

SB 924 A STAFF MEASURE SUMMARY**Carrier:** Sen. Manning Jr**Senate Committee On Judiciary****Action Date:** 04/09/19**Action:** Do pass with amendments and requesting subsequent referral to Ways and Means be rescinded. (Printed A-Eng.)**Vote:** 7-0-0-0**Yeas:** 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Addie Smith, Counsel**Meeting Dates:** 4/4, 4/9**WHAT THE MEASURE DOES:**

Modifies juvenile code to clarify that children taken into protective custody in dependency cases and children from Oregon who have run away from home may not be placed in detention facilities. Clarifies that the placement of out-of-state runaways must be in the least restrictive setting necessary that ensures that they are not a danger to self or others while awaiting their return to their home state, but may include placement in detention. Defines "home state" and "out-of-state runaway." Requires each county juvenile department to report on the number and duration of youth held in detention to the Youth Development Council rather than the Criminal Justice Commission. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Harm of unnecessary detention
- Importance of placing children in the least restrictive most family-like setting whenever possible
- Role of court in placement decisions in delinquency and dependency proceedings
- Requirements of the Interstate Compact on Juveniles

EFFECT OF AMENDMENT:

Changes reporting requirement from Criminal Justice Commission to Youth Development Council. Requires the placement of out-of-state runaways to be in the least restrictive setting necessary which may include detention. Defines "home state" and "out-of-state runaway."

BACKGROUND:

The Interstate Compact for Juveniles (ICJ) specifically governs the treatment of out-of-state runaways. ORS 417.030. Under that compact, Oregon must be able to, when necessary, detain out-of-state runaways. *See generally*, ICJ Rules Section 600. Oregon law accounts for this requirement in ORS 419B.121 and ORS 419C.156. The Oregon laws governing delinquency detention do not otherwise allow for the detention of youth who have only committed status offenses or are only under the juvenile court's dependency jurisdiction. *See* ORS 419C.145. Nonetheless, portions of Oregon's statutes contain provisions that appear to allow children taken into protective custody pursuant to a dependency case, including those who have run away from their homes, to be placed in detention. *See, e.g.,* ORS 419B.100, ORS 419A.050; ORS 419A.059, ORS 419B.150; ORS 419B.175; ORS 419B.180; and ORS 419B.185. Each year, the juvenile department of a county must report to the Oregon Criminal Justice Commission on the frequency with which out-of-state runaway children, youths, and youth offenders are held in detention and the duration of that detention. ORS 419A.014.

Senate Bill 924 A modifies the juvenile code to clarify that children taken into protective custody in dependency cases, and children who have run away from home, cannot be placed in detention facilities and requires county departments to report to the Youth Development Council, not the Criminal Justice Commission, the number of

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youth held in detention.