

Senate Bill 708

Sponsored by Senator GELSER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits placement of youths in private youth correction facilities. Directs Oregon Youth Authority to collaborate with county juvenile departments regarding youth diversion.

A BILL FOR AN ACT

1
2 Relating to juvenile corrections; amending ORS 419C.103, 419C.220, 419C.495, 419C.555, 419C.620,
3 419C.623, 419C.626, 420.005, 420.019, 420.855, 420.860, 420.875, 420A.010, 420A.145 and 420A.155.

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

5 **SECTION 1.** ORS 419C.103 is amended to read:

6 419C.103. (1) Except as otherwise provided in subsection (2) of this section, if a youth taken into
7 custody is not released as provided in ORS 419C.100 and the juvenile court for the county has not
8 established the alternative procedure authorized in subsection (5) of this section, the person taking
9 the youth into custody shall, without unnecessary delay, do one of the following:

10 (a) Take the youth before the court or a person appointed by the court to effect disposition
11 under ORS 419C.109 and 419C.136.

12 (b) Take the youth to a place of detention or shelter care or a [*public or private*] **child-caring**
13 agency, **as defined in ORS 418.205**, designated by the court and as soon as possible thereafter no-
14 tify the court that the youth has been taken into custody.

15 (2) If the person taking the youth into custody has probable cause to believe that the youth,
16 while in or on a public building or court facility within the last 120 days, possessed a firearm or
17 destructive device in violation of ORS 166.250, 166.370 or 166.382, the person may not release the
18 youth from custody and shall do one of the following without unnecessary delay:

19 (a) Take the youth before the court for a determination of initial disposition under ORS 419C.109
20 (3); or

21 (b) Notwithstanding ORS 419C.133, take the youth to a place of detention and, as soon as pos-
22 sible thereafter, notify the court and the juvenile department that the youth has been taken into
23 custody and detained.

24 (3) Where a youth residing in some other county is taken into custody the youth may be:

25 (a) Released to the youth's parent, guardian or other responsible person in this state as provided
26 in ORS 419C.100.

27 (b) Delivered to a peace officer or juvenile counselor in the county in which the youth resides,
28 if such delivery can be made without unnecessary delay. In such event, the person to whom the
29 youth is delivered shall assume custody of the youth and shall proceed as provided in this chapter.

30 (4) Where a youth is released or delivered as provided in subsection (3) of this section, the ju-
31 risdiction of the juvenile court of the county in which the youth resides shall attach from the time

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 the youth is taken into custody.

2 (5) The juvenile court may establish, as an alternative to the provisions of subsection (1) of this
3 section, that if a youth taken into custody is not released as provided in ORS 419C.100, procedures
4 shall be followed that comply with the following:

5 (a) The person taking the youth into custody may communicate, by telecommunications or oth-
6 erwise, with the person appointed by the court to effect disposition under ORS 419C.109.

7 (b) After interviewing the person taking the youth into custody and obtaining such other infor-
8 mation as is considered necessary, the person appointed by the court under ORS 419C.109 to effect
9 disposition may exercise the authority granted under that section and shall, in such case, direct that
10 the person taking the youth into custody release the youth or deliver the youth in accordance with
11 such direction.

12 (c) The person taking the youth into custody shall comply with the direction of the person ap-
13 pointed by the court to effect disposition.

14 **SECTION 2.** ORS 419C.220 is amended to read:

15 419C.220. (1) Upon the request of any party, the court shall appoint a surrogate for a youth or
16 youth offender who is temporarily or permanently in the custody of, or committed to, [*a public or*
17 *private*] **an** agency through the action of the juvenile court if:

18 (a) The court finds that the youth or youth offender may be eligible for special education pro-
19 grams because of a disabling condition as provided in ORS chapter 343;

20 (b) The youth or youth offender does not already have a surrogate appointed by a school district
21 or other educational agency; and

22 (c) The requesting party nominates a person who is willing to serve as the surrogate and who
23 meets the requirements described in subsection (2) of this section.

24 (2) A surrogate appointed under this section:

25 (a) May not be an employee of the state educational agency, a school district or any other
26 agency that is involved in the education or care of the youth or youth offender;

27 (b) May not have a conflict of interest that would interfere with the surrogate representing the
28 special education interests of the youth or youth offender;

29 (c) Shall have knowledge and skills that ensure that the surrogate can adequately represent the
30 youth or youth offender in special education decisions; and

31 (d) May not be a person who is the youth's or youth offender's parent, guardian or former
32 guardian if:

33 (A) At any time while the youth or youth offender was under the care, custody or control of the
34 person, a court entered an order:

35 (i) Taking the youth or youth offender into protective custody under ORS 419B.150; or

36 (ii) Committing the youth or youth offender to the legal custody of the Department of Human
37 Services for care, placement and supervision under ORS 419B.337; and

38 (B) The court entered a subsequent order that:

39 (i) The youth or youth offender should be permanently removed from the person's home, or
40 continued in substitute care, because it was not safe for the youth or youth offender to be returned
41 to the person's home, and no subsequent order of the court was entered that permitted the youth
42 or youth offender to return to the person's home before the youth's or youth offender's wardship
43 was terminated under ORS 419B.328; or

44 (ii) Terminated the person's parental rights under ORS 419B.500 and 419B.502 to 419B.524.

45 **SECTION 3.** ORS 419C.495 is amended to read:

1 419C.495. (1) A youth offender placed in the legal custody of the Oregon Youth Authority may
 2 be placed in a youth correction facility [*or in a private institution operated as a facility for youth*
 3 *offenders requiring secure custody*] only when the juvenile court having jurisdiction so recommends.

4 (2) A youth offender who is admitted to a youth correction facility may be retained in the fa-
 5 cility for the duration of the commitment period. In no case may a youth offender be retained in a
 6 youth correction facility after the youth offender has attained 25 years of age.

7 (3) No youth offender shall be transferred or returned after discharge to a facility described in
 8 subsection (1) of this section, except upon court order under this chapter.

9 (4) Nothing in subsection (3) of this section shall be deemed to prohibit return of a youth
 10 offender to a facility described in subsection (1) of this section, in the discretion of the youth au-
 11 thority, if the youth offender has been released from the facility on temporary or indefinite parole,
 12 or to prohibit transfer of a youth offender from one such facility to another.

13 **SECTION 4.** ORS 419C.555 is amended to read:

14 419C.555. Except when the court grants legal custody to the Oregon Youth Authority, the court
 15 may grant guardianship of the youth offender to a [*private institution or agency to which the youth*
 16 *offender is committed or to some*] suitable person or entity if it appears necessary to do so in the
 17 interests of the youth offender.

18 **SECTION 5.** ORS 419C.620 is amended to read:

19 419C.620. (1) When required by the court, the Oregon Youth Authority [*or a private agency*
 20 *having guardianship or legal custody of a youth offender pursuant to court order*] shall file reports
 21 on the youth offender with the juvenile court that entered the original order concerning the youth
 22 offender.

23 (2) A county juvenile department shall file a report with the juvenile court under this section
 24 if a youth offender remains under juvenile department care for six consecutive months from the date
 25 of initial placement and:

26 (a) The county juvenile department is a county program, as defined in ORS 418.205;

27 (b) The county juvenile department is participating in programs related to Title IV-E of the So-
 28 cial Security Act;

29 (c) The county juvenile department has responsibility for the care and placement of the youth
 30 offender; and

31 (d) The placement is not a detention facility.

32 **SECTION 6.** ORS 419C.623 is amended to read:

33 419C.623. (1) The Oregon Youth Authority[,] **or** a county juvenile department [*or a private*
 34 *agency*] shall file the reports required by ORS 419C.620 at times required by the court, required by
 35 the youth offender's reformation plan or case plan and as determined necessary by the youth au-
 36 thority or agency. The youth authority or agency shall file reports more frequently if the court so
 37 orders. The reports shall include, but need not be limited to:

38 (a) A description of the offenses that necessitated the placement of the youth offender with the
 39 youth authority[,] **or** juvenile department [*or agency*];

40 (b) A description of the youth offender's risk to reoffend and an analysis of the need for services
 41 and assistance; and

42 (c) A proposed reformation plan or case plan, or proposed continuation or modification of an
 43 existing reformation plan or case plan, including, where applicable, a description of services to be
 44 provided in furtherance of the youth offender's reformation and safe return to the community.

45 (2) A report under ORS 419C.620 (2) by a county juvenile department must also include:

1 (a) A description of the efforts to return the youth offender to the parental home, including,
 2 when applicable, efforts to assist the parents in remedying factors that contributed to the removal
 3 of the youth offender from the home.

4 (b) A description of the care, treatment and supervision that have been provided for the youth
 5 offender, including:

6 (A) The safety of the placement;

7 (B) A description of whether the placement is the least restrictive and most appropriate setting
 8 available and in close proximity to the youth offender's home, and is consistent with the best in-
 9 terest and the special needs of the youth offender; and

10 (C) An analysis of the effectiveness of the care, treatment and supervision.

11 (c) A description of the progress that has been made toward alleviating or mitigating the causes
 12 necessitating the youth offender's placement.

13 (d) If continued substitute care is recommended, a proposed timetable for the youth offender's
 14 return home or other permanent placement or a justification of why continued substitute care is
 15 necessary.

16 (3) Notwithstanding the requirements of subsections (1) and (2) of this section, reports following
 17 the first report that is required by this section need not contain information contained in prior re-
 18 ports.

19 (4) Notwithstanding the requirements under ORS 419C.620 that reports be filed with the court,
 20 any report after the first report that is required by subsections (1) and (2) of this section on a youth
 21 offender whose case is being regularly reviewed by a local citizen review board shall be filed with
 22 that local citizen review board rather than with the court.

23 **SECTION 7.** ORS 419C.626 is amended to read:

24 419C.626. (1) Upon receiving a report required by ORS 419C.620:

25 (a) The court may hold a hearing to review the youth offender's condition and circumstances
 26 and to determine if the court should continue jurisdiction over the youth offender or order modifi-
 27 cations in the custody, placement and supervision of the youth offender.

28 (b) And if requested by the youth offender, the attorney for the youth offender, if any, the par-
 29 ents of the youth offender if parental rights have not been terminated, a court appointed special
 30 advocate, a local citizen review board, the Oregon Youth Authority, a county juvenile
 31 department[,] **or** a district attorney [*or a private agency having guardianship or legal custody of the*
 32 *youth offender*], the court shall hold a hearing within 30 days of receipt of the request.

33 (2) The court, on its own motion, may hold a review hearing at any time. Unless good cause
 34 otherwise is shown, the court shall hold a review hearing at any time upon the request of the youth
 35 offender, the attorney for the youth offender, if any, the parents of the youth offender if parental
 36 rights have not been terminated, a court appointed special advocate, a local citizen review board,
 37 the youth authority, a county juvenile department[,] **or** a district attorney or a private agency hav-
 38 ing guardianship or legal custody of the youth offender.

39 (3) A hearing under subsection (1) or (2) of this section shall be conducted in the manner pro-
 40 vided in ORS 419C.400 (1), 419C.405 and 419C.408, except that the court may receive testimony and
 41 reports as provided in ORS 419C.400 (4). At the conclusion of the hearing, the court shall enter
 42 findings of fact if the decision is to continue the youth offender in an out-of-home placement in the
 43 legal custody of the youth authority[,] **or** a county juvenile department [*or a private agency*]. The
 44 findings shall specifically state:

45 (a) Why continued out-of-home placement is necessary as opposed to returning the youth

1 offender to the youth offender's home or promptly securing another placement;

2 (b) The expected timetable for return home; and

3 (c) Whether the youth offender's reformation plan or case plan should be modified.

4 (4) After receiving a report required by ORS 419C.620 (2), if requested by the county juvenile
5 department, the court's findings under subsection (3) of this section must specifically state:

6 (a) Whether, **taking into consideration the youth offender's health and safety as the par-**
7 **amount concerns**, the county juvenile department has made reasonable efforts or, if the Indian
8 Child Welfare Act applies, active efforts to make it possible for the youth offender to safely return
9 home. *[In making this finding, the court shall consider the youth offender's health and safety the par-*
10 *amount concerns.]*

11 (b) The appropriateness of the youth offender's placement.

12 (c) The extent of compliance with the youth offender's case plan.

13 (d) The extent of progress that has been made toward alleviating or mitigating the causes ne-
14 cessitating the youth offender's placement in substitute care.

15 (5) The court may direct the local citizen review board to review the status of the youth
16 offender prior to the court's next review under ORS 419A.106, 419A.108, 419A.110, 419A.112,
17 419A.116 and 419A.118.

18 (6) Any final decision of the court made pursuant to a hearing under subsection (1) or (2) of this
19 section is appealable under ORS 419A.200.

20 **SECTION 8.** ORS 420.005 is amended to read:

21 420.005. As used in ORS 420.005 to 420.048, 420.060 to 420.275, 420.810 to 420.840 and 420.905 to
22 420.915, unless the context requires otherwise:

23 (1) "Design capacity" means the number of youth offenders or other persons a youth correction
24 facility is able to hold based on applicable safety codes and standards.

25 (2) "Director" means the Director of the Oregon Youth Authority.

26 (3) "Youth authority" means the Oregon Youth Authority.

27 (4) "Youth correction facility" means [a] **an Oregon Youth Authority** facility used for the
28 confinement of youth offenders and other persons placed in the legal or physical custody of the
29 youth authority and includes secure regional youth facilities, regional **youth** accountability camps,
30 **regional** residential academies and satellites, camps and branches of those facilities.

31 (5) "Youth offender" has the meaning given that term in ORS 419A.004.

32 **SECTION 9.** ORS 420.019 is amended to read:

33 420.019. (1)(a) The Oregon Youth Authority may contract with the governing body of a county
34 or **the governing bodies of** two or more counties, if the counties have joined together as a con-
35 sortium or region, for implementing the [statewide] diversion plan **described in ORS 420.017**[, *which*
36 *may include juvenile parole and probation services or out-of-home placement*].

37 (b) [A county or counties that contract] **Any county that contracts** with the Oregon Youth
38 Authority under this section shall have access to a continuum of out-of-home placement options in-
39 cluding, but not limited to, youth correction facilities[, *youth care centers, foster care and private*
40 *placements. Participating counties shall be ensured access to an equitable share of out-of-home place-*
41 *ments.*] **and substitute care placements, as defined by the youth authority by rule.**

42 [(c) A county or counties that contract with the Oregon Youth Authority under this section have
43 the responsibility for parole decisions regarding youths from the county or counties committed to youth
44 correction facilities. In the event that a county or counties are operating over the allocated youth cor-
45 rection facility cap, the youth authority may assume parole authority until the county population is at

1 *the cap.]*

2 [(d)] (c) The state and a county **or counties** may agree that the governing body of the county
3 **or the governing bodies of the** counties may subcontract for services or that the state will provide
4 services or that the county or counties may subcontract for some services and the state provide
5 other services as stipulated in the contract with the youth authority.

6 [(e) *When services previously provided by the Oregon Youth Authority transfer to a county or*
7 *counties, terms of the contract must include, but need not be limited to, the actual cost of employee*
8 *salaries, benefits and other payroll expenses, plus support costs necessary for the transferred*
9 *positions.*]

10 [(f)] (d) The youth authority is responsible for [*performance auditing*] **providing financial**
11 **oversight and administration** of contracts and **financial oversight of** subcontracts.

12 [(g) *The youth authority shall contract directly with service providers in those counties where the*
13 *governing body of the county or counties chooses not to contract with the youth authority.*]

14 [(h)] (e) The funds provided to implement the diversion plan or provide for out-of-home place-
15 ment [*or parole and probation services shall*] **may** not be used by a county to supplant moneys oth-
16 erwise provided to the county juvenile department for services to delinquent youth.

17 [(2)(a) *Unless otherwise provided in the contract, a county that is contracting with the youth au-*
18 *thority under subsection (1) of this section shall supervise state employees providing parole and pro-*
19 *bation services within the county.*]

20 [(b) *Subject to a collective bargaining agreement, supervision under this subsection includes disci-*
21 *pline, performance evaluation, training and all other functions previously carried out by state employed*
22 *supervisors.*]

23 (2)(a) **The Oregon Youth Authority shall enter into intergovernmental agreements with**
24 **a county or, if the counties have joined together as a consortium or region, two or more**
25 **counties to delineate specific duties necessary to carry out the diversion plan described in**
26 **ORS 420.017.**

27 (b) **The intergovernmental agreement must define the responsibilities of the youth au-**
28 **thority and the county or counties and support the mission of the youth authority and the**
29 **county or counties, taking into consideration public safety, equitable services for youth**
30 **offenders and counties, geographic considerations and staffing and funding levels for the**
31 **youth authority and the county or counties.**

32 (c) **The intergovernmental agreement may authorize the performance or transfer of**
33 **probation and parole services between the youth authority and the county or counties.**

34 (3) **The Oregon Youth Authority shall adopt rules, in consultation with the county juve-**
35 **venile departments, to ensure equitable access to a continuum of out-of-home placement**
36 **options among contracting counties and to develop performance metrics for the diversion**
37 **plans.**

38 **SECTION 10.** ORS 420.855 is amended to read:

39 420.855. As used in ORS 418.020, 418.025 and 420.855 to 420.885, unless the context requires
40 otherwise:

41 (1) "Juvenile court" means the court exercising jurisdiction under ORS chapters 419B and 419C
42 in the county.

43 (2) "Youth" means a youth as defined in ORS 419A.004 who is at least 12 years of age and has
44 been found to be within the jurisdiction of the juvenile court under ORS 419C.005.

45 (3) "Youth authority" means the Oregon Youth Authority.

1 (4) "Youth care center" or "center" means a facility established and operated by a public [*or*
 2 *private agency or a combination thereof,*] **agency** primarily to provide care and rehabilitation services
 3 for youths committed to the custody of the youth care center by the juvenile court or placed by the
 4 youth authority. "Youth care center" or "center" does not include detention facilities established
 5 under ORS 419A.050 to 419A.057 except that when a county operates a combined facility to provide
 6 both care and rehabilitation services under ORS 420.855 to 420.885, and detention facilities, the
 7 combined facility may be considered a "youth care center" to the extent that it is used to provide
 8 the care and rehabilitation services for youths not in detention.

9 **SECTION 11.** ORS 420.860 is amended to read:

10 420.860. It is declared to be the policy and intent of the Legislative Assembly that the State of
 11 Oregon shall encourage, aid and financially assist its county governments and public [*and private*]
 12 agencies in the establishment and development of youth care centers for youths found to be in need
 13 of care and rehabilitation pursuant to ORS 419C.446, 419C.450, 419C.478, 419C.481, 419C.486,
 14 419C.489, 419C.492 and 419C.498.

15 **SECTION 12.** ORS 420.875 is amended to read:

16 420.875. (1) An approved youth care center is eligible for state support from funds appropriated
 17 to the Oregon Youth Authority for that purpose to meet its operating expenses. Public [*or private*]
 18 agencies operating a youth care center shall make application for state support to the youth au-
 19 thority. The application shall contain such information as may be required by the youth authority.

20 (2) Upon receiving the application, the youth authority shall cause an investigation of the affairs
 21 and methods of the youth care center and, if it finds that the center meets the requirements of ORS
 22 420.870, shall grant its application for state support.

23 (3) At such times as the youth authority may require, all youth care centers receiving state
 24 support under the provisions of ORS 420.855 to 420.885, shall file with the youth authority a finan-
 25 cial and statistical report, and a report on the content and conduct of the youth care center, in such
 26 form as may be prescribed by the youth authority. If any youth care center fails to file the pre-
 27 scribed reports within 30 calendar days after requested by the youth authority, no further state
 28 support shall be paid until it has complied with the provisions of this subsection.

29 **SECTION 13.** ORS 420A.010 is amended to read:

30 420A.010. (1) The Oregon Youth Authority is established. The youth authority shall:

31 (a) Supervise the management and administration of youth correction facilities, state parole and
 32 probation services, community out-of-home placement for youth offenders committed to its legal
 33 custody and other functions related to state programs for youth corrections;

34 (b) Provide capital improvements and capital construction necessary for the implementation of
 35 all youth correction facilities;

36 (c) Carry out dispositions of youth offenders committed to its legal custody;

37 (d) Exercise custody and supervision over those youth offenders committed to the youth au-
 38 thority by order of the juvenile court and persons placed in the physical custody of the youth au-
 39 thority under ORS 137.124 or other statute until the time that a lawful release authority authorizes
 40 release or terminates the commitment or placement;

41 (e) Provide adequate food, clothing, health and medical care, sanitation and security for confined
 42 youth offenders and others in youth authority custody;

43 (f) Provide youth offenders and others in youth authority custody with opportunities for self-
 44 improvement and work; and

45 (g) Conduct investigations and prepare reports for release authorities.

1 (2) To meet the individual circumstances of each person committed to its custody, the youth
2 authority shall:

3 (a) Develop a flexible fee-for-service provider system that can respond quickly to each person's
4 identified and changing circumstances; and

5 (b) Develop a process for joint state and county review of contracts entered into under sub-
6 section (6)(b) of this section and paragraph (a) of this subsection based on:

7 (A) Measurable outcomes, which must include in dominant part the reduction of future criminal
8 or antisocial conduct and which also must include:

9 (i) Academic progress;

10 (ii) Social adjustments;

11 (iii) Behavioral improvements;

12 (iv) Rearrests; and

13 (v) Other measurements as determined by the youth authority;

14 (B) Performance measurements including:

15 (i) Fiscal accountability;

16 (ii) Compliance with state and federal regulations;

17 (iii) Record keeping, including data collection and management; and

18 (iv) Reporting; and

19 (C) Provision of services identified under the reformation plan.

20 (3) In order to measure performance as required in subsection (2) of this section, the youth au-
21 thority shall require parties to the contracts to compile, manage and exchange data to the extent
22 of available information systems resources to facilitate the measurement of outcomes including, but
23 not limited to, reduction in future criminal or antisocial conduct.

24 (4) The youth authority may administer a program of state assistance to counties for the con-
25 struction and operation of local youth detention facilities or to purchase detention services.

26 (5) The youth authority shall accept and exercise legal or physical custody of youth offenders
27 and others 12 years of age and over and under 25 years of age who are committed to, or placed with,
28 the youth authority pursuant to:

29 (a) A juvenile court adjudication and disposition under ORS chapter 419C; or

30 (b) ORS 137.124.

31 (6)(a) The youth authority shall cooperate with and assist county governments and juvenile de-
32 partments in carrying out the principles and purposes of the juvenile justice system as provided in
33 ORS 419C.001.

34 (b) The youth authority is authorized to contract with counties, groups of counties or private
35 providers to administer juvenile corrections programs and services as provided in ORS 420.017[,] **and**
36 420.019[, 420A.145 and 420A.155 (1) to (4)].

37 **(c) The youth authority is authorized to contract with counties or groups of counties to**
38 **administer juvenile corrections programs and services as provided in ORS 420A.145 and**
39 **420A.155 (1) to (3).**

40 [(c)] (d) The youth authority may provide consultation services related to the juvenile justice
41 system to local or statewide public or private agencies, groups and individuals or may initiate such
42 consultation services. Consultation services include, but are not limited to, conducting studies and
43 surveys, sponsoring or participating in educational programs and providing advice and assistance.
44 Nothing in ORS 419C.001 and 420A.005 to 420A.155 is intended to diminish the state's efforts to plan,
45 evaluate and deliver effective human services programs to youth offenders, either in a youth cor-

1 rection facility or on probation or parole. Therefore, the Oregon Youth Authority and the Depart-
2 ment of Human Services shall jointly develop and implement needed social and rehabilitative
3 services.

4 (7) The youth authority is the recipient of all federal funds paid or to be paid to the state to
5 enable the state to provide youth correction programs and services assigned to the Department of
6 Human Services prior to January 1, 1996.

7 (8) The youth authority shall report its progress in implementing the provisions of chapter 422,
8 Oregon Laws 1995, to the Legislative Assembly at each odd-numbered year regular session.

9 (9) The equal access provisions of ORS 417.270 apply to the youth authority's development and
10 administration of youth correction facilities, programs and services, including the development and
11 implementation of the statewide diversion plan described in ORS 420.017.

12 (10) The youth authority shall:

13 (a) Be cognizant of and sensitive to the issue of overrepresentation of minority youth offenders
14 in youth correction facilities;

15 (b) Endeavor to develop and operate, and require its subcontractors to develop and operate,
16 culturally appropriate programs for youth offenders; and

17 (c) Keep data reflecting the ethnicity and gender of all youth offenders committed to its care.

18 (11) The youth authority is a designated agency as defined in ORS 181A.010.

19 **SECTION 14.** ORS 420A.145 is amended to read:

20 420A.145. (1) The Oregon Youth Authority may establish up to eight regional youth account-
21 ability camps.

22 (2) A regional youth accountability camp shall:

23 (a) Be based on a military basic training model that includes discipline, physical work, physical
24 exercise and military drill;

25 (b) Provide for cognitive restructuring in conformance with generally accepted rehabilitative
26 standards; and

27 (c) Include a drug and alcohol treatment component that meets the standards promulgated by
28 the Oregon Health Authority pursuant to ORS 430.357.

29 (3) The youth authority may contract with all of the governing bodies of the counties in a region
30 to administer cooperatively a regional youth accountability camp subject to the provisions of ORS
31 420.011, 420.081, 420A.108 and 420A.111 (5).

32 *[(4) The youth authority may contract with any private agency to administer a regional youth ac-
33 countability camp subject to the provisions of ORS 420A.108 and 420A.111 (5).]*

34 **SECTION 15.** ORS 420A.155 is amended to read:

35 420A.155. (1) The Oregon Youth Authority may establish up to four regional residential acade-
36 mies.

37 (2) A regional residential academy shall:

38 (a) Provide a secure, closed residential campus;

39 (b) Provide year-round education, job and life skills training, vocational training and appren-
40 ticeship programs; and

41 (c) Include a drug and alcohol treatment component that meets the standards promulgated by
42 the Oregon Health Authority pursuant to ORS 430.357.

43 (3) The youth authority may contract with all of the governing bodies of the counties in a region
44 to administer cooperatively a regional residential academy subject to the provisions of ORS 420.011,
45 420.081, 420A.108 and 420A.111 (5).

1 ~~[(4) The youth authority may contract with any private agency to administer a regional residential~~
2 ~~academy subject to the provisions of ORS 420A.108 and 420A.111 (5).]~~

3 [(5)] (4) The Director of the Oregon Youth Authority is solely responsible for determining which
4 persons committed to, or placed in the physical custody of, the youth authority are eligible to par-
5 ticipate in, and are accepted for, a regional residential academy. The juvenile court may recommend
6 to the Oregon Youth Authority that a youth offender be placed in a regional residential academy,
7 but the recommendation is not binding on the youth authority.

8
