

Requested by Senator KNOPP

**PROPOSED AMENDMENTS TO  
A-ENGROSSED SENATE BILL 1543**

1 On page 1 of the printed A-engrossed bill, line 3, after “180.700,” insert  
2 “419C.145,”.

3 On page 18, delete lines 30 through 32 and insert:

4 **“SECTION 13. Section 14 of this 2018 Act is added to and made a**  
5 **part of ORS 166.005 to 166.095.**

6 **“SECTION 14. (1) A person commits the crime of threatening to**  
7 **commit a terroristic act if:**

8 **“(a) The person subjects another to fear or terror by conveying a**  
9 **threat to cause a mass casualty event;**

10 **“(b) The person expresses the intent to carry out the threat; and**

11 **“(c) A reasonable person would:**

12 **“(A) Be placed in fear or terror by the threat; and**

13 **“(B) Believe that the threat was likely to be carried out.**

14 **“(2) Threatening to commit a terroristic act is a Class A**  
15 **misdemeanor.**

16 **“(3) As used in this section, ‘mass casualty event’ means a violent**  
17 **act that results in extraordinary levels of death or physical injury to**  
18 **other persons.**

19 **“SECTION 15. ORS 419C.145 is amended to read:**

20 **“419C.145. (1) A youth may be held or placed in detention before adjudi-**  
21 **cation on the merits if one or more of the following circumstances exists:**

1       “(a) The youth is a fugitive from another jurisdiction;

2       “(b) The youth is alleged to be within the jurisdiction of the court under

3       ORS 419C.005, by having committed or attempted to commit an offense

4       which, if committed by an adult, would be chargeable as:

5       “(A) A crime involving infliction of physical injury to another person;

6       “(B) A misdemeanor under ORS 166.023; [*or*]

7       “(C) **Threatening to commit a terroristic act under section 14 of this**

8       **2018 Act; or**

9       “[(C)] (D) Any felony crime;

10       “(c) The youth has willfully failed to appear at one or more juvenile court

11       proceedings by having disobeyed a proper summons, citation or subpoena;

12       “(d) The youth is currently on probation imposed as a consequence of the

13       youth previously having been found to be within the jurisdiction of the court

14       under ORS 419C.005, and there is probable cause to believe the youth has

15       violated one or more of the conditions of that probation;

16       “(e) The youth is subject to conditions of release pending or following

17       adjudication of a petition alleging that the youth is within the jurisdiction

18       of the court pursuant to ORS 419C.005 and there is probable cause to believe

19       the youth has violated a condition of release;

20       “(f) The youth is alleged to be in possession of a firearm in violation of

21       ORS 166.250; or

22       “(g) The youth is required to be held or placed in detention for the rea-

23       sonable protection of the victim.

24       “(2) A youth detained under subsection (1) of this section must be released

25       to the custody of a parent or other responsible person, released upon the

26       youth’s own recognizance or placed in shelter care unless the court or its

27       authorized representative makes written findings that there is probable cause

28       to believe that the youth may be detained under subsection (1) of this sec-

29       tion, that describe why it is in the best interests of the youth to be placed

30       in detention and that one or more of the following circumstances are present:

1       “(a) No means less restrictive of the youth’s liberty gives reasonable as-  
2       surance that the youth will attend the adjudicative hearing; or

3       “(b) The youth’s behavior endangers the physical welfare of the youth, the  
4       victim or another person, or endangers the community.

5       “(3) When a youth is ordered held or placed in detention, the court or its  
6       authorized representative shall state in writing the basis for its detention  
7       decision and a finding describing why it is in the best interests of the youth  
8       to be placed in detention. The youth shall have the opportunity to rebut ev-  
9       idence received by the court and to present evidence at the hearing.

10       “(4) In determining whether release is appropriate under subsection (2)  
11       of this section, the court or its authorized representative shall consider the  
12       following:

13       “(a) The nature and extent of the youth’s family relationships and the  
14       youth’s relationships with other responsible adults in the community;

15       “(b) The youth’s previous record of referrals to juvenile court and recent  
16       demonstrable conduct;

17       “(c) The youth’s past and present residence;

18       “(d) The youth’s education status and school attendance record;

19       “(e) The youth’s past and present employment;

20       “(f) The youth’s previous record regarding appearance in court;

21       “(g) The nature of the charges against the youth and any mitigating or  
22       aggravating factors;

23       “(h) The youth’s mental health;

24       “(i) The reasonable protection of the victim; and

25       “(j) Any other facts relevant to the likelihood of the youth’s appearance  
26       in court or likelihood that the youth will comply with the law and other  
27       conditions of release.

28       “(5) Notwithstanding subsection (2) of this section, the court may not re-  
29       lease a youth when:

30       “(a) There is probable cause to believe the youth committed an offense

1 that, if committed by an adult, would constitute a violent felony; and

2 “(b) There is clear and convincing evidence that the youth poses a danger  
3 of serious physical injury to or sexual victimization of the victim or members  
4 of the public while the youth is on release.

5 **“SECTION 16. The amendments to ORS 137.540, 162.375, 837.365 and  
6 419C.145 by sections 6, 9, 10 and 15 of this 2018 Act apply to offenses  
7 committed on or after the effective date of this 2018 Act.**

8 **“SECTION 17. This 2018 Act takes effect on June 30, 2018.”.**

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