveness of juvenile and adult correctional programs, devices
- 5 and sanctions in reducing future criminal conduct by juvenile and adult offenders;
- 6 (g) Methods of reducing the risk of future criminal conduct; and
- 7 (h) The effective utilization of local public safety coordinating councils.
- 8 (3) Other duties of the commission are:
 - 9 (a) To conduct joint studies by agreement with other state agencies, boards or commissions on
 - 10 any matter within the jurisdiction of the commission.
 - 11 (b) To provide Oregon criminal justice analytical and statistical information to federal agencies
 - 12 and serve as a clearinghouse and information center for the collection, preparation, analysis and
 - 13 dissemination of information on state and local sentencing practices.
 - 14 (c) To provide technical assistance and support to local public safety coordinating councils.
 - 15 (d) To receive grant applications to start or expand drug court programs as defined in ORS
 - 16 3.450, to make rules to govern the grant process and to award grant funds according to the rules.
 - 17 (e) To prepare the racial and ethnic impact statements described in sections 1 and 3, chapter
 - 18 600, Oregon Laws 2013.
 - 19 **(f) To implement and carry out the provisions of ORS 419B.112 and section 4 of this 2017**
 - 20 **Act regarding CASA Volunteer Programs and the provision of court appointed special advo-**
 - 21 **cates in this state.**
 - 22 (4) The commission shall establish by rule the information that must be submitted under ORS
 - 23 137.010 (9) and the methods for submitting the information. A rule adopted under this subsection
 - 24 must be approved by the Chief Justice of the Supreme Court before it takes effect.
 - 25 (5) The commission may:
 - 26 (a) Apply for and receive gifts and grants from any public or private source.
 - 27 (b) Award grants from funds appropriated by the Legislative Assembly to the commission or
 - 28 from funds otherwise available from any other source, for the purpose of carrying out the duties of
 - 29 the commission.
 - 30 (c) Adopt rules to carry out the provisions of this subsection.
 - 31 **SECTION 8.** ORS 137.656, as amended by section 9, chapter 600, Oregon Laws 2013, is amended
 - 32 to read:
 - 33 137.656. (1) The purpose of the Oregon Criminal Justice Commission is to improve the effec-
 - 34 tiveness and efficiency of state and local criminal justice systems by providing a centralized and
 - 35 impartial forum for statewide policy development and planning.
 - 36 (2) The primary duty of the commission is to develop and maintain a state criminal justice policy
 - 37 and comprehensive, long-range plan for a coordinated state criminal justice system that encompasses
 - 38 public safety, offender accountability, crime reduction and prevention and offender treatment and
 - 39 rehabilitation. The plan must include, but need not be limited to, recommendations regarding:
 - 40 (a) Capacity, utilization and type of state and local prison and jail facilities;
 - 41 (b) Implementation of community corrections programs;
 - 42 (c) Alternatives to the use of prison and jail facilities;
 - 43 (d) Appropriate use of existing facilities and programs;
 - 44 (e) Whether additional or different facilities and programs are necessary;
 - 45 (f) Methods of assessing the effectiveness of juvenile and adult correctional programs, devices

1 and sanctions in reducing future criminal conduct by juvenile and adult offenders;

2 (g) Methods of reducing the risk of future criminal conduct; and

3 (h) The effective utilization of local public safety coordinating councils.

4 (3) Other duties of the commission are:

5 (a) To conduct joint studies by agreement with other state agencies, boards or commissions on
6 any matter within the jurisdiction of the commission.

7 (b) To provide Oregon criminal justice analytical and statistical information to federal agencies
8 and serve as a clearinghouse and information center for the collection, preparation, analysis and
9 dissemination of information on state and local sentencing practices.

10 (c) To provide technical assistance and support to local public safety coordinating councils.

11 (d) To receive grant applications to start or expand drug court programs as defined in ORS
12 3.450, to make rules to govern the grant process and to award grant funds according to the rules.

13 **(e) To implement and carry out the provisions of ORS 419B.112 and section 4 of this 2017**
14 **Act regarding CASA Volunteer Programs and the provision of court appointed special advo-**
15 **cates in this state.**

16 (4) The commission shall establish by rule the information that must be submitted under ORS
17 137.010 (9) and the methods for submitting the information. A rule adopted under this subsection
18 must be approved by the Chief Justice of the Supreme Court before it takes effect.

19 (5) The commission may:

20 (a) Apply for and receive gifts and grants from any public or private source.

21 (b) Award grants from funds appropriated by the Legislative Assembly to the commission or
22 from funds otherwise available from any other source, for the purpose of carrying out the duties of
23 the commission.

24 (c) Adopt rules to carry out the provisions of this subsection.

25
26 **CONFORMING AMENDMENTS**

27
28 **SECTION 9.** ORS 131A.360 is amended to read:

29 131A.360. (1) The provisions of this section apply only to a forfeiting agency other than the
30 state, and apply only to forfeiture proceeds arising out of prohibited conduct as defined by ORS
31 131A.005 (12)(a).

32 (2) If the forfeiting agency is not a county, the forfeiting agency shall enter into an agreement,
33 under ORS chapter 190, with the county in which the property was seized to provide a portion of
34 the forfeiture proceeds to the county.

35 (3) After entry of a judgment of forfeiture, a forfeiting agency shall first pay from the forfeiture
36 proceeds the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the
37 case, including costs, disbursements and attorney fees as defined in ORCP 68 A, special expenses
38 such as the provision of currency for undercover law enforcement operations, the cost of disabling
39 a hidden compartment in a motor vehicle and the expenses of maintaining the seized property. The
40 forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and
41 operation of a seizing or forfeiting agency under this subsection.

42 (4) After payment of costs under subsection (3) of this section, the forfeiting agency shall:

43 (a) Deduct an amount equal to five percent of the forfeiture proceeds and deposit that amount
44 in the Illegal Drug Cleanup Fund established by ORS 475.495 for the purposes specified in ORS
45 475.495 (5) and (6);

1 (b) Deduct an amount equal to 2.5 percent of the forfeiture proceeds and deposit that amount
 2 in the Asset Forfeiture Oversight Account;

3 (c) Deduct an amount equal to 20 percent of the forfeiture proceeds and deposit that amount in
 4 the Oregon Criminal Justice Commission Account established under ORS 137.662 for disbursement
 5 to drug court programs as described in ORS 3.450; and

6 (d) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in
 7 the Early Learning Division Fund established in ORS 326.435 for disbursement to relief nurseries
 8 as described in ORS 417.788.

9 (5) If the forfeiting agency has entered into an agreement with a county under subsection (2)
 10 of this section, after paying costs under subsection (3) of this section and making the deductions
 11 required by subsection (4) of this section, the forfeiting agency shall pay the county the amounts
 12 required by the agreement.

13 (6) After making all payments and deductions required by subsections (3), (4) and (5) of this
 14 section, the forfeiting agency may use the remaining forfeiture proceeds, including amounts received
 15 by a county under subsection (5) of this section or by any other public body under an intergovern-
 16 mental agreement entered into under ORS 131A.355, only for:

17 (a) The purchase of equipment necessary for the enforcement of laws relating to the unlawful
 18 delivery, distribution, manufacture or possession of controlled substances;

19 (b) Currency for undercover law enforcement operations;

20 (c) Drug awareness and drug education programs offered in middle schools and high schools;

21 (d) The expenses of a forfeiting agency in operating joint narcotic operations with other for-
 22 feiting agencies pursuant to the terms of an intergovernmental agreement, including paying for
 23 rental space, utilities and office equipment;

24 (e) Expenses of a district attorney in criminal prosecutions for unlawful delivery, distribution,
 25 manufacture or possession of controlled substances, as determined through intergovernmental
 26 agreement between the forfeiting agency and the district attorney;

27 (f) Drug treatment and programs that support drug treatment; and

28 (g) A CASA Volunteer Program as defined in [ORS 458.580] **section 3 of this 2017 Act.**

29 (7) Notwithstanding subsection (6) of this section, growing equipment and laboratory equipment
 30 seized by a forfeiting agency that was used, or intended for use, in the manufacturing of controlled
 31 substances may be donated to a public school, community college or institution of higher education.

32 (8) A forfeiting agency shall sell as much property as may be needed to make the distributions
 33 required by this section. Distributions required under subsection (4) of this section must be made
 34 once every three months and are due within 20 days of the end of each quarter. No interest shall
 35 accrue on amounts that are paid within the period specified by this subsection.

36 **SECTION 10.** ORS 419A.255, as amended by section 11, chapter 417, Oregon Laws 2013, section
 37 8, chapter 439, Oregon Laws 2013, section 3, chapter 71, Oregon Laws 2014, section 2, chapter 293,
 38 Oregon Laws 2015, and section 7, chapter 95, Oregon Laws 2016, is amended to read:

39 419A.255. (1)(a) The clerk of the court shall maintain a record of each case and a supplemental
 40 confidential file for each case, except as otherwise provided in ORS 7.120.

41 (b) The record of the case shall be withheld from public inspection but is open to inspection by
 42 the following:

43 (A) The judge of the juvenile court and those acting under the judge's direction;

44 (B) The child;

45 (C) The ward;

- 1 (D) The youth;
- 2 (E) The youth offender;
- 3 (F) The parent or guardian of the child, ward, youth or youth offender;
- 4 (G) The guardian ad litem for the parent;
- 5 (H) A person allowed to intervene in a proceeding involving the child, ward, youth or youth
- 6 offender;
- 7 (I) The court appointed special advocate, and a representative of a CASA Volunteer Program
- 8 as defined in [ORS 458.580] **section 3 of this 2017 Act**, when reasonably necessary for the ap-
- 9 pointment or supervision of court appointed special advocates;
- 10 (J) The attorneys or prospective appellate attorneys for any of the persons listed in subpara-
- 11 graphs (B) to (I) of this paragraph;
- 12 (K) The surrogate;
- 13 (L) Service providers in the case;
- 14 (M) The district attorney or assistant attorney general representing a party in the case;
- 15 (N) The juvenile department;
- 16 (O) The Department of Human Services;
- 17 (P) The Oregon Youth Authority; and
- 18 (Q) Any other person or entity allowed by the court pursuant to section 9, chapter 95, Oregon
- 19 Laws 2016.
- 20 (c) The following are entitled to copies of the record of the case:
- 21 (A) The judge of the juvenile court and those acting under the judge's direction;
- 22 (B) A party to the extent permitted under ORS 419B.875 (2) or 419C.285 (2);
- 23 (C) A guardian ad litem for a parent to the same extent the parent is permitted to copies under
- 24 ORS 419B.875 (2) or 419C.285 (2);
- 25 (D) Persons listed in paragraph (b)(J) to (P) of this subsection; and
- 26 (E) Any other person or entity allowed by the court pursuant to section 9, chapter 95, Oregon
- 27 Laws 2016.
- 28 (2)(a) Reports and other material relating to the child, ward, youth or youth offender's history
- 29 and prognosis in the record of the case or the supplemental confidential file are privileged and, ex-
- 30 cept at the request of the child, ward, youth or youth offender, shall be withheld from public in-
- 31 spection except that inspection is permitted as set forth in subsection (1)(b) of this section and
- 32 paragraph (b) of this subsection. The offer or admission of reports and other material in the record
- 33 of the case or the supplemental confidential file as exhibits in a hearing or trial does not waive or
- 34 otherwise change the privileged status of the reports and other material, except for purposes of the
- 35 hearing or trial in which the reports and other material are offered or admitted. Once offered as
- 36 an exhibit, reports and other material relating to the child, ward, youth or youth offender's history
- 37 and prognosis that were maintained in the supplemental confidential file become part of the record
- 38 of the case but are subject to paragraph (e) of this subsection.
- 39 (b) A supplemental confidential file is open to inspection by the following:
- 40 (A) The judge of the juvenile court and those acting under the judge's direction;
- 41 (B) The parent or guardian of the child or ward in a dependency case;
- 42 (C) The guardian ad litem for the parent of a child or ward in a dependency case;
- 43 (D) The parent or guardian of the youth or youth offender in a delinquency case if the youth
- 44 or youth offender consents to, or the court authorizes, inspection;
- 45 (E) The guardian ad litem for the parent of a youth or youth offender in a delinquency case if

1 the youth or youth offender consents to, or the court authorizes, inspection;

2 (F) A person allowed to intervene in a proceeding involving the child, ward, youth or youth
3 offender;

4 (G) The court appointed special advocate, and a representative of a CASA Volunteer Program
5 as defined in [ORS 458.580] **section 3 of this 2017 Act**, when reasonably necessary for the ap-
6 pointment or supervision of court appointed special advocates;

7 (H) The surrogate;

8 (I) Service providers in the case;

9 (J) The attorneys or prospective appellate attorneys for:

10 (i) The child;

11 (ii) The ward;

12 (iii) The youth;

13 (iv) The youth offender;

14 (v) The parent or guardian of the child, ward, youth or youth offender;

15 (vi) The guardian ad litem for the parent;

16 (vii) A person allowed to intervene in a proceeding involving the child or ward in a dependency
17 case; or

18 (viii) The court appointed special advocate and a representative of a CASA Volunteer Program
19 as defined in [ORS 458.580] **section 3 of this 2017 Act**;

20 (K) The district attorney or assistant attorney general representing a party in the case;

21 (L) The juvenile department;

22 (M) The Department of Human Services;

23 (N) The Oregon Youth Authority; and

24 (O) Any other person or entity allowed by the court pursuant to section 9, chapter 95, Oregon
25 Laws 2016.

26 (c) The supplemental confidential file in cases under ORS 419C.005 may be disclosed to the su-
27 perintendent of the school district in which the youth offender resides or the superintendent's
28 designee.

29 (d) The following are entitled to copies of material maintained in the supplemental confidential
30 file:

31 (A) The judge of the juvenile court and those acting under the judge's direction;

32 (B) Service providers in the case;

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

34 (D) Attorneys designated under subsection (2)(b)(J) of this section;

35 (E) The district attorney or assistant attorney general representing a party in the case;

36 (F) The juvenile department;

37 (G) The Department of Human Services;

38 (H) The Oregon Youth Authority;

39 (I) The court appointed special advocate, and a representative of a CASA Volunteer Program
40 as defined in [ORS 458.580] **section 3 of this 2017 Act**, when reasonably necessary for the ap-
41 pointment or supervision of court appointed special advocates; and

42 (J) Any other person or entity allowed by the court pursuant to section 9, chapter 95, Oregon
43 Laws 2016.

44 (e) A person that obtains copies of material in the supplemental confidential file pursuant to
45 paragraph (d) of this subsection is responsible for preserving the confidentiality of the material in

1 the supplemental confidential file. A service provider, school superintendent or superintendent's
 2 designee who obtains copies of such material shall destroy the copies upon the conclusion of in-
 3 volvement in the case.

4 (3) Except as otherwise provided in subsection (5) of this section, no information appearing in
 5 the record of the case or in the supplemental confidential file may be disclosed to any person not
 6 described in subsections (1)(b) and (2)(b) of this section, respectively, without the consent of the
 7 court, except for purposes of evaluating the child, ward, youth or youth offender's eligibility for
 8 special education as provided in ORS chapter 343, and no such information may be used in evidence
 9 in any proceeding to establish criminal or civil liability against the child, ward, youth or youth
 10 offender, whether such proceeding occurs after the child, ward, youth or youth offender has reached
 11 18 years of age or otherwise, except for the following purposes:

12 (a) In connection with a presentence investigation after guilt has been admitted or established
 13 in a criminal court.

14 (b) In connection with a proceeding in another juvenile court concerning the child, ward, youth
 15 or youth offender or an appeal from the juvenile court.

16 (4)(a) When a person described in subsection (1)(b)(M), (N), (O) or (P) of this section inspects or
 17 obtains copies of reports, materials or documents under this subsection or under subsection (1) or
 18 (2) of this section, the person may not use or disclose the reports, materials or documents, except:

19 (A) As provided in this subsection or under subsection (1) or (2) of this section;

20 (B) In the juvenile court proceeding for which the reports, materials or documents were sought
 21 or disclosed;

22 (C) With the consent of the court; or

23 (D) As provided in ORS 419A.253.

24 (b) Nothing in this section prohibits the district attorney or assistant attorney general repre-
 25 senting a party in a juvenile court proceeding, the juvenile department, the Department of Human
 26 Services, the Oregon Youth Authority or other parties in the proceeding or their attorneys from
 27 disclosing to each other reports, materials or documents described in subsections (1) and (2) of this
 28 section if the disclosure is reasonably necessary to perform official duties related to the involvement
 29 of the child, ward, youth or youth offender with the juvenile court or the juvenile department. A
 30 person to whom reports, materials or documents are disclosed under this subsection is subject to
 31 subsection (3) of this section.

32 (5)(a) Information contained in the supplemental confidential file that, in the professional judg-
 33 ment of the juvenile counselor, caseworker, school superintendent or superintendent's designee,
 34 teacher or detention worker to whom the information in the supplemental confidential file has been
 35 provided, indicates a clear and immediate danger to another person or to society shall be disclosed
 36 to the appropriate authority and the person who is in danger from the child, ward, youth or youth
 37 offender.

38 (b) A person that discloses information under paragraph (a) of this subsection has immunity from
 39 any liability, civil or criminal, that might otherwise be incurred or imposed for making the disclo-
 40 sure.

41 (c) Nothing in this subsection affects the provisions of ORS 146.750, 146.760, 419B.035, 419B.040
 42 and 419B.045. The disclosure of information under this subsection does not make the information
 43 admissible in any court or administrative proceeding if it is not otherwise admissible.

44 (6) Notwithstanding any other provision of law, and subject to subsection (8) of this section, the
 45 following are not confidential and not exempt from disclosure:

- 1 (a) The name and date of birth of the youth or youth offender;
- 2 (b) The basis for the juvenile court's jurisdiction over the youth or youth offender;
- 3 (c) The date, time and place of any juvenile court proceeding in which the youth or youth
4 offender is involved;
- 5 (d) The act alleged in the petition that if committed by an adult would constitute a crime if ju-
6 risdiction is based on ORS 419C.005;
- 7 (e) That portion of the juvenile court order providing for the legal disposition of the youth or
8 youth offender when jurisdiction is based on ORS 419C.005;
- 9 (f) The names and addresses of the youth or youth offender's parents or guardians; and
- 10 (g) The register described in ORS 7.020 when jurisdiction is based on ORS 419C.005.
- 11 (7) Notwithstanding any other provision of law, and subject to subsection (8) of this section,
12 when a youth has been taken into custody under ORS 419C.080, the following information shall be
13 disclosed unless, and only for so long as, there is a clear need to delay disclosure in the course of
14 a specific investigation, including the need to protect the complaining party or the victim:
- 15 (a) The youth's name and age and whether the youth is employed or in school;
- 16 (b) The youth offense for which the youth was taken into custody;
- 17 (c) The name and age of the adult complaining party and the adult victim, unless the disclosure
18 of such information is otherwise prohibited or restricted;
- 19 (d) The identity of the investigating and arresting agency; and
- 20 (e) The time and place that the youth was taken into custody and whether there was resistance,
21 pursuit or a weapon used in taking the youth into custody.
- 22 (8) Except as provided in ORS 419A.300 and unless otherwise directed by the court, only the
23 juvenile court, the county juvenile department and the Oregon Youth Authority may disclose the
24 information under subsections (6) and (7) of this section if the information is subject to disclosure.
25 The youth authority may disclose only information relating to youth offenders committed to the
26 youth authority by order of the juvenile court if the information is subject to disclosure under sub-
27 section (6) or (7) of this section.
- 28 (9) Nothing in this section limits access to any juvenile court records by an appellate court re-
29 viewing a juvenile court order or judgment. Appellate court rules may establish procedures for ap-
30 pellate court access to juvenile records.
- 31 (10) Nothing in this section prohibits the court from providing to the administrator as defined
32 in ORS 25.010 the date of entry of a judgment terminating parental rights or the date of entry of a
33 judgment terminating wardship following entry of a judgment of adoption together with the names
34 and dates of birth of the parents and children subject to the judgment.
- 35 (11) In addition to any other provision in this section, the Judicial Department may permit
36 county or statewide access to juvenile court records or information by county juvenile departments,
37 the Department of Human Services, the Oregon Youth Authority, district attorney offices, the office
38 of the Attorney General, the office of public defense services, prospective appellate attorneys or
39 public defense providers subject to the following restrictions:
- 40 (a) A prospective appellate attorney or public defense provider granted access under this sub-
41 section must agree, pursuant to a written agreement with the Judicial Department, to access:
- 42 (A) Party information only for purposes of conflicts screening procedures; and
- 43 (B) Other records or information about a client only as reasonably necessary for the represen-
44 tation of that client in any juvenile case in which the client is a party, subject to applicable state
45 and federal confidentiality laws.

1 (b) Any other person or entity granted access under this subsection must agree, pursuant to a
2 written agreement with the department, to access records or information only as authorized and
3 allowed by this section, subject to applicable state and federal confidentiality laws.

4 (c) The State Court Administrator shall prescribe standards and procedures to implement the
5 provisions of this subsection.

6 (d) Any person or entity granted access to juvenile court records or information under this
7 subsection must preserve the confidentiality of that information as required under this section.

8 (12) A petition filed under ORS 419B.851 alleging that a child who is a foreign national is within
9 the jurisdiction of the court, or a motion requesting an implementation plan other than return of a
10 ward to the ward's parent, is subject to disclosure to the consulate for the child or ward's country
11 as provided under ORS 419B.851 (3).

12 (13) Nothing in this section prohibits a guardian appointed under ORS 419B.365 or 419B.366 from
13 disclosing or providing copies of letters of guardianship when so required to fulfill the duties of a
14 guardian.

15 (14) The court shall cooperate in the sharing of information with a court in another state to
16 facilitate an interstate placement of a child or ward.

17 (15) Nothing in this section prohibits the Chief Justice of the Supreme Court, the Chief Judge
18 of the Court of Appeals or a presiding judge from permitting access to juvenile court records, in-
19 cluding the record of the case and the supplemental confidential file in a juvenile court proceeding,
20 or audio or video recordings of a juvenile court proceeding, by researchers or evaluators for the
21 purposes of developing statistics and performing analyses or audits on the effectiveness, cost and
22 other areas of public interest regarding juvenile court programs and activities in accordance with
23 child welfare and juvenile justice state plans and programs related to Title IV-B and IV-E of the
24 Social Security Act and to the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq).
25 The Chief Justice shall, by rule or order, establish standards and guidelines for the release of juve-
26 nile court information for research and evaluation purposes to ensure confidentiality consistent with
27 state and federal law and to promote consistent statewide application of this subsection. Statistics
28 and analyses released by researchers and evaluators under this subsection may not contain any in-
29 formation that identifies any individual person involved in a juvenile court proceeding.

30 (16) Subject to subsection (11) of this section, the office of public defense services shall be per-
31 mitted access to juvenile court records for the purposes of performing the office's duties as set forth
32 in ORS 151.219 to audit or investigate attorney appointment or representation of a party in a juve-
33 nile court proceeding in order to ensure adequate representation of parties in juvenile court pro-
34 ceedings consistent with the child welfare state plan related to Title IV-E of the Social Security Act.

35 (17) Subject to subsection (11) of this section, the Oregon State Bar shall be permitted access
36 to juvenile court records maintained in the record of the case for the purpose of performing the
37 bar's duties as set forth in ORS 9.005 to 9.757 to investigate attorney representation of a party in
38 a juvenile court proceeding and in order to ensure adequate representation of parties in juvenile
39 court proceedings consistent with the child welfare state plan related to Title IV-E of the Social
40 Security Act.

41 (18)(a) A child, ward, youth or youth offender, or the parent or guardian of a child, ward, youth
42 or youth offender who is a party to the juvenile court proceeding, who is entitled to inspect or copy
43 the record of the case under subsection (1)(b) and (c) of this section maintains the right to inspect
44 or copy the record of the case after jurisdiction of the court over the child, ward, youth or youth
45 offender terminates and after the child, ward, youth or youth offender has reached the age of ma-

1 jority.

2 (b) Notwithstanding ORS 419B.524, a parent of a child, ward, youth or youth offender whose
 3 parental rights have been terminated maintains the right that existed under subsection (1)(b) and (c)
 4 of this section to inspect or copy the record of the case as the record of the case existed up until
 5 the time of entry of the judgment terminating the parent’s parental rights and may obtain a copy
 6 of the judgment terminating the parent’s parental rights.

7 (19) When inspection or copying of the record of the case or of the supplemental confidential file
 8 is allowed pursuant to this section, and unless otherwise required by law, the court that maintains
 9 the record of the case or the supplemental confidential file is not required to redact the names of,
 10 or information about, siblings or other persons contained in the record of the case or the supple-
 11 mental confidential file.

12 **SECTION 11.** ORS 419A.004, as amended by section 46, chapter 106, Oregon Laws 2016, is
 13 amended to read:

14 419A.004. As used in this chapter and ORS chapters 419B and 419C, unless the context requires
 15 otherwise:

16 (1) “Age-appropriate or developmentally appropriate activities” means:

17 (a) Activities or items that are generally accepted as suitable for children of the same chrono-
 18 logical age or level of maturity or that are determined to be developmentally appropriate for a child,
 19 based on the development of cognitive, emotional, physical and behavioral capacities that are typical
 20 for an age or age group; and

21 (b) In the case of a specific child, activities or items that are suitable for the child based on the
 22 developmental stages attained by the child with respect to the cognitive, emotional, physical and
 23 behavioral capacities of the child.

24 (2) “Another planned permanent living arrangement” means an out-of-home placement for a ward
 25 16 years of age or older that is consistent with the case plan and in the best interests of the ward
 26 other than placement:

- 27 (a) By adoption;
- 28 (b) With a legal guardian; or
- 29 (c) With a fit and willing relative.

30 (3) “CASA Volunteer Program” means a program that is approved or sanctioned by a juvenile
 31 court, has received accreditation from the National CASA Association and has entered into a con-
 32 tract with the Oregon [*Volunteers Commission for Voluntary Action and Service under ORS*
 33 *458.581*] **Criminal Justice Commission under section 4 of this 2017 Act** to recruit, train and su-
 34 pervise volunteers to serve as court appointed special advocates.

35 (4) “Child care center” means a residential facility for wards or youth offenders that is licensed,
 36 certified or otherwise authorized as a child-caring agency as that term is defined in ORS 418.205.

37 (5) “Community service” has the meaning given that term in ORS 137.126.

38 (6) “Conflict of interest” means a person appointed to a local citizen review board who has a
 39 personal or pecuniary interest in a case being reviewed by that board.

40 (7) “Counselor” means a juvenile department counselor or a county juvenile probation officer.

41 (8) “Court” means the juvenile court.

42 (9) “Court appointed special advocate” means a person in a CASA Volunteer Program who is
 43 appointed by the court to act as a court appointed special advocate pursuant to ORS 419B.112.

44 (10) “Court facility” has the meaning given that term in ORS 166.360.

45 (11) “Current caretaker” means a foster parent who:

1 (a) Is currently caring for a ward who is in the legal custody of the Department of Human
2 Services and who has a permanency plan or concurrent permanent plan of adoption; and

3 (b) Who has cared for the ward, or at least one sibling of the ward, for at least the immediately
4 prior 12 consecutive months or for one-half of the ward's or sibling's life where the ward or sibling
5 is younger than two years of age.

6 (12) "Department" means the Department of Human Services.

7 (13) "Detention" or "detention facility" means a facility established under ORS 419A.010 to
8 419A.020 and 419A.050 to 419A.063 for the detention of children, wards, youths or youth offenders
9 pursuant to a judicial commitment or order.

10 (14) "Director" means the director of a juvenile department established under ORS 419A.010 to
11 419A.020 and 419A.050 to 419A.063.

12 (15) "Guardian" means guardian of the person and not guardian of the estate.

13 (16) "Indian child" means any unmarried person less than 18 years of age who is:

14 (a) A member of an Indian tribe; or

15 (b) Eligible for membership in an Indian tribe and is the biological child of a member of an In-
16 dian tribe.

17 (17) "Juvenile court" means the court having jurisdiction of juvenile matters in the several
18 counties of this state.

19 (18) "Local citizen review board" means the board specified by ORS 419A.090 and 419A.092.

20 (19) "Parent" means the biological or adoptive mother and the legal father of the child, ward,
21 youth or youth offender. As used in this subsection, "legal father" means:

22 (a) A man who has adopted the child, ward, youth or youth offender or whose paternity has been
23 established or declared under ORS 109.070 or 416.400 to 416.465 or by a juvenile court; and

24 (b) In cases in which the Indian Child Welfare Act applies, a man who is a father under appli-
25 cable tribal law.

26 (20) "Permanent foster care" means an out-of-home placement in which there is a long-term
27 contractual foster care agreement between the foster parents and the department that is approved
28 by the juvenile court and in which the foster parents commit to raise a ward in substitute care or
29 youth offender until the age of majority.

30 (21) "Public building" has the meaning given that term in ORS 166.360.

31 (22) "Reasonable and prudent parent standard" means the standard, characterized by careful and
32 sensible parental decisions that maintain the health, safety and best interests of a child or ward
33 while encouraging the emotional and developmental growth of the child or ward, that a substitute
34 care provider shall use when determining whether to allow a child or ward in substitute care to
35 participate in extracurricular, enrichment, cultural and social activities.

36 (23) "Reasonable time" means a period of time that is reasonable given a child or ward's emo-
37 tional and developmental needs and ability to form and maintain lasting attachments.

38 (24) "Records" means any information in written form, pictures, photographs, charts, graphs,
39 recordings or documents pertaining to a case.

40 (25) "Resides" or "residence," when used in reference to the residence of a child, ward, youth
41 or youth offender, means the place where the child, ward, youth or youth offender is actually living
42 or the jurisdiction in which wardship or jurisdiction has been established.

43 (26) "Restitution" has the meaning given that term in ORS 137.103.

44 (27) "Serious physical injury" means:

45 (a) A serious physical injury as defined in ORS 161.015; or

- 1 (b) A physical injury that:
- 2 (A) Has a permanent or protracted significant effect on a child's daily activities;
- 3 (B) Results in substantial and recurring pain; or
- 4 (C) In the case of a child under 10 years of age, is a broken bone.
- 5 (28) "Shelter care" means a home or other facility suitable for the safekeeping of a child, ward,
- 6 youth or youth offender who is taken into temporary custody pending investigation and disposition.
- 7 (29) "Short-term detention facility" means a facility established under ORS 419A.050 (3) for
- 8 holding children, youths and youth offenders pending further placement.
- 9 (30) "Sibling" means one of two or more children or wards related:
- 10 (a) By blood or adoption through a common legal parent; or
- 11 (b) Through the marriage of the children's or wards' legal or biological parents.
- 12 (31) "Substitute care" means an out-of-home placement directly supervised by the department
- 13 or other agency, including placement in a foster family home, group home, child-caring agency as
- 14 defined in ORS 418.205 or other child caring institution or facility. "Substitute care" does not in-
- 15 clude care in:
- 16 (a) A detention facility, forestry camp or youth correction facility;
- 17 (b) A family home that the court has approved as a ward's permanent placement, when a child-
- 18 caring agency as defined in ORS 418.205 has been appointed guardian of the ward and when the
- 19 ward's care is entirely privately financed; or
- 20 (c) In-home placement subject to conditions or limitations.
- 21 (32) "Surrogate" means a person appointed by the court to protect the right of the child, ward,
- 22 youth or youth offender to receive procedural safeguards with respect to the provision of free ap-
- 23 propriate public education.
- 24 (33) "Tribal court" means a court with jurisdiction over child custody proceedings and that is
- 25 either a Court of Indian Offenses, a court established and operated under the code of custom of an
- 26 Indian tribe or any other administrative body of a tribe that is vested with authority over child
- 27 custody proceedings.
- 28 (34) "Victim" means any person determined by the district attorney, the juvenile department or
- 29 the court to have suffered direct financial, psychological or physical harm as a result of the act that
- 30 has brought the youth or youth offender before the juvenile court. When the victim is a minor,
- 31 "victim" includes the legal guardian of the minor. The youth or youth offender may not be consid-
- 32 ered the victim. When the victim of the crime cannot be determined, the people of Oregon, as re-
- 33 presented by the district attorney, are considered the victims.
- 34 (35) "Violent felony" means any offense that, if committed by an adult, would constitute a felony
- 35 and:
- 36 (a) Involves actual or threatened serious physical injury to a victim; or
- 37 (b) Is a sexual offense. As used in this paragraph, "sexual offense" has the meaning given the
- 38 term "sex crime" in ORS 163A.005.
- 39 (36) "Ward" means a person within the jurisdiction of the juvenile court under ORS 419B.100.
- 40 (37) "Young person" means a person who has been found responsible except for insanity under
- 41 ORS 419C.411 and placed under the jurisdiction of the Psychiatric Security Review Board.
- 42 (38) "Youth" means a person under 18 years of age who is alleged to have committed an act that
- 43 is a violation, or, if done by an adult would constitute a violation, of a law or ordinance of the
- 44 United States or a state, county or city.
- 45 (39) "Youth care center" has the meaning given that term in ORS 420.855.

1 (40) "Youth offender" means a person who has been found to be within the jurisdiction of the
 2 juvenile court under ORS 419C.005 for an act committed when the person was under 18 years of age.

3 **SECTION 12.** ORS 419B.112 is amended to read:

4 419B.112. (1) In every case under ORS chapter 419B, the court shall appoint a court appointed
 5 special advocate. The court appointed special advocate is deemed a party in these proceedings and
 6 may be represented by counsel, file pleadings and request hearings and may subpoena, examine and
 7 cross-examine witnesses. If the court appointed special advocate is represented by counsel, counsel
 8 shall be paid from funds in the Court Appointed Special Advocate Fund established under [*ORS*
 9 *458.584*] **section 6 of this 2017 Act**. Counsel representing a court appointed special advocate may
 10 not be paid from moneys in the Public Defense Services Account established by ORS 151.225, from
 11 moneys appropriated to the Public Defense Services Commission or from Judicial Department oper-
 12 ating funds.

13 (2) Subject to the direction of the court, the duties of the court appointed special advocate are
 14 to:

15 (a) Investigate all relevant information about the case;

16 (b) Advocate for the child or ward, ensuring that all relevant facts are brought before the court;

17 (c) Facilitate and negotiate to ensure that the court, the Department of Human Services, if ap-
 18 plicable, and the child or ward's attorney, if any, fulfill their obligations to the child or ward in a
 19 timely fashion; and

20 (d) Monitor all court orders to ensure compliance and to bring to the court's attention any
 21 change in circumstances that may require a modification of an order of the court.

22 (3) If a juvenile court does not have a sufficient number of qualified court appointed special
 23 advocates available to it, the court may, in fulfillment of the requirements of this section, appoint
 24 a juvenile department employee or other suitable person to represent the child or ward's interest
 25 in court pursuant to ORS 419A.012 or 419B.195.

26 (4) Any person appointed as a court appointed special advocate in any judicial proceeding on
 27 behalf of the child or ward is immune from any liability for defamation or statements made in good
 28 faith by that person, orally or in writing, in the course of the case review or judicial proceeding.

29 (5) Any person appointed as a court appointed special advocate, CASA Volunteer Program di-
 30 rector, CASA Volunteer Program employee or member of the board of directors or trustees of any
 31 CASA Volunteer Program is immune from any liability for acts or omissions or errors in judgment
 32 made in good faith in the course or scope of that person's duties or employment as part of a CASA
 33 Volunteer Program.

34 (6) Whenever the court appoints a court appointed special advocate or other person under sub-
 35 sections (1) to (3) of this section to represent the child or ward, the court may require a parent, if
 36 able, or guardian of the estate, if the estate is able, to pay, in whole or in part, the reasonable costs
 37 of court appointed special advocate services, including reasonable attorney fees. The court's order
 38 of payment is enforceable in the same manner as an order of support under ORS 419B.408.

39 (7) Upon presentation of the order of appointment by the court appointed special advocate, any
 40 agency, hospital, school organization, division, office or department of the state, doctor, nurse or
 41 other health care provider, psychologist, psychiatrist, police department or mental health clinic shall
 42 permit the court appointed special advocate to inspect and copy, and may consult with the court
 43 appointed special advocate regarding, any records relating to the child or ward involved in the case,
 44 without the consent of the child, ward or parents.

45 (8) All records and information acquired or reviewed by a court appointed special advocate

1 during the course of official duties are deemed confidential under ORS 419A.255.

2 (9) For the purposes of a Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.)
 3 grant to this state under P.L. 93-247, or any related state or federal legislation, a court appointed
 4 special advocate or other person appointed pursuant to subsections (1) to (3) of this section is
 5 deemed a guardian ad litem to represent the interests of the child or ward in proceedings before the
 6 court.

7 **SECTION 13.** ORS 458.558 is amended to read:

8 458.558. (1) The members of the Oregon Volunteers Commission for Voluntary Action and Ser-
 9 vice must be citizens of this state who have a proven commitment to community service and who
 10 have a demonstrated interest in fostering and nurturing citizen involvement as a strategy for
 11 strengthening communities and promoting the ethic of service in all sectors of this state.

12 (2) The Governor shall appoint as members of the commission at least one of each of the fol-
 13 lowing:

14 (a) An individual with experience in educational, training and development needs of youth, par-
 15 ticularly disadvantaged youth.

16 (b) An individual with experience in promoting involvement of older adults in service and
 17 volunteerism.

18 (c) A representative of community-based agencies or organizations within this state.

19 (d) The Deputy Superintendent of Public Instruction or designee.

20 (e) A representative of local governments in this state.

21 (f) A representative of local labor unions in this state.

22 (g) A representative of business.

23 (h) A person at least 16, but not more than 25, years of age who is a participant or supervisor
 24 in a national service program.

25 (i) A representative of a national service program described in 42 U.S.C. 12572(a).

26 (3) In addition to appointing members under subsection (2) of this section, the Governor may
 27 appoint as members individuals from the following groups:

28 (a) Educators.

29 (b) Experts in the delivery of human, educational, environmental or public safety services to
 30 communities and individuals.

31 (c) Members of Native American tribes.

32 (d) At-risk youths who are out of school.

33 (e) Entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C.
 34 4950 et seq.).

35 *[(f) A director or representative of a CASA Volunteer Program.]*

36 *[(g) A court appointed special advocate.]*

37 (4) In making appointments of members described in subsections (2) and (3) of this section, the
 38 Governor shall ensure that:

39 (a) No more than 50 percent of the appointed members are from the same political party; and

40 (b) No more than 25 percent of the appointed members are state employees.

41 **SECTION 14.** ORS 458.568 is amended to read:

42 458.568. The Oregon Volunteers Commission for Voluntary Action and Service shall:

43 (1) Develop programs and provide oversight and administration of programs granted to this state
 44 by the Corporation for National and Community Service under the National and Community Service
 45 Trust Act of 1993, as amended, (P.L. 103-82).

1 (2) Prepare state applications to the Corporation for National and Community Service for fi-
2 nancial assistance for state-based service programs.

3 (3) Develop a statewide plan that is designed to meet or exceed the Oregon benchmark on
4 volunteerism.

5 (4) Develop projects, training methods, curriculum materials and other materials and activities
6 related to state service programs that receive assistance directly from the Corporation for National
7 and Community Service.

8 (5) To engage citizens in service and to strengthen communities, create statewide access for all
9 Oregon citizens to a variety of volunteer opportunities by:

10 (a) Evaluating the status of volunteerism in the public, private and nonprofit sectors of this
11 state;

12 (b) Examining methods to strengthen the capacity of volunteer organizations to support citizen
13 involvement; and

14 (c) Educating all citizens about the importance of citizen involvement and voluntary action.

15 (6) Encourage youth and young adults to engage in their communities through voluntary action
16 by:

17 (a) Assisting efforts to inform young Oregonians about opportunities for involvement in the
18 public, private and nonprofit sectors;

19 (b) Promoting the value of service learning as an educational strategy in the kindergarten
20 through higher educational systems; and

21 (c) Collaborating with groups to advocate for youth voice in the public, private and nonprofit
22 governing structures.

23 (7) Promote recognition of volunteerism and service into the daily operation of public, private
24 and nonprofit sectors throughout the state by:

25 (a) Promoting a statewide volunteer recognition plan open to all sectors; and

26 (b) Assisting efforts by Oregon communities to encourage citizen involvement in volunteerism.

27 *[(8) Implement the provisions of ORS 419B.112 and 458.581.]*

28 *[(9)]* (8) Biennially submit a report to the Governor and the Legislative Assembly as provided
29 under ORS 192.230 to 192.245:

30 (a) Detailing commission activities during the preceding two-year period;

31 (b) Reviewing and summarizing, to the extent the commission deems relevant, the content of
32 reports accepted by the commission on behalf of the Governor;

33 (c) Assessing the state of volunteerism in Oregon; and

34 (d) Containing specific recommendations for any additional legislation the commission deems
35 necessary to carry out the purpose of the Oregon Volunteer and Community Service Act or to im-
36 prove the effectiveness or efficiency of the commission.

37
38 **TRANSFER OF AUTHORITY FROM**
39 **OREGON VOLUNTEERS COMMISSION**
40 **FOR VOLUNTARY ACTION AND SERVICE**
41 **TO OREGON CRIMINAL JUSTICE COMMISSION**
42

43 **SECTION 15. All the duties, functions and powers of the Oregon Volunteers Commission**
44 **for Voluntary Action and Service relating to the creation, supervision and operation of CASA**
45 **Volunteer Programs under ORS 458.581 as that statute was in effect before the operative**

1 date of this section, are imposed upon, transferred to and vested in the Oregon Criminal
 2 Justice Commission established under ORS 137.654.

3
 4 **RECORDS AND PROPERTY**

5
 6 **SECTION 16.** The director of the Oregon Volunteers Commission for Voluntary Action
 7 and Service shall deliver to the executive director of the Oregon Criminal Justice Commis-
 8 sion all records and property within the jurisdiction of the director that relate to the duties,
 9 functions and powers transferred by section 15 of this 2017 Act, and the executive director
 10 of the Oregon Criminal Justice Commission shall take possession of the records and property
 11 transferred under this section.

12
 13 **UNEXPENDED REVENUES**

14
 15 **SECTION 17.** (1) The unexpended balances of amounts authorized to be expended by the
 16 Oregon Volunteers Commission for Voluntary Action and Service for the biennium beginning
 17 July 1, 2017, from revenues dedicated, continuously appropriated, appropriated or otherwise
 18 made available for the purpose of administering and enforcing the duties, functions and
 19 powers transferred by section 15 of this 2017 Act are transferred to and are available for
 20 expenditure by the Oregon Criminal Justice Commission for the biennium beginning July 1,
 21 2017, for the purpose of administering and enforcing the duties, functions and powers trans-
 22 ferred by section 15 of this 2017 Act and under section 4 of this 2017 Act.

23 (2) Any balance in the Court Appointed Special Advocate Fund established under ORS
 24 458.584 as that statute was in effect before the operative date of this section that exists in
 25 the fund on the operative date of this section are transferred to the Court Appointed Special
 26 Advocate Fund established under section 6 of this 2017 Act.

27 (3) The expenditure classifications, if any, established by Acts authorizing or limiting
 28 expenditures by the Oregon Volunteers Commission for Voluntary Action and Service remain
 29 applicable to expenditures by the Oregon Criminal Justice Commission under this section.

30
 31 **ACTIONS, PROCEEDINGS, PROSECUTIONS**

32
 33 **SECTION 18.** The transfer of duties, functions and powers to the Oregon Criminal Justice
 34 Commission by section 15 of this 2017 Act does not affect any action, proceeding or prose-
 35 cution involving or with respect to such duties, functions and powers begun before and
 36 pending at the time of the transfer, except that the Oregon Criminal Justice Commission is
 37 substituted for the Oregon Volunteers Commission for Voluntary Action and Service in the
 38 action, proceeding or prosecution.

39
 40 **LIABILITIES, DUTIES, OBLIGATIONS**

41
 42 **SECTION 19.** (1) Nothing in sections 15 to 21 of this 2017 Act relieves a person of a li-
 43 ability, duty or obligation accruing under or with respect to the duties, functions and powers
 44 transferred by section 15 of this 2017 Act. The Oregon Criminal Justice Commission may
 45 undertake the collection or enforcement of any such liability, duty or obligation.

1 **SECTION 24.** This 2017 Act being necessary for the immediate preservation of the public
2 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
3 on its passage.

4
