

HB 2327-1  
(LC 2121)  
2/22/23 (LAS/ps)

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2327**

1 On page 1 of the printed bill, line 3, delete the first “and” and after the  
2 second “and” insert “419C.109; and repealing ORS”.

3 In line 5, after “(1)” insert “In addition to, and not in lieu of, services  
4 provided by the Oregon Health Authority, the Department of Human Services  
5 and the Department of Education,”.

6 Delete line 12 and insert “health insurance, including community-based  
7 sexual abuse specific treatment, as defined in ORS 675.365;”.

8 In line 14, delete “and”.

9 In line 15, delete the period and insert “; and  
10 “(f) Skill-building classes.”.

11 In line 22, after “representatives” insert “, the Department of Human  
12 Services”.

13 On page 2, line 3, delete “Are” and insert “Were” and delete “and have  
14 committed” and insert “at the time of committing”.

15 Delete line 17 and insert “son who is under 18 years of age and who was  
16 at least 12 years of age at the time of committing an act that”.

17 On page 3, delete lines 33 to 45 and delete page 4 and insert:

18 **“SECTION 5.** ORS 419C.109 is amended to read:

19 “419C.109. (1) Except as otherwise provided in subsection (3) of this sec-  
20 tion, the court may designate a person to effect disposition of a youth taken  
21 into custody or brought before the court under ORS 419C.097, 419C.100,

1 419C.103 and 419C.106. If the requirements of ORS 419C.145 (3) are met, the  
2 person may do any of the following when the person has taken custody of a  
3 youth or has authority to effect disposition of a youth taken into custody:

4 “(a) Release the youth to the custody of a parent, guardian or other re-  
5 sponsible person.

6 “(b) Release the youth on the youth’s own recognizance when appropriate.

7 “(c) Upon a finding that release of the youth on the youth’s own recog-  
8 nizance is unwarranted, or upon order of the court or if probable cause exists  
9 to believe the youth may be detained under ORS 419C.145, 419C.150, 419C.153,  
10 419C.156, 419C.159 or 419C.453, place the youth on conditional release.

11 “(d) Subject to ORS 419A.059, 419A.061[,] **and** 419C.130 [*and 419C.133*],  
12 place the youth in shelter care or detention. The youth shall be placed in  
13 shelter care rather than detention, unless the person has probable cause to  
14 believe that the court will be able to detain the youth under ORS 419C.145,  
15 419C.150, 419C.153, 419C.156, 419C.159 or 419C.453.

16 “(e) Pursuant to order of the court made subsequent to the filing of a  
17 petition, hold, retain or place the youth in detention or shelter care subject  
18 to further order.

19 “(f) Exercise authority to detain the youth as provided in ORS 419C.136.

20 “(2) If the youth is released under subsection (1) of this section, the per-  
21 son releasing the youth may issue a summons to the youth requiring the  
22 youth to appear before the court. The summons must include the date, time  
23 and location for the youth to appear before the court. The person releasing  
24 the youth shall inform the juvenile court, which may review the release as  
25 provided in ORS 419C.153. If the youth fails to appear on the date and time  
26 required by the summons, the court may issue a warrant for the arrest of the  
27 youth.

28 “(3)(a) When a youth is retained in custody under ORS 419C.100 (3) and  
29 419C.103 (2) and a petition is filed under ORS 419C.005 alleging that the  
30 youth, while in or on a public building or court facility within the last 120

1 days, possessed a firearm or destructive device in violation of ORS 166.250,  
2 166.370 or 166.382, the court shall determine the youth’s initial disposition  
3 at a hearing conducted pursuant to ORS 419C.145. The parties to the hearing  
4 are the youth, the juvenile department and the state, represented by the  
5 district attorney.

6 “(b) The court shall inform the youth:

7 “(A) Of the youth’s rights, including the right to be represented by  
8 counsel and the right to remain silent; and

9 “(B) Of the allegations against the youth.

10 “(c) The court shall make a determination under ORS 419C.145 whether  
11 the youth should remain in detention pending adjudication on the merits.  
12 The court may order that the hearing be continued and that the youth re-  
13 main in detention for a reasonable period of time not to exceed seven days  
14 if the court finds:

15 “(A) That additional information concerning the youth is necessary to aid  
16 the court in making the determination under ORS 419C.145; and

17 “(B) There is probable cause to believe that the youth, while in or on a  
18 public building or court facility within the last 120 days, possessed a firearm  
19 or destructive device in violation of ORS 166.250, 166.370 or 166.382.

20 “(d) If the court orders that the hearing be continued and that the youth  
21 remain in detention under paragraph (c) of this subsection, in addition to  
22 and not in lieu of any other order the court may make, the court may order  
23 a mental health assessment or screening of the youth.

24 “(e) If the court determines that the youth should not be detained pending  
25 adjudication on the merits, the court may order any other preadjudication  
26 disposition authorized.

27 **“SECTION 6. ORS 419C.133 is repealed.**

28 **“SECTION 7. In addition to and not in lieu of any other appropri-**  
29 **ation, there is appropriated to the Youth Development Division, for**  
30 **the biennium beginning July 1, 2023, out of the General Fund, the**

1 amount of \$\_\_\_\_\_ for the purpose of carrying out the provisions of  
2 section 1 of this 2023 Act and the amendments to ORS 417.855 by sec-  
3 tion 2 of this 2023 Act.

4 **“SECTION 8. (1) Section 1 of this 2023 Act and the amendments to**  
5 **ORS 417.855 and 419C.005 by sections 2 and 3 of this 2023 Act apply to**  
6 **acts committed on or after the effective date of this 2023 Act.**

7 **“(2) The amendments to ORS 419C.103 and 419C.109 by sections 4 and**  
8 **5 of this 2023 Act and the repeal of ORS 419C.133 by section 6 of this**  
9 **2023 Act apply to placements of persons under 12 years of age in de-**  
10 **tention occurring on or after the effective date of this 2023 Act.”.**

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