



Oregon

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SB 902 – Oregon Youth Authority Agency Bill

Senate Judiciary

March 1, 2023

Honorable Members: Chair Senator Floyd Prozanski, Vice-Chair Senator Kim Thatcher, Senator Sara Gelser Blouin, Senator Dennis Linthicum and Senator James Manning Jr.

Support SB 902

Summary: Permits person who is 20 years of age or older at time of resentencing for crime committed when person was under 18 years of age to continue temporary assignment to youth correction facility if person was temporarily assigned to youth correction facility following original sentence.

Need: Currently, youth convicted as adults to the Department of Corrections and temporarily assigned to a youth correction facility (DOC youth), who appeal, seek post-conviction relief and are resentenced after the age of 20, can no longer stay at OYA and are moved to a DOC prison. It doesn't matter if the young person was already housed at OYA, had a sentence that would have ended prior to 25, or was under 25 at the time of resentencing.

OYA asks for support of SB 902 because, a youth who is seeking a court remedy and granted it relating to their conviction should not risk transfer to DOC solely because of the new court action. Transfer should be limited to their behavior, new crimes committed after the age of 18, and turning 25.

Legislative History: This is the second time OYA is seeking this legal change. In 2019, all juvenile justice workgroup bills that were combined into SB 1008 (2019). This had sections limiting the bills' applicability to "sentences imposed on or after January 1, 2020" (SB 966, 967, 968 and 1008) or "acts committed on or after January 1, 2020" (SB 969). This includes SB 967, which was the origin bill of the provisions from OYA. These limits on applicability were a policy choice that was carried forward when the bills were combined into SB 1008. SB 1005 further provided that SB 1008 also did not apply to anyone *resentenced* after January 1, 2020, if the person had already been sentenced before January 1, 2020. This effectively meant the changes OYA asked for and were put into law applied to no one.

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