

D R A F T

SUMMARY

Permits county juvenile department to provide preventive services to certain persons under 12 years of age. Modifies high-risk juvenile crime prevention plan targeted population to include certain persons under 12 years of age. Creates minimum age for juvenile court jurisdiction in delinquency proceedings. Appropriates moneys to Youth Development Division for purposes of providing preventive services to certain persons under 12 years of age.

A BILL FOR AN ACT

1
2 Relating to children under 12 years of age who engage in delinquent behav-
3 ior; creating new provisions; and amending ORS 417.855, 419C.005,
4 419C.103 and 419C.133.

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

6 **SECTION 1. (1) A county juvenile department may provide preven-**
7 **tive services to a person who is under 12 years of age and who has**
8 **committed an act that is a violation, or that if done by an adult would**
9 **constitute a violation, of a law or ordinance of the United States or a**
10 **state, county or city.**

11 **(2) Preventive services provided under this section include, at a**
12 **minimum:**

13 **(a) Individual, group and family therapy;**

14 **(b) Trauma-informed, developmentally appropriate services not**
15 **otherwise covered by health insurance, including community-based**
16 **sexual offending services;**

17 **(c) Assessments to identify treatment need;**

18 **(d) Educational supports; and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(e) Family navigation and support services.**

2 **SECTION 2.** ORS 417.855 is amended to read:

3 417.855. (1) Each board of county commissioners shall designate an agency
4 or organization to serve as the lead planning organization to facilitate the
5 creation of a partnership among state and local public and private entities
6 in each county. The partnership shall include, but is not limited to, educa-
7 tion representatives, public health representatives, local alcohol and drug
8 planning committees, representatives of the court system, local mental health
9 planning committees, city or municipal representatives and local public
10 safety coordinating councils. The partnership shall develop a local high-risk
11 juvenile crime prevention plan.

12 (2) The local high-risk juvenile crime prevention plans shall use services
13 and activities to meet the needs of a targeted population of youths who:

14 (a) Have more than one of the following risk factors:

15 (A) Antisocial behavior;

16 (B) Poor family functioning or poor family support;

17 (C) Failure in school;

18 (D) Substance abuse problems; *[or]*

19 (E) Negative peer association; **or**

20 **(F) Are under 12 years of age and have committed an act that is a**
21 **violation, or that if done by an adult would constitute a violation, of**
22 **a law or ordinance of the United States or a state, county or city; and**

23 (b) Are clearly demonstrating at-risk behaviors that have come to the at-
24 tention of government or community agencies, schools or law enforcement
25 and will lead to imminent or increased involvement in the juvenile justice
26 system.

27 (3)(a) The Youth Development Council shall allocate funds available to
28 support the local high-risk juvenile crime prevention plans to counties based
29 on the youth population age 18 or younger in those counties.

30 (b) The Youth Development Council shall award a minimum grant to
31 small counties. The minimum grant level shall be determined by the council

1 through a public process and reviewed by the council biennially.

2 **SECTION 3.** ORS 419C.005 is amended to read:

3 419C.005. (1) The juvenile court has exclusive original jurisdiction in any
4 case involving a person who is **at least 12 years of age and** under 18 years
5 of age and who has committed an act that is a violation, or that if done by
6 an adult would constitute a violation, of a law or ordinance of the United
7 States or a state, county or city.

8 (2) The provisions of subsection (1) of this section do not prevent a court
9 of competent jurisdiction from entertaining a civil action or suit involving
10 a youth.

11 (3) The court does not have jurisdiction as provided in subsection (1) of
12 this section after a minor has been emancipated pursuant to ORS 419B.550
13 to 419B.558.

14 (4) The court's jurisdiction over a person under this section or ORS
15 419C.067 continues until one of the following occurs:

16 (a) The court dismisses a petition filed under this chapter or waives the
17 case under ORS 419C.340. If jurisdiction is based on a previous adjudication,
18 then dismissal or waiver of a later case does not terminate jurisdiction under
19 the previous case unless the court so orders.

20 (b) The court transfers jurisdiction of the case as provided in ORS
21 419C.053, 419C.056 and 419C.059.

22 (c) The court enters an order terminating jurisdiction.

23 (d) The person becomes 25 years of age.

24 (e) The court places the person under the jurisdiction of the Psychiatric
25 Security Review Board as provided in ORS 419C.529. If the court also has
26 jurisdiction over the person based on a previous adjudication under this
27 chapter or ORS chapter 419B, placing a person under the jurisdiction of the
28 board in a later case does not terminate wardship under the previous case
29 unless the court so orders.

30 **SECTION 4.** ORS 419C.103 is amended to read:

31 419C.103. (1) Except as otherwise provided in subsection (2) of this sec-

1 tion, if a youth taken into custody is not released as provided in ORS
2 419C.100 and the juvenile court for the county has not established the al-
3 ternative procedure authorized in subsection (5) of this section, the person
4 taking the youth into custody shall, without unnecessary delay, do one of the
5 following:

6 (a) Take the youth before the court or a person appointed by the court
7 to effect disposition under ORS 419C.109 and 419C.136.

8 (b) Take the youth to a place of detention or shelter care or a public or
9 private agency designated by the court and as soon as possible thereafter
10 notify the court that the youth has been taken into custody.

11 (2) If the person taking the youth into custody has probable cause to be-
12 lieve that the youth, while in or on a public building or court facility within
13 the last 120 days, possessed a firearm or destructive device in violation of
14 ORS 166.250, 166.370 or 166.382, the person may not release the youth from
15 custody and shall do one of the following without unnecessary delay:

16 (a) Take the youth before the court for a determination of initial dispo-
17 sition under ORS 419C.109 (3); or

18 (b) [*Notwithstanding ORS 419C.133,*] Take the youth to a place of de-
19 tention and, as soon as possible thereafter, notify the court and the juvenile
20 department that the youth has been taken into custody and detained.

21 (3) Where a youth residing in some other county is taken into custody the
22 youth may be:

23 (a) Released to the youth's parent, guardian or other responsible person
24 in this state as provided in ORS 419C.100.

25 (b) Delivered to a peace officer or juvenile counselor in the county in
26 which the youth resides, if such delivery can be made without unnecessary
27 delay. In such event, the person to whom the youth is delivered shall assume
28 custody of the youth and shall proceed as provided in this chapter.

29 (4) Where a youth is released or delivered as provided in subsection (3)
30 of this section, the jurisdiction of the juvenile court of the county in which
31 the youth resides shall attach from the time the youth is taken into custody.

1 (5) The juvenile court may establish, as an alternative to the provisions
2 of subsection (1) of this section, that if a youth taken into custody is not
3 released as provided in ORS 419C.100, procedures shall be followed that
4 comply with the following:

5 (a) The person taking the youth into custody may communicate, by tele-
6 communications or otherwise, with the person appointed by the court to ef-
7 fect disposition under ORS 419C.109.

8 (b) After interviewing the person taking the youth into custody and ob-
9 taining such other information as is considered necessary, the person ap-
10 pointed by the court under ORS 419C.109 to effect disposition may exercise
11 the authority granted under that section and shall, in such case, direct that
12 the person taking the youth into custody release the youth or deliver the
13 youth in accordance with such direction.

14 (c) The person taking the youth into custody shall comply with the di-
15 rection of the person appointed by the court to effect disposition.

16 **SECTION 5.** ORS 419C.133 is amended to read:

17 419C.133. *[No youth]* **No person** under 12 years of age shall be placed in
18 detention except pursuant to judicial review and written findings describing
19 why it is in the best interests of the *[youth]* **person** to be placed in detention.
20 Such review may be ex parte, and the *[youth]* **person** does not need to be
21 present. However, a juvenile court judge or referee must determine that the
22 *[youth]* **person** is eligible for detention under ORS *[419C.145 or]* 419C.156 and
23 that appropriate alternative methods of controlling the *[youth's]* **person's**
24 behavior are unavailable. A *[youth]* **person** detained under this section shall
25 have the right to a hearing as provided in ORS 419C.153.

26 **SECTION 6.** **In addition to and not in lieu of any other appropri-**
27 **ation, there is appropriated to the Youth Development Division, for**
28 **the biennium beginning July 1, 2023, out of the General Fund, the**
29 **amount of \$_____ for the purpose of carrying out the provisions of**
30 **section 1 of this 2023 Act and the amendments to ORS 417.855 by sec-**
31 **tion 2 of this 2023 Act.**

1 **SECTION 7.** (1) **Section 1 of this 2023 Act and the amendments to**
2 **ORS 417.855 and 419C.005 by sections 2 and 3 of this 2023 Act apply to**
3 **acts committed by a person under 12 years of age before, on or after**
4 **the effective date of this 2023 Act.**

5 (2) **The amendments to ORS 419C.103 and 419C.133 by sections 4 and**
6 **5 of this 2023 Act apply to placements of persons under 12 years of age**
7 **in detention occurring on or after the effective date of this 2023 Act.**

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