

SB 135 STAFF MEASURE SUMMARY

Carrier: Sen. Lieber

Senate Committee On Human Services, Mental Health and Recovery

Action Date: 02/25/21

Action: Do pass.

Vote: 5-0-0-0

Yeas: 5 - Anderson, Gelser, Lieber, Robinson, Taylor

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: C. Ross, Counsel

Meeting Dates: 2/18, 2/25

WHAT THE MEASURE DOES:

Adds the Oregon Youth Authority (OYA) to the list of entities that law enforcement may disclose information to about investigations of suspected child abuse. Includes OYA within the prohibition against further disclosure, except with respect to information sharing between law enforcement and other corrections organizations and to authorized treatment providers, in order to supervise offenders. Authorizes further disclosure, for purposes of "second look" hearings, between OYA, the Department of Corrections (DOC), courts, district attorneys, and attorneys for persons in custody.

ISSUES DISCUSSED:

- Incident management at OYA facilities
- OYA records retention and confidentiality
- Providing information for second look hearings

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Reports and records compiled pursuant to Juvenile Code provisions governing the reporting and investigation of suspected abuse of any child are kept confidential and may only be disclosed in specific circumstances, including: for certain investigatory purposes; in certain health care and treatment contexts; and to attorneys representing children, parents, or guardians in juvenile court proceedings. Records involving a child's death or serious injury due to abuse are specifically provided for. Law enforcement is not currently authorized to disclose certain information to the Oregon Youth Authority (OYA), and OYA is not included among specified entities that are currently authorized to share information with each other.

Senate Bill 135 adds OYA to the list of entities that law enforcement may disclose information to with respect to investigations of suspected child abuse, and includes OYA within the prohibition against further disclosure, except with respect to the exchange of information between law enforcement and other corrections organizations and to authorized treatment providers, for the purpose of supervising offenders. The measure also authorizes further disclosure between OYA and the Department of Corrections (DOC), to courts, district attorneys, and attorneys for persons in custody, for purposes of "second look" hearings. (An automatic proceeding to review sentences imposed on certain incarcerated youth, where courts consider conditional release.)