

HOUSE AMENDMENTS TO RESOLVE CONFLICTS TO A-ENGROSSED SENATE BILL 303

By JOINT COMMITTEE ON MARIJUANA REGULATION

March 22

1 On page 5 of the printed A-engrossed bill, after line 9, insert:

2 **“SECTION 5a. If Senate Bill 302 becomes law, section 5 of this 2017 Act (amending ORS**
3 **419C.239) is repealed and ORS 419C.239, as amended by section 55, chapter 24, Oregon Laws**
4 **2016, and section 105, chapter __, Oregon Laws 2017 (Enrolled Senate Bill 302), is amended**
5 **to read:**

6 “419C.239. (1) A formal accountability agreement shall:

7 “(a) Be completed within a period of time not to exceed one year;

8 “(b) Be voluntarily entered into by all parties;

9 “(c) Be revocable by the youth at any time by a written revocation;

10 “(d) Be revocable by the juvenile department in the event the department has reasonable cause
11 to believe the youth has failed to carry out the terms of the formal accountability agreement or has
12 committed a subsequent offense;

13 “(e) Not be used as evidence against the youth at any adjudicatory hearing;

14 “(f) Be executed in writing and expressed in language understandable to the persons involved;

15 “(g) Be signed by the juvenile department, the youth, the youth’s parent or parents or legal
16 guardian, and the youth’s counsel, if any; **and**

17 “(h) Become part of the youth’s juvenile department record[; *and*].

18 “[*i*] *When the youth has been charged with having committed the youth’s first violation of section*
19 *4 of this 2017 Act and unless the juvenile department determines that it would be inappropriate in the*
20 *particular case:*]

21 “[*A*] *Require the youth to participate in a diagnostic assessment and an information or treatment*
22 *program as recommended by the assessment. The agencies or organizations providing assessment or*
23 *programs of information or treatment must be the same as those designated by the court under ORS*
24 *419C.443 (1) and must meet the standards set by the Director of the Oregon Health Authority. The*
25 *parent of the youth shall pay the cost of the youth’s participation in the program based upon the ability*
26 *of the parent to pay.*]

27 “[*B*] *Monitor the youth’s progress in the program which shall be the responsibility of the diag-*
28 *nostic assessment agency or organization. It shall make a report to the juvenile department stating the*
29 *youth’s successful completion or failure to complete all or any part of the program specified by the di-*
30 *agnostic assessment. The form of the report shall be determined by agreement between the juvenile de-*
31 *partment and the diagnostic assessment agency or organization. The juvenile department shall make*
32 *the report a part of the record of the case.*]

33 “(2) Notwithstanding any other provision of law, the following information contained in a formal
34 accountability agreement under ORS 419C.230 is not confidential and is not exempt from disclosure:

35 “(a) The name and date of birth of the youth;

1 “(b) The act alleged; and

2 “(c) The portion of the agreement providing for the disposition of the youth.”.

3 After line 14, insert:

4 “**SECTION 6a.** If Senate Bill 302 becomes law, section 6 of this 2017 Act (amending ORS
5 419C.420) is repealed and ORS 419C.420, as amended by section 56, chapter 24, Oregon Laws
6 2016, and section 106, chapter __, Oregon Laws 2017 (Enrolled Senate Bill 302), is amended
7 to read:

8 “419C.420. If a youth is cited or summoned for violating ORS 471.430, **475B.260** or section 4 [*of*
9 *this 2017 Act*], chapter __, Oregon Laws 2017 (Enrolled Senate Bill 302), and fails to appear, the
10 court may adjudicate the citation or petition and enter a disposition without a hearing.”.

11 On page 6, after line 35, insert:

12 “**SECTION 10a.** Notwithstanding section 107, chapter __, Oregon Laws 2017 (Enrolled
13 Senate Bill 302) (amending ORS 419C.443), if Senate Bill 302 becomes law, ORS 419C.443 is
14 repealed by section 10 of this 2017 Act.”.

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