

Enrolled Senate Bill 436

Sponsored by Senator MANNING JR (at the request of Jonathan Eames) (Pre-session filed.)

CHAPTER

AN ACT

Relating to adjudicated youth; creating new provisions; and amending ORS 25.501, 25.517, 25.575, 25.576, 25.577, 30.297, 30.298, 133.539, 147.620, 163.165, 163.208, 163A.010, 163A.025, 163A.210, 169.690, 169.740, 179.471, 179.473, 179.478, 181A.355, 192.345, 243.736, 339.080, 341.522, 417.850, 418.978, 418.981, 419A.004, 419A.010, 419A.012, 419A.014, 419A.015, 419A.016, 419A.020, 419A.022, 419A.045, 419A.050, 419A.055, 419A.057, 419A.059, 419A.063, 419A.107, 419A.150, 419A.190, 419A.200, 419A.211, 419A.240, 419A.245, 419A.250, 419A.252, 419A.255, 419A.256, 419A.257, 419A.258, 419A.262, 419B.035, 419B.335, 419B.354, 419B.395, 419C.058, 419C.130, 419C.220, 419C.223, 419C.273, 419C.276, 419C.411, 419C.440, 419C.441, 419C.446, 419C.449, 419C.450, 419C.453, 419C.456, 419C.459, 419C.461, 419C.462, 419C.465, 419C.470, 419C.473, 419C.475, 419C.478, 419C.481, 419C.486, 419C.489, 419C.492, 419C.495, 419C.498, 419C.501, 419C.504, 419C.507, 419C.550, 419C.555, 419C.558, 419C.561, 419C.570, 419C.573, 419C.575, 419C.590, 419C.595, 419C.597, 419C.600, 419C.610, 419C.613, 419C.620, 419C.623, 419C.626, 419C.629, 419C.653, 420.005, 420.011, 420.031, 420.040, 420.045, 420.048, 420.060, 420.065, 420.070, 420.074, 420.081, 420.210, 420.220, 420.225, 420.230, 420.235, 420.270, 420.500, 420.505, 420.888, 420.890, 420.891, 420.892, 420.910, 420.992, 420A.005, 420A.010, 420A.012, 420A.021, 420A.022, 420A.023, 420A.035, 420A.040, 420A.100, 420A.105, 420A.108, 420A.111, 420A.115, 420A.120, 420A.122, 420A.125, 420A.135, 420A.147, 420A.155, 420A.223, 421.107, 423.565, 655.510 and 659A.340.

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

SECTION 1. ORS 419A.004, as amended by section 26, chapter 14, Oregon Laws 2020 (first special session), and sections 17a and 17b, chapter 19, Oregon Laws 2020 (first special session), is amended to read:

419A.004. As used in this chapter and ORS chapters 419B and 419C, unless the context requires otherwise:

(1) “Adjudicated youth” means a person who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005 for an act committed when the person was under 18 years of age.

[(1)] **(2) “Age-appropriate or developmentally appropriate activities” means:**

(a) Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group; and

(b) In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical and behavioral capacities of the child.

[(2)] (3) “Another planned permanent living arrangement” means an out-of-home placement for a ward 16 years of age or older that is consistent with the case plan and in the best interests of the ward other than placement:

- (a) By adoption;
- (b) With a legal guardian; or
- (c) With a fit and willing relative.

[(3)] (4) “CASA Volunteer Program” means a program that is approved or sanctioned by a juvenile court, has received accreditation from the National CASA Association and has entered into a contract with the Oregon Department of Administrative Services under ORS 184.492 to recruit, train and supervise volunteers to serve as court appointed special advocates.

[(4)] (5) “Child care center” means a residential facility for wards or [*youth offenders*] **adjudicated youths** that is licensed, certified or otherwise authorized as a child-caring agency as that term is defined in ORS 418.205.

[(5)] (6) “Community service” has the meaning given that term in ORS 137.126.

[(6)] (7) “Conflict of interest” means a person appointed to a local citizen review board who has a personal or pecuniary interest in a case being reviewed by that board.

[(7)] (8) “Counselor” means a juvenile department counselor or a county juvenile probation officer.

[(8)] (9) “Court” means the juvenile court.

[(9)] (10) “Court appointed special advocate” means a person in a CASA Volunteer Program who is appointed by the court to act as a court appointed special advocate pursuant to ORS 419B.112.

[(10)] (11) “Court facility” has the meaning given that term in ORS 166.360.

[(11)] (12) “Current caretaker” means a foster parent:

(a) Who is currently caring for a ward who is in the legal custody of the Department of Human Services and who has a permanency plan or concurrent permanent plan of adoption; and

(b) Who has cared for the ward, or at least one sibling of the ward, for at least 12 cumulative months or for one-half of the ward’s or sibling’s life where the ward or sibling is younger than two years of age, calculated cumulatively.

[(12)] (13) “Department” means the Department of Human Services.

[(13)] (14) “Detention” or “detention facility” means a facility established under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063 for the detention of youths or [*youth offenders*] **adjudicated youths** pursuant to a judicial commitment or order.

[(14)] (15) “Director” means the director of a juvenile department established under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063.

[(15)] (16) “Guardian” means guardian of the person and not guardian of the estate.

[(16)] (17) “Indian child” has the meaning given that term in section 2, chapter 14, Oregon Laws 2020 (first special session).

[(17)] (18) “Juvenile court” means the court having jurisdiction of juvenile matters in the several counties of this state.

[(18)] (19) “Local citizen review board” means the board specified by ORS 419A.090 and 419A.092.

[(19)] (20) “Parent” means the biological or adoptive mother and the legal parent of the child, ward, youth or [*youth offender*] **adjudicated youth**. As used in this subsection, “legal parent” means:

(a) A person who has adopted the child, ward, youth or [*youth offender*] **adjudicated youth** or whose parentage has been established or declared under ORS 25.501 to 25.556 or 109.065 or by a juvenile court; and

(b) If the child is an Indian child, a man whose parentage has been established as described in section 4, chapter 14, Oregon Laws 2020 (first special session).

[(20)] (21) “Permanent foster care” means an out-of-home placement in which there is a long-term contractual foster care agreement between the foster parents and the department that is approved by the juvenile court and in which the foster parents commit to raise a ward in substitute care or [*youth offender*] **adjudicated youth** until the age of majority.

[21] (22) “Public building” has the meaning given that term in ORS 166.360.

[22] (23) “Proctor foster home” has the meaning given that term in ORS 418.205.

[23] (24) “Qualified residential treatment program” means a program described in section 12b, chapter 19, Oregon Laws 2020 (first special session).

[24] (25) “Reasonable and prudent parent standard” means the standard, characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child or ward while encouraging the emotional and developmental growth of the child or ward, that a substitute care provider shall use when determining whether to allow a child or ward in substitute care to participate in extracurricular, enrichment, cultural and social activities.

[25] (26) “Reasonable time” means a period of time that is reasonable given a child or ward’s emotional and developmental needs and ability to form and maintain lasting attachments.

[26] (27) “Records” means any information in written form, pictures, photographs, charts, graphs, recordings or documents pertaining to a case.

[27] (28) “Resides” or “residence,” when used in reference to the residence of a child, ward, youth or [youth offender] **adjudicated youth**, means the place where the child, ward, youth or [youth offender] **adjudicated youth** is actually living or the jurisdiction in which wardship or jurisdiction has been established.

[28] (29) “Restitution” has the meaning given that term in ORS 137.103.

[29] (30) “Serious physical injury” means:

(a) A serious physical injury as defined in ORS 161.015; or

(b) A physical injury that:

(A) Has a permanent or protracted significant effect on a child’s daily activities;

(B) Results in substantial and recurring pain; or

(C) In the case of a child under 10 years of age, is a broken bone.

[30] (31) “Shelter care” means a home or other facility suitable for the safekeeping of a child, ward, youth or [youth offender] **adjudicated youth** who is taken into temporary custody pending investigation and disposition.

[31] (32) “Short-term detention facility” means a facility established under ORS 419A.050 (3) for holding youths and [youth offenders] **adjudicated youths** pending further placement.

[32] (33) “Sibling” means one of two or more children or wards related:

(a) By blood or adoption through a common legal parent; or

(b) Through the marriage of the children’s or wards’ legal or biological parents.

[33](a) (34)(a) “Substitute care” means an out-of-home placement directly supervised by the department or other agency, including placement in a foster family home, group home, child-caring agency as defined in ORS 418.205 or other child caring institution or facility.

(b) “Substitute care” does not include care in:

(A) A detention facility, forestry camp or youth correction facility;

(B) A family home that the court has approved as a ward’s permanent placement, when a child-caring agency as defined in ORS 418.205 has been appointed guardian of the ward and when the ward’s care is entirely privately financed;

(C) In-home placement subject to conditions or limitations;

(D) A facility or other entity that houses or provides services only to [youth offenders] **adjudicated youths** committed to the custody of the Oregon Youth Authority by the juvenile court; or

(E) [A youth offender] **An adjudicated youth** foster home as that term is defined in ORS 420.888.

[34] (35) “Surrogate” means a person appointed by the court to protect the right of the child, ward, youth or [youth offender] **adjudicated youth** to receive procedural safeguards with respect to the provision of free appropriate public education.

[35] (36) “Tribal court” has the meaning given that term in section 2, chapter 14, Oregon Laws 2020 (first special session).

[36] (37) “Victim” means any person determined by the district attorney, the juvenile department or the court to have suffered direct financial, psychological or physical harm as a result of the act that has brought the youth or [youth offender] **adjudicated youth** before the juvenile court.

When the victim is a minor, “victim” includes the legal guardian of the minor. The youth or [*youth offender*] **adjudicated youth** may not be considered the victim. When the victim of the crime cannot be determined, the people of Oregon, as represented by the district attorney, are considered the victims.

[(37)] (38) “Violent felony” means any offense that, if committed by an adult, would constitute a felony and:

(a) Involves actual or threatened serious physical injury to a victim; or

(b) Is a sexual offense. As used in this paragraph, “sexual offense” has the meaning given the term “sex crime” in ORS 163A.005.

[(38)] (39) “Ward” means a person within the jurisdiction of the juvenile court under ORS 419B.100.

[(39)] (40) “Young person” means a person who has been found responsible except for insanity under ORS 419C.411 and placed under the jurisdiction of the Psychiatric Security Review Board.

[(40)] (41) “Youth” means a person under 18 years of age who is alleged to have committed an act that is a violation, or, if done by an adult would constitute a violation, of a law or ordinance of the United States or a state, county or city.

[(41)] (42) “Youth care center” has the meaning given that term in ORS 420.855.

[(42)] “*Youth offender*” means a person who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005 for an act committed when the person was under 18 years of age.]

SECTION 2. ORS 25.501 is amended to read:

25.501. As used in ORS 25.501 to 25.556, unless the context requires otherwise:

(1) “**Adjudicated youth**” has the meaning given that term in ORS 419A.004.

[(1)] (2) “Court” means any circuit court of this state and any court in another state having jurisdiction to determine the liability of persons for the support of another person.

[(2)] (3) “Court order” means any judgment or order of any Oregon court that orders payment of a set or determinable amount of support money by the subject parent and does not include an order or judgment in any proceeding in which the court did not order support.

[(3)] (4) “Department” means the Department of Justice of this state or its equivalent in any other state from which a written request for establishment or enforcement of a support obligation is received under ORS 25.511.

[(4)] (5) “Dependent child” means any person under the age of 18 who is not otherwise emancipated, self-supporting, married or a member of the Armed Forces of the United States. “Dependent child” also means a child attending school as defined in ORS 107.108.

[(5)] (6) “Office” means the office of the Division of Child Support or the office of the district attorney.

[(6)] (7) “Parent” means:

(a) The natural or adoptive father or mother of a dependent child or [*youth offender*] **adjudicated youth**;

(b) A person whose parentage has been established under ORS 109.065; or

(c) A stepparent when the person has an obligation to support a dependent child under ORS 108.045.

[(7)] (8) “Past support” means the amount of child support that could have been ordered and accumulated as arrears against a parent for the benefit of a child for any period of time during which the child was not supported by the parent and for which period no support order was in effect.

[(8)] (9) “Public assistance” means any money payments made by the state that are paid to or for the benefit of any dependent child or [*youth offender*] **adjudicated youth**, including but not limited to payments made so that food, shelter, medical care, clothing, transportation or other necessary goods, services or items may be provided, and payments made in compensation for the provision of the necessities. “Public assistance” does not include money payments made by the state to or for the benefit of a dependent child as the result of the child’s removal from the parent’s home against the wishes of the parent, if the Department of Human Services determines after completion of a

child protective services assessment that the report of abuse is unfounded according to rules adopted by the Department of Human Services.

[9] “Youth offender” has the meaning given that term in ORS 419A.004.]

SECTION 3. ORS 25.517 is amended to read:

25.517. An order for support entered pursuant to ORS 25.501 to 25.556 for a child in the care and custody of the Department of Human Services, or [a youth offender] **an adjudicated youth** or other offender in the legal or physical custody of the Oregon Youth Authority, may be made contingent upon the child, [youth offender] **adjudicated youth** or other offender residing in a state financed or supported residence, shelter or other facility or institution. A certificate signed by the Director of Human Services, the Administrator of the Division of Child Support or the Director of the Oregon Youth Authority shall be sufficient to establish the periods of residence and to satisfy the order for periods of nonresidence. A hearing to contest the period of nonresidency or failure to satisfy shall be held pursuant to ORS 25.513.

SECTION 4. ORS 25.575 is amended to read:

25.575. As used in ORS 25.575 to 25.577:

(1) “**Adjudicated youth**” has the meaning given that term in ORS 419A.004.

[(1)] (2) “Administrator” has the meaning given that term in ORS 25.010.

[(2)] (3) “Court” means the juvenile court or the circuit court.

[(3)] (4) “Director” means the Director of the Oregon Youth Authority.

[(4)] (5) “Youth authority” means the Oregon Youth Authority.

[(5)] “Youth offender” has the meaning given that term in ORS 419A.004.]

SECTION 5. ORS 25.576 is amended to read:

25.576. (1) After an opportunity for a hearing on the matter, the court or the administrator may enter an order in favor of the Oregon Youth Authority that requires a parent or other person to pay support toward the care and maintenance of [a youth offender] **an adjudicated youth** or other offender if:

(a) The parent or other person is legally responsible for the support of the [youth offender] **adjudicated youth** or other offender; and

(b)(A) The [youth offender] **adjudicated youth** is committed to the legal custody of the youth authority by order of the juvenile court; or

(B) The other offender is placed in the physical custody of the youth authority under ORS 137.124.

(2) The formula established under ORS 25.275 applies to an order entered under this section.

(3) When the administrator makes an order under this section, the provisions of ORS 25.501 to 25.556 apply.

SECTION 6. ORS 25.577 is amended to read:

25.577. The Director of the Oregon Youth Authority may apply to the Department of Justice for support enforcement services available under Title IV-D of the Social Security Act with respect to any [youth offender] **adjudicated youth** or other offender in the legal or physical custody of the Oregon Youth Authority. The youth authority and the department may enter into agreements to implement this section.

SECTION 7. ORS 30.297 is amended to read:

30.297. (1) Notwithstanding ORS 125.235, the Department of Human Services is liable for damages resulting from the intentional torts of a foster child who is residing in:

(a) A foster home that has been certified by the department under the provisions of ORS 418.625 to 418.645, even though the child is temporarily absent from that home;

(b) An approved home that is receiving payment from the department under the provisions of ORS 418.027 or under the provisions of ORS 420.810 and 420.815, even though the child is temporarily absent from that home; or

(c) A developmental disability child foster home that has been certified by the department under the provisions of ORS 443.830 and 443.835, even though the foster child is temporarily absent from that home.

(2) Notwithstanding ORS 125.235, the Oregon Youth Authority is liable for damages resulting from the intentional torts of [*a youth offender*] **an adjudicated youth** who is residing in [*a youth offender*] **an adjudicated youth** foster home that has been certified by the authority under the provisions of ORS 420.888 to 420.892, even though the [*youth offender*] **adjudicated youth** is temporarily absent from that home.

(3) Except as otherwise provided in this section, the liability of the department and the authority under this section is subject to the same requirements and limitations provided in ORS 30.260 to 30.300, and a claim under this section shall be treated as a claim for damages within the scope of ORS 30.260 to 30.300 for the purposes of ORS 278.120.

(4) Notwithstanding subsections (1) and (2) of this section:

(a) The department and the authority are not liable for any damages arising out of the operation of a motor vehicle by a foster child or [*youth offender*] **adjudicated youth**; and

(b) The department and the authority are only liable for theft by a foster child or [*youth offender*] **adjudicated youth** upon a showing by clear and convincing evidence that the foster child or [*youth offender*] **adjudicated youth** committed the theft.

(5) For the purposes of this section:

(a) **“Adjudicated youth” has the meaning given in ORS 419A.004.**

[(a)] (b) **“Authority”** means the Oregon Youth Authority.

[(b)] (c) **“Department”** means the Department of Human Services.

[(c)] (d) **“Foster child”** means:

(A) A minor child under the custody or guardianship of the department by reason of appointment pursuant to ORS chapter 125, 419A, 419B or 419C;

(B) A minor child under the physical custody of the department pursuant to a voluntary agreement with the parent under ORS 418.015 (1);

(C) A minor child placed in a certified foster home, pending hearing, by any person authorized by the department to make that placement;

(D) A person under 21 years of age who has been placed in an approved home that is receiving payment from the department under the provisions of ORS 418.027 or under the provisions of ORS 420.810 and 420.815; or

(E) A child residing in a developmental disability child foster home certified under ORS 443.830 and 443.835.

[(d)] *“Youth offender” has the meaning given in ORS 419A.004.*

SECTION 8. ORS 30.298 is amended to read:

30.298. (1) Except as otherwise provided in this section, the Department of Human Services is liable, without regard to fault, for injury to the person of foster parents or damage to the property of foster parents caused by a foster child if the foster child is residing in:

(a) A foster home that is maintained by the foster parents and that has been certified by the department under the provisions of ORS 418.625 to 418.645;

(b) An approved home that is maintained by the foster parents and that is receiving payment from the department under the provisions of ORS 418.027 or under the provisions of ORS 420.810 and 420.815; or

(c) A developmental disability child foster home that has been certified by the department under the provisions of ORS 443.830 and 443.835.

(2) Except as otherwise provided in this section, the Oregon Youth Authority is liable, without regard to fault, for injury to the person of foster parents or damage to the property of foster parents caused by [*a youth offender*] **an adjudicated youth** if the [*youth offender*] **adjudicated youth** resides in [*a youth offender*] **an adjudicated youth** foster home that is maintained by the foster parents and that has been certified by the authority under the provisions of ORS 420.888 to 420.892.

(3) Except as otherwise provided in this section, the liability of the department and of the authority under this section is subject to the same requirements and limitations provided in ORS 30.260 to 30.300, and a claim under this section shall be treated as a claim for damages within the scope of ORS 30.260 to 30.300 for the purposes of ORS 278.120.

- (4) Notwithstanding ORS 30.260 to 30.300:
- (a) In no event shall the liability of the department or the authority under this section exceed \$5,000 for any number of claims arising out of a single occurrence;
- (b) The liability of the department and the authority under this section is limited to economic damages, and in no event shall the department or the authority be liable for noneconomic damages;
- (c) The department and the authority are liable under this section only to the extent the loss is not covered by other insurance; and
- (d) No claim shall be allowed under this section unless written notice of the claim is delivered to the Oregon Department of Administrative Services within 90 days after the alleged loss or injury.
- (5) The department and the authority are not liable under this section for:
- (a) Damage to or destruction of currency, securities or any other intangible property;
- (b) The unexplained disappearance of any property; or
- (c) Loss or damage that is due to wear and tear, inherent vice or gradual deterioration.
- (6) In no event does the liability of the department or the authority under this section for damage to property exceed the difference between the fair market value of the property immediately before its damage or destruction and its fair market value immediately thereafter. The department and the authority are not liable for the costs of any betterments to the property that may be required by code, statute or other law as a condition of repair, replacement or reconstruction.
- (7) The liability imposed under this section is in addition to that imposed for the intentional torts of a foster child or *[youth offender]* **adjudicated youth** under ORS 30.297, but any amounts paid under this section shall reduce any recovery that may be made under ORS 30.297.
- (8) For the purposes of this section:
- (a) **“Adjudicated youth” has the meaning given in ORS 419A.004.**
- [(a)] (b) “Authority” means the Oregon Youth Authority.*
- [(b)] (c) “Department” means the Department of Human Services.*
- [(c)] (d) “Economic damages” and “noneconomic damages” have those meanings given in ORS 31.710.*
- [(d)] (e) “Foster child” has that meaning given in ORS 30.297.*
- [(e) “Youth offender” has the meaning given in ORS 419A.004.]*
- SECTION 9.** ORS 133.539 is amended to read:
- 133.539. (1) As used in this section:
- (a)(A) “Forensic imaging” means using an electronic device to download or transfer raw data from a portable electronic device onto another medium of digital storage.
- (B) “Forensic imaging” does not include photographing or transcribing information observable from the portable electronic device by normal unaided human senses.
- (b) “Location information service” means a global positioning service or other mapping, locational or directional information service.
- (c) “Portable electronic device” means any device designed to be easily moved from one location to another and that contains electronic data or that enables access to, or use of, an electronic communication service as defined in 18 U.S.C. 2510, remote computing service as defined in 18 U.S.C. 2711 or location information service.
- (d) “Raw data” means data collected from a source that has not been subsequently altered or manipulated after collection.
- (2) A law enforcement agency may not use forensic imaging to obtain information contained in a portable electronic device except:
- (a) Pursuant to a search warrant issued under ORS 133.525 to 133.703; or
- (b) As authorized by lawful consent.
- (3) Information obtained in violation of this section:
- (a) Is not admissible in and may not be disclosed in a judicial proceeding, administrative proceeding, arbitration proceeding or other adjudicatory proceeding, against either the owner of the portable electronic device or a person with a reasonable expectation of privacy in the contents of the device; and

(b) May not be used to establish reasonable suspicion or probable cause to believe that an offense has been committed.

(4) A portable electronic device that has been forensically imaged pursuant to subsection (2) of this section may be returned as described in ORS 133.633 and 133.643.

(5) Subsection (2) of this section does not apply to:

(a) A correctional facility, youth correction facility or state hospital, as those terms are defined in ORS 162.135, when the facility or state hospital obtains information from a portable electronic device in an otherwise lawful manner.

(b) A parole and probation officer, juvenile community supervision officer as defined in ORS 420.905, community corrections agency or agency that supervises [*youth or youth offenders*] **youths or adjudicated youths**, when the officer or agency obtains information from a portable electronic device in an otherwise lawful manner.

SECTION 10. ORS 147.620 is amended to read:

147.620. (1) As used in this section:

(a) "Certifying agency" means:

(A) A state or local law enforcement agency;

(B) A prosecutor's or district attorney's office;

(C) The Judicial Department, with respect to a judge of a state court acting as a certifying official;

(D) A judge other than a judge of a state court; or

(E) Any other agency that has responsibility for the detection, investigation or prosecution of a qualifying criminal activity, including but not limited to a certifying agency as defined in 8 C.F.R. 214.14.

(b) "Certifying official" means:

(A) The head of a certifying agency;

(B) A judge; or

(C) A person in a supervisory role who has been designated by the head of a certifying agency to issue certifications under this section on behalf of the agency.

(c) "Law enforcement agency" has the meaning given that term in ORS 146.003.

(d) "Petitioner" means a person requesting certification under this section.

(e) "Qualifying criminal activity" has the meaning given that term in 8 C.F.R. 214.14.

(f) "Victim of qualifying criminal activity" has the meaning given that term in 8 C.F.R. 214.14.

(2) Upon the request of a victim or a victim's representative, a certifying official shall in writing certify that a victim has been helpful on a certification form designated by the United States Citizenship and Immigration Services if:

(a) The victim is a victim of qualifying criminal activity; and

(b) The victim has been helpful, is being helpful or is likely to be helpful to the detection, investigation or prosecution of the qualifying criminal activity.

(3) An ongoing investigation, a prosecution or a conviction is not required for a certification under this section.

(4) For purposes of determining victim helpfulness, there is a rebuttable presumption that a victim is helpful, has been helpful or is likely to be helpful to the detection, investigation or prosecution of a qualifying criminal activity if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement officials.

(5)(a) A certifying official processing a certification under this section shall:

(A) Fully complete and sign the certification form; and

(B) Except as provided in paragraph (b) of this subsection, include in the form specific details about the nature of the qualifying criminal activity investigated or prosecuted and a detailed description of the victim's helpfulness or likely helpfulness.

(b) If the qualifying criminal activity was committed by [*a youth offender*] **an adjudicated youth** as defined in ORS 419A.004, the certifying official shall include on the certification form only the following information:

- (A) The name of the [*youth offender*] **adjudicated youth**;
 - (B) The case number, if applicable; and
 - (C) A description of the qualifying criminal activity.
- (6) Except under circumstances in which there is good cause for delay, a certifying agency shall grant or deny a request for certification:
- (a) Within 90 days of the date of the certification request; or
 - (b) Within 14 days of the date of the certification request if the victim is in removal proceedings.
- (7)(a) If a certifying official or agency denies certification under this section, the official or agency shall in writing notify the petitioner of the reason for the denial. The denial notification must contain the following information:
- (A) An internal case number that allows the certifying agency to individually identify each certification request;
 - (B) The date of the denial; and
 - (C) The reason for the denial consisting of one of the following:
 - (i) Lack of qualifying criminal activity;
 - (ii) Lack of helpfulness;
 - (iii) Lack of jurisdiction over certification request; or
 - (iv) Other circumstances for which a certifying official or agency may lawfully deny certification.
- (b) Upon receiving notice that a request for certification under this section is denied, a petitioner may provide supplemental information to the certifying agency and request that the certification denial be reviewed by the certifying agency.
- (c) A petitioner may submit a new request for certification, after a previous request is denied, to another certifying agency for processing if the other certifying agency was involved in investigating the qualifying criminal activity.
- (d) A certification agency shall keep a copy of a denial notification for at least three years from the date of the notification.
- (e) A decision by a certifying agency to deny certification under this section is not appealable under ORS chapter 19.
- (8)(a) Certifying agencies and certifying officials are prohibited from disclosing the immigration status of a victim or other petitioner unless the disclosure is:
- (A) Required by federal law or legal process; or
 - (B) Authorized by the victim or other petitioner.
- (b) Documents submitted with a request for certification under this section and any written response to a certification request from a certifying official or agency are confidential and may not be disclosed unless the disclosure is:
- (A) Required by state or federal law or legal process;
 - (B) Required by ORS 135.815;
 - (C) Constitutionally required;
 - (D) Requested by a law enforcement agency and necessary for the investigation of a criminal charge; or
 - (E) Authorized by the victim.
- (9) A certifying official is immune from civil and criminal liability for, in good faith, certifying or denying certification under this section.
- (10) A certifying agency shall:
- (a) Designate a person or persons within the agency responsible for processing requests for certification under this section.
 - (b) Develop written procedures for processing requests for certification under this section.
- SECTION 11.** ORS 163.165 is amended to read:
- 163.165. (1) A person commits the crime of assault in the third degree if the person:
- (a) Recklessly causes serious physical injury to another by means of a deadly or dangerous weapon;

(b) Recklessly causes serious physical injury to another under circumstances manifesting extreme indifference to the value of human life;

(c) Recklessly causes physical injury to another by means of a deadly or dangerous weapon under circumstances manifesting extreme indifference to the value of human life;

(d) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical injury to the operator of a public transit vehicle while the operator is in control of or operating the vehicle. As used in this paragraph, "public transit vehicle" has the meaning given that term in ORS 166.116;

(e) While being aided by another person actually present, intentionally or knowingly causes physical injury to another;

(f) While committed to a youth correction facility, intentionally or knowingly causes physical injury to another knowing the other person is a staff member while the other person is acting in the course of official duty;

(g) Intentionally, knowingly or recklessly causes physical injury to an emergency medical services provider, as defined in ORS 682.025, while the emergency medical services provider is performing official duties;

(h) Being at least 18 years of age, intentionally or knowingly causes physical injury to a child 10 years of age or younger;

(i) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical injury to the operator of a taxi while the operator is in control of the taxi; or

(j) Intentionally, knowingly or recklessly causes physical injury to a flagger or a highway worker while the flagger or highway worker is performing official duties.

(2)(a) Assault in the third degree is a Class C felony.

(b) Notwithstanding paragraph (a) of this subsection, assault in the third degree under subsection (1)(a) or (b) of this section is a Class B felony if:

(A) The assault resulted from the operation of a motor vehicle; and

(B) The defendant was the driver of the motor vehicle and was driving while under the influence of intoxicants.

(3) As used in this section:

(a) "Flagger" has the meaning given that term in ORS 811.230.

(b) "Highway worker" has the meaning given that term in ORS 811.230.

(c) "Staff member" means:

(A) A corrections officer as defined in ORS 181A.355, a youth correction officer, a youth correction facility staff member, a Department of Corrections or Oregon Youth Authority staff member or a person employed pursuant to a contract with the department or youth authority to work with, or in the vicinity of, adults in custody, [*youth or youth offenders*] **youths or adjudicated youths**; and

(B) A volunteer authorized by the department, youth authority or other entity in charge of a corrections facility to work with, or in the vicinity of, adults in custody, [*youth or youth offenders*] **youths or adjudicated youths**.

(d) "Youth correction facility" has the meaning given that term in ORS 162.135.

SECTION 12. ORS 163.208 is amended to read:

163.208. (1) A person commits the crime of assaulting a public safety officer if the person intentionally or knowingly causes physical injury to the other person, knowing the other person to be a peace officer, corrections officer, youth correction officer, parole and probation officer, animal control officer, firefighter or staff member, and while the other person is acting in the course of official duty.

(2) Assaulting a public safety officer is a Class C felony.

(3)(a) Except as otherwise provided in paragraph (b) of this subsection, a person convicted under this section shall be sentenced to not less than seven days of imprisonment and shall not be granted bench parole or suspension of sentence nor released on a sentence of probation before serving at least seven days of the sentence of confinement.

(b) A person convicted under this section shall be sentenced to not less than 14 days of imprisonment and shall not be granted bench parole or suspension of sentence nor released on a sentence of probation before serving at least 14 days of the sentence of confinement if the victim is a peace officer.

(4) As used in this section:

(a) "Animal control officer" has the meaning given that term in ORS 609.500; and

(b) "Staff member" means:

(A) A corrections officer as defined in ORS 181A.355, a youth correction officer, a Department of Corrections or Oregon Youth Authority staff member or a person employed pursuant to a contract with the department or youth authority to work with, or in the vicinity of, adults in custody or [youth offenders] **adjudicated youths**; and

(B) A volunteer authorized by the department, youth authority or other entity in charge of a corrections facility to work with, or in the vicinity of, adults in custody or [youth offenders] **adjudicated youths**.

SECTION 13. ORS 163A.010, as amended by section 11, chapter 430, Oregon Laws 2019, is amended to read:

163A.010. (1) The agency to which a person reports under subsection (3) of this section shall complete a sex offender registration form concerning the person when the person reports under subsection (3) of this section.

(2) Subsection (3) of this section applies to a person who:

(a) Is discharged, paroled or released on any form of supervised or conditional release from a jail, prison or other correctional facility or detention facility in this state at which the person was confined as a result of:

(A) Conviction of a sex crime or a crime for which the person would have to register as a sex offender under federal law; or

(B) Having been found guilty except for insanity of a sex crime;

(b) Is paroled to this state under ORS 144.610 after being convicted in another United States court of a crime:

(A) That would constitute a sex crime if committed in this state; or

(B) For which the person would have to register as a sex offender in that court's jurisdiction, or as required under federal law, regardless of whether the crime would constitute a sex crime in this state; or

(c) Is discharged by the court under ORS 161.329 after having been found guilty except for insanity of a sex crime.

(3)(a) A person described in subsection (2) of this section shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county to which the person was discharged, paroled or released or in which the person was otherwise placed:

(A) Within 10 days following discharge, release on parole, post-prison supervision or other supervised or conditional release;

(B) Within 10 days of a change of residence;

(C) Within 10 days of a legal change of name;

(D) Once each year within 10 days of the person's birth date, regardless of whether the person changed residence;

(E) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education;

(F) Within 10 days of a change in work, vocation or attendance status at an institution of higher education; and

(G) At least 21 days prior to any intended travel outside of the United States.

(b) If a person required to report under this subsection has complied with the initial reporting requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in person, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the De-

partment of State Police, a city police department or a county sheriff's office, in the county of the person's last reported residence.

(c) Notwithstanding paragraphs (a) and (b) of this subsection, during the period of supervision or custody authorized by law, the Oregon Youth Authority may authorize [a youth offender] **an adjudicated youth** committed to its supervision and custody by order of the juvenile court or a person placed in its physical custody under ORS 137.124 or any other provision of law to report to the authority regardless of the [youth offender's] **adjudicated youth's** or the person's last reported residence.

(d) In the event that a person reports to the authority under this subsection, the authority shall register the person.

(e) The obligation to report under this subsection terminates if the conviction or adjudication that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

(4) As part of the registration and reporting requirements of this section:

(a) The person required to report shall:

(A) Provide the information necessary to complete the sex offender registration form and sign the form as required; and

(B) Submit to the requirements described in paragraph (b) of this subsection.

(b) The Department of State Police, Oregon Youth Authority, city police department or county sheriff's office:

(A) Shall photograph the person when the person initially reports under this section and each time the person reports annually under this section;

(B) May photograph the person or any identifying scars, marks or tattoos located on the person when the person reports under any of the circumstances described in this section; and

(C) Shall fingerprint the person if the person's fingerprints are not included in the record file of the Department of State Police.

SECTION 14. ORS 163A.025, as amended by section 14, chapter 430, Oregon Laws 2019, is amended to read:

163A.025. (1) A person found to be within the jurisdiction of the juvenile court under ORS 419C.005, or found by the juvenile court to be responsible except for insanity under ORS 419C.411, for having committed an act that, if committed by an adult, would constitute a felony sex crime shall report as a sex offender as described in subsections (2) to (4) of this section, unless the juvenile court enters an order under ORS 163A.130 or 163A.135 relieving the person of the obligation to report, if:

(a) The person has been ordered under ORS 163A.030 to report as a sex offender;

(b) The person was adjudicated, and the jurisdiction of the juvenile court or the Psychiatric Security Review Board over the person ended, prior to August 12, 2015;

(c) The person was adjudicated prior to August 12, 2015, and the jurisdiction of the juvenile court or the Psychiatric Security Review Board over the person ended after August 12, 2015, and before April 4, 2016; or

(d) The person has been found in a juvenile adjudication in another United States court to have committed an act while the person was under 18 years of age that would constitute a felony sex crime if committed in this state by an adult.

(2) A person described in subsection (1)(a) or (d) of this section, or a person described in subsection (1)(c) of this section who did not make an initial report prior to April 4, 2016, who resides in this state shall make an initial report, in person, to the Department of State Police, a city police department or a county sheriff's office as follows:

(a) The person shall report no later than 10 days after the date of the court order requiring the person to report under ORS 163A.030;

(b) If the person is adjudicated for the act giving rise to the obligation to report in another United States court and the person is found to have committed an act that if committed by an adult in this state would constitute:

(A) A Class A or Class B felony sex crime:

(i) If the person is not a resident of this state at the time of the adjudication, the person shall make the initial report to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, no later than 10 days after the date the person moves into this state; or

(ii) If the person is a resident of this state at the time of the adjudication, the person shall make the initial report to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, no later than 10 days after the date the person is discharged, released or placed on probation or any other form of supervised or conditional release by the other United States court or, if the person is confined in a correctional facility by the other United States court, no later than 10 days after the date the person is discharged or otherwise released from the facility.

(B) A Class C felony sex crime:

(i) If the person is not a resident of this state at the time of the adjudication, the person shall make the initial report to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, no later than six months after the date the person moves into this state; or

(ii) If the person is a resident of this state at the time of the adjudication, the person shall make the initial report to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, no later than 10 days after the date the person is discharged, released or placed on probation or any other form of supervised or conditional release by the other United States court or, if the person is confined in a correctional facility by the other United States court, no later than 10 days after the date the person is discharged or otherwise released from the facility; or

(c) For persons described in subsection (1)(c) of this section who did not make an initial report prior to April 4, 2016, the person shall report no later than 120 days after April 4, 2016.

(3) After making the initial report described in subsection (2) of this section or, for a person described in subsection (1)(c) of this section who made an initial report prior to April 4, 2016, or a person described in subsection (1)(b) of this section, beginning after April 4, 2016, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's last reported residence:

(a) Within 10 days of a change of residence;

(b) Within 10 days of a legal change of name;

(c) Once each year within 10 days of the person's birth date, regardless of whether the person changed residence;

(d) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education;

(e) Within 10 days of a change in work, vocation or attendance status at an institution of higher education; and

(f) At least 21 days prior to any intended travel outside of the United States.

(4) When a person described in subsection (1) of this section attends school or works in this state, resides in another state and is not otherwise required to report as a sex offender under this section or ORS 163A.010, 163A.015 or 163A.020, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county in which the person attends school or works, no later than 10 days after:

(a) The first day of school attendance or the 14th day of employment in this state;

(b) A change in school enrollment or employment; and

(c) A legal change of name.

(5) The agency to which a person reports under this section shall complete a sex offender registration form concerning the person when the person reports under this section.

(6) As part of the registration and reporting requirements of this section:

(a) The person required to report shall:

(A) Provide the information necessary to complete the sex offender registration form and sign the form as required; and

(B) Submit to the requirements described in paragraph (b) of this subsection.

(b) The Department of State Police, Oregon Youth Authority, county juvenile department, city police department or county sheriff's office:

(A) Shall photograph the person when the person initially reports under this section and each time the person reports annually under this section;

(B) May photograph the person or any identifying scars, marks or tattoos located on the person when the person reports under any of the circumstances described in this section; and

(C) Shall fingerprint the person if the person's fingerprints are not included in the record file of the Department of State Police.

(7) The obligation to report under this section is terminated if the adjudication that gave rise to the obligation is reversed or vacated.

(8) Notwithstanding subsections (2) and (3) of this section:

(a) The Oregon Youth Authority may authorize [*a youth offender*] **an adjudicated youth** committed to its custody and supervision by order of the juvenile court, or a person placed in its physical custody under ORS 137.124 or any other provision of law, to report to the authority regardless of the [*youth offender's*] **adjudicated youth's** or the person's last reported residence.

(b) A county juvenile department may authorize [*a youth offender*] **an adjudicated youth** or young person, as those terms are defined in ORS 419A.004, to report to the department, regardless of the county of the [*youth offender's*] **adjudicated youth's** or the young person's last reported residence.

(c) In the event that a person reports to the authority or the department under this subsection, the authority or the department shall register the person.

SECTION 15. ORS 163A.210 is amended to read:

163A.210. Notwithstanding ORS 419A.257 or any other provision of law, the Oregon Youth Authority and the juvenile department may disclose and provide copies of reports and other materials relating to a child, ward, youth or [*youth offender's*] **adjudicated youth's** history and prognosis to the Psychiatric Security Review Board or the State Board of Parole and Post-Prison Supervision in order for the boards to determine whether to reclassify the person as a level one or a level two sex offender or relieve the person from the obligation to report as a sex offender, as described in ORS 163A.125, or whether to classify a person who is an existing registrant into one of the three levels described in ORS 163A.100, as required by section 7, chapter 708, Oregon Laws 2013.

SECTION 16. ORS 169.690 is amended to read:

169.690. (1)(a) Before the Department of Corrections, Department of Human Services, Oregon Health Authority, Oregon Youth Authority or any city, county or other public agency establishes a facility described in paragraph (b) of this subsection, the city, county, department, authority or agency shall fully inform the local public safety coordinating council convened under ORS 423.560 of the following:

(A) The proposed location, estimated population size and use of the facility;

(B) The proposed number and qualifications of resident professional staff at the facility;

(C) The proposed rules of conduct for residents of the facility; and

(D) Other relevant information that the city, county, department, authority or agency responsible for establishing the facility considers appropriate or that the council requests. Nothing in this subparagraph authorizes the disclosure of information that is protected under state or federal law.

(b) The facilities to which paragraph (a) of this subsection applies are:

(A) Halfway houses, work release centers or any other domiciliary facilities for persons released from any penal or correctional facility but still in the custody of the city, county or public agency;

(B) Youth care centers or other facilities authorized to accept [*youth offenders*] **adjudicated youths** under ORS 419C.478; and

(C) Residential treatment homes and residential treatment facilities, as those terms are defined in ORS 443.400, for persons who, as a condition of release under ORS 161.315 to 161.351, are required to live in a secure home or facility.

(2) The facility advisory subcommittee of the local public safety coordinating council shall advise the city, county, department, authority or agency responsible for establishing the facility as to the suitability of the proposed facility and may suggest changes in the proposal submitted under subsection (1) of this section. The advice shall:

(a) Be in writing;

(b) Represent the view of the majority of the subcommittee; and

(c) Be provided to the city, county, department, authority or agency no more than 60 days after receiving the information described in subsection (1) of this section.

(3) If the city, county, department, authority or agency responsible for establishing the facility rejects any of the advice of the facility advisory subcommittee, it must submit its reasons in writing to the subcommittee.

(4) This section does not apply if a board of county commissioners has failed to convene a local public safety coordinating council.

(5) As used in this section:

(a) "Establishes" includes entering into a contract to provide for the operation of a facility described in subsection (1)(b) of this section.

(b) "Secure home or facility" has the meaning given that term in rules adopted by the Oregon Health Authority.

SECTION 17. ORS 169.740 is amended to read:

169.740. (1) The standards established in ORS 169.076 to 169.078 apply to juveniles detained in juvenile detention facilities.

(2) In addition, juvenile detention facilities shall:

(a) Provide for personal inspection of each juvenile at least once each hour unless a particular situation requires more frequent inspection;

(b) Provide for personal or electronically monitored supervision on each floor where juveniles are detained;

(c) Provide for separation of detained juveniles from the sight and sound of detained adults. Juveniles may not be placed in facilities that are designated for isolation of adult prisoners in order to meet this standard;

(d) Provide for unrestricted contact between 8 a.m. and 5 p.m. for a period of not less than five hours per day between detained juveniles and their attorneys and unrestricted attorney access to the facility for private attorney-client consultation;

(e) Unless otherwise ordered by the juvenile court following a hearing, provide for the private and unrestricted receipt of and sending of mail; except that incoming mail may be opened in the presence of the juvenile upon reasonable suspicion to believe that the mail contains contraband as defined in ORS 162.135 (1) and that incoming packages shall be opened in the presence of the juvenile and their contents may be held until the juvenile is released. The juvenile shall be informed of any confiscated contraband;

(f) Provide for the payment of postage for the juvenile's mail to an attorney or to federal, state, county or municipal government officials;

(g) Provide for nondispositional counseling and physical exercise of any juvenile held in excess of five judicial days and cause access to the juvenile held in excess of five judicial days for education pursuant to ORS 336.585;

(h) Provide for the free exercise of religion by a detained juvenile, unless such provision will cause a threat to the security of the facility or a threat of disorderly conduct within the facility;

(i) Make a written report, one copy of which shall be maintained in a general log, of each use of physical force, restraint, isolation, roomlock or internal search, setting forth in detail the reason such action was taken and the name of the staff person taking such action;

(j) Notify the attorney and the parent or guardian of the detained juvenile after the use of any physical force, restraint, isolation or internal search upon the juvenile both:

(A) As soon as reasonable after the use thereof; and

(B) By mailing a copy of the written report within 24 hours after the use thereof;

(k) For juveniles detained in an adult correctional facility, provide for in-person contact by juvenile department staff within 24 hours of the juvenile's admission and on a daily basis for as long as the juvenile shall remain in the facility; and

(L) Provide for counseling of any detained juvenile found to be within the jurisdiction of the court.

(3) As used in this section:

(a) "Adult" does not include a person who is 18 years of age or older and is alleged to be, or has been found to be, within the jurisdiction of the juvenile court under ORS 419C.005.

(b) "Juvenile" means a person alleged to be within the jurisdiction of the juvenile court under ORS 419C.005 and *[a youth offender]* **an adjudicated youth**.

SECTION 18. ORS 179.471 is amended to read:

179.471. As used in ORS 179.473 and 179.478, unless the context requires otherwise:

(1) **"Adjudicated youth" has the meaning given that term in ORS 419A.004.**

[(1)] (2) "Youth correction facility" has the meaning given that term in ORS 420.005.

[(2)] "Youth offender" has the meaning given that term in ORS 419A.004.]

SECTION 19. ORS 179.473 is amended to read:

179.473. (1) Whenever the health and welfare of the person and the efficient administration of the institution require the transfer of an adult in custody in a Department of Corrections institution or *[a youth offender]* **an adjudicated youth** in a youth correction facility to another institution or facility:

(a) The Department of Corrections or the Oregon Youth Authority, with the consent of the Department of Human Services, may transfer a person at any institution under its jurisdiction to a residential facility for persons with intellectual disabilities or, with the consent of the Oregon Health and Science University, to the Oregon Health and Science University.

(b) The Department of Corrections may transfer an adult in custody in a Department of Corrections institution to a state hospital listed in ORS 426.010 for evaluation and treatment pursuant to rules adopted jointly by the Department of Corrections and the Oregon Health Authority.

(c) The Oregon Youth Authority may transfer *[a youth offender]* **an adjudicated youth** or other person confined in a youth correction facility to a hospital or facility designated by the Oregon Health Authority for evaluation and treatment pursuant to rules adopted jointly by the Oregon Youth Authority and the Oregon Health Authority.

(d) Except as provided in subsection (2) of this section, the Department of Corrections or the Oregon Youth Authority may make a transfer of a person from any institution under the jurisdiction of the department or the Oregon Youth Authority to any other institution under the jurisdiction of the department or authority.

(2) *[A youth offender]* **An adjudicated youth** in a youth correction facility may not be transferred to a Department of Corrections institution under subsection (1) of this section. *[A youth offender]* **An adjudicated youth** in a youth correction facility who has been transferred to another institution may not be transferred from such other institution to a Department of Corrections institution.

(3) The rules adopted under subsection (1)(b) and (c) of this section must:

(a) Provide the adult in custody or *[youth offender]* **adjudicated youth** with the rights to which persons are entitled under ORS 179.485.

(b) Provide that a transfer of an adult in custody or *[a youth offender]* **an adjudicated youth** to the Oregon Health Authority for stabilization and evaluation for treatment may not exceed 30 days unless the transfer is extended pursuant to a hearing required by paragraph (c) of this subsection.

(c) Provide for an administrative commitment hearing if:

(A) The Oregon Health Authority determines that administrative commitment for treatment for a mental illness is necessary or advisable or that the authority needs more than 30 days to stabilize or evaluate the adult in custody or [youth offender] **adjudicated youth** for treatment; and

(B) The adult in custody or [youth offender] **adjudicated youth** does not consent to the administrative commitment or an extension of the transfer.

(d) Provide for, at a minimum, all of the following for the administrative commitment hearing process:

(A) Written notice to the adult in custody or [youth offender] **adjudicated youth** that an administrative commitment to a state hospital listed in ORS 426.010 or a hospital or facility designated by the Oregon Health Authority or an extension of the transfer is being considered. The notice required by this subparagraph must be provided far enough in advance of the hearing to permit the adult in custody or [youth offender] **adjudicated youth** to prepare for the hearing.

(B) Disclosure to the adult in custody or [youth offender] **adjudicated youth**, at the hearing, of the evidence that is being relied upon for the administrative commitment or the extension of the transfer.

(C) An opportunity, at the hearing, for the adult in custody or [youth offender] **adjudicated youth** to be heard in person and to present documentary evidence.

(D) An opportunity, at the hearing, for the adult in custody or [youth offender] **adjudicated youth** to present the testimony of witnesses and to confront and cross-examine witnesses called by the state. The opportunity required by this subparagraph may be denied upon a finding by the decision maker of good cause for not permitting the adult in custody or [youth offender] **adjudicated youth** to present the testimony of witnesses or confront or cross-examine witnesses called by the state.

(E) An independent decision maker for the hearing.

(F) A written statement by the decision maker of the evidence relied upon by the decision maker and the reasons for administratively committing the adult in custody or [youth offender] **adjudicated youth** or extending the transfer.

(G) A qualified and independent assistant for the adult in custody or [youth offender] **adjudicated youth** to be provided by the state if the adult in custody or [youth offender] **adjudicated youth** is financially unable to provide one.

(H) Effective and timely notice of the procedures required by subparagraphs (A) to (G) of this paragraph.

(e) Provide that an adult in custody or [a youth offender] **an adjudicated youth** may not be administratively committed involuntarily unless the independent decision maker finds by clear and convincing evidence that the adult in custody or [youth offender] **adjudicated youth** is a person with mental illness as defined in ORS 426.005.

(f) Provide that the duration of an administrative commitment pursuant to an administrative commitment hearing be no more than 180 days unless the administrative commitment is renewed in a subsequent administrative commitment hearing. Notwithstanding this paragraph, an administrative commitment may not continue beyond the term of incarceration to which the adult in custody was sentenced or beyond the period of time that the [youth offender] **adjudicated youth** may be placed in a youth correction facility.

SECTION 20. ORS 179.478 is amended to read:

179.478. (1) If an adult in custody or [youth offender] **adjudicated youth**, a relative, guardian or friend of an adult in custody or [youth offender] **adjudicated youth**, or institution staff have probable cause to believe that an adult in custody or [youth offender] **adjudicated youth** is a person with an intellectual disability to such a degree that the adult in custody or [youth offender] **adjudicated youth** cannot adjust to or benefit from the Department of Corrections institution or youth correction facility, the superintendent of the institution shall request that a diagnostic evaluation described in ORS 427.105 be performed by the Department of Human Services or its designee. If there is probable cause to believe that the adult in custody or [youth offender] **adjudicated youth** is a person with an intellectual disability and is in need of commitment for residential care, treat-

ment and training pursuant to ORS 427.235 to 427.290, the adult in custody or [*youth offender*] **adjudicated youth** shall be entitled to a commitment hearing.

(2) If the adult in custody or [*youth offender*] **adjudicated youth** is by clear and convincing evidence determined by the court to be a person with an intellectual disability and is in need of commitment for residential care, treatment and training, the person shall be committed to the Department of Human Services and transferred to a facility designated by the department as soon as space in an appropriate facility is available, and any sentence to a Department of Corrections institution or commitment to the youth correction facility shall be terminated.

SECTION 21. ORS 181A.355 is amended to read:

181A.355. As used in ORS 181A.355 to 181A.670, unless the context requires otherwise:

(1) "Abuse" has the meaning given that term in ORS 107.705.

(2) "Board" means the Board on Public Safety Standards and Training appointed pursuant to ORS 181A.360.

(3) "Certified reserve officer" means a reserve officer who has been designated by a local law enforcement unit, has received training necessary for certification and has met the minimum standards and training requirements established under ORS 181A.410.

(4) "Commissioned" means being authorized to perform various acts or duties of a police officer, certified reserve officer or reserve officer and acting under the supervision and responsibility of a county sheriff or as otherwise provided by law.

(5) "Corrections officer" means an officer or member employed full-time by a law enforcement unit who:

(a) Is charged with and primarily performs the duty of custody, control or supervision of individuals convicted of or arrested for a criminal offense and confined in a place of incarceration or detention other than a place used exclusively for incarceration or detention of juveniles; or

(b) Has been certified as a corrections officer described in paragraph (a) of this subsection and has supervisory or management authority for corrections officers described in paragraph (a) of this subsection.

(6) "Department" means the Department of Public Safety Standards and Training.

(7) "Director" means the Director of the Department of Public Safety Standards and Training.

(8) "Domestic violence" means abuse between family or household members.

(9) "Emergency medical dispatcher" means a person who has responsibility to process requests for medical assistance from the public or to dispatch medical care providers.

(10) "Family or household members" has the meaning given that term in ORS 107.705.

(11) "Fire service professional" means a paid or volunteer firefighter, an officer or a member of a public or private fire protection agency that is engaged primarily in fire investigation, fire prevention, fire safety, fire control or fire suppression or providing emergency medical services, light and heavy rescue services, search and rescue services or hazardous materials incident response. "Fire service professional" does not mean forest fire protection agency personnel.

(12) "Law enforcement unit" means:

(a) A police force or organization of the state, a city, university that has established a police department under ORS 352.121 or 353.125, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government as defined in ORS 181A.680 that employs authorized tribal police officers as defined in ORS 181A.680, the Criminal Justice Division of the Department of Justice, the Department of Corrections, the Oregon State Lottery Commission, the Security and Emergency Preparedness Office of the Judicial Department or common carrier railroad the primary duty of which, as prescribed by law, ordinance or directive, is one or more of the following:

(A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating to airport security;

(B) The custody, control or supervision of individuals convicted of or arrested for a criminal offense and confined to a place of incarceration or detention other than a place used exclusively for incarceration or detention of juveniles; or

(C) The control, supervision and reformation of adult offenders placed on parole or sentenced to probation and investigation of adult offenders on parole or probation or being considered for parole or probation;

(b) A police force or organization of a private entity with a population of more than 1,000 residents in an unincorporated area the employees of which are commissioned by a county sheriff;

(c) A district attorney's office;

(d) The Oregon Liquor Control Commission with regard to regulatory specialists; or

(e) A humane investigation agency as defined in ORS 181A.340.

(13) "Parole and probation officer" means:

(a) An officer who is employed full-time by the Department of Corrections, a county or a court and who is charged with and performs the duty of:

(A) Community protection by controlling, investigating, supervising and providing or making referrals to reformatory services for adult parolees or probationers or offenders on post-prison supervision; or

(B) Investigating adult offenders on parole or probation or being considered for parole or probation; or

(b) An officer who:

(A) Is certified and has been employed as a full-time parole and probation officer for more than one year;

(B) Is employed part-time by the Department of Corrections, a county or a court; and

(C) Is charged with and performs the duty of:

(i) Community protection by controlling, investigating, supervising and providing or making referrals to reformatory services for adult parolees or probationers or offenders on post-prison supervision; or

(ii) Investigating adult offenders on parole or probation or being considered for parole or probation.

(14) "Police officer" means:

(a) An officer, member or employee of a law enforcement unit employed full-time as a peace officer who is:

(A) Commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government as defined in ORS 181A.680, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a university that has established a police department under ORS 352.121 or 353.125, the Governor or the Department of State Police; and

(B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to airport security;

(b) An investigator of a district attorney's office if the investigator is or has been certified as a peace officer in this or another state;

(c) A humane special agent commissioned under ORS 181A.340;

(d) A judicial marshal appointed under ORS 1.177 who is trained pursuant to ORS 181A.540; or

(e) An authorized tribal police officer as defined in ORS 181A.680.

(15) "Public or private safety agency" means a unit of state or local government, a special purpose district or a private firm that provides, or has authority to provide, fire fighting, police, ambulance or emergency medical services.

(16) "Public safety personnel" and "public safety officer" include corrections officers, youth correction officers, emergency medical dispatchers, parole and probation officers, police officers, certified reserve officers, reserve officers, telecommunicators, regulatory specialists and fire service professionals.

(17) "Regulatory specialist" has the meaning given that term in ORS 471.001.

(18) "Reserve officer" means an officer or member of a law enforcement unit who is:

(a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide law

enforcement services under ORS 451.010, tribal government as defined in ORS 181A.680, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a university that has established a police department under ORS 352.121 or 353.125, the Governor or the Department of State Police;

(b) Armed with a firearm; and

(c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordinances relating to airport security.

(19) "Telecommunicator" means a person employed as an emergency communications worker as defined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing and transmitting public safety information received through the emergency communications system as defined in ORS 403.105.

(20) "Youth correction officer" means an employee of the Oregon Youth Authority who is charged with and primarily performs the duty of custody, control or supervision of [*youth offenders*] **adjudicated youths** confined in a youth correction facility.

SECTION 22. ORS 192.345 is amended to read:

192.345. The following public records are exempt from disclosure under ORS 192.311 to 192.478 unless the public interest requires disclosure in the particular instance:

(1) Records of a public body pertaining to litigation to which the public body is a party if the complaint has been filed, or if the complaint has not been filed, if the public body shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation.

(2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within an organization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(3) Investigatory information compiled for criminal law purposes. The record of an arrest or the report of a crime shall be disclosed unless and only for so long as there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the record of an arrest or the report of a crime includes, but is not limited to:

(a) The arrested person's name, age, residence, employment, marital status and similar biographical information;

(b) The offense with which the arrested person is charged;

(c) The conditions of release pursuant to ORS 135.230 to 135.290;

(d) The identity of and biographical information concerning both complaining party and victim;

(e) The identity of the investigating and arresting agency and the length of the investigation;

(f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

(g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

(4) Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given and if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected.

(5) Information consisting of production records, sale or purchase records or catch records, or similar business records of a private concern or enterprise, required by law to be submitted to or inspected by a governmental body to allow it to determine fees or assessments payable or to establish production quotas, and the amounts of such fees or assessments payable or paid, to the extent

that such information is in a form that would permit identification of the individual concern or enterprise. This exemption does not include records submitted by long term care facilities as defined in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for patient care. Nothing in this subsection shall limit the use that can be made of such information for regulatory purposes or its admissibility in any enforcement proceeding.

(6) Information relating to the appraisal of real estate prior to its acquisition.

(7) The names and signatures of employees who sign authorization cards or petitions for the purpose of requesting representation or decertification elections.

(8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825, until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under ORS 659A.850.

(9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and 663.180.

(10) Records, reports and other information received or compiled by the Director of the Department of Consumer and Business Services under ORS 697.732.

(11) Information concerning the location of archaeological sites or objects as those terms are defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and the need for the information is related to that Indian tribe's cultural or religious activities. This exemption does not include information relating to a site that is all or part of an existing, commonly known and publicized tourist facility or attraction.

(12) A personnel discipline action, or materials or documents supporting that action.

(13) Fish and wildlife information:

(a) Developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and 564.100, regarding the habitat, location or population of any threatened species or endangered species; or

(b) Described in section 2, chapter 532, Oregon Laws 2019.

(14) Writings prepared by or under the direction of faculty of public educational institutions, in connection with research, until publicly released, copyrighted or patented.

(15) Computer programs developed or purchased by or for any public body for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from such computer system, and any associated documentation and source material that explain how to operate the computer program. "Computer program" does not include:

(a) The original data, including but not limited to numbers, text, voice, graphics and images;

(b) Analyses, compilations and other manipulated forms of the original data produced by use of the program; or

(c) The mathematical and statistical formulas which would be used if the manipulated forms of the original data were to be produced manually.

(16) Data and information provided by participants to mediation under ORS 36.256.

(17) Investigatory information relating to any complaint or charge filed under ORS chapter 654, until a final administrative determination is made or, if a citation is issued, until an employer receives notice of any citation.

(18) Specific operational plans in connection with an anticipated threat to individual or public safety for deployment and use of personnel and equipment, prepared or used by a public body, if public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a law enforcement activity.

(19)(a) Audits or audit reports required of a telecommunications carrier. As used in this paragraph, "audit or audit report" means any external or internal audit or audit report pertaining to a telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to make the operations of the entity more efficient, accurate or compliant with applicable rules, procedures or standards, that may include self-criticism and that has been filed by the telecommunications carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an

audit of a cost study that would be discoverable in a contested case proceeding and that is not subject to a protective order; and

(b) Financial statements. As used in this paragraph, "financial statement" means a financial statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier, as defined in ORS 133.721.

(20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS 247.967.

(21) The following records, communications and information submitted to a housing authority as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants for and recipients of loans, grants and tax credits:

(a) Personal and corporate financial statements and information, including tax returns;

(b) Credit reports;

(c) Project appraisals, excluding appraisals obtained in the course of transactions involving an interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed of as part of the project, but only after the transactions have closed and are concluded;

(d) Market studies and analyses;

(e) Articles of incorporation, partnership agreements and operating agreements;

(f) Commitment letters;

(g) Project pro forma statements;

(h) Project cost certifications and cost data;

(i) Audits;

(j) Project tenant correspondence requested to be confidential;

(k) Tenant files relating to certification; and

(l) Housing assistance payment requests.

(22) Records or information that, if disclosed, would allow a person to:

(a) Gain unauthorized access to buildings or other property;

(b) Identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, services; or

(c) Disrupt, interfere with or gain unauthorized access to public funds or to information processing, communication or telecommunication systems, including the information contained in the systems, that are used or operated by a public body.

(23) Records or information that would reveal or otherwise identify security measures, or weaknesses or potential weaknesses in security measures, taken or recommended to be taken to protect:

(a) An individual;

(b) Buildings or other property;

(c) Information processing, communication or telecommunication systems, including the information contained in the systems; or

(d) Those operations of the Oregon State Lottery the security of which are subject to study and evaluation under ORS 461.180 (6).

(24) Personal information held by or under the direction of officials of the Oregon Health and Science University or a public university listed in ORS 352.002 about a person who has or who is interested in donating money or property to the Oregon Health and Science University or a public university, if the information is related to the family of the person, personal assets of the person or is incidental information not related to the donation.

(25) The home address, professional address and telephone number of a person who has or who is interested in donating money or property to a public university listed in ORS 352.002.

(26) Records of the name and address of a person who files a report with or pays an assessment to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.

(27) Information provided to, obtained by or used by a public body to authorize, originate, receive or authenticate a transfer of funds, including but not limited to a credit card number, payment

card expiration date, password, financial institution account number and financial institution routing number.

(28) Social Security numbers as provided in ORS 107.840.

(29) The electronic mail address of a student who attends a public university listed in ORS 352.002 or Oregon Health and Science University.

(30) The name, home address, professional address or location of a person that is engaged in, or that provides goods or services for, medical research at Oregon Health and Science University that is conducted using animals other than rodents. This subsection does not apply to Oregon Health and Science University press releases, websites or other publications circulated to the general public.

(31) If requested by a public safety officer, as defined in ORS 181A.355, or a county juvenile department employee who is charged with and primarily performs duties related to the custody, control or supervision of [*youth offenders*] **adjudicated youths** confined in a detention facility, as defined in ORS 419A.004:

(a) The home address and home telephone number of the public safety officer or county juvenile department employee contained in the voter registration records for the officer or employee.

(b) The home address and home telephone number of the public safety officer or county juvenile department employee contained in records of the Department of Public Safety Standards and Training.

(c) The name of the public safety officer or county juvenile department employee contained in county real property assessment or taxation records. This exemption:

(A) Applies only to the name of the officer or employee and any other owner of the property in connection with a specific property identified by the officer or employee in a request for exemption from disclosure;

(B) Applies only to records that may be made immediately available to the public upon request in person, by telephone or using the Internet;

(C) Applies until the officer or employee requests termination of the exemption;

(D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for governmental purposes; and

(E) May not result in liability for the county if the name of the officer or employee is disclosed after a request for exemption from disclosure is made under this subsection.

(32) Unless the public records request is made by a financial institution, as defined in ORS 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records described in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought by an individual described in paragraph (b) of this subsection using the procedure described in paragraph (c) of this subsection:

(a) The home address, home or cellular telephone number or personal electronic mail address contained in the records of any public body that has received the request that is set forth in:

(A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction, substitution of trustee, easement, dog license, marriage license or military discharge record that is in the possession of the county clerk; or

(B) Any public record of a public body other than the county clerk.

(b) The individual claiming the exemption from disclosure must be a district attorney, a deputy district attorney, the Attorney General or an assistant attorney general, the United States Attorney for the District of Oregon or an assistant United States attorney for the District of Oregon, a city attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages in the prosecution of criminal matters.

(c) The individual claiming the exemption from disclosure must do so by filing the claim in writing with the public body for which the exemption from disclosure is being claimed on a form prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall list the public records in the possession of the public body to which the exemption applies. The ex-

emption applies until the individual claiming the exemption requests termination of the exemption or ceases to qualify for the exemption.

(33) The following voluntary conservation agreements and reports:

(a) Land management plans required for voluntary stewardship agreements entered into under ORS 541.973; and

(b) Written agreements relating to the conservation of greater sage grouse entered into voluntarily by owners or occupiers of land with a soil and water conservation district under ORS 568.550.

(34) Sensitive business records or financial or commercial information of the State Accident Insurance Fund Corporation that is not customarily provided to business competitors. This exemption does not:

(a) Apply to the formulas for determining dividends to be paid to employers insured by the State Accident Insurance Fund Corporation;

(b) Apply to contracts for advertising, public relations or lobbying services or to documents related to the formation of such contracts;

(c) Apply to group insurance contracts or to documents relating to the formation of such contracts, except that employer account records shall remain exempt from disclosure as provided in ORS 192.355 (35); or

(d) Provide the basis for opposing the discovery of documents in litigation pursuant to the applicable rules of civil procedure.

(35) Records of the Department of Public Safety Standards and Training relating to investigations conducted under ORS 181A.640 or 181A.870 (6), until the department issues the report described in ORS 181A.640 or 181A.870.

(36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical examiner under ORS 146.117.

(37) Any document or other information related to an audit of a public body, as defined in ORS 174.109, that is in the custody of an auditor or audit organization operating under nationally recognized government auditing standards, until the auditor or audit organization issues a final audit report in accordance with those standards or the audit is abandoned. This exemption does not prohibit disclosure of a draft audit report that is provided to the audited entity for the entity's response to the audit findings.

(38)(a) Personally identifiable information collected as part of an electronic fare collection system of a mass transit system.

(b) The exemption from disclosure in paragraph (a) of this subsection does not apply to public records that have attributes of anonymity that are sufficient, or that are aggregated into groupings that are broad enough, to ensure that persons cannot be identified by disclosure of the public records.

(c) As used in this subsection:

(A) "Electronic fare collection system" means the software and hardware used for, associated with or relating to the collection of transit fares for a mass transit system, including but not limited to computers, radio communication systems, personal mobile devices, wearable technology, fare instruments, information technology, data storage or collection equipment, or other equipment or improvements.

(B) "Mass transit system" has the meaning given that term in ORS 267.010.

(C) "Personally identifiable information" means all information relating to a person that acquires or uses a transit pass or other fare payment medium in connection with an electronic fare collection system, including but not limited to:

(i) Customer account information, date of birth, telephone number, physical address, electronic mail address, credit or debit card information, bank account information, Social Security or taxpayer identification number or other identification number, transit pass or fare payment medium balances or history, or similar personal information; or

(ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle use, or similar travel information.

(39)(a) If requested by a civil code enforcement officer:

(A) The home address and home telephone number of the civil code enforcement officer contained in the voter registration records for the officer.

(B) The name of the civil code enforcement officer contained in county real property assessment or taxation records. This exemption:

(i) Applies only to the name of the civil code enforcement officer and any other owner of the property in connection with a specific property identified by the officer in a request for exemption from disclosure;

(ii) Applies only to records that may be made immediately available to the public upon request in person, by telephone or using the Internet;

(iii) Applies until the civil code enforcement officer requests termination of the exemption;

(iv) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for governmental purposes; and

(v) May not result in liability for the county if the name of the civil code enforcement officer is disclosed after a request for exemption from disclosure is made under this subsection.

(b) As used in this subsection, "civil code enforcement officer" means an employee of a public body, as defined in ORS 174.109, who is charged with enforcing laws or ordinances relating to land use, zoning, use of rights-of-way, solid waste, hazardous waste, sewage treatment and disposal or the state building code.

(40) Audio or video recordings, whether digital or analog, resulting from a law enforcement officer's operation of a video camera worn upon the officer's person that records the officer's interactions with members of the public while the officer is on duty. When a recording described in this subsection is subject to disclosure, the following apply:

(a) Recordings that have been sealed in a court's record of a court proceeding or otherwise ordered by a court not to be disclosed may not be disclosed.

(b) A request for disclosure under this subsection must identify the approximate date and time of an incident for which the recordings are requested and be reasonably tailored to include only that material for which a public interest requires disclosure.

(c) A video recording disclosed under this subsection must, prior to disclosure, be edited in a manner as to render the faces of all persons within the recording unidentifiable.

(41) The contents of tips reported to a tip line, as defined in ORS 339.329. However, personally identifiable information, as defined in ORS 339.329, is not subject to public interest balancing under this section and remains exempt from disclosure except as provided in ORS 339.329.

SECTION 23. ORS 192.345, as amended by section 4, chapter 532, Oregon Laws 2019, is amended to read:

192.345. The following public records are exempt from disclosure under ORS 192.311 to 192.478 unless the public interest requires disclosure in the particular instance:

(1) Records of a public body pertaining to litigation to which the public body is a party if the complaint has been filed, or if the complaint has not been filed, if the public body shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation.

(2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within an organization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(3) Investigatory information compiled for criminal law purposes. The record of an arrest or the report of a crime shall be disclosed unless and only for so long as there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed,

or granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the record of an arrest or the report of a crime includes, but is not limited to:

(a) The arrested person's name, age, residence, employment, marital status and similar biographical information;

(b) The offense with which the arrested person is charged;

(c) The conditions of release pursuant to ORS 135.230 to 135.290;

(d) The identity of and biographical information concerning both complaining party and victim;

(e) The identity of the investigating and arresting agency and the length of the investigation;

(f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

(g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

(4) Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given and if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected.

(5) Information consisting of production records, sale or purchase records or catch records, or similar business records of a private concern or enterprise, required by law to be submitted to or inspected by a governmental body to allow it to determine fees or assessments payable or to establish production quotas, and the amounts of such fees or assessments payable or paid, to the extent that such information is in a form that would permit identification of the individual concern or enterprise. This exemption does not include records submitted by long term care facilities as defined in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for patient care. Nothing in this subsection shall limit the use that can be made of such information for regulatory purposes or its admissibility in any enforcement proceeding.

(6) Information relating to the appraisal of real estate prior to its acquisition.

(7) The names and signatures of employees who sign authorization cards or petitions for the purpose of requesting representation or decertification elections.

(8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825, until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under ORS 659A.850.

(9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and 663.180.

(10) Records, reports and other information received or compiled by the Director of the Department of Consumer and Business Services under ORS 697.732.

(11) Information concerning the location of archaeological sites or objects as those terms are defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and the need for the information is related to that Indian tribe's cultural or religious activities. This exemption does not include information relating to a site that is all or part of an existing, commonly known and publicized tourist facility or attraction.

(12) A personnel discipline action, or materials or documents supporting that action.

(13) Fish and wildlife information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and 564.100, regarding the habitat, location or population of any threatened species or endangered species.

(14) Writings prepared by or under the direction of faculty of public educational institutions, in connection with research, until publicly released, copyrighted or patented.

(15) Computer programs developed or purchased by or for any public body for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from such computer system, and any associated documentation and source material that explain how to operate the computer program. "Computer program" does not include:

(a) The original data, including but not limited to numbers, text, voice, graphics and images;

(b) Analyses, compilations and other manipulated forms of the original data produced by use of the program; or

(c) The mathematical and statistical formulas which would be used if the manipulated forms of the original data were to be produced manually.

(16) Data and information provided by participants to mediation under ORS 36.256.

(17) Investigatory information relating to any complaint or charge filed under ORS chapter 654, until a final administrative determination is made or, if a citation is issued, until an employer receives notice of any citation.

(18) Specific operational plans in connection with an anticipated threat to individual or public safety for deployment and use of personnel and equipment, prepared or used by a public body, if public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a law enforcement activity.

(19)(a) Audits or audit reports required of a telecommunications carrier. As used in this paragraph, "audit or audit report" means any external or internal audit or audit report pertaining to a telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to make the operations of the entity more efficient, accurate or compliant with applicable rules, procedures or standards, that may include self-criticism and that has been filed by the telecommunications carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an audit of a cost study that would be discoverable in a contested case proceeding and that is not subject to a protective order; and

(b) Financial statements. As used in this paragraph, "financial statement" means a financial statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier, as defined in ORS 133.721.

(20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS 247.967.

(21) The following records, communications and information submitted to a housing authority as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants for and recipients of loans, grants and tax credits:

(a) Personal and corporate financial statements and information, including tax returns;

(b) Credit reports;

(c) Project appraisals, excluding appraisals obtained in the course of transactions involving an interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed of as part of the project, but only after the transactions have closed and are concluded;

(d) Market studies and analyses;

(e) Articles of incorporation, partnership agreements and operating agreements;

(f) Commitment letters;

(g) Project pro forma statements;

(h) Project cost certifications and cost data;

(i) Audits;

(j) Project tenant correspondence requested to be confidential;

(k) Tenant files relating to certification; and

(L) Housing assistance payment requests.

(22) Records or information that, if disclosed, would allow a person to:

(a) Gain unauthorized access to buildings or other property;

(b) Identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, services; or

(c) Disrupt, interfere with or gain unauthorized access to public funds or to information processing, communication or telecommunication systems, including the information contained in the systems, that are used or operated by a public body.

(23) Records or information that would reveal or otherwise identify security measures, or weaknesses or potential weaknesses in security measures, taken or recommended to be taken to protect:

- (a) An individual;
- (b) Buildings or other property;
- (c) Information processing, communication or telecommunication systems, including the information contained in the systems; or
- (d) Those operations of the Oregon State Lottery the security of which are subject to study and evaluation under ORS 461.180 (6).

(24) Personal information held by or under the direction of officials of the Oregon Health and Science University or a public university listed in ORS 352.002 about a person who has or who is interested in donating money or property to the Oregon Health and Science University or a public university, if the information is related to the family of the person, personal assets of the person or is incidental information not related to the donation.

(25) The home address, professional address and telephone number of a person who has or who is interested in donating money or property to a public university listed in ORS 352.002.

(26) Records of the name and address of a person who files a report with or pays an assessment to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.

(27) Information provided to, obtained by or used by a public body to authorize, originate, receive or authenticate a transfer of funds, including but not limited to a credit card number, payment card expiration date, password, financial institution account number and financial institution routing number.

(28) Social Security numbers as provided in ORS 107.840.

(29) The electronic mail address of a student who attends a public university listed in ORS 352.002 or Oregon Health and Science University.

(30) The name, home address, professional address or location of a person that is engaged in, or that provides goods or services for, medical research at Oregon Health and Science University that is conducted using animals other than rodents. This subsection does not apply to Oregon Health and Science University press releases, websites or other publications circulated to the general public.

(31) If requested by a public safety officer, as defined in ORS 181A.355, or a county juvenile department employee who is charged with and primarily performs duties related to the custody, control or supervision of [*youth offenders*] **adjudicated youths** confined in a detention facility, as defined in ORS 419A.004:

(a) The home address and home telephone number of the public safety officer or county juvenile department employee contained in the voter registration records for the officer or employee.

(b) The home address and home telephone number of the public safety officer or county juvenile department employee contained in records of the Department of Public Safety Standards and Training.

(c) The name of the public safety officer or county juvenile department employee contained in county real property assessment or taxation records. This exemption:

(A) Applies only to the name of the officer or employee and any other owner of the property in connection with a specific property identified by the officer or employee in a request for exemption from disclosure;

(B) Applies only to records that may be made immediately available to the public upon request in person, by telephone or using the Internet;

(C) Applies until the officer or employee requests termination of the exemption;

(D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for governmental purposes; and

(E) May not result in liability for the county if the name of the officer or employee is disclosed after a request for exemption from disclosure is made under this subsection.

(32) Unless the public records request is made by a financial institution, as defined in ORS 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records described in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought by an individual described in paragraph (b) of this subsection using the procedure described in paragraph (c) of this subsection:

(a) The home address, home or cellular telephone number or personal electronic mail address contained in the records of any public body that has received the request that is set forth in:

(A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction, substitution of trustee, easement, dog license, marriage license or military discharge record that is in the possession of the county clerk; or

(B) Any public record of a public body other than the county clerk.

(b) The individual claiming the exemption from disclosure must be a district attorney, a deputy district attorney, the Attorney General or an assistant attorney general, the United States Attorney for the District of Oregon or an assistant United States attorney for the District of Oregon, a city attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages in the prosecution of criminal matters.

(c) The individual claiming the exemption from disclosure must do so by filing the claim in writing with the public body for which the exemption from disclosure is being claimed on a form prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall list the public records in the possession of the public body to which the exemption applies. The exemption applies until the individual claiming the exemption requests termination of the exemption or ceases to qualify for the exemption.

(33) The following voluntary conservation agreements and reports:

(a) Land management plans required for voluntary stewardship agreements entered into under ORS 541.973; and

(b) Written agreements relating to the conservation of greater sage grouse entered into voluntarily by owners or occupiers of land with a soil and water conservation district under ORS 568.550.

(34) Sensitive business records or financial or commercial information of the State Accident Insurance Fund Corporation that is not customarily provided to business competitors. This exemption does not:

(a) Apply to the formulas for determining dividends to be paid to employers insured by the State Accident Insurance Fund Corporation;

(b) Apply to contracts for advertising, public relations or lobbying services or to documents related to the formation of such contracts;

(c) Apply to group insurance contracts or to documents relating to the formation of such contracts, except that employer account records shall remain exempt from disclosure as provided in ORS 192.355 (35); or

(d) Provide the basis for opposing the discovery of documents in litigation pursuant to the applicable rules of civil procedure.

(35) Records of the Department of Public Safety Standards and Training relating to investigations conducted under ORS 181A.640 or 181A.870 (6), until the department issues the report described in ORS 181A.640 or 181A.870.

(36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical examiner under ORS 146.117.

(37) Any document or other information related to an audit of a public body, as defined in ORS 174.109, that is in the custody of an auditor or audit organization operating under nationally recognized government auditing standards, until the auditor or audit organization issues a final audit report in accordance with those standards or the audit is abandoned. This exemption does not prohibit disclosure of a draft audit report that is provided to the audited entity for the entity's response to the audit findings.

(38)(a) Personally identifiable information collected as part of an electronic fare collection system of a mass transit system.

(b) The exemption from disclosure in paragraph (a) of this subsection does not apply to public records that have attributes of anonymity that are sufficient, or that are aggregated into groupings that are broad enough, to ensure that persons cannot be identified by disclosure of the public records.

(c) As used in this subsection:

(A) "Electronic fare collection system" means the software and hardware used for, associated with or relating to the collection of transit fares for a mass transit system, including but not limited to computers, radio communication systems, personal mobile devices, wearable technology, fare instruments, information technology, data storage or collection equipment, or other equipment or improvements.

(B) "Mass transit system" has the meaning given that term in ORS 267.010.

(C) "Personally identifiable information" means all information relating to a person that acquires or uses a transit pass or other fare payment medium in connection with an electronic fare collection system, including but not limited to:

(i) Customer account information, date of birth, telephone number, physical address, electronic mail address, credit or debit card information, bank account information, Social Security or taxpayer identification number or other identification number, transit pass or fare payment medium balances or history, or similar personal information; or

(ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle use, or similar travel information.

(39)(a) If requested by a civil code enforcement officer:

(A) The home address and home telephone number of the civil code enforcement officer contained in the voter registration records for the officer.

(B) The name of the civil code enforcement officer contained in county real property assessment or taxation records. This exemption:

(i) Applies only to the name of the civil code enforcement officer and any other owner of the property in connection with a specific property identified by the officer in a request for exemption from disclosure;

(ii) Applies only to records that may be made immediately available to the public upon request in person, by telephone or using the Internet;

(iii) Applies until the civil code enforcement officer requests termination of the exemption;

(iv) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for governmental purposes; and

(v) May not result in liability for the county if the name of the civil code enforcement officer is disclosed after a request for exemption from disclosure is made under this subsection.

(b) As used in this subsection, "civil code enforcement officer" means an employee of a public body, as defined in ORS 174.109, who is charged with enforcing laws or ordinances relating to land use, zoning, use of rights-of-way, solid waste, hazardous waste, sewage treatment and disposal or the state building code.

(40) Audio or video recordings, whether digital or analog, resulting from a law enforcement officer's operation of a video camera worn upon the officer's person that records the officer's interactions with members of the public while the officer is on duty. When a recording described in this subsection is subject to disclosure, the following apply:

(a) Recordings that have been sealed in a court's record of a court proceeding or otherwise ordered by a court not to be disclosed may not be disclosed.

(b) A request for disclosure under this subsection must identify the approximate date and time of an incident for which the recordings are requested and be reasonably tailored to include only that material for which a public interest requires disclosure.

(c) A video recording disclosed under this subsection must, prior to disclosure, be edited in a manner as to render the faces of all persons within the recording unidentifiable.

(41) The contents of tips reported to a tip line, as defined in ORS 339.329. However, personally identifiable information, as defined in ORS 339.329, is not subject to public interest balancing under this section and remains exempt from disclosure except as provided in ORS 339.329.

SECTION 24. ORS 243.736 is amended to read:

243.736. (1) It is unlawful for any of the following public employees to strike or recognize a picket line of a labor organization while in the performance of official duties:

- (a) Assistant attorneys general;
- (b) Deputy district attorneys;
- (c) Emergency communications worker;
- (d) Employee of the Oregon Youth Authority who has custody, control or supervision of [*youth offenders*] **adjudicated youths**;
- (e) Firefighter;
- (f) Guard at a correctional institution or mental hospital;
- (g) Parole and probation officer who supervises adult offenders; and
- (h) Police officer.

(2) As used in this section, “emergency communications worker” means an individual whose official focal duties are receiving information through the emergency communications system under ORS 403.105 to 403.250, relaying the information to public or private safety agencies or dispatching emergency equipment or personnel in response to the information.

SECTION 25. ORS 339.080 is amended to read:

339.080. (1) Except as provided in ORS 339.030, in case any parent or other person in parental relation fails to send any child under the control of the parent or other person to the public school, the attendance supervisor, within 24 hours after notification from the proper authority of the failure, shall give formal written notice in person or by registered or certified mail to the parent or other person.

(2) The notice required by subsection (1) of this section must inform the parent or other person in parental relation that:

(a) The child must appear at the public school on the next school day following the receipt of the notice.

(b) Regular attendance at school must be maintained during the remainder of the school year.

(c) The parent or other person in parental relation has the right to request:

(A) For a child who does not have an individualized education program, an evaluation to determine if the child should have an individualized education program; or

(B) For a child who has an individualized education program, a review of the individualized education program.

(3) At the same time notice is given to the parent or other person, the attendance supervisor shall notify the superintendent or principal, as suitable, of the fact of the notice. The superintendent or principal shall notify the attendance supervisor of any failure on the part of the parent or other person to comply with the notice.

(4) If the child who is the subject of a notice under subsection (1) of this section is [*a youth offender*] **an adjudicated youth** on parole or probation, at the same time notice is given to the parent or other person, the attendance supervisor shall notify the child’s parole or probation officer of the child’s absence.

SECTION 26. ORS 341.522, as amended by section 1, chapter 19, Oregon Laws 2020 (first special session), is amended to read:

341.522. (1) The Office of Student Access and Completion shall administer the Oregon Promise program as provided by this section.

(2) Subject to subsections (7) to (10) of this section, the office shall provide a grant for community college courses to a person who meets the criteria described in subsections (3) to (6) of this section. The grant shall be limited as provided by subsections (7) to (10) of this section.

(3) A grant shall be awarded under this section to a person who meets the following criteria:

- (a) Is enrolled in courses that are:

(A) Offered at a community college in this state; and
(B) Determined by the office, in accordance with rules adopted by the Higher Education Coordinating Commission, to be required for completion of:

(i) A one-year curriculum for students who plan to transfer to another post-secondary institution of education;

(ii) An associate degree; or

(iii) A program in career and technical education;

(b) Except as provided in subsection (5) of this section, has been a resident of this state for at least 12 months prior to enrolling in the courses described in paragraph (a) of this subsection;

(c) Attained the person's highest level of education, except as provided in subsection (5) of this section, in this state prior to:

(A) Receiving a diploma under ORS 329.451;

(B) Receiving a certificate for passing an approved high school equivalency test such as the General Educational Development (GED) test as provided by ORS 350.175;

(C) Completing grade 12 in compliance with the requirements of ORS 339.035; or

(D) Completing grade 12 at a private or parochial school, as described in ORS 339.030 (1)(a);

(d) Except as provided in subsections (4) and (5) of this section, attained the person's highest level of education as described in paragraph (c) of this subsection within six months from the date that the person first enrolls in courses described in paragraph (a) of this subsection for the purpose of receiving a grant under this section;

(e) Earned a cumulative grade point average of 2.5 or better in high school or otherwise demonstrated an equivalent academic ability, as determined by the office according to rules adopted by the commission;

(f) Completed and submitted the Free Application for Federal Student Aid for each academic year and accepted all state and federal aid grants available to the person, if eligible to file the application; and

(g) Has not completed either of the following:

(A) More than a total of 90 credit hours, or the equivalent, at a post-secondary institution of education; or

(B) A curriculum, degree or program, as described in paragraph (a)(B) of this subsection.

(4)(a) If a person otherwise meets the required criteria and has been awarded a grant under subsection (3) of this section, but the person enters into service with a career and technical student organization relating to agriculture or farming that is approved by the Department of Education under ORS 344.077 within six months after the person attained the person's highest level of education as described in subsection (3)(c) of this section, the person will continue to be eligible to receive the grant if the person first enrolls in courses described in subsection (3)(a) of this section within six months of finishing the person's service with the career and technical student organization.

(b) In addition to the situation described in paragraph (a) of this subsection, the commission may waive the requirement set forth in subsection (3)(d) of this section for a person who shows that the person was unable to timely enroll in courses described in subsection (3)(a) of this section due to a significant hardship. The commission may adopt rules to implement this paragraph.

(5)(a) A member of the Oregon National Guard who has completed initial active duty training is not required to comply with the criteria set forth in subsection (3)(d) of this section in order to receive a grant, provided that the member first enrolls in courses described in subsection (3)(a) of this section within six months after completing initial active duty training, as evidenced by an official form issued by the United States Department of Defense.

(b)(A) A person who completes the highest level of education as described in subsection (3)(c) of this section while confined in a correctional facility, either serving a sentence of incarceration or as a young person, youth or *[youth offender]* **adjudicated youth**, is not required to comply with the criteria set forth in subsection (3)(d) of this section in order to receive a grant, provided that the person first enrolls in courses described in subsection (3)(a) of this section within six months

after the date on which the person is first released from a correctional facility following completion of the highest level of education described in subsection (3)(c) of this section.

(B) The eligibility requirements described in subsection (6)(a)(C) of this section may be waived by the office according to rules adopted by the commission for a person who receives a grant under this section in the manner described in subparagraph (A) of this paragraph.

(C) As used in this paragraph:

(i) “Adjudicated youth,” “detention facility,” “young person” and “youth” have the meanings given those terms in ORS 419A.004.

[(i)] **(ii)** “Correctional facility” means any place used for the confinement of young persons, *[youth or youth offenders]* **youths or adjudicated youths** or persons charged with or convicted of a crime or otherwise confined under a court order, including a:

(I) Youth correction facility;

(II) Detention facility;

(III) Department of Corrections institution;

(IV) Local correctional facility; or

(V) State hospital or a secure intensive community inpatient facility, with respect to persons detained therein who are *[youth or youth offenders]* **youths or adjudicated youths**, who are charged with or convicted of a crime or who are detained therein after having been found guilty except for insanity of a crime under ORS 161.290 to 161.373 or having been found responsible except for insanity under ORS 419C.411.

[(ii)] **(iii)** “Department of Corrections institution” has the meaning given that term in ORS 421.005.

[(iii)] “Detention facility,” “young person,” “youth” and “youth offender” have the meanings given those terms in ORS 419A.004.]

(iv) “Local correctional facility” has the meaning given that term in ORS 169.005.

(v) “Youth correction facility” has the meaning given that term in ORS 420.005.

(c)(A) If a person was a foster child:

(i) The person shall be treated as meeting the residency criteria for eligibility under subsection (3)(b) of this section if, but for the person’s placement in out-of-state foster care, the person otherwise meets the requirements of subsection (3)(b) of this section.

(ii) The person shall be treated as attaining the person’s highest level of education in this state under subsection (3)(c) of this section if the person attained the person’s highest level of education while placed in out-of-state foster care and the person’s highest level of education substantially meets the requirements under subsection (3)(c) of this section.

(iii) The person is not required to comply with the criteria set forth in subsection (3)(d) of this section in order to receive a grant provided that the person completes the highest level of education as described in subparagraph (A)(ii) of this paragraph while in a treatment program and the person first enrolls in courses described in subsection (3)(a) of this section within 12 months after the date on which the person is released from the treatment program.

(B) Upon request from the commission, the Department of Human Services shall provide documentation of the placement status of a person described in paragraph (c)(A) of this subsection.

(C) As used in this paragraph:

(i) “Foster care” means substitute care for children placed by the Department of Human Services or a tribal child welfare agency away from the child’s parents and for whom the department or agency has placement and care responsibility, including placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and preadoptive homes.

(ii) “Foster child” means a child over whom the Department of Human Services retained jurisdiction under ORS 417.200 for the duration of the child’s placement in foster care outside the State of Oregon.

(6)(a) A person continues to remain eligible to receive a grant under this section if the person, in addition to satisfying the criteria specified in subsection (3) of this section, meets the following criteria:

(A) Maintains at least the minimum cumulative grade point average prescribed by the commission based on federal aid grant requirements;

(B) Makes satisfactory academic progress toward a curriculum, degree or program, as described in subsection (3)(a)(B) of this section, as prescribed by the commission based on federal aid grant requirements;

(C) Enrolls in courses described in subsection (3)(a) of this section for a sufficient number of credit hours to be considered at least a half-time student each term for at least three terms in each consecutive academic year; and

(D) Completes a first-year experience, as identified by the community college and reported by the community college to the commission.

(b) A person who fails to meet an eligibility requirement described in paragraph (a) of this subsection becomes ineligible to receive a grant under this section for the term after which the person fails to meet the eligibility requirement, unless the eligibility requirement is waived by the office according to rules adopted by the commission.

(7)(a) The total amount of a grant awarded under this section shall be based on each term that a person is enrolled in courses described in subsection (3)(a) of this section. Except as provided in subsections (9) and (10) of this section, after the amount of tuition for the person for the term is reduced by any amounts received by the person in state and federal aid grants, the person shall be eligible for a grant under this section in an amount that equals:

(A) Except as provided by paragraphs (b) and (c) of this subsection, not less than the greater of:

(i) \$1,000; and

(ii) The person's actual cost for tuition.

(B) Not more than the lesser of:

(i) The average cost of tuition at a community college in this state, as determined by the office; and

(ii) The person's actual cost for tuition.

(b) The amount of a grant, as calculated under paragraph (a) of this subsection, shall be reduced by \$50 for each term that the person receives a grant under this section.

(c)(A) If the office determines both that the person's actual cost for tuition exceeds the amount set forth in paragraph (a)(A)(i) of this subsection and that the person's actual cost for tuition exceeds the average cost of tuition at a community college in this state, the person shall be eligible for a grant in an amount that equals the average cost of tuition at a community college in this state.

(B) If the office determines that the person's actual cost for tuition is less than the amount set forth in paragraph (a)(A)(i) of this subsection, the person shall be eligible for a grant in an amount that equals the amount set forth in paragraph (a)(A)(i) of this subsection.

(d) The minimum amount of a grant, as calculated under paragraphs (a) to (c) of this subsection, may be prorated for a person who is enrolled in courses described in subsection (3)(a) of this section for a sufficient number of credit hours to be considered at least a half-time student but not a full-time student.

(e) The commission may prescribe by rule whether to include fees, and any limitations related to the inclusion of fees, when determining the actual cost of tuition or the average cost of tuition under this subsection.

(8) The commission may adopt by rule the priority by which grants are awarded, which may allow for preference to be given to persons enrolled in school districts or high schools that meet specified criteria.

(9) Prior to the start of the fall term of each academic year, the commission shall determine whether there are sufficient moneys to award a grant under this section to each person who meets

the criteria described in subsections (3) to (6) of this section. On the basis of this determination the commission may:

(a) Limit eligibility to receive a grant under this section to a person whose family contribution, as determined by the commission by rule, is at or below the level the commission determines is necessary to allow the commission to operate the Oregon Promise program with available moneys; or

(b) Reduce or eliminate any limitation on eligibility previously imposed by the commission under paragraph (a) of this subsection.

(10)(a) If at any time the commission determines that there are insufficient moneys to provide a grant to each person who has been awarded a grant under this section, the commission may:

(A) Decrease the total amount of the grant awarded; or

(B) Increase the amount that a person must pay under subsection (7)(b) of this section for each term that the person receives a grant under this section.

(b) If at any time the commission determines that the amount of moneys available to operate the Oregon Promise program exceeds the amount determined under subsection (9) of this section, the commission may reduce or eliminate any limitation on eligibility to receive a grant under this section that was previously imposed by the commission under subsection (9)(a) of this section.

(c) The commission shall promptly notify the interim committees of the Legislative Assembly responsible for higher education each time the commission takes any action under paragraph (a) or (b) of this subsection.

(11) The commission shall adopt any rules necessary for the administration of this section, including any requirements related to:

(a) Specifying the form and timelines for submitting an application for a grant under this section;

(b) Determining whether a person is eligible for a grant under this section, including whether the person shall be given priority as allowed under subsection (8) of this section;

(c) Implementing programs or policies that improve the academic success or completion rates for persons who receive a grant under this section;

(d) Prescribing eligibility requirements and grant calculations for persons dually enrolled in a community college and a public university; and

(e) Evaluating the impact of the program established under this section, including any requirements for reporting data needed for evaluations.

(12) No later than December 31 of each even-numbered year, the commission shall submit to an interim legislative committee related to education a report that summarizes the commission's findings on the impact of the program established under this section. The report shall include:

(a) Student completion rates of curricula, degrees and programs described in subsection (3)(a)(B) of this section;

(b) The amount of federal aid grants received by persons who received a grant under this section;

(c) The financial impact of the program on school districts that had students receive a grant under this section;

(d) The financial impact and the enrollment impact of the program on community colleges and public universities in this state; and

(e) The overall success rate of the program and financial impact of the program.

SECTION 27. ORS 417.850 is amended to read:

417.850. The Youth Development Council established by ORS 417.847 shall:

(1) Review the budget and allocation formula for appropriations for the purpose of juvenile crime prevention;

(2) Review the components of local high-risk juvenile crime prevention plans developed under ORS 417.855 and make recommendations to the Governor about the local plans;

(3) Ensure that high-risk juvenile crime prevention planning criteria are met by state and local public and private entities;

(4) Recommend high-risk juvenile justice and juvenile crime prevention policies to the Governor and the Legislative Assembly;

(5) Ensure initiation of contracts based on approved local high-risk juvenile crime prevention plans and oversee contract changes;

(6) Review data and outcome information;

(7) Establish and publish review and assessment criteria for the local high-risk juvenile crime prevention plans. The criteria shall include, but not be limited to, measuring changes in juvenile crime and juvenile recidivism;

(8) Review and coordinate county youth diversion plans and basic services grants with the local high-risk juvenile crime prevention plans. Basic services grants may be used for detention and other juvenile department services including:

(a) Shelter care;

(b) Treatment services;

(c) Graduated sanctions; and

(d) Aftercare for *[youth offenders]* **adjudicated youths**;

(9) Work to ensure broad-based citizen involvement in the planning and execution of high-risk juvenile crime prevention plans at both the state and local levels;

(10) Develop a funding policy that provides incentives for flexible programming and promotes strategies that stress reinvestment in youth;

(11) Periodically report to the Governor and the Legislative Assembly on the progress of the council;

(12) As required by the federal Juvenile Justice and Delinquency Prevention Act of 1974, 34 U.S.C. 11133 et seq., approve funding and policy recommendations of the state advisory group and adopt rules for overseeing approved funding and policy recommendations; and

(13) Work with tribal governments to develop tribal high-risk juvenile crime prevention plans.

SECTION 27a. If Senate Bill 54 becomes law, section 27 of this 2021 Act (amending ORS 417.850) is repealed.

SECTION 28. ORS 418.978 is amended to read:

418.978. (1) A commission known as the System of Care Advisory Council is established.

(2) The council consists of 25 members appointed as follows:

(a) The Chief Justice of the Supreme Court shall appoint one representative from the Judicial Department.

(b) The Governor shall appoint:

(A) Two members who are representatives of the Department of Human Services with extensive knowledge of systems of care, one of whom must have direct experience with intellectual and developmental disabilities programs.

(B) One member who is a representative of the Oregon Youth Authority with extensive knowledge of systems of care.

(C) One member who is a representative of the Oregon Health Authority with extensive knowledge of systems of care.

(D) One member who is a representative of the Department of Education.

(E) Two members who are representatives of coordinated care organizations meeting the criteria adopted by the Oregon Health Authority under ORS 414.572, at least one of which must provide services to rural communities.

(F) One psychiatrist, one psychologist and one pediatric physician, each of whom must have clinical experience with youth.

(G) One member who is a representative of an entity that offers commercial insurance.

(H) Three members who are representatives of agencies that provide different services and supports to youth and families of youth.

(I) One member who is a representative of organizations that advocate for youth.

(J) One member who is a representative of organizations that advocate for families of youth.

(K) Two members of the public, each of whom are family members of:

(i) Persons with intellectual or developmental disabilities or mental illness; or
(ii) Persons who are currently or were previously in the foster care system or the youth criminal justice system.

(L) Two members of the public who are no more than 25 years of age and who:

(i) Are persons with intellectual or developmental disabilities or mental illness; or

(ii) Are currently or were previously a ward, youth or [youth offender] **adjudicated youth**, as those terms are defined in ORS 419A.004.

(M) One member who is a county juvenile department director.

(N) One member who is a county mental health program director.

(O) One member who is a member of a federally recognized Indian tribe in this state or a designee of the Indian tribe.

(P) One member who is a representative of Oregon's federally mandated disability protection and advocacy agency.

(3) The term of office of each member of the council is four years, but a member serves at the pleasure of the appointing authority. Before the expiration of the term of a member, a successor shall be appointed whose term begins on January 2 next following. A member is eligible for reappointment to one additional term. If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term.

(4)(a) Members of the council who are not state employees are not entitled to compensation or reimbursement for expenses and serve as volunteers on the council.

(b) Notwithstanding paragraph (a) of this subsection, members of the council described in subsection (2)(b)(K) and (L) of this section may be reimbursed for travel and other reasonable expenses associated with serving on the council.

(5) Members of the council who are state employees carrying out their state employment functions are entitled to compensation and reimbursement by their employing agencies for actual and necessary travel and other expenses incurred by them in the performance of their official duties as members of the council.

(6) The Governor shall appoint one of the members as chairperson, to serve at the pleasure of the Governor. The members of the council shall elect from among themselves a vice chairperson who shall preside over meetings and exercise the functions of the chairperson during the absence or disability of the chairperson. The chairperson and the vice chairperson shall execute the duties determined by the council to be necessary.

(7) The council shall meet at least four times per year at a place, day and hour determined by the council.

(8) A majority of the members of the council constitutes a quorum for the transaction of business.

(9) The Oregon Health Authority, in coordination with the Department of Human Services, shall provide staff support to the council.

SECTION 29. ORS 418.981 is amended to read:

418.981. (1) The System of Care Advisory Council shall maintain the Children's System Data Dashboard, which must include, at a minimum, the following local and statewide data:

(a) The number of children under 21 years of age, wards, [youth and youth offenders] **youths and adjudicated youths** being served by the Oregon Youth Authority, the Oregon Health Authority and the Department of Human Services;

(b) The number of children, wards, [youth and youth offenders] **youths and adjudicated youths** identified in this section who are currently living in each of the following situations:

(A) At home;

(B) In substitute care; or

(C) In specific placement;

(c) The number of children, wards, [youth and youth offenders] **youths and adjudicated youths** identified in this section who were previously identified as being in danger of removal but who have been able to remain in their homes;

(d) The number of children, wards, [*youth and youth offenders*] **youths and adjudicated youths** identified in this section who are living in hotels, out-of-state placements, congregate care facilities, shelter care or emergency department boarding;

(e) The length of time the children, wards, [*youth and youth offenders*] **youths and adjudicated youths** identified in this section have been waiting to access services or appropriate placements; and

(f) Outcomes of services that are provided to children, wards, [*youth and youth offenders*] **youths and adjudicated youths** by the Oregon Youth Authority, the Oregon Health Authority and the Department of Human Services.

(2) Notwithstanding ORS 418.976, as used in this section, the terms “wards,” “youth” and [*youth offenders*] “**adjudicated youths**” have the meanings given those terms in ORS 419A.004.

(3) The System of Care Advisory Council may adopt rules to carry out the provisions of this section.

SECTION 30. ORS 419A.010 is amended to read:

419A.010. (1)(a) Subject to paragraph (b) of this subsection, the governing body of any county, after consultation with the judges of the juvenile court in that county, shall appoint or designate one or more persons of good moral character as counselors of the juvenile department of the county, to serve at the pleasure of and at a salary designated by the governing body of the county.

(b) The governing bodies of two or more contiguous counties may, pursuant to an agreement between the counties concerned, and after consultation with the judges of the juvenile courts in those counties, jointly appoint one or more persons of good moral character as counselors of the juvenile departments of the counties, to serve at the pleasure of and at a salary designated by the governing bodies of the counties concerned.

(c) When more than one person is appointed under this subsection, the appointing authority may designate one as director of the juvenile department or departments and the others to serve as juvenile counselors or staff members.

(d) Additional qualifications for a person appointed director of a juvenile department of a county under this subsection may be established by the governing body of a county, subject to the approval of such qualifications by the judge of the juvenile court in that county.

(e) When the chairperson of the governing body of the county is also the judge of the juvenile court under ORS 5.020, only the judge shall make the decisions described in this subsection.

(2) The director shall be the administrator of the juvenile department or departments for the county or counties, including any juvenile detention facilities maintained by the county or by the counties jointly, and the supervisor of the staff of the juvenile department or departments and detention facilities, subject to the direction of the appointing authority.

(3) Notwithstanding subsection (2) of this section, if the county has entered into a written agreement under ORS 190.010 with any other unit or units of local government to coordinate juvenile detention facilities established under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063 for the detention of youths or [*youth offenders*] **adjudicated youths** pursuant to a judicial commitment or order, a juvenile director oversight committee may assume the duties and powers described in subsection (2) of this section and ORS 419A.012, 419A.014, 419A.015 and 419A.016 if the following requirements have been met:

(a) The agreement to coordinate juvenile detention facilities provides for the formation and operation of a juvenile director oversight committee;

(b) A juvenile director oversight committee consisting of the juvenile director of each county that has entered into the agreement has been formed; and

(c) Each juvenile director has an equal vote on the juvenile director oversight committee.

SECTION 31. ORS 419A.012 is amended to read:

419A.012. The director of a juvenile department or one of the counselors shall:

(1) Make or cause to be made an investigation of every child, ward, youth or [*youth offender*] **adjudicated youth** brought before the court and report fully thereon to the court.

(2) Be present in court to represent the interests of the child, ward, youth or [youth offender] **adjudicated youth** when the case is heard.

(3) Furnish such information and assistance as the court requires.

(4) Take charge of any child, ward, youth or [youth offender] **adjudicated youth** before and after the hearing as may be directed by the court.

SECTION 32. ORS 419A.014 is amended to read:

419A.014. The juvenile department of a county shall report annually to the Youth Development Council the frequency with which the following persons are held in preadjudicative detention and the duration of the detention:

(1) Out-of-state runaways, as defined in ORS 419C.156; or

(2) Runaway [youth and youth offenders] **youths and adjudicated youths**.

SECTION 33. ORS 419A.015 is amended to read:

419A.015. (1)(a) Once each month, a county juvenile department shall provide to school administrators of schools or of school districts in the county a list of all [youth offenders] **adjudicated youths** enrolled in a school in the county who are on probation by order of the juvenile court in the county. The department shall include in the list the name and business telephone number of the juvenile counselor assigned to each case.

(b) When [a youth offender] **an adjudicated youth** who is on probation transfers from one school or school district to a different school or school district, the juvenile counselor assigned to the case shall notify the school administrator of the school or of the school district to which the [youth offender] **adjudicated youth** has transferred of the [youth offender's] **adjudicated youth's** probation status. The juvenile counselor shall make the notification no later than 72 hours after the juvenile counselor knows of the transfer.

(2) Upon request by the school administrator, the juvenile department shall provide additional information, including the offense that brought the [youth offender] **adjudicated youth** within the jurisdiction of the juvenile court and such other information that is subject to disclosure under ORS 419A.255 (6).

(3) In addition to the general notification required by subsection (1) of this section, the juvenile department shall notify the school administrator of the specific offense if the act bringing the [youth offender] **adjudicated youth** within the jurisdiction of the juvenile court involved a firearm, delivery of a marijuana item as defined in ORS 475B.015 or delivery of a controlled substance.

(4) When a school administrator receives any notice under this section, the school administrator may disclose the information only to school personnel, as defined in ORS 339.326, who the school administrator determines need the information in order to safeguard the safety and security of the school, students and staff. A person to whom personally identifiable information is disclosed under this subsection may not disclose the information to another person except to carry out the provisions of this subsection.

(5) Except as otherwise provided in ORS 192.431, a juvenile department, school district or school administrator, or anyone employed or acting on behalf of a juvenile department, school district or school administrator, who sends or receives records under this section is not civilly or criminally liable for failing to disclose the information under this section.

(6) As used in this section, "school administrator" has the meaning given that term in ORS 419A.305.

SECTION 34. ORS 419A.016 is amended to read:

419A.016. Any director or counselor has the power of a peace officer as to any child, ward, youth or [youth offender] **adjudicated youth** committed to the care of the director or counselor. Any director or counselor may, in the discretion of the director or counselor and at any time, bring a child, ward, youth or [youth offender] **adjudicated youth** committed to the custody and care by the juvenile court before the court for any further action the court considers advisable.

SECTION 35. ORS 419A.020 is amended to read:

419A.020. (1) The cost of maintaining a juvenile department and all expenditures incidental thereto, including traveling expenses, and necessarily incurred in supplying the immediate necessi-

ties of children, wards, youths or [*youth offenders*] **adjudicated youths** while committed to the charge of a director or counselor, and all salaries for the personnel of a juvenile department and of any detention facilities maintained in the county, are payable upon the order of the board of county commissioners or county court of the county from county funds budgeted and levied for that purpose in any manner provided by law.

(2) When two or more counties have counselors appointed to serve the counties jointly, each county shall provide funds to pay its share of the costs and expenses of the employment of counselors and maintaining juvenile departments. The method of determining the portion of such costs and expenses each county is to bear must be provided in the agreement made between the counties under ORS 419A.010 (1)(b).

SECTION 36. ORS 419A.022 is amended to read:

419A.022. The board of county commissioners or county court of counties having more than 400,000 inhabitants, according to the latest federal decennial census, shall provide proper accommodations for detention rooms and hospital wards, as may be necessary for the care, custody and discipline of children, wards, youths or [*youth offenders*] **adjudicated youths**. The expense of the same shall be audited and paid in the same manner as other bills in such county are audited and paid.

SECTION 37. ORS 419A.045 is amended to read:

419A.045. It is declared to be the legislative policy of the State of Oregon to recognize county juvenile courts and departments as a basic foundation for the provision of services to children, wards, youths, [*youth offenders*] **adjudicated youths** and their families and, with the limited amount of funds available, to assist counties in financing certain juvenile court-related services on a continuing basis. The purpose of ORS 419A.045 to 419A.048 is to provide basic grants to juvenile departments to assist them in the administration of court services as defined in ORS 3.250.

SECTION 38. ORS 419A.050 is amended to read:

419A.050. (1) Any county may acquire in any lawful manner, equip and maintain within the county suitable facilities for the shelter of children, wards, youths and [*youth offenders*] **adjudicated youths**, or the detention of youths and [*youth offenders*] **adjudicated youths**, confined pursuant to a judicial commitment or order pending final adjudication of the case by the juvenile court.

(2) When two or more counties have entered into an agreement under ORS 419A.010, the counties jointly may acquire in any lawful manner, equip and maintain, at a suitable site or sites in the counties, facilities suitable for the shelter of children, wards, youths and [*youth offenders*] **adjudicated youths**, or the detention of youths and [*youth offenders*] **adjudicated youths**, confined pursuant to judicial commitment or order pending final adjudication of the case by the juvenile court.

(3) Any county may designate, equip and maintain a short-term detention facility for youths and [*youth offenders*] **adjudicated youths** in transit. The facility may house up to a total of five youths and [*youth offenders*] **adjudicated youths** in transit for a period not to exceed four continuous days pending further placement. Short-term detention facilities:

(a) May not be located with detention facilities established under subsection (1) or (2) of this section; and

(b) Are subject to the standards and specifications found in ORS 169.740 and 419A.052. Upon written request of the county, the Department of Corrections may approve waivers and variances from the standards and specifications as long as the waivers or variances are consistent with the safety and welfare of detained youths and [*youth offenders*] **adjudicated youths**.

SECTION 39. ORS 419A.055 is amended to read:

419A.055. (1) As used in this section:

(a) "Contracting county" means a county that contracts with another county or a regional juvenile detention correctional facility to place youths and [*youth offenders*] **adjudicated youths** in a detention facility in another county or in a regional juvenile detention correctional facility.

(b) "County court" has the meaning given that term in ORS 174.100.

(2) The county court of a county may:

(a) Institute an examination of the county's detention facility and establish its capacity in accordance with constitutional standards; and

(b) Issue an order establishing the capacity of the county's detention facility.

(3)(a) A county court of a county may adopt standards for releasing youths and [youth offenders] **adjudicated youths** when the capacity of the detention facility is exceeded.

(b) A county court of a contracting county may adopt standards for releasing youths and [youth offenders] **adjudicated youths** when the number of youths or [youth offenders] **adjudicated youths** requiring placement in a detention facility in another county or in a regional juvenile detention correctional facility exceeds the number of youths and [youth offenders] **adjudicated youths** for whose placement the contracting county has contracted.

(4) If a county court issues an order establishing the capacity of the detention facility and that capacity is exceeded, the county court, through the juvenile department director of that county, may release a sufficient number of youths or [youth offenders] **adjudicated youths** to reduce the population of the detention facility to the established capacity.

(5) If the number of youths and [youth offenders] **adjudicated youths** requiring placement in a detention facility in another county or in a regional juvenile detention correctional facility exceeds the number for whose placement the contracting county has contracted, the county court of the contracting county, through the juvenile department director of the contracting county, may release a sufficient number of youths or [youth offenders] **adjudicated youths** who have been placed in a detention facility in another county or in a regional juvenile detention correctional facility to reduce the number of youths and [youth offenders] **adjudicated youths** to the number for whose placement the contracting county has contracted.

(6)(a) The county court of a county, through the juvenile department director of the county, shall immediately notify the judge of the juvenile court of the county of the release of the youths or [youth offenders] **adjudicated youths**.

(b) The county court of a contracting county, through the juvenile department director of the contracting county, shall immediately notify the judge of the juvenile court of the contracting county of the release of the youths or [youth offenders] **adjudicated youths**.

(7) This section does not create a cause of action and may not be asserted as the basis for a per se negligence claim.

SECTION 40. ORS 419A.057 is amended to read:

419A.057. (1) All expenses incurred in the maintenance of the facilities for detention and the personnel required for the facilities, except as otherwise provided in subsection (2) of this section, shall be paid upon order of the board of county commissioners or county court from county funds duly levied and collected in any manner provided by law. When joint detention facilities are maintained as provided in ORS 419A.050 (2), each county shall pay its share of the costs and expenses of acquiring, equipping and maintaining the joint detention facilities, to be determined pursuant to an agreement between the counties. Counties may accept gifts or donations of property, including money, for the use of detention facilities to be expended and used as directed by the board of county commissioners.

(2) When a county operates a combined facility to provide both care and rehabilitation services, under ORS 420.855 to 420.885, and detention facilities, the county may also receive state support for the care and rehabilitation services as permitted by ORS 420.880.

(3) When a county operates a combined facility as described in subsection (2) of this section, only [youth offenders] **adjudicated youths** may be admitted to the youth care center of the facility and only following court review of the admission.

SECTION 41. ORS 419A.059 is amended to read:

419A.059. (1) The juvenile court of each county shall designate the place or places in which children, wards, youths or [youth offenders] **adjudicated youths** are to be placed in shelter care, or in which youths or [youth offenders] **adjudicated youths** are to be placed in detention, when taken into temporary custody.

(2) If the county is adjacent to another state, the court may designate a place or places in the adjoining state where children, wards, youths or [*youth offenders*] **adjudicated youths**, pursuant to an agreement between such place or places and the juvenile department of the county, may be placed in shelter care when taken into custody.

(3) If the county is adjacent to another state, the court may designate a place or places in the adjoining state where youths or [*youth offenders*] **adjudicated youths**, pursuant to an agreement between such place or places and the juvenile department of the county, may be placed in detention when taken into custody. A county juvenile department may not enter into an agreement with an out-of-state place for placement in detention as provided in this subsection, unless the place or places conform to standards of this state for such a place and unless the agreement includes a provision that the place be subject to inspection by officers of this state under ORS 419A.061.

SECTION 42. ORS 419A.063 is amended to read:

419A.063. (1) The juvenile court may not place [*a youth offender*] **an adjudicated youth** in a detention facility under ORS 419C.453 unless the facility:

(a) Houses [*youth offenders*] **adjudicated youths** in a room or ward screened from the sight and sound of adults who may be detained in the facility; and

(b) Is staffed by juvenile department employees.

(2) In no case may the court order, pursuant to ORS 419C.453, that [*a youth offender*] **an adjudicated youth** under 14 years of age be placed in any detention facility in which adults are detained or imprisoned.

(3) As used in this section, "adult" does not include a person who is 18 years of age or older and is alleged to be, or has been found to be, within the jurisdiction of the juvenile court under ORS 419C.005.

SECTION 43. ORS 419A.107 is amended to read:

419A.107. (1) Subject to the availability of funds, a local citizen review board shall review cases of [*youth offenders*] **adjudicated youths** in the custody of the Oregon Youth Authority and placed in substitute care. The local citizen review board shall focus on public safety, [*youth offender*] **adjudicated youth** accountability and reformation in conducting the reviews.

(2) The Judicial Department and the Oregon Youth Authority shall enter into an intergovernmental agreement regarding the reviews conducted under subsection (1) of this section. The intergovernmental agreement must outline the:

(a) Timing of the reviews;

(b) Participants to be invited to the reviews; and

(c) Process to be followed in conducting the reviews.

(3) The local citizen review board shall forward findings and recommendations generated at a review under subsection (1) of this section to the court and any other parties designated in the agreement under subsection (2) of this section. The court shall cause the findings and recommendations to become part of the juvenile court file for consideration by the juvenile court judge.

SECTION 44. ORS 419A.150 is amended to read:

419A.150. (1) The judge of the juvenile court may appoint one or more persons as referee of the juvenile court. A referee shall be appointed in every county in which there is no resident juvenile court judge. A person appointed referee must be qualified by training and experience in the handling of juvenile matters, must have such further qualifications as may be prescribed by law and holds office as referee at the pleasure of the judge. The state shall pay the compensation of a referee appointed by the judge of a circuit court from funds available for the purpose. The county shall pay the compensation of a referee appointed by the judge of a county court.

(2) The judge may direct that any case, or all cases of a class designated by the judge, be processed or heard in the first instance by a referee in the manner provided for the hearing of cases by the court. Upon conclusion of the hearing in each case, the referee shall transmit to the judge the findings, recommendations or order in writing of the referee.

(3) When the referee conducts a hearing, the persons entitled to request rehearing as provided in subsection (7) of this section must be notified of the referee's findings, recommendations or order,

together with a notice to the effect that a rehearing may be had before a judge if requested within 10 days. A rehearing before a judge of the juvenile court may be determined on the same evidence introduced before the referee if a stenographic transcript of the proceedings was kept, but, in any case, additional evidence may be presented.

(4) All orders of a referee become immediately effective, subject to the right of review provided in this section, and continue in full force and effect, unless stayed by order of the referee or by a juvenile court judge, until vacated or modified upon rehearing by order of a judge of the juvenile court. Any order entered by a referee becomes a final order of the juvenile court upon expiration of 10 days following its entry, unless a rehearing is ordered or requested.

(5) The judge of the juvenile court or, in counties having more than one judge of the juvenile court, the presiding judge of the juvenile court may establish requirements that any or all orders of referees must be expressly approved by a judge of the juvenile court before becoming effective.

(6) A judge of the juvenile court may, on the judge's own motion, order a rehearing of any matter heard before a referee.

(7) At any time prior to the expiration of 10 days after the entry of the order and findings of a referee into the court register, a child, ward, youth, [youth offender] **adjudicated youth**, the parent, guardian, district attorney, Department of Human Services, juvenile department or other party affected by the order may request rehearing. The request for rehearing must be served upon all parties by the party requesting the rehearing.

(8) All rehearings of matters heard before a referee shall be heard expeditiously by a judge of the juvenile court within 30 days after the filing of the request, unless the court orders a continuance. In no event may the rehearing occur later than 45 days after the date of the filing of the request. The rehearing is conducted de novo.

(9) Notwithstanding subsection (7) of this section, when a referee finds that a youth is not within the jurisdiction of the court in a proceeding brought under ORS 419C.005, the district attorney may not request a rehearing.

SECTION 45. ORS 419A.190 is amended to read:

419A.190. Except as provided in ORS 153.108 (1), proceedings in adult criminal court and other juvenile court adjudicatory proceedings based on an act alleged in a petition or citation to have been committed by a child, ward, youth or [youth offender] **adjudicated youth** or allegations arising out of the same conduct are barred when the juvenile court judge or referee has begun taking evidence in an adjudicatory hearing or has accepted a child, ward, youth or [youth offender's] **adjudicated youth's** admission or answer of no contest to the allegations of the petition or citation. This section does not prevent appeal of any preadjudicatory order of the court that could be appealed in a criminal case, including, but not limited to, an order suppressing evidence.

SECTION 46. ORS 419A.200 is amended to read:

419A.200. (1) Except as provided in ORS 419A.190, any person or entity, including, but not limited to, a party to a juvenile court proceeding under ORS 419B.875 (1) or 419C.285 (1), whose rights or duties are adversely affected by a judgment of the juvenile court may appeal therefrom. An appeal from a circuit court must be taken to the Court of Appeals, and an appeal from a county court must be taken to the circuit court.

(2) If the proceeding is in the circuit court and no record of the proceedings was kept, the court, on motion made not later than 15 days after the entry of the court's judgment, shall grant a rehearing and shall direct that a record of the proceedings be kept. However, the court may not grant a rehearing in a case barred by ORS 419A.190 without the consent of the child, ward, youth or [youth offender] **adjudicated youth** affected by such case. If a rehearing is held, the time for taking an appeal runs from the date of entry of the court's judgment after the rehearing.

(3)(a) The appeal may be taken by causing a notice of appeal, in the form prescribed by ORS 19.250, to be served:

(A) On all parties who have appeared in the proceeding;

(B) On the trial court administrator or other person serving as clerk of the juvenile court; and

(C) On the juvenile court transcript coordinator, if a transcript is designated in connection with the appeal.

(b) The original of the notice with proof of service must be filed with:

(A) The Court of Appeals if the appeal is from a circuit court; or

(B) The circuit court if the appeal is from a county court.

(c) The notice must be filed not later than 30 days after the entry of the court's judgment. On appeal from the county court, the circuit court shall hear the matter de novo and its judgment is appealable to the Court of Appeals in the same manner as if the proceeding had been commenced in the circuit court.

(4) The counsel in the proceeding from which the appeal is being taken shall file and serve those documents necessary to commence an appeal if the counsel is requested to do so by the party the counsel represents. If the party requesting an appeal is represented by court-appointed counsel, court-appointed counsel may discharge the duty to commence an appeal under this subsection by complying with policies and procedures established by the office of public defense services for appeals of juvenile court judgments.

(5)(a) Upon motion of a person, other than the state, entitled to appeal under subsection (1) of this section, the appellate court shall grant the person leave to file a notice of appeal after the time limits described in subsection (3) of this section if:

(A) The person shows a colorable claim of error in the proceeding from which the appeal is taken; and

(B) The person shows that the failure to file a timely notice of appeal is not personally attributable to the person.

(b) A person other than the state is not entitled to relief under this subsection for failure to file timely notice of cross-appeal when the state appeals pursuant to ORS 419A.208.

(c) The request for leave to file a notice of appeal after the time limits prescribed in subsection (3) of this section must be filed no later than 90 days after entry of the judgment being appealed and must be accompanied by the notice of appeal sought to be filed. A request for leave under this subsection may be filed by mail and is deemed filed on the date of mailing if the request is mailed as provided in ORS 19.260.

(d) The court may not grant relief under this subsection unless the state has notice and opportunity to respond to the person's request for relief.

(6) An appeal to the Court of Appeals must be conducted in the same manner as an appeal under ORS chapter 19 except that the court shall advance the appeal on the court's docket in the same manner as appeals in criminal cases.

(7)(a) Except as provided in ORS 419A.208 (2), or when otherwise ordered by the appellate court, the filing of an appeal does not suspend an order or judgment of the juvenile court nor discharge the ward or [*youth offender*] **adjudicated youth** from the custody of the person, institution or agency in whose custody the ward or [*youth offender*] **adjudicated youth** may have been placed nor preclude the juvenile court after notice and hearing from entering such further orders relating to the ward or [*youth offender's*] **adjudicated youth's** custody pending final disposition of the appeal as it finds necessary by reason only of matters transpiring subsequent to the order or judgment appealed from. The trial court administrator shall immediately file certified copies of any such order or judgment with the Court of Appeals.

(b) Notwithstanding the filing of an appeal from a jurisdictional or dispositional judgment or an order entered pursuant to ORS 419B.449 or 419B.476, the juvenile court may proceed with the adjudication of a petition seeking termination of the parental rights of a parent of the ward who is subject to the judgment from which the appeal is taken.

(c) The appeal of any judgment entered in a termination of parental rights proceeding under paragraph (b) of this subsection must be consolidated, if appropriate, with any pending appeal of an order or judgment entered under ORS 419B.325, 419B.449 or 419B.476. The consolidated appeal must be conducted and advanced on the court's docket in the same manner as termination of parental rights cases.

(8) On appeal of a judgment or final order, the appellate court may review any interlocutory order that:

(a) Involves the merits or necessarily affects the judgment or final order appealed from; and

(b) Was made after entry of the last appealable judgment or final order preceding entry of the judgment or final order being appealed.

(9) The district attorney or Attorney General shall represent the state in the appeal.

(10)(a) The court from which an appeal is taken shall prepare and transmit a record on appeal in the manner provided in ORS 19.365, except that, when the appeal is to the circuit court from a county court, the record on appeal shall be prepared and transmitted by the county court to the circuit court.

(b) The court to which an appeal is taken under this section shall keep a record of the case on appeal that includes but is not limited to notices of appeal, briefs, motions, orders of the court and other papers filed with the court on appeal.

(c) The record on appeal prepared and transmitted under paragraph (a) of this subsection, when it is in the custody of the court to which the appeal is taken, and the record of the case on appeal kept under paragraph (b) of this subsection are subject to the same limitations on inspection, copying and disclosure of records, reports and materials as those set forth under ORS 419A.255.

(d) The court on appeal may consent to disclosure of:

(A) Records described in paragraph (a) of this subsection, while in the custody of the court to which the appeal is taken, in the same manner and under the same circumstances as the juvenile court consents to disclosure under ORS 419A.255;

(B) Records described in paragraph (b) of this subsection; or

(C) An audio or video recording prepared of an oral proceeding on appeal, in the same manner as permitted under ORS 419A.256 (1)(b), (3) and (4).

(e) Notwithstanding any other provision of law, any decision, as that term is defined in ORS 19.450, issued by the Court of Appeals or the Supreme Court, on appeal or review of a juvenile court decision, is not confidential and is not exempt from disclosure.

SECTION 47. ORS 419A.211 is amended to read:

419A.211. (1) If the child, ward, youth, [*youth offender*] **adjudicated youth**, parent or guardian is determined to be entitled to, and financially eligible for, appointment of counsel at state expense in an appeal as provided in ORS 419A.200 and 419A.208, the court, upon request of the person or upon its own motion, shall appoint suitable counsel to represent the person. Counsel appointed by the court shall be paid compensation determined by the public defense services executive director as provided in ORS 135.055 if the circuit court is the appellate court or as provided in ORS 138.500 if the Court of Appeals or the Supreme Court is the appellate court. The court may not substitute one appointed counsel for another except pursuant to the policies, procedures, standards and guidelines of the Public Defense Services Commission.

(2)(a) When the court appoints counsel to represent the child, ward, youth or [*youth offender*] **adjudicated youth**, it may order the parent, if able, or guardian of the estate, if the estate is able, to pay to the Public Defense Services Account established by ORS 151.225, through the clerk of the court, in full or in part the administrative costs of determining the ability of the parents or estate to pay for legal services and the costs of the legal and other services that are related to the provision of appointed counsel.

(b) The test of the parent's or estate's ability to pay costs under paragraph (a) of this subsection is the same test as applied to appointment of counsel for defendants under ORS 151.216. If counsel is provided at state expense, the court shall apply this test in accordance with the guidelines adopted by the Public Defense Services Commission under ORS 151.485.

(c) If counsel is provided at state expense, the court shall determine the amount the parents or estate is required to pay for the costs of administrative, legal and other services related to the provision of appointed counsel in the same manner as this amount is determined under ORS 151.487.

(d) The court's order of payment is enforceable in the same manner as an order of support under ORS 419B.408 and 419C.600.

(3) When the court appoints counsel and the child, ward, youth, [*youth offender*] **adjudicated youth**, parent or guardian has been determined to be entitled to, and financially eligible for, appointed counsel at state expense, the compensation for counsel and costs and expenses necessary to the appeal shall be determined and paid as provided in ORS 135.055 if the circuit court is the appellate court or as provided in ORS 138.500 if the Court of Appeals or the Supreme Court is the appellate court.

SECTION 48. ORS 419A.240 is amended to read:

419A.240. During any juvenile court proceeding under this chapter and ORS chapters 419B and 419C regarding a youth, [*youth offender*] **adjudicated youth** or young person:

(1)(a) Instruments of physical restraint, such as handcuffs, chains, irons, straitjackets, cloth restraints, leather restraints, plastic restraints and other similar items, may not be used during the juvenile court proceeding and must be removed prior to the youth, [*youth offender*] **adjudicated youth** or young person being brought into the courtroom unless the court finds that the use of restraints is necessary due to an immediate and serious risk of dangerous or disruptive behavior and there are no less restrictive alternatives that will alleviate the immediate and serious risk of dangerous or disruptive behavior.

(b) If the means do not exist to remove instruments of physical restraint as described in paragraph (a) of this subsection prior to the youth, [*youth offender*] **adjudicated youth** or young person being brought into the courtroom, such restraints shall be removed prior to commencement of the proceeding.

(c) Instruments of physical restraint removed under this subsection must remain removed for the duration of the proceeding.

(2) In determining whether an immediate and serious risk of dangerous or disruptive behavior exists, the court may consider:

(a) Whether the youth, [*youth offender*] **adjudicated youth** or young person has a history of dangerous or disruptive behavior that has placed the youth, [*youth offender*] **adjudicated youth** or young person or others in potentially harmful situations as evidenced by recent behavior;

(b) Whether the youth, [*youth offender*] **adjudicated youth** or young person presents a substantial risk of inflicting physical harm on himself or others; and

(c) Whether the youth, [*youth offender*] **adjudicated youth** or young person presents a substantial risk of flight from the courtroom or courtroom premises.

(3) In determining whether a less restrictive alternative will alleviate the immediate and serious risk of dangerous or disruptive behavior, the court may consider the presence of court personnel, law enforcement officers, juvenile department staff or counselors, or bailiffs.

(4) When the use of restraints is requested by a law enforcement agency, the juvenile department or other party to the juvenile court proceeding, the request must be made in writing and presented to the court and other parties prior to the youth, [*youth offender*] **adjudicated youth** or young person's appearance in the courtroom for the juvenile court proceeding. The request must describe discrete, recent, concrete and observable examples of behaviors or risk factors that justify the use of restraints.

(5) The court shall provide the attorney for the youth, [*youth offender*] **adjudicated youth** or young person an opportunity to be heard prior to ordering the use of restraints. If restraints are ordered, the court shall make written findings of fact in support of the order.

(6) Any restraints used must allow the youth, [*youth offender*] **adjudicated youth** or young person limited movement of the hands to read and handle documents and writings necessary to the juvenile court proceeding. Under no circumstances should a youth, [*youth offender*] **adjudicated youth** or young person be restrained to a stationary object or another person.

(7) Restraints may not be used as punishment, for convenience or as a substitute for staff supervision.

SECTION 49. ORS 419A.245 is amended to read:

419A.245. (1) During the transportation of a youth, [*youth offender*] **adjudicated youth**, young person, ward or child by the Department of Human Services, the Oregon Health Authority or an agent of the department or authority:

(a) Instruments of physical restraint, such as handcuffs, chains, irons, straitjackets, cloth restraints, leather restraints, plastic restraints and other similar items, may not be used unless:

(A) The transportation is secure transportation to a detention facility, youth correction facility, as defined in ORS 420.005, secure hospital, secure intensive community inpatient facility or other secure facility; or

(B) Restraints are necessary due to an immediate and serious risk of dangerous or disruptive behavior and there are no less restrictive alternatives that will alleviate the immediate and serious risk of dangerous or disruptive behavior.

(b) Prior to the use of restraints during transportation, a transportation safety plan, including documentation of the need for restraints, must be created. The transportation safety plan must address intervention strategies designed to modify behavior without the use of restraints and recommend the least restrictive effective alternative.

(c) Only staff who have been adequately trained in restraint device usage may use and apply restraints during transportation.

(d) Restraints during transportation may not be used as punishment, for convenience or as a substitute for staff supervision.

(2) This section applies to all circumstances of transportation of a ward or child by the Department of Human Services, the Oregon Health Authority or an agent of the department or authority, including but not limited to transportation between placements with child-caring agencies, foster homes, shelter care facilities, treatment and residential facilities or any other type of placement destination for a ward or child in the custody of the Department of Human Services.

SECTION 50. ORS 419A.250 is amended to read:

419A.250. (1) A child, ward, youth or [*youth offender*] **adjudicated youth** may be photographed or fingerprinted by a law enforcement agency:

(a) Pursuant to a search warrant;

(b) According to laws concerning adults if the youth has been transferred to criminal court for prosecution;

(c) Upon consent of both the child or youth and the child or youth's parent after advice that they are not required to give such consent;

(d) Upon request or consent of the child's parent alone if the child is less than 10 years of age, and if the law enforcement agency delivers the original photographs or fingerprints to the parent and does not make or retain any copies thereof; or

(e) By order of the juvenile court.

(2) When a youth is taken into custody under ORS 419C.080, the law enforcement agency taking the youth into custody shall photograph and fingerprint the youth. When a youth is found within the jurisdiction of the juvenile court for the commission of an act that would constitute a crime if committed by an adult, the court shall ensure that the [*youth offender's*] **adjudicated youth's** fingerprints have been taken. The law enforcement agency attending upon the court is the agency responsible for obtaining the fingerprints. The law enforcement agency attending upon the court may, by agreement, arrange for another law enforcement agency to obtain the fingerprints on the attending agency's behalf.

(3) Fingerprint and photograph files or records of children, wards, youths and [*youth offenders*] **adjudicated youths** must be kept separate from those of adults, and fingerprints and photographs known to be those of a child may be maintained on a local basis only and may not be sent to a central state or federal depository.

(4) Fingerprint and photograph files or records of a child, ward, youth or [*youth offender*] **adjudicated youth** are open to inspection only by, or the contents disclosed only to, the following:

(a) Public agencies for use in investigation or prosecution of crimes and of conduct by a child, ward, youth or [*youth offender*] **adjudicated youth** that if committed by an adult would be an of-

fense, provided that a law enforcement agency may provide information to another agency only when the information is pertinent to a specific investigation by that agency;

(b) The juvenile department and the juvenile court having the child, ward, youth or [youth offender] **adjudicated youth** before it in any proceeding;

(c) Caseworkers and counselors taking action or otherwise responsible for planning and care of the child, ward, youth or [youth offender] **adjudicated youth**;

(d) The parties to the proceeding and their counsel; and

(e) The victim or a witness of an act or behavior described under ORS 419C.005 (1) or the victim's parent, guardian, personal representative or subrogee, when necessary to identify the youth or [youth offender] **adjudicated youth** committing the act or behavior and identifying the apparent extent of the youth or [youth offender's] **adjudicated youth's** involvement in the act or behavior.

(5)(a) Fingerprint and photograph files or records of youths and [youth offenders] **adjudicated youths** must be sent to a central state depository in the same manner as fingerprint and photograph files or records of adults. The fingerprint and photograph files or records of a youth or [youth offender] **adjudicated youth** sent to a central depository under this subsection are open to inspection in the same manner and under the same circumstances as fingerprint and photograph files or records of adults.

(b) A party filing a petition alleging that a youth is within the jurisdiction of the court under ORS 419C.005 shall notify the central state depository of the following:

(A) The filing of a petition alleging that a youth committed an act that if committed by an adult would constitute a crime; or

(B) The dismissal of a petition alleging that a youth committed an act that if committed by an adult would constitute a crime.

(c) The juvenile court shall notify the central state depository of the disposition of a case in which jurisdiction is based on ORS 419C.005.

(d) The Department of State Police shall delete the fingerprint and photograph files or records of a youth or [youth offender] **adjudicated youth** from the depository and destroy the files or records relating to the conduct that caused the files or records to be sent to the depository:

(A) One year after receiving the files, if the central state depository has not received notice under paragraph (b) of this subsection;

(B) No later than one year following receipt of a notice of dismissal of a petition under paragraph (b)(B) of this subsection; or

(C) In all other circumstances, no later than five years and 30 days after fingerprint and photograph files or records are sent to the central state depository.

(6) Fingerprint and photograph files and records of a child, ward, youth or [youth offender] **adjudicated youth** must be expunged when the juvenile court orders expunction of a child, ward, youth or [youth offender's] **adjudicated youth's** record pursuant to ORS 419A.260 and 419A.262.

(7) The parent or guardian of a missing child may submit a fingerprint card and photograph of the child to a law enforcement agency at the time a missing person report is made. The law enforcement agency may submit the fingerprint file to the Department of State Police. The information must be entered into the Law Enforcement Data System and the Western Identification Network Automated Fingerprint Identification System.

(8) When fingerprint files or records are submitted under subsection (7) of this section, the Department of State Police shall enter in a special index in the computerized criminal history files the name of the child and the name of the county or agency that submitted the fingerprint file or record.

(9) Fingerprints and other information entered in any data system pursuant to subsection (7) of this section must be deleted when the child is located.

SECTION 50a. If Senate Bill 132 becomes law, section 50 of this 2021 Act (amending ORS 419A.250) is repealed and ORS 419A.250, as amended by section 1, chapter __, Oregon Laws 2021 (Enrolled Senate Bill 132), is amended to read:

419A.250. (1) A child, ward, youth or [youth offender] **adjudicated youth** may be photographed or fingerprinted by a law enforcement agency:

- (a) Pursuant to a search warrant;
- (b) According to laws concerning adults if the youth has been transferred to criminal court for prosecution;
- (c) Upon consent of both the child or youth and the child or youth's parent after advice that they are not required to give such consent;
- (d) Upon request or consent of the child's parent alone if the child is less than 10 years of age, and if the law enforcement agency delivers the original photographs or fingerprints to the parent and does not make or retain any copies thereof; or
- (e) By order of the juvenile court.

(2)(a) When a youth is taken into custody under ORS 419C.080, the law enforcement agency taking the youth into custody shall photograph and fingerprint the youth. When a youth is found within the jurisdiction of the juvenile court for the commission of an act that would constitute a crime if committed by an adult, the court shall ensure that the [youth offender's] **adjudicated youth's** fingerprints have been taken. The law enforcement agency attending upon the court is the agency responsible for obtaining the fingerprints. The law enforcement agency attending upon the court may, by agreement, arrange for another law enforcement agency to obtain the fingerprints on the attending agency's behalf.

(b) When [a youth offender] **an adjudicated youth** is committed to a youth correction facility and the juvenile department, court or law enforcement agency has not provided the [youth offender's] **adjudicated youth's** fingerprint and photograph files or records to the Oregon Youth Authority, the youth authority shall photograph and fingerprint the [youth offender] **adjudicated youth**.

(3) Fingerprint and photograph files or records of a child, ward, youth or [youth offender] **adjudicated youth** must be kept separate from those of adults. Fingerprints and photographs known to be those of a child may be maintained on a local basis only and may not be sent to the Department of State Police or a federal depository.

(4) Fingerprint and photograph files or records of a child, ward, youth or [youth offender] **adjudicated youth** are open to inspection only by, or the contents disclosed only to, the following:

(a) Public agencies for use in investigation or prosecution of crimes and of conduct by a child, ward, youth or [youth offender] **adjudicated youth** that if committed by an adult would be an offense, provided that a law enforcement agency may provide information to another agency only when the information is pertinent to a specific investigation by that agency;

(b) The juvenile department and the juvenile court having the child, ward, youth or [youth offender] **adjudicated youth** before it in any proceeding;

(c) Caseworkers and counselors taking action or otherwise responsible for planning and care of the child, ward, youth or [youth offender] **adjudicated youth**;

(d) The parties to the proceeding and their counsel; and

(e) The victim or a witness of an act or behavior described under ORS 419C.005 (1) or the victim's parent, guardian, personal representative or subrogee, when necessary to identify the youth or [youth offender] **adjudicated youth** committing the act or behavior and identifying the apparent extent of the youth or [youth offender's] **adjudicated youth's** involvement in the act or behavior.

(5)(a) Fingerprint and photograph files or records of youths and [youth offenders] **adjudicated youths** must be sent to the Department of State Police in the same manner as fingerprint and photograph files or records of adults. The fingerprint and photograph files or records of a youth or [youth offender] **adjudicated youth** sent to the department under this subsection are open to inspection in the same manner and under the same circumstances as fingerprint and photograph files or records of adults.

(b) A party filing a petition alleging that a youth is within the jurisdiction of the court under ORS 419C.005 shall notify the Department of State Police of the following:

(A) The filing of a petition alleging that a youth committed an act that if committed by an adult would constitute a crime; or

(B) The dismissal of a petition alleging that a youth committed an act that if committed by an adult would constitute a crime.

(c) The juvenile court shall notify the Department of State Police of the disposition of a case in which jurisdiction is based on ORS 419C.005.

(d) The Oregon Youth Authority shall notify the Department of State Police of [a youth offender's] **an adjudicated youth's** commitment to the youth authority for placement in a youth correction facility.

(e) The Oregon Youth Authority shall notify the Department of State Police of the termination of [a youth offender's] **an adjudicated youth's** commitment for placement in a youth correction facility and to the legal custody of the youth authority.

(f) The Department of State Police shall delete the fingerprint and photograph files or records of a youth or [youth offender] **adjudicated youth** and destroy the files or records relating to the conduct that caused the files or records to be sent to the department:

(A) Two years after receiving the files, if the Department of State Police has not received notice under paragraph (b) of this subsection;

(B) No later than one year following receipt of a notice of dismissal of a petition under paragraph (b)(B) of this subsection;

(C) No later than one year after the Department of State Police receives notice under paragraph (e) of this subsection; or

(D) In all other circumstances, no later than the earlier of the date the Department of State Police receives the notice of termination of the case or five years and 30 days after the department receives notice of the disposition of the case.

(6) Fingerprint and photograph files and records of a child, ward, youth or [youth offender] **adjudicated youth** must be expunged when the juvenile court orders expunction of a child, ward, youth or [youth offender's] **adjudicated youth's** record pursuant to ORS 419A.260 and 419A.262.

(7) The parent or guardian of a missing child may submit a fingerprint card and photograph of the child to a law enforcement agency at the time a missing person report is made. The law enforcement agency may submit the fingerprint file to the Department of State Police. The information must be entered into the Law Enforcement Data System and the Western Identification Network Automated Fingerprint Identification System.

(8) When fingerprint files or records are submitted under subsection (7) of this section, the Department of State Police shall enter in a special index in the computerized criminal history files the name of the child and the name of the county or agency that submitted the fingerprint file or record.

(9) Fingerprints and other information entered in any data system pursuant to subsection (7) of this section must be deleted when the child is located.

SECTION 51. ORS 419A.252, as amended by section 56, chapter 14, Oregon Laws 2020 (first special session), is amended to read:

419A.252. As used in this section and ORS 419A.253, 419A.255 and 419A.256:

(1) "Person" means an individual, a public body as defined in ORS 174.109 or a tribe that is a party to a juvenile court proceeding pursuant to ORS 419B.875.

(2) "Prospective appellate attorney" means an attorney designated by the office of public defense services established under ORS 151.216 to potentially represent a child, ward, youth, [youth offender,] **adjudicated youth** or a parent or guardian of a child, ward, youth or [youth offender] **adjudicated youth**, in a juvenile case when the case has been referred to the office of public defense services for appeal.

(3) "Public defense provider" means an attorney or a law firm designated by the office of public defense services established under ORS 151.216 to potentially represent a child, ward, youth, [youth offender] **adjudicated youth** or the parent or guardian of a child, ward, youth or [youth offender] **adjudicated youth** in a juvenile court proceeding.

(4) "Record of the case" or "record of each case," whether maintained in paper or electronic form, includes but is not limited to the following and includes records filed in juvenile court pro-

ceedings commenced before January 1, 2014, when the records are substantially similar to the following:

- (a) The summons and other process;
 - (b) Petitions;
 - (c) Papers in the nature of pleadings, answers, motions, affidavits and other papers that are filed with the court, including supporting documentation;
 - (d) Local citizen review board findings and recommendations submitted under ORS 419A.118 or 419B.367;
 - (e) Guardianship report summaries filed with the court under ORS 419B.367;
 - (f) Orders and judgments of the court, including supporting documentation;
 - (g) Transcripts under ORS 419A.256;
 - (h) Exhibits and materials offered as exhibits whether or not received in evidence; and
 - (i) Other documents that become part of the record of the case by operation of law.
- (5) "Supplemental confidential file," whether maintained in paper or electronic form, includes reports and other material relating to the child, ward, youth or *[youth offender's]* **adjudicated youth's** history and prognosis, including but not limited to reports filed under ORS 419B.440, and includes similar reports and other materials filed in juvenile court proceedings commenced before January 1, 2014, that:

- (a) Are not or do not become part of the record of the case; and
- (b) Are not offered or received as evidence in the case.

SECTION 52. ORS 419A.255 is amended to read:

419A.255. (1)(a) The clerk of the court shall maintain a record of each case and a supplemental confidential file for each case, except as otherwise provided in ORS 7.120.

(b) The record of the case shall be withheld from public inspection but is open to inspection by the following:

- (A) The judge of the juvenile court and those acting under the judge's direction;
 - (B) The child;
 - (C) The ward;
 - (D) The youth;
 - (E) The *[youth offender]* **adjudicated youth**;
 - (F) The parent or guardian of the child, ward, youth or *[youth offender]* **adjudicated youth**;
 - (G) The guardian ad litem for the parent;
 - (H) A person allowed to intervene in a proceeding involving the child, ward, youth or *[youth offender]* **adjudicated youth**;
 - (I) The court appointed special advocate, and a representative of a CASA Volunteer Program as defined in ORS 184.489, when reasonably necessary for the appointment or supervision of court appointed special advocates;
 - (J) The attorneys or prospective appellate attorneys for any of the persons listed in subparagraphs (B) to (I) of this paragraph;
 - (K) The surrogate;
 - (L) Service providers in the case;
 - (M) The district attorney or assistant attorney general representing a party in the case;
 - (N) The juvenile department;
 - (O) The Department of Human Services;
 - (P) The Oregon Youth Authority; and
 - (Q) Any other person or entity allowed by the court pursuant to ORS 419A.258.
- (c) The following are entitled to copies of the record of the case:
- (A) The judge of the juvenile court and those acting under the judge's direction;
 - (B) A party to the extent permitted under ORS 419B.875 (2) or 419C.285 (2);
 - (C) A guardian ad litem for a parent to the same extent the parent is permitted to copies under ORS 419B.875 (2) or 419C.285 (2);
 - (D) Persons listed in paragraph (b)(J) to (P) of this subsection; and

(E) Any other person or entity allowed by the court pursuant to ORS 419A.258.

(2)(a) Reports and other material relating to the child, ward, youth or [youth offender's] **adjudicated youth's** history and prognosis in the record of the case or the supplemental confidential file are privileged and, except at the request of the child, ward, youth or [youth offender] **adjudicated youth**, shall be withheld from public inspection except that inspection is permitted as set forth in subsection (1)(b) of this section and paragraph (b) of this subsection. The offer or admission of reports and other material in the record of the case or the supplemental confidential file as exhibits in a hearing or trial does not waive or otherwise change the privileged status of the reports and other material, except for purposes of the hearing or trial in which the reports and other material are offered or admitted. Once offered as an exhibit, reports and other material relating to the child, ward, youth or [youth offender's] **adjudicated youth's** history and prognosis that were maintained in the supplemental confidential file become part of the record of the case but are subject to paragraph (e) of this subsection.

(b) A supplemental confidential file is open to inspection by the following:

(A) The judge of the juvenile court and those acting under the judge's direction;

(B) The parent or guardian of the child or ward in a dependency case;

(C) The guardian ad litem for the parent of a child or ward in a dependency case;

(D) The parent or guardian of the youth or [youth offender] **adjudicated youth** in a delinquency case if the youth or [youth offender] **adjudicated youth** consents to, or the court authorizes, inspection;

(E) The guardian ad litem for the parent of a youth or [youth offender] **adjudicated youth** in a delinquency case if the youth or [youth offender] **adjudicated youth** consents to, or the court authorizes, inspection;

(F) A person allowed to intervene in a proceeding involving the child, ward, youth or [youth offender] **adjudicated youth**;

(G) The court appointed special advocate, and a representative of a CASA Volunteer Program as defined in ORS 184.489, when reasonably necessary for the appointment or supervision of court appointed special advocates;

(H) The surrogate;

(I) Service providers in the case;

(J) The attorneys or prospective appellate attorneys for:

(i) The child;

(ii) The ward;

(iii) The youth;

(iv) The [youth offender] **adjudicated youth**;

(v) The parent or guardian of the child, ward, youth or [youth offender] **adjudicated youth**;

(vi) The guardian ad litem for the parent;

(vii) A person allowed to intervene in a proceeding involving the child or ward in a dependency case; or

(viii) The court appointed special advocate and a representative of a CASA Volunteer Program as defined in ORS 184.489;

(K) The district attorney or assistant attorney general representing a party in the case;

(L) The juvenile department;

(M) The Department of Human Services;

(N) The Oregon Youth Authority; and

(O) Any other person or entity allowed by the court pursuant to ORS 419A.258.

(c) The supplemental confidential file in cases under ORS 419C.005 may be disclosed to the superintendent of the school district in which the [youth offender] **adjudicated youth** resides or the superintendent's designee.

(d) The following are entitled to copies of material maintained in the supplemental confidential file:

(A) The judge of the juvenile court and those acting under the judge's direction;

- (B) Service providers in the case;
- (C) School superintendents and their designees in cases under ORS 419C.005;
- (D) Attorneys designated under subsection (2)(b)(J) of this section;
- (E) The district attorney or assistant attorney general representing a party in the case;
- (F) The juvenile department;
- (G) The Department of Human Services;
- (H) The Oregon Youth Authority;
- (I) The court appointed special advocate, and a representative of a CASA Volunteer Program as defined in ORS 184.489, when reasonably necessary for the appointment or supervision of court appointed special advocates; and
- (J) Any other person or entity allowed by the court pursuant to ORS 419A.258.

(e) A person that obtains copies of material in the supplemental confidential file pursuant to paragraph (d) of this subsection is responsible for preserving the confidentiality of the material in the supplemental confidential file. A service provider, school superintendent or superintendent's designee who obtains copies of such material shall destroy the copies upon the conclusion of involvement in the case.

(3) Except as otherwise provided in subsection (5) of this section, no information appearing in the record of the case or in the supplemental confidential file may be disclosed to any person not described in subsections (1)(b) and (2)(b) of this section, respectively, without the consent of the court, except for purposes of evaluating the child, ward, youth or [*youth offender's*] **adjudicated youth's** eligibility for special education as provided in ORS chapter 343, and no such information may be used in evidence in any proceeding to establish criminal or civil liability against the child, ward, youth or [*youth offender*] **adjudicated youth**, whether such proceeding occurs after the child, ward, youth or [*youth offender*] **adjudicated youth** has reached 18 years of age or otherwise, except for the following purposes:

(a) In connection with a presentence investigation after guilt has been admitted or established in a criminal court.

(b) In connection with a proceeding in another juvenile court concerning the child, ward, youth or [*youth offender*] **adjudicated youth** or an appeal from the juvenile court.

(4)(a) When a person described in subsection (1)(b)(M), (N), (O) or (P) of this section inspects or obtains copies of reports, materials or documents under this subsection or under subsection (1) or (2) of this section, the person may not use or disclose the reports, materials or documents, except:

(A) As provided in this subsection or under subsection (1) or (2) of this section;

(B) In the juvenile court proceeding for which the reports, materials or documents were sought or disclosed;

(C) With the consent of the court; or

(D) As provided in ORS 419A.253.

(b) Nothing in this section prohibits the district attorney or assistant attorney general representing a party in a juvenile court proceeding, the juvenile department, the Department of Human Services, the Oregon Youth Authority or other parties in the proceeding or their attorneys from disclosing to each other reports, materials or documents described in subsections (1) and (2) of this section if the disclosure is reasonably necessary to perform official duties related to the involvement of the child, ward, youth or [*youth offender*] **adjudicated youth** with the juvenile court or the juvenile department. A person to whom reports, materials or documents are disclosed under this subsection is subject to subsection (3) of this section.

(5)(a) Information contained in the supplemental confidential file that, in the professional judgment of the juvenile counselor, caseworker, school superintendent or superintendent's designee, teacher or detention worker to whom the information in the supplemental confidential file has been provided, indicates a clear and immediate danger to another person or to society shall be disclosed to the appropriate authority and the person who is in danger from the child, ward, youth or [*youth offender*] **adjudicated youth**.

(b) A person that discloses information under paragraph (a) of this subsection has immunity from any liability, civil or criminal, that might otherwise be incurred or imposed for making the disclosure.

(c) Nothing in this subsection affects the provisions of ORS 146.750, 146.760, 419B.035, 419B.040 and 419B.045. The disclosure of information under this subsection does not make the information admissible in any court or administrative proceeding if it is not otherwise admissible.

(6) Notwithstanding any other provision of law, and subject to subsection (8) of this section, the following are not confidential and not exempt from disclosure:

(a) The name and date of birth of the youth or [*youth offender*] **adjudicated youth**;

(b) The basis for the juvenile court's jurisdiction over the youth or [*youth offender*] **adjudicated youth**;

(c) The date, time and place of any juvenile court proceeding in which the youth or [*youth offender*] **adjudicated youth** is involved;

(d) The act alleged in the petition that if committed by an adult would constitute a crime if jurisdiction is based on ORS 419C.005;

(e) That portion of the juvenile court order providing for the legal disposition of the youth or [*youth offender*] **adjudicated youth** when jurisdiction is based on ORS 419C.005;

(f) The names and addresses of the youth or [*youth offender's*] **adjudicated youth's** parents or guardians; and

(g) The register described in ORS 7.020 when jurisdiction is based on ORS 419C.005.

(7) Notwithstanding any other provision of law, and subject to subsection (8) of this section, when a youth has been taken into custody under ORS 419C.080, the following information shall be disclosed unless, and only for so long as, there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim:

(a) The youth's name and age and whether the youth is employed or in school;

(b) The youth offense for which the youth was taken into custody;

(c) The name and age of the adult complaining party and the adult victim, unless the disclosure of such information is otherwise prohibited or restricted;

(d) The identity of the investigating and arresting agency; and

(e) The time and place that the youth was taken into custody and whether there was resistance, pursuit or a weapon used in taking the youth into custody.

(8) Except as provided in ORS 419A.300 and unless otherwise directed by the court, only the juvenile court, the county juvenile department and the Oregon Youth Authority may disclose the information under subsections (6) and (7) of this section if the information is subject to disclosure. The youth authority may disclose only information relating to [*youth offenders*] **adjudicated youths** committed to the youth authority by order of the juvenile court if the information is subject to disclosure under subsection (6) or (7) of this section.

(9) Nothing in this section limits access to any juvenile court records by an appellate court reviewing a juvenile court order or judgment. Appellate court rules may establish procedures for appellate court access to juvenile records.

(10) Nothing in this section prohibits the court from providing to the administrator as defined in ORS 25.010 the date of entry of a judgment terminating parental rights or the date of entry of a judgment terminating wardship following entry of a judgment of adoption together with the names and dates of birth of the parents and children subject to the judgment.

(11) In addition to any other provision in this section, the Judicial Department may permit county or statewide access to juvenile court records or information by county juvenile departments, the Department of Human Services, the Oregon Youth Authority, district attorney offices, the office of the Attorney General, the office of public defense services, prospective appellate attorneys or public defense providers subject to the following restrictions:

(a) A prospective appellate attorney or public defense provider granted access under this subsection must agree, pursuant to a written agreement with the Judicial Department, to access:

(A) Party information only for purposes of conflicts screening procedures; and

(B) Other records or information about a client only as reasonably necessary for the representation of that client in any juvenile case in which the client is a party, subject to applicable state and federal confidentiality laws.

(b) Any other person or entity granted access under this subsection must agree, pursuant to a written agreement with the department, to access records or information only as authorized and allowed by this section, subject to applicable state and federal confidentiality laws.

(c) The State Court Administrator shall prescribe standards and procedures to implement the provisions of this subsection.

(d) Any person or entity granted access to juvenile court records or information under this subsection must preserve the confidentiality of that information as required under this section.

(12) A petition filed under ORS 419B.851 alleging that a child who is a foreign national is within the jurisdiction of the court, or a motion requesting an implementation plan other than return of a ward to the ward's parent, is subject to disclosure to the consulate for the child or ward's country as provided under ORS 419B.851 (3).

(13) Nothing in this section prohibits a guardian appointed under ORS 419B.365 or 419B.366 from disclosing or providing copies of letters of guardianship when so required to fulfill the duties of a guardian.

(14) The court shall cooperate in the sharing of information with a court in another state to facilitate an interstate placement of a child or ward.

(15) Nothing in this section prohibits the Chief Justice of the Supreme Court, the Chief Judge of the Court of Appeals or a presiding judge from permitting access to juvenile court records, including the record of the case and the supplemental confidential file in a juvenile court proceeding, or audio or video recordings of a juvenile court proceeding, by researchers or evaluators for the purposes of developing statistics and performing analyses or audits on the effectiveness, cost and other areas of public interest regarding juvenile court programs and activities in accordance with child welfare and juvenile justice state plans and programs related to Title IV-B and IV-E of the Social Security Act and to the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq). The Chief Justice shall, by rule or order, establish standards and guidelines for the release of juvenile court information for research and evaluation purposes to ensure confidentiality consistent with state and federal law and to promote consistent statewide application of this subsection. Statistics and analyses released by researchers and evaluators under this subsection may not contain any information that identifies any individual person involved in a juvenile court proceeding.

(16) Subject to subsection (11) of this section, the office of public defense services shall be permitted access to juvenile court records for the purposes of performing the office's duties as set forth in ORS 151.219 to audit or investigate attorney appointment or representation of a party in a juvenile court proceeding in order to ensure adequate representation of parties in juvenile court proceedings consistent with the child welfare state plan related to Title IV-E of the Social Security Act.

(17) Subject to subsection (11) of this section, the Oregon State Bar shall be permitted access to juvenile court records maintained in the record of the case for the purpose of performing the bar's duties as set forth in ORS 9.005 to 9.757 to investigate attorney representation of a party in a juvenile court proceeding and in order to ensure adequate representation of parties in juvenile court proceedings consistent with the child welfare state plan related to Title IV-E of the Social Security Act.

(18)(a) A child, ward, youth or [youth offender] **adjudicated youth**, or the parent or guardian of a child, ward, youth or [youth offender] **adjudicated youth** who is a party to the juvenile court proceeding, who is entitled to inspect or copy the record of the case under subsection (1)(b) and (c) of this section maintains the right to inspect or copy the record of the case after jurisdiction of the court over the child, ward, youth or [youth offender] **adjudicated youth** terminates and after the child, ward, youth or [youth offender] **adjudicated youth** has reached the age of majority.

(b) Notwithstanding ORS 419B.524, a parent of a child, ward, youth or [youth offender] **adjudicated youth** whose parental rights have been terminated maintains the right that existed under

subsection (1)(b) and (c) of this section to inspect or copy the record of the case as the record of the case existed up until the time of entry of the judgment terminating the parent's parental rights and may obtain a copy of the judgment terminating the parent's parental rights.

(19) When inspection or copying of the record of the case or of the supplemental confidential file is allowed pursuant to this section, and unless otherwise required by law, the court that maintains the record of the case or the supplemental confidential file is not required to redact the names of, or information about, siblings or other persons contained in the record of the case or the supplemental confidential file.

(20) Nothing in this section prohibits the court, acting as a certifying agency or official as defined in ORS 147.620, from certifying a request under ORS 147.620 and including in the certification document any information obtained from the record of the case or the confidential supplemental file that is necessary to complete the certification.

(21) Nothing in this section prohibits a court from providing to the Department of State Police, pursuant to ORS 163A.030 (11), a copy of an order requiring a youth or [youth offender] **adjudicated youth** to report as a sex offender or a copy of a form that documents the youth's or [youth offender's] **adjudicated youth's** obligation to report as a sex offender.

SECTION 53. ORS 419A.256 is amended to read:

419A.256. (1)(a) Once prepared and filed with the court, a transcript of a juvenile court proceeding is part of the record of the case maintained by the clerk of the court under ORS 419A.255 (1) and is subject to the provisions of ORS 419A.255 governing access and disclosure.

(b) Notwithstanding ORS 419A.255, if a transcript, audio recording or video recording has been prepared in any proceeding under ORS chapter 419C, the victim may obtain a copy by paying the actual cost of preparation.

(2) If the court finds that the child, ward, youth, [youth offender] **adjudicated youth** or parent or guardian of the child, ward, youth or [youth offender] **adjudicated youth** is without financial means to purchase all or a necessary part of the transcript of the evidence or proceedings, the court shall order, upon motion, the transcript or part of the transcript to be furnished. The transcript or part of the transcript furnished under this subsection must be paid for in the same manner as furnished transcripts are paid for in criminal cases.

(3) The official audio, video or other recording of a juvenile court proceeding shall be withheld from public inspection but is open to inspection by the persons described in ORS 419A.255 (1)(b)(A) to (Q).

(4) With a finding of good cause and subject to any conditions the court finds appropriate, the court may provide a copy of the audio or video recording of a juvenile court proceeding to persons described in ORS 419A.255 (1)(b)(A), (I), (J) and (M) to (Q).

SECTION 54. ORS 419A.257 is amended to read:

419A.257. (1) Reports and other materials relating to a child, ward, youth or [youth offender's] **adjudicated youth's** history and prognosis that are created or maintained by or on behalf of the Oregon Youth Authority or the juvenile department are privileged and, except with the consent of the child, ward, youth or [youth offender] **adjudicated youth** or with the authorization of the court, shall be withheld from public inspection.

(2) The Oregon Youth Authority and the juvenile department may disclose and provide copies of reports and other materials relating to the child, ward, youth or [youth offender's] **adjudicated youth's** history and prognosis, if the disclosure is reasonably necessary to perform official duties relating to the involvement of the child, ward, youth or [youth offender] **adjudicated youth** with the juvenile court or the juvenile department, to the following:

- (a) Each other;
- (b) The court;
- (c) Service providers in the case;
- (d) School superintendents and their designees in cases under ORS 419C.005;
- (e) Attorneys of record for the child, ward, youth or [youth offender] **adjudicated youth**;
- (f) Attorneys representing a party in the case;

- (g) The district attorney or assistant attorney general representing a party in the case;
- (h) The Department of Human Services;
- (i) The court appointed special advocate; and
- (j) The Psychiatric Security Review Board.

(3)(a) The Oregon Youth Authority and county juvenile departments established under ORS 419A.010 to 419A.020 may disclose and provide copies of reports and other materials relating to the child, ward, youth or *[youth offender's]* **adjudicated youth's** history and prognosis to the Department of Corrections for the purpose of enabling the Department of Corrections to perform its official duties relating to the exercise of custody or supervision of a person committed to the legal and physical custody of the Department of Corrections.

(b) The Department of Corrections shall limit the use of reports and other materials disclosed and provided to the department under this section to reports and other materials that relate to the history and prognosis of a youth or *[youth offender]* **adjudicated youth** as these pertain to:

(A) A person who was transferred to the physical custody of the authority under ORS 137.124 and is subsequently transferred to the physical custody of the Department of Corrections under ORS 137.124 or 420.011 or any other statute; or

(B) A person committed to the legal and physical custody of the Department of Corrections while the person is under the jurisdiction of the juvenile court under ORS 419C.005, including but not limited to a person in the legal custody of the authority.

(4) A person that obtains copies of reports or other materials under this section is responsible for preserving the confidentiality of the reports or other materials. A service provider, school superintendent or superintendent's designee who obtains copies of reports or other materials under this section shall destroy the copies upon the conclusion of involvement in the case.

(5)(a) Information appearing in reports or other materials relating to the child, ward, youth or *[youth offender's]* **adjudicated youth's** history or prognosis may not be disclosed directly or indirectly to any person not described in subsection (2) of this section unless the consent of the child, ward, youth or *[youth offender]* **adjudicated youth** or the authorization of the court has been obtained, except for purposes of evaluating the child, ward, youth or *[youth offender's]* **adjudicated youth's** eligibility for special education as provided in ORS chapter 343.

(b) Information appearing in reports or other materials may not be used in evidence in any proceeding to establish criminal or civil liability against the child, ward, youth or *[youth offender]* **adjudicated youth**, whether the proceeding occurs after the child, ward, youth or *[youth offender]* **adjudicated youth** has reached 18 years of age or otherwise, except for the following purposes:

(A) In connection with a presentence investigation after guilt has been admitted or established in a criminal court.

(B) In connection with a proceeding in another juvenile court concerning the child, ward, youth or *[youth offender]* **adjudicated youth** or an appeal from an order or judgment of the juvenile court.

(6)(a) Information contained in reports and other materials relating to a child, ward, youth or *[youth offender's]* **adjudicated youth's** history and prognosis that, in the professional judgment of the Oregon Youth Authority, juvenile department, juvenile counselor, caseworker, school superintendent or superintendent's designee, teacher or detention worker to whom the information contained in the reports and other materials has been provided, indicates a clear and immediate danger to another person or to society, shall be disclosed to the appropriate authority and the person or entity that is in danger from the child, ward, youth or *[youth offender]* **adjudicated youth**.

(b) An agency or a person that discloses information under paragraph (a) of this subsection has immunity from any liability, civil or criminal, that might otherwise be incurred or imposed for making the disclosure.

(c) Nothing in this subsection affects the provisions of ORS 146.750, 146.760, 419B.035, 419B.040 and 419B.045.

(7) The disclosure of information under this section does not make the information admissible in any court or administrative proceeding if it is not otherwise admissible.

SECTION 55. ORS 419A.258 is amended to read:

419A.258. (1) Any person or entity not included in ORS 419A.255 as a person or entity entitled to inspection or copying of the record of the case or the supplemental confidential file may file a motion with the court to inspect or copy the record of the case or the supplemental confidential file. The person or entity filing the motion shall file a sworn affidavit or declaration under penalty of perjury that states all of the following:

- (a) The reasons why the inspection or copying is sought;
- (b) The relevancy, if any, of the inspection or copying to the juvenile court proceeding; and
- (c) How the inspection or copying will serve to balance the interests listed in subsection (6) of this section.

(2)(a) No later than 14 days before the court considers the motion, the person or entity filing the motion shall serve all parties and attorneys of record to the juvenile court proceeding with a copy of the motion and affidavit or declaration. Except as provided in paragraph (b) of this subsection and regardless of whether the juvenile court proceeding was commenced under ORS chapter 419B or 419C, service under this subsection must be consistent with the provisions of ORS 419B.851 and 419B.854. The person or entity filing the motion shall also provide all parties and attorneys of record with written notice that the party has until 14 days after the date of service to file a response or objection to the motion or such other time as specified by the court under paragraph (c) of this subsection.

(b) If the affidavit or declaration of the person or entity filing the motion states that the person or entity does not know the identity or address of a party or attorney of record, the court shall mail notice of the time to respond or object to the party or attorney of record at the party's or attorney of record's last known address and shall note in the register the date the notice was mailed. The notice must be mailed at least 14 days before the court considers the motion or such other time as specified by the court under paragraph (c) of this subsection.

(c) On its own motion or upon application of the person or entity filing the motion, and for good cause shown, the court may reduce or extend the time for service of the motion and affidavit or declaration.

(3) The court may summarily deny the motion if the requirements of subsections (1) and (2) of this section have not been met.

(4) The court may set a hearing to consider the motion and shall send notice of the time and place of the hearing to all parties.

(5) Upon determination by the court that the person or entity filing the motion has met the requirements of subsections (1) and (2) of this section, the court shall conduct an in camera review, taking into consideration any response or objections made by a party.

(6) Following the in camera review under subsection (5) of this section, in making the determination of whether to allow inspection or copying of the record of the case or the supplemental confidential file, in whole or in part, the court shall weigh the following interests:

(a) The privacy interests and particular vulnerabilities of the child, ward, youth or [*youth offender*] **adjudicated youth**, or of family members, that may be affected by the inspection or copying of all or part of the record of the case or the supplemental confidential file;

(b) The interests of the other parties to, or victims in, the juvenile court proceeding;

(c) The interests of the person or entity filing the motion; and

(d) The interests of the public.

(7) In granting a motion made under this section, the court:

(a) Shall allow inspection or copying only as necessary to serve the legitimate need of the person or entity filing the motion, as determined by the court;

(b) May limit inspection or copying to particular parts of the record of the case or the supplemental confidential file;

(c) May specify the timing and procedure for allowing inspection or copying; and

(d) Shall make protective orders governing use of the materials that are inspected or copied.

SECTION 56. ORS 419A.262 is amended to read:

419A.262. (1) An expunction proceeding shall be commenced in the county where the subject person resided at the time of the most recent termination.

(2) Upon application of either a person who is the subject of a record or a juvenile department, or upon its own motion, the juvenile court shall order expunction if, after a hearing when the matter is contested, it finds that:

(a) At least five years have elapsed since the date of the person's most recent termination;

(b) Since the date of the most recent termination, the person has not been convicted of a felony or a Class A misdemeanor;

(c) No proceedings seeking a criminal conviction or an adjudication in a juvenile court are pending against the person;

(d) The person is not within the jurisdiction of any juvenile court on the basis of a petition alleging an act or behavior as defined in ORS 419B.100 (1)(a) to (c) and (f) or 419C.005; and

(e) The juvenile department is not aware of any pending investigation of the conduct of the person by any law enforcement agency.

(3)(a) Notwithstanding subsection (2) of this section, upon application of a person who is the subject of a record kept by a juvenile court or juvenile department, upon application of the juvenile department, or upon its own motion, the juvenile court, after a hearing when the matter is contested under subsection (13) of this section, shall order expunction if it finds that:

(A) The application requests expunction of only that part of the person's record that involves a charge, allegation or adjudication based on conduct that if done by an adult would constitute the crime of prostitution under ORS 167.007; and

(B) The person was under 18 years of age at the time of the conduct.

(b) Except as provided in subsections (13) and (14) of this section, there is no waiting period required before the juvenile court orders expunction under this subsection.

(4) In the case of an application by the juvenile department or of the court acting upon its own motion, expunction shall not be ordered if actual notice of expunction has not been given to the person in accordance with subsection (12) of this section unless the person has reached 21 years of age.

(5) When a person who is the subject of a record kept by a juvenile court or juvenile department reaches 18 years of age, the juvenile court, after a hearing when the matter is contested, shall order expunction if:

(a) The person never has been found to be within the jurisdiction of the court; or

(b) The conditions of subsection (2) or (3) of this section have been met.

(6) Expunction shall not be ordered under this section if actual notice of expunction has not been given to the person in accordance with subsection (12) of this section unless the person has reached 21 years of age.

(7) Subsections (5) and (6) of this section apply only to cases resulting in termination after September 13, 1975.

(8) Notwithstanding subsections (2), (3) and (5) to (7) of this section, upon application of a person who is the subject of a record kept by a juvenile court or juvenile department, upon application of the juvenile department, or upon its own motion, the juvenile court, after a hearing when the matter is contested, may order expunction of all or any part of the person's record if it finds that to do so would be in the best interests of the person and the public. In the case of an application by the juvenile department or of the court acting upon its own motion, expunction shall not be ordered if actual notice of expunction has not been given to the person in accordance with subsection (12) of this section unless the person has reached 21 years of age.

(9) Notwithstanding ORS 419A.260 (1)(d)(J)(x), (xiii), (xix) or (xviii), a person who has been found to be within the jurisdiction of the juvenile court based on an act that if committed by an adult would constitute:

(a) Rape in the third degree under ORS 163.355, sodomy in the third degree under ORS 163.385 or sexual abuse in the third degree under ORS 163.415, or an attempt to commit those crimes, may

apply for an order of expunction under this section. The court shall order expunction of the records in the case if, after a hearing when the matter is contested, the court finds that the person:

(A) Meets the requirements of subsection (2) of this section;

(B) Has been relieved of the obligation to report as a sex offender pursuant to a court order entered under ORS 163A.145 or 163A.150; and

(C) Has not been convicted of, found guilty except for insanity of or found to be within the jurisdiction of the juvenile court based on a crime listed in ORS 419A.260 (1)(d)(J), other than the adjudication that is the subject of the motion.

(b) A sex crime that is a Class C felony may apply for an order of expunction under this section. The court shall order expunction of the records in the case if, after a hearing when the matter is contested, the court finds that:

(A) The person meets the requirements of subsection (2) of this section;

(B) The person was under 16 years of age at the time of the offense;

(C) The person is:

(i) Less than two years and 180 days older than the victim; or

(ii) At least two years and 180 days older, but less than three years and 180 days older, than the victim and the expunction is in the interests of justice and of benefit to the person and the community;

(D) The victim's lack of consent was due solely to incapacity to consent by reason of being less than a specified age;

(E) The victim was at least 12 years of age at the time of the offense;

(F) Each finding described in this paragraph involved the same victim; and

(G) The person has not been convicted of, found guilty except for insanity of or found to be within the jurisdiction of the juvenile court based on a crime listed in ORS 419A.260 (1)(d)(J) or an offense the court is prohibited from setting aside under ORS 137.225, other than the adjudication that is the subject of the motion.

(10) When an expunction proceeding is commenced by application of the person whose records are to be expunged, the person shall set forth as part of the application the names of the juvenile courts, juvenile departments, institutions and law enforcement and other agencies that the person has reason to believe possess an expungible record of the person. The juvenile department shall provide the names and addresses of the juvenile courts, juvenile departments, institutions and law enforcement and other agencies that a reasonable search of department files indicates have expungible records.

(11) When an expunction proceeding is commenced by application of the juvenile department or upon the court's own motion, the application or motion shall set forth the names and addresses of the juvenile courts, juvenile departments, institutions and law enforcement and other agencies that a reasonable search of department files indicates have expungible records and those provided by the subject person.

(12)(a) Notice and a copy of an application for expunction under subsections (2) to (8) of this section shall be given to:

(A) The district attorney of the county in which the expunction proceeding is commenced and the district attorney of each county in which the record sought to be expunged is kept; and

(B) The person who is the subject of the record if the person has not initiated the expunction proceeding.

(b) A district attorney who receives notice under this subsection shall notify the victim of the acts that resulted in the disposition that is the subject of the application for expunction and shall mail a copy of the application for expunction to the victim's last known address.

(13)(a) Within 30 days of receiving the notice of application for expunction under subsection (12) of this section, a district attorney shall give written notice of any objection and the grounds therefor to the person whose records are to be expunged and to the juvenile court.

(b) Except as provided in subsection (14)(c) of this section, if no objection is filed the court may decide the issue of expunction either without a hearing or after full hearing under subsections (14) to (17) of this section.

(14) When an expunction is pending under subsections (2) to (8) of this section, the court may proceed with or without a hearing, except that:

(a) The court may not enter an expunction judgment without a hearing if a timely objection to expunction has been filed under subsection (13) of this section;

(b) The court may not deny an expunction without a hearing if the proceeding is based on an application of the subject; and

(c) The court shall proceed without a hearing if:

(A) No objection is filed under subsection (13) of this section;

(B) The application requests expunction of only that part of the person's record that involves a charge, allegation or adjudication based on conduct that if done by an adult would constitute the crime of prostitution under ORS 167.007; and

(C) The person was under 18 years of age at the time of the conduct.

(15)(a) Notice of a hearing on a pending expunction shall be served on the subject and any district attorney filing a timely objection under subsection (13) of this section.

(b) When a district attorney receives notice of a hearing for expunction of a record concerning a youth or [*youth offender*] **adjudicated youth** proceeding under ORS chapter 419C, if the victim of the acts that resulted in the disposition that is the subject of the application for expunction requests, the district attorney shall mail notice of the hearing to the victim's last-known address.

(16) The court shall conduct a hearing on a pending expunction in accord with the provisions of ORS 419B.195, 419B.198, 419B.201, 419B.205, 419B.208, 419B.310, 419B.812 to 419B.839 and 419B.908. Rules of evidence shall be as in a hearing to establish juvenile court jurisdiction and as defined in ORS 419B.310 (3) and 419C.400 (2). The burden of proof shall be with the party contesting expunction.

(17) At the conclusion of a hearing on a pending expunction, the court shall issue judgment granting or denying expunction.

(18) The juvenile court or juvenile department shall send a copy of an expunction judgment to each agency subject to the judgment. Upon receipt of a copy of the judgment, the agency shall comply and, within 21 days of the date of receipt, return the copy to the juvenile court or juvenile department with an indorsement indicating compliance.

(19) When all agencies subject to an expunction judgment have indicated their compliance or in any event no later than six weeks following the date the judgment was delivered as required by subsection (18) of this section, the juvenile court shall provide the person who is the subject of the record with a copy of the expunction judgment, a list of complying and noncomplying agencies, and a written notice of rights and effects of expunction. The juvenile court and juvenile department then shall expunge forthwith all records which they possess and which are subject to the judgment, except the original expunction judgment and the list of complying and noncomplying agencies which must be preserved under seal.

(20) In addition to those agencies identified in ORS 419A.260 (1)(d), the juvenile, circuit, municipal and justice courts, and the district and city attorneys of this state, are bound by an expunction judgment of any juvenile court of appropriate jurisdiction in this state issuing an expunction judgment.

(21) Upon entry of an expunction judgment, the contact that is the subject of the expunged record shall not be disclosed by any agency. An agency that is subject to an expunction judgment shall respond to any inquiry about the contact by indicating that no record or reference concerning the contact exists.

(22) A person who is the subject of a record that has been expunged under this section may assert that the record never existed and that the contact, which was the subject of the record, never occurred without incurring a penalty for perjury or false swearing under the laws of this state.

(23) Juvenile courts, by court rule or by order related to a particular matter, may direct that records concerning a subject person be destroyed. No records shall be destroyed until at least three years have elapsed after the date of the subject's most recent termination. In the event the record has been expunged, the expunction judgment and list of complying and noncomplying agencies may not be destroyed, but shall be preserved under seal. The destruction of records under this subsection does not constitute expunction.

(24) An expunction judgment and list of complying and noncomplying agencies shall be released from confidentiality only on order of the court originating the expunction judgment, based on a finding that review of a particular case furthers compliance with the expunction provisions of this chapter.

(25) A subject has a right of action against any person who intentionally violates the confidentiality provisions of this section. In the proceeding, punitive damages up to an amount of \$1,000 may be sought in addition to any actual damages. The prevailing party shall be entitled to costs and reasonable attorney fees.

(26) Intentional violation of the confidentiality provisions of this section by a public employee is cause for dismissal.

(27) A person who intentionally releases all or part of an expunged record commits a Class C misdemeanor.

SECTION 57. ORS 419B.035 is amended to read:

419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.478 and 192.610 to 192.810 relating to confidentiality and accessibility for public inspection of public records and public documents, reports and records compiled under the provisions of ORS 419B.010 to 419B.050 are confidential and may not be disclosed except as provided in this section. The Department of Human Services shall make the records available to:

(a) Any law enforcement agency or a child abuse registry in any other state for the purpose of subsequent investigation of child abuse;

(b) Any physician, physician assistant licensed under ORS 677.505 to 677.525 or nurse practitioner licensed under ORS 678.375 to 678.390, at the request of the physician, physician assistant or nurse practitioner, regarding any child brought to the physician, physician assistant or nurse practitioner or coming before the physician, physician assistant or nurse practitioner for examination, care or treatment;

(c) Attorneys of record for the child or child's parent or guardian in any juvenile court proceeding;

(d) Citizen review boards established by the Judicial Department for the purpose of periodically reviewing the status of children, youths and [youth offenders] **adjudicated youths** under the jurisdiction of the juvenile court under ORS 419B.100 and 419C.005. Citizen review boards may make such records available to participants in case reviews;

(e) A court appointed special advocate in any juvenile court proceeding in which it is alleged that a child has been subjected to child abuse or neglect;

(f) The Office of Child Care for certifying, registering or otherwise regulating child care facilities;

(g) The Office of Children's Advocate;

(h) The Teacher Standards and Practices Commission for investigations conducted under ORS 339.390 or 342.176 involving any child or any student;

(i) Any person, upon request to the Department of Human Services, if the reports or records requested regard an incident in which a child, as the result of abuse, died or suffered serious physical injury as defined in ORS 161.015. Reports or records disclosed under this paragraph must be disclosed in accordance with ORS 192.311 to 192.478;

(j) The Office of Child Care for purposes of ORS 329A.030 (10)(g), (h) and (i);

(k) With respect to a report of abuse occurring at a school or in an educational setting that involves a child with a disability, Disability Rights Oregon;

(L) The Department of Education for purposes of investigations conducted under ORS 339.391; and

(m) An education provider for the purpose of making determinations under ORS 339.388.

(2)(a) When disclosing reports and records pursuant to subsection (1)(i) of this section, the Department of Human Services may exempt from disclosure the names, addresses and other identifying information about other children, witnesses, victims or other persons named in the report or record if the department determines, in written findings, that the safety or well-being of a person named in the report or record may be jeopardized by disclosure of the names, addresses or other identifying information, and if that concern outweighs the public's interest in the disclosure of that information.

(b) If the Department of Human Services does not have a report or record of abuse regarding a child who, as the result of abuse, died or suffered serious physical injury as defined in ORS 161.015, the department may disclose that information.

(3) The Department of Human Services may make reports and records compiled under the provisions of ORS 419B.010 to 419B.050 available to any person, administrative hearings officer, court, agency, organization or other entity when the department determines that such disclosure is necessary to administer its child welfare services and is in the best interests of the affected child, or that such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to protect children from abuse and neglect or for research when the Director of Human Services gives prior written approval. The Department of Human Services shall adopt rules setting forth the procedures by which it will make the disclosures authorized under this subsection or subsection (1) or (2) of this section. The name, address and other identifying information about the person who made the report may not be disclosed pursuant to this subsection and subsection (1) of this section.

(4) A law enforcement agency may make reports and records compiled under the provisions of ORS 419B.010 to 419B.050 available to other law enforcement agencies, district attorneys, city attorneys with criminal prosecutorial functions and the Attorney General when the law enforcement agency determines that disclosure is necessary for the investigation or enforcement of laws relating to child abuse and neglect or necessary to determine a claim for crime victim compensation under ORS 147.005 to 147.367.

(5) A law enforcement agency, upon completing an investigation and closing the file in a specific case relating to child abuse or neglect, shall make reports and records in the case available upon request to any law enforcement agency or community corrections agency in this state, to the Department of Corrections or to the State Board of Parole and Post-Prison Supervision for the purpose of managing and supervising offenders in custody or on probation, parole, post-prison supervision or other form of conditional or supervised release. A law enforcement agency may make reports and records compiled under the provisions of ORS 419B.010 to 419B.050 available to law enforcement, community corrections, corrections or parole agencies in an open case when the law enforcement agency determines that the disclosure will not interfere with an ongoing investigation in the case. The name, address and other identifying information about the person who made the report may not be disclosed under this subsection or subsection (6)(b) of this section.

(6)(a) Any record made available to a law enforcement agency or community corrections agency in this state, to the Department of Corrections or the State Board of Parole and Post-Prison Supervision or to a physician, physician assistant or nurse practitioner in this state, as authorized by subsections (1) to (5) of this section, shall be kept confidential by the agency, department, board, physician, physician assistant or nurse practitioner. Any record or report disclosed by the Department of Human Services to other persons or entities pursuant to subsections (1) and (3) of this section shall be kept confidential.

(b) Notwithstanding paragraph (a) of this subsection:

(A) A law enforcement agency, a community corrections agency, the Department of Corrections and the State Board of Parole and Post-Prison Supervision may disclose records made available to them under subsection (5) of this section to each other, to law enforcement, community corrections, corrections and parole agencies of other states and to authorized treatment providers for the pur-

pose of managing and supervising offenders in custody or on probation, parole, post-prison supervision or other form of conditional or supervised release.

(B) A person may disclose records made available to the person under subsection (1)(i) of this section if the records are disclosed for the purpose of advancing the public interest.

(7) An officer or employee of the Department of Human Services or of a law enforcement agency or any person or entity to whom disclosure is made pursuant to subsections (1) to (6) of this section may not release any information not authorized by subsections (1) to (6) of this section.

(8) As used in this section, "law enforcement agency" has the meaning given that term in ORS 181A.010.

(9) A person who violates subsection (6)(a) or (7) of this section commits a Class A violation.

SECTION 58. ORS 419B.335 is amended to read:

419B.335. The Department of Human Services shall provide the following information regarding out-of-state placements of children and wards on a website maintained by the department and updated monthly:

(1) The name of each out-of-state facility in which children or wards placed by the department are currently receiving services;

(2) The city and state in which each facility is located;

(3) The name of any parent organization for each facility;

(4) The name of each facility's accreditation agency;

(5) The number of children or wards placed by the department currently receiving services from each facility;

(6) The total number of children or wards currently receiving services from each facility;

(7) The daily rate charged by each facility for each child or ward;

(8) The name of the face-to-face contracting agency, including the city and state in which it is located;

(9) Whether each facility provides services to [*youth offenders*] **adjudicated youths** or the resident state's equivalent of [*youth offenders*] **adjudicated youths**;

(10) Demographic information about all children or wards the department currently has placed in out-of-state facilities, including but not limited to age, gender or gender identity, race, ethnicity, tribal status and, if known, sexual orientation;

(11) The number of children or wards the department currently has placed in out-of-state facilities who have autism, intellectual disabilities or developmental disabilities; and

(12) Aggregate travel costs for the department to support out-of-state placements during the previous month.

SECTION 59. ORS 419B.354, as amended by sections 11a and 11b, chapter 19, Oregon Laws 2020 (first special session), is amended to read:

419B.354. (1) As used in this section:

(a) "Congregate care residential setting" means any setting that cares for more than one child or ward and is not a setting described in ORS 418.205 (2)(b)(A), (D) or (E) or (10).

(b) "Sex trafficking" means the recruitment, harboring, transportation, provision, obtaining, patronizing or soliciting of a person under 18 years of age for the purpose of a commercial sex act, as defined in ORS 163.266, or the recruitment, harboring, transportation, provision or obtaining of a person over 18 years of age using force, fraud or coercion for the purpose of a commercial sex act, as defined in ORS 163.266.

(2) The Department of Human Services may place a child or ward in a congregate care residential setting only if the setting is:

(a) A child-caring agency, as defined in ORS 418.205, a hospital, as defined in ORS 442.015, or a rural hospital, as defined in ORS 442.470; and

(b) A qualified residential treatment program described in section 12b, chapter 19, Oregon Laws 2020 (first special session).

(3) Notwithstanding subsection (2) of this section, the department may place a child or ward in a child-caring agency that is not a qualified residential treatment program if:

(a) The child-caring agency is providing prenatal, postpartum or parenting supports to the child or ward.

(b) The child or ward is placed in an independent residence facility described in ORS 418.475 that is licensed by the department as a child-caring agency.

(c) The child or ward is, or is at risk of becoming, a victim of sex trafficking and the child-caring agency is providing high-quality residential care and supportive services to the child or ward.

(d) The Oregon Health Authority has approved the placement as medically necessary and the child-caring agency:

(A) Is a residential care facility;

(B) Is licensed by the authority and maintains site-specific accreditation from a nationally recognized organization to provide psychiatric treatment to children; and

(C) Has an active provider agreement with the Oregon Medicaid program.

(e) The child-caring agency is an adolescent residential drug and alcohol treatment program licensed or certified by the State of Oregon to provide residential care, and the court has approved, or approval is pending for, the placement in the child-caring agency of each child or ward over whom the department retains jurisdiction.

(f) The placement with the child-caring agency is for the purpose of placing the child or ward in a proctor foster home.

(g) The child-caring agency is a residential care facility licensed by the department that provides short-term assessment and stabilization services.

(h) The child-caring agency is a shelter-care home, as defined in ORS 418.470, that provides short-term assessment and stabilization services.

(i) The child-caring agency is a homeless, runaway or transitional living shelter licensed by the department that provides short-term assessment and stabilization services.

(4) The department may not place a child or ward in a residential care facility or shelter-care home described in subsection (3)(g) or (h) of this section:

(a) For more than 60 consecutive days or 90 cumulative days in a 12-month period; or

(b) If the residential care facility or shelter-care home also serves [*youth or youth offenders*] **youths or adjudicated youths** served by the county juvenile department or [*youth offenders*] **adjudicated youths** committed to the custody of the Oregon Youth Authority by the court.

(5) The department may not place a child or ward in a homeless, runaway or transitional living shelter described in subsection (3)(i) of this section for more than 60 consecutive or 90 cumulative days in any 12-month period.

(6) Calculations of the number of days a child or ward is placed in a shelter-care home under subsection (3)(h) of this section or a homeless, runaway or transitional living shelter under subsection (3)(i) of this section exclude the days the child or ward is in the shelter-care home or shelter if the child or ward:

(a) Accessed the shelter-care home or shelter without the support or direction of the department; and

(b) Is homeless or a runaway, as defined by the department by rule.

(7)(a) Nothing in this section prohibits the Oregon Youth Authority from placing [*a youth offender*] **an adjudicated youth** committed to its custody in a placement that is not a qualified residential treatment program.

(b) Nothing in this section prohibits the Oregon Youth Authority or a county juvenile department from placing [*a youth offender*] **an adjudicated youth** or a youth served by the Oregon Youth Authority or the county juvenile department in shelter care or detention under ORS chapter 419C.

SECTION 60. ORS 419B.395 is amended to read:

419B.395. (1) If in any proceeding under ORS 419B.100 or 419B.500 the juvenile court determines that the child or ward has fewer than two legal parents or that parentage is disputed as allowed in ORS 109.070, the court may enter a judgment of parentage or a judgment of nonparentage in compliance with the provisions of ORS 109.065, 109.070, 109.124 to 109.230, 109.250 to 109.262 and 109.326.

(2) Before entering a judgment under subsection (1) of this section, the court must find that adequate notice and an opportunity to be heard was provided to:

- (a) The parties to the proceeding;
- (b) The person alleged or claiming to be the child or ward's parent; and
- (c) The Administrator of the Division of Child Support of the Department of Justice or the branch office providing support services to the county in which the court is located.

(3) When appropriate, the court shall inform a person before the court claiming to be the parent of a child or ward that parentage establishment services may be available through the administrator if the child or ward:

- (a) Is a child born out of wedlock;
- (b) Has not been placed for adoption; and
- (c) Has fewer than two legal parents.

(4) As used in this section:

- (a) "Administrator" has the meaning given that term in ORS 25.010.
- (b) "Child born out of wedlock" has the meaning given that term in ORS 109.124.
- (c) "Legal parent" has the meaning given that term in ORS 419A.004 [(19)].

SECTION 61. ORS 419C.058 is amended to read:

419C.058. (1) With the approval of the Chief Justice of the Supreme Court, the presiding judge of the twenty-second judicial district and, for cases arising in Wasco County or Hood River County, the presiding judge of the seventh judicial district may enter into a memorandum of understanding with the Confederated Tribes of Warm Springs regarding the adjudication and disposition of youths and [*youth offenders*] **adjudicated youths**.

(2) A memorandum of understanding entered into under subsection (1) of this section may allow the juvenile court of the judicial district:

(a) To waive its jurisdiction over a youth and transfer the case, notwithstanding ORS 419C.005, to the jurisdiction of the tribal court of the Confederated Tribes of Warm Springs for adjudication; or

(b) After finding the youth to be within its jurisdiction under ORS 419C.005, to transfer the case to the tribal court of the Confederated Tribes of Warm Springs for disposition.

(3) A memorandum of understanding entered into under subsection (1) of this section applies only to youths or [*youth offenders*] **adjudicated youths** who are enrolled members of a federally recognized tribe and who reside on the Warm Springs Reservation.

(4) A memorandum of understanding entered into under subsection (1) of this section may contain, but is not limited to, provisions relating to:

- (a) The duration of the memorandum of understanding;
- (b) The cases that are subject to transfer;
- (c) Who may request a transfer;
- (d) The custody of a youth or [*youth offender*] **adjudicated youth** after transfer; and
- (e) The sharing of information about a case after it has been transferred.

SECTION 62. ORS 419C.130 is amended to read:

419C.130. (1) A youth or [*youth offender*] **adjudicated youth** may not be detained at any time in a police station, jail, prison or other place where adults are detained, except as follows:

(a) A youth or [*youth offender*] **adjudicated youth** may be detained in a police station for up to five hours when necessary to obtain the youth or [*youth offender's*] **adjudicated youth's** name, age, residence and other identifying information.

(b) A youth waived under ORS 419C.349 or 419C.364 to the court handling criminal actions or to municipal court may be detained in a jail or other place where adults are detained if:

(A) The youth is at least 16 years of age; and

(B) The director of the county juvenile department and the sheriff, or other official responsible for the jail or other place, agree to detain the youth in a jail or other place where adults are detained.

(c) When detention is authorized by ORS 419C.453, [a *youth offender*] **an adjudicated youth** may be detained in a jail or other place where adults are detained.

(2) A youth waived to the court handling criminal actions or to municipal court pursuant to a standing order of the juvenile court under ORS 419C.370, including a youth accused of nonpayment of fines, may not be detained in a jail or other place where adults are detained.

(3) As used in this section, “adult” does not include a person who is 18 years of age or older and is alleged to be, or has been found to be, within the jurisdiction of the juvenile court under ORS 419C.005.

SECTION 63. ORS 419C.220 is amended to read:

419C.220. (1) Upon the request of any party, the court shall appoint a surrogate for a youth or [youth offender] **adjudicated youth** who is temporarily or permanently in the custody of, or committed to, a public or private agency through the action of the juvenile court if:

(a) The court finds that the youth or [youth offender] **adjudicated youth** may be eligible for special education programs because of a disabling condition as provided in ORS chapter 343;

(b) The youth or [youth offender] **adjudicated youth** does not already have a surrogate appointed by a school district or other educational agency; and

(c) The requesting party nominates a person who is willing to serve as the surrogate and who meets the requirements described in subsection (2) of this section.

(2) A surrogate appointed under this section:

(a) May not be an employee of the state educational agency, a school district or any other agency that is involved in the education or care of the youth or [youth offender] **adjudicated youth**;

(b) May not have a conflict of interest that would interfere with the surrogate representing the special education interests of the youth or [youth offender] **adjudicated youth**;

(c) Shall have knowledge and skills that ensure that the surrogate can adequately represent the youth or [youth offender] **adjudicated youth** in special education decisions; and

(d) May not be a person who is the youth’s or [youth offender’s] **adjudicated youth’s** parent, guardian or former guardian if:

(A) At any time while the youth or [youth offender] **adjudicated youth** was under the care, custody or control of the person, a court entered an order:

(i) Taking the youth or [youth offender] **adjudicated youth** into protective custody under ORS 419B.150; or

(ii) Committing the youth or [youth offender] **adjudicated youth** to the legal custody of the Department of Human Services for care, placement and supervision under ORS 419B.337; and

(B) The court entered a subsequent order that:

(i) The youth or [youth offender] **adjudicated youth** should be permanently removed from the person’s home, or continued in substitute care, because it was not safe for the youth or [youth offender] **adjudicated youth** to be returned to the person’s home, and no subsequent order of the court was entered that permitted the youth or [youth offender] **adjudicated youth** to return to the person’s home before the youth’s or [youth offender’s] **adjudicated youth’s** wardship was terminated under ORS 419B.328; or

(ii) Terminated the person’s parental rights under ORS 419B.500 and 419B.502 to 419B.524.

SECTION 64. ORS 419C.223 is amended to read:

419C.223. A person that is appointed surrogate for [a *youth offender*] **an adjudicated youth** has the duty and authority to protect the due process rights of the [youth offender] **adjudicated youth** with respect to the provision of free appropriate public education. A surrogate appointed by the court shall immediately apply to the attending school district for an evaluation of the [youth offender’s] **adjudicated youth’s** eligibility for special education and shall participate in the development of the [youth offender’s] **adjudicated youth’s** educational plan as provided in ORS chapter 343. The duties and responsibilities of the surrogate shall continue until whichever of the following occurs first:

(1) The [youth offender] **adjudicated youth** is 21 years of age;

(2) The [youth offender] **adjudicated youth** is determined to be no longer eligible for special education; or

(3) The juvenile court terminates jurisdiction of the [youth offender] **adjudicated youth** and determines that the [youth offender's] **adjudicated youth's** parent or guardian is both known and available to protect the special educational rights of the [youth offender] **adjudicated youth**.

SECTION 65. ORS 419C.273 is amended to read:

419C.273. (1)(a) The victim of any act alleged in a petition filed under this chapter may be present at and, upon request, must be informed in advance of critical stages of the proceedings held in open court when the youth or [youth offender] **adjudicated youth** will be present.

(b) The victim must be informed of any constitutional rights of the victim. Except as provided in ORS 147.417, the district attorney or juvenile department must ensure that victims are informed of their constitutional rights.

(2)(a) The victim has the right, upon request, to be notified in advance of or to be heard at:

(A) A detention or shelter hearing;

(B) A hearing to review the placement of the youth or [youth offender] **adjudicated youth**; or

(C) A dispositional hearing.

(b) For a release hearing, the victim has the right:

(A) Upon request, to be notified in advance of the hearing;

(B) To appear personally at the hearing; and

(C) If present, to reasonably express any views relevant to the issues before the court.

(3) If the victim is not present at a critical stage of the proceeding, the court shall ask the district attorney or juvenile department whether the victim requested to be notified of critical stages of the proceedings. If the victim requested to be notified, the court shall ask the district attorney or juvenile department whether the victim was notified of the date, time and place of the hearing.

(4) As used in this section:

(a) "Critical stage of the proceeding" means a hearing that:

(A) Affects the legal interests of the youth or [youth offender] **adjudicated youth**;

(B) Is held in open court; and

(C) Is conducted in the presence of the youth or [youth offender] **adjudicated youth**.

(b) "Critical stage of the proceeding" includes, but is not limited to:

(A) Detention and shelter hearings;

(B) Hearings to review placements;

(C) Hearings to set or change conditions of release;

(D) Hearings to transfer proceedings or to transfer parts of proceedings;

(E) Waiver hearings;

(F) Adjudication and plea hearings;

(G) Dispositional hearings, including but not limited to restitution hearings;

(H) Review or dispositional review hearings;

(I) Hearings on motions to amend, dismiss or set aside petitions, orders or judgments;

(J) Probation violation hearings, including probation revocation hearings, when the basis for the alleged violation directly implicates a victim's rights;

(K) Hearings for relief from the duty to report under ORS 163A.130; and

(L) Expunction hearings.

(5) Nothing in this section creates a cause of action for compensation or damages. This section may not be used to invalidate an accusatory instrument or adjudication or otherwise terminate any proceeding at any point after the case is commenced or on appeal.

SECTION 66. ORS 419C.276 is amended to read:

419C.276. (1)(a) Unless authorized by the court to disclose the information, the attorney of a youth or [youth offender] **adjudicated youth**, or an agent of the attorney, may not disclose to the youth or [youth offender] **adjudicated youth** personal identifiers of a victim or witness.

(b) The court shall order the attorney, or agent of the attorney, to disclose to the youth or [youth offender] **adjudicated youth** the personal identifiers of a victim or witness if the court finds that:

(A) The attorney of the youth or [youth offender] **adjudicated youth** has requested the district attorney or the juvenile department to disclose the information to the youth or [youth offender] **adjudicated youth**;

(B) The district attorney or the juvenile department has refused to disclose the information to the youth or [youth offender] **adjudicated youth**; and

(C) The need for the information cannot reasonably be met by other means.

(2) If contacted by the attorney of the youth or [youth offender] **adjudicated youth**, an agent of the youth or [youth offender] **adjudicated youth**, or an agent of the attorney of the youth or [youth offender] **adjudicated youth**, a victim must be clearly informed by the attorney or agent, either in person or in writing:

(a) Of the identity and capacity of the person contacting the victim;

(b) That the victim does not have to talk to the attorney or agent, or provide other discovery unless the victim wishes; and

(c) That the victim may have a representative of the state present during any interview.

(3) Unless the victim consents after receiving a full advice of rights as provided in subsection (2) of this section, a victim may not be required to be interviewed or deposed by or give discovery to the youth or [youth offender] **adjudicated youth** or the attorney for the youth or [youth offender] **adjudicated youth**, or an agent of the attorney or youth or [youth offender] **adjudicated youth**. This subsection does not prohibit the youth or [youth offender] **adjudicated youth** from:

(a) Subpoenaing or examining the victim in a proceeding when the purpose is other than for discovery; or

(b) Subpoenaing books, papers or documents as provided in ORS 136.580.

(4) Any preadjudication release order must prohibit any contact with the victim, either directly or indirectly, unless specifically authorized by the court. This subsection does not limit contact by the attorney for the youth or [youth offender] **adjudicated youth**, or an agent of the attorney, other than the youth or [youth offender] **adjudicated youth**, in the manner set forth in subsection (2) of this section.

(5)(a) If a victim notifies the district attorney or juvenile department that the youth or [youth offender] **adjudicated youth**, by direct or indirect contact, threatened or intimidated the victim, the district attorney or juvenile department shall notify the court and the attorney for the youth or [youth offender] **adjudicated youth**. If the youth or [youth offender] **adjudicated youth** is not in custody and the court finds there is probable cause to believe the victim has been threatened or intimidated by the youth or [youth offender] **adjudicated youth**, by direct or indirect contact, the court shall immediately issue an order to show cause why the release status should not be revoked.

(b) After conducting a hearing as the court deems appropriate, if the court finds that the victim has been threatened or intimidated by the youth or [youth offender] **adjudicated youth**, by direct or indirect contact, the release status shall be revoked and the youth or [youth offender] **adjudicated youth** shall be held in detention until conditions of release sufficient to ensure the safety of the victim and the community can be implemented.

(c) In any hearing convened under this subsection, the victim has the right to be notified in advance of the hearing, to appear personally at the hearing and, if present, to express any views relevant to the issues before the court.

(6)(a) For purposes of subsections (4) and (5) of this section, “contact” has the meaning given that term in ORS 163.730.

(b) For the purposes of subsection (1) of this section, “personal identifiers” means a person’s address, telephone number, Social Security number and date of birth and the identifying number of a person’s depository account at a financial institution, as defined in ORS 706.008, or credit card account.

SECTION 67. ORS 419C.411 is amended to read:

419C.411. (1) At the termination of the hearing or hearings in the proceeding or after entry of an order under ORS 419C.067, the court shall enter an appropriate order directing the disposition to be made of the case.

(2) The court shall find a youth responsible except for insanity if:

(a) The youth asserted qualifying mental disorder as a defense as provided in ORS 419C.524; and

(b) The court determined by a preponderance of the evidence that, as a result of a qualifying mental disorder at the time the youth committed the act alleged in the petition, the youth lacked substantial capacity either to appreciate the nature and quality of the act or to conform the youth's conduct to the requirements of law.

(3) Except as otherwise provided in subsections (6) and (7) of this section, in determining the disposition of the case, the court shall consider each of the following:

(a) The gravity of the loss, damage or injury caused or attempted during, or as part of, the conduct that is the basis for jurisdiction under ORS 419C.005;

(b) Whether the manner in which the [youth offender] **adjudicated youth** engaged in the conduct was aggressive, violent, premeditated or willful;

(c) Whether the [youth offender] **adjudicated youth** was held in detention under ORS 419C.145 and, if so, the reasons for the detention;

(d) The immediate and future protection required by the victim, the victim's family and the community; and

(e) The [youth offender's] **adjudicated youth's** juvenile court record and response to the requirements and conditions imposed by previous juvenile court orders.

(4) In addition to the factors listed in subsection (3) of this section, the court may consider the following:

(a) Whether the [youth offender] **adjudicated youth** has made any efforts toward reform or rehabilitation or making restitution;

(b) The [youth offender's] **adjudicated youth's** educational status and school attendance record;

(c) The [youth offender's] **adjudicated youth's** past and present employment;

(d) The disposition proposed by the [youth offender] **adjudicated youth**;

(e) The recommendations of the district attorney and the juvenile court counselor and the statements of the victim and the victim's family;

(f) The [youth offender's] **adjudicated youth's** mental, emotional and physical health and the results of the mental health or substance abuse treatment; and

(g) Any other relevant factors or circumstances raised by the parties.

(5) The court's consideration of matters under this section may be addressed on appeal only if raised by a party at a dispositional hearing or by a motion to modify or set aside under ORS 419C.610.

(6) When a youth is found responsible except for insanity, the court shall order a disposition under ORS 419C.529 if the court finds by a preponderance of the evidence that, at the time of disposition, the youth:

(a) Has a serious mental condition; or

(b) Has a qualifying mental disorder other than a serious mental condition and presents a substantial danger to others.

(7) When a youth is found responsible except for insanity and the court does not make a finding described in subsection (6) of this section, the court may:

(a) Enter an order finding the youth to be within the court's jurisdiction under ORS 419B.100 and make any disposition authorized by ORS chapter 419B;

(b) Initiate civil commitment proceedings; or

(c) Enter an order of discharge.

SECTION 68. ORS 419C.440 is amended to read:

419C.440. Unless guardianship is granted as provided in ORS 419C.555, the court as an incident of its jurisdiction over the [youth offender] **adjudicated youth** has the duties and authority of the guardian as provided in ORS 419C.558.

SECTION 69. ORS 419C.441 is amended to read:

419C.441. A court having jurisdiction pursuant to ORS 419C.005 over [a youth offender] **an adjudicated youth** who commits an act that would be a violation of ORS 167.315, 167.320, 167.322 or 167.333 if done by an adult may, in addition to any other exercise of jurisdiction over the [youth offender] **adjudicated youth**, order that the [youth offender] **adjudicated youth** undergo psychiatric, psychological or mental health evaluation. If warranted by the mental condition of the [youth offender] **adjudicated youth**, the court may order that the [youth offender] **adjudicated youth** undergo appropriate care or treatment.

SECTION 70. ORS 419C.446 is amended to read:

419C.446. (1) When a court determines it would be in the best interest and welfare of [a youth offender] **an adjudicated youth**, the court may place the [youth offender] **adjudicated youth** on probation. The court may direct that the [youth offender] **adjudicated youth** remain in the legal custody of the [youth offender's] **adjudicated youth's** parents or other person with whom the [youth offender] **adjudicated youth** is living, or the court may direct that the [youth offender] **adjudicated youth** be placed in the legal custody of some relative or some person maintaining a foster home approved by the court, or in a child care center or a youth care center authorized to accept the [youth offender] **adjudicated youth**.

(2) The court may specify particular requirements to be observed during the probation consistent with recognized juvenile court practice, including but not limited to restrictions on visitation by the [youth offender's] **adjudicated youth's** parents, restrictions on the [youth offender's] **adjudicated youth's** associates, occupation and activities, restrictions on and requirements to be observed by the person having the [youth offender's] **adjudicated youth's** legal custody, requirements for visitation by and consultation with a juvenile counselor or other suitable counselor, requirements to make restitution under ORS 419C.450, requirements of a period of detention under ORS 419C.453, requirements to pay a fine under ORS 419C.459, requirements to pay a supervision fee under ORS 419C.449, requirements to perform community service under ORS 419C.462, or service for the victim under ORS 419C.465, or requirements to submit to blood or buccal testing under ORS 419C.473.

(3) If the [youth offender] **adjudicated youth** is a sex offender, as defined in ORS 163A.005, the juvenile department shall notify the chief of police, if the [youth offender] **adjudicated youth** is going to reside within a city, and the county sheriff of the county in which the [youth offender] **adjudicated youth** is going to reside of the [youth offender's] **adjudicated youth's** release on probation and the requirements imposed on the [youth offender's] **adjudicated youth's** probation under subsection (2) of this section.

SECTION 71. ORS 419C.449 is amended to read:

419C.449. (1) In determining whether to impose a supervision fee under ORS 419C.446 (2), the court shall consider whether the [youth offender] **adjudicated youth** or the parent or legal guardian of the [youth offender] **adjudicated youth** will be able to pay the fee. When a supervision fee is required, the fee shall be determined and fixed by the county juvenile department.

(2) The county shall collect or provide by contract for the collection of the supervision fee from the [youth offender] **adjudicated youth** or the parent or legal guardian of the [youth offender] **adjudicated youth** and shall retain the fee to be used by the county for funding of its juvenile department program.

SECTION 72. ORS 419C.450 is amended to read:

419C.450. (1)(a) It is the policy of the State of Oregon to encourage and promote the payment of restitution and other obligations by [youth offenders] **adjudicated youths** as well as by adult offenders. In any case within the jurisdiction of the juvenile court pursuant to ORS 419C.005 in which the [youth offender] **adjudicated youth** caused another person any physical, emotional or psychological injury or any loss of or damage to property, the victim has the right to receive prompt restitution. The district attorney shall investigate and present to the court, prior to or at the time of adjudication, evidence of the nature and amount of the injury, loss or damage. If the court finds from the evidence presented that a victim suffered injury, loss or damage, in addition to any other sanction it may impose, the court shall:

(A) Include in the judgment a requirement that the [youth offender] **adjudicated youth** pay the victim restitution in a specific amount that equals the full amount of the victim's injury, loss or damage as determined by the court; or

(B) Include in the judgment a requirement that the [youth offender] **adjudicated youth** pay the victim restitution, and that the specific amount of restitution will be established by a supplemental judgment based upon a determination made by the court within 90 days of entry of the judgment. In the supplemental judgment, the court shall establish a specific amount of restitution that equals the full amount of the victim's injury, loss or damage as determined by the court. The court may extend the time within which the determination and supplemental judgment may be completed for good cause. The lien, priority of the lien and ability to enforce a specific amount of restitution established under this subparagraph by a supplemental judgment relates back to the date of the original judgment that is supplemented.

(b) After the district attorney makes a presentation described in paragraph (a) of this subsection, if the court is unable to find from the evidence presented that a victim suffered injury, loss or damage, the court shall make a finding on the record to that effect.

(c) No finding made by the court or failure of the court to make a finding under this subsection limits or impairs the rights of a person injured to sue and recover damages in a civil action under subsection (2) of this section.

(d) The court may order restitution, including but not limited to counseling and treatment expenses, for emotional or psychological injury under this section only:

(A) When the act that brought the [youth offender] **adjudicated youth** within the jurisdiction of the court would constitute aggravated murder, murder or a sex crime if committed by an adult; and

(B) For an injury suffered by the victim or a member of the victim's family who observed the act.

(e) If the [youth offender] **adjudicated youth** will be present at a hearing under this subsection and the victim requests notice, the district attorney or juvenile department shall notify the victim of the hearing.

(2) Restitution for injury inflicted upon a person by the [youth offender] **adjudicated youth**, for property taken, damaged or destroyed by the [youth offender] **adjudicated youth** and for a reward offered by the victim or an organization authorized by the victim and paid for information leading to the apprehension of the [youth offender] **adjudicated youth**, shall be required as a condition of probation. Restitution does not limit or impair the right of a victim to sue in a civil action for damages suffered, nor shall the fact of consultation by the victim be admissible in such civil action to prove consent or agreement by the victim. However, the court shall credit any restitution paid by the [youth offender] **adjudicated youth** to a victim against any judgment in favor of the victim in such civil action. Before setting the amount of such restitution, the court shall notify the person upon whom the injury was inflicted or the owner of the property taken, damaged or destroyed and give such person an opportunity to be heard on the issue of restitution.

(3)(a) If a judgment or supplemental judgment described in subsection (1) of this section includes restitution, a court may delay the enforcement of the monetary sanctions, including restitution, only if the [youth offender] **adjudicated youth** alleges and establishes to the satisfaction of the court the [youth offender's] **adjudicated youth's** inability to pay the judgment in full at the time the judgment is entered. If the court finds that the [youth offender] **adjudicated youth** is unable to pay, the court may establish or allow an appropriate supervising authority to establish a payment schedule. The supervising authority shall be authorized to modify any payment schedule established under this section. In establishing a payment schedule, the court or the supervising authority shall take into consideration:

(A) The availability to the [youth offender] **adjudicated youth** of paid employment during such time as the [youth offender] **adjudicated youth** may be committed to a youth correction facility;

(B) The financial resources of the [youth offender] **adjudicated youth** and the burden that payment of restitution will impose, with due regard to the other obligations of the [youth offender] **adjudicated youth**;

(C) The present and future ability of the [youth offender] **adjudicated youth** to pay restitution on an installment basis or on other conditions to be fixed by the court; and

(D) The rehabilitative effect on the [youth offender] **adjudicated youth** of the payment of restitution and the method of payment.

(b) As used in this subsection, “supervising authority” means any state or local agency that is authorized to supervise the [youth offender] **adjudicated youth**.

(4) Notwithstanding ORS 419C.501 and 419C.504, when the court has ordered [a youth offender] **an adjudicated youth** to pay restitution, as provided in this section, the judgment shall be entered in the register or docket of the court in the manner provided by ORS chapter 18 and enforced in the manner provided by ORS 18.252 to 18.993. The judgment is in favor of the state and may be enforced only by the state. Notwithstanding ORS 419A.255, a judgment for restitution entered under this subsection is a public record. Judgments entered under this subsection are subject to ORS 18.048.

(5) A person required to pay restitution under subsection (1) of this section may file a motion supported by an affidavit for satisfaction of the judgment or supplemental judgment requiring payment of restitution in the circuit court of the county in which the original judgment was entered if:

(a) At least 50 percent of the monetary obligation is satisfied or at least 10 years have passed since the original judgment was entered;

(b) The person has substantially complied with all established payment plans;

(c) The person has not been found to be within the jurisdiction of the juvenile court under ORS 419C.005 or convicted of an offense since the date the original judgment of restitution was entered; and

(d) The person has satisfactorily completed any required period of probation or parole for the act for which the judgment of restitution was entered.

(6) When a person files a motion described in subsection (5) of this section, the district attorney for the county in which the motion was filed shall promptly notify the victim for whose benefit the judgment of restitution was entered that the person has filed the motion and that the victim may object in writing to the motion through the district attorney.

(7) If the victim does not object to the motion as provided in subsection (6) of this section, the court shall hold a hearing on the motion and may enter an order granting a full or partial satisfaction if the allegations in the affidavit supporting the motion are true and failure to grant the motion would result in an injustice. In determining whether an injustice would result, the court shall take into account:

(a) The financial resources of the defendant and the burden that continued payment of restitution will impose, with due regard to the other obligations of the defendant;

(b) The ability of the defendant to continue paying restitution on an installment basis or under other conditions to be fixed by the court; and

(c) The rehabilitative effect on the defendant of the continued payment of restitution and the method of payment.

(8) A person may file a motion under subsection (5) of this section no more than one time per year for each judgment of restitution entered against the person.

SECTION 73. ORS 419C.453 is amended to read:

419C.453. (1) Pursuant to a hearing, the juvenile court may order [a youth offender] **an adjudicated youth** placed in a detention facility for a specific period of time not to exceed eight days, in addition to time already spent in the facility, unless a program plan that is in conformance with standards established by the Youth Development Council has been filed with and approved by the council, in which case the [youth offender] **adjudicated youth** may be held in detention for a maximum of 30 days in addition to time already spent in the facility, when:

(a) The [youth offender] **adjudicated youth** has been found to be within the jurisdiction of the juvenile court by reason of having committed an act that would be a crime if committed by an adult; or

(b) The [youth offender] **adjudicated youth** has been placed on formal probation for an act that would be a crime if committed by an adult, and has been found to have violated a condition of that probation.

(2) Pursuant to a hearing, the juvenile court may order [a youth offender] **an adjudicated youth** who is at least 18 years of age placed in a jail or other place where adults are detained. The placement must be for a specific period of time and may not exceed eight days in addition to time already spent in a juvenile detention facility or jail. The court may order placement under this subsection when:

(a) The [youth offender] **adjudicated youth** has been found to be within the jurisdiction of the juvenile court by reason of having committed an act that would be a crime if committed by an adult; or

(b) The [youth offender] **adjudicated youth** has been placed on formal probation for an act that would be a crime if committed by an adult, and has been found to have violated a condition of that probation.

(3) In order to detain [a youth offender] **an adjudicated youth** under subsection (2) of this section, the court shall make case-specific findings that placement in a jail or other place where adults are detained meets the specific needs of the [youth offender] **adjudicated youth**.

(4) As used in this section, “adult” does not include a person who is 18 years of age or older and is alleged to be, or has been found to be, within the jurisdiction of the juvenile court under ORS 419C.005.

SECTION 74. ORS 419C.456 is amended to read:

419C.456. Pursuant to a hearing, the juvenile court may order [a youth offender] **an adjudicated youth** 12 years of age or older placed in a detention facility for a specific period of time not to exceed eight days, in addition to time already spent in the facility, when the [youth offender] **adjudicated youth** has been found to be within the jurisdiction of the juvenile court by reason of having escaped from a detention facility, after having been placed in the facility pursuant to the filing of a petition alleging that the youth has committed an act which would be a crime if committed by an adult or the offense described in ORS 419C.159.

SECTION 75. ORS 419C.459 is amended to read:

419C.459. If a youth is found to be within the jurisdiction of the court under ORS 419C.005 by reason of committing an offense or by reason of committing an act that would constitute an offense if committed by an adult, the [youth offender] **adjudicated youth** is subject to the same fines, including the minimum fines established under ORS 137.286 and 153.021, that are applicable to adults who commit the offense. In determining the amount of the fine, the court shall consider the potential rehabilitative effect of a fine.

SECTION 76. ORS 419C.461 is amended to read:

419C.461. (1) When [a youth offender] **an adjudicated youth** has been found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute a violation of ORS 164.383 or 164.386 or criminal mischief and the act consisted of defacing property by creating graffiti, the court, in addition to any other disposition, may order the [youth offender] **adjudicated youth** to perform:

(a) Personal service, as provided in ORS 419C.465, consisting of removing graffiti; or

(b) If the victim does not agree to the personal service, community service consisting of removing graffiti at some location other than that defaced by the [youth offender] **adjudicated youth**.

(2) In no case shall the [youth offender] **adjudicated youth**, pursuant to this section, perform more hours of personal or community service than would be indicated by dividing the monetary damage caused by the [youth offender] **adjudicated youth** by the legal minimum wage.

(3)(a) When [a youth offender] **an adjudicated youth** has been found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute a violation of ORS 164.383, the court may find the parent, legal guardian or other person lawfully charged with the care or custody of the [youth offender] **adjudicated youth** liable for actual damages to person or property caused by the [youth offender] **adjudicated youth**. However, a parent who is not entitled to legal custody of the [youth offender] **adjudicated youth** at the time of the act is not liable for the damages.

(b) The legal obligation of the parent, legal guardian or other person under this subsection may not exceed the liability provided in ORS 30.765.

(c) The court may, with the consent of the parent, legal guardian or other person, order the parent, legal guardian or other person to complete a parent effectiveness program approved by the court. Upon the parent's, legal guardian's or other person's completion of the program to the satisfaction of the court, the court may dismiss any other penalties imposed upon the parent, legal guardian or other person.

SECTION 77. ORS 419C.462 is amended to read:

419C.462. The court may order [a youth offender] **an adjudicated youth** to perform appropriate community service for a number of hours not to exceed that which could be required under ORS 137.129 if the [youth offender] **adjudicated youth** were an adult.

SECTION 78. ORS 419C.465 is amended to read:

419C.465. Upon agreement of the [youth offender] **adjudicated youth**, the [youth offender's] **adjudicated youth's** parent or guardian and the victim of the [youth offender's] **adjudicated youth's** conduct, the court may order [a youth offender] **an adjudicated youth** to perform personal service for the victim as a condition of probation. Contact with a victim to determine whether the victim is willing to agree to such personal service shall be by a person to be designated by the court and may not be by the [youth offender] **adjudicated youth**. The victim shall be advised by such person of any prior findings of juvenile court jurisdiction of the [youth offender] **adjudicated youth** under ORS 419C.005. The court shall specify the nature and length of the service as the court finds appropriate. Personal service performed pursuant to the order shall constitute full or partial satisfaction of any restitution ordered by the court, as provided by agreement prior to the making of the order. However, in no case shall the [youth offender] **adjudicated youth**, pursuant to this section, perform more hours of personal service than would be indicated by dividing the victim's monetary loss by the legal minimum wage.

SECTION 79. ORS 419C.470 is amended to read:

419C.470. The Oregon Youth Authority and county juvenile departments, respectively, and to the extent practicable, shall create opportunities for [youth offenders] **adjudicated youths** placed in the legal custody of the youth authority or under the supervision of a county juvenile department to pay restitution as ordered by the court and to perform any community service ordered by the court, as well as to fulfill any other obligation imposed by the court.

SECTION 80. ORS 419C.473 is amended to read:

419C.473. (1) Whenever [a youth offender] **an adjudicated youth** has been found to be within the jurisdiction of the court under ORS 419C.005 for having committed an act that if done by an adult would constitute a felony listed in subsection (2) of this section, the court shall order the [youth offender] **adjudicated youth** to submit to the obtaining of a blood or buccal sample in the manner provided by ORS 137.076. The court shall further order that as soon as practicable after the entry of the dispositional order, the law enforcement agency attending upon the court shall cause a blood or buccal sample to be obtained and transmitted in accordance with ORS 137.076. The court may also order the [youth offender] **adjudicated youth** to reimburse the appropriate agency for the cost of obtaining and transmitting the blood or buccal sample.

(2) The felonies to which subsection (1) of this section applies are:

(a) Rape, sodomy, unlawful sexual penetration, sexual abuse in the first or second degree, public indecency, incest or using a child in a display of sexually explicit conduct, as those offenses are defined in ORS 163.355 to 163.427, 163.465 (1)(d), 163.525 and 163.670;

(b) Burglary in the second degree, as defined in ORS 164.215, when committed with intent to commit any offense listed in paragraph (a) of this subsection;

(c) Promoting or compelling prostitution, as defined in ORS 167.012 and 167.017;

(d) Burglary in the first degree, as defined in ORS 164.225;

(e) Assault in the first degree, as defined in ORS 163.185;

(f) Conspiracy or attempt to commit any Class A or Class B felony listed in paragraphs (a) to (e) of this subsection; or

(g) Murder or aggravated murder.

(3) No order for the obtaining and transmitting of a blood or buccal sample is required to be entered if:

(a) The Department of State Police notifies the court or the law enforcement agency attending upon the court that it has previously received an adequate blood or buccal sample taken from the [youth offender] **adjudicated youth** in accordance with this section, ORS 137.076 or 161.325 (4); or

(b) The court determines that obtaining a sample would create a substantial and unreasonable risk to the health of the [youth offender] **adjudicated youth**.

(4) Notwithstanding any other provision of law, blood and buccal samples and other physical evidence and criminal identification information obtained under authority of this section or as a result of analysis conducted pursuant to ORS 181A.155 may be maintained, stored, destroyed and released to authorized persons or agencies under the conditions established in ORS 181A.155 and rules adopted by the Department of State Police under the authority of that section.

SECTION 81. ORS 419C.475 is amended to read:

419C.475. (1) Whenever [a youth offender] **an adjudicated youth** has been found to be within the jurisdiction of the court under ORS 419C.005 (1) for having committed an act from which it appears that the transmission of body fluids from one person to another as described in ORS 135.139 may have been involved or a sexual act may have occurred, the court shall order the [youth offender] **adjudicated youth** to submit to blood-borne infection testing as provided in ORS 135.139 if the victim, or parent or guardian of the victim, requests the court to make such an order.

(2) The court may also order the [youth offender] **adjudicated youth** or the parent or guardian of the [youth offender] **adjudicated youth** to reimburse the appropriate agency for the cost of the test.

SECTION 82. ORS 419C.478 is amended to read:

419C.478. (1) The court may, in addition to probation or any other dispositional order, place [a youth offender] **an adjudicated youth** who is at least 12 years of age in the legal custody of the Oregon Youth Authority for care, placement and supervision or, when authorized under subsection (3) of this section, place [a youth offender] **an adjudicated youth** in the legal custody of the Department of Human Services for care, placement and supervision. In any order issued under this section, the court shall include written findings describing why it is in the best interests of the [youth offender] **adjudicated youth** to be placed with the youth authority or the department.

(2) If the court places [a youth offender] **an adjudicated youth** under subsection (1) of this section, the court may specify the type of care, supervision or services to be provided by the youth authority or the department to [youth offenders] **adjudicated youths** placed in the youth authority's or department's custody and to the parents or guardians of the [youth offenders] **adjudicated youths**, but the actual planning and provision of the care, supervision, security or services is the responsibility of the youth authority or the department. The youth authority or the department may place the [youth offender] **adjudicated youth** in a youth care center or other facility authorized to accept the [youth offender] **adjudicated youth**.

(3) The court may place [a youth offender] **an adjudicated youth** in the legal custody of the department under subsection (1) of this section if:

(a) The court has determined that a period of out-of-home placement and supervision should be part of the disposition in the case;

(b) The court finds that, because of the [youth offender's] **adjudicated youth's** age or mental or emotional condition, the [youth offender] **adjudicated youth**:

(A) Is not amenable to reform and rehabilitation through participation in the programs provided and administered by the youth authority; and

(B) Is amenable to reform and rehabilitation through participation in the programs provided and administered by the department;

(c) The court finds that the department can provide adequate security to protect the community and the [youth offender] **adjudicated youth**;

(d) The court provides for periodic review of the placement; and

(e) The court, in making the findings and determinations required by this subsection, has considered the relevant facts and circumstances of the case, as provided in ORS 419C.411.

(4) Uniform commitment blanks, in a form approved by the director of the youth authority, or by the Director of Human Services for placements under subsection (3) of this section, shall be used by all courts for placing [youth offenders] **adjudicated youths** in the legal custody of the youth authority or the department.

(5) If the [youth offender] **adjudicated youth** has been placed in the custody of the youth authority or the department, the court may not make a commitment directly to any residential facility, but shall cause the [youth offender] **adjudicated youth** to be delivered into the custody of the youth authority or the department at the time and place fixed by rules of the youth authority or the department. [A youth offender] **An adjudicated youth** committed under this subsection may not be placed in a Department of Corrections institution.

(6) When the court places [a youth offender] **an adjudicated youth** in the legal custody of the department under subsection (1) of this section, ORS 419B.440, 419B.443, 419B.446, 419B.449, 419B.452, 419B.470, 419B.473 and 419B.476 apply as if the [youth offender] **adjudicated youth** were a ward.

SECTION 83. ORS 419C.481 is amended to read:

419C.481. (1) The juvenile court retains jurisdiction and the Oregon Youth Authority retains legal custody of [a youth offender] **an adjudicated youth** committed to it regardless of the physical placement of the [youth offender] **adjudicated youth** by the youth authority.

(2) When the court grants legal custody to the youth authority, it may also grant guardianship of the [youth offender] **adjudicated youth** to the youth authority, to remain in effect solely while the [youth offender] **adjudicated youth** remains in the legal custody of the youth authority.

(3) The director of the youth authority may authorize the superintendent of the youth correction facility, as defined in ORS 420.005, in which the [youth offender] **adjudicated youth** is placed, if any, to exercise the duties and authority of a guardian of the [youth offender] **adjudicated youth** under ORS 419C.558 and to determine parole and final release under ORS 420.045.

SECTION 84. ORS 419C.486 is amended to read:

419C.486. To ensure effective planning for [youth offenders] **adjudicated youths** committed to its custody, the Oregon Youth Authority shall take into consideration recommendations and information provided by the committing court before placement in any facility. The youth authority shall ensure that the case planning in any case:

(1) Serves the purposes of and is consistent with the principles of ORS 419C.001;

(2) Incorporates the perspective of the [youth offender] **adjudicated youth** and the family; and

(3) Is integrated with the efforts of other agencies responsible for providing services to the [youth offender] **adjudicated youth** or the family.

SECTION 85. ORS 419C.489 is amended to read:

419C.489. Whenever [a youth offender] **an adjudicated youth** who is in need of medical care or other special treatment by reason of physical or mental condition is placed in the custody of the Oregon Youth Authority by the juvenile court, the youth authority shall prepare a plan for care or treatment within 14 days after assuming custody of the [youth offender] **adjudicated youth**. The court may indicate in general terms the type of care which it regards as initially appropriate. A copy of the plan, including a time schedule for its implementation, shall be sent to the juvenile court that committed the [youth offender] **adjudicated youth** to the youth authority. The court may at any time request regular progress reports on implementation of the plan. The youth authority shall no-

tify the court when the plan is implemented, and shall report to the court concerning the progress of the [youth offender] **adjudicated youth** annually thereafter. If the plan is subsequently revised, the youth authority shall notify the court of the revisions and the reasons therefor.

SECTION 86. ORS 419C.492 is amended to read:

419C.492. Commitment of [a youth offender] **an adjudicated youth** to the Oregon Youth Authority or the Department of Human Services does not terminate the court's continuing jurisdiction to protect the rights of the [youth offender] **adjudicated youth** or the [youth offender's] **adjudicated youth's** parents or guardians. Notwithstanding ORS 419C.478 (5), if upon review of a placement of [a youth offender] **an adjudicated youth** made by the youth authority or the department, the court determines that the placement is so inappropriate as to violate the rights of the [youth offender] **adjudicated youth** or the [youth offender's] **adjudicated youth's** parents or guardians, the court may direct the youth authority or the department to place the [youth offender] **adjudicated youth** in a specific type of residential placement, but the actual planning and placement of the [youth offender] **adjudicated youth** shall be the responsibility of the youth authority or the department. Nothing in this section affects any contractual right of a private agency to refuse or terminate a placement.

SECTION 87. ORS 419C.495 is amended to read:

419C.495. (1) [A youth offender] **An adjudicated youth** placed in the legal custody of the Oregon Youth Authority may be placed in a youth correction facility or in a private institution operated as a facility for [youth offenders] **adjudicated youths** requiring secure custody only when the juvenile court having jurisdiction so recommends.

(2) [A youth offender] **An adjudicated youth** who is admitted to a youth correction facility may be retained in the facility for the duration of the commitment period. In no case may [a youth offender] **an adjudicated youth** be retained in a youth correction facility after the [youth offender] **adjudicated youth** has attained 25 years of age.

(3) No [youth offender] **adjudicated youth** shall be transferred or returned after discharge to a facility described in subsection (1) of this section, except upon court order under this chapter.

(4) Nothing in subsection (3) of this section shall be deemed to prohibit return of [a youth offender] **an adjudicated youth** to a facility described in subsection (1) of this section, in the discretion of the youth authority, if the [youth offender] **adjudicated youth** has been released from the facility on temporary or indefinite parole, or to prohibit transfer of [a youth offender] **an adjudicated youth** from one such facility to another.

SECTION 88. ORS 419C.498 is amended to read:

419C.498. If there is an interstate compact or agreement or an informal arrangement with another state permitting the [youth offender] **adjudicated youth** to reside in another state while on probation or under protective supervision, or to be placed in an institution or with an agency in another state, the court may place the [youth offender] **adjudicated youth** on probation or under protective supervision in such other state, or, subject to ORS 419C.495, place the [youth offender] **adjudicated youth** in an institution in such other state in accordance with the compact, agreement or arrangement.

SECTION 89. ORS 419C.501 is amended to read:

419C.501. (1) The court shall fix the duration of any disposition made pursuant to this chapter and the duration may be for an indefinite period. Any placement in the legal custody of the Department of Human Services or the Oregon Youth Authority under ORS 419C.478 or placement under the jurisdiction of the Psychiatric Security Review Board under ORS 419C.529 shall be for an indefinite period. However, the period of institutionalization or commitment may not exceed:

(a) The period of time specified in the statute defining the crime for an act that would constitute an unclassified misdemeanor if committed by an adult;

(b) Thirty days for an act that would constitute a Class C misdemeanor if committed by an adult;

(c) Six months for an act that would constitute a Class B misdemeanor if committed by an adult;

(d) Three hundred sixty-four days for an act that would constitute a Class A misdemeanor if committed by an adult;

(e) Five years for an act that would constitute a Class C felony if committed by an adult;
(f) Ten years for an act that would constitute a Class B felony if committed by an adult;
(g) Twenty years for an act that would constitute a Class A felony if committed by an adult;
and

(h) Life for a young person who was found to have committed an act that, if committed by an adult would constitute murder or any aggravated form of murder under ORS 163.095, 163.107 or 163.115.

(2) Except as provided in subsection (1)(h) of this section, the period of any disposition may not extend beyond the date on which the young person or [youth offender] **adjudicated youth** becomes 25 years of age.

SECTION 90. ORS 419C.504 is amended to read:

419C.504. In any case under ORS 419C.005 the court, notwithstanding ORS 419C.501, may place the [youth offender] **adjudicated youth** on probation to the court for a period not to exceed five years. However, the period of probation shall not extend beyond the date on which the [youth offender] **adjudicated youth** becomes 23 years of age.

SECTION 91. ORS 419C.507 is amended to read:

419C.507. The court may, in lieu of or in addition to any disposition under this chapter, direct that [a youth offender] **an adjudicated youth** be examined or treated by a physician, psychiatrist or psychologist, or receive other special care or treatment in a hospital or other suitable facility. If the court determines that mental health examination and treatment should be provided by services delivered through the Oregon Health Authority, the Department of Human Services shall determine the appropriate placement or services in consultation with the court, the Oregon Youth Authority and other affected agencies. If the youth authority or another affected agency objects to the type of placement or services, the court shall determine the appropriate type of placement or service. During the examination or treatment of the [youth offender] **adjudicated youth**, the department may, if appropriate, be appointed guardian of the [youth offender] **adjudicated youth**.

SECTION 92. ORS 419C.550 is amended to read:

419C.550. A person, agency or institution having legal custody of a youth or [youth offender] **adjudicated youth** has the following duties and authority:

- (1) To have physical custody and control of the youth or [youth offender] **adjudicated youth**.
- (2) To supply the youth or [youth offender] **adjudicated youth** with food, clothing, shelter and incidental necessities.
- (3) To provide the youth or [youth offender] **adjudicated youth** with care, education and discipline.
- (4) To authorize ordinary medical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the youth or [youth offender] **adjudicated youth**, and, in an emergency when the youth or [youth offender's] **adjudicated youth's** safety appears urgently to require it, to authorize surgery or other extraordinary care.
- (5) To make such reports and to supply such information to the court as the court may from time to time require.
- (6) To apply for any Social Security benefits, public assistance or medical assistance, as defined in ORS 414.025, to which the youth or [youth offender] **adjudicated youth** is otherwise entitled and to use the benefits or assistance to provide for the care of the youth or [youth offender] **adjudicated youth**.
- (7) To obtain and disclose information necessary to apply for Social Security benefits, public assistance or medical assistance on behalf of the youth or [youth offender] **adjudicated youth** including the youth or [youth offender's] **adjudicated youth's** Social Security number or information that is not otherwise subject to disclosure under ORS 411.320 or 413.175. Information obtained under this subsection may be used only for the purpose of applying for Social Security benefits, public assistance or medical assistance on behalf of the youth or [youth offender] **adjudicated youth**.

SECTION 93. ORS 419C.555 is amended to read:

419C.555. Except when the court grants legal custody to the Oregon Youth Authority, the court may grant guardianship of the [youth offender] **adjudicated youth** to a private institution or agency to which the [youth offender] **adjudicated youth** is committed or to some suitable person or entity if it appears necessary to do so in the interests of the [youth offender] **adjudicated youth**.

SECTION 94. ORS 419C.558 is amended to read:

419C.558. A person, agency or institution having guardianship of [a youth offender] **an adjudicated youth** by reason of appointment by the court has the duties and authority of a guardian of the [youth offender] **adjudicated youth**, including but not limited to the following:

(1) To authorize surgery for the [youth offender] **adjudicated youth**, but this authority does not prevent the person having legal custody of the [youth offender] **adjudicated youth** from acting under ORS 419C.550 (4).

(2) To authorize the [youth offender] **adjudicated youth** to enlist in the Armed Forces of the United States.

(3) To consent to the [youth offender's] **adjudicated youth's** marriage.

(4) To make other decisions concerning the [youth offender] **adjudicated youth** of substantial legal significance.

(5) To make such reports and to supply such information to the court as the court may from time to time require.

SECTION 95. ORS 419C.561 is amended to read:

419C.561. A person appointed guardian of [a youth offender] **an adjudicated youth** by the court is guardian only and not a conservator of the estate of the [youth offender] **adjudicated youth**, unless that person is appointed conservator of the [youth offender's] **adjudicated youth's** estate in a protective proceeding as provided in ORS chapter 125.

SECTION 96. ORS 419C.570 is amended to read:

419C.570. (1)(a) A parent or legal guardian of [a youth offender] **an adjudicated youth**, if the parent or guardian was served with summons under ORS 419C.300, 419C.303 and 419C.306 prior to the adjudication or at least 10 days prior to disposition, is subject to the jurisdiction of the court for purposes of this section. The court may:

(A) Order the parent or guardian to assist the court in any reasonable manner in providing appropriate education or counseling for the [youth offender] **adjudicated youth**;

(B) If the [youth offender] **adjudicated youth** is within the jurisdiction of the court for having committed an act that if committed by an adult would constitute a violation of ORS 166.250, 166.370 or 166.382, require the parent or guardian to pay or cause to be paid all or part of the reasonable costs of any mental health assessment or screening ordered by the court under ORS 419C.109 (3);

(C) If the court orders probation, require the parent or guardian to enter into a contract with the juvenile department in regard to the supervision and implementation of the [youth offender's] **adjudicated youth's** probation; or

(D) If the court orders probation, require the parent or guardian to pay all or a portion of the supervision fee if a supervision fee is imposed under ORS 419C.446 (2).

(b) In all cases in which [a youth offender] **an adjudicated youth** is placed on probation, the juvenile department and the parent or guardian shall develop a plan for supervision of the [youth offender] **adjudicated youth**. The plan must be reasonably calculated to provide the supervision necessary to prevent further acts of delinquency given the individual circumstances of the [youth offender] **adjudicated youth**. The court shall review and ratify the plan and make the plan a part of the probation order.

(2) The court may require the parent or guardian to pay a specific sum not to exceed \$1,000 for a violation by the parent or guardian of the court's order or the contract under subsection (1)(a) of this section.

(3) The court may not revoke [a youth offender's] **an adjudicated youth's** probation solely because of a failure of the [youth offender's] **adjudicated youth's** parent or guardian to comply with an order or a contract under subsection (1)(a) of this section.

SECTION 97. ORS 419C.573 is amended to read:

419C.573. (1)(a) The court may order the parent or guardian to participate in any educational or counseling programs as are reasonably directed toward improvement of parenting skills and the ability of the parent to supervise the [youth offender] **adjudicated youth** if the court finds:

(A) That a deficiency in parenting skills has significantly contributed to the circumstances bringing the [youth offender] **adjudicated youth** within the jurisdiction of the court; and

(B) That participation would be consistent with the best interests of the [youth offender] **adjudicated youth**.

(b) The programs may include, but need not be limited to, parenting classes.

(c) The court may order such participation with the [youth offender] **adjudicated youth** or separately.

(2) As an alternative to a contempt proceeding, the court may require a parent or guardian to pay a specific sum not to exceed \$1,000 for a violation by the parent or guardian of an order under subsection (1) of this section.

(3) The court may not revoke [a youth offender's] **an adjudicated youth's** probation solely because of a failure of the [youth offender's] **adjudicated youth's** parent or guardian to comply with an order under subsection (1) of this section.

SECTION 98. ORS 419C.575 is amended to read:

419C.575. If the court finds that the parent's or guardian's addiction to or habitual use of alcohol, cannabis or controlled substances has significantly contributed to the circumstances bringing the [youth offender] **adjudicated youth** within the jurisdiction of the court, the court may conduct a special hearing to determine if the court should order the parent or guardian to participate in treatment and pay the costs thereof. Notice of this hearing shall be by special petition and summons to be filed by the court and served upon the parent or guardian. The court shall appoint counsel to represent the parent or guardian if the parent or guardian is eligible under ORS 135.050. If, at this hearing, the court finds it is in the best interest of the [youth offender] **adjudicated youth** for the parent or guardian to be directly involved in treatment, the judge may order the parent or guardian to participate in treatment. The dispositional order shall be in writing and shall contain appropriate findings of fact and conclusions of law. The judge shall state with particularity, both orally and in the written order of the disposition, the precise terms of the disposition.

SECTION 99. ORS 419C.590 is amended to read:

419C.590. (1) The court may, after a hearing on the matter, require the parents or other person legally obligated to support [a youth offender] **an adjudicated youth** to pay toward the [youth offender's] **adjudicated youth's** support such amounts at such intervals as the court may direct, while the [youth offender] **adjudicated youth** is within the jurisdiction of the court even though the [youth offender] **adjudicated youth** is over 18 years of age as long as the [youth offender] **adjudicated youth** is a child attending school, as defined in ORS 107.108.

(2) At least 21 days before the hearing, the court shall notify the Administrator of the Division of Child Support of the Department of Justice, or the branch office providing support services to the county where the hearing will be held, of the hearing. Before the hearing the administrator shall inform the court, to the extent known:

(a) Whether there is pending in this state or any other jurisdiction any type of support proceeding involving the [youth offender] **adjudicated youth**, including a proceeding brought under ORS 25.287, 25.501 to 25.556, 107.085, 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, 125.025 or 419B.400 or ORS chapter 110; and

(b) Whether there exists in this state or any other jurisdiction a support order, as defined in ORS 110.503, involving the [youth offender] **adjudicated youth**.

(3) The Judicial Department and the Department of Justice may enter into an agreement regarding how the courts give the notice required under subsection (2) of this section to the Department of Justice and how the Department of Justice gives the information described in subsection (2)(a) and (b) to the courts.

(4) The court, in determining the amount to be paid, shall use the scale and formula provided for in ORS 25.275 and 25.280. Unless otherwise ordered, the amounts so required to be paid shall

be paid to the Department of Justice or the county clerk, whichever is appropriate, for transmission to the person, institution or agency having legal custody of the [youth offender] **adjudicated youth**.

SECTION 100. ORS 419C.595 is amended to read:

419C.595. Any order for support entered pursuant to ORS 419C.590 for [a youth offender] **an adjudicated youth** in the care and custody of the Oregon Youth Authority may be made contingent upon the [youth offender] **adjudicated youth** residing in a state financed or supported residence, shelter or other facility or institution. A certificate signed by the director of the youth authority, the Administrator of the Division of Child Support or the administrator's authorized representative is sufficient to establish such periods of residence and to satisfy the order for periods of nonresidence.

SECTION 101. ORS 419C.597 is amended to read:

419C.597. When [a youth offender] **an adjudicated youth** or other offender is in the legal or physical custody of the Oregon Youth Authority and the offender is the beneficiary of an order of support in a judgment of dissolution or other order and the youth authority is required to provide financial assistance for the care and support of the offender, the youth authority shall be assignee of and subrogated to the offender's proportionate share of any such support obligation including sums that have accrued whether or not the support order or judgment provides for separate monthly amounts for the support of each of two or more children or a single monthly gross payment for the benefit of two or more children, up to the amount of assistance provided by the youth authority. The assignment shall be as provided in ORS 412.024.

SECTION 102. ORS 419C.600 is amended to read:

419C.600. (1) An order of support entered pursuant to ORS 419C.590, 419C.592, 419C.595 and 419C.597 may be enforced by execution or in the manner provided by law for the enforcement of a judgment granting an equitable remedy or by an order to withhold pursuant to ORS 25.372 to 25.427.

(2) No property of the [youth offender's] **adjudicated youth's** parents, or either of them, or other person legally obligated to support the [youth offender] **adjudicated youth** is exempt from levy and sale or other process to enforce collection of the amounts ordered by the court to be paid toward the support of the [youth offender] **adjudicated youth**.

SECTION 103. ORS 419C.610 is amended to read:

419C.610. (1) Except as provided in ORS 419C.613, 419C.615 and 419C.616, the court may modify or set aside any order made by it upon such notice and with such hearing as the court may direct.

(2) When the court modifies or sets aside an order of jurisdiction based on a petition alleging that [a youth offender] **an adjudicated youth** has committed an act that would constitute a sex crime, as defined in ORS 163A.005, if committed by an adult, the court shall make written findings stating the reason for modifying or setting aside the order.

SECTION 104. ORS 419C.613 is amended to read:

419C.613. (1) Except as provided in subsection (2) of this section, notice and a hearing as provided in this chapter shall be granted in any case where the effect of modifying or setting aside the order will or may be to deprive a parent of the legal custody of the [youth offender] **adjudicated youth**, to place the [youth offender] **adjudicated youth** in an institution or agency or to transfer the [youth offender] **adjudicated youth** from one institution or agency to another. However, the provisions of this subsection do not apply to a parent whose rights have been terminated by the court or whose child has been permanently committed by order of the court unless an appeal from such order is pending.

(2) Notice and a hearing as provided in subsection (1) of this section are not required where the effect of modifying or setting aside the order will be to transfer the [youth offender] **adjudicated youth** from one foster home to another.

SECTION 105. ORS 419C.620 is amended to read:

419C.620. (1) When required by the court, the Oregon Youth Authority or a private agency having guardianship or legal custody of [a youth offender] **an adjudicated youth** pursuant to court

order shall file reports on the [youth offender] **adjudicated youth** with the juvenile court that entered the original order concerning the [youth offender] **adjudicated youth**.

(2) A county juvenile department shall file a report with the juvenile court under this section if [a youth offender] **an adjudicated youth** remains under juvenile department care for six consecutive months from the date of initial placement and:

(a) The county juvenile department is a county program, as defined in ORS 418.205;

(b) The county juvenile department is participating in programs related to Title IV-E of the Social Security Act;

(c) The county juvenile department has responsibility for the care and placement of the [youth offender] **adjudicated youth**; and

(d) The placement is not a detention facility.

SECTION 106. ORS 419C.623 is amended to read:

419C.623. (1) The Oregon Youth Authority, a county juvenile department or a private agency shall file the reports required by ORS 419C.620 at times required by the court, required by the [youth offender's] **adjudicated youth's** reformation plan or case plan and as determined necessary by the youth authority or agency. The youth authority or agency shall file reports more frequently if the court so orders. The reports shall include, but need not be limited to:

(a) A description of the offenses that necessitated the placement of the [youth offender] **adjudicated youth** with the youth authority, juvenile department or agency;

(b) A description of the [youth offender's] **adjudicated youth's** risk to reoffend and an analysis of the need for services and assistance; and

(c) A proposed reformation plan or case plan, or proposed continuation or modification of an existing reformation plan or case plan, including, where applicable, a description of services to be provided in furtherance of the [youth offender's] **adjudicated youth's** reformation and safe return to the community.

(2) A report under ORS 419C.620 (2) by a county juvenile department must also include:

(a) A description of the efforts to return the [youth offender] **adjudicated youth** to the parental home, including, when applicable, efforts to assist the parents in remedying factors that contributed to the removal of the [youth offender] **adjudicated youth** from the home.

(b) A description of the care, treatment and supervision that have been provided for the [youth offender] **adjudicated youth**, including:

(A) The safety of the placement;

(B) A description of whether the placement is the least restrictive and most appropriate setting available and in close proximity to the [youth offender's] **adjudicated youth's** home, and is consistent with the best interest and the special needs of the [youth offender] **adjudicated youth**; and

(C) An analysis of the effectiveness of the care, treatment and supervision.

(c) A description of the progress that has been made toward alleviating or mitigating the causes necessitating the [youth offender's] **adjudicated youth's** placement.

(d) If continued substitute care is recommended, a proposed timetable for the [youth offender's] **adjudicated youth's** return home or other permanent placement or a justification of why continued substitute care is necessary.

(3) Notwithstanding the requirements of subsections (1) and (2) of this section, reports following the first report that is required by this section need not contain information contained in prior reports.

(4) Notwithstanding the requirements under ORS 419C.620 that reports be filed with the court, any report after the first report that is required by subsections (1) and (2) of this section on [a youth offender] **an adjudicated youth** whose case is being regularly reviewed by a local citizen review board shall be filed with that local citizen review board rather than with the court.

SECTION 107. ORS 419C.626 is amended to read:

419C.626. (1) Upon receiving a report required by ORS 419C.620:

(a) The court may hold a hearing to review the [youth offender's] **adjudicated youth's** condition and circumstances and to determine if the court should continue jurisdiction over the [youth

offender] **adjudicated youth** or order modifications in the custody, placement and supervision of the *[youth offender]* **adjudicated youth**.

(b) And if requested by the *[youth offender]* **adjudicated youth**, the attorney for the *[youth offender]* **adjudicated youth**, if any, the parents of the *[youth offender]* **adjudicated youth** if parental rights have not been terminated, a court appointed special advocate, a local citizen review board, the Oregon Youth Authority, a county juvenile department, a district attorney or a private agency having guardianship or legal custody of the *[youth offender]* **adjudicated youth**, the court shall hold a hearing within 30 days of receipt of the request.

(2) The court, on its own motion, may hold a review hearing at any time. Unless good cause otherwise is shown, the court shall hold a review hearing at any time upon the request of the *[youth offender]* **adjudicated youth**, the attorney for the *[youth offender]* **adjudicated youth**, if any, the parents of the *[youth offender]* **adjudicated youth** if parental rights have not been terminated, a court appointed special advocate, a local citizen review board, the youth authority, a county juvenile department, a district attorney or a private agency having guardianship or legal custody of the *[youth offender]* **adjudicated youth**.

(3) A hearing under subsection (1) or (2) of this section shall be conducted in the manner provided in ORS 419C.400 (1), 419C.405 and 419C.408, except that the court may receive testimony and reports as provided in ORS 419C.400 (4). At the conclusion of the hearing, the court shall enter findings of fact if the decision is to continue the *[youth offender]* **adjudicated youth** in an out-of-home placement in the legal custody of the youth authority, a county juvenile department or a private agency. The findings shall specifically state:

(a) Why continued out-of-home placement is necessary as opposed to returning the *[youth offender]* **adjudicated youth** to the *[youth offender's]* **adjudicated youth's** home or promptly securing another placement;

(b) The expected timetable for return home; and

(c) Whether the *[youth offender's]* **adjudicated youth's** reformation plan or case plan should be modified.

(4) After receiving a report required by ORS 419C.620 (2), if requested by the county juvenile department, the court's findings under subsection (3) of this section must specifically state:

(a) Whether the county juvenile department has made reasonable efforts or, if the Indian Child Welfare Act applies, active efforts to make it possible for the *[youth offender]* **adjudicated youth** to safely return home. In making this finding, the court shall consider the *[youth offender's]* **adjudicated youth's** health and safety the paramount concerns.

(b) The appropriateness of the *[youth offender's]* **adjudicated youth's** placement.

(c) The extent of compliance with the *[youth offender's]* **adjudicated youth's** case plan.

(d) The extent of progress that has been made toward alleviating or mitigating the causes necessitating the *[youth offender's]* **adjudicated youth's** placement in substitute care.

(5) The court may direct the local citizen review board to review the status of the *[youth offender]* **adjudicated youth** prior to the court's next review under ORS 419A.106, 419A.108, 419A.110, 419A.112, 419A.116 and 419A.118.

(6) Any final decision of the court made pursuant to a hearing under subsection (1) or (2) of this section is appealable under ORS 419A.200.

SECTION 107a. If Senate Bill 562 becomes law, section 107 of this 2021 Act (amending ORS 419C.626) is repealed and ORS 419C.626, as amended by section 66, chapter __, Oregon Laws 2021 (Enrolled Senate Bill 562), is amended to read:

419C.626. (1) Upon receiving a report required by ORS 419C.620:

(a) The court may hold a hearing to review the *[youth offender's]* **adjudicated youth's** condition and circumstances and to determine if the court should continue jurisdiction over the *[youth offender]* **adjudicated youth** or order modifications in the custody, placement and supervision of the *[youth offender]* **adjudicated youth**.

(b) And if requested by the *[youth offender]* **adjudicated youth**, the attorney for the *[youth offender]* **adjudicated youth**, if any, the parents of the *[youth offender]* **adjudicated youth** if par-

ental rights have not been terminated, a court appointed special advocate, a local citizen review board, the Oregon Youth Authority, a county juvenile department, a district attorney or a private agency having guardianship or legal custody of the [youth offender] **adjudicated youth**, the court shall hold a hearing within 30 days of receipt of the request.

(2) The court, on its own motion, may hold a review hearing at any time. Unless good cause otherwise is shown, the court shall hold a review hearing at any time upon the request of the [youth offender] **adjudicated youth**, the attorney for the [youth offender] **adjudicated youth**, if any, the parents of the [youth offender] **adjudicated youth** if parental rights have not been terminated, a court appointed special advocate, a local citizen review board, the youth authority, a county juvenile department, a district attorney or a private agency having guardianship or legal custody of the [youth offender] **adjudicated youth**.

(3)(a) A hearing under subsection (1) or (2) of this section shall be conducted in the manner provided in ORS 419C.400 (1), 419C.405 and 419C.408, except that the court may receive testimony and reports as provided in ORS 419C.400 (4).

(b) At the conclusion of the hearing, the court shall enter findings of fact if the decision is to continue the [youth offender] **adjudicated youth** in an out-of-home placement in the legal custody of the youth authority, a county juvenile department or a private agency. The findings shall specifically state:

(A) Why continued out-of-home placement is necessary as opposed to returning the [youth offender] **adjudicated youth** to the [youth offender's] **adjudicated youth's** home or promptly securing another placement;

(B) The expected timetable for return home; and

(C) Whether the [youth offender's] **adjudicated youth's** reformation plan or case plan should be modified.

(4) After receiving a report required by ORS 419C.620 (2), if requested by the county juvenile department, the court's findings under subsection (3) of this section must specifically state:

(a) Whether, subject to the procedures under section 15 (4), chapter 14, Oregon Laws 2020 (first special session), there is reason to know the [youth offender] **adjudicated youth** is an Indian child.

(b) Whether the county juvenile department has made reasonable efforts or, if the [youth offender] **adjudicated youth** is an Indian child, active efforts to make it possible for the [youth offender] **adjudicated youth** to safely return home. In making this finding, the court shall consider the [youth offender's] **adjudicated youth's** health and safety the paramount concerns.

(c) The appropriateness of the [youth offender's] **adjudicated youth's** placement.

(d) The extent of compliance with the [youth offender's] **adjudicated youth's** case plan.

(e) The extent of progress that has been made toward alleviating or mitigating the causes necessitating the [youth offender's] **adjudicated youth's** placement in substitute care.

(5) The court may direct the local citizen review board to review the status of the [youth offender] **adjudicated youth** prior to the court's next review under ORS 419A.106, 419A.108, 419A.110, 419A.112, 419A.116 and 419A.118.

(6) Any final decision of the court made pursuant to a hearing under subsection (1) or (2) of this section is appealable under ORS 419A.200.

SECTION 107b. If House Bill 3182 becomes law, section 107 of this 2021 Act (amending ORS 419C.626) is repealed and ORS 419C.626, as amended by section 66, chapter __, Oregon Laws 2021 (Enrolled House Bill 3182), is amended to read:

419C.626. (1) Upon receiving a report required by ORS 419C.620:

(a) The court may hold a hearing to review the [youth offender's] **adjudicated youth's** condition and circumstances and to determine if the court should continue jurisdiction over the [youth offender] **adjudicated youth** or order modifications in the custody, placement and supervision of the [youth offender] **adjudicated youth**.

(b) And if requested by the [youth offender] **adjudicated youth**, the attorney for the [youth offender] **adjudicated youth**, if any, the parents of the [youth offender] **adjudicated youth** if parental rights have not been terminated, a court appointed special advocate, a local citizen review

board, the Oregon Youth Authority, a county juvenile department, a district attorney or a private agency having guardianship or legal custody of the [youth offender] **adjudicated youth**, the court shall hold a hearing within 30 days of receipt of the request.

(2) The court, on its own motion, may hold a review hearing at any time. Unless good cause otherwise is shown, the court shall hold a review hearing at any time upon the request of the [youth offender] **adjudicated youth**, the attorney for the [youth offender] **adjudicated youth**, if any, the parents of the [youth offender] **adjudicated youth** if parental rights have not been terminated, a court appointed special advocate, a local citizen review board, the youth authority, a county juvenile department, a district attorney or a private agency having guardianship or legal custody of the [youth offender] **adjudicated youth**.

(3)(a) A hearing under subsection (1) or (2) of this section shall be conducted in the manner provided in ORS 419C.400 (1), 419C.405 and 419C.408, except that the court may receive testimony and reports as provided in ORS 419C.400 (4).

(b) At each hearing under subsection (1) or (2) of this section, unless the court has entered an order finding that the [youth offender] **adjudicated youth** is an Indian child, the court shall make a finding, subject to the procedures under section 15 (4), chapter 14, Oregon Laws 2020 (first special session), regarding whether there is reason to know that the child is an Indian child.

(c) At the conclusion of the hearing, the court shall enter findings of fact if the decision is to continue the [youth offender] **adjudicated youth** in an out-of-home placement in the legal custody of the youth authority, a county juvenile department or a private agency. The findings shall specifically state:

(A) Why continued out-of-home placement is necessary as opposed to returning the [youth offender] **adjudicated youth** to the [youth offender's] **adjudicated youth's** home or promptly securing another placement;

(B) The expected timetable for return home; and

(C) Whether the [youth offender's] **adjudicated youth's** reformation plan or case plan should be modified.

(4) After receiving a report required by ORS 419C.620 (2), if requested by the county juvenile department, the court's findings under subsection (3) of this section must specifically state:

(a) Whether the county juvenile department has made reasonable efforts or, if the [youth offender] **adjudicated youth** is an Indian child, active efforts to make it possible for the [youth offender] **adjudicated youth** to safely return home. In making this finding, the court shall consider the [youth offender's] **adjudicated youth's** health and safety the paramount concerns.

(b) The appropriateness of the [youth offender's] **adjudicated youth's** placement.

(c) The extent of compliance with the [youth offender's] **adjudicated youth's** case plan.

(d) The extent of progress that has been made toward alleviating or mitigating the causes necessitating the [youth offender's] **adjudicated youth's** placement in substitute care.

(5) The court may direct the local citizen review board to review the status of the [youth offender] **adjudicated youth** prior to the court's next review under ORS 419A.106, 419A.108, 419A.110, 419A.112, 419A.116 and 419A.118.

(6) Any final decision of the court made pursuant to a hearing under subsection (1) or (2) of this section is appealable under ORS 419A.200.

SECTION 108. ORS 419C.629 is amended to read:

419C.629. Except when [a youth offender] **an adjudicated youth** has been surrendered for adoption or the parents' rights have been terminated, the court shall send a copy of a report required by ORS 419C.620 to the parents of the [youth offender] **adjudicated youth** and shall notify the parents either that a hearing will be held or that the parents may request a hearing at which time they may ask for modifications in the custody, placement and supervision of the [youth offender] **adjudicated youth**. If the court finds that informing the parents of the identity and location of the foster parents of the [youth offender] **adjudicated youth** or providing other information in the [youth offender's] **adjudicated youth's** reformation plan or case plan is not in the best in-

terest of the [youth offender] **adjudicated youth**, the court may order the information deleted from the report before sending the report to the parents.

SECTION 109. ORS 419C.653 is amended to read:

419C.653. (1) The court may order that the [youth offender] **adjudicated youth** or any other person be present during a hearing under ORS 419C.626.

(2) The court shall notify the parties listed in ORS 419C.626 and any other interested parties of the hearing. The notice shall state the time and place of the hearing. Upon request of the court, the Oregon Youth Authority or other legal custodian of the [youth offender] **adjudicated youth** shall provide the court with information concerning the whereabouts and identity of such parties. If the victim requests notice, the district attorney or juvenile department shall notify the victim of the time and place of the hearing.

SECTION 110. ORS 420.005 is amended to read:

420.005. As used in ORS 420.005 to 420.048, 420.060 to 420.275, 420.810 to 420.840 and 420.905 to 420.915, unless the context requires otherwise:

(1) **“Adjudicated youth” has the meaning given that term in ORS 419A.004.**

[1] (2) “Design capacity” means the number of [youth offenders] **adjudicated youths** or other persons a youth correction facility is able to hold based on applicable safety codes and standards.

[2] (3) “Director” means the Director of the Oregon Youth Authority.

[3] (4) “Youth authority” means the Oregon Youth Authority.

[4] (5) “Youth correction facility” means a facility used for the confinement of [youth offenders] **adjudicated youths** and other persons placed in the legal or physical custody of the youth authority and includes secure regional youth facilities, regional accountability camps, residential academies and satellites, camps and branches of those facilities.

[5] “Youth offender” has the meaning given that term in ORS 419A.004.]

SECTION 111. ORS 420.011 is amended to read:

420.011. (1) Except as provided in subsections (2) and (3) of this section, admissions to the youth correction facilities are limited to [youth offenders] **adjudicated youths** who are at least 12 but less than 19 years of age, found by the juvenile court to have committed an act that if committed by an adult would constitute aggravated murder, murder, a felony or a Class A misdemeanor and placed in the legal custody of the Oregon Youth Authority. [A youth offender] **An adjudicated youth** admitted to a youth correction facility may not be transferred by administrative process to any penal or correctional institution.

(2)(a) In addition to the persons placed in the legal custody of the youth authority under ORS 419C.478 (1) or 419C.481, and with the concurrence of the Director of the Oregon Youth Authority or the director’s designee, persons who are committed to the Department of Corrections under ORS 137.124 and meet the requirements of ORS 137.124 (5) may be temporarily assigned to a youth correction facility as provided by ORS 137.124 (5). A person assigned on such a temporary basis remains within the legal custody of the Department of Corrections and such reassignment is subject to termination by the Director of the Oregon Youth Authority by referring the person back to the Department of Corrections as provided in paragraph (b) of this subsection.

(b) After a person is transferred to the physical custody of the youth authority under ORS 137.124 (5), the Director of the Oregon Youth Authority may refer the person back to the Department of Corrections for physical custody and placement if the director, after consulting with the Department of Corrections, determines that the person is at least 18 years of age and:

(A) Poses a substantial danger to youth authority staff or persons in the custody of the youth authority; or

(B) Is not likely, in the foreseeable future, to benefit from the rehabilitation and treatment programs administered by the youth authority and is appropriate for placement in a Department of Corrections institution.

(3) Any person under 18 years of age at the time of committing the crime and under 20 years of age at the time of sentencing and commitment who, after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712, is

sentenced to a term of imprisonment in the custody of the Department of Corrections, and any person under 16 years of age who after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712 is sentenced to a term of imprisonment in the county jail, shall be temporarily assigned to a youth correction facility by the Department of Corrections, or by the sheriff to whose custody the person has been committed, pursuant to ORS 137.124 (6). The director shall designate the appropriate youth correction facility or schools for such assignment. A person assigned to a youth correction facility under ORS 137.124 (6) and this subsection remains within the legal custody of the Department of Corrections or sheriff to whose custody the person was committed. The assignment of such a person to the youth correction facility is subject, when the person is 18 years of age or older, to termination by the director by referring the person back to the Department of Corrections or the sheriff to serve the balance of the person's sentence. Assignment to a youth correction facility pursuant to ORS 137.124 (6) and this subsection, if not terminated earlier by the director, shall terminate upon the person's attaining the age specified in ORS 420A.010 (5) setting the age limits for which the Oregon Youth Authority may retain legal and physical custody of the person, and the person shall be referred to the Department of Corrections or the sheriff having legal custody of the person to serve the balance of the person's sentence.

(4) Whenever a person committed to the custody of the Department of Corrections is temporarily assigned to a youth correction facility pursuant to this section, the youth authority may provide programs and treatment for the person, and may adopt rules relating to conditions of confinement at the youth correction facility, as the youth authority determines are appropriate. However, the person remains subject to laws and rules of the State Board of Parole and Post-Prison Supervision relating to parole.

(5) For the purposes of determining the person's age at the time of committing an offense under this section:

(a) If the person is convicted of two or more offenses occurring on different days, the person's age shall be calculated using the earliest date.

(b) If the person is convicted of an offense occurring within a range of dates, the person's age shall be calculated using the date at the beginning of the range.

SECTION 111a. If House Bill 2939 becomes law, section 111 of this 2021 Act (amending ORS 420.011) is repealed and ORS 420.011, as amended by section 2, chapter __, Oregon Laws 2021 (Enrolled House Bill 2939), is amended to read:

420.011. (1) Except as provided in subsections (2), (3) and (4) of this section, admissions to the youth correction facilities are limited to [*youth offenders*] **adjudicated youths** who are at least 12 but less than 20 years of age, found by the juvenile court to have committed an act that if committed by an adult would constitute aggravated murder, murder, a felony or a Class A misdemeanor and placed in the legal custody of the Oregon Youth Authority. [*A youth offender*] **An adjudicated youth** admitted to a youth correction facility may not be transferred by administrative process to any penal or correctional institution.

(2)(a) In addition to the persons placed in the legal custody of the youth authority under ORS 419C.478 (1) or 419C.481, and with the concurrence of the Director of the Oregon Youth Authority or the director's designee, persons who are committed to the Department of Corrections under ORS 137.124 and meet the requirements of ORS 137.124 (5) may be temporarily assigned to a youth correction facility as provided by ORS 137.124 (5). A person assigned on such a temporary basis remains within the legal custody of the Department of Corrections and such reassignment is subject to termination by the Director of the Oregon Youth Authority by referring the person back to the Department of Corrections as provided in paragraph (b) of this subsection.

(b) After a person is transferred to the physical custody of the youth authority under ORS 137.124 (5), the Director of the Oregon Youth Authority may refer the person back to the Department of Corrections for physical custody and placement if the director, after consulting with the Department of Corrections, determines that the person is at least 18 years of age and:

(A) Poses a substantial danger to youth authority staff or persons in the custody of the youth authority; or

(B) Is not likely, in the foreseeable future, to benefit from the rehabilitation and treatment programs administered by the youth authority and is appropriate for placement in a Department of Corrections institution.

(3) Any person under 18 years of age at the time of committing the crime and under 20 years of age at the time of sentencing and commitment who, after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712, is sentenced to a term of imprisonment in the custody of the Department of Corrections, and any person under 16 years of age who after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712 is sentenced to a term of imprisonment in the county jail, shall be temporarily assigned to a youth correction facility by the Department of Corrections, or by the sheriff to whose custody the person has been committed, pursuant to ORS 137.124 (6). The director shall designate the appropriate youth correction facility or schools for such assignment. A person assigned to a youth correction facility under ORS 137.124 (6) and this subsection remains within the legal custody of the Department of Corrections or sheriff to whose custody the person was committed. The assignment of such a person to the youth correction facility is subject, when the person is 18 years of age or older, to termination by the director by referring the person back to the Department of Corrections or the sheriff to serve the balance of the person's sentence. Assignment to a youth correction facility pursuant to ORS 137.124 (6) and this subsection, if not terminated earlier by the director, shall terminate upon the person's attaining the age specified in ORS 420A.010 (5) setting the age limits for which the Oregon Youth Authority may retain legal and physical custody of the person, and the person shall be referred to the Department of Corrections or the sheriff having legal custody of the person to serve the balance of the person's sentence.

(4)(a) Admission to youth correction facilities for [*youth offenders*] **adjudicated youths** who have been previously adjudicated, but who have not been previously placed in custody of a youth correction facility as a result of the adjudication, is limited to [*youth offenders*] **adjudicated youths** under 19 years of age.

(b) Notwithstanding paragraph (a) of this subsection, admission to youth correction facilities for [*youth offenders*] **adjudicated youths** who have been previously adjudicated for an act that, if committed by an adult, would constitute a crime listed in ORS 137.707 (4), but who have not been previously placed in custody of a youth correction facility as a result of the adjudication, is limited to [*youth offenders*] **adjudicated youths** under 20 years of age.

(5) Whenever a person committed to the custody of the Department of Corrections is temporarily assigned to a youth correction facility pursuant to this section, the youth authority may provide programs and treatment for the person, and may adopt rules relating to conditions of confinement at the youth correction facility, as the youth authority determines are appropriate. However, the person remains subject to laws and rules of the State Board of Parole and Post-Prison Supervision relating to parole.

(6) For the purposes of determining the person's age at the time of committing an offense under this section:

(a) If the person is convicted of two or more offenses occurring on different days, the person's age shall be calculated using the earliest date.

(b) If the person is convicted of an offense occurring within a range of dates, the person's age shall be calculated using the date at the beginning of the range.

SECTION 111b. If Senate Bill 134 becomes law, section 111 of this 2021 Act (amending ORS 420.011) is repealed and ORS 420.011, as amended by section 1, chapter __, Oregon Laws 2021 (Enrolled Senate Bill 134), is amended to read:

420.011. (1) Except as provided in subsections (2) and (3) of this section, admissions to the youth correction facilities are limited to [*youth offenders*] **adjudicated youths** who are at least 12 but less than 19 years of age, found by the juvenile court to have committed an act that if committed by an

adult would constitute aggravated murder, murder, a felony or a Class A misdemeanor and placed in the legal custody of the Oregon Youth Authority. [A *youth offender*] **An adjudicated youth** admitted to a youth correction facility may not be transferred by administrative process to any penal or correctional institution.

(2)(a) In addition to the persons placed in the legal custody of the youth authority under ORS 419C.478 (1) or 419C.481, and with the concurrence of the Director of the Oregon Youth Authority or the director's designee, persons who are committed to the Department of Corrections under ORS 137.124 and meet the requirements of ORS 137.124 (5) may be temporarily assigned to a youth correction facility as provided by ORS 137.124 (5). A person assigned on such a temporary basis remains within the legal custody of the Department of Corrections and such reassignment is subject to termination by the Director of the Oregon Youth Authority by referring the person back to the Department of Corrections as provided in paragraph (b) of this subsection.

(b) After a person is transferred to the physical custody of the youth authority under ORS 137.124 (5), the Director of the Oregon Youth Authority may refer the person back to the Department of Corrections for physical custody and placement if the director, after consulting with the Department of Corrections, determines that the person is at least 18 years of age and:

(A) Poses a substantial danger to youth authority staff or persons in the custody of the youth authority; or

(B) Is not likely, in the foreseeable future, to benefit from the rehabilitation and treatment programs administered by the youth authority and is appropriate for placement in a Department of Corrections institution.

(3) Any person under 18 years of age at the time of committing the crime and under 20 years of age at the time of sentencing and commitment who, after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712, is sentenced to a term of imprisonment in the custody of the Department of Corrections, and any person under 16 years of age who after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712 is sentenced to a term of imprisonment in the county jail, shall be temporarily assigned to a youth correction facility by the Department of Corrections, or by the sheriff to whose custody the person has been committed, pursuant to ORS 137.124 (6). The director shall designate the appropriate youth correction facility or schools for such assignment. A person assigned to a youth correction facility under ORS 137.124 (6) and this subsection remains within the legal custody of the Department of Corrections or sheriff to whose custody the person was committed. The assignment of such a person to the youth correction facility is subject, when the person is 18 years of age or older, to termination by the director by referring the person back to the Department of Corrections or the sheriff to serve the balance of the person's sentence. Assignment to a youth correction facility pursuant to ORS 137.124 (6) and this subsection, if not terminated earlier by the director, shall terminate upon the person's attaining the age specified in ORS 420A.010 (5) setting the age limits for which the Oregon Youth Authority may retain legal and physical custody of the person, and the person shall be referred to the Department of Corrections or the sheriff having legal custody of the person to serve the balance of the person's sentence.

(4)(a) Whenever a person committed to the custody of the Department of Corrections is temporarily assigned to a youth correction facility pursuant to this section, the youth authority may provide programs and treatment for the person, and may adopt rules relating to conditions of confinement at the youth correction facility, as the youth authority determines are appropriate. However, the person remains subject to laws and rules of the State Board of Parole and Post-Prison Supervision relating to parole.

(b) Information or records prepared or maintained by the youth authority relating to a person committed to the custody of the Department of Corrections and temporarily assigned to a youth correction facility pursuant to this section are confidential and exempt from disclosure if the public interest in confidentiality clearly outweighs the public interest in disclosure and:

(A) The disclosure would interfere with the rehabilitation or treatment of the person, of another person committed to the custody of the Department of Corrections and temporarily assigned to a youth correction facility under this section or of [a youth offender] **an adjudicated youth**; or

(B) The disclosure would substantially prejudice or prevent the carrying out of the functions of the youth authority.

(c) Nothing in this section prohibits the youth authority from disclosing information or records relating to a person committed to the custody of the Department of Corrections and temporarily assigned to a youth correction facility pursuant to this section to counsel representing the person or to the district attorney or assistant district attorney general representing the state, for use in connection with the person's criminal, juvenile dependency or juvenile delinquency proceeding.

(5) For the purposes of determining the person's age at the time of committing an offense under this section:

(a) If the person is convicted of two or more offenses occurring on different days, the person's age shall be calculated using the earliest date.

(b) If the person is convicted of an offense occurring within a range of dates, the person's age shall be calculated using the date at the beginning of the range.

SECTION 112. ORS 420.031 is amended to read:

420.031. (1) The granting of legal custody and guardianship over the [youth offender] **adjudicated youth** to the Oregon Youth Authority does not terminate the juvenile court's jurisdiction over the [youth offender] **adjudicated youth**.

(2) Upon parole of the [youth offender] **adjudicated youth** from a youth correction facility, the legal custody of the [youth offender] **adjudicated youth** is vested in the parents of the [youth offender] **adjudicated youth** or other person to whom the [youth offender] **adjudicated youth** is returned, subject to ORS 420.045 (3).

SECTION 113. ORS 420.040 is amended to read:

420.040. The youth correction facility, the superintendents of the youth correction facility, the Director of the Oregon Youth Authority and personnel of the Oregon Youth Authority are not liable for any damages whatsoever that are sustained by any person on account of the actions or misconduct of [a youth offender] **an adjudicated youth** placed in a youth correction facility.

SECTION 114. ORS 420.045 is amended to read:

420.045. (1) Upon finding that [a youth offender] **an adjudicated youth** placed in a youth correction facility is ready for release therefrom and that the [youth offender] **adjudicated youth** had best be returned to the parent or guardian of the [youth offender] **adjudicated youth** or to a suitable and desirable home or facility, the Director of the Oregon Youth Authority may, after advising the committing court, release the [youth offender] **adjudicated youth** on parole conditioned upon good behavior.

(2) At such time as the Director of the Oregon Youth Authority finds that final release is compatible with the safety of the community and the best interests of the [youth offender] **adjudicated youth**, with the consent of the committing court, the Director of the Oregon Youth Authority may make and issue a final order discharging the [youth offender] **adjudicated youth**.

(3) The Director of the Oregon Youth Authority may revoke a parole if the conditions of the parole have been violated or if the continuation of the [youth offender] **adjudicated youth** on parole would not be in the best interests of the [youth offender] **adjudicated youth** or the community. After the revocation of parole, the Director of the Oregon Youth Authority shall immediately advise the committing court thereof.

SECTION 115. ORS 420.048 is amended to read:

420.048. (1)(a) When [a youth offender] **an adjudicated youth** who is in the legal custody of the Oregon Youth Authority transfers from one school or school district to a different school or school district, the person responsible for supervising the [youth offender] **adjudicated youth** shall notify the school administrator of the school or of the school district to which the [youth offender] **adjudicated youth** has transferred of the [youth offender's] **adjudicated youth's** status as [a youth

offender] **an adjudicated youth**. The person shall make the notification no later than 72 hours after the person knows of the transfer.

(b) When a school administrator receives notification under this section, the school administrator may request the Oregon Youth Authority to provide additional information about the [*youth offender*] **adjudicated youth**. The youth authority shall provide additional information, including the offense that brought the [*youth offender*] **adjudicated youth** within the jurisdiction of the juvenile court and such other information that is subject to disclosure under ORS 419A.255 (6).

(2) The youth authority shall include in the notice the following:

(a) The name and date of birth of the [*youth offender*] **adjudicated youth**;

(b) The names and addresses of the [*youth offender's*] **adjudicated youth's** parents or guardians;

(c) The name and contact information of the attorney for the [*youth offender*] **adjudicated youth**, if known;

(d) The name and contact information of the person giving notice under subsection (1) of this section or the person's designated representative to contact for further information about the notice;

(e) The specific offense that brought the [*youth offender*] **adjudicated youth** within the jurisdiction of the juvenile court and whether it involved a firearm, the delivery of a marijuana item as defined in ORS 475B.015 or the delivery of a controlled substance, a violation of ORS 163.355 to 163.445 or 163.465 or any other offense if the youth authority or juvenile court believes the [*youth offender*] **adjudicated youth** represents a risk to other students or school staff; and

(f) Any terms of probation.

(3) Except as otherwise provided in ORS 192.431, the youth authority, a school district or a school administrator, or anyone employed or acting on behalf of the youth authority, school district or school administrator, who sends or receives records under this section is not liable civilly or criminally for failing to disclose the information under this section.

(4) As used in this section:

(a) "School administrator" has the meaning given that term in ORS 419A.305.

(b) "School district" has the meaning given that term in ORS 332.002.

SECTION 116. ORS 420.060 is amended to read:

420.060. (1) Upon finding that the education and training of [*a youth offender*] **an adjudicated youth** placed in a youth correction facility will be furthered if the [*youth offender*] **adjudicated youth** is permitted to work at gainful employment on a temporary basis, the superintendent may enter into an agreement with any suitable person or business establishment for the temporary employment of the [*youth offender*] **adjudicated youth**.

(2) For the purposes of ORS 420.060 to 420.074, "youth correction facility" includes youth care centers as defined in ORS 420.855 and approved by the Oregon Youth Authority pursuant to ORS 420.865, and "superintendent" includes the person in charge of any such youth care center.

SECTION 117. ORS 420.065 is amended to read:

420.065. (1) Such agreements shall provide for compensation to be paid for the [*youth offender's*] **adjudicated youth's** work at the prevailing wages for such work in the community where the [*youth offender*] **adjudicated youth** is employed or at a wage rate approved by the superintendent.

(2) All sums earned by [*a youth offender*] **an adjudicated youth** placed in a youth correction facility, other than amounts involuntarily withheld by the employer of the [*youth offender*] **adjudicated youth**, shall be paid directly to the superintendent or to the [*youth offender*] **adjudicated youth** if so directed by the superintendent. Except as otherwise provided in ORS 419C.203, all moneys received by the superintendent under this section shall be placed in a trust account to be used solely for the benefit of the [*youth offender*] **adjudicated youth**.

SECTION 118. ORS 420.070 is amended to read:

420.070. While temporarily employed under ORS 420.060 to 420.074, [*a youth offender*] **an adjudicated youth** placed in a youth correction facility shall remain in the legal custody of the superintendent. The superintendent shall continue to exercise appropriate supervision over the [*youth*

offender] **adjudicated youth** during the period of the temporary employment of the [*youth offender*] **adjudicated youth**.

SECTION 119. ORS 420.074 is amended to read:

420.074. While temporarily employed under the provisions of ORS 420.060 to 420.074, [*youth offenders*] **adjudicated youths** placed in a youth correction facility are entitled to the protection and benefits of ORS chapters 652, 654 and 656 to the same extent as other employees of their employer under 21, except that:

(1) Payment of wages by an employer of [*a youth offender*] **an adjudicated youth** directly to the superintendent as provided by ORS 420.065 (2) shall not be deemed in violation of ORS chapter 652; and

(2) Compensation paid under ORS chapter 656 that is not expended on medical services shall be treated in the same manner as the [*youth offender's*] **adjudicated youth's** earnings under ORS 420.065, so long as the [*youth offender*] **adjudicated youth** remains in the legal custody of the youth correction facility.

SECTION 120. ORS 420.081 is amended to read:

420.081. (1) The total population of [*youth offenders*] **adjudicated youths** confined in the youth correction facilities may not exceed the design capacity of the facilities designated for close custody purposes by the Director of the Oregon Youth Authority. The total population limit shall include [*offenders*] **adjudicated youths** in the youth correction facility who were waived by the juvenile court to be prosecuted as adults.

(2) The director by rule shall determine reasonable standards for care and treatment of [*youth offenders*] **adjudicated youths** housed in youth correction facilities. Within the total limit established under subsection (1) of this section, the Director of the Oregon Youth Authority shall establish and impose a maximum allowable population level for each youth correction facility. The maximum allowable population shall not exceed the design capacity for the facility and shall be further limited by the ability of the facility to meet the standard of care and treatment established by rule under this subsection, protect communities, hold [*youth offenders*] **adjudicated youths** accountable for their behavior and improve the competency of [*youth offenders*] **adjudicated youths** to become responsible and productive members of their communities.

(3) The director by rule shall establish criteria upon which the decision to place a youth in a youth correction facility must be based, and which, in turn, shall be based upon behaviors and characteristics of youths otherwise eligible for commitment to a youth correction facility.

(4) After conferring with the juvenile court judges, the director shall develop and implement by rule, a method of controlling admissions to the youth correction facilities so as not to exceed maximum levels determined under subsections (1) and (2) of this section.

SECTION 121. ORS 420.210 is amended to read:

420.210. The Director of the Oregon Youth Authority, in cooperation with any public agency, may establish at any place in this state one or more work and training camps for any [*youth offenders*] **adjudicated youths** committed to the custody of the Oregon Youth Authority who are determined by the director to be qualified and amenable as security risks for work and training in such camps.

SECTION 122. ORS 420.220 is amended to read:

420.220. The Director of the Oregon Youth Authority is responsible for the care and custody of all [*youth offenders*] **adjudicated youths** assigned to a camp established under ORS 420.210.

SECTION 123. ORS 420.225 is amended to read:

420.225. The Director of the Oregon Youth Authority and the persons employed by the director or designated to have direct control of the [*youth offenders*] **adjudicated youths** at camp shall cooperate to the fullest extent with any public agency assisting in the camp program in making assignments and in supervising any work or training of [*youth offenders*] **adjudicated youths** who are physically able to perform manual labor.

SECTION 124. ORS 420.230 is amended to read:

420.230. The Director of the Oregon Youth Authority may enter into contracts with any public agency cooperating or willing to cooperate in the camp program to carry into effect the purposes of ORS 420.210 to 420.235, providing among other things for the type of work to be performed by [youth offenders] **adjudicated youths** at any camp, for rate of payment and other matters relating to the maintenance and training of the [youth offenders] **adjudicated youths** while at a camp.

SECTION 125. ORS 420.235 is amended to read:

420.235. Any [youth offender] **adjudicated youth** who violates the rules and regulations relating to discipline of a camp or who appears to the Director of the Oregon Youth Authority to be a bad security risk may be returned to a more secure youth correction facility on order of the director.

SECTION 126. ORS 420.270 is amended to read:

420.270. [A youth offender] **An adjudicated youth** or a person committed to the custody of the Department of Corrections and placed in the physical custody of the Oregon Youth Authority under ORS 137.124 or other statute may be supervised by any employee or agent of a local, state or federal governmental agency while the [youth offender] **adjudicated youth** or committed person is assigned to a youth correction facility and participating in a work release program or other work program provided by the youth authority, pursuant to an agreement between the agency and the youth authority. An agreement entered into under this section must require that persons exercising custodial supervision over the [youth offender] **adjudicated youth** or committed person receive security training approved and provided by the youth authority in consultation with the Department of Corrections.

SECTION 127. ORS 420.500 is amended to read:

420.500. [A youth offender] **An adjudicated youth** in a youth correction facility may not be transferred to an institution for persons with mental illness or mental retardation for a period of more than 14 days unless the [youth offender] **adjudicated youth** has been committed to an institution for persons with mental illness or mental retardation in the manner specified in ORS 420.505 and 420.525.

SECTION 128. ORS 420.505 is amended to read:

420.505. (1) [A youth offender] **An adjudicated youth** at a youth correction facility may apply for admission to a hospital or facility designated by the Department of Human Services or the Oregon Health Authority. The application may be made on behalf of the [youth offender] **adjudicated youth** by the parents or legal guardian of the [youth offender] **adjudicated youth**. However, the superintendent shall not be required to cause the examination of [a youth offender] **an adjudicated youth** who applies under this section more often than once in six months.

(2) Within five working days after receipt of the application, the superintendent of the youth correction facility shall cause the [youth offender] **adjudicated youth** to be examined by one or more qualified persons at the facility and shall request the examination of the [youth offender] **adjudicated youth** by one or more qualified persons employed or designated by the department or the Oregon Health Authority. The examination conducted or authorized by the department or the Oregon Health Authority shall take place within five working days after receipt of the request from the superintendent. The examiners shall prepare separate reports and shall submit such reports to the superintendent. A copy of the reports shall be given to the applicant.

(3) If the superintendent finds that there is a probable cause to believe that the [youth offender] **adjudicated youth** has a mental illness and that it would be in the best interests of the [youth offender] **adjudicated youth** to be admitted to a hospital or facility designated by the department or the Oregon Health Authority, the superintendent shall notify the department or the Oregon Health Authority and shall order the [youth offender] **adjudicated youth** transferred pursuant to ORS 179.473.

(4) No [youth offender] **adjudicated youth** at a youth correction facility voluntarily admitted to a hospital or facility designated by the department or the Oregon Health Authority shall be detained therein more than 72 hours after the [youth offender] **adjudicated youth** is of the age specified in ORS 420A.010 (5) setting the age limits for which the Oregon Youth Authority may retain legal and physical custody of the [youth offender] **adjudicated youth** and has given notice in writing of the

desire of the [youth offender] **adjudicated youth** to be released. If the [youth offender] **adjudicated youth** is under the age specified in ORS 420A.010 (5) setting the age limits for which the Oregon Youth Authority may retain legal and physical custody of the [youth offender] **adjudicated youth**, the [youth offender] **adjudicated youth** may be returned to the youth correction facility after notice in writing has been given by the parent or legal guardian of the [youth offender] **adjudicated youth**, that such parent or guardian desires that the [youth offender] **adjudicated youth** be discharged from the hospital or facility designated by the department or the Oregon Health Authority.

SECTION 129. ORS 420.888 is amended to read:

420.888. As used in ORS 420.888 to 420.892:

(1) **“Adjudicated youth ” has the meaning given that term in ORS 419A.004.**

(2) **“Adjudicated youth foster home” means any home maintained by a person who has under the care of the person in the home, for the purpose of providing the adjudicated youth with supervision, food and lodging, an adjudicated youth committed to the legal custody of the youth authority under ORS 419C.478. An adjudicated youth foster home may be maintained by a person who is related to the adjudicated youth by blood or marriage only under circumstances set forth by the youth authority in rule.**

[(1)] (3) **“Youth authority” means the Oregon Youth Authority.**

[(2)] **“Youth offender” has the meaning given that term in ORS 419A.004.]**

[(3)] **“Youth offender foster home” means any home maintained by a person who has under the care of the person in the home, for the purpose of providing the youth offender with supervision, food and lodging, a youth offender committed to the legal custody of the youth authority under ORS 419C.478. A youth offender foster home may be maintained by a person who is related to the youth offender by blood or marriage only under circumstances set forth by the youth authority in rule.]**

SECTION 130. ORS 420.890 is amended to read:

420.890. (1) A person may not operate [a youth offender] **an adjudicated youth** foster home without a certificate of approval issued by the Oregon Youth Authority.

(2) A person may apply for a certificate of approval to operate [a youth offender] **an adjudicated youth** foster home by submitting an application to the youth authority on a form furnished by the youth authority.

(3)(a) Upon receipt of an application under subsection (2) of this section, the youth authority shall cause an investigation to be made of the applicant and the applicant's home. The youth authority, in accordance with rules adopted under ORS 420.892, shall determine whether to issue a certificate of approval to the applicant. The certificate must be in the form prescribed by the youth authority and must state the name of the foster parent, the address of the premises to which the certificate applies and the maximum number of [youth offenders] **adjudicated youths** to be maintained in the [youth offender] **adjudicated youth** foster home at any one time. The certificate applies only to the premises designated in the certificate and a change of residence automatically terminates the certificate. The certificate is effective for one year.

(b) After notice and opportunity for hearing as provided in ORS 183.310 to 183.482, the youth authority may deny an application for a certificate of approval under paragraph (a) of this subsection. A person whose application for a certificate of approval has been denied may appeal the decision to the Court of Appeals in the manner provided in ORS 183.480 for the review of orders in contested cases.

(4)(a) After notice and opportunity for hearing as provided in ORS 183.310 to 183.482, the youth authority may revoke, deny an application to renew or attach conditions to a certificate of approval issued under subsection (3)(a) of this section for a violation of any provision of this section or ORS 420.892 or of the rules adopted under ORS 420.892.

(b) A person whose certificate of approval is revoked, not renewed or is made subject to conditions by a decision of the youth authority under paragraph (a) of this subsection may appeal the decision to the Court of Appeals in the manner provided in ORS 183.480 for the review of orders in contested cases.

SECTION 131. ORS 420.891 is amended to read:

420.891. (1) [A *youth offender*] **An adjudicated youth** foster home may not interfere with the good faith disclosure of information concerning the abuse or mistreatment of a youth in the care of the [youth offender] **adjudicated youth** foster home, violations of licensing or certification requirements, criminal activity at the [youth offender] **adjudicated youth** foster home, violations of state or federal laws or any practice that threatens the health and safety of [a *youth offender*] **an adjudicated youth** in the care of the [youth offender] **adjudicated youth** foster home to:

(a) The Oregon Youth Authority, a law enforcement agency or other entity with legal or regulatory authority over the [youth offender] **adjudicated youth** foster home; or

(b) A family member, guardian or other person who is acting on behalf of the youth.

(2) [A *youth offender*] **An adjudicated youth** foster home interferes with the disclosure of the information described in subsection (1) of this section by:

(a) Asking or requiring the employee or volunteer to sign a nondisclosure or similar agreement prohibiting the employee or volunteer from disclosing the information;

(b) Training an employee or volunteer not to disclose the information; or

(c) Taking actions or communicating to the employee or volunteer that the employee or volunteer may not disclose the information.

(3) The authority may revoke or suspend the certificate of approval of [a *youth offender*] **an adjudicated youth** foster home that is found to have violated subsection (1) of this section.

(4) This section does not authorize the disclosure of:

(a) Protected health information, as defined in ORS 192.556, other than as is permitted by the federal Health Insurance Portability and Accountability Act privacy regulations, 45 C.F.R. parts 160 and 164, ORS 192.553 to 192.581 or by other state or federal laws limiting the disclosure of health information; or

(b) Information protected under ORS 419A.255 and 419A.257.

SECTION 132. ORS 420.892 is amended to read:

420.892. (1) The Oregon Youth Authority shall adopt the rules it deems necessary or advisable to carry out the intent and purposes of this section and ORS 420.890.

(2) The youth authority shall adopt rules establishing standards for certification of [youth offender] **adjudicated youth** foster homes. The youth authority shall include in the rules requirements that a foster parent receive training designed to assist the foster parent in understanding juvenile delinquency and managing the behavior that results from juvenile delinquency.

(3) The youth authority or its representative shall visit every certified [youth offender] **adjudicated youth** foster home from time to time as often as appears necessary to determine whether:

(a) The [youth offender] **adjudicated youth** foster home consistently maintains the standards established by the youth authority; and

(b) Proper care is being provided to [youth offenders] **adjudicated youths** at the [youth offender] **adjudicated youth** foster home.

(4) A person operating [a *youth offender*] **an adjudicated youth** foster home may not, as a disciplinary measure against [a *youth offender*] **an adjudicated youth** in the [youth offender] **adjudicated youth** foster home, deny a parent or guardian of the [youth offender] **adjudicated youth** the right to visit the [youth offender] **adjudicated youth**.

SECTION 133. ORS 420.910 is amended to read:

420.910. (1)(a) When [a *youth offender*] **an adjudicated youth** placed in a youth correction facility has escaped or is absent without authorization from the youth correction facility or from the custody of any person in whose charge the [youth offender] **adjudicated youth** lawfully has been placed, the superintendent of the youth correction facility concerned, or the superintendent's authorized representative, may order the arrest and detention of the [youth offender] **adjudicated youth**.

(b) When [a *youth offender*] **an adjudicated youth** on parole from a youth correction facility is absent from the custody of a person in whose charge the [youth offender] **adjudicated youth** lawfully has been placed, or has failed to abide by rules of parole supervision or to respond successfully to prior sanctions imposed by the Oregon Youth Authority pursuant to administrative rule, the super-

intendent of the youth correction facility from which the [youth offender] **adjudicated youth** is on parole, or the superintendent's authorized representative, may order the arrest and detention of the [youth offender] **adjudicated youth**.

(c) The superintendent or authorized representative may issue an order under this subsection based on a reasonable belief that grounds exist for issuing the order. Where reasonable, the superintendent or representative shall investigate to ascertain whether such grounds exist.

(2) An order issued by the superintendent of a youth correction facility, or the superintendent's representative, as authorized by subsection (1) of this section constitutes full authority for the arrest and detention by a peace officer of the escapee, absentee or parole violator, and all laws applicable to warrants of arrest shall apply to such orders.

(3) An order issued by the superintendent of a youth correction facility, or the superintendent's representative, as authorized by subsection (1)(b) and (c) of this section constitutes full authority for a juvenile community supervision officer to take the parole violator into custody.

(4) In lieu of the procedure in subsection (1) of this section, the juvenile court of the county from which the [youth offender] **adjudicated youth** or parolee was committed may direct issuance of a warrant of arrest against the [youth offender] **adjudicated youth** or parolee when notified by the superintendent of the youth correction facility concerned, or the superintendent's authorized representative, that any [youth offender] **adjudicated youth** placed in a youth correction facility has escaped or is absent without authorization from the institution to which committed, from parole supervision or from the custody of any person in whose charge the [youth offender] **adjudicated youth** lawfully has been placed.

SECTION 134. ORS 420.992 is amended to read:

420.992. (1) In addition to any other liability or penalty provided by law, the Director of the Oregon Youth Authority shall impose a civil penalty, as provided in ORS 183.745, on [a youth offender] **an adjudicated youth** foster home, as defined in ORS 420.888, that violates ORS 420.891.

(2) A civil penalty under subsection (1) of this section is \$500 for each violation.

SECTION 135. ORS 420A.005 is amended to read:

420A.005. As used in ORS 420A.005 to 420A.155, unless the context requires otherwise:

(1) **"Adjudicated youth" has the meaning given that term in ORS 419A.004.**

[(1)] (2) "Cognitive restructuring" means any rehabilitation process that redirects the thinking of an offender into more socially acceptable directions and that is generally accepted by rehabilitation professionals.

[(2)] (3) "Director" means the Director of the Oregon Youth Authority.

[(3)] (4) "Reformation plan" means a written plan prepared by the Oregon Youth Authority that is tailored to the [youth offender's] **adjudicated youth's** unique requirements as identified by the initial assessment. "Reformation plan" includes, but is not limited to, a plan for medical, educational, vocational, social and psychological services and training as well as other rehabilitative services designed to reduce future criminal and antisocial conduct and to provide the [youth offender] **adjudicated youth** with clear expectations about what programs must be successfully completed by the [youth offender] **adjudicated youth**.

[(4)] (5) "Youth authority" means the Oregon Youth Authority.

[(5)] (6) "Youth correction facility" has the meaning given that term in ORS 420.005.

[(6) "Youth offender" has the meaning given that term in ORS 419A.004.]

SECTION 136. ORS 420A.010 is amended to read:

420A.010. (1) The Oregon Youth Authority is established. The youth authority shall:

(a) Supervise the management and administration of youth correction facilities, state parole and probation services, community out-of-home placement for [youth offenders] **adjudicated youths** committed to its legal custody and other functions related to state programs for youth corrections;

(b) Provide capital improvements and capital construction necessary for the implementation of all youth correction facilities;

(c) Carry out dispositions of [youth offenders] **adjudicated youths** committed to its legal custody;

(d) Exercise custody and supervision over those [*youth offenders*] **adjudicated youths** committed to the youth authority by order of the juvenile court and persons placed in the physical custody of the youth authority under ORS 137.124 or other statute until the time that a lawful release authority authorizes release or terminates the commitment or placement;

(e) Provide adequate food, clothing, health and medical care, sanitation and security for confined [*youth offenders*] **adjudicated youths** and others in youth authority custody;

(f) Provide [*youth offenders*] **adjudicated youths** and others in youth authority custody with opportunities for self-improvement and work; and

(g) Conduct investigations and prepare reports for release authorities.

(2) To meet the individual circumstances of each person committed to its custody, the youth authority shall:

(a) Develop a flexible fee-for-service provider system that can respond quickly to each person's identified and changing circumstances; and

(b) Develop a process for joint state and county review of contracts entered into under subsection (6)(b) of this section and paragraph (a) of this subsection based on:

(A) Measurable outcomes, which must include in dominant part the reduction of future criminal or antisocial conduct and which also must include:

(i) Academic progress;

(ii) Social adjustments;

(iii) Behavioral improvements;

(iv) Rearrests; and

(v) Other measurements as determined by the youth authority;

(B) Performance measurements including:

(i) Fiscal accountability;

(ii) Compliance with state and federal regulations;

(iii) Record keeping, including data collection and management; and

(iv) Reporting; and

(C) Provision of services identified under the reformation plan.

(3) In order to measure performance as required in subsection (2) of this section, the youth authority shall require parties to the contracts to compile, manage and exchange data to the extent of available information systems resources to facilitate the measurement of outcomes including, but not limited to, reduction in future criminal or antisocial conduct.

(4) The youth authority may administer a program of state assistance to counties for the construction and operation of local youth detention facilities or to purchase detention services.

(5) The youth authority shall accept and exercise legal or physical custody of [*youth offenders*] **adjudicated youths** and others 12 years of age and over and under 25 years of age who are committed to, or placed with, the youth authority pursuant to:

(a) A juvenile court adjudication and disposition under ORS chapter 419C; or

(b) ORS 137.124.

(6)(a) The youth authority shall cooperate with and assist county governments and juvenile departments in carrying out the principles and purposes of the juvenile justice system as provided in ORS 419C.001.

(b) The youth authority is authorized to contract with counties, groups of counties or private providers to administer juvenile corrections programs and services as provided in ORS 420.017, 420.019, 420A.145 and 420A.155 (1) to (4).

(c) The youth authority may provide consultation services related to the juvenile justice system to local or statewide public or private agencies, groups and individuals or may initiate such consultation services. Consultation services include, but are not limited to, conducting studies and surveys, sponsoring or participating in educational programs and providing advice and assistance. Nothing in ORS 419C.001 and 420A.005 to 420A.155 is intended to diminish the state's efforts to plan, evaluate and deliver effective human services programs to [*youth offenders*] **adjudicated youths**, either in a youth correction facility or on probation or parole. Therefore, the Oregon Youth Au-

thority and the Department of Human Services shall jointly develop and implement needed social and rehabilitative services.

(7) The youth authority is the recipient of all federal funds paid or to be paid to the state to enable the state to provide youth correction programs and services assigned to the Department of Human Services prior to January 1, 1996.

(8) The youth authority shall report its progress in implementing the provisions of chapter 422, Oregon Laws 1995, to the Legislative Assembly at each odd-numbered year regular session.

(9) The equal access provisions of ORS 417.270 apply to the youth authority's development and administration of youth correction facilities, programs and services, including the development and implementation of the statewide diversion plan described in ORS 420.017.

(10) The youth authority shall:

(a) Be cognizant of and sensitive to the issue of overrepresentation of minority [*youth offenders*] **adjudicated youths** in youth correction facilities;

(b) Endeavor to develop and operate, and require its subcontractors to develop and operate, culturally appropriate programs for [*youth offenders*] **adjudicated youths**; and

(c) Keep data reflecting the ethnicity and gender of all [*youth offenders*] **adjudicated youths** committed to its care.

(11) The youth authority is a designated agency as defined in ORS 181A.010.

SECTION 137. ORS 420A.012 is amended to read:

420A.012. (1) The Oregon Youth Authority, in consultation with the Oregon Juvenile Department Directors' Association, shall adopt one or more definitions of recidivism and establish a recidivism reporting system applicable to [*youth offenders*] **adjudicated youths**. The definition must be designed to address outcomes including, but not limited to, community safety and rehabilitation.

(2) The juvenile department of a county annually shall submit to the Oregon Youth Authority, in the form established under subsection (1) of this section, statistical data relating to the recidivism of delinquent youths experienced by the county during the previous year.

(3) The Oregon Youth Authority shall publish an annual comprehensive report that includes the data provided by the counties under subsection (2) of this section and similar data that measures the recidivism of youths supervised by the youth authority who are on probation or parole.

(4) The Oregon Youth Authority shall cooperate and, to the extent of available information systems resources, shall share data with the Department of Corrections to enable the department to track [*youth offenders*] **adjudicated youths** who later enter the adult corrections system and to assess the effect of juvenile corrections on future criminal conduct that occurs during and after supervision by the Oregon Youth Authority and county juvenile departments. The Department of Corrections shall manage data under this subsection in a manner consistent with the confidentiality of juvenile court records and the effectiveness of orders of expunction.

SECTION 138. ORS 420A.021 is amended to read:

420A.021. For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the Oregon Youth Authority may require the fingerprints of a person who:

(1) Is employed or applying for employment by the youth authority;

(2) Provides services or seeks to provide services to the youth authority as a contractor, vendor or volunteer; or

(3) Is an applicant to operate [*a youth offender*] **an adjudicated youth** foster home, as defined in ORS 420.888, or who is an adult member of the applicant's household as defined by rule.

SECTION 139. ORS 420A.022 is amended to read:

420A.022. (1) The Oregon Youth Authority may certify employees of the authority to provide mental health services to [*youth offenders*] **adjudicated youths** and other persons placed in the physical custody of the authority in accordance with standards established by the authority by rule.

(2) As used in this section, [*"youth offenders"*] **"adjudicated youth"** has the meaning given that term in ORS 419A.004.

SECTION 140. ORS 420A.023 is amended to read:

420A.023. (1) The Director of the Oregon Youth Authority may authorize an individual youth correction officer or group of youth correction officers to exercise the powers and authority of a peace officer in the supervision and custody of [youth offenders] **adjudicated youth** and persons in the physical custody of the youth authority under ORS 137.124 or other applicable law.

(2) The authority of a youth correction officer acting as a peace officer under subsection (1) of this section includes but is not limited to:

(a) Preventing an escape from the grounds of a youth correction facility by a person in the custody of the youth authority; and

(b) Going beyond the grounds of a youth correction facility to:

(A) Pursue a person in the custody of the youth authority who is in the act of escaping from a youth correction facility;

(B) Search for a person in the custody of the youth authority who is in the act of escaping from a youth correction facility; and

(C) Recapture a person in the custody of the youth authority who is in the act of escaping from a youth correction facility.

(3) A youth correction officer acting as a peace officer under subsection (1) of this section retains the authority until the law enforcement agency that has general jurisdiction over the area in which the escape or attempted escape took place assumes responsibility for recapturing the person.

(4) The Oregon Youth Authority shall inform the appropriate law enforcement agency of the escape or attempted escape of a person in youth authority custody as soon as is reasonably practicable.

SECTION 141. ORS 420A.035 is amended to read:

420A.035. The Oregon Youth Authority may deposit money belonging to [youth offenders] **adjudicated youths** or others in youth authority custody in a trust account in the State Treasury separate and distinct from the General Fund. Interest earned by the account, if any, shall accrue to the benefit of the account.

SECTION 142. ORS 420A.040 is amended to read:

420A.040. (1) An agency that provides juvenile corrections programs may enter into an agreement with a tribe for the purposes of placing a tribal [youth offender] **adjudicated youth** into a state youth correction facility or program. The tribe shall pay the agency reasonable expenses associated with the incarceration and treatment of the [youth offender] **adjudicated youth**.

(2)(a) The Oregon Youth Authority may receive applications from, and award funds under a competitive process to, tribes for the administration and provision of services to tribal youth. The services eligible for funding under this subsection must be intended to protect the public and reduce juvenile delinquency.

(b) As used in this subsection, “tribal youth” means a member of a tribe who is:

(A) A youth as defined in ORS 419A.004; or

(B) A person under 18 years of age who:

(i) Has more than one of the risk factors identified in ORS 417.855 (2)(a); or

(ii) Is demonstrating at-risk behaviors that will lead to imminent or increased involvement in the juvenile justice system.

(3) As used in this section, “tribe” means a federally recognized Indian tribe in Oregon.

SECTION 143. ORS 420A.100 is amended to read:

420A.100. (1) The Oregon Youth Authority may establish and operate youth correction facilities. If the youth authority establishes youth correction facilities, the youth authority shall site the facilities in accordance with applicable state and local laws.

(2) Youth correction facilities must be used for the confinement of [youth offenders] **adjudicated youths** and others placed in the custody of the youth authority and for the development of those persons into productive members of society.

(3) Youth correction facilities shall make available tampons, sanitary pads, postpartum pads and panty liners at no cost to all persons confined in a youth correction facility for use in connection with vaginal discharge. Youth correction facilities shall maintain a sufficient supply, which shall be

stored, dispensed and disposed of in a sanitary manner. The supply of products available shall include at least the following:

- (a) Regular absorbent and super absorbent tampons;
- (b) Regular absorbent and super absorbent sanitary pads;
- (c) Postpartum pads; and
- (d) Regular absorbent panty liners.

SECTION 144. ORS 420A.105 is amended to read:

420A.105. The Director of the Oregon Youth Authority may adopt rules necessary to carry out the provisions of ORS 420A.105 to 420A.155. The rules must include but need not be limited to:

(1) Procedures by which [*youth offenders*] **adjudicated youths** may apply for transfers from one level of custody to another; and

(2) Rules applicable to parole of [*youth offenders*] **adjudicated youths**.

SECTION 145. ORS 420A.108 is amended to read:

420A.108. (1) It is the policy of the State of Oregon that:

(a) Rules regulating the conduct of [*youth offenders*] **adjudicated youths** and other persons placed in the physical custody of the Oregon Youth Authority under ORS 137.124 or any other provision of law be based on the following principles and goals:

(A) Concrete expectations and goals for the conduct of [*youth offenders*] **adjudicated youths** and other persons in the custody of the youth authority;

(B) Safety of youth correction facility staff, the public, visitors, [*youth offenders*] **adjudicated youths** and other persons in the custody of the youth authority;

(C) Maintenance of order within youth correction facilities;

(D) Maintenance of a structured environment within youth correction facilities; and

(E) Maintenance of an atmosphere necessary for effective education, training, treatment and reform within youth correction facilities.

(b) Sanctions and punishment for violation of rules regulating the conduct of [*youth offenders*] **adjudicated youths** and other persons in the custody of the youth authority:

(A) Must be structured to reflect the severity and frequency of the violations;

(B) Must be consistently and promptly imposed; and

(C) May not include placing [*a youth offender*] **an adjudicated youth** or other person in the custody of the youth authority alone in a locked room.

(2) The Director of the Oregon Youth Authority, upon request, shall review any disposition that results in the transfer of [*a youth offender*] **an adjudicated youth** to a different youth correction facility no later than 72 hours after the transfer.

SECTION 146. ORS 420A.111 is amended to read:

420A.111. (1) The Director of the Oregon Youth Authority may authorize the transfer of [*a youth offender*] **an adjudicated youth** from one level of custody to another.

(2) Before a transfer under subsection (1) of this section may take place, the Director of the Oregon Youth Authority shall review the record of the [*youth offender*] **adjudicated youth** and enter an order granting or denying the transfer.

(3) The [*youth offender*] **adjudicated youth** subject to a transfer order, or an order denying transfer, may request a hearing. The request must be in writing and submitted no later than 10 days after receipt of the order.

(4) In a hearing that would result in the transfer of [*a youth offender*] **an adjudicated youth** to a less restrictive setting, the [*youth offender*] **adjudicated youth** has the burden of demonstrating that the transfer is warranted and consistent with ORS 419C.001.

(5) Different levels of custody in youth correction facilities reflect the differences between the level of security and direct supervision of the facilities.

SECTION 147. ORS 420A.115 is amended to read:

420A.115. (1) The Director of the Oregon Youth Authority may authorize any [*youth offender*] **adjudicated youth** to go on parole, subject to conditions of supervision and custody established by

the Director of the Oregon Youth Authority and subject to being taken into custody and detained under written order of the Director of the Oregon Youth Authority or as provided in ORS 420A.120.

(2) The Director of the Oregon Youth Authority shall determine whether violations of conditions of parole have occurred.

SECTION 147a. If Senate Bill 133 becomes law, section 147 of this 2021 Act (amending ORS 420A.115) is repealed and ORS 420A.115, as amended by section 6, chapter ___, Oregon Laws 2021 (Enrolled Senate Bill 133), is amended to read:

420A.115. (1) The Director of the Oregon Youth Authority may authorize any [*youth offender*] **adjudicated youth** to go on parole, subject to conditions of supervision and custody established by the Director of the Oregon Youth Authority and subject to being taken into custody and detained under written order of the Director of the Oregon Youth Authority or as provided in ORS 420A.120.

(2)(a) Notwithstanding ORS 419A.257, the youth authority may disclose the information described in paragraph (b) of this subsection to a victim, as defined by the youth authority by rule:

(A) When the youth authority seeks information from the victim regarding the impact of the crime to inform the [*youth offender's*] **adjudicated youth's** case plan;

(B) When the youth authority seeks information from the victim regarding the potential impact of authorizing the [*youth offender*] **adjudicated youth** to go on parole; or

(C) At the request of the victim.

(b) When making a disclosure permitted under paragraph (a) of this subsection, the youth authority may disclose:

(A) The information described in ORS 420A.122 (2); and

(B) The progress, on a prescribed metrics scale developed by the youth authority by rule, that the [*youth offender*] **adjudicated youth** has made while in a youth correction facility in the following areas:

(i) Completion of assigned services and reformation goals;

(ii) Overall level of engagement in services and reformation goals;

(iii) Recognition of the impact of the [*youth offender's*] **adjudicated youth's** actions on the victim;

(iv) Recognition of the impact of the [*youth offender's*] **adjudicated youth's** actions on the community; and

(v) Completion of a transition plan for parole.

(3) The Director of the Oregon Youth Authority shall determine whether violations of conditions of parole have occurred.

SECTION 148. ORS 420A.120 is amended to read:

420A.120. (1) The Oregon Youth Authority, upon being informed and having reasonable grounds to believe that [*a youth offender*] **an adjudicated youth** under the youth authority's supervision or control has violated the conditions of parole or other conditional release from custody, may suspend the [*youth offender's*] **adjudicated youth's** parole or conditional release and order that the [*youth offender*] **adjudicated youth** be taken into custody and detained. The written order of the youth authority is sufficient warrant for a law enforcement officer or a juvenile community supervision officer as defined in ORS 420.905 to take custody of the [*youth offender*] **adjudicated youth**.

(2) The youth authority shall adopt rules establishing standards and procedures for revocation of parole and conditional release. The rules must be consistent with the requirements of due process and other applicable law.

(3) If the juvenile court has committed [*a youth offender*] **an adjudicated youth** to the legal custody of the youth authority and has placed the [*youth offender*] **adjudicated youth** on probation, and the youth authority has probable cause to believe that the [*youth offender*] **adjudicated youth** has violated a condition of probation, the juvenile court, upon request of the youth authority, may order that the [*youth offender*] **adjudicated youth** be taken into custody as provided in ORS chapter 419C.

SECTION 149. ORS 420A.122 is amended to read:

420A.122. (1) Prior to [a youth offender's] **an adjudicated youth's** release or discharge from a youth correction facility, the Oregon Youth Authority shall notify the following of the release or discharge:

(a) Law enforcement agencies in the community in which the [youth offender] **adjudicated youth** is going to reside;

(b) The school administrator of the school the [youth offender] **adjudicated youth** will attend or, if the school the [youth offender] **adjudicated youth** will attend is unknown, the school administrator of the school district in which the [youth offender] **adjudicated youth** will reside; and

(c) If requested by the victim, as defined in ORS 419A.004, the victim.

(2) The youth authority shall include in the notification:

(a) The [youth offender's] **adjudicated youth's** name and date of birth;

(b) The names and addresses of the [youth offender's] **adjudicated youth's** parents or guardians;

(c) The name and contact information of the attorney for the [youth offender] **adjudicated youth**, if known;

(d) The name and contact information of the individual to contact for further information about the notification;

(e) The [youth offender's] **adjudicated youth's** date of release or discharge;

(f) The type of placement to which the [youth offender] **adjudicated youth** is released;

(g) The specific offense that brought the [youth offender] **adjudicated youth** within the jurisdiction of the juvenile court;

(h) Any terms of parole including, but not limited to, whether school attendance is a condition of release; and

(i) Any other conditions required by the court.

(3) The youth authority, a law enforcement agency or anyone employed by or acting on behalf of the youth authority or law enforcement agency with responsibility for sending records under this section is not liable civilly or criminally for failing to disclose the information under this section.

(4) No later than seven days after [a youth offender's] **an adjudicated youth's** release or discharge from a youth correction facility, the Department of Education or its contractor shall provide the [youth offender's] **adjudicated youth's** education records to the school administrator of the school or of the school district in which the [youth offender] **adjudicated youth** enrolls.

(5) As used in this section, "school administrator" has the meaning given that term in ORS 419A.305.

SECTION 150. ORS 420A.125 is amended to read:

420A.125. (1) The Oregon Youth Authority shall conduct, or cause to be conducted, intake assessments when [youth offenders] **adjudicated youths** and other persons are initially placed in a youth correction facility.

(2) At the time of the intake assessment, the youth authority shall provide the person with a copy of the rules of conduct for [youth offenders] **adjudicated youths** and other persons in custody in youth correction facilities. The youth authority shall also provide [a youth offender] **an adjudicated youth** with information concerning the process for transferring from one level of custody to another.

(3) An intake assessment shall include the following for each person:

(a) A physical health evaluation;

(b) If appropriate, a psychiatric evaluation;

(c) A psychological evaluation if a psychological evaluation of the person has not been done in the six months prior to the person's commitment to the youth correction facility;

(d) A drug and alcohol abuse evaluation;

(e) If appropriate, a sex offender evaluation; and

(f) If appropriate, a vocational evaluation.

(4) For [a youth offender] **an adjudicated youth**, the intake assessment must also include an educational evaluation to be provided by the Department of Education. The educational evaluation

must include evaluations for special education as required by the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.

(5) Following assessment of [*a youth offender*] **an adjudicated youth**, the Director of the Oregon Youth Authority shall prepare, or cause to be prepared, a reformation plan for the [*youth offender*] **adjudicated youth** and make the initial placement of the [*youth offender*] **adjudicated youth** based upon the plan. The director shall base the placement on:

- (a) The evaluations required by subsections (3) and (4) of this section;
- (b) The severity of the conduct engaged in by the [*youth offender*] **adjudicated youth**;
- (c) The juvenile record of the [*youth offender*] **adjudicated youth**; and
- (d) The conduct of the [*youth offender*] **adjudicated youth** during assessment.

SECTION 151. ORS 420A.135 is amended to read:

420A.135. (1) The Oregon Youth Authority may establish up to five secure regional youth facilities.

(2) A secure regional youth facility shall:

- (a) Provide secure incarceration;
- (b) Provide education and job and life skills training including, but not limited to, anger management and self-control; and
- (c) Include a drug and alcohol treatment component that meets the standards promulgated by the Oregon Health Authority pursuant to ORS 430.357.

(3) The Director of the Oregon Youth Authority is solely responsible for determining which persons committed to, or placed in the custody of, the youth authority are eligible to participate in, and are accepted for placement in, a secure regional youth facility. The juvenile court may recommend to the Oregon Youth Authority that [*a youth offender*] **an adjudicated youth** be placed in a secure regional youth facility, but the recommendation is not binding on the youth authority.

SECTION 152. ORS 420A.147 is amended to read:

420A.147. (1) The Director of the Oregon Youth Authority is solely responsible for determining which persons committed to, or placed in the custody of, the youth authority are eligible to participate in, and are accepted for, a regional youth accountability camp. The juvenile court may recommend to the Oregon Youth Authority that [*a youth offender*] **an adjudicated youth** be placed in a regional youth accountability camp, but the recommendation is not binding on the youth authority.

(2) In determining whether to place a person in a regional youth accountability camp, the Director of the Oregon Youth Authority must find that the person is physically and mentally able to withstand the rigors of the program or that the program can be modified to accommodate a person's physical or mental limitations. If the Director of the Oregon Youth Authority determines that a person's acceptance into a regional youth accountability camp is consistent with the safety of the community, the welfare of the person, the objectives of the regional youth accountability camp and the rules of the youth authority, the Director of the Oregon Youth Authority may place the person into the program.

SECTION 153. ORS 420A.155 is amended to read:

420A.155. (1) The Oregon Youth Authority may establish up to four regional residential academies.

(2) A regional residential academy shall:

- (a) Provide a secure, closed residential campus;
- (b) Provide year-round education, job and life skills training, vocational training and apprenticeship programs; and
- (c) Include a drug and alcohol treatment component that meets the standards promulgated by the Oregon Health Authority pursuant to ORS 430.357.

(3) The youth authority may contract with all of the governing bodies of the counties in a region to administer cooperatively a regional residential academy subject to the provisions of ORS 420.011, 420.081, 420A.108 and 420A.111 (5).

(4) The youth authority may contract with any private agency to administer a regional residential academy subject to the provisions of ORS 420A.108 and 420A.111 (5).

(5) The Director of the Oregon Youth Authority is solely responsible for determining which persons committed to, or placed in the physical custody of, the youth authority are eligible to participate in, and are accepted for, a regional residential academy. The juvenile court may recommend to the Oregon Youth Authority that [a youth offender] **an adjudicated youth** be placed in a regional residential academy, but the recommendation is not binding on the youth authority.

SECTION 154. ORS 420A.223 is amended to read:

420A.223. (1) The Juvenile Justice Information System, an electronic information system developed and maintained by the state through the Oregon Youth Authority, is established. The youth authority, in partnership with county juvenile departments, shall administer the Juvenile Justice Information System through a steering committee established by rule. The youth authority shall, in consultation with the steering committee, adopt rules governing the administration of the Juvenile Justice Information System including, but not limited to:

- (a) Confidentiality of information;
- (b) State and county roles and costs; and
- (c) County reporting requirements.

(2) The youth authority shall develop, maintain and administer the Juvenile Justice Information System according to the Criminal Justice Information Standards program established under ORS 181A.265.

(3) Counties shall provide the youth authority with required data elements in the format required by the rules of the youth authority at no cost to the state.

(4)(a) Notwithstanding ORS 419A.257, the youth authority or a county juvenile department may disclose, for the purposes identified in paragraph (b) of this subsection, information contained in reports or other materials relating to a youth or [youth offender's] **adjudicated youth's** history and prognosis to the following persons:

- (A) A government agency.
- (B) A public or private post-secondary institution of education.

(C) A person with whom the youth authority, a county or a county juvenile department has entered into an agreement for the disclosure of information under this subsection.

(b) The youth authority or a county juvenile department may disclose information under this subsection for the purposes authorized by rules adopted under this section, including research, evaluation, coordination of public safety services, program planning, compliance with grant requirements and audits.

(c) The disclosure of information under this subsection does not waive or otherwise change the privileged status of the information, except for the purposes authorized by this subsection.

(d) Any person that obtains information under this subsection is responsible for preserving the confidentiality of the information.

SECTION 155. ORS 421.107 is amended to read:

421.107. (1) As used in this section:

(a) **“Adjudicated youth” has the meaning given that term in ORS 419A.004.**

[(a)] (b) **“Correctional facility”:**

(A) Means any place used for the confinement of [youth offenders] **adjudicated youths**, detained juveniles, persons charged with or convicted of a crime or persons otherwise confined under a court order.

(B) Includes but is not limited to a youth correction facility and a juvenile detention facility.

(C) Applies to a state hospital or a secure intensive community inpatient facility only as to persons detained therein charged with or convicted of a crime, or detained therein after having been found guilty except for insanity of a crime under ORS 161.290 to 161.373.

[(b)] (c) **“Inmate” means [a youth offender] an adjudicated youth** confined in a youth correction facility, a juvenile detained in a juvenile detention facility, or any person incarcerated or detained in a correctional facility who is accused of, convicted of or sentenced for a violation of criminal law or for the violation of the terms and conditions of pretrial release, probation, parole, post-prison supervision or a diversion program.

[(c)] (d) "Juvenile detention facility" has the meaning given that term in ORS 169.005.

[(d)] (e) "Youth correction facility" has the meaning given that term in ORS 420.005.

[(e) "Youth offender" has the meaning given that term in ORS 419A.004.]

(2) An official of a correctional facility may not use a dog to extract an inmate from a cell.

(3) Nothing in this section prohibits:

(a) The use of a dog in a correctional facility for the purposes of tracking the location of an inmate or detecting contraband as defined in ORS 162.135.

(b) The use of a dog in a correctional facility to quell a disturbance, prevent an inmate escape or address an immediate health or safety risk to inmates or staff members.

(c) The use of dogs in a correctional facility as part of an inmate dog training program or for purposes relating to the rehabilitation, treatment, vocational education and skill-building of inmates.

SECTION 156. ORS 423.565 is amended to read:

423.565. In addition to the duties assigned to it under ORS 423.560, the local public safety coordinating council convened by the board of commissioners shall, at a minimum:

(1) Develop and recommend to the county board of commissioners the plan for use of state resources to serve the local [youth offender] **adjudicated youth** population.

(2) Coordinate local juvenile justice policy among affected juvenile justice entities.

(3) Develop and recommend to the county board of commissioners a plan designed to prevent criminal involvement by youth. The plan must provide for coordination of community-wide services involving treatment, education, employment and intervention strategies aimed at crime prevention.

(4) Create a facility advisory subcommittee when provided with the information described in ORS 169.690. The subcommittee shall be composed of the following persons:

(a) The affected law enforcement officer described in ORS 423.560 (1)(a) or (b);

(b) A district attorney;

(c) A mental health director;

(d) A designee of the city council or county board of commissioners, whichever is affected;

(e) A representative of an organization that advocates on behalf of persons with mental illness; and

(f) A consumer as defined in ORS 430.073.

(5) If a written plan of action has been provided to the council under ORS 165.127, annually review the plan and, if appropriate, make written recommendations to the affected district attorney for plan improvements.

SECTION 157. ORS 655.510 is amended to read:

655.510. (1) Every adult in custody shall receive benefits as provided in ORS 655.505 to 655.555 for injury sustained in an authorized work or occupational training assignment if the injury:

(a) Is proximately caused by or received in the course of the authorized work or occupational training assignment, with or without negligence of the adult in custody;

(b) Is not intentionally self-inflicted;

(c) Is not a result of a willful violation of work rules or rules regulating adult in custody conduct or premises security; and

(d) Does not occur to an active participant in an assault or combat that is not connected to the job assignment and that constitutes a deviation from customary duties.

(2) An injury must be established by medical evidence supported by objective findings. The medical evidence must be substantiated by verifiable pathological indication of injury that includes, but is not limited to, range of motion, atrophy, muscle strength, palpable muscle spasm and diagnostic evidence substantiated by clinical findings. Objective findings do not include physical findings or subjective responses to physical examinations that are not consistently reproducible, measurable or observable, or do not fit an anatomical pattern and that cannot be demonstrated after reasonable medical evaluation. A claimant's statement to a physician or other party does not constitute objective medical evidence sufficient to substantiate an injury.

(3) The following circumstances do not constitute a basis for establishing an injury:

(a) Compulsion to participate in employment or training;

(b) Disciplinary action taken by the Department of Corrections or the Oregon Youth Authority;
(c) Action taken by the Department of Corrections or the Oregon Youth Authority, to protect the safety of persons or to maintain order; or

(d) Actions of other adults in custody or [*youth offenders*] **adjudicated youths** as defined in ORS 419A.004.

(4) The filing of claims for benefits under ORS 655.505 to 655.555 is the exclusive remedy of an adult in custody or beneficiary of the adult in custody for injuries compensable under ORS 655.505 to 655.555 against the state or its political subdivisions or any person or entity that contracts with the Department of Corrections or the Oregon Youth Authority for the services of adult in custody labor, any person or entity that employs an adult in custody in a work release program established under ORS 144.420 or 420.240 or any owner or manager of premises where authorized work or occupational training assignments occur, regardless of negligence. This section applies to any work-related injury to, or conditions of, an adult in custody whether or not the injury or conditions are determined to be compensable under ORS 655.505 to 655.555.

SECTION 158. ORS 659A.340 is amended to read:

659A.340. (1) As used in this section, “employer” means:

(a) **An adjudicated youth foster home as defined in ORS 420.888;**

[(a)] (b) An adult foster home as defined in ORS 443.705;

[(b)] (c) A child care provider as defined in ORS 329A.700;

[(c)] (d) A child-caring agency as defined in ORS 418.205;

[(d)] (e) A child-caring facility as defined in ORS 418.950;

[(e)] (f) Community-based structured housing as defined in ORS 443.480;

[(f)] (g) A facility as defined in ORS 430.735;

[(g)] (h) A foster home as defined in ORS 418.625;

[(h)] (i) A long term care facility as defined in ORS 442.015;

[(i)] (j) A residential facility as defined in ORS 443.400;

[(j)] (k) A youth care center as defined in ORS 420.855; **or**

[(k)] *A youth offender foster home as defined in ORS 420.888; or*

(L) Any other entity that is licensed, certified or registered by a public body, as defined in ORS 174.109, to provide care to children, youth, individuals with disabilities or older adults.

(2) It is an unlawful employment practice under ORS chapter 659A for an employer to violate ORS 329A.348, 418.256, 418.644, 420.872, 420.891, 441.046, 443.453 or 443.766 or to interfere with an employee’s good faith disclosure of information concerning the abuse or mistreatment of an individual cared for by the employer, violations of licensing or certification requirements, criminal activity occurring at the workplace, violations of state or federal laws or any practice that threatens the health and safety of the individual cared for by the employer to regulatory agencies, law enforcement authorities or persons who are acting on behalf of the individual.

(3) An employee or a volunteer may file a civil action under ORS 659A.885, alleging violation of this section.

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

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Tina Kotek, Speaker of House

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Kate Brown, Governor

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Shemia Fagan, Secretary of State