

SENATE AMENDMENTS TO SENATE BILL 134

By COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION

April 29

1 On page 1 of the printed bill, delete lines 4 through 30 and delete page 2 and insert:

2 “**SECTION 1.** ORS 420.011 is amended to read:

3 “420.011. (1) Except as provided in subsections (2) and (3) of this section, admissions to the youth
4 correction facilities are limited to youth offenders who are at least 12 but less than 19 years of age,
5 found by the juvenile court to have committed an act that if committed by an adult would constitute
6 aggravated murder, murder, a felony or a Class A misdemeanor and placed in the legal custody of
7 the Oregon Youth Authority. A youth offender admitted to a youth correction facility may not be
8 transferred by administrative process to any penal or correctional institution.

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

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

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

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

26 “(3) Any person under 18 years of age at the time of committing the crime and under 20 years
27 of age at the time of sentencing and commitment who, after waiver under ORS 419C.349 (1)(b),
28 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712, is
29 sentenced to a term of imprisonment in the custody of the Department of Corrections, and any per-
30 son under 16 years of age who after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or
31 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712 is sentenced to a term of
32 imprisonment in the county jail, shall be temporarily assigned to a youth correction facility by the
33 Department of Corrections, or by the sheriff to whose custody the person has been committed, pur-
34 suant to ORS 137.124 (6). The director shall designate the appropriate youth correction facility or
35 schools for such assignment. A person assigned to a youth correction facility under ORS 137.124 (6)

1 and this subsection remains within the legal custody of the Department of Corrections or sheriff to
2 whose custody the person was committed. The assignment of such a person to the youth correction
3 facility is subject, when the person is 18 years of age or older, to termination by the director by
4 referring the person back to the Department of Corrections or the sheriff to serve the balance of
5 the person's sentence. Assignment to a youth correction facility pursuant to ORS 137.124 (6) and this
6 subsection, if not terminated earlier by the director, shall terminate upon the person's attaining the
7 age specified in ORS 420A.010 (5) setting the age limits for which the Oregon Youth Authority may
8 retain legal and physical custody of the person, and the person shall be referred to the Department
9 of Corrections or the sheriff having legal custody of the person to serve the balance of the person's
10 sentence.

11 **“(4)(a) Whenever a person committed to the custody of the Department of Corrections is tem-**
12 **porarily assigned to a youth correction facility pursuant to this section, the youth authority may**
13 **provide programs and treatment for the person, and may adopt rules relating to conditions of con-**
14 **finement at the youth correction facility, as the youth authority determines are appropriate. How-**
15 **ever, the person remains subject to laws and rules of the State Board of Parole and Post-Prison**
16 **Supervision relating to parole.**

17 **“(b) Information or records prepared or maintained by the youth authority relating to a**
18 **person committed to the custody of the Department of Corrections and temporarily assigned**
19 **to a youth correction facility pursuant to this section are confidential and exempt from dis-**
20 **closure if the public interest in confidentiality clearly outweighs the public interest in dis-**
21 **closure and:**

22 **“(A) The disclosure would interfere with the rehabilitation or treatment of the person,**
23 **of another person committed to the custody of the Department of Corrections and tempo-**
24 **rarily assigned to a youth correction facility under this section or of a youth offender; or**

25 **“(B) The disclosure would substantially prejudice or prevent the carrying out of the**
26 **functions of the youth authority.**

27 **“(c) Nothing in this section prohibits the youth authority from disclosing information or**
28 **records relating to a person committed to the custody of the Department of Corrections and**
29 **temporarily assigned to a youth correction facility pursuant to this section to counsel rep-**
30 **resenting the person or to the district attorney or assistant district attorney general repre-**
31 **senting the state, for use in connection with the person's criminal, juvenile dependency or**
32 **juvenile delinquency proceeding.**

33 **“(5) For the purposes of determining the person's age at the time of committing an offense under**
34 **this section:**

35 **“(a) If the person is convicted of two or more offenses occurring on different days, the person's**
36 **age shall be calculated using the earliest date.**

37 **“(b) If the person is convicted of an offense occurring within a range of dates, the person's age**
38 **shall be calculated using the date at the beginning of the range.”.**