

SB 817 -1, -6 STAFF MEASURE SUMMARY

Senate Committee On Judiciary and Ballot Measure 110 Implementation

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 3/16, 4/7

WHAT THE MEASURE DOES:

Eliminates fees, fines and court costs associated with juvenile delinquency matters. Prohibits related fees and costs from being assessed against the youth or against the youth's parent or guardian, so long as the youth was under the age of 18 at the time of the act or is subject to juvenile court probation and was not waived to circuit court for prosecution as an adult. Mandates that a youth offender, or the parent or guardian of the youth, is entitled to court-appointed counsel at no charge to the youth or the youth's parent or guardian. Requires the Public Defense Services Commission to adopt policies regarding the appointment of counsel at state expense regardless of financial eligibility, for juvenile delinquency matters. Allows the court to consider assessment of restitution, including establishing a payment schedule. Allows the court, on its own motion or the motion of any party, to vacate an order or judgment directing a youth, or the parent or guardian of a youth, to pay fees or costs inconsistent with SB 817. Makes related judgements entered prior to January 1, 2022 for fines, fees, costs or other monetary obligations null and void and considered satisfied. Takes effect on the 91st day after sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Makes various technical corrections. Prohibits the juvenile department from requiring a youth or parent/guardian to pay a fee as a requirement of a formal accountability agreement, but does allow for expenses associated with treatment that may required in the agreement. Prohibits the juvenile department or any other agency from requiring a youth or parent/guardian to pay a fee as a requirement of probation, but does allow for expenses associated with treatment that may required as a condition of probation. Prohibits the Psychiatric Review Board (PSRB) from charging fees associated with supervision, but allows expenses associated with treatment. Clarifies that treatment fees may be paid by public or private health insurance.

-6 Makes clear that fees, fines and costs already paid to satisfy a lawful judgement or order entered before the operative date of the measure are not to be reimbursed. Expands no-cost access to transcripts, recordings of proceedings to not only the victim but also the child, ward, youth, youth offender or young person (or guardian of those persons). States that if a young person if committed to the Oregon State Hospital, the person's ability to pay and cost of care will be determined under the ability to pay rules, and that services and treatment may be paid for by the youth and family through private insurance or other private means. Requires a person 18 years of age or older to pay court fees and fines related to underage possession of alcohol.

BACKGROUND:

Currently, Oregon law allows for youth offenders and their families to be assessed for costs throughout the juvenile court system process. Some examples of what youth offenders and their families may be charged for include: administrative costs of determining eligibility for legal and other services related to the provision of appointed counsel, a blood or buccal sample, mental health assessment or screenings, medical care, education services, supervision, and child support. Although not applied uniformly throughout the state, a youth offender and their family may be sanctioned for failing to pay court-related costs. Those sanctions may include extended

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supervision, late fees, collections, and tax liens.

SB 817 would retroactively and proactively eliminate fees, fines and court costs associated with juvenile delinquency matters and provide for court-appointed counsel at state expense for all juvenile delinquency matters.