

SB 436-2
(LC 3160)
5/25/21 (LAS/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Janelle Bynum)

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO
SENATE BILL 436**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions;”.

3 On page 41, after line 29, insert:

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5 Act (amending ORS 417.850) is repealed.”.**

6 On page 55, after line 37, insert:

7 **“SECTION 50a. If Senate Bill 132 becomes law, section 50 of this 2021
8 Act (amending ORS 419A.250) is repealed and ORS 419A.250, as
9 amended by section 1, chapter __, Oregon Laws 2021 (Enrolled Senate
10 Bill 132), is amended to read:**

11 “419A.250. (1) A child, ward, youth or [*youth offender*] **adjudicated youth**
12 may be photographed or fingerprinted by a law enforcement agency:

13 “(a) Pursuant to a search warrant;

14 “(b) According to laws concerning adults if the youth has been transferred
15 to criminal court for prosecution;

16 “(c) Upon consent of both the child or youth and the child or youth’s
17 parent after advice that they are not required to give such consent;

18 “(d) Upon request or consent of the child’s parent alone if the child is less
19 than 10 years of age, and if the law enforcement agency delivers the original
20 photographs or fingerprints to the parent and does not make or retain any
21 copies thereof; or

1 “(e) By order of the juvenile court.

2 “(2)(a) When a youth is taken into custody under ORS 419C.080, the law
3 enforcement agency taking the youth into custody shall photograph and fin-
4 gerprint the youth. When a youth is found within the jurisdiction of the ju-
5 venile court for the commission of an act that would constitute a crime if
6 committed by an adult, the court shall ensure that the [*youth offender’s*]
7 **adjudicated youth’s** fingerprints have been taken. The law enforcement
8 agency attending upon the court is the agency responsible for obtaining the
9 fingerprints. The law enforcement agency attending upon the court may, by
10 agreement, arrange for another law enforcement agency to obtain the fin-
11 gerprints on the attending agency’s behalf.

12 “(b) When [*a youth offender*] **an adjudicated youth** is committed to a
13 youth correction facility and the juvenile department, court or law enforce-
14 ment agency has not provided the [*youth offender’s*] **adjudicated youth’s**
15 fingerprint and photograph files or records to the Oregon Youth Authority,
16 the youth authority shall photograph and fingerprint the [*youth offender*]
17 **adjudicated youth**.

18 “(3) Fingerprint and photograph files or records of a child, ward, youth
19 or [*youth offender*] **adjudicated youth** must be kept separate from those of
20 adults. Fingerprints and photographs known to be those of a child may be
21 maintained on a local basis only and may not be sent to the Department of
22 State Police or a federal depository.

23 “(4) Fingerprint and photograph files or records of a child, ward, youth
24 or [*youth offender*] **adjudicated youth** are open to inspection only by, or the
25 contents disclosed only to, the following:

26 “(a) Public agencies for use in investigation or prosecution of crimes and
27 of conduct by a child, ward, youth or [*youth offender*] **adjudicated youth**
28 that if committed by an adult would be an offense, provided that a law
29 enforcement agency may provide information to another agency only when
30 the information is pertinent to a specific investigation by that agency;

1 “(b) The juvenile department and the juvenile court having the child,
2 ward, youth or [*youth offender*] **adjudicated youth** before it in any pro-
3 ceeding;

4 “(c) Caseworkers and counselors taking action or otherwise responsible
5 for planning and care of the child, ward, youth or [*youth offender*] **adjudi-
6 cated youth**;

7 “(d) The parties to the proceeding and their counsel; and

8 “(e) The victim or a witness of an act or behavior described under ORS
9 419C.005 (1) or the victim’s parent, guardian, personal representative or
10 subrogee, when necessary to identify the youth or [*youth offender*] **adjudi-
11 cated youth** committing the act or behavior and identifying the apparent
12 extent of the youth or [*youth offender’s*] **adjudicated youth’s** involvement
13 in the act or behavior.

14 “(5)(a) Fingerprint and photograph files or records of youths and [*youth
15 offenders*] **adjudicated youths** must be sent to the Department of State Po-
16 lice in the same manner as fingerprint and photograph files or records of
17 adults. The fingerprint and photograph files or records of a youth or [*youth
18 offender*] **adjudicated youth** sent to the department under this subsection
19 are open to inspection in the same manner and under the same circumstances
20 as fingerprint and photograph files or records of adults.

21 “(b) A party filing a petition alleging that a youth is within the juris-
22 diction of the court under ORS 419C.005 shall notify the Department of State
23 Police of the following:

24 “(A) The filing of a petition alleging that a youth committed an act that
25 if committed by an adult would constitute a crime; or

26 “(B) The dismissal of a petition alleging that a youth committed an act
27 that if committed by an adult would constitute a crime.

28 “(c) The juvenile court shall notify the Department of State Police of the
29 disposition of a case in which jurisdiction is based on ORS 419C.005.

30 “(d) The Oregon Youth Authority shall notify the Department of State

1 Police of [*a youth offender's*] **an adjudicated youth's** commitment to the
2 youth authority for placement in a youth correction facility.

3 “(e) The Oregon Youth Authority shall notify the Department of State
4 Police of the termination of [*a youth offender's*] **an adjudicated youth's**
5 commitment for placement in a youth correction facility and to the legal
6 custody of the youth authority.

7 “(f) The Department of State Police shall delete the fingerprint and pho-
8 tograph files or records of a youth or [*youth offender*] **adjudicated youth**
9 and destroy the files or records relating to the conduct that caused the files
10 or records to be sent to the department:

11 “(A) Two years after receiving the files, if the Department of State Police
12 has not received notice under paragraph (b) of this subsection;

13 “(B) No later than one year following receipt of a notice of dismissal of
14 a petition under paragraph (b)(B) of this subsection;

15 “(C) No later than one year after the Department of State Police receives
16 notice under paragraph (e) of this subsection; or

17 “(D) In all other circumstances, no later than the earlier of the date the
18 Department of State Police receives the notice of termination of the case or
19 five years and 30 days after the department receives notice of the disposition
20 of the case.

21 “(6) Fingerprint and photograph files and records of a child, ward, youth
22 or [*youth offender*] **adjudicated youth** must be expunged when the juvenile
23 court orders expunction of a child, ward, youth or [*youth offender's*] **adjudi-
24 cated youth's** record pursuant to ORS 419A.260 and 419A.262.

25 “(7) The parent or guardian of a missing child may submit a fingerprint
26 card and photograph of the child to a law enforcement agency at the time
27 a missing person report is made. The law enforcement agency may submit the
28 fingerprint file to the Department of State Police. The information must be
29 entered into the Law Enforcement Data System and the Western Identifica-
30 tion Network Automated Fingerprint Identification System.

1 “(8) When fingerprint files or records are submitted under subsection (7)
2 of this section, the Department of State Police shall enter in a special index
3 in the computerized criminal history files the name of the child and the name
4 of the county or agency that submitted the fingerprint file or record.

5 “(9) Fingerprints and other information entered in any data system pur-
6 suant to subsection (7) of this section must be deleted when the child is lo-
7 cated.”.

8 On page 94, after line 37, insert:

9 **“SECTION 107a. If Senate Bill 562 becomes law, section 107 of this**
10 **2021 Act (amending ORS 419C.626) is repealed and ORS 419C.626, as**
11 **amended by section 66, chapter __, Oregon Laws 2021 (Enrolled Senate**
12 **Bill 562), is amended to read:**

13 “419C.626. (1) Upon receiving a report required by ORS 419C.620:

14 “(a) The court may hold a hearing to review the [*youth offender’s*] **adju-**
15 **dicated youth’s** condition and circumstances and to determine if the court
16 should continue jurisdiction over the [*youth offender*] **adjudicated youth** or
17 order modifications in the custody, placement and supervision of the [*youth*
18 *offender*] **adjudicated youth**.

19 “(b) And if requested by the [*youth offender*] **adjudicated youth**, the at-
20 torney for the [*youth offender*] **adjudicated youth**, if any, the parents of the
21 [*youth offender*] **adjudicated youth** if parental rights have not been termi-
22 nated, a court appointed special advocate, a local citizen review board, the
23 Oregon Youth Authority, a county juvenile department, a district attorney
24 or a private agency having guardianship or legal custody of the [*youth*
25 *offender*] **adjudicated youth**, the court shall hold a hearing within 30 days
26 of receipt of the request.

27 “(2) The court, on its own motion, may hold a review hearing at any time.
28 Unless good cause otherwise is shown, the court shall hold a review hearing
29 at any time upon the request of the [*youth offender*] **adjudicated youth**, the
30 attorney for the [*youth offender*] **adjudicated youth**, if any, the parents of

1 the [*youth offender*] **adjudicated youth** if parental rights have not been
2 terminated, a court appointed special advocate, a local citizen review board,
3 the youth authority, a county juvenile department, a district attorney or a
4 private agency having guardianship or legal custody of the [*youth offender*]
5 **adjudicated youth**.

6 “(3)(a) A hearing under subsection (1) or (2) of this section shall be con-
7 ducted in the manner provided in ORS 419C.400 (1), 419C.405 and 419C.408,
8 except that the court may receive testimony and reports as provided in ORS
9 419C.400 (4).

10 “(b) At the conclusion of the hearing, the court shall enter findings of
11 fact if the decision is to continue the [*youth offender*] **adjudicated youth** in
12 an out-of-home placement in the legal custody of the youth authority, a
13 county juvenile department or a private agency. The findings shall specif-
14 ically state:

15 “(A) Why continued out-of-home placement is necessary as opposed to re-
16 turning the [*youth offender*] **adjudicated youth** to the [*youth offender’s*] **ad-**
17 **judicated youth’s** home or promptly securing another placement;

18 “(B) The expected timetable for return home; and

19 “(C) Whether the [*youth offender’s*] **adjudicated youth’s** reformation plan
20 or case plan should be modified.

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

24 “(a) Whether, subject to the procedures under section 15 (4), chapter 14,
25 Oregon Laws 2020 (first special session), there is reason to know the [*youth*
26 *offender*] **adjudicated youth** is an Indian child.

27 “(b) Whether the county juvenile department has made reasonable efforts
28 or, if the [*youth offender*] **adjudicated youth** is an Indian child, active ef-
29 forts to make it possible for the [*youth offender*] **adjudicated youth** to safely
30 return home. In making this finding, the court shall consider the [*youth*

1 *offender's*] **adjudicated youth's** health and safety the paramount concerns.

2 “(c) The appropriateness of the [*youth offender's*] **adjudicated youth's**
3 placement.

4 “(d) The extent of compliance with the [*youth offender's*] **adjudicated**
5 **youth's** case plan.

6 “(e) The extent of progress that has been made toward alleviating or
7 mitigating the causes necessitating the [*youth offender's*] **adjudicated**
8 **youth's** placement in substitute care.

9 “(5) The court may direct the local citizen review board to review the
10 status of the [*youth offender*] **adjudicated youth** prior to the court's next
11 review under ORS 419A.106, 419A.108, 419A.110, 419A.112, 419A.116 and
12 419A.118.

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

15 **“SECTION 107b. If House Bill 3182 becomes law, section 107 of this**
16 **2021 Act (amending ORS 419C.626) is repealed and ORS 419C.626, as**
17 **amended by section 66, chapter __, Oregon Laws 2021 (Enrolled House**
18 **Bill 3182), is amended to read:**

19 “419C.626. (1) Upon receiving a report required by ORS 419C.620:

20 “(a) The court may hold a hearing to review the [*youth offender's*] **adju-**
21 **dicated youth's** condition and circumstances and to determine if the court
22 should continue jurisdiction over the [*youth offender*] **adjudicated youth** or
23 order modifications in the custody, placement and supervision of the [*youth*
24 *offender*] **adjudicated youth**.

25 “(b) And if requested by the [*youth offender*] **adjudicated youth**, the at-
26 torney for the [*youth offender*] **adjudicated youth**, if any, the parents of the
27 [*youth offender*] **adjudicated youth** if parental rights have not been termi-
28 nated, a court appointed special advocate, a local citizen review board, the
29 Oregon Youth Authority, a county juvenile department, a district attorney
30 or a private agency having guardianship or legal custody of the [*youth*

1 *offender*] **adjudicated youth**, the court shall hold a hearing within 30 days
2 of receipt of the request.

3 “(2) The court, on its own motion, may hold a review hearing at any time.
4 Unless good cause otherwise is shown, the court shall hold a review hearing
5 at any time upon the request of the [*youth offender*] **adjudicated youth**, the
6 attorney for the [*youth offender*] **adjudicated youth**, if any, the parents of
7 the [*youth offender*] **adjudicated youth** if parental rights have not been
8 terminated, a court appointed special advocate, a local citizen review board,
9 the youth authority, a county juvenile department, a district attorney or a
10 private agency having guardianship or legal custody of the [*youth offender*]
11 **adjudicated youth**.

12 “(3)(a) A hearing under subsection (1) or (2) of this section shall be con-
13 ducted in the manner provided in ORS 419C.400 (1), 419C.405 and 419C.408,
14 except that the court may receive testimony and reports as provided in ORS
15 419C.400 (4).

16 “(b) At each hearing under subsection (1) or (2) of this section, unless the
17 court has entered an order finding that the [*youth offender*] **adjudicated**
18 **youth** is an Indian child, the court shall make a finding, subject to the
19 procedures under section 15 (4), chapter 14, Oregon Laws 2020 (first special
20 session), regarding whether there is reason to know that the child is an In-
21 dian child.

22 “(c) At the conclusion of the hearing, the court shall enter findings of fact
23 if the decision is to continue the [*youth offender*] **adjudicated youth** in an
24 out-of-home placement in the legal custody of the youth authority, a county
25 juvenile department or a private agency. The findings shall specifically state:

26 “(A) Why continued out-of-home placement is necessary as opposed to re-
27 turning the [*youth offender*] **adjudicated youth** to the [*youth offender’s*] **ad-**
28 **judicated youth’s** home or promptly securing another placement;

29 “(B) The expected timetable for return home; and

30 “(C) Whether the [*youth offender’s*] **adjudicated youth’s** reformation plan

1 or case plan should be modified.

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

5 “(a) Whether the county juvenile department has made reasonable efforts
6 or, if the [*youth offender*] **adjudicated youth** is an Indian child, active ef-
7 forts to make it possible for the [*youth offender*] **adjudicated youth** to safely
8 return home. In making this finding, the court shall consider the [*youth*
9 *offender’s*] **adjudicated youth’s** health and safety the paramount concerns.

10 “(b) The appropriateness of the [*youth offender’s*] **adjudicated youth’s**
11 placement.

12 “(c) The extent of compliance with the [*youth offender’s*] **adjudicated**
13 **youth’s** case plan.

14 “(d) The extent of progress that has been made toward alleviating or
15 mitigating the causes necessitating the [*youth offender’s*] **adjudicated**
16 **youth’s** placement in substitute care.

17 “(5) The court may direct the local citizen review board to review the
18 status of the [*youth offender*] **adjudicated youth** prior to the court’s next
19 review under ORS 419A.106, 419A.108, 419A.110, 419A.112, 419A.116 and
20 419A.118.

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

23 On page 96, after line 37, insert:

24 “**SECTION 111a. If House Bill 2939 becomes law, section 111 of this**
25 **2021 Act (amending ORS 420.011) is repealed and ORS 420.011, as**
26 **amended by section 2, chapter ___, Oregon Laws 2021 (Enrolled House**
27 **Bill 2939), is amended to read:**

28 “420.011. (1) Except as provided in subsections (2), (3) and (4) of this sec-
29 tion, admissions to the youth correction facilities are limited to [*youth*
30 *offenders*] **adjudicated youths** who are at least 12 but less than 20 years of

1 age, found by the juvenile court to have committed an act that if committed
2 by an adult would constitute aggravated murder, murder, a felony or a Class
3 A misdemeanor and placed in the legal custody of the Oregon Youth Au-
4 thority. [A *youth offender*] **An adjudicated youth** admitted to a youth cor-
5 rection facility may not be transferred by administrative process to any penal
6 or correctional institution.

7 “(2)(a) In addition to the persons placed in the legal custody of the youth
8 authority under ORS 419C.478 (1) or 419C.481, and with the concurrence of
9 the Director of the Oregon Youth Authority or the director’s designee, per-
10 sons who are committed to the Department of Corrections under ORS 137.124
11 and meet the requirements of ORS 137.124 (5) may be temporarily assigned
12 to a youth correction facility as provided by ORS 137.124 (5). A person as-
13 signed on such a temporary basis remains within the legal custody of the
14 Department of Corrections and such reassignment is subject to termination
15 by the Director of the Oregon Youth Authority by referring the person back
16 to the Department of Corrections as provided in paragraph (b) of this sub-
17 section.

18 “(b) After a person is transferred to the physical custody of the youth
19 authority under ORS 137.124 (5), the Director of the Oregon Youth Authority
20 may refer the person back to the Department of Corrections for physical
21 custody and placement if the director, after consulting with the Department
22 of Corrections, determines that the person is at least 18 years of age and:

23 “(A) Poses a substantial danger to youth authority staff or persons in the
24 custody of the youth authority; or

25 “(B) Is not likely, in the foreseeable future, to benefit from the rehabili-
26 tation and treatment programs administered by the youth authority and is
27 appropriate for placement in a Department of Corrections institution.

28 “(3) Any person under 18 years of age at the time of committing the crime
29 and under 20 years of age at the time of sentencing and commitment who,
30 after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370 or

1 sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712, is sentenced to
2 a term of imprisonment in the custody of the Department of Corrections, and
3 any person under 16 years of age who after waiver under ORS 419C.349 (1)(b),
4 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or
5 (7)(b) or 137.712 is sentenced to a term of imprisonment in the county jail,
6 shall be temporarily assigned to a youth correction facility by the Depart-
7 ment of Corrections, or by the sheriff to whose custody the person has been
8 committed, pursuant to ORS 137.124 (6). The director shall designate the ap-
9 propriate youth correction facility or schools for such assignment. A person
10 assigned to a youth correction facility under ORS 137.124 (6) and this sub-
11 section remains within the legal custody of the Department of Corrections
12 or sheriff to whose custody the person was committed. The assignment of
13 such a person to the youth correction facility is subject, when the person is
14 18 years of age or older, to termination by the director by referring the
15 person back to the Department of Corrections or the sheriff to serve the
16 balance of the person's sentence. Assignment to a youth correction facility
17 pursuant to ORS 137.124 (6) and this subsection, if not terminated earlier by
18 the director, shall terminate upon the person's attaining the age specified in
19 ORS 420A.010 (5) setting the age limits for which the Oregon Youth Au-
20 thority may retain legal and physical custody of the person, and the person
21 shall be referred to the Department of Corrections or the sheriff having legal
22 custody of the person to serve the balance of the person's sentence.

23 “(4)(a) Admission to youth correction facilities for [*youth offenders*] **ad-**
24 **judicated youths** who have been previously adjudicated, but who have not
25 been previously placed in custody of a youth correction facility as a result
26 of the adjudication, is limited to [*youth offenders*] **adjudicated youths** under
27 19 years of age.

28 “(b) Notwithstanding paragraph (a) of this subsection, admission to youth
29 correction facilities for [*youth offenders*] **adjudicated youths** who have been
30 previously adjudicated for an act that, if committed by an adult, would con-

1 stitute a crime listed in ORS 137.707 (4), but who have not been previously
2 placed in custody of a youth correction facility as a result of the adjudi-
3 cation, is limited to [*youth offenders*] **adjudicated youths** under 20 years of
4 age.

5 “(5) Whenever a person committed to the custody of the Department of
6 Corrections is temporarily assigned to a youth correction facility pursuant
7 to this section, the youth authority may provide programs and treatment for
8 the person, and may adopt rules relating to conditions of confinement at the
9 youth correction facility, as the youth authority determines are appropriate.
10 However, the person remains subject to laws and rules of the State Board
11 of Parole and Post-Prison Supervision relating to parole.

12 “(6) For the purposes of determining the person’s age at the time of
13 committing an offense under this section:

14 “(a) If the person is convicted of two or more offenses occurring on dif-
15 ferent days, the person’s age shall be calculated using the earliest date.

16 “(b) If the person is convicted of an offense occurring within a range of
17 dates, the person’s age shall be calculated using the date at the beginning
18 of the range.

19 **“SECTION 111b. If Senate Bill 134 becomes law, section 111 of this**
20 **2021 Act (amending ORS 420.011) is repealed and ORS 420.011, as**
21 **amended by section 1, chapter __, Oregon Laws 2021 (Enrolled Senate**
22 **Bill 134), is amended to read:**

23 “420.011. (1) Except as provided in subsections (2) and (3) of this section,
24 admissions to the youth correction facilities are limited to [*youth offenders*]
25 **adjudicated youths** who are at least 12 but less than 19 years of age, found
26 by the juvenile court to have committed an act that if committed by an adult
27 would constitute aggravated murder, murder, a felony or a Class A
28 misdemeanor and placed in the legal custody of the Oregon Youth Authority.
29 [*A youth offender*] **An adjudicated youth** admitted to a youth correction
30 facility may not be transferred by administrative process to any penal or

1 correctional institution.

2 “(2)(a) In addition to the persons placed in the legal custody of the youth
3 authority under ORS 419C.478 (1) or 419C.481, and with the concurrence of
4 the Director of the Oregon Youth Authority or the director’s designee, per-
5 sons who are committed to the Department of Corrections under ORS 137.124
6 and meet the requirements of ORS 137.124 (5) may be temporarily assigned
7 to a youth correction facility as provided by ORS 137.124 (5). A person as-
8 signed on such a temporary basis remains within the legal custody of the
9 Department of Corrections and such reassignment is subject to termination
10 by the Director of the Oregon Youth Authority by referring the person back
11 to the Department of Corrections as provided in paragraph (b) of this sub-
12 section.

13 “(b) After a person is transferred to the physical custody of the youth
14 authority under ORS 137.124 (5), the Director of the Oregon Youth Authority
15 may refer the person back to the Department of Corrections for physical
16 custody and placement if the director, after consulting with the Department
17 of Corrections, determines that the person is at least 18 years of age and:

18 “(A) Poses a substantial danger to youth authority staff or persons in the
19 custody of the youth authority; or

20 “(B) Is not likely, in the foreseeable future, to benefit from the rehabili-
21 tation and treatment programs administered by the youth authority and is
22 appropriate for placement in a Department of Corrections institution.

23 “(3) Any person under 18 years of age at the time of committing the crime
24 and under 20 years of age at the time of sentencing and commitment who,
25 after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370 or
26 sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712, is sentenced to
27 a term of imprisonment in the custody of the Department of Corrections, and
28 any person under 16 years of age who after waiver under ORS 419C.349 (1)(b),
29 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or
30 (7)(b) or 137.712 is sentenced to a term of imprisonment in the county jail,

1 shall be temporarily assigned to a youth correction facility by the Depart-
2 ment of Corrections, or by the sheriff to whose custody the person has been
3 committed, pursuant to ORS 137.124 (6). The director shall designate the ap-
4 propriate youth correction facility or schools for such assignment. A person
5 assigned to a youth correction facility under ORS 137.124 (6) and this sub-
6 section remains within the legal custody of the Department of Corrections
7 or sheriff to whose custody the person was committed. The assignment of
8 such a person to the youth correction facility is subject, when the person is
9 18 years of age or older, to termination by the director by referring the
10 person back to the Department of Corrections or the sheriff to serve the
11 balance of the person's sentence. Assignment to a youth correction facility
12 pursuant to ORS 137.124 (6) and this subsection, if not terminated earlier by
13 the director, shall terminate upon the person's attaining the age specified in
14 ORS 420A.010 (5) setting the age limits for which the Oregon Youth Au-
15 thority may retain legal and physical custody of the person, and the person
16 shall be referred to the Department of Corrections or the sheriff having legal
17 custody of the person to serve the balance of the person's sentence.

18 “(4)(a) Whenever a person committed to the custody of the Department
19 of Corrections is temporarily assigned to a youth correction facility pursuant
20 to this section, the youth authority may provide programs and treatment for
21 the person, and may adopt rules relating to conditions of confinement at the
22 youth correction facility, as the youth authority determines are appropriate.
23 However, the person remains subject to laws and rules of the State Board
24 of Parole and Post-Prison Supervision relating to parole.

25 “(b) Information or records prepared or maintained by the youth authority
26 relating to a person committed to the custody of the Department of Cor-
27 rections and temporarily assigned to a youth correction facility pursuant to
28 this section are confidential and exempt from disclosure if the public interest
29 in confidentiality clearly outweighs the public interest in disclosure and:

30 “(A) The disclosure would interfere with the rehabilitation or treatment

1 of the person, of another person committed to the custody of the Department
2 of Corrections and temporarily assigned to a youth correction facility under
3 this section or of [*a youth offender*] **an adjudicated youth**; or

4 “(B) The disclosure would substantially prejudice or prevent the carrying
5 out of the functions of the youth authority.

6 “(c) Nothing in this section prohibits the youth authority from disclosing
7 information or records relating to a person committed to the custody of the
8 Department of Corrections and temporarily assigned to a youth correction
9 facility pursuant to this section to counsel representing the person or to the
10 district attorney or assistant district attorney general representing the state,
11 for use in connection with the person’s criminal, juvenile dependency or ju-
12 venile delinquency proceeding.

13 “(5) For the purposes of determining the person’s age at the time of
14 committing an offense under this section:

15 “(a) If the person is convicted of two or more offenses occurring on dif-
16 ferent days, the person’s age shall be calculated using the earliest date.

17 “(b) If the person is convicted of an offense occurring within a range of
18 dates, the person’s age shall be calculated using the date at the beginning
19 of the range.”.

20 On page 109, after line 7, insert:

21 **“SECTION 147a. If Senate Bill 133 becomes law, section 147 of this**
22 **2021 Act (amending ORS 420A.115) is repealed and ORS 420A.115, as**
23 **amended by section 6, chapter ___, Oregon Laws 2021 (Enrolled Senate**
24 **Bill 133), is amended to read:**

25 “420A.115. (1) The Director of the Oregon Youth Authority may authorize
26 any [*youth offender*] **adjudicated youth** to go on parole, subject to condi-
27 tions of supervision and custody established by the Director of the Oregon
28 Youth Authority and subject to being taken into custody and detained under
29 written order of the Director of the Oregon Youth Authority or as provided
30 in ORS 420A.120.

1 “(2)(a) Notwithstanding ORS 419A.257, the youth authority may disclose
2 the information described in paragraph (b) of this subsection to a victim, as
3 defined by the youth authority by rule:

4 “(A) When the youth authority seeks information from the victim re-
5 garding the impact of the crime to inform the [*youth offender’s*] **adjudicated**
6 **youth’s** case plan;

7 “(B) When the youth authority seeks information from the victim re-
8 garding the potential impact of authorizing the [*youth offender*] **adjudicated**
9 **youth** to go on parole; or

10 “(C) At the request of the victim.

11 “(b) When making a disclosure permitted under paragraph (a) of this
12 subsection, the youth authority may disclose:

13 “(A) The information described in ORS 420A.122 (2); and

14 “(B) The progress, on a prescribed metrics scale developed by the youth
15 authority by rule, that the [*youth offender*] **adjudicated youth** has made
16 while in a youth correction facility in the following areas:

17 “(i) Completion of assigned services and reformation goals;

18 “(ii) Overall level of engagement in services and reformation goals;

19 “(iii) Recognition of the impact of the [*youth offender’s*] **adjudicated**
20 **youth’s** actions on the victim;

21 “(iv) Recognition of the impact of the [*youth offender’s*] **adjudicated**
22 **youth’s** actions on the community; and

23 “(v) Completion of a transition plan for parole.

24 “(3) The Director of the Oregon Youth Authority shall determine whether
25 violations of conditions of parole have occurred.”.

26
