

D R A F T

SUMMARY

Specifies conditions under which licensing board, commission or agency may suspend or deny occupational or professional license on basis of applicant's or licensee's criminal history, moral character or similar qualification. Provides that denial must be on basis of conviction that substantially relates to specific duties and responsibilities for which license is required.

Permits person convicted of crime to petition licensing board, commission or agency at any time for determination as to whether conviction will prevent person from receiving occupational or professional license. Specifies fees that licensing board, commission or agency may charge and notice that licensing board, commission or agency must provide.

Prohibits employer, state agency or licensing board from taking certain actions on basis of record created or maintained under jurisdiction of juvenile court.

Provides that adjudication that youth is within jurisdiction of juvenile court does not forfeit any right or privilege or operate as disqualification from holding public office or pursuing or engaging in lawful activity, occupation, profession or calling.

Specifies certain disclosures to victims or alleged victims of certain acts by adjudicated youths.

A BILL FOR AN ACT

1
2 Relating to the effects on adjudicated persons of adjudications for criminal
3 acts; amending ORS 419A.255, 419C.400, 670.280 and 670.290.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 670.280 is amended to read:

6 670.280. (1) As used in this section:

7 (a) "License" includes a registration, certification or permit.

8 (b) "Licensee" includes a registrant or a holder of a certification or per-

1 mit.

2 (2) Except as provided in ORS 342.143 (3) or 342.175 (3) **and notwith-**
3 **standing any other provision of law to the contrary**, a licensing board,
4 commission or agency **that is authorized or required to consider the**
5 **criminal history, moral character, fitness or similar qualifications of**
6 **an applicant for a license or a licensee** may not deny, suspend or revoke
7 an occupational or professional license [*solely for the reason that*] **because**
8 the applicant or licensee has been convicted of a crime **that does not sub-**
9 **stantially relate to the specific duties and responsibilities for which**
10 **the license is required.**[, *but it may consider the relationship of the facts*
11 *which support the conviction and all intervening circumstances to the specific*
12 *occupational or professional standards in determining the fitness of the person*
13 *to receive or hold the license.*] There is a rebuttable presumption as to each
14 individual applicant or licensee that an existing or prior conviction for
15 conduct that has been classified or reclassified as a Class E violation does
16 not make an applicant for an occupational or professional license or a
17 licensee with an occupational or professional license unfit to receive or hold
18 the license.

19 (3) **In determining whether a crime for which an applicant or**
20 **licensee was convicted substantially relates to the specific duties and**
21 **responsibilities for which a license is required, a licensing board,**
22 **commission or agency shall consider:**

23 (a) **The nature and seriousness of the crime;**

24 (b) **The amount of time that has passed since the conviction;**

25 (c) **The applicant's or licensee's age at the time the applicant or**
26 **licensee committed the crime;**

27 (d) **Evidence that is relevant to show the circumstances of the**
28 **crime, including any aggravating or mitigating circumstances or social**
29 **conditions within which the crime occurred;**

30 (e) **The nature of the specific duties and responsibilities for which**
31 **the license is required; and**

1 **(f) Evidence of the applicant’s or licensee’s rehabilitation or treat-**
2 **ment since the conviction.**

3 [(3)] (4) Except as **otherwise prohibited under this section or as** pro-
4 vided in ORS 342.143 (3) and 342.175 (3), a licensing board, commission or
5 agency may [*deny an occupational or professional license or*] impose discipline
6 on a licensee based on conduct that is not undertaken directly in the course
7 of the licensed activity, but that is substantially related to the fitness and
8 ability of the applicant or licensee to engage in the activity for which the
9 license is required. In determining whether the conduct is substantially re-
10 lated to the fitness and ability of the applicant or licensee to engage in the
11 activity for which the license is required, the licensing board, commission
12 or agency shall consider the relationship of the facts with respect to the
13 conduct and all intervening circumstances to the specific occupational or
14 professional standards. There is a rebuttable presumption as to each indi-
15 vidual applicant or licensee that an existing or prior conviction for conduct
16 that has been classified or reclassified as a Class E violation is not related
17 to the fitness and ability of the applicant or licensee to engage in the ac-
18 tivity for which the license is required.

19 **(5) Notwithstanding any other provision of law to the contrary, a**
20 **licensing board, commission or agency may not deny an occupational**
21 **or professional license because of:**

22 **(a) An arrest or charge that did not result in a criminal conviction,**
23 **unless charges are pending;**

24 **(b) An adjudication by a juvenile court that a youth is within the**
25 **juvenile court’s jurisdiction, unless a law of this state explicitly au-**
26 **thorizes the denial; or**

27 **(c) A conviction that was pardoned, sealed or set aside.**

28 **(6) A person who was convicted of a crime may at any time petition**
29 **a licensing board, commission or agency for a determination as to**
30 **whether a criminal conviction will prevent the person from receiving**
31 **an occupational or professional license. The licensing board, commis-**

1 sion or agency may charge a reasonable fee to pay the costs of making
2 the determination. The licensing board's, commission's or agency's
3 final determination is binding upon the licensing board, commission
4 or agency unless, at the time the person submits a complete applica-
5 tion, the person has criminal charges pending, has failed to disclose a
6 previous criminal conviction or has been convicted of another crime
7 during the period between the determination and the person's appli-
8 cation.

9 (7) Before a licensing board, commission or agency makes a final
10 determination under subsection (6) of this section that a criminal
11 conviction will result in a denial of an occupational or professional
12 license, the licensing board, commission or agency shall notify the
13 petitioner in writing of:

14 (a) The specific conviction that is the basis for the determination;

15 (b) The reasons the licensing board, commission or agency deter-
16 mined that the conviction was substantially related to the specific
17 duties and responsibilities for which the license is required, including
18 reasons that address each of the considerations listed in subsection (3)
19 of this section; and

20 (c) The petitioner's right to submit within 30 days after the date
21 of the notice additional evidence related to each of the considerations
22 listed in subsection (3) of this section for the licensing board's,
23 commission's or agency's evaluation before issuing a final determi-
24 nation.

25 (8) A licensing board, commission or agency shall issue in writing
26 any final determination under subsection (6) of this section that a
27 criminal conviction will result in a denial of an occupational or pro-
28 fessional license. The written determination must also include notice
29 of the petitioner's right to appeal and of the earliest date on which the
30 petitioner could reapply for a determination or apply for a license after
31 a denial.

1 (9) Every licensing board, commission and agency shall include in
2 any application form for a license and post on the licensing board's,
3 commission's or agency's website a notice that states:

4 (a) Whether a criminal conviction is a possible basis for denying the
5 license;

6 (b) The considerations set forth in subsection (3) of this section; and

7 (c) That applicants have a right to petition for a determination
8 under subsection (6) of this section before submitting a completed ap-
9 plication for a license.

10 **SECTION 2.** ORS 670.290 is amended to read:

11 670.290. (1) *[It shall be unlawful for any]* **An employer**, state agency or
12 licensing board, including the Oregon State Bar, *[to]* **may not**:

13 *[(1)]* (a) Require *[that]* an applicant for employment, licensing or admis-
14 sion **to** answer any questions regarding the existence or contents of a *[juve-*
15 *nile]* record that *[has been expunged pursuant to ORS 419A.260 to 419A.271]*
16 **was created or maintained under the jurisdiction of a juvenile court;**

17 (b) **Inquire in connection with an application for employment, li-**
18 **ensing or admission as to the existence or contents of a record that**
19 **was created or maintained under the jurisdiction of a juvenile court;**

20 *[(2)]* (c) Bar or discharge from employment or refuse to hire or employ
21 *[such]* **an** individual because of the existence or contents of a *[juvenile]* re-
22 cord that *[has been expunged pursuant to ORS 419A.260 to 419A.271]* **was**
23 **created or maintained under the jurisdiction of a juvenile court;** or

24 *[(3)]* (d) Deny, revoke or suspend a license because of the existence or
25 contents of a *[juvenile]* record that *[has been expunged pursuant to ORS*
26 *419A.260 to 419A.271]* **was created or maintained under the jurisdiction**
27 **of a juvenile court.**

28 (2) **This section does not apply to or affect:**

29 (a) **An employer, state agency or licensing board that a law of this**
30 **state has explicitly authorized to consider the juvenile adjudication**
31 **history of an applicant; or**

1 **(b) A licensing board's, commission's or state agency's power or**
2 **duty to view or consider an applicant's or licensee's juvenile adjudi-**
3 **cation history for offenses listed in ORS 137.707 (4), if the board, com-**
4 **mission or state agency is authorized or required to consider the**
5 **applicant's or licensee's criminal history, moral character, fitness or**
6 **similar qualifications.**

7 **SECTION 3.** ORS 419A.255 is amended to read:

8 419A.255. (1)(a) The clerk of the court shall maintain a record of each
9 case and a supplemental confidential file for each case, except as otherwise
10 provided in ORS 7.120.

11 (b) The record of the case shall be withheld from public inspection but
12 is open to inspection by the following:

13 (A) The judge of the juvenile court and those acting under the judge's
14 direction;

15 (B) The child;

16 (C) The ward;

17 (D) The youth;

18 (E) The adjudicated youth;

19 (F) The parent or guardian of the child, ward, youth or adjudicated youth;

20 (G) The guardian ad litem for the parent;

21 (H) A person allowed to intervene in a proceeding involving the child,
22 ward, youth or adjudicated youth;

23 (I) The court appointed special advocate, and a representative of a CASA
24 Volunteer Program as defined in ORS 184.489, when reasonably necessary for
25 the appointment or supervision of court appointed special advocates;

26 (J) The attorneys or prospective appellate attorneys for any of the persons
27 listed in subparagraphs (B) to (I) of this paragraph;

28 (K) The surrogate;

29 (L) Service providers in the case;

30 (M) The district attorney or assistant attorney general representing a
31 party in the case;

1 (N) The juvenile department;

2 (O) The Department of Human Services;

3 (P) The Oregon Youth Authority; and

4 (Q) Any other person or entity allowed by the court pursuant to ORS
5 419A.258.

6 (c) The following are entitled to copies of the record of the case:

7 (A) The judge of the juvenile court and those acting under the judge's
8 direction;

9 (B) A party to the extent permitted under ORS 419B.875 (2) or 419C.285
10 (2);

11 (C) A guardian ad litem for a parent to the same extent the parent is
12 permitted to copies under ORS 419B.875 (2) or 419C.285 (2);

13 (D) Persons listed in paragraph (b)(J) to (P) of this subsection; and

14 (E) Any other person or entity allowed by the court pursuant to ORS
15 419A.258.

16 (2)(a) Reports and other material relating to the child, ward, youth or
17 adjudicated youth's history and prognosis in the record of the case or the
18 supplemental confidential file are privileged and, except at the request of the
19 child, ward, youth or adjudicated youth, shall be withheld from public in-
20 spection except that inspection is permitted as set forth in subsection (1)(b)
21 of this section and paragraph (b) of this subsection. The offer or admission
22 of reports and other material in the record of the case or the supplemental
23 confidential file as exhibits in a hearing or trial does not waive or otherwise
24 change the privileged status of the reports and other material, except for
25 purposes of the hearing or trial in which the reports and other material are
26 offered or admitted. Once offered as an exhibit, reports and other material
27 relating to the child, ward, youth or adjudicated youth's history and
28 prognosis that were maintained in the supplemental confidential file become
29 part of the record of the case but are subject to paragraph (e) of this sub-
30 section.

31 (b) A supplemental confidential file is open to inspection by the following:

1 (A) The judge of the juvenile court and those acting under the judge's
2 direction;

3 (B) The parent or guardian of the child or ward in a dependency case;

4 (C) The guardian ad litem for the parent of a child or ward in a depend-
5 ency case;

6 (D) The parent or guardian of the youth or adjudicated youth in a delin-
7 quency case if the youth or adjudicated youth consents to, or the court au-
8 thorizes, inspection;

9 (E) The guardian ad litem for the parent of a youth or adjudicated youth
10 in a delinquency case if the youth or adjudicated youth consents to, or the
11 court authorizes, inspection;

12 (F) A person allowed to intervene in a proceeding involving the child,
13 ward, youth or adjudicated youth;

14 (G) The court appointed special advocate, and a representative of a CASA
15 Volunteer Program as defined in ORS 184.489, when reasonably necessary for
16 the appointment or supervision of court appointed special advocates;

17 (H) The surrogate;

18 (I) Service providers in the case;

19 (J) The attorneys or prospective appellate attorneys for:

20 (i) The child;

21 (ii) The ward;

22 (iii) The youth;

23 (iv) The adjudicated youth;

24 (v) The parent or guardian of the child, ward, youth or adjudicated youth;

25 (vi) The guardian ad litem for the parent;

26 (vii) A person allowed to intervene in a proceeding involving the child
27 or ward in a dependency case; or

28 (viii) The court appointed special advocate and a representative of a
29 CASA Volunteer Program as defined in ORS 184.489;

30 (K) The district attorney or assistant attorney general representing a
31 party in the case;

1 (L) The juvenile department;

2 (M) The Department of Human Services;

3 (N) The Oregon Youth Authority; and

4 (O) Any other person or entity allowed by the court pursuant to ORS
5 419A.258.

6 (c) The supplemental confidential file in cases under ORS 419C.005 may
7 be disclosed to the superintendent of the school district in which the adju-
8 dicated youth resides or the superintendent's designee.

9 (d) The following are entitled to copies of material maintained in the
10 supplemental confidential file:

11 (A) The judge of the juvenile court and those acting under the judge's
12 direction;

13 (B) Service providers in the case;

14 (C) School superintendents and their designees in cases under ORS
15 419C.005;

16 (D) Attorneys designated under subsection (2)(b)(J) of this section;

17 (E) The district attorney or assistant attorney general representing a
18 party in the case;

19 (F) The juvenile department;

20 (G) The Department of Human Services;

21 (H) The Oregon Youth Authority;

22 (I) The court appointed special advocate, and a representative of a CASA
23 Volunteer Program as defined in ORS 184.489, when reasonably necessary for
24 the appointment or supervision of court appointed special advocates; and

25 (J) Any other person or entity allowed by the court pursuant to ORS
26 419A.258.

27 (e) A person that obtains copies of material in the supplemental confi-
28 dential file pursuant to paragraph (d) of this subsection is responsible for
29 preserving the confidentiality of the material in the supplemental confiden-
30 tial file. A service provider, school superintendent or superintendent's
31 designee who obtains copies of such material shall destroy the copies upon

1 the conclusion of involvement in the case.

2 (3) Except as otherwise provided in subsection (5) of this section, no in-
3 formation appearing in the record of the case or in the supplemental confi-
4 dential file may be disclosed to any person not described in subsections (1)(b)
5 and (2)(b) of this section, respectively, without the consent of the court, ex-
6 cept for purposes of evaluating the child, ward, youth or adjudicated youth's
7 eligibility for special education as provided in ORS chapter 343, and no such
8 information may be used in evidence in any proceeding to establish criminal
9 or civil liability against the child, ward, youth or adjudicated youth, whether
10 such proceeding occurs after the child, ward, youth or adjudicated youth has
11 reached 18 years of age or otherwise, except for the following purposes:

12 (a) In connection with a presentence investigation after guilt has been
13 admitted or established in a criminal court.

14 (b) In connection with a proceeding in another juvenile court concerning
15 the child, ward, youth or adjudicated youth or an appeal from the juvenile
16 court.

17 (4)(a) When a person described in subsection (1)(b)(M), (N), (O) or (P) of
18 this section inspects or obtains copies of reports, materials or documents
19 under this subsection or under subsection (1) or (2) of this section, the person
20 may not use or disclose the reports, materials or documents, except:

21 (A) As provided in this subsection or under subsection (1) or (2) of this
22 section;

23 (B) In the juvenile court proceeding for which the reports, materials or
24 documents were sought or disclosed;

25 (C) With the consent of the court; or

26 (D) As provided in ORS 419A.253.

27 (b) Nothing in this section prohibits the district attorney or assistant
28 attorney general representing a party in a juvenile court proceeding, the
29 juvenile department, the Department of Human Services, the Oregon Youth
30 Authority or other parties in the proceeding or their attorneys from dis-
31 closing to each other reports, materials or documents described in sub-

1 sections (1) and (2) of this section if the disclosure is reasonably necessary
2 to perform official duties related to the involvement of the child, ward, youth
3 or adjudicated youth with the juvenile court or the juvenile department. A
4 person to whom reports, materials or documents are disclosed under this
5 subsection is subject to subsection (3) of this section.

6 (5)(a) Information contained in the supplemental confidential file that, in
7 the professional judgment of the juvenile counselor, caseworker, school su-
8 perintendent or superintendent's designee, teacher or detention worker to
9 whom the information in the supplemental confidential file has been pro-
10 vided, indicates a clear and immediate danger to another person or to society
11 shall be disclosed to the appropriate authority and the person who is in
12 danger from the child, ward, youth or adjudicated youth.

13 (b) A person that discloses information under paragraph (a) of this sub-
14 section has immunity from any liability, civil or criminal, that might other-
15 wise be incurred or imposed for making the disclosure.

16 (c) Nothing in this subsection affects the provisions of ORS 146.750,
17 146.760, 419B.035, 419B.040 and 419B.045. The disclosure of information under
18 this subsection does not make the information admissible in any court or
19 administrative proceeding if it is not otherwise admissible.

20 (6) Notwithstanding any other provision of law, [*and subject to subsection*
21 *(8) of this section, the following are not confidential and not exempt from*
22 *disclosure*] **the following information may be disclosed to the victim of**
23 **an act committed by an adjudicated youth:**

24 (a) The name and date of birth of the youth or adjudicated youth;

25 (b) The basis for the juvenile court's jurisdiction over the youth or adju-
26 dicated youth;

27 (c) The date, time and place of any juvenile court proceeding in which the
28 youth or adjudicated youth is involved;

29 (d) The act alleged in the petition that if committed by an adult would
30 constitute a crime if jurisdiction is based on ORS 419C.005;

31 (e) That portion of the juvenile court order providing for the legal dis-

1 position of the youth or adjudicated youth when jurisdiction is based on ORS
2 419C.005;

3 (f) The names and addresses of the youth or adjudicated youth's parents
4 or guardians; and

5 (g) The register described in ORS 7.020 when jurisdiction is based on ORS
6 419C.005.

7 (7) Notwithstanding any other provision of law, and subject to subsection
8 (8) of this section, when a youth has been taken into custody under ORS
9 419C.080, the following information shall be disclosed **to an alleged victim**
10 *[unless, and only for so long as, there is a clear need to delay disclosure in*
11 *the course of a specific investigation, including the need to protect the com-*
12 *plaining party or the victim]:*

13 (a) The youth's name and age and whether the youth is employed or in
14 school;

15 (b) The youth offense for which the youth was taken into custody;

16 (c) The name and age of the adult complaining party and the adult victim,
17 unless the disclosure of such information is otherwise prohibited or re-
18 stricted;

19 (d) The identity of the investigating and arresting agency; and

20 (e) The time and place that the youth was taken into custody and whether
21 there was resistance, pursuit or a weapon used in taking the youth into
22 custody.

23 (8) Except as provided in ORS 419A.300 and unless otherwise directed by
24 the court, only the juvenile court, the county juvenile department and the
25 Oregon Youth Authority may disclose the information under subsections (6)
26 and (7) of this section if the information is subject to disclosure. The youth
27 authority may disclose only information relating to adjudicated youths com-
28 mitted to the youth authority by order of the juvenile court if the informa-
29 tion is subject to disclosure under subsection (6) or (7) of this section.

30 (9) Nothing in this section limits access to any juvenile court records by
31 an appellate court reviewing a juvenile court order or judgment. Appellate

1 court rules may establish procedures for appellate court access to juvenile
2 records.

3 (10) Nothing in this section prohibits the court from providing to the
4 administrator as defined in ORS 25.010 the date of entry of a judgment ter-
5 minating parental rights or the date of entry of a judgment terminating
6 wardship following entry of a judgment of adoption together with the names
7 and dates of birth of the parents and children subject to the judgment.

8 (11) In addition to any other provision in this section, the Judicial De-
9 partment may permit county or statewide access to juvenile court records
10 or information by county juvenile departments, the Department of Human
11 Services, the Oregon Youth Authority, district attorney offices, the office of
12 the Attorney General, the office of public defense services, prospective ap-
13 pellate attorneys or public defense providers subject to the following re-
14 strictions:

15 (a) A prospective appellate attorney or public defense provider granted
16 access under this subsection must agree, pursuant to a written agreement
17 with the Judicial Department, to access:

18 (A) Party information only for purposes of conflicts screening procedures;
19 and

20 (B) Other records or information about a client only as reasonably nec-
21 essary for the representation of that client in any juvenile case in which the
22 client is a party, subject to applicable state and federal confidentiality laws.

23 (b) Any other person or entity granted access under this subsection must
24 agree, pursuant to a written agreement with the department, to access re-
25 cords or information only as authorized and allowed by this section, subject
26 to applicable state and federal confidentiality laws.

27 (c) The State Court Administrator shall prescribe standards and proce-
28 dures to implement the provisions of this subsection.

29 (d) Any person or entity granted access to juvenile court records or in-
30 formation under this subsection must preserve the confidentiality of that
31 information as required under this section.

1 (12) A petition filed under ORS 419B.851 alleging that a child who is a
2 foreign national is within the jurisdiction of the court, or a motion request-
3 ing an implementation plan other than return of a ward to the ward's parent,
4 is subject to disclosure to the consulate for the child or ward's country as
5 provided under ORS 419B.851 (3).

6 (13) Nothing in this section prohibits a guardian appointed under ORS
7 419B.365 or 419B.366 from disclosing or providing copies of letters of
8 guardianship when so required to fulfill the duties of a guardian.

9 (14) The court shall cooperate in the sharing of information with a court
10 in another state to facilitate an interstate placement of a child or ward.

11 (15) Nothing in this section prohibits the Chief Justice of the Supreme
12 Court, the Chief Judge of the Court of Appeals or a presiding judge from
13 permitting access to juvenile court records, including the record of the case
14 and the supplemental confidential file in a juvenile court proceeding, or au-
15 dio or video recordings of a juvenile court proceeding, by researchers or
16 evaluators for the purposes of developing statistics and performing analyses
17 or audits on the effectiveness, cost and other areas of public interest re-
18 garding juvenile court programs and activities in accordance with child
19 welfare and juvenile justice state plans and programs related to Title IV-B
20 and IV-E of the Social Security Act and to the Child Abuse Prevention and
21 Treatment Act (42 U.S.C. 5101 et seq). The Chief Justice shall, by rule or
22 order, establish standards and guidelines for the release of juvenile court
23 information for research and evaluation purposes to ensure confidentiality
24 consistent with state and federal law and to promote consistent statewide
25 application of this subsection. Statistics and analyses released by research-
26 ers and evaluators under this subsection may not contain any information
27 that identifies any individual person involved in a juvenile court proceeding.

28 (16) Subject to subsection (11) of this section, the office of public defense
29 services shall be permitted access to juvenile court records for the purposes
30 of performing the office's duties as set forth in ORS 151.219 to audit or in-
31 vestigate attorney appointment or representation of a party in a juvenile

1 court proceeding in order to ensure adequate representation of parties in
2 juvenile court proceedings consistent with the child welfare state plan re-
3 lated to Title IV-E of the Social Security Act.

4 (17) Subject to subsection (11) of this section, the Oregon State Bar shall
5 be permitted access to juvenile court records maintained in the record of the
6 case for the purpose of performing the bar's duties as set forth in ORS 9.005
7 to 9.757 to investigate attorney representation of a party in a juvenile court
8 proceeding and in order to ensure adequate representation of parties in ju-
9 venile court proceedings consistent with the child welfare state plan related
10 to Title IV-E of the Social Security Act.

11 (18)(a) A child, ward, youth or adjudicated youth, or the parent or
12 guardian of a child, ward, youth or adjudicated youth who is a party to the
13 juvenile court proceeding, who is entitled to inspect or copy the record of
14 the case under subsection (1)(b) and (c) of this section maintains the right
15 to inspect or copy the record of the case after jurisdiction of the court over
16 the child, ward, youth or adjudicated youth terminates and after the child,
17 ward, youth or adjudicated youth has reached the age of majority.

18 (b) Notwithstanding ORS 419B.524, a parent of a child, ward, youth or
19 adjudicated youth whose parental rights have been terminated maintains the
20 right that existed under subsection (1)(b) and (c) of this section to inspect
21 or copy the record of the case as the record of the case existed up until the
22 time of entry of the judgment terminating the parent's parental rights and
23 may obtain a copy of the judgment terminating the parent's parental rights.

24 (19) When inspection or copying of the record of the case or of the sup-
25 plemental confidential file is allowed pursuant to this section, and unless
26 otherwise required by law, the court that maintains the record of the case
27 or the supplemental confidential file is not required to redact the names of,
28 or information about, siblings or other persons contained in the record of the
29 case or the supplemental confidential file.

30 (20) Nothing in this section prohibits the court, acting as a certifying
31 agency or official as defined in ORS 147.620, from certifying a request under

1 ORS 147.620 and including in the certification document any information
2 obtained from the record of the case or the confidential supplemental file
3 that is necessary to complete the certification.

4 (21) Nothing in this section prohibits a court from providing to the De-
5 partment of State Police, pursuant to ORS 163A.030 (11), a copy of an order
6 requiring a youth or adjudicated youth to report as a sex offender or a copy
7 of a form that documents the youth's or adjudicated youth's obligation to
8 report as a sex offender.

9 **SECTION 4.** ORS 419C.400 is amended to read:

10 419C.400. (1) The hearing [*shall*] **must** be held by the court without a jury
11 and may be continued from time to time.

12 (2) The facts alleged in the petition showing the youth to be within the
13 jurisdiction of the court as provided in ORS 419C.005, unless admitted, must
14 be established beyond a reasonable doubt.

15 (3) If the youth files written notice of intent to rely on the defense set
16 forth in ORS 419C.522, the youth has the burden of proving the defense by
17 a preponderance of the evidence.

18 (4) For the purpose of determining proper disposition of the youth, testi-
19 mony, reports or other material relating to the youth's mental, physical and
20 social history and prognosis may be received by the court without regard to
21 their competency or relevancy under the rules of evidence.

22 (5)(a) An adjudication by a juvenile court that a youth is within [*its*] **the**
23 **juvenile court's** jurisdiction is not a conviction of a crime or offense. **The**
24 **adjudication does not find the youth guilty or determine that the**
25 **youth is a criminal.**

26 (b) **A juvenile court's adjudication that a youth is within the juve-**
27 **venile court's jurisdiction does not forfeit any right or privilege or dis-**
28 **qualify any person from holding any public office. Unless a law of this**
29 **state explicitly authorizes a disqualification, an adjudication in a ju-**
30 **venile court does not disqualify a person from pursuing or engaging**
31 **in any lawful activity, occupation, profession or calling.**

