

Enrolled Senate Bill 314

Sponsored by Senator WINTERS, Representative NATHANSON; Senators BEYER, DEMBROW, GIROD, HANSELL, KNOPP, MANNING JR, STEINER HAYWARD, TAYLOR, THOMSEN, Representatives BARNHART, HOLVEY, KENY-GUYER, LIVELY, MARSH, NOBLE, NOSSE, OLSON, WHISNANT (Presession filed.)

CHAPTER

AN ACT

Relating to Relief Nursery programs; creating new provisions; amending ORS 131A.360, 131A.365 and 417.788; and declaring an emergency.

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

SECTION 1. As used in this section and ORS 417.788:

(1) "At risk" means likely to enter foster care due to multiple risk factors, including but not limited to:

- (a) Living in a household that is at or near poverty, as determined under federal poverty guidelines;**
- (b) Living in inadequate or unsafe housing;**
- (c) Having inadequate nutrition;**
- (d) Living in a household where there is significant or documented domestic conflict, disruption or violence;**
- (e) Having a parent who suffers from mental illness, who engages in substance abuse or who experiences a developmental disability or an intellectual disability;**
- (f) Living in circumstances under which there is neglectful or abusive caregiving;**
- (g) Having unmet health care and medical treatment needs; or**
- (h) Having a racial or ethnic minority status that is historically consistent with disproportionate overrepresentation in academic achievement gaps or in the system of child welfare, foster care or juvenile or adult corrections.**

(2) "Relief Nursery program" means a program that:

- (a) Provides services to families with at-risk children who are zero through five years of age, where the participation and progress of each child and family are tracked and reported through a database that is created and maintained by the Oregon Association of Relief Nurseries;**
- (b) Is community based and implemented by a nongovernmental entity;**
- (c) Is exempt from income tax under section 501(c)(3) of the Internal Revenue Code; and**
- (d) Maintains or exceeds the minimum therapeutic program services necessary for certification by the Oregon Association of Relief Nurseries, including but not limited to therapeutic early childhood programs, home visiting and parent education, support and outreach.**

SECTION 2. ORS 417.788 is amended to read:

417.788. (1) The Early Learning Division shall support *[relief nurseries]* **Relief Nursery programs** statewide as funding becomes available. **Funding to support Relief Nursery programs may include, but is not limited to:**

- (a) **Administrative costs;**
- (b) **Costs for direct service personnel, equipment, supplies and operating expenses;**
- (c) **Start-up costs;**
- (d) **Classroom furniture and materials;**
- (e) **Playground equipment;**
- (f) **Computers; and**
- (g) **Transportation vehicles.**

(2) The division may encourage communities to establish *[relief nurseries]* **Relief Nursery programs** for young children who are at risk and their families. *[Adjoining counties]* **Communities** may choose to establish regional *[relief nurseries]* **Relief Nursery programs**. The *[relief nurseries]* **Relief Nursery programs** shall[:]

[(a)] be consistent with the voluntary early learning system overseen by the Early Learning Council[: and].

[(b)] *Involve the parents of children served by the relief nurseries.*]

[(2)] *Programs at the relief nurseries shall include:*]

[(a)] *Therapeutic early childhood education programs; and]*

[(b)] *Parent education, training and support.*]

(3) Relief Nursery programs shall participate in a statewide independent evaluation conducted by the Oregon Association of Relief Nurseries to document improved child safety, reduction in foster care placements, progress in healthy child development and improvement in family functioning and support.

[(3)] **(4) Each *[relief nursery]* Relief Nursery program** that receives state funding shall have financial support from the community that, **excluding any amounts distributed to the Relief Nursery program pursuant to ORS 131A.360 (4)(d) and 131A.365 (3)(d),** is at least equal to 25 percent of any state allocation.

(5) The division shall adopt rules necessary for the administration of this section, including rules requiring that any public funds received by Relief Nursery programs be used to achieve the outcomes identified in subsection (3) of this section.

SECTION 3. ORS 131A.360 is amended to read:

131A.360. (1) The provisions of this section apply only to a forfeiting agency other than the state, and apply only to forfeiture proceeds arising out of prohibited conduct as defined by ORS 131A.005 (12)(a).

(2) If the forfeiting agency is not a county, the forfeiting agency shall enter into an agreement, under ORS chapter 190, with the county in which the property was seized to provide a portion of the forfeiture proceeds to the county.

(3) After entry of a judgment of forfeiture, a forfeiting agency shall first pay from the forfeiture proceeds the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, including costs, disbursements and attorney fees as defined in ORCP 68 A, special expenses such as the provision of currency for undercover law enforcement operations, the cost of disabling a hidden compartment in a motor vehicle and the expenses of maintaining the seized property. The forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and operation of a seizing or forfeiting agency under this subsection.

(4) After payment of costs under subsection (3) of this section, the forfeiting agency shall:

(a) Deduct an amount equal to five percent of the forfeiture proceeds and deposit that amount in the Illegal Drug Cleanup Fund established by ORS 475.495 for the purposes specified in ORS 475.495 (5) and (6);

(b) Deduct an amount equal to 2.5 percent of the forfeiture proceeds and deposit that amount in the Asset Forfeiture Oversight Account;

(c) Deduct an amount equal to 20 percent of the forfeiture proceeds and deposit that amount in the Oregon Criminal Justice Commission Account established under ORS 137.662 for disbursement to drug court programs as described in ORS 3.450; and

(d) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in the Early Learning Division Fund established in ORS 326.435 for disbursement to [*relief nurseries as described in ORS 417.788.*] **Relief Nursery programs as defined in section 1 of this 2017 Act.**

(5) If the forfeiting agency has entered into an agreement with a county under subsection (2) of this section, after paying costs under subsection (3) of this section and making the deductions required by subsection (4) of this section, the forfeiting agency shall pay the county the amounts required by the agreement.

(6) After making all payments and deductions required by subsections (3), (4) and (5) of this section, the forfeiting agency may use the remaining forfeiture proceeds, including amounts received by a county under subsection (5) of this section or by any other public body under an intergovernmental agreement entered into under ORS 131A.355, only for:

(a) The purchase of equipment necessary for the enforcement of laws relating to the unlawful delivery, distribution, manufacture or possession of controlled substances;

(b) Currency for undercover law enforcement operations;

(c) Drug awareness and drug education programs offered in middle schools and high schools;

(d) The expenses of a forfeiting agency in operating joint narcotic operations with other forfeiting agencies pursuant to the terms of an intergovernmental agreement, including paying for rental space, utilities and office equipment;

(e) Expenses of a district attorney in criminal prosecutions for unlawful delivery, distribution, manufacture or possession of controlled substances, as determined through intergovernmental agreement between the forfeiting agency and the district attorney;

(f) Drug treatment and programs that support drug treatment; and

(g) A CASA Volunteer Program as defined in ORS 458.580.

(7) Notwithstanding subsection (6) of this section, growing equipment and laboratory equipment seized by a forfeiting agency that was used, or intended for use, in the manufacturing of controlled substances may be donated to a public school, community college or institution of higher education.

(8) A forfeiting agency shall sell as much property as may be needed to make the distributions required by this section. Distributions required under subsection (4) of this section must be made once every three months and are due within 20 days of the end of each quarter. No interest shall accrue on amounts that are paid within the period specified by this subsection.

SECTION 4. ORS 131A.365 is amended to read:

131A.365. (1) The provisions of this section apply only when the forfeiting agency is the state, and apply only to forfeiture proceeds arising out of prohibited conduct as defined by ORS 131A.005 (12)(a).

(2) After entry of a judgment of forfeiture, a forfeiting agency shall first pay from the forfeiture proceeds the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, including costs, disbursements and attorney fees as defined in ORCP 68 A, special expenses such as the provision of currency for undercover law enforcement operations, the cost of disabling a hidden compartment in a motor vehicle and the expenses of maintaining the seized property. The forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and operation of a seizing or forfeiting agency under this subsection. Any amount paid to or retained by the Department of Justice under this subsection shall be deposited in the Criminal Justice Revolving Account in the State Treasury. Any amount paid to or retained by the Oregon State Police under this subsection shall be deposited in the State Police Account.

(3) After payment of costs under subsection (2) of this section, the forfeiting agency shall:

(a) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in the Illegal Drug Cleanup Fund established by ORS 475.495 for the purposes specified in ORS 475.495 (5) and (6);

(b) Deduct an amount equal to three percent of the forfeiture proceeds, not to exceed \$50,000 in a biennium, and deposit that amount in the Asset Forfeiture Oversight Account;

(c) Deduct an amount equal to 20 percent of the forfeiture proceeds and deposit that amount in the Oregon Criminal Justice Commission Account established under ORS 137.662 for disbursement to drug court programs as described in ORS 3.450; and

(d) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in the Early Learning Division Fund established in ORS 326.435 for disbursement to [*relief nurseries as described in ORS 417.788.*] **Relief Nursery programs as defined in section 1 of this 2017 Act.**

(4) If the forfeiting agency has entered into an intergovernmental agreement with another public body under ORS 131A.355, or has entered into an agreement with any other law enforcement agency of the state relating to distribution of forfeiture proceeds, after paying costs under subsection (2) of this section and making the deductions required by subsection (3) of this section, the forfeiting agency shall pay an equitable portion of the forfeiture proceeds to each agency participating in the seizure or forfeiture as provided by the agreement.

(5) After making all payments and deductions required by subsections (2), (3) and (4) of this section, the forfeiting agency shall distribute the remaining forfeiture proceeds as follows:

(a) If no law enforcement agency other than the Department of Justice participated in the seizure or forfeiture, the remaining forfeiture proceeds, and forfeiture proceeds received by the Department of Justice under subsection (4) of this section, shall be divided between the Criminal Justice Revolving Account and the Special Crime and Forfeiture Account according to the following schedule:

(A) One hundred percent of the first \$200,000 accumulated shall be deposited in the Criminal Justice Revolving Account.

(B) Seventy-five percent of the next \$200,000 shall be deposited in the Criminal Justice Revolving Account and the balance in the Special Crime and Forfeiture Account.

(C) Fifty percent of the next \$200,000 shall be deposited in the Criminal Justice Revolving Account and the balance in the Special Crime and Forfeiture Account.

(D) Twenty-five percent of the next \$200,000 shall be deposited in the Criminal Justice Revolving Account and the balance in the Special Crime and Forfeiture Account.

(E) One hundred percent of all additional sums shall be deposited in the Special Crime and Forfeiture Account.

(b) If no law enforcement agency other than the Department of State Police participated in the seizure or forfeiture, the remaining proceeds, and proceeds received by the Department of State Police under subsection (4) of this section, shall be divided between the State Police Account and the Special Crime and Forfeiture Account according to the following schedule:

(A) One hundred percent of the first \$600,000 accumulated shall be deposited in the State Police Account.

(B) Seventy-five percent of the next \$300,000 shall be deposited in the State Police Account and the balance in the Special Crime and Forfeiture Account.

(C) Fifty percent of the next \$200,000 shall be deposited in the State Police Account and the balance in the Special Crime and Forfeiture Account.

(D) Twenty-five percent of the next \$200,000 shall be deposited in the State Police Account and the balance in the Special Crime and Forfeiture Account.

(E) One hundred percent of all additional sums shall be deposited in the Special Crime and Forfeiture Account.

(6) Forfeiture proceeds distributed under subsection (5) of this section may be used only for:

(a) The purchase of equipment necessary for the enforcement of laws relating to the unlawful delivery, distribution, manufacture or possession of controlled substances;

(b) Currency for undercover law enforcement operations;

(c) Drug awareness and drug education programs offered in middle schools and high schools; and

(d) The expenses of a forfeiting agency in operating joint narcotic operations with other forfeiting agencies pursuant to the terms of an intergovernmental agreement, including paying for rental space, utilities and office equipment.

(7) A forfeiting agency shall sell as much property as may be needed to make the distributions required by this section. Distributions required under subsection (3) of this section must be made once every three months and are due within 20 days of the end of each quarter. No interest shall accrue on amounts that are paid within the period specified by this subsection.

SECTION 5. (1) Section 1 of this 2017 Act and the amendments to ORS 131A.360, 131A.365 and 417.788 by sections 2 to 4 of this 2017 Act become operative on December 1, 2017.

(2) The Early Learning Division may adopt rules and take any action before the operative date specified in subsection (1) of this section that is necessary to enable the division, on or after the operative date specified in subsection (1) of this section, to exercise all of the duties, powers and function conferred on the division by section 1 of this 2017 Act and the amendments to ORS 131A.360, 131A.365 and 417.788 by sections 2 to 4 of this 2017 Act.

SECTION 6. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by Senate June 28, 2017

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House July 6, 2017

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

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Dennis Richardson, Secretary of State