

HOUSE AMENDMENTS TO RESOLVE CONFLICTS TO SENATE BILL 436

By COMMITTEE ON JUDICIARY

June 3

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating new provisions; and”.

2 On page 41, after line 29, insert:

3 “**SECTION 27a. If Senate Bill 54 becomes law, section 27 of this 2021 Act (amending ORS**
4 **417.850) is repealed.**”.

5 On page 55, after line 37, insert:

6 “**SECTION 50a. If Senate Bill 132 becomes law, section 50 of this 2021 Act (amending ORS**
7 **419A.250) is repealed and ORS 419A.250, as amended by section 1, chapter __, Oregon Laws**
8 **2021 (Enrolled Senate Bill 132), is amended to read:**

9 “419A.250. (1) A child, ward, youth or [*youth offender*] **adjudicated youth** may be photographed
10 or fingerprinted by a law enforcement agency:

11 “(a) Pursuant to a search warrant;

12 “(b) According to laws concerning adults if the youth has been transferred to criminal court for
13 prosecution;

14 “(c) Upon consent of both the child or youth and the child or youth’s parent after advice that
15 they are not required to give such consent;

16 “(d) Upon request or consent of the child’s parent alone if the child is less than 10 years of age,
17 and if the law enforcement agency delivers the original photographs or fingerprints to the parent
18 and does not make or retain any copies thereof; or

19 “(e) By order of the juvenile court.

20 “(2)(a) When a youth is taken into custody under ORS 419C.080, the law enforcement agency
21 taking the youth into custody shall photograph and fingerprint the youth. When a youth is found
22 within the jurisdiction of the juvenile court for the commission of an act that would constitute a
23 crime if committed by an adult, the court shall ensure that the [*youth offender’s*] **adjudicated**
24 **youth’s** fingerprints have been taken. The law enforcement agency attending upon the court is the
25 agency responsible for obtaining the fingerprints. The law enforcement agency attending upon the
26 court may, by agreement, arrange for another law enforcement agency to obtain the fingerprints on
27 the attending agency’s behalf.

28 “(b) When [*a youth offender*] **an adjudicated youth** is committed to a youth correction facility
29 and the juvenile department, court or law enforcement agency has not provided the [*youth*
30 *offender’s*] **adjudicated youth’s** fingerprint and photograph files or records to the Oregon Youth
31 Authority, the youth authority shall photograph and fingerprint the [*youth offender*] **adjudicated**
32 **youth**.

33 “(3) Fingerprint and photograph files or records of a child, ward, youth or [*youth offender*] **ad-**
34 **judicated youth** must be kept separate from those of adults. Fingerprints and photographs known
35 to be those of a child may be maintained on a local basis only and may not be sent to the Depart-

1 ment of State Police or a federal depository.

2 “(4) Fingerprint and photograph files or records of a child, ward, youth or [*youth offender*] **ad-**
3 **judicated youth** are open to inspection only by, or the contents disclosed only to, the following:

4 “(a) Public agencies for use in investigation or prosecution of crimes and of conduct by a child,
5 ward, youth or [*youth offender*] **adjudicated youth** that if committed by an adult would be an of-
6 fense, provided that a law enforcement agency may provide information to another agency only
7 when the information is pertinent to a specific investigation by that agency;

8 “(b) The juvenile department and the juvenile court having the child, ward, youth or [*youth*
9 *offender*] **adjudicated youth** before it in any proceeding;

10 “(c) Caseworkers and counselors taking action or otherwise responsible for planning and care
11 of the child, ward, youth or [*youth offender*] **adjudicated youth**;

12 “(d) The parties to the proceeding and their counsel; and

13 “(e) The victim or a witness of an act or behavior described under ORS 419C.005 (1) or the
14 victim’s parent, guardian, personal representative or subrogee, when necessary to identify the youth
15 or [*youth offender*] **adjudicated youth** committing the act or behavior and identifying the apparent
16 extent of the youth or [*youth offender’s*] **adjudicated youth’s** involvement in the act or behavior.

17 “(5)(a) Fingerprint and photograph files or records of youths and [*youth offenders*] **adjudicated**
18 **youths** must be sent to the Department of State Police in the same manner as fingerprint and pho-
19 tograph files or records of adults. The fingerprint and photograph files or records of a youth or
20 [*youth offender*] **adjudicated youth** sent to the department under this subsection are open to in-
21 spection in the same manner and under the same circumstances as fingerprint and photograph files
22 or records of adults.

23 “(b) A party filing a petition alleging that a youth is within the jurisdiction of the court under
24 ORS 419C.005 shall notify the Department of State Police of the following:

25 “(A) The filing of a petition alleging that a youth committed an act that if committed by an adult
26 would constitute a crime; or

27 “(B) The dismissal of a petition alleging that a youth committed an act that if committed by an
28 adult would constitute a crime.

29 “(c) The juvenile court shall notify the Department of State Police of the disposition of a case
30 in which jurisdiction is based on ORS 419C.005.

31 “(d) The Oregon Youth Authority shall notify the Department of State Police of [*a youth*
32 *offender’s*] **an adjudicated youth’s** commitment to the youth authority for placement in a youth
33 correction facility.

34 “(e) The Oregon Youth Authority shall notify the Department of State Police of the termination
35 of [*a youth offender’s*] **an adjudicated youth’s** commitment for placement in a youth correction fa-
36 cility and to the legal custody of the youth authority.

37 “(f) The Department of State Police shall delete the fingerprint and photograph files or records
38 of a youth or [*youth offender*] **adjudicated youth** and destroy the files or records relating to the
39 conduct that caused the files or records to be sent to the department:

40 “(A) Two years after receiving the files, if the Department of State Police has not received no-
41 tice under paragraph (b) of this subsection;

42 “(B) No later than one year following receipt of a notice of dismissal of a petition under para-
43 graph (b)(B) of this subsection;

44 “(C) No later than one year after the Department of State Police receives notice under para-
45 graph (e) of this subsection; or

1 “(D) In all other circumstances, no later than the earlier of the date the Department of State
2 Police receives the notice of termination of the case or five years and 30 days after the department
3 receives notice of the disposition of the case.

4 “(6) Fingerprint and photograph files and records of a child, ward, youth or [*youth offender*]
5 **adjudicated youth** must be expunged when the juvenile court orders expunction of a child, ward,
6 youth or [*youth offender’s*] **adjudicated youth’s** record pursuant to ORS 419A.260 and 419A.262.

7 “(7) The parent or guardian of a missing child may submit a fingerprint card and photograph
8 of the child to a law enforcement agency at the time a missing person report is made. The law
9 enforcement agency may submit the fingerprint file to the Department of State Police. The infor-
10 mation must be entered into the Law Enforcement Data System and the Western Identification
11 Network Automated Fingerprint Identification System.

12 “(8) When fingerprint files or records are submitted under subsection (7) of this section, the
13 Department of State Police shall enter in a special index in the computerized criminal history files
14 the name of the child and the name of the county or agency that submitted the fingerprint file or
15 record.

16 “(9) Fingerprints and other information entered in any data system pursuant to subsection (7)
17 of this section must be deleted when the child is located.”.

18 On page 94, after line 37, insert:

19 “**SECTION 107a. If Senate Bill 562 becomes law, section 107 of this 2021 Act (amending**
20 **ORS 419C.626) is repealed and ORS 419C.626, as amended by section 66, chapter __, Oregon**
21 **Laws 2021 (Enrolled Senate Bill 562), is amended to read:**

22 “419C.626. (1) Upon receiving a report required by ORS 419C.620:

23 “(a) The court may hold a hearing to review the [*youth offender’s*] **adjudicated youth’s** condi-
24 tion and circumstances and to determine if the court should continue jurisdiction over the [*youth*
25 *offender*] **adjudicated youth** or order modifications in the custody, placement and supervision of the
26 [*youth offender*] **adjudicated youth**.

27 “(b) And if requested by the [*youth offender*] **adjudicated youth**, the attorney for the [*youth*
28 *offender*] **adjudicated youth**, if any, the parents of the [*youth offender*] **adjudicated youth** if par-
29 ental rights have not been terminated, a court appointed special advocate, a local citizen review
30 board, the Oregon Youth Authority, a county juvenile department, a district attorney or a private
31 agency having guardianship or legal custody of the [*youth offender*] **adjudicated youth**, the court
32 shall hold a hearing within 30 days of receipt of the request.

33 “(2) The court, on its own motion, may hold a review hearing at any time. Unless good cause
34 otherwise is shown, the court shall hold a review hearing at any time upon the request of the [*youth*
35 *offender*] **adjudicated youth**, the attorney for the [*youth offender*] **adjudicated youth**, if any, the
36 parents of the [*youth offender*] **adjudicated youth** if parental rights have not been terminated, a
37 court appointed special advocate, a local citizen review board, the youth authority, a county juvenile
38 department, a district attorney or a private agency having guardianship or legal custody of the
39 [*youth offender*] **adjudicated youth**.

40 “(3)(a) A hearing under subsection (1) or (2) of this section shall be conducted in the manner
41 provided in ORS 419C.400 (1), 419C.405 and 419C.408, except that the court may receive testimony
42 and reports as provided in ORS 419C.400 (4).

43 “(b) At the conclusion of the hearing, the court shall enter findings of fact if the decision is to
44 continue the [*youth offender*] **adjudicated youth** in an out-of-home placement in the legal custody
45 of the youth authority, a county juvenile department or a private agency. The findings shall specif-

1 ically state:

2 “(A) Why continued out-of-home placement is necessary as opposed to returning the [youth
3 offender] **adjudicated youth** to the [youth offender’s] **adjudicated youth’s** home or promptly secur-
4 ing another placement;

5 “(B) The expected timetable for return home; and

6 “(C) Whether the [youth offender’s] **adjudicated youth’s** reformation plan or case plan should
7 be modified.

8 “(4) After receiving a report required by ORS 419C.620 (2), if requested by the county juvenile
9 department, the court’s findings under subsection (3) of this section must specifically state:

10 “(a) Whether, subject to the procedures under section 15 (4), chapter 14, Oregon Laws 2020 (first
11 special session), there is reason to know the [youth offender] **adjudicated youth** is an Indian child.

12 “(b) Whether the county juvenile department has made reasonable efforts or, if the [youth
13 offender] **adjudicated youth** is an Indian child, active efforts to make it possible for the [youth
14 offender] **adjudicated youth** to safely return home. In making this finding, the court shall consider
15 the [youth offender’s] **adjudicated youth’s** health and safety the paramount concerns.

16 “(c) The appropriateness of the [youth offender’s] **adjudicated youth’s** placement.

17 “(d) The extent of compliance with the [youth offender’s] **adjudicated youth’s** case plan.

18 “(e) The extent of progress that has been made toward alleviating or mitigating the causes ne-
19 cessitating the [youth offender’s] **adjudicated youth’s** placement in substitute care.

20 “(5) The court may direct the local citizen review board to review the status of the [youth
21 offender] **adjudicated youth** prior to the court’s next review under ORS 419A.106, 419A.108,
22 419A.110, 419A.112, 419A.116 and 419A.118.

23 “(6) Any final decision of the court made pursuant to a hearing under subsection (1) or (2) of
24 this section is appealable under ORS 419A.200.

25 “**SECTION 107b. If House Bill 3182 becomes law, section 107 of this 2021 Act (amending**
26 **ORS 419C.626) is repealed and ORS 419C.626, as amended by section 66, chapter __, Oregon**
27 **Laws 2021 (Enrolled House Bill 3182), is amended to read:**

28 “419C.626. (1) Upon receiving a report required by ORS 419C.620:

29 “(a) The court may hold a hearing to review the [youth offender’s] **adjudicated youth’s** condi-
30 tion and circumstances and to determine if the court should continue jurisdiction over the [youth
31 offender] **adjudicated youth** or order modifications in the custody, placement and supervision of the
32 [youth offender] **adjudicated youth**.

33 “(b) And if requested by the [youth offender] **adjudicated youth**, the attorney for the [youth
34 offender] **adjudicated youth**, if any, the parents of the [youth offender] **adjudicated youth** if par-
35 ental rights have not been terminated, a court appointed special advocate, a local citizen review
36 board, the Oregon Youth Authority, a county juvenile department, a district attorney or a private
37 agency having guardianship or legal custody of the [youth offender] **adjudicated youth**, the court
38 shall hold a hearing within 30 days of receipt of the request.

39 “(2) The court, on its own motion, may hold a review hearing at any time. Unless good cause
40 otherwise is shown, the court shall hold a review hearing at any time upon the request of the [youth
41 offender] **adjudicated youth**, the attorney for the [youth offender] **adjudicated youth**, if any, the
42 parents of the [youth offender] **adjudicated youth** if parental rights have not been terminated, a
43 court appointed special advocate, a local citizen review board, the youth authority, a county juvenile
44 department, a district attorney or a private agency having guardianship or legal custody of the
45 [youth offender] **adjudicated youth**.

1 “(3)(a) A hearing under subsection (1) or (2) of this section shall be conducted in the manner
2 provided in ORS 419C.400 (1), 419C.405 and 419C.408, except that the court may receive testimony
3 and reports as provided in ORS 419C.400 (4).

4 “(b) At each hearing under subsection (1) or (2) of this section, unless the court has entered an
5 order finding that the [*youth offender*] **adjudicated youth** is an Indian child, the court shall make
6 a finding, subject to the procedures under section 15 (4), chapter 14, Oregon Laws 2020 (first special
7 session), regarding whether there is reason to know that the child is an Indian child.

8 “(c) At the conclusion of the hearing, the court shall enter findings of fact if the decision is to
9 continue the [*youth offender*] **adjudicated youth** in an out-of-home placement in the legal custody
10 of the youth authority, a county juvenile department or a private agency. The findings shall specif-
11 ically state:

12 “(A) Why continued out-of-home placement is necessary as opposed to returning the [*youth*
13 *offender*] **adjudicated youth** to the [*youth offender’s*] **adjudicated youth’s** home or promptly secur-
14 ing another placement;

15 “(B) The expected timetable for return home; and

16 “(C) Whether the [*youth offender’s*] **adjudicated youth’s** reformation plan or case plan should
17 be modified.

18 “(4) After receiving a report required by ORS 419C.620 (2), if requested by the county juvenile
19 department, the court’s findings under subsection (3) of this section must specifically state:

20 “(a) Whether the county juvenile department has made reasonable efforts or, if the [*youth*
21 *offender*] **adjudicated youth** is an Indian child, active efforts to make it possible for the [*youth*
22 *offender*] **adjudicated youth** to safely return home. In making this finding, the court shall consider
23 the [*youth offender’s*] **adjudicated youth’s** health and safety the paramount concerns.

24 “(b) The appropriateness of the [*youth offender’s*] **adjudicated youth’s** placement.

25 “(c) The extent of compliance with the [*youth offender’s*] **adjudicated youth’s** case plan.

26 “(d) The extent of progress that has been made toward alleviating or mitigating the causes ne-
27 cessitating the [*youth offender’s*] **adjudicated youth’s** placement in substitute care.

28 “(5) The court may direct the local citizen review board to review the status of the [*youth*
29 *offender*] **adjudicated youth** prior to the court’s next review under ORS 419A.106, 419A.108,
30 419A.110, 419A.112, 419A.116 and 419A.118.

31 “(6) Any final decision of the court made pursuant to a hearing under subsection (1) or (2) of
32 this section is appealable under ORS 419A.200.”.

33 On page 96, after line 37, insert:

34 “**SECTION 111a. If House Bill 2939 becomes law, section 111 of this 2021 Act (amending**
35 **ORS 420.011) is repealed and ORS 420.011, as amended by section 2, chapter __, Oregon Laws**
36 **2021 (Enrolled House Bill 2939), is amended to read:**

37 “420.011. (1) Except as provided in subsections (2), (3) and (4) of this section, admissions to the
38 youth correction facilities are limited to [*youth offenders*] **adjudicated youths** who are at least 12
39 but less than 20 years of age, found by the juvenile court to have committed an act that if committed
40 by an adult would constitute aggravated murder, murder, a felony or a Class A misdemeanor and
41 placed in the legal custody of the Oregon Youth Authority. [*A youth offender*] **An adjudicated**
42 **youth** admitted to a youth correction facility may not be transferred by administrative process to
43 any penal or correctional institution.

44 “(2)(a) In addition to the persons placed in the legal custody of the youth authority under ORS
45 419C.478 (1) or 419C.481, and with the concurrence of the Director of the Oregon Youth Authority

1 or the director's designee, persons who are committed to the Department of Corrections under ORS
2 137.124 and meet the requirements of ORS 137.124 (5) may be temporarily assigned to a youth cor-
3 rection facility as provided by ORS 137.124 (5). A person assigned on such a temporary basis remains
4 within the legal custody of the Department of Corrections and such reassignment is subject to ter-
5 mination by the Director of the Oregon Youth Authority by referring the person back to the De-
6 partment of Corrections as provided in paragraph (b) of this subsection.

7 “(b) After a person is transferred to the physical custody of the youth authority under ORS
8 137.124 (5), the Director of the Oregon Youth Authority may refer the person back to the Depart-
9 ment of Corrections for physical custody and placement if the director, after consulting with the
10 Department of Corrections, determines that the person is at least 18 years of age and:

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

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

16 “(3) Any person under 18 years of age at the time of committing the crime and under 20 years
17 of age at the time of sentencing and commitment who, after waiver under ORS 419C.349 (1)(b),
18 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712, is
19 sentenced to a term of imprisonment in the custody of the Department of Corrections, and any per-
20 son under 16 years of age who after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or
21 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712 is sentenced to a term of
22 imprisonment in the county jail, shall be temporarily assigned to a youth correction facility by the
23 Department of Corrections, or by the sheriff to whose custody the person has been committed, pur-
24 suant to ORS 137.124 (6). The director shall designate the appropriate youth correction facility or
25 schools for such assignment. A person assigned to a youth correction facility under ORS 137.124 (6)
26 and this subsection remains within the legal custody of the Department of Corrections or sheriff to
27 whose custody the person was committed. The assignment of such a person to the youth correction
28 facility is subject, when the person is 18 years of age or older, to termination by the director by
29 referring the person back to the Department of Corrections or the sheriff to serve the balance of
30 the person's sentence. Assignment to a youth correction facility pursuant to ORS 137.124 (6) and this
31 subsection, if not terminated earlier by the director, shall terminate upon the person's attaining the
32 age specified in ORS 420A.010 (5) setting the age limits for which the Oregon Youth Authority may
33 retain legal and physical custody of the person, and the person shall be referred to the Department
34 of Corrections or the sheriff having legal custody of the person to serve the balance of the person's
35 sentence.

36 “(4)(a) Admission to youth correction facilities for [*youth offenders*] **adjudicated youths** who
37 have been previously adjudicated, but who have not been previously placed in custody of a youth
38 correction facility as a result of the adjudication, is limited to [*youth offenders*] **adjudicated youths**
39 under 19 years of age.

40 “(b) Notwithstanding paragraph (a) of this subsection, admission to youth correction facilities
41 for [*youth offenders*] **adjudicated youths** who have been previously adjudicated for an act that, if
42 committed by an adult, would constitute a crime listed in ORS 137.707 (4), but who have not been
43 previously placed in custody of a youth correction facility as a result of the adjudication, is limited
44 to [*youth offenders*] **adjudicated youths** under 20 years of age.

45 “(5) Whenever a person committed to the custody of the Department of Corrections is tempo-

1 rarely assigned to a youth correction facility pursuant to this section, the youth authority may pro-
2 vide programs and treatment for the person, and may adopt rules relating to conditions of
3 confinement at the youth correction facility, as the youth authority determines are appropriate.
4 However, the person remains subject to laws and rules of the State Board of Parole and Post-Prison
5 Supervision relating to parole.

6 “(6) For the purposes of determining the person’s age at the time of committing an offense under
7 this section:

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

10 “(b) If the person is convicted of an offense occurring within a range of dates, the person’s age
11 shall be calculated using the date at the beginning of the range.

12 “**SECTION 111b. If Senate Bill 134 becomes law, section 111 of this 2021 Act (amending**
13 **ORS 420.011) is repealed and ORS 420.011, as amended by section 1, chapter __, Oregon Laws**
14 **2021 (Enrolled Senate Bill 134), is amended to read:**

15 “420.011. (1) Except as provided in subsections (2) and (3) of this section, admissions to the youth
16 correction facilities are limited to [*youth offenders*] **adjudicated youths** who are at least 12 but less
17 than 19 years of age, found by the juvenile court to have committed an act that if committed by an
18 adult would constitute aggravated murder, murder, a felony or a Class A misdemeanor and placed
19 in the legal custody of the Oregon Youth Authority. [*A youth offender*] **An adjudicated youth** ad-
20 mitted to a youth correction facility may not be transferred by administrative process to any penal
21 or correctional institution.

22 “(2)(a) In addition to the persons placed in the legal custody of the youth authority under ORS
23 419C.478 (1) or 419C.481, and with the concurrence of the Director of the Oregon Youth Authority
24 or the director’s designee, persons who are committed to the Department of Corrections under ORS
25 137.124 and meet the requirements of ORS 137.124 (5) may be temporarily assigned to a youth cor-
26 rection facility as provided by ORS 137.124 (5). A person assigned on such a temporary basis remains
27 within the legal custody of the Department of Corrections and such reassignment is subject to ter-
28 mination by the Director of the Oregon Youth Authority by referring the person back to the De-
29 partment of Corrections as provided in paragraph (b) of this subsection.

30 “(b) After a person is transferred to the physical custody of the youth authority under ORS
31 137.124 (5), the Director of the Oregon Youth Authority may refer the person back to the Depart-
32 ment of Corrections for physical custody and placement if the director, after consulting with the
33 Department of Corrections, determines that the person is at least 18 years of age and:

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

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

39 “(3) Any person under 18 years of age at the time of committing the crime and under 20 years
40 of age at the time of sentencing and commitment who, after waiver under ORS 419C.349 (1)(b),
41 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712, is
42 sentenced to a term of imprisonment in the custody of the Department of Corrections, and any per-
43 son under 16 years of age who after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or
44 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712 is sentenced to a term of
45 imprisonment in the county jail, shall be temporarily assigned to a youth correction facility by the

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

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

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

24 “(A) The disclosure would interfere with the rehabilitation or treatment of the person, of an-
25 other person committed to the custody of the Department of Corrections and temporarily assigned
26 to a youth correction facility under this section or of [*a youth offender*] **an adjudicated youth**; or

27 “(B) The disclosure would substantially prejudice or prevent the carrying out of the functions
28 of the youth authority.

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

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

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

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

40 On page 109, after line 7, insert:

41 “**SECTION 147a. If Senate Bill 133 becomes law, section 147 of this 2021 Act (amending**
42 **ORS 420A.115) is repealed and ORS 420A.115, as amended by section 6, chapter __, Oregon**
43 **Laws 2021 (Enrolled Senate Bill 133), is amended to read:**

44 “420A.115. (1) The Director of the Oregon Youth Authority may authorize any [*youth offender*]
45 **adjudicated youth** to go on parole, subject to conditions of supervision and custody established by

1 the Director of the Oregon Youth Authority and subject to being taken into custody and detained
2 under written order of the Director of the Oregon Youth Authority or as provided in ORS 420A.120.

3 “(2)(a) Notwithstanding ORS 419A.257, the youth authority may disclose the information de-
4 scribed in paragraph (b) of this subsection to a victim, as defined by the youth authority by rule:

5 “(A) When the youth authority seeks information from the victim regarding the impact of the
6 crime to inform the [*youth offender’s*] **adjudicated youth’s** case plan;

7 “(B) When the youth authority seeks information from the victim regarding the potential impact
8 of authorizing the [*youth offender*] **adjudicated youth** to go on parole; or

9 “(C) At the request of the victim.

10 “(b) When making a disclosure permitted under paragraph (a) of this subsection, the youth au-
11 thority may disclose:

12 “(A) The information described in ORS 420A.122 (2); and

13 “(B) The progress, on a prescribed metrics scale developed by the youth authority by rule, that
14 the [*youth offender*] **adjudicated youth** has made while in a youth correction facility in the following
15 areas:

16 “(i) Completion of assigned services and reformation goals;

17 “(ii) Overall level of engagement in services and reformation goals;

18 “(iii) Recognition of the impact of the [*youth offender’s*] **adjudicated youth’s** actions on the
19 victim;

20 “(iv) Recognition of the impact of the [*youth offender’s*] **adjudicated youth’s** actions on the
21 community; and

22 “(v) Completion of a transition plan for parole.

23 “(3) The Director of the Oregon Youth Authority shall determine whether violations of condi-
24 tions of parole have occurred.”.

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