

SENATE AMENDMENTS TO SENATE BILL 49

By COMMITTEE ON JUDICIARY

April 26

- 1 On page 1 of the printed bill, line 3, delete “419C.392” and insert “419C.396”.
- 2 On page 2, line 12, after “section” insert “unless the youth has been placed in a detention fa-
3 cility as defined in ORS 419A.004 or a youth correction facility as defined in ORS 420.005”.
- 4 Delete lines 14 through 31.
- 5 In line 32, delete “4” and insert “3”.
- 6 In lines 37 through 41, restore the bracketed material and delete the boldfaced material.
- 7 On page 3, line 3, after “services” insert “unless the youth has been placed in a detention fa-
8 cility as defined in ORS 419A.004 or a youth correction facility as defined in ORS 420.005”.
- 9 After line 3, insert:
- 10 “**SECTION 4.** ORS 419C.396 is amended to read:
- 11 “419C.396. (1) The Oregon Health Authority shall arrange for the provision of or begin providing
12 restorative services within 30 days after receiving a court order under ORS 419C.392 (3). The au-
13 thority shall send a report to the court, with copies to the parties to the proceeding initiated by a
14 petition alleging jurisdiction under ORS 419C.005, no later than 90 days after receipt of the order.
15 The report must describe the nature and duration of restorative services provided, indicate whether
16 the youth is fit to proceed or presents a substantial probability of gaining or regaining fitness to
17 proceed and recommend whether restorative services should be continued and, if so, the type and
18 duration of the services.
- 19 “(2) Within 14 days after receiving a report under subsection (1) of this section, the court shall
20 determine the youth’s fitness to proceed.
- 21 “(3) Upon the recommendation of the authority, the request of a party or the court’s own mo-
22 tion, the court may hold a review hearing concerning the evaluation of the youth’s fitness to proceed
23 at any time during which restorative services are provided pursuant to an order under ORS 419C.392
24 (3). After a review hearing, the court shall determine the youth’s fitness to proceed.
- 25 “(4) If the court finds that a youth is fit to proceed, the court shall vacate the stay under ORS
26 419C.378.
- 27 “(5) If the court finds that the youth remains unfit to proceed and that there is not a substantial
28 probability that the youth will gain or regain fitness to proceed in the foreseeable future, the court
29 shall:
- 30 “(a) Immediately enter a judgment that dismisses the petition alleging jurisdiction under ORS
31 419C.005 without prejudice; or
- 32 “(b) If necessary for planning or instituting an alternative proceeding, then not more than five
33 days after the findings are made enter a judgment that dismisses the petition without prejudice.
- 34 “(6) If the court finds under subsection (2) or (3) of this section that the youth remains unfit to
35 proceed, but that the youth presents a substantial probability of gaining or regaining fitness to

1 proceed, the court shall order that restorative services be continued. The court shall order the au-
2 thority to send a report to the court, with copies to the parties, within a specified time, not to ex-
3 ceed 90 days from the time the order is filed.

4 “(7) If the court finds under subsection (2) or (3) of this section that a youth remains unfit to
5 proceed, the youth shall be discharged within a period of time that is reasonable for making a de-
6 termination whether the youth presents a substantial probability of gaining or regaining fitness to
7 proceed. Regardless of the number of acts the petition alleging jurisdiction under ORS 419C.005 al-
8 leges that the youth committed, the youth may not be continued in restorative services for longer
9 than whichever of the following, measured from the date the petition is filed, is shorter:

10 “(a) Three years; or

11 “(b) The period of time that is equal to the maximum commitment the court could have imposed
12 if the petition had been adjudicated.

13 “(8)(a) If the court orders placement for restorative services, the court may specify the type of
14 care, supervision, security or services to be provided by the authority to any youth placed in the
15 custody of the Department of Human Services and to the parents or guardians of the youth.

16 “(b) The authority, in [*consultation with the department*] **coordination with the Department**
17 **of Human Services, the local juvenile department and the youth’s family**, may place the youth
18 in any facility authorized to accept the youth and provide the necessary services and care **that are**
19 **most appropriate for the youth.**

20 “(c) **The authority shall continue to provide restorative services wherever the youth is**
21 **placed.**”

22 In line 4, delete “419C.392” and insert “419C.396”.
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