

SB 134 A STAFF MEASURE SUMMARY

Carrier: Sen. Dembrow

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Action Date: 04/05/21

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 4-3-0-0

Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski

Nays: 3 - Heard, Linthicum, Thatcher

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Amie Fender-Sosa, Counsel

Meeting Dates: 3/25, 4/5

WHAT THE MEASURE DOES:

Requires that information or records prepared or maintained by the Oregon Youth Authority (OYA) relating to a person committed to the custody of the Department of Corrections (DOC) and temporarily assigned to a youth correction facility are confidential and exempt from disclosure if the public interest in confidentiality clearly outweighs the public interest in disclosure and disclosure of the information would interfere with rehabilitation or disclosure would substantially prejudice or prevent the carrying out the functions of OYA. Clarifies that the measure does not prevent OYA from disclosing that information to a person's counsel, the district attorney, or the assistant district attorney for use in the person's criminal, juvenile or dependency case.

ISSUES DISCUSSED:

- Gap in law
- Records requests for youth in care
- The public interest records test is limited to adults in custody of the DOC; does not include DOC youth in the care of OYA

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

In Oregon, adult offenders are housed at Department of Corrections (DOC) facilities, and youth offenders are housed at Oregon Youth Authority (OYA) facilities, including the small number of juveniles who are prosecuted as adults and sentenced to terms of imprisonment at DOC before they reach age 20. When a juvenile reaches the age of 25 while housed at OYA with time remaining on their sentence, they are transferred to DOC.

Senate Bill 134 A institutes a public interest test for OYA to release information or records prepared or maintained by OYA regarding a person who is in the custody of the Department of Corrections and temporarily assigned to a youth correction facility.