

HB 2940 A STAFF MEASURE SUMMARY

Carrier: Rep. Kropf

House Committee On Judiciary**Action Date:** 03/30/21**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 8-1-1-0**Yeas:** 8 - Bynum, Dexter, Helm, Kropf, Lewis, Morgan, Noble, Wallan**Nays:** 1 - Wilde**Exc:** 1 - Power**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Gillian Fischer, Counsel**Meeting Dates:** 2/4, 3/30**WHAT THE MEASURE DOES:**

Creates exception to 28-day time limit for detention of youth if request for waiver hearing is pending. Removes the detention timelines for youth subject to waiver hearings and replaces them with mandatory 30-day status hearings. Requires the court to hold a review hearing every 30 days at which the parties must describe the efforts made toward expeditious case resolution, with consideration of public safety and the youth's continued placement in detention as paramount concerns, and for the court to identify opportunities for judicial intervention to assist the parties with resolution of any outstanding issues. Allows for any youth to waive their appearance at a detention hearing or status hearing under certain circumstances.

ISSUES DISCUSSED:

- Ability to hold youth in detention in perpetuity without specific limitations in statute
- Parties needs for flexibility regarding timelines
- Procedural obstacles to obtaining necessary records and information for waiver hearing preparation and completion
- Senate Bill 1008 (2019) Implementation Work Group process

EFFECT OF AMENDMENT:

Requires the court to hold a review hearing every 30 days at which the court shall require the parties to describe the efforts made toward expeditious case resolution, with consideration of public safety and the youth's continued placement in detention as paramount concerns, and for the court to identify opportunities for judicial intervention to assist the parties with resolution of any outstanding issues.

BACKGROUND:

In 2019, the Legislative Assembly enacted Senate Bill 1008, which created significant changes in the way that youth who commit Measure 11 crimes are treated in the juvenile and criminal justice systems. Specifically, it ended the automatic prosecution of 15-, 16-, and 17-year-olds as adults for Measure 11 offenses, authorized conditional release hearings for youth offenders under specified circumstances, and prohibited the imposition of a life sentence on youth offenders. After SB 1008's passage, the Office of Governor Kate Brown convened an implementation work group. As part of its charge, the group examined whether any legislative changes were necessary to better support the implementation of SB 1008. This measure is a product of that process.

House Bill 2940 A creates an exception to the 28-day limit for detaining youth under certain circumstances and allows a youth to waive appearance detention and status hearings to review case progression.