

Requested by Representative NERON

**PROPOSED AMENDMENTS TO
HOUSE BILL 4145**

1 On page 1 of the printed bill, line 2, after “161.005” insert “and
2 419C.145”.

3 Delete lines 4 through 30.

4 On page 2, delete lines 1 through 8 and insert:

5 **“SECTION 1. (1) A person commits the crime of unlawfully threat-**
6 **ening a school or place of worship if:**

7 **“(a) The person intentionally causes fear or terror in another per-**
8 **son by conveying a threat to cause a fire, explosion, catastrophe,**
9 **firearm violence or other emergency that would create a risk of sub-**
10 **stantial harm to property, or serious physical injury to a person, in a**
11 **school or place of worship;**

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

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

14 **“(A) Be placed in a state of fear or terror by the threat; and**

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

16 **“(2) A threat under this section may be conveyed orally, in writing**
17 **or telephonically, or may be an electronic threat as defined in ORS**
18 **166.065.**

19 **“(3)(a) Unlawfully threatening a school or place of worship is a**
20 **Class A misdemeanor.**

21 **“(b) Notwithstanding paragraph (a) of this subsection, unlawfully**

1 threatening a school or place of worship is a Class C felony if, at the
2 time of the offense, the defendant has at least one prior conviction
3 under this section or under ORS 166.023.

4 “(4)(a) If a person is convicted of a misdemeanor under this section,
5 in addition to any other sentence imposed, the court shall sentence the
6 person to a term of supervised probation, and shall order as a condi-
7 tion of supervision a requirement that the person participate in a
8 mental health evaluation as directed by the supervising officer and
9 follow the recommendation of the evaluator.

10 “(b) If a person is convicted of a felony under this section and the
11 court sentences the person to a term of supervised probation, the
12 court shall order as a condition of supervision a requirement that the
13 person participate in a mental health evaluation as directed by the
14 supervising officer and follow the recommendation of the evaluator.

15 “(5) As used in this section:

16 “(a) ‘Firearm’ has the meaning given that term in ORS 166.210.

17 “(b) ‘Place of worship’ means a church, synagogue, temple, mosque,
18 chapel, meeting house or other nonresidential place of worship, that
19 is customarily associated with the practices of a religious activity, in-
20 cluding but not limited to worship services, religion classes, weddings,
21 funerals, meal programs or child care.

22 “(c) ‘School’ means:

23 “(A) Any real property comprising a public or private elementary,
24 secondary or career school attended primarily by minors;

25 “(B) A school or children’s facility as those terms are defined in
26 ORS 433.235; or

27 “(C) A college or university.”.

28 After line 20, insert:

29 “**SECTION 3.** ORS 419C.145 is amended to read:

30 “419C.145. (1) A youth may be held or placed in detention before adjudi-

1 cation on the merits if one or more of the following circumstances exists:

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

3 “(b) The youth is alleged to be within the jurisdiction of the court under
4 ORS 419C.005, by having committed or attempted to commit an offense
5 which, if committed by an adult, would be chargeable as:

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

7 “(B) A misdemeanor under ORS 166.023 **or section 1 of this 2020 Act**;

8 or

9 “(C) 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 4. (1) The Department of Corrections shall distribute
6 moneys to counties to fund, for persons convicted or adjudicated under
7 section 1 of this 2020 Act:**

8 **“(a) Supervision services; and**

9 **“(b) Mental health services, for persons unable to obtain appropri-
10 ate mental health services without financial assistance.**

11 **“(2) The obligation of the department to distribute moneys under
12 subsection (1) of this section is limited to the extent of moneys spe-
13 cifically appropriated to the department for that purpose.**

14 **“(3) A county receiving moneys pursuant to this section shall en-
15 sure that, for persons convicted or adjudicated under section 1 of this
16 2020 Act who have been determined to be indigent and entitled to ap-
17 pointed counsel, the mental health evaluation and, if recommended
18 by the evaluator, mental health treatment are provided at public ex-
19 pense.**

20 **“SECTION 5. In addition to and not in lieu of any other appropri-
21 ation, there is appropriated to the Department of Corrections, for the
22 biennium beginning July 1, 2019, out of the General Fund, the amount
23 of \$_____, for distribution to counties for the purpose of carrying
24 out section 4 of this 2020 Act.”.**

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