

Requested by JOINT COMMITTEE ON MARIJUANA REGULATION

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO
A-ENGROSSED SENATE BILL 303**

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**
3 **Act (amending ORS 419C.239) is repealed and ORS 419C.239, as amended**
4 **by section 55, chapter 24, Oregon Laws 2016, and section 105, chapter**
5 **___, Oregon Laws 2017 (Enrolled Senate Bill 302), is amended 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
11 has reasonable cause to believe the youth has failed to carry out the terms
12 of the formal accountability agreement or has committed a subsequent of-
13 fense;

14 “(e) Not be used as evidence against the youth at any adjudicatory hear-
15 ing;

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

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

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

21 “[*i*] *When the youth has been charged with having committed the youth’s*

1 *first violation of section 4 of this 2017 Act and unless the juvenile department*
2 *determines that it would be inappropriate in the particular case:]*

3 *“(A) Require the youth to participate in a diagnostic assessment and an*
4 *information or treatment program as recommended by the assessment. The*
5 *agencies or organizations providing assessment or programs of information or*
6 *treatment must be the same as those designated by the court under ORS*
7 *419C.443 (1) and must meet the standards set by the Director of the Oregon*
8 *Health Authority. The parent of the youth shall pay the cost of the youth’s*
9 *participation in the program based upon the ability of the parent to pay.]*

10 *“(B) Monitor the youth’s progress in the program which shall be the re-*
11 *sponsibility of the diagnostic assessment agency or organization. It shall make*
12 *a report to the juvenile department stating the youth’s successful completion*
13 *or failure to complete all or any part of the program specified by the diagnostic*
14 *assessment. The form of the report shall be determined by agreement between*
15 *the juvenile department and the diagnostic assessment agency or organization.*
16 *The juvenile department shall make the report a part of the record of the*
17 *case.]*

18 *“(2) Notwithstanding any other provision of law, the following informa-*
19 *tion contained in a formal accountability agreement under ORS 419C.230 is*
20 *not confidential and is not exempt from disclosure:*

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

22 *“(b) The act alleged; and*

23 *“(c) The portion of the agreement providing for the disposition of the*
24 *youth.”.*

25 *After line 14, insert:*

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

30 **“419C.420. If a youth is cited or summoned for violating ORS 471.430,**

1 **475B.260** or section 4 [*of this 2017 Act*], **chapter __, Oregon Laws 2017**
2 **(Enrolled Senate Bill 302)**, and fails to appear, the court may adjudicate
3 the citation or petition and enter a disposition without a hearing.”.

4 On page 6, after line 35, insert:

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

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