

Senate Bill 436

Sponsored by Senator MANNING JR (at the request of Jonathan Eames) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies terminology by changing statutory references to "youth offender" to "adjudicated youth."

A BILL FOR AN ACT

1
2 Relating to adjudicated youth; amending ORS 25.501, 25.517, 25.575, 25.576, 25.577, 30.297, 30.298,
3 133.539, 147.620, 163.165, 163.208, 163A.010, 163A.025, 163A.210, 169.690, 169.740, 179.471, 179.473,
4 179.478, 181A.355, 192.345, 243.736, 339.080, 341.522, 417.850, 418.978, 418.981, 419A.004, 419A.010,
5 419A.012, 419A.014, 419A.015, 419A.016, 419A.020, 419A.022, 419A.045, 419A.050, 419A.055,
6 419A.057, 419A.059, 419A.063, 419A.107, 419A.150, 419A.190, 419A.200, 419A.211, 419A.240,
7 419A.245, 419A.250, 419A.252, 419A.255, 419A.256, 419A.257, 419A.258, 419A.262, 419B.035,
8 419B.335, 419B.354, 419B.395, 419C.058, 419C.130, 419C.220, 419C.223, 419C.273, 419C.276,
9 419C.411, 419C.440, 419C.441, 419C.446, 419C.449, 419C.450, 419C.453, 419C.456, 419C.459,
10 419C.461, 419C.462, 419C.465, 419C.470, 419C.473, 419C.475, 419C.478, 419C.481, 419C.486,
11 419C.489, 419C.492, 419C.495, 419C.498, 419C.501, 419C.504, 419C.507, 419C.550, 419C.555,
12 419C.558, 419C.561, 419C.570, 419C.573, 419C.575, 419C.590, 419C.595, 419C.597, 419C.600,
13 419C.610, 419C.613, 419C.620, 419C.623, 419C.626, 419C.629, 419C.653, 420.005, 420.011, 420.031,
14 420.040, 420.045, 420.048, 420.060, 420.065, 420.070, 420.074, 420.081, 420.210, 420.220, 420.225,
15 420.230, 420.235, 420.270, 420.500, 420.505, 420.888, 420.890, 420.891, 420.892, 420.910, 420.992,
16 420A.005, 420A.010, 420A.012, 420A.021, 420A.022, 420A.023, 420A.035, 420A.040, 420A.100,
17 420A.105, 420A.108, 420A.111, 420A.115, 420A.120, 420A.122, 420A.125, 420A.135, 420A.147,
18 420A.155, 420A.223, 421.107, 423.565, 655.510 and 659A.340.

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

20 **SECTION 1.** ORS 419A.004, as amended by section 26, chapter 14, Oregon Laws 2020 (first
21 special session), and sections 17a and 17b, chapter 19, Oregon Laws 2020 (first special session), is
22 amended to read:

23 419A.004. As used in this chapter and ORS chapters 419B and 419C, unless the context requires
24 otherwise:

25 (1) **"Adjudicated youth" means a person who has been found to be within the jurisdiction**
26 **of the juvenile court under ORS 419C.005 for an act committed when the person was under**
27 **18 years of age.**

28 [(1)] (2) "Age-appropriate or developmentally appropriate activities" means:

29 (a) Activities or items that are generally accepted as suitable for children of the same chrono-
30 logical age or level of maturity or that are determined to be developmentally appropriate for a child,
31 based on the development of cognitive, emotional, physical and behavioral capacities that are typical

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 for an age or age group; and

2 (b) In the case of a specific child, activities or items that are suitable for the child based on the
3 developmental stages attained by the child with respect to the cognitive, emotional, physical and
4 behavioral capacities of the child.

5 [(2)] (3) “Another planned permanent living arrangement” means an out-of-home placement for
6 a ward 16 years of age or older that is consistent with the case plan and in the best interests of the
7 ward other than placement:

8 (a) By adoption;

9 (b) With a legal guardian; or

10 (c) With a fit and willing relative.

11 [(3)] (4) “CASA Volunteer Program” means a program that is approved or sanctioned by a ju-
12 venile court, has received accreditation from the National CASA Association and has entered into
13 a contract with the Oregon Department of Administrative Services under ORS 184.492 to recruit,
14 train and supervise volunteers to serve as court appointed special advocates.

15 [(4)] (5) “Child care center” means a residential facility for wards or [*youth offenders*] **adjudi-**
16 **cated youths** that is licensed, certified or otherwise authorized as a child-caring agency as that
17 term is defined in ORS 418.205.

18 [(5)] (6) “Community service” has the meaning given that term in ORS 137.126.

19 [(6)] (7) “Conflict of interest” means a person appointed to a local citizen review board who has
20 a personal or pecuniary interest in a case being reviewed by that board.

21 [(7)] (8) “Counselor” means a juvenile department counselor or a county juvenile probation of-
22 ficer.

23 [(8)] (9) “Court” means the juvenile court.

24 [(9)] (10) “Court appointed special advocate” means a person in a CASA Volunteer Program who
25 is appointed by the court to act as a court appointed special advocate pursuant to ORS 419B.112.

26 [(10)] (11) “Court facility” has the meaning given that term in ORS 166.360.

27 [(11)] (12) “Current caretaker” means a foster parent:

28 (a) Who is currently caring for a ward who is in the legal custody of the Department of Human
29 Services and who has a permanency plan or concurrent permanent plan of adoption; and

30 (b) Who has cared for the ward, or at least one sibling of the ward, for at least 12 cumulative
31 months or for one-half of the ward’s or sibling’s life where the ward or sibling is younger than two
32 years of age, calculated cumulatively.

33 [(12)] (13) “Department” means the Department of Human Services.

34 [(13)] (14) “Detention” or “detention facility” means a facility established under ORS 419A.010
35 to 419A.020 and 419A.050 to 419A.063 for the detention of youths or [*youth offenders*] **adjudicated**
36 **youths** pursuant to a judicial commitment or order.

37 [(14)] (15) “Director” means the director of a juvenile department established under ORS
38 419A.010 to 419A.020 and 419A.050 to 419A.063.

39 [(15)] (16) “Guardian” means guardian of the person and not guardian of the estate.

40 [(16)] (17) “Indian child” has the meaning given that term in section 2, chapter 14, Oregon Laws
41 2020 (first special session).

42 [(17)] (18) “Juvenile court” means the court having jurisdiction of juvenile matters in the several
43 counties of this state.

44 [(18)] (19) “Local citizen review board” means the board specified by ORS 419A.090 and
45 419A.092.

1 [(19)] (20) “Parent” means the biological or adoptive mother and the legal parent of the child,
2 ward, youth or [youth offender] **adjudicated youth**. As used in this subsection, “legal parent” means:

3 (a) A person who has adopted the child, ward, youth or [youth offender] **adjudicated youth** or
4 whose parentage has been established or declared under ORS 25.501 to 25.556 or 109.065 or by a
5 juvenile court; and

6 (b) If the child is an Indian child, a man whose parentage has been established as described in
7 section 4, chapter 14, Oregon Laws 2020 (first special session).

8 [(20)] (21) “Permanent foster care” means an out-of-home placement in which there is a long-
9 term contractual foster care agreement between the foster parents and the department that is ap-
10 proved by the juvenile court and in which the foster parents commit to raise a ward in substitute
11 care or [youth offender] **adjudicated youth** until the age of majority.

12 [(21)] (22) “Public building” has the meaning given that term in ORS 166.360.

13 [(22)] (23) “Proctor foster home” has the meaning given that term in ORS 418.205.

14 [(23)] (24) “Qualified residential treatment program” means a program described in section 12b,
15 chapter 19, Oregon Laws 2020 (first special session).

16 [(24)] (25) “Reasonable and prudent parent standard” means the standard, characterized by
17 careful and sensible parental decisions that maintain the health, safety and best interests of a child
18 or ward while encouraging the emotional and developmental growth of the child or ward, that a
19 substitute care provider shall use when determining whether to allow a child or ward in substitute
20 care to participate in extracurricular, enrichment, cultural and social activities.

21 [(25)] (26) “Reasonable time” means a period of time that is reasonable given a child or ward’s
22 emotional and developmental needs and ability to form and maintain lasting attachments.

23 [(26)] (27) “Records” means any information in written form, pictures, photographs, charts,
24 graphs, recordings or documents pertaining to a case.

25 [(27)] (28) “Resides” or “residence,” when used in reference to the residence of a child, ward,
26 youth or [youth offender] **adjudicated youth**, means the place where the child, ward, youth or [youth
27 offender] **adjudicated youth** is actually living or the jurisdiction in which wardship or jurisdiction
28 has been established.

29 [(28)] (29) “Restitution” has the meaning given that term in ORS 137.103.

30 [(29)] (30) “Serious physical injury” means:

31 (a) A serious physical injury as defined in ORS 161.015; or

32 (b) A physical injury that:

33 (A) Has a permanent or protracted significant effect on a child’s daily activities;

34 (B) Results in substantial and recurring pain; or

35 (C) In the case of a child under 10 years of age, is a broken bone.

36 [(30)] (31) “Shelter care” means a home or other facility suitable for the safekeeping of a child,
37 ward, youth or [youth offender] **adjudicated youth** who is taken into temporary custody pending
38 investigation and disposition.

39 [(31)] (32) “Short-term detention facility” means a facility established under ORS 419A.050 (3) for
40 holding youths and [youth offenders] **adjudicated youths** pending further placement.

41 [(32)] (33) “Sibling” means one of two or more children or wards related:

42 (a) By blood or adoption through a common legal parent; or

43 (b) Through the marriage of the children’s or wards’ legal or biological parents.

44 [(33)(a)] (34)(a) “Substitute care” means an out-of-home placement directly supervised by the
45 department or other agency, including placement in a foster family home, group home, child-caring

1 agency as defined in ORS 418.205 or other child caring institution or facility.

2 (b) “Substitute care” does not include care in:

3 (A) A detention facility, forestry camp or youth correction facility;

4 (B) A family home that the court has approved as a ward’s permanent placement, when a
5 child-caring agency as defined in ORS 418.205 has been appointed guardian of the ward and when
6 the ward’s care is entirely privately financed;

7 (C) In-home placement subject to conditions or limitations;

8 (D) A facility or other entity that houses or provides services only to [*youth offenders*] **adjudi-**
9 **cated youths** committed to the custody of the Oregon Youth Authority by the juvenile court; or

10 (E) [A *youth offender*] **An adjudicated youth** foster home as that term is defined in ORS 420.888.

11 [(34)] (35) “Surrogate” means a person appointed by the court to protect the right of the child,
12 ward, youth or [*youth offender*] **adjudicated youth** to receive procedural safeguards with respect to
13 the provision of free appropriate public education.

14 [(35)] (36) “Tribal court” has the meaning given that term in section 2, chapter 14, Oregon Laws
15 2020 (first special session).

16 [(36)] (37) “Victim” means any person determined by the district attorney, the juvenile depart-
17 ment or the court to have suffered direct financial, psychological or physical harm as a result of the
18 act that has brought the youth or [*youth offender*] **adjudicated youth** before the juvenile court.
19 When the victim is a minor, “victim” includes the legal guardian of the minor. The youth or [*youth*
20 *offender*] **adjudicated youth** may not be considered the victim. When the victim of the crime cannot
21 be determined, the people of Oregon, as represented by the district attorney, are considered the
22 victims.

23 [(37)] (38) “Violent felony” means any offense that, if committed by an adult, would constitute
24 a felony and:

25 (a) Involves actual or threatened serious physical injury to a victim; or

26 (b) Is a sexual offense. As used in this paragraph, “sexual offense” has the meaning given the
27 term “sex crime” in ORS 163A.005.

28 [(38)] (39) “Ward” means a person within the jurisdiction of the juvenile court under ORS
29 419B.100.

30 [(39)] (40) “Young person” means a person who has been found responsible except for insanity
31 under ORS 419C.411 and placed under the jurisdiction of the Psychiatric Security Review Board.

32 [(40)] (41) “Youth” means a person under 18 years of age who is alleged to have committed an
33 act that is a violation, or, if done by an adult would constitute a violation, of a law or ordinance
34 of the United States or a state, county or city.

35 [(41)] (42) “Youth care center” has the meaning given that term in ORS 420.855.

36 [(42) “*Youth offender*” means a person who has been found to be within the jurisdiction of the ju-
37 *venile court under ORS 419C.005 for an act committed when the person was under 18 years of age.*]

38 **SECTION 2.** ORS 25.501 is amended to read:

39 25.501. As used in ORS 25.501 to 25.556, unless the context requires otherwise:

40 (1) **“Adjudicated youth” has the meaning given that term in ORS 419A.004.**

41 [(1)] (2) “Court” means any circuit court of this state and any court in another state having
42 jurisdiction to determine the liability of persons for the support of another person.

43 [(2)] (3) “Court order” means any judgment or order of any Oregon court that orders payment
44 of a set or determinable amount of support money by the subject parent and does not include an
45 order or judgment in any proceeding in which the court did not order support.

1 [(3)] (4) “Department” means the Department of Justice of this state or its equivalent in any
 2 other state from which a written request for establishment or enforcement of a support obligation
 3 is received under ORS 25.511.

4 [(4)] (5) “Dependent child” means any person under the age of 18 who is not otherwise
 5 emancipated, self-supporting, married or a member of the Armed Forces of the United States. “De-
 6 pendent child” also means a child attending school as defined in ORS 107.108.

7 [(5)] (6) “Office” means the office of the Division of Child Support or the office of the district
 8 attorney.

9 [(6)] (7) “Parent” means:

10 (a) The natural or adoptive father or mother of a dependent child or [*youth offender*] **adjudicated**
 11 **youth;**

12 (b) A person whose parentage has been established under ORS 109.065; or

13 (c) A stepparent when the person has an obligation to support a dependent child under ORS
 14 108.045.

15 [(7)] (8) “Past support” means the amount of child support that could have been ordered and
 16 accumulated as arrears against a parent for the benefit of a child for any period of time during
 17 which the child was not supported by the parent and for which period no support order was in ef-
 18 fect.

19 [(8)] (9) “Public assistance” means any money payments made by the state that are paid to or
 20 for the benefit of any dependent child or [*youth offender*] **adjudicated youth**, including but not lim-
 21 ited to payments made so that food, shelter, medical care, clothing, transportation or other neces-
 22 sary goods, services or items may be provided, and payments made in compensation for the provision
 23 of the necessities. “Public assistance” does not include money payments made by the state to or for
 24 the benefit of a dependent child as the result of the child’s removal from the parent’s home against
 25 the wishes of the parent, if the Department of Human Services determines after completion of a
 26 child protective services assessment that the report of abuse is unfounded according to rules
 27 adopted by the Department of Human Services.

28 [(9) “*Youth offender*” has the meaning given that term in ORS 419A.004.]

29 **SECTION 3.** ORS 25.517 is amended to read:

30 25.517. An order for support entered pursuant to ORS 25.501 to 25.556 for a child in the care
 31 and custody of the Department of Human Services, or [*a youth offender*] **an adjudicated youth** or
 32 other offender in the legal or physical custody of the Oregon Youth Authority, may be made con-
 33 tingent upon the child, [*youth offender*] **adjudicated youth** or other offender residing in a state fi-
 34 nanced or supported residence, shelter or other facility or institution. A certificate signed by the
 35 Director of Human Services, the Administrator of the Division of Child Support or the Director of
 36 the Oregon Youth Authority shall be sufficient to establish the periods of residence and to satisfy
 37 the order for periods of nonresidence. A hearing to contest the period of nonresidency or failure to
 38 satisfy shall be held pursuant to ORS 25.513.

39 **SECTION 4.** ORS 25.575 is amended to read:

40 25.575. As used in ORS 25.575 to 25.577:

41 (1) “**Adjudicated youth**” has the meaning given that term in ORS 419A.004.

42 [(1)] (2) “Administrator” has the meaning given that term in ORS 25.010.

43 [(2)] (3) “Court” means the juvenile court or the circuit court.

44 [(3)] (4) “Director” means the Director of the Oregon Youth Authority.

45 [(4)] (5) “Youth authority” means the Oregon Youth Authority.

1 [(5) "Youth offender" has the meaning given that term in ORS 419A.004.]

2 **SECTION 5.** ORS 25.576 is amended to read:

3 25.576. (1) After an opportunity for a hearing on the matter, the court or the administrator may
4 enter an order in favor of the Oregon Youth Authority that requires a parent or other person to
5 pay support toward the care and maintenance of [*a youth offender*] **an adjudicated youth** or other
6 offender if:

7 (a) The parent or other person is legally responsible for the support of the [*youth offender*] **ad-**
8 **judicated youth** or other offender; and

9 (b)(A) The [*youth offender*] **adjudicated youth** is committed to the legal custody of the youth
10 authority by order of the juvenile court; or

11 (B) The other offender is placed in the physical custody of the youth authority under ORS
12 137.124.

13 (2) The formula established under ORS 25.275 applies to an order entered under this section.

14 (3) When the administrator makes an order under this section, the provisions of ORS 25.501 to
15 25.556 apply.

16 **SECTION 6.** ORS 25.577 is amended to read:

17 25.577. The Director of the Oregon Youth Authority may apply to the Department of Justice for
18 support enforcement services available under Title IV-D of the Social Security Act with respect to
19 any [*youth offender*] **adjudicated youth** or other offender in the legal or physical custody of the
20 Oregon Youth Authority. The youth authority and the department may enter into agreements to
21 implement this section.

22 **SECTION 7.** ORS 30.297 is amended to read:

23 30.297. (1) Notwithstanding ORS 125.235, the Department of Human Services is liable for dam-
24 ages resulting from the intentional torts of a foster child who is residing in:

25 (a) A foster home that has been certified by the department under the provisions of ORS 418.625
26 to 418.645, even though the child is temporarily absent from that home;

27 (b) An approved home that is receiving payment from the department under the provisions of
28 ORS 418.027 or under the provisions of ORS 420.810 and 420.815, even though the child is tempo-
29 rarily absent from that home; or

30 (c) A developmental disability child foster home that has been certified by the department under
31 the provisions of ORS 443.830 and 443.835, even though the foster child is temporarily absent from
32 that home.

33 (2) Notwithstanding ORS 125.235, the Oregon Youth Authority is liable for damages resulting
34 from the intentional torts of [*a youth offender*] **an adjudicated youth** who is residing in [*a youth*
35 *offender*] **an adjudicated youth** foster home that has been certified by the authority under the pro-
36 visions of ORS 420.888 to 420.892, even though the [*youth offender*] **adjudicated youth** is temporarily
37 absent from that home.

38 (3) Except as otherwise provided in this section, the liability of the department and the authority
39 under this section is subject to the same requirements and limitations provided in ORS 30.260 to
40 30.300, and a claim under this section shall be treated as a claim for damages within the scope of
41 ORS 30.260 to 30.300 for the purposes of ORS 278.120.

42 (4) Notwithstanding subsections (1) and (2) of this section:

43 (a) The department and the authority are not liable for any damages arising out of the operation
44 of a motor vehicle by a foster child or [*youth offender*] **adjudicated youth**; and

45 (b) The department and the authority are only liable for theft by a foster child or [*youth*

1 *offender*] **adjudicated youth** upon a showing by clear and convincing evidence that the foster child
 2 or [*youth offender*] **adjudicated youth** committed the theft.

3 (5) For the purposes of this section:

4 (a) **“Adjudicated youth” has the meaning given in ORS 419A.004.**

5 [(a)] (b) “Authority” means the Oregon Youth Authority.

6 [(b)] (c) “Department” means the Department of Human Services.

7 [(c)] (d) “Foster child” means:

8 (A) A minor child under the custody or guardianship of the department by reason of appointment
 9 pursuant to ORS chapter 125, 419A, 419B or 419C;

10 (B) A minor child under the physical custody of the department pursuant to a voluntary agree-
 11 ment with the parent under ORS 418.015 (1);

12 (C) A minor child placed in a certified foster home, pending hearing, by any person authorized
 13 by the department to make that placement;

14 (D) A person under 21 years of age who has been placed in an approved home that is receiving
 15 payment from the department under the provisions of ORS 418.027 or under the provisions of ORS
 16 420.810 and 420.815; or

17 (E) A child residing in a developmental disability child foster home certified under ORS 443.830
 18 and 443.835.

19 [(d) “*Youth offender*” has the meaning given in ORS 419A.004.]

20 **SECTION 8.** ORS 30.298 is amended to read:

21 30.298. (1) Except as otherwise provided in this section, the Department of Human Services is
 22 liable, without regard to fault, for injury to the person of foster parents or damage to the property
 23 of foster parents caused by a foster child if the foster child is residing in:

24 (a) A foster home that is maintained by the foster parents and that has been certified by the
 25 department under the provisions of ORS 418.625 to 418.645;

26 (b) An approved home that is maintained by the foster parents and that is receiving payment
 27 from the department under the provisions of ORS 418.027 or under the provisions of ORS 420.810
 28 and 420.815; or

29 (c) A developmental disability child foster home that has been certified by the department under
 30 the provisions of ORS 443.830 and 443.835.

31 (2) Except as otherwise provided in this section, the Oregon Youth Authority is liable, without
 32 regard to fault, for injury to the person of foster parents or damage to the property of foster parents
 33 caused by [*a youth offender*] **an adjudicated youth** if the [*youth offender*] **adjudicated youth** resides
 34 in [*a youth offender*] **an adjudicated youth** foster home that is maintained by the foster parents and
 35 that has been certified by the authority under the provisions of ORS 420.888 to 420.892.

36 (3) Except as otherwise provided in this section, the liability of the department and of the au-
 37 thority under this section is subject to the same requirements and limitations provided in ORS
 38 30.260 to 30.300, and a claim under this section shall be treated as a claim for damages within the
 39 scope of ORS 30.260 to 30.300 for the purposes of ORS 278.120.

40 (4) Notwithstanding ORS 30.260 to 30.300:

41 (a) In no event shall the liability of the department or the authority under this section exceed
 42 \$5,000 for any number of claims arising out of a single occurrence;

43 (b) The liability of the department and the authority under this section is limited to economic
 44 damages, and in no event shall the department or the authority be liable for noneconomic damages;

45 (c) The department and the authority are liable under this section only to the extent the loss

1 is not covered by other insurance; and

2 (d) No claim shall be allowed under this section unless written notice of the claim is delivered
3 to the Oregon Department of Administrative Services within 90 days after the alleged loss or injury.

4 (5) The department and the authority are not liable under this section for:

5 (a) Damage to or destruction of currency, securities or any other intangible property;

6 (b) The unexplained disappearance of any property; or

7 (c) Loss or damage that is due to wear and tear, inherent vice or gradual deterioration.

8 (6) In no event does the liability of the department or the authority under this section for
9 damage to property exceed the difference between the fair market value of the property immediately
10 before its damage or destruction and its fair market value immediately thereafter. The department
11 and the authority are not liable for the costs of any betterments to the property that may be re-
12 quired by code, statute or other law as a condition of repair, replacement or reconstruction.

13 (7) The liability imposed under this section is in addition to that imposed for the intentional
14 torts of a foster child or [*youth offender*] **adjudicated youth** under ORS 30.297, but any amounts paid
15 under this section shall reduce any recovery that may be made under ORS 30.297.

16 (8) For the purposes of this section:

17 (a) **“Adjudicated youth” has the meaning given in ORS 419A.004.**

18 [(a)] (b) “Authority” means the Oregon Youth Authority.

19 [(b)] (c) “Department” means the Department of Human Services.

20 [(c)] (d) “Economic damages” and “noneconomic damages” have those meanings given in ORS
21 31.710.

22 [(d)] (e) “Foster child” has that meaning given in ORS 30.297.

23 [(e) “*Youth offender*” has the meaning given in ORS 419A.004.]

24 **SECTION 9.** ORS 133.539 is amended to read:

25 133.539. (1) As used in this section:

26 (a)(A) “Forensic imaging” means using an electronic device to download or transfer raw data
27 from a portable electronic device onto another medium of digital storage.

28 (B) “Forensic imaging” does not include photographing or transcribing information observable
29 from the portable electronic device by normal unaided human senses.

30 (b) “Location information service” means a global positioning service or other mapping,
31 locational or directional information service.

32 (c) “Portable electronic device” means any device designed to be easily moved from one location
33 to another and that contains electronic data or that enables access to, or use of, an electronic
34 communication service as defined in 18 U.S.C. 2510, remote computing service as defined in 18 U.S.C.
35 2711 or location information service.

36 (d) “Raw data” means data collected from a source that has not been subsequently altered or
37 manipulated after collection.

38 (2) A law enforcement agency may not use forensic imaging to obtain information contained in
39 a portable electronic device except:

40 (a) Pursuant to a search warrant issued under ORS 133.525 to 133.703; or

41 (b) As authorized by lawful consent.

42 (3) Information obtained in violation of this section:

43 (a) Is not admissible in and may not be disclosed in a judicial proceeding, administrative pro-
44 ceeding, arbitration proceeding or other adjudicatory proceeding, against either the owner of the
45 portable electronic device or a person with a reasonable expectation of privacy in the contents of

1 the device; and

2 (b) May not be used to establish reasonable suspicion or probable cause to believe that an of-
3 fense has been committed.

4 (4) A portable electronic device that has been forensically imaged pursuant to subsection (2) of
5 this section may be returned as described in ORS 133.633 and 133.643.

6 (5) Subsection (2) of this section does not apply to:

7 (a) A correctional facility, youth correction facility or state hospital, as those terms are defined
8 in ORS 162.135, when the facility or state hospital obtains information from a portable electronic
9 device in an otherwise lawful manner.

10 (b) A parole and probation officer, juvenile community supervision officer as defined in ORS
11 420.905, community corrections agency or agency that supervises [*youth or youth offenders*] **youths**
12 **or adjudicated youths**, when the officer or agency obtains information from a portable electronic
13 device in an otherwise lawful manner.

14 **SECTION 10.** ORS 147.620 is amended to read:

15 147.620. (1) As used in this section:

16 (a) "Certifying agency" means:

17 (A) A state or local law enforcement agency;

18 (B) A prosecutor's or district attorney's office;

19 (C) The Judicial Department, with respect to a judge of a state court acting as a certifying of-
20 ficial;

21 (D) A judge other than a judge of a state court; or

22 (E) Any other agency that has responsibility for the detection, investigation or prosecution of
23 a qualifying criminal activity, including but not limited to a certifying agency as defined in 8 C.F.R.
24 214.14.

25 (b) "Certifying official" means:

26 (A) The head of a certifying agency;

27 (B) A judge; or

28 (C) A person in a supervisory role who has been designated by the head of a certifying agency
29 to issue certifications under this section on behalf of the agency.

30 (c) "Law enforcement agency" has the meaning given that term in ORS 146.003.

31 (d) "Petitioner" means a person requesting certification under this section.

32 (e) "Qualifying criminal activity" has the meaning given that term in 8 C.F.R. 214.14.

33 (f) "Victim of qualifying criminal activity" has the meaning given that term in 8 C.F.R. 214.14.

34 (2) Upon the request of a victim or a victim's representative, a certifying official shall in writing
35 certify that a victim has been helpful on a certification form designated by the United States Citi-
36 zenship and Immigration Services if:

37 (a) The victim is a victim of qualifying criminal activity; and

38 (b) The victim has been helpful, is being helpful or is likely to be helpful to the detection, in-
39 vestigation or prosecution of the qualifying criminal activity.

40 (3) An ongoing investigation, a prosecution or a conviction is not required for a certification
41 under this section.

42 (4) For purposes of determining victim helpfulness, there is a rebuttable presumption that a
43 victim is helpful, has been helpful or is likely to be helpful to the detection, investigation or prose-
44 cution of a qualifying criminal activity if the victim has not refused or failed to provide information
45 and assistance reasonably requested by law enforcement officials.

1 (5)(a) A certifying official processing a certification under this section shall:

2 (A) Fully complete and sign the certification form; and

3 (B) Except as provided in paragraph (b) of this subsection, include in the form specific details
4 about the nature of the qualifying criminal activity investigated or prosecuted and a detailed de-
5 scription of the victim's helpfulness or likely helpfulness.

6 (b) If the qualifying criminal activity was committed by [*a youth offender*] **an adjudicated youth**
7 as defined in ORS 419A.004, the certifying official shall include on the certification form only the
8 following information:

9 (A) The name of the [*youth offender*] **adjudicated youth**;

10 (B) The case number, if applicable; and

11 (C) A description of the qualifying criminal activity.

12 (6) Except under circumstances in which there is good cause for delay, a certifying agency shall
13 grant or deny a request for certification:

14 (a) Within 90 days of the date of the certification request; or

15 (b) Within 14 days of the date of the certification request if the victim is in removal proceedings.

16 (7)(a) If a certifying official or agency denies certification under this section, the official or
17 agency shall in writing notify the petitioner of the reason for the denial. The denial notification
18 must contain the following information:

19 (A) An internal case number that allows the certifying agency to individually identify each
20 certification request;

21 (B) The date of the denial; and

22 (C) The reason for the denial consisting of one of the following:

23 (i) Lack of qualifying criminal activity;

24 (ii) Lack of helpfulness;

25 (iii) Lack of jurisdiction over certification request; or

26 (iv) Other circumstances for which a certifying official or agency may lawfully deny certifica-
27 tion.

28 (b) Upon receiving notice that a request for certification under this section is denied, a
29 petitioner may provide supplemental information to the certifying agency and request that the cer-
30 tification denial be reviewed by the certifying agency.

31 (c) A petitioner may submit a new request for certification, after a previous request is denied,
32 to another certifying agency for processing if the other certifying agency was involved in investi-
33 gating the qualifying criminal activity.

34 (d) A certification agency shall keep a copy of a denial notification for at least three years from
35 the date of the notification.

36 (e) A decision by a certifying agency to deny certification under this section is not appealable
37 under ORS chapter 19.

38 (8)(a) Certifying agencies and certifying officials are prohibited from disclosing the immigration
39 status of a victim or other petitioner unless the disclosure is:

40 (A) Required by federal law or legal process; or

41 (B) Authorized by the victim or other petitioner.

42 (b) Documents submitted with a request for certification under this section and any written re-
43 sponse to a certification request from a certifying official or agency are confidential and may not
44 be disclosed unless the disclosure is:

45 (A) Required by state or federal law or legal process;

1 (B) Required by ORS 135.815;

2 (C) Constitutionally required;

3 (D) Requested by a law enforcement agency and necessary for the investigation of a criminal
4 charge; or

5 (E) Authorized by the victim.

6 (9) A certifying official is immune from civil and criminal liability for, in good faith, certifying
7 or denying certification under this section.

8 (10) A certifying agency shall:

9 (a) Designate a person or persons within the agency responsible for processing requests for
10 certification under this section.

11 (b) Develop written procedures for processing requests for certification under this section.

12 **SECTION 11.** ORS 163.165 is amended to read:

13 163.165. (1) A person commits the crime of assault in the third degree if the person:

14 (a) Recklessly causes serious physical injury to another by means of a deadly or dangerous
15 weapon;

16 (b) Recklessly causes serious physical injury to another under circumstances manifesting ex-
17 treme indifference to the value of human life;

18 (c) Recklessly causes physical injury to another by means of a deadly or dangerous weapon un-
19 der circumstances manifesting extreme indifference to the value of human life;

20 (d) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical
21 injury to the operator of a public transit vehicle while the operator is in control of or operating the
22 vehicle. As used in this paragraph, "public transit vehicle" has the meaning given that term in ORS
23 166.116;

24 (e) While being aided by another person actually present, intentionally or knowingly causes
25 physical injury to another;

26 (f) While committed to a youth correction facility, intentionally or knowingly causes physical
27 injury to another knowing the other person is a staff member while the other person is acting in the
28 course of official duty;

29 (g) Intentionally, knowingly or recklessly causes physical injury to an emergency medical ser-
30 vices provider, as defined in ORS 682.025, while the emergency medical services provider is per-
31 forming official duties;

32 (h) Being at least 18 years of age, intentionally or knowingly causes physical injury to a child
33 10 years of age or younger;

34 (i) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical
35 injury to the operator of a taxi while the operator is in control of the taxi; or

36 (j) Intentionally, knowingly or recklessly causes physical injury to a flagger or a highway
37 worker while the flagger or highway worker is performing official duties.

38 (2)(a) Assault in the third degree is a Class C felony.

39 (b) Notwithstanding paragraph (a) of this subsection, assault in the third degree under sub-
40 section (1)(a) or (b) of this section is a Class B felony if:

41 (A) The assault resulted from the operation of a motor vehicle; and

42 (B) The defendant was the driver of the motor vehicle and was driving while under the influence
43 of intoxicants.

44 (3) As used in this section:

45 (a) "Flagger" has the meaning given that term in ORS 811.230.

1 (b) “Highway worker” has the meaning given that term in ORS 811.230.

2 (c) “Staff member” means:

3 (A) A corrections officer as defined in ORS 181A.355, a youth correction officer, a youth cor-
 4 rection facility staff member, a Department of Corrections or Oregon Youth Authority staff member
 5 or a person employed pursuant to a contract with the department or youth authority to work with,
 6 or in the vicinity of, adults in custody, [*youth or youth offenders*] **youths or adjudicated youths;**
 7 and

8 (B) A volunteer authorized by the department, youth authority or other entity in charge of a
 9 corrections facility to work with, or in the vicinity of, adults in custody, [*youth or youth offenders*]
 10 **youths or adjudicated youths.**

11 (d) “Youth correction facility” has the meaning given that term in ORS 162.135.

12 **SECTION 12.** ORS 163.208 is amended to read:

13 163.208. (1) A person commits the crime of assaulting a public safety officer if the person in-
 14 tentiously or knowingly causes physical injury to the other person, knowing the other person to
 15 be a peace officer, corrections officer, youth correction officer, parole and probation officer, animal
 16 control officer, firefighter or staff member, and while the other person is acting in the course of
 17 official duty.

18 (2) Assaulting a public safety officer is a Class C felony.

19 (3)(a) Except as otherwise provided in paragraph (b) of this subsection, a person convicted under
 20 this section shall be sentenced to not less than seven days of imprisonment and shall not be granted
 21 bench parole or suspension of sentence nor released on a sentence of probation before serving at
 22 least seven days of the sentence of confinement.

23 (b) A person convicted under this section shall be sentenced to not less than 14 days of
 24 imprisonment and shall not be granted bench parole or suspension of sentence nor released on a
 25 sentence of probation before serving at least 14 days of the sentence of confinement if the victim is
 26 a peace officer.

27 (4) As used in this section:

28 (a) “Animal control officer” has the meaning given that term in ORS 609.500; and

29 (b) “Staff member” means:

30 (A) A corrections officer as defined in ORS 181A.355, a youth correction officer, a Department
 31 of Corrections or Oregon Youth Authority staff member or a person employed pursuant to a con-
 32 tract with the department or youth authority to work with, or in the vicinity of, adults in custody
 33 or [*youth offenders*] **adjudicated youths;** and

34 (B) A volunteer authorized by the department, youth authority or other entity in charge of a
 35 corrections facility to work with, or in the vicinity of, adults in custody or [*youth offenders*] **adju-**
 36 **dicated youths.**

37 **SECTION 13.** ORS 163A.010, as amended by section 11, chapter 430, Oregon Laws 2019, is
 38 amended to read:

39 163A.010. (1) The agency to which a person reports under subsection (3) of this section shall
 40 complete a sex offender registration form concerning the person when the person reports under
 41 subsection (3) of this section.

42 (2) Subsection (3) of this section applies to a person who:

43 (a) Is discharged, paroled or released on any form of supervised or conditional release from a
 44 jail, prison or other correctional facility or detention facility in this state at which the person was
 45 confined as a result of:

1 (A) Conviction of a sex crime or a crime for which the person would have to register as a sex
2 offender under federal law; or

3 (B) Having been found guilty except for insanity of a sex crime;

4 (b) Is paroled to this state under ORS 144.610 after being convicted in another United States
5 court of a crime:

6 (A) That would constitute a sex crime if committed in this state; or

7 (B) For which the person would have to register as a sex offender in that court's jurisdiction,
8 or as required under federal law, regardless of whether the crime would constitute a sex crime in
9 this state; or

10 (c) Is discharged by the court under ORS 161.329 after having been found guilty except for in-
11 sanity of a sex crime.

12 (3)(a) A person described in subsection (2) of this section shall report, in person, to the Depart-
13 ment of State Police, a city police department or a county sheriff's office, in the county to which the
14 person was discharged, paroled or released or in which the person was otherwise placed:

15 (A) Within 10 days following discharge, release on parole, post-prison supervision or other
16 supervised or conditional release;

17 (B) Within 10 days of a change of residence;

18 (C) Within 10 days of a legal change of name;

19 (D) Once each year within 10 days of the person's birth date, regardless of whether the person
20 changed residence;

21 (E) Within 10 days of the first day the person works at, carries on a vocation at or attends an
22 institution of higher education;

23 (F) Within 10 days of a change in work, vocation or attendance status at an institution of higher
24 education; and

25 (G) At least 21 days prior to any intended travel outside of the United States.

26 (b) If a person required to report under this subsection has complied with the initial reporting
27 requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in per-
28 son, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the De-
29 partment of State Police, a city police department or a county sheriff's office, in the county of the
30 person's last reported residence.

31 (c) Notwithstanding paragraphs (a) and (b) of this subsection, during the period of supervision
32 or custody authorized by law, the Oregon Youth Authority may authorize [*a youth offender*] **an ad-
33 judicated youth** committed to its supervision and custody by order of the juvenile court or a person
34 placed in its physical custody under ORS 137.124 or any other provision of law to report to the
35 authority regardless of the [*youth offender's*] **adjudicated youth's** or the person's last reported res-
36 idence.

37 (d) In the event that a person reports to the authority under this subsection, the authority shall
38 register the person.

39 (e) The obligation to report under this subsection terminates if the conviction or adjudication
40 that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

41 (4) As part of the registration and reporting requirements of this section:

42 (a) The person required to report shall:

43 (A) Provide the information necessary to complete the sex offender registration form and sign
44 the form as required; and

45 (B) Submit to the requirements described in paragraph (b) of this subsection.

1 (b) The Department of State Police, Oregon Youth Authority, city police department or county
2 sheriff's office:

3 (A) Shall photograph the person when the person initially reports under this section and each
4 time the person reports annually under this section;

5 (B) May photograph the person or any identifying scars, marks or tattoos located on the person
6 when the person reports under any of the circumstances described in this section; and

7 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file
8 of the Department of State Police.

9 **SECTION 14.** ORS 163A.025, as amended by section 14, chapter 430, Oregon Laws 2019, is
10 amended to read:

11 163A.025. (1) A person found to be within the jurisdiction of the juvenile court under ORS
12 419C.005, or found by the juvenile court to be responsible except for insanity under ORS 419C.411,
13 for having committed an act that, if committed by an adult, would constitute a felony sex crime shall
14 report as a sex offender as described in subsections (2) to (4) of this section, unless the juvenile
15 court enters an order under ORS 163A.130 or 163A.135 relieving the person of the obligation to re-
16 port, if:

17 (a) The person has been ordered under ORS 163A.030 to report as a sex offender;

18 (b) The person was adjudicated, and the jurisdiction of the juvenile court or the Psychiatric
19 Security Review Board over the person ended, prior to August 12, 2015;

20 (c) The person was adjudicated prior to August 12, 2015, and the jurisdiction of the juvenile
21 court or the Psychiatric Security Review Board over the person ended after August 12, 2015, and
22 before April 4, 2016; or

23 (d) The person has been found in a juvenile adjudication in another United States court to have
24 committed an act while the person was under 18 years of age that would constitute a felony sex
25 crime if committed in this state by an adult.

26 (2) A person described in subsection (1)(a) or (d) of this section, or a person described in sub-
27 section (1)(c) of this section who did not make an initial report prior to April 4, 2016, who resides
28 in this state shall make an initial report, in person, to the Department of State Police, a city police
29 department or a county sheriff's office as follows:

30 (a) The person shall report no later than 10 days after the date of the court order requiring the
31 person to report under ORS 163A.030;

32 (b) If the person is adjudicated for the act giving rise to the obligation to report in another
33 United States court and the person is found to have committed an act that if committed by an adult
34 in this state would constitute:

35 (A) A Class A or Class B felony sex crime:

36 (i) If the person is not a resident of this state at the time of the adjudication, the person shall
37 make the initial report to the Department of State Police, a city police department or a county
38 sheriff's office, in the county of the person's residence, no later than 10 days after the date the
39 person moves into this state; or

40 (ii) If the person is a resident of this state at the time of the adjudication, the person shall make
41 the initial report to the Department of State Police, a city police department or a county sheriff's
42 office, in the county of the person's residence, no later than 10 days after the date the person is
43 discharged, released or placed on probation or any other form of supervised or conditional release
44 by the other United States court or, if the person is confined in a correctional facility by the other
45 United States court, no later than 10 days after the date the person is discharged or otherwise re-

1 leased from the facility.

2 (B) A Class C felony sex crime:

3 (i) If the person is not a resident of this state at the time of the adjudication, the person shall
 4 make the initial report to the Department of State Police, a city police department or a county
 5 sheriff's office, in the county of the person's residence, no later than six months after the date the
 6 person moves into this state; or

7 (ii) If the person is a resident of this state at the time of the adjudication, the person shall make
 8 the initial report to the Department of State Police, a city police department or a county sheriff's
 9 office, in the county of the person's residence, no later than 10 days after the date the person is
 10 discharged, released or placed on probation or any other form of supervised or conditional release
 11 by the other United States court or, if the person is confined in a correctional facility by the other
 12 United States court, no later than 10 days after the date the person is discharged or otherwise re-
 13 leased from the facility; or

14 (c) For persons described in subsection (1)(c) of this section who did not make an initial report
 15 prior to April 4, 2016, the person shall report no later than 120 days after April 4, 2016.

16 (3) After making the initial report described in subsection (2) of this section or, for a person
 17 described in subsection (1)(c) of this section who made an initial report prior to April 4, 2016, or a
 18 person described in subsection (1)(b) of this section, beginning after April 4, 2016, the person shall
 19 report, in person, to the Department of State Police, a city police department or a county sheriff's
 20 office, in the county of the person's last reported residence:

21 (a) Within 10 days of a change of residence;

22 (b) Within 10 days of a legal change of name;

23 (c) Once each year within 10 days of the person's birth date, regardless of whether the person
 24 changed residence;

25 (d) Within 10 days of the first day the person works at, carries on a vocation at or attends an
 26 institution of higher education;

27 (e) Within 10 days of a change in work, vocation or attendance status at an institution of higher
 28 education; and

29 (f) At least 21 days prior to any intended travel outside of the United States.

30 (4) When a person described in subsection (1) of this section attends school or works in this
 31 state, resides in another state and is not otherwise required to report as a sex offender under this
 32 section or ORS 163A.010, 163A.015 or 163A.020, the person shall report, in person, to the Depart-
 33 ment of State Police, a city police department or a county sheriff's office, in the county in which the
 34 person attends school or works, no later than 10 days after:

35 (a) The first day of school attendance or the 14th day of employment in this state;

36 (b) A change in school enrollment or employment; and

37 (c) A legal change of name.

38 (5) The agency to which a person reports under this section shall complete a sex offender reg-
 39 istration form concerning the person when the person reports under this section.

40 (6) As part of the registration and reporting requirements of this section:

41 (a) The person required to report shall:

42 (A) Provide the information necessary to complete the sex offender registration form and sign
 43 the form as required; and

44 (B) Submit to the requirements described in paragraph (b) of this subsection.

45 (b) The Department of State Police, Oregon Youth Authority, county juvenile department, city

1 police department or county sheriff's office:

2 (A) Shall photograph the person when the person initially reports under this section and each
3 time the person reports annually under this section;

4 (B) May photograph the person or any identifying scars, marks or tattoos located on the person
5 when the person reports under any of the circumstances described in this section; and

6 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file
7 of the Department of State Police.

8 (7) The obligation to report under this section is terminated if the adjudication that gave rise
9 to the obligation is reversed or vacated.

10 (8) Notwithstanding subsections (2) and (3) of this section:

11 (a) The Oregon Youth Authority may authorize [*a youth offender*] **an adjudicated youth** com-
12 mitted to its custody and supervision by order of the juvenile court, or a person placed in its phys-
13 ical custody under ORS 137.124 or any other provision of law, to report to the authority regardless
14 of the [*youth offender's*] **adjudicated youth's** or the person's last reported residence.

15 (b) A county juvenile department may authorize [*a youth offender*] **an adjudicated youth** or
16 young person, as those terms are defined in ORS 419A.004, to report to the department, regardless
17 of the county of the [*youth offender's*] **adjudicated youth's** or the young person's last reported res-
18 idence.

19 (c) In the event that a person reports to the authority or the department under this subsection,
20 the authority or the department shall register the person.

21 **SECTION 15.** ORS 163A.210 is amended to read:

22 163A.210. Notwithstanding ORS 419A.257 or any other provision of law, the Oregon Youth Au-
23 thority and the juvenile department may disclose and provide copies of reports and other materials
24 relating to a child, ward, youth or [*youth offender's*] **adjudicated youth's** history and prognosis to
25 the Psychiatric Security Review Board or the State Board of Parole and Post-Prison Supervision in
26 order for the boards to determine whether to reclassify the person as a level one or a level two sex
27 offender or relieve the person from the obligation to report as a sex offender, as described in ORS
28 163A.125, or whether to classify a person who is an existing registrant into one of the three levels
29 described in ORS 163A.100, as required by section 7, chapter 708, Oregon Laws 2013.

30 **SECTION 16.** ORS 169.690 is amended to read:

31 169.690. (1)(a) Before the Department of Corrections, Department of Human Services, Oregon
32 Health Authority, Oregon Youth Authority or any city, county or other public agency establishes
33 a facility described in paragraph (b) of this subsection, the city, county, department, authority or
34 agency shall fully inform the local public safety coordinating council convened under ORS 423.560
35 of the following:

36 (A) The proposed location, estimated population size and use of the facility;

37 (B) The proposed number and qualifications of resident professional staff at the facility;

38 (C) The proposed rules of conduct for residents of the facility; and

39 (D) Other relevant information that the city, county, department, authority or agency responsi-
40 ble for establishing the facility considers appropriate or that the council requests. Nothing in this
41 subparagraph authorizes the disclosure of information that is protected under state or federal law.

42 (b) The facilities to which paragraph (a) of this subsection applies are:

43 (A) Halfway houses, work release centers or any other domiciliary facilities for persons released
44 from any penal or correctional facility but still in the custody of the city, county or public agency;

45 (B) Youth care centers or other facilities authorized to accept [*youth offenders*] **adjudicated**

1 **youths** under ORS 419C.478; and

2 (C) Residential treatment homes and residential treatment facilities, as those terms are defined
3 in ORS 443.400, for persons who, as a condition of release under ORS 161.315 to 161.351, are re-
4 quired to live in a secure home or facility.

5 (2) The facility advisory subcommittee of the local public safety coordinating council shall ad-
6 vise the city, county, department, authority or agency responsible for establishing the facility as to
7 the suitability of the proposed facility and may suggest changes in the proposal submitted under
8 subsection (1) of this section. The advice shall:

9 (a) Be in writing;

10 (b) Represent the view of the majority of the subcommittee; and

11 (c) Be provided to the city, county, department, authority or agency no more than 60 days after
12 receiving the information described in subsection (1) of this section.

13 (3) If the city, county, department, authority or agency responsible for establishing the facility
14 rejects any of the advice of the facility advisory subcommittee, it must submit its reasons in writing
15 to the subcommittee.

16 (4) This section does not apply if a board of county commissioners has failed to convene a local
17 public safety coordinating council.

18 (5) As used in this section:

19 (a) "Establishes" includes entering into a contract to provide for the operation of a facility de-
20 scribed in subsection (1)(b) of this section.

21 (b) "Secure home or facility" has the meaning given that term in rules adopted by the Oregon
22 Health Authority.

23 **SECTION 17.** ORS 169.740 is amended to read:

24 169.740. (1) The standards established in ORS 169.076 to 169.078 apply to juveniles detained in
25 juvenile detention facilities.

26 (2) In addition, juvenile detention facilities shall:

27 (a) Provide for personal inspection of each juvenile at least once each hour unless a particular
28 situation requires more frequent inspection;

29 (b) Provide for personal or electronically monitored supervision on each floor where juveniles
30 are detained;

31 (c) Provide for separation of detained juveniles from the sight and sound of detained adults.
32 Juveniles may not be placed in facilities that are designated for isolation of adult prisoners in order
33 to meet this standard;

34 (d) Provide for unrestricted contact between 8 a.m. and 5 p.m. for a period of not less than five
35 hours per day between detained juveniles and their attorneys and unrestricted attorney access to
36 the facility for private attorney-client consultation;

37 (e) Unless otherwise ordered by the juvenile court following a hearing, provide for the private
38 and unrestricted receipt of and sending of mail; except that incoming mail may be opened in the
39 presence of the juvenile upon reasonable suspicion to believe that the mail contains contraband as
40 defined in ORS 162.135 (1) and that incoming packages shall be opened in the presence of the juve-
41 nile and their contents may be held until the juvenile is released. The juvenile shall be informed of
42 any confiscated contraband;

43 (f) Provide for the payment of postage for the juvenile's mail to an attorney or to federal, state,
44 county or municipal government officials;

45 (g) Provide for nondispositional counseling and physical exercise of any juvenile held in excess

1 of five judicial days and cause access to the juvenile held in excess of five judicial days for educa-
 2 tion pursuant to ORS 336.585;

3 (h) Provide for the free exercise of religion by a detained juvenile, unless such provision will
 4 cause a threat to the security of the facility or a threat of disorderly conduct within the facility;

5 (i) Make a written report, one copy of which shall be maintained in a general log, of each use
 6 of physical force, restraint, isolation, roomlock or internal search, setting forth in detail the reason
 7 such action was taken and the name of the staff person taking such action;

8 (j) Notify the attorney and the parent or guardian of the detained juvenile after the use of any
 9 physical force, restraint, isolation or internal search upon the juvenile both:

10 (A) As soon as reasonable after the use thereof; and

11 (B) By mailing a copy of the written report within 24 hours after the use thereof;

12 (k) For juveniles detained in an adult correctional facility, provide for in-person contact by ju-
 13 venile department staff within 24 hours of the juvenile's admission and on a daily basis for as long
 14 as the juvenile shall remain in the facility; and

15 (L) Provide for counseling of any detained juvenile found to be within the jurisdiction of the
 16 court.

17 (3) As used in this section:

18 (a) "Adult" does not include a person who is 18 years of age or older and is alleged to be, or
 19 has been found to be, within the jurisdiction of the juvenile court under ORS 419C.005.

20 (b) "Juvenile" means a person alleged to be within the jurisdiction of the juvenile court under
 21 ORS 419C.005 and *[a youth offender]* **an adjudicated youth**.

22 **SECTION 18.** ORS 179.471 is amended to read:

23 179.471. As used in ORS 179.473 and 179.478, unless the context requires otherwise:

24 (1) **"Adjudicated youth" has the meaning given that term in ORS 419A.004.**

25 [(1)] (2) "Youth correction facility" has the meaning given that term in ORS 420.005.

26 [(2)] "Youth offender" has the meaning given that term in ORS 419A.004.]

27 **SECTION 19.** ORS 179.473 is amended to read:

28 179.473. (1) Whenever the health and welfare of the person and the efficient administration of
 29 the institution require the transfer of an adult in custody in a Department of Corrections institution
 30 or *[a youth offender]* **an adjudicated youth** in a youth correction facility to another institution or
 31 facility:

32 (a) The Department of Corrections or the Oregon Youth Authority, with the consent of the De-
 33 partment of Human Services, may transfer a person at any institution under its jurisdiction to a
 34 residential facility for persons with intellectual disabilities or, with the consent of the Oregon
 35 Health and Science University, to the Oregon Health and Science University.

36 (b) The Department of Corrections may transfer an adult in custody in a Department of Cor-
 37 rections institution to a state hospital listed in ORS 426.010 for evaluation and treatment pursuant
 38 to rules adopted jointly by the Department of Corrections and the Oregon Health Authority.

39 (c) The Oregon Youth Authority may transfer *[a youth offender]* **an adjudicated youth** or other
 40 person confined in a youth correction facility to a hospital or facility designated by the Oregon
 41 Health Authority for evaluation and treatment pursuant to rules adopted jointly by the Oregon
 42 Youth Authority and the Oregon Health Authority.

43 (d) Except as provided in subsection (2) of this section, the Department of Corrections or the
 44 Oregon Youth Authority may make a transfer of a person from any institution under the jurisdiction
 45 of the department or the Oregon Youth Authority to any other institution under the jurisdiction of

1 the department or authority.

2 (2) [A *youth offender*] **An adjudicated youth** in a youth correction facility may not be trans-
 3 ferred to a Department of Corrections institution under subsection (1) of this section. [A *youth*
 4 *offender*] **An adjudicated youth** in a youth correction facility who has been transferred to another
 5 institution may not be transferred from such other institution to a Department of Corrections insti-
 6 tution.

7 (3) The rules adopted under subsection (1)(b) and (c) of this section must:

8 (a) Provide the adult in custody or [*youth offender*] **adjudicated youth** with the rights to which
 9 persons are entitled under ORS 179.485.

10 (b) Provide that a transfer of an adult in custody or [*a youth offender*] **an adjudicated youth**
 11 to the Oregon Health Authority for stabilization and evaluation for treatment may not exceed 30
 12 days unless the transfer is extended pursuant to a hearing required by paragraph (c) of this sub-
 13 section.

14 (c) Provide for an administrative commitment hearing if:

15 (A) The Oregon Health Authority determines that administrative commitment for treatment for
 16 a mental illness is necessary or advisable or that the authority needs more than 30 days to stabilize
 17 or evaluate the adult in custody or [*youth offender*] **adjudicated youth** for treatment; and

18 (B) The adult in custody or [*youth offender*] **adjudicated youth** does not consent to the admin-
 19 istrative commitment or an extension of the transfer.

20 (d) Provide for, at a minimum, all of the following for the administrative commitment hearing
 21 process:

22 (A) Written notice to the adult in custody or [*youth offender*] **adjudicated youth** that an ad-
 23 ministrative commitment to a state hospital listed in ORS 426.010 or a hospital or facility designated
 24 by the Oregon Health Authority or an extension of the transfer is being considered. The notice re-
 25 quired by this subparagraph must be provided far enough in advance of the hearing to permit the
 26 adult in custody or [*youth offender*] **adjudicated youth** to prepare for the hearing.

27 (B) Disclosure to the adult in custody or [*youth offender*] **adjudicated youth**, at the hearing, of
 28 the evidence that is being relied upon for the administrative commitment or the extension of the
 29 transfer.

30 (C) An opportunity, at the hearing, for the adult in custody or [*youth offender*] **adjudicated**
 31 **youth** to be heard in person and to present documentary evidence.

32 (D) An opportunity, at the hearing, for the adult in custody or [*youth offender*] **adjudicated**
 33 **youth** to present the testimony of witnesses and to confront and cross-examine witnesses called by
 34 the state. The opportunity required by this subparagraph may be denied upon a finding by the de-
 35 cision maker of good cause for not permitting the adult in custody or [*youth offender*] **adjudicated**
 36 **youth** to present the testimony of witnesses or confront or cross-examine witnesses called by the
 37 state.

38 (E) An independent decision maker for the hearing.

39 (F) A written statement by the decision maker of the evidence relied upon by the decision maker
 40 and the reasons for administratively committing the adult in custody or [*youth offender*] **adjudicated**
 41 **youth** or extending the transfer.

42 (G) A qualified and independent assistant for the adult in custody or [*youth offender*] **adjudi-**
 43 **cated youth** to be provided by the state if the adult in custody or [*youth offender*] **adjudicated**
 44 **youth** is financially unable to provide one.

45 (H) Effective and timely notice of the procedures required by subparagraphs (A) to (G) of this

1 paragraph.

2 (e) Provide that an adult in custody or [*a youth offender*] **an adjudicated youth** may not be
3 administratively committed involuntarily unless the independent decision maker finds by clear and
4 convincing evidence that the adult in custody or [*youth offender*] **adjudicated youth** is a person with
5 mental illness as defined in ORS 426.005.

6 (f) Provide that the duration of an administrative commitment pursuant to an administrative
7 commitment hearing be no more than 180 days unless the administrative commitment is renewed in
8 a subsequent administrative commitment hearing. Notwithstanding this paragraph, an administrative
9 commitment may not continue beyond the term of incarceration to which the adult in custody was
10 sentenced or beyond the period of time that the [*youth offender*] **adjudicated youth** may be placed
11 in a youth correction facility.

12 **SECTION 20.** ORS 179.478 is amended to read:

13 179.478. (1) If an adult in custody or [*youth offender*] **adjudicated youth**, a relative, guardian
14 or friend of an adult in custody or [*youth offender*] **adjudicated youth**, or institution staff have
15 probable cause to believe that an adult in custody or [*youth offender*] **adjudicated youth** is a person
16 with an intellectual disability to such a degree that the adult in custody or [*youth offender*] **adju-**
17 **dicated youth** cannot adjust to or benefit from the Department of Corrections institution or youth
18 correction facility, the superintendent of the institution shall request that a diagnostic evaluation
19 described in ORS 427.105 be performed by the Department of Human Services or its designee. If
20 there is probable cause to believe that the adult in custody or [*youth offender*] **adjudicated youth**
21 is a person with an intellectual disability and is in need of commitment for residential care, treat-
22 ment and training pursuant to ORS 427.235 to 427.290, the adult in custody or [*youth offender*] **ad-**
23 **judicated youth** shall be entitled to a commitment hearing.

24 (2) If the adult in custody or [*youth offender*] **adjudicated youth** is by clear and convincing ev-
25 idence determined by the court to be a person with an intellectual disability and is in need of
26 commitment for residential care, treatment and training, the person shall be committed to the De-
27 partment of Human Services and transferred to a facility designated by the department as soon as
28 space in an appropriate facility is available, and any sentence to a Department of Corrections in-
29 stitution or commitment to the youth correction facility shall be terminated.

30 **SECTION 21.** ORS 181A.355 is amended to read:

31 181A.355. As used in ORS 181A.355 to 181A.670, unless the context requires otherwise:

32 (1) "Abuse" has the meaning given that term in ORS 107.705.

33 (2) "Board" means the Board on Public Safety Standards and Training appointed pursuant to
34 ORS 181A.360.

35 (3) "Certified reserve officer" means a reserve officer who has been designated by a local law
36 enforcement unit, has received training necessary for certification and has met the minimum stan-
37 dards and training requirements established under ORS 181A.410.

38 (4) "Commissioned" means being authorized to perform various acts or duties of a police officer,
39 certified reserve officer or reserve officer and acting under the supervision and responsibility of a
40 county sheriff or as otherwise provided by law.

41 (5) "Corrections officer" means an officer or member employed full-time by a law enforcement
42 unit who:

43 (a) Is charged with and primarily performs the duty of custody, control or supervision of indi-
44 viduals convicted of or arrested for a criminal offense and confined in a place of incarceration or
45 detention other than a place used exclusively for incarceration or detention of juveniles; or

1 (b) Has been certified as a corrections officer described in paragraph (a) of this subsection and
2 has supervisory or management authority for corrections officers described in paragraph (a) of this
3 subsection.

4 (6) "Department" means the Department of Public Safety Standards and Training.

5 (7) "Director" means the Director of the Department of Public Safety Standards and Training.

6 (8) "Domestic violence" means abuse between family or household members.

7 (9) "Emergency medical dispatcher" means a person who has responsibility to process requests
8 for medical assistance from the public or to dispatch medical care providers.

9 (10) "Family or household members" has the meaning given that term in ORS 107.705.

10 (11) "Fire service professional" means a paid or volunteer firefighter, an officer or a member
11 of a public or private fire protection agency that is engaged primarily in fire investigation, fire
12 prevention, fire safety, fire control or fire suppression or providing emergency medical services, light
13 and heavy rescue services, search and rescue services or hazardous materials incident response.
14 "Fire service professional" does not mean forest fire protection agency personnel.

15 (12) "Law enforcement unit" means:

16 (a) A police force or organization of the state, a city, university that has established a police
17 department under ORS 352.121 or 353.125, port, school district, mass transit district, county, county
18 service district authorized to provide law enforcement services under ORS 451.010, tribal govern-
19 ment as defined in ORS 181A.680 that employs authorized tribal police officers as defined in ORS
20 181A.680, the Criminal Justice Division of the Department of Justice, the Department of Corrections,
21 the Oregon State Lottery Commission, the Security and Emergency Preparedness Office of the Ju-
22 dicial Department or common carrier railroad the primary duty of which, as prescribed by law, or-
23 dinance or directive, is one or more of the following:

24 (A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating
25 to airport security;

26 (B) The custody, control or supervision of individuals convicted of or arrested for a criminal
27 offense and confined to a place of incarceration or detention other than a place used exclusively for
28 incarceration or detention of juveniles; or

29 (C) The control, supervision and reformation of adult offenders placed on parole or sentenced
30 to probation and investigation of adult offenders on parole or probation or being considered for
31 parole or probation;

32 (b) A police force or organization of a private entity with a population of more than 1,000 resi-
33 dents in an unincorporated area the employees of which are commissioned by a county sheriff;

34 (c) A district attorney's office;

35 (d) The Oregon Liquor Control Commission with regard to regulatory specialists; or

36 (e) A humane investigation agency as defined in ORS 181A.340.

37 (13) "Parole and probation officer" means:

38 (a) An officer who is employed full-time by the Department of Corrections, a county or a court
39 and who is charged with and performs the duty of:

40 (A) Community protection by controlling, investigating, supervising and providing or making
41 referrals to reformative services for adult parolees or probationers or offenders on post-prison
42 supervision; or

43 (B) Investigating adult offenders on parole or probation or being considered for parole or pro-
44 bation; or

45 (b) An officer who:

1 (A) Is certified and has been employed as a full-time parole and probation officer for more than
2 one year;

3 (B) Is employed part-time by the Department of Corrections, a county or a court; and

4 (C) Is charged with and performs the duty of:

5 (i) Community protection by controlling, investigating, supervising and providing or making re-
6 ferrals to reformative services for adult parolees or probationers or offenders on post-prison super-
7 vision; or

8 (ii) Investigating adult offenders on parole or probation or being considered for parole or pro-
9 bation.

10 (14) "Police officer" means:

11 (a) An officer, member or employee of a law enforcement unit employed full-time as a peace of-
12 ficer who is:

13 (A) Commissioned by a city, port, school district, mass transit district, county, county service
14 district authorized to provide law enforcement services under ORS 451.010, tribal government as
15 defined in ORS 181A.680, the Criminal Justice Division of the Department of Justice, the Oregon
16 State Lottery Commission, a university that has established a police department under ORS 352.121
17 or 353.125, the Governor or the Department of State Police; and

18 (B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to
19 airport security;

20 (b) An investigator of a district attorney's office if the investigator is or has been certified as
21 a peace officer in this or another state;

22 (c) A humane special agent commissioned under ORS 181A.340;

23 (d) A judicial marshal appointed under ORS 1.177 who is trained pursuant to ORS 181A.540; or

24 (e) An authorized tribal police officer as defined in ORS 181A.680.

25 (15) "Public or private safety agency" means a unit of state or local government, a special pur-
26 pose district or a private firm that provides, or has authority to provide, fire fighting, police, am-
27 bulance or emergency medical services.

28 (16) "Public safety personnel" and "public safety officer" include corrections officers, youth
29 correction officers, emergency medical dispatchers, parole and probation officers, police officers,
30 certified reserve officers, reserve officers, telecommunicators, regulatory specialists and fire service
31 professionals.

32 (17) "Regulatory specialist" has the meaning given that term in ORS 471.001.

33 (18) "Reserve officer" means an officer or member of a law enforcement unit who is:

34 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,
35 school district, mass transit district, county, county service district authorized to provide law
36 enforcement services under ORS 451.010, tribal government as defined in ORS 181A.680, the Crimi-
37 nal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a univer-
38 sity that has established a police department under ORS 352.121 or 353.125, the Governor or the
39 Department of State Police;

40 (b) Armed with a firearm; and

41 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-
42 nances relating to airport security.

43 (19) "Telecommunicator" means a person employed as an emergency communications worker as
44 defined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing
45 and transmitting public safety information received through the emergency communications system

1 as defined in ORS 403.105.

2 (20) "Youth correction officer" means an employee of the Oregon Youth Authority who is
3 charged with and primarily performs the duty of custody, control or supervision of [*youth*
4 *offenders*] **adjudicated youths** confined in a youth correction facility.

5 **SECTION 22.** ORS 192.345 is amended to read:

6 192.345. The following public records are exempt from disclosure under ORS 192.311 to 192.478
7 unless the public interest requires disclosure in the particular instance:

8 (1) Records of a public body pertaining to litigation to which the public body is a party if the
9 complaint has been filed, or if the complaint has not been filed, if the public body shows that such
10 litigation is reasonably likely to occur. This exemption does not apply to litigation which has been
11 concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery
12 or deposition statutes to a party to litigation or potential litigation.

13 (2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to,
14 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or
15 compilation of information which is not patented, which is known only to certain individuals within
16 an organization and which is used in a business it conducts, having actual or potential commercial
17 value, and which gives its user an opportunity to obtain a business advantage over competitors who
18 do not know or use it.

19 (3) Investigatory information compiled for criminal law purposes. The record of an arrest or the
20 report of a crime shall be disclosed unless and only for so long as there is a clear need to delay
21 disclosure in the course of a specific investigation, including the need to protect the complaining
22 party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or
23 granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the
24 record of an arrest or the report of a crime includes, but is not limited to:

25 (a) The arrested person's name, age, residence, employment, marital status and similar bi-
26 ographical information;

27 (b) The offense with which the arrested person is charged;

28 (c) The conditions of release pursuant to ORS 135.230 to 135.290;

29 (d) The identity of and biographical information concerning both complaining party and victim;

30 (e) The identity of the investigating and arresting agency and the length of the investigation;

31 (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

32 (g) Such information as may be necessary to enlist public assistance in apprehending fugitives
33 from justice.

34 (4) Test questions, scoring keys, and other data used to administer a licensing examination,
35 employment, academic or other examination or testing procedure before the examination is given
36 and if the examination is to be used again. Records establishing procedures for and instructing
37 persons administering, grading or evaluating an examination or testing procedure are included in
38 this exemption, to the extent that disclosure would create a risk that the result might be affected.

39 (5) Information consisting of production records, sale or purchase records or catch records, or
40 similar business records of a private concern or enterprise, required by law to be submitted to or
41 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-
42 lish production quotas, and the amounts of such fees or assessments payable or paid, to the extent
43 that such information is in a form that would permit identification of the individual concern or en-
44 terprise. This exemption does not include records submitted by long term care facilities as defined
45 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-

1 tient care. Nothing in this subsection shall limit the use that can be made of such information for
2 regulatory purposes or its admissibility in any enforcement proceeding.

3 (6) Information relating to the appraisal of real estate prior to its acquisition.

4 (7) The names and signatures of employees who sign authorization cards or petitions for the
5 purpose of requesting representation or decertification elections.

6 (8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825,
7 until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under
8 ORS 659A.850.

9 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
10 663.180.

11 (10) Records, reports and other information received or compiled by the Director of the De-
12 partment of Consumer and Business Services under ORS 697.732.

13 (11) Information concerning the location of archaeological sites or objects as those terms are
14 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and
15 the need for the information is related to that Indian tribe's cultural or religious activities. This
16 exemption does not include information relating to a site that is all or part of an existing, commonly
17 known and publicized tourist facility or attraction.

18 (12) A personnel discipline action, or materials or documents supporting that action.

19 (13) Fish and wildlife information:

20 (a) Developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and 564.100, re-
21 garding the habitat, location or population of any threatened species or endangered species; or

22 (b) Described in section 2, chapter 532, Oregon Laws 2019.

23 (14) Writings prepared by or under the direction of faculty of public educational institutions, in
24 connection with research, until publicly released, copyrighted or patented.

25 (15) Computer programs developed or purchased by or for any public body for its own use. As
26 used in this subsection, "computer program" means a series of instructions or statements which
27 permit the functioning of a computer system in a manner designed to provide storage, retrieval and
28 manipulation of data from such computer system, and any associated documentation and source
29 material that explain how to operate the computer program. "Computer program" does not include:

30 (a) The original data, including but not limited to numbers, text, voice, graphics and images;

31 (b) Analyses, compilations and other manipulated forms of the original data produced by use of
32 the program; or

33 (c) The mathematical and statistical formulas which would be used if the manipulated forms of
34 the original data were to be produced manually.

35 (16) Data and information provided by participants to mediation under ORS 36.256.

36 (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,
37 until a final administrative determination is made or, if a citation is issued, until an employer re-
38 ceives notice of any citation.

39 (18) Specific operational plans in connection with an anticipated threat to individual or public
40 safety for deployment and use of personnel and equipment, prepared or used by a public body, if
41 public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a
42 law enforcement activity.

43 (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-
44 graph, "audit or audit report" means any external or internal audit or audit report pertaining to a
45 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-

1 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to
2 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-
3 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-
4 cations carrier or affiliate under compulsion of state law. “Audit or audit report” does not mean an
5 audit of a cost study that would be discoverable in a contested case proceeding and that is not
6 subject to a protective order; and

7 (b) Financial statements. As used in this paragraph, “financial statement” means a financial
8 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,
9 with a telecommunications carrier, as defined in ORS 133.721.

10 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
11 247.967.

12 (21) The following records, communications and information submitted to a housing authority
13 as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants
14 for and recipients of loans, grants and tax credits:

15 (a) Personal and corporate financial statements and information, including tax returns;

16 (b) Credit reports;

17 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
18 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
19 of as part of the project, but only after the transactions have closed and are concluded;

20 (d) Market studies and analyses;

21 (e) Articles of incorporation, partnership agreements and operating agreements;

22 (f) Commitment letters;

23 (g) Project pro forma statements;

24 (h) Project cost certifications and cost data;

25 (i) Audits;

26 (j) Project tenant correspondence requested to be confidential;

27 (k) Tenant files relating to certification; and

28 (L) Housing assistance payment requests.

29 (22) Records or information that, if disclosed, would allow a person to:

30 (a) Gain unauthorized access to buildings or other property;

31 (b) Identify those areas of structural or operational vulnerability that would permit unlawful
32 disruption to, or interference with, services; or

33 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
34 cessing, communication or telecommunication systems, including the information contained in the
35 systems, that are used or operated by a public body.

36 (23) Records or information that would reveal or otherwise identify security measures, or
37 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
38 protect:

39 (a) An individual;

40 (b) Buildings or other property;

41 (c) Information processing, communication or telecommunication systems, including the infor-
42 mation contained in the systems; or

43 (d) Those operations of the Oregon State Lottery the security of which are subject to study and
44 evaluation under ORS 461.180 (6).

45 (24) Personal information held by or under the direction of officials of the Oregon Health and

1 Science University or a public university listed in ORS 352.002 about a person who has or who is
2 interested in donating money or property to the Oregon Health and Science University or a public
3 university, if the information is related to the family of the person, personal assets of the person or
4 is incidental information not related to the donation.

5 (25) The home address, professional address and telephone number of a person who has or who
6 is interested in donating money or property to a public university listed in ORS 352.002.

7 (26) Records of the name and address of a person who files a report with or pays an assessment
8 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council
9 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.

10 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-
11 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
12 card expiration date, password, financial institution account number and financial institution routing
13 number.

14 (28) Social Security numbers as provided in ORS 107.840.

15 (29) The electronic mail address of a student who attends a public university listed in ORS
16 352.002 or Oregon Health and Science University.

17 (30) The name, home address, professional address or location of a person that is engaged in,
18 or that provides goods or services for, medical research at Oregon Health and Science University
19 that is conducted using animals other than rodents. This subsection does not apply to Oregon Health
20 and Science University press releases, websites or other publications circulated to the general pub-
21 lic.

22 (31) If requested by a public safety officer, as defined in ORS 181A.355, or a county juvenile
23 department employee who is charged with and primarily performs duties related to the custody,
24 control or supervision of [*youth offenders*] **adjudicated youths** confined in a detention facility, as
25 defined in ORS 419A.004:

26 (a) The home address and home telephone number of the public safety officer or county juvenile
27 department employee contained in the voter registration records for the officer or employee.

28 (b) The home address and home telephone number of the public safety officer or county juvenile
29 department employee contained in records of the Department of Public Safety Standards and Train-
30 ing.

31 (c) The name of the public safety officer or county juvenile department employee contained in
32 county real property assessment or taxation records. This exemption:

33 (A) Applies only to the name of the officer or employee and any other owner of the property in
34 connection with a specific property identified by the officer or employee in a request for exemption
35 from disclosure;

36 (B) Applies only to records that may be made immediately available to the public upon request
37 in person, by telephone or using the Internet;

38 (C) Applies until the officer or employee requests termination of the exemption;

39 (D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
40 governmental purposes; and

41 (E) May not result in liability for the county if the name of the officer or employee is disclosed
42 after a request for exemption from disclosure is made under this subsection.

43 (32) Unless the public records request is made by a financial institution, as defined in ORS
44 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage
45 broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records de-

1 scribed in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought
2 by an individual described in paragraph (b) of this subsection using the procedure described in par-
3 agraph (c) of this subsection:

4 (a) The home address, home or cellular telephone number or personal electronic mail address
5 contained in the records of any public body that has received the request that is set forth in:

6 (A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction,
7 substitution of trustee, easement, dog license, marriage license or military discharge record that is
8 in the possession of the county clerk; or

9 (B) Any public record of a public body other than the county clerk.

10 (b) The individual claiming the exemption from disclosure must be a district attorney, a deputy
11 district attorney, the Attorney General or an assistant attorney general, the United States Attorney
12 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city
13 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages
14 in the prosecution of criminal matters.

15 (c) The individual claiming the exemption from disclosure must do so by filing the claim in
16 writing with the public body for which the exemption from disclosure is being claimed on a form
17 prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall
18 list the public records in the possession of the public body to which the exemption applies. The ex-
19 emption applies until the individual claiming the exemption requests termination of the exemption
20 or ceases to qualify for the exemption.

21 (33) The following voluntary conservation agreements and reports:

22 (a) Land management plans required for voluntary stewardship agreements entered into under
23 ORS 541.973; and

24 (b) Written agreements relating to the conservation of greater sage grouse entered into volun-
25 tarily by owners or occupiers of land with a soil and water conservation district under ORS 568.550.

26 (34) Sensitive business records or financial or commercial information of the State Accident In-
27 surance Fund Corporation that is not customarily provided to business competitors. This exemption
28 does not:

29 (a) Apply to the formulas for determining dividends to be paid to employers insured by the State
30 Accident Insurance Fund Corporation;

31 (b) Apply to contracts for advertising, public relations or lobbying services or to documents re-
32 lated to the formation of such contracts;

33 (c) Apply to group insurance contracts or to documents relating to the formation of such con-
34 tracts, except that employer account records shall remain exempt from disclosure as provided in
35 ORS 192.355 (35); or

36 (d) Provide the basis for opposing the discovery of documents in litigation pursuant to the ap-
37 plicable rules of civil procedure.

38 (35) Records of the Department of Public Safety Standards and Training relating to investi-
39 gations conducted under ORS 181A.640 or 181A.870 (6), until the department issues the report de-
40 scribed in ORS 181A.640 or 181A.870.

41 (36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical
42 examiner under ORS 146.117.

43 (37) Any document or other information related to an audit of a public body, as defined in ORS
44 174.109, that is in the custody of an auditor or audit organization operating under nationally re-
45 cognized government auditing standards, until the auditor or audit organization issues a final audit

1 report in accordance with those standards or the audit is abandoned. This exemption does not pro-
2 hibit disclosure of a draft audit report that is provided to the audited entity for the entity's response
3 to the audit findings.

4 (38)(a) Personally identifiable information collected as part of an electronic fare collection sys-
5 tem of a mass transit system.

6 (b) The exemption from disclosure in paragraph (a) of this subsection does not apply to public
7 records that have attributes of anonymity that are sufficient, or that are aggregated into groupings
8 that are broad enough, to ensure that persons cannot be identified by disclosure of the public re-
9 cords.

10 (c) As used in this subsection:

11 (A) "Electronic fare collection system" means the software and hardware used for, associated
12 with or relating to the collection of transit fares for a mass transit system, including but not limited
13 to computers, radio communication systems, personal mobile devices, wearable technology, fare in-
14 struments, information technology, data storage or collection equipment, or other equipment or im-
15 provements.

16 (B) "Mass transit system" has the meaning given that term in ORS 267.010.

17 (C) "Personally identifiable information" means all information relating to a person that ac-
18 quires or uses a transit pass or other fare payment medium in connection with an electronic fare
19 collection system, including but not limited to:

20 (i) Customer account information, date of birth, telephone number, physical address, electronic
21 mail address, credit or debit card information, bank account information, Social Security or taxpayer
22 identification number or other identification number, transit pass or fare payment medium balances
23 or history, or similar personal information; or

24 (ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle use,
25 or similar travel information.

26 (39)(a) If requested by a civil code enforcement officer:

27 (A) The home address and home telephone number of the civil code enforcement officer con-
28 tained in the voter registration records for the officer.

29 (B) The name of the civil code enforcement officer contained in county real property assessment
30 or taxation records. This exemption:

31 (i) Applies only to the name of the civil code enforcement officer and any other owner of the
32 property in connection with a specific property identified by the officer in a request for exemption
33 from disclosure;

34 (ii) Applies only to records that may be made immediately available to the public upon request
35 in person, by telephone or using the Internet;

36 (iii) Applies until the civil code enforcement officer requests termination of the exemption;

37 (iv) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
38 governmental purposes; and

39 (v) May not result in liability for the county if the name of the civil code enforcement officer
40 is disclosed after a request for exemption from disclosure is made under this subsection.

41 (b) As used in this subsection, "civil code enforcement officer" means an employee of a public
42 body, as defined in ORS 174.109, who is charged with enforcing laws or ordinances relating to land
43 use, zoning, use of rights-of-way, solid waste, hazardous waste, sewage treatment and disposal or the
44 state building code.

45 (40) Audio or video recordings, whether digital or analog, resulting from a law enforcement

1 officer's operation of a video camera worn upon the officer's person that records the officer's inter-
 2 actions with members of the public while the officer is on duty. When a recording described in this
 3 subsection is subject to disclosure, the following apply:

4 (a) Recordings that have been sealed in a court's record of a court proceeding or otherwise or-
 5 dered by a court not to be disclosed may not be disclosed.

6 (b) A request for disclosure under this subsection must identify the approximate date and time
 7 of an incident for which the recordings are requested and be reasonably tailored to include only that
 8 material for which a public interest requires disclosure.

9 (c) A video recording disclosed under this subsection must, prior to disclosure, be edited in a
 10 manner as to render the faces of all persons within the recording unidentifiable.

11 (41) The contents of tips reported to a tip line, as defined in ORS 339.329. However, personally
 12 identifiable information, as defined in ORS 339.329, is not subject to public interest balancing under
 13 this section and remains exempt from disclosure except as provided in ORS 339.329.

14 **SECTION 23.** ORS 192.345, as amended by section 4, chapter 532, Oregon Laws 2019, is
 15 amended to read:

16 192.345. The following public records are exempt from disclosure under ORS 192.311 to 192.478
 17 unless the public interest requires disclosure in the particular instance:

18 (1) Records of a public body pertaining to litigation to which the public body is a party if the
 19 complaint has been filed, or if the complaint has not been filed, if the public body shows that such
 20 litigation is reasonably likely to occur. This exemption does not apply to litigation which has been
 21 concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery
 22 or deposition statutes to a party to litigation or potential litigation.

23 (2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to,
 24 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or
 25 compilation of information which is not patented, which is known only to certain individuals within
 26 an organization and which is used in a business it conducts, having actual or potential commercial
 27 value, and which gives its user an opportunity to obtain a business advantage over competitors who
 28 do not know or use it.

29 (3) Investigatory information compiled for criminal law purposes. The record of an arrest or the
 30 report of a crime shall be disclosed unless and only for so long as there is a clear need to delay
 31 disclosure in the course of a specific investigation, including the need to protect the complaining
 32 party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or
 33 granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the
 34 record of an arrest or the report of a crime includes, but is not limited to:

35 (a) The arrested person's name, age, residence, employment, marital status and similar bi-
 36 ographical information;

37 (b) The offense with which the arrested person is charged;

38 (c) The conditions of release pursuant to ORS 135.230 to 135.290;

39 (d) The identity of and biographical information concerning both complaining party and victim;

40 (e) The identity of the investigating and arresting agency and the length of the investigation;

41 (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

42 (g) Such information as may be necessary to enlist public assistance in apprehending fugitives
 43 from justice.

44 (4) Test questions, scoring keys, and other data used to administer a licensing examination,
 45 employment, academic or other examination or testing procedure before the examination is given

1 and if the examination is to be used again. Records establishing procedures for and instructing
2 persons administering, grading or evaluating an examination or testing procedure are included in
3 this exemption, to the extent that disclosure would create a risk that the result might be affected.

4 (5) Information consisting of production records, sale or purchase records or catch records, or
5 similar business records of a private concern or enterprise, required by law to be submitted to or
6 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-
7 lish production quotas, and the amounts of such fees or assessments payable or paid, to the extent
8 that such information is in a form that would permit identification of the individual concern or en-
9 terprise. This exemption does not include records submitted by long term care facilities as defined
10 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-
11 tient care. Nothing in this subsection shall limit the use that can be made of such information for
12 regulatory purposes or its admissibility in any enforcement proceeding.

13 (6) Information relating to the appraisal of real estate prior to its acquisition.

14 (7) The names and signatures of employees who sign authorization cards or petitions for the
15 purpose of requesting representation or decertification elections.

16 (8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825,
17 until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under
18 ORS 659A.850.

19 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
20 663.180.

21 (10) Records, reports and other information received or compiled by the Director of the De-
22 partment of Consumer and Business Services under ORS 697.732.

23 (11) Information concerning the location of archaeological sites or objects as those terms are
24 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and
25 the need for the information is related to that Indian tribe's cultural or religious activities. This
26 exemption does not include information relating to a site that is all or part of an existing, commonly
27 known and publicized tourist facility or attraction.

28 (12) A personnel discipline action, or materials or documents supporting that action.

29 (13) Fish and wildlife information developed pursuant to ORS 496.004, 496.172 and 498.026 or
30 ORS 496.192 and 564.100, regarding the habitat, location or population of any threatened species or
31 endangered species.

32 (14) Writings prepared by or under the direction of faculty of public educational institutions, in
33 connection with research, until publicly released, copyrighted or patented.

34 (15) Computer programs developed or purchased by or for any public body for its own use. As
35 used in this subsection, "computer program" means a series of instructions or statements which
36 permit the functioning of a computer system in a manner designed to provide storage, retrieval and
37 manipulation of data from such computer system, and any associated documentation and source
38 material that explain how to operate the computer program. "Computer program" does not include:

39 (a) The original data, including but not limited to numbers, text, voice, graphics and images;

40 (b) Analyses, compilations and other manipulated forms of the original data produced by use of
41 the program; or

42 (c) The mathematical and statistical formulas which would be used if the manipulated forms of
43 the original data were to be produced manually.

44 (16) Data and information provided by participants to mediation under ORS 36.256.

45 (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,

1 until a final administrative determination is made or, if a citation is issued, until an employer re-
2 ceives notice of any citation.

3 (18) Specific operational plans in connection with an anticipated threat to individual or public
4 safety for deployment and use of personnel and equipment, prepared or used by a public body, if
5 public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a
6 law enforcement activity.

7 (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-
8 graph, "audit or audit report" means any external or internal audit or audit report pertaining to a
9 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-
10 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to
11 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-
12 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-
13 cations carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an
14 audit of a cost study that would be discoverable in a contested case proceeding and that is not
15 subject to a protective order; and

16 (b) Financial statements. As used in this paragraph, "financial statement" means a financial
17 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,
18 with a telecommunications carrier, as defined in ORS 133.721.

19 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
20 247.967.

21 (21) The following records, communications and information submitted to a housing authority
22 as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants
23 for and recipients of loans, grants and tax credits:

24 (a) Personal and corporate financial statements and information, including tax returns;

25 (b) Credit reports;

26 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
27 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
28 of as part of the project, but only after the transactions have closed and are concluded;

29 (d) Market studies and analyses;

30 (e) Articles of incorporation, partnership agreements and operating agreements;

31 (f) Commitment letters;

32 (g) Project pro forma statements;

33 (h) Project cost certifications and cost data;

34 (i) Audits;

35 (j) Project tenant correspondence requested to be confidential;

36 (k) Tenant files relating to certification; and

37 (L) Housing assistance payment requests.

38 (22) Records or information that, if disclosed, would allow a person to:

39 (a) Gain unauthorized access to buildings or other property;

40 (b) Identify those areas of structural or operational vulnerability that would permit unlawful
41 disruption to, or interference with, services; or

42 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
43 cessing, communication or telecommunication systems, including the information contained in the
44 systems, that are used or operated by a public body.

45 (23) Records or information that would reveal or otherwise identify security measures, or

1 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
2 protect:

3 (a) An individual;

4 (b) Buildings or other property;

5 (c) Information processing, communication or telecommunication systems, including the infor-
6 mation contained in the systems; or

7 (d) Those operations of the Oregon State Lottery the security of which are subject to study and
8 evaluation under ORS 461.180 (6).

9 (24) Personal information held by or under the direction of officials of the Oregon Health and
10 Science University or a public university listed in ORS 352.002 about a person who has or who is
11 interested in donating money or property to the Oregon Health and Science University or a public
12 university, if the information is related to the family of the person, personal assets of the person or
13 is incidental information not related to the donation.

14 (25) The home address, professional address and telephone number of a person who has or who
15 is interested in donating money or property to a public university listed in ORS 352.002.

16 (26) Records of the name and address of a person who files a report with or pays an assessment
17 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council
18 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.

19 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-
20 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
21 card expiration date, password, financial institution account number and financial institution routing
22 number.

23 (28) Social Security numbers as provided in ORS 107.840.

24 (29) The electronic mail address of a student who attends a public university listed in ORS
25 352.002 or Oregon Health and Science University.

26 (30) The name, home address, professional address or location of a person that is engaged in,
27 or that provides goods or services for, medical research at Oregon Health and Science University
28 that is conducted using animals other than rodents. This subsection does not apply to Oregon Health
29 and Science University press releases, websites or other publications circulated to the general pub-
30 lic.

31 (31) If requested by a public safety officer, as defined in ORS 181A.355, or a county juvenile
32 department employee who is charged with and primarily performs duties related to the custody,
33 control or supervision of [*youth offenders*] **adjudicated youths** confined in a detention facility, as
34 defined in ORS 419A.004:

35 (a) The home address and home telephone number of the public safety officer or county juvenile
36 department employee contained in the voter registration records for the officer or employee.

37 (b) The home address and home telephone number of the public safety officer or county juvenile
38 department employee contained in records of the Department of Public Safety Standards and Train-
39 ing.

40 (c) The name of the public safety officer or county juvenile department employee contained in
41 county real property assessment or taxation records. This exemption:

42 (A) Applies only to the name of the officer or employee and any other owner of the property in
43 connection with a specific property identified by the officer or employee in a request for exemption
44 from disclosure;

45 (B) Applies only to records that may be made immediately available to the public upon request

1 in person, by telephone or using the Internet;

2 (C) Applies until the officer or employee requests termination of the exemption;

3 (D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
4 governmental purposes; and

5 (E) May not result in liability for the county if the name of the officer or employee is disclosed
6 after a request for exemption from disclosure is made under this subsection.

7 (32) Unless the public records request is made by a financial institution, as defined in ORS
8 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage
9 broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records de-
10 scribed in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought
11 by an individual described in paragraph (b) of this subsection using the procedure described in par-
12 agraph (c) of this subsection:

13 (a) The home address, home or cellular telephone number or personal electronic mail address
14 contained in the records of any public body that has received the request that is set forth in:

15 (A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction,
16 substitution of trustee, easement, dog license, marriage license or military discharge record that is
17 in the possession of the county clerk; or

18 (B) Any public record of a public body other than the county clerk.

19 (b) The individual claiming the exemption from disclosure must be a district attorney, a deputy
20 district attorney, the Attorney General or an assistant attorney general, the United States Attorney
21 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city
22 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages
23 in the prosecution of criminal matters.

24 (c) The individual claiming the exemption from disclosure must do so by filing the claim in
25 writing with the public body for which the exemption from disclosure is being claimed on a form
26 prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall
27 list the public records in the possession of the public body to which the exemption applies. The ex-
28 emption applies until the individual claiming the exemption requests termination of the exemption
29 or ceases to qualify for the exemption.

30 (33) The following voluntary conservation agreements and reports:

31 (a) Land management plans required for voluntary stewardship agreements entered into under
32 ORS 541.973; and

33 (b) Written agreements relating to the conservation of greater sage grouse entered into volun-
34 tarily by owners or occupiers of land with a soil and water conservation district under ORS 568.550.

35 (34) Sensitive business records or financial or commercial information of the State Accident In-
36 surance Fund Corporation that is not customarily provided to business competitors. This exemption
37 does not:

38 (a) Apply to the formulas for determining dividends to be paid to employers insured by the State
39 Accident Insurance Fund Corporation;

40 (b) Apply to contracts for advertising, public relations or lobbying services or to documents re-
41 lated to the formation of such contracts;

42 (c) Apply to group insurance contracts or to documents relating to the formation of such con-
43 tracts, except that employer account records shall remain exempt from disclosure as provided in
44 ORS 192.355 (35); or

45 (d) Provide the basis for opposing the discovery of documents in litigation pursuant to the ap-

1 plicable rules of civil procedure.

2 (35) Records of the Department of Public Safety Standards and Training relating to investi-
3 gations conducted under ORS 181A.640 or 181A.870 (6), until the department issues the report de-
4 scribed in ORS 181A.640 or 181A.870.

5 (36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical
6 examiner under ORS 146.117.

7 (37) Any document or other information related to an audit of a public body, as defined in ORS
8 174.109, that is in the custody of an auditor or audit organization operating under nationally re-
9 cognized government auditing standards, until the auditor or audit organization issues a final audit
10 report in accordance with those standards or the audit is abandoned. This exemption does not pro-
11 hibit disclosure of a draft audit report that is provided to the audited entity for the entity's response
12 to the audit findings.

13 (38)(a) Personally identifiable information collected as part of an electronic fare collection sys-
14 tem of a mass transit system.

15 (b) The exemption from disclosure in paragraph (a) of this subsection does not apply to public
16 records that have attributes of anonymity that are sufficient, or that are aggregated into groupings
17 that are broad enough, to ensure that persons cannot be identified by disclosure of the public re-
18 cords.

19 (c) As used in this subsection:

20 (A) "Electronic fare collection system" means the software and hardware used for, associated
21 with or relating to the collection of transit fares for a mass transit system, including but not limited
22 to computers, radio communication systems, personal mobile devices, wearable technology, fare in-
23 struments, information technology, data storage or collection equipment, or other equipment or im-
24 provements.

25 (B) "Mass transit system" has the meaning given that term in ORS 267.010.

26 (C) "Personally identifiable information" means all information relating to a person that ac-
27 quires or uses a transit pass or other fare payment medium in connection with an electronic fare
28 collection system, including but not limited to:

29 (i) Customer account information, date of birth, telephone number, physical address, electronic
30 mail address, credit or debit card information, bank account information, Social Security or taxpayer
31 identification number or other identification number, transit pass or fare payment medium balances
32 or history, or similar personal information; or

33 (ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle use,
34 or similar travel information.

35 (39)(a) If requested by a civil code enforcement officer:

36 (A) The home address and home telephone number of the civil code enforcement officer con-
37 tained in the voter registration records for the officer.

38 (B) The name of the civil code enforcement officer contained in county real property assessment
39 or taxation records. This exemption:

40 (i) Applies only to the name of the civil code enforcement officer and any other owner of the
41 property in connection with a specific property identified by the officer in a request for exemption
42 from disclosure;

43 (ii) Applies only to records that may be made immediately available to the public upon request
44 in person, by telephone or using the Internet;

45 (iii) Applies until the civil code enforcement officer requests termination of the exemption;

1 (iv) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
2 governmental purposes; and

3 (v) May not result in liability for the county if the name of the civil code enforcement officer
4 is disclosed after a request for exemption from disclosure is made under this subsection.

5 (b) As used in this subsection, “civil code enforcement officer” means an employee of a public
6 body, as defined in ORS 174.109, who is charged with enforcing laws or ordinances relating to land
7 use, zoning, use of rights-of-way, solid waste, hazardous waste, sewage treatment and disposal or the
8 state building code.

9 (40) Audio or video recordings, whether digital or analog, resulting from a law enforcement
10 officer’s operation of a video camera worn upon the officer’s person that records the officer’s inter-
11 actions with members of the public while the officer is on duty. When a recording described in this
12 subsection is subject to disclosure, the following apply:

13 (a) Recordings that have been sealed in a court’s record of a court proceeding or otherwise or-
14 dered by a court not to be disclosed may not be disclosed.

15 (b) A request for disclosure under this subsection must identify the approximate date and time
16 of an incident for which the recordings are requested and be reasonably tailored to include only that
17 material for which a public interest requires disclosure.

18 (c) A video recording disclosed under this subsection must, prior to disclosure, be edited in a
19 manner as to render the faces of all persons within the recording unidentifiable.

20 (41) The contents of tips reported to a tip line, as defined in ORS 339.329. However, personally
21 identifiable information, as defined in ORS 339.329, is not subject to public interest balancing under
22 this section and remains exempt from disclosure except as provided in ORS 339.329.

23 **SECTION 24.** ORS 243.736 is amended to read:

24 243.736. (1) It is unlawful for any of the following public employees to strike or recognize a
25 picket line of a labor organization while in the performance of official duties:

26 (a) Assistant attorneys general;

27 (b) Deputy district attorneys;

28 (c) Emergency communications worker;

29 (d) Employee of the Oregon Youth Authority who has custody, control or supervision of [*youth*
30 *offenders*] **adjudicated youths**;

31 (e) Firefighter;

32 (f) Guard at a correctional institution or mental hospital;

33 (g) Parole and probation officer who supervises adult offenders; and

34 (h) Police officer.

35 (2) As used in this section, “emergency communications worker” means an individual whose of-
36 ficial focal duties are receiving information through the emergency communications system under
37 ORS 403.105 to 403.250, relaying the information to public or private safety agencies or dispatching
38 emergency equipment or personnel in response to the information.

39 **SECTION 25.** ORS 339.080 is amended to read:

40 339.080. (1) Except as provided in ORS 339.030, in case any parent or other person in parental
41 relation fails to send any child under the control of the parent or other person to the public school,
42 the attendance supervisor, within 24 hours after notification from the proper authority of the failure,
43 shall give formal written notice in person or by registered or certified mail to the parent or other
44 person.

45 (2) The notice required by subsection (1) of this section must inform the parent or other person

1 in parental relation that:

2 (a) The child must appear at the public school on the next school day following the receipt of
3 the notice.

4 (b) Regular attendance at school must be maintained during the remainder of the school year.

5 (c) The parent or other person in parental relation has the right to request:

6 (A) For a child who does not have an individualized education program, an evaluation to de-
7 termine if the child should have an individualized education program; or

8 (B) For a child who has an individualized education program, a review of the individualized ed-
9 ucation program.

10 (3) At the same time notice is given to the parent or other person, the attendance supervisor
11 shall notify the superintendent or principal, as suitable, of the fact of the notice. The superintendent
12 or principal shall notify the attendance supervisor of any failure on the part of the parent or other
13 person to comply with the notice.

14 (4) If the child who is the subject of a notice under subsection (1) of this section is [*a youth*
15 *offender*] **an adjudicated youth** on parole or probation, at the same time notice is given to the
16 parent or other person, the attendance supervisor shall notify the child's parole or probation officer
17 of the child's absence.

18 **SECTION 26.** ORS 341.522, as amended by section 1, chapter 19, Oregon Laws 2020 (first special
19 session), is amended to read:

20 341.522. (1) The Office of Student Access and Completion shall administer the Oregon Promise
21 program as provided by this section.

22 (2) Subject to subsections (7) to (10) of this section, the office shall provide a grant for commu-
23 nity college courses to a person who meets the criteria described in subsections (3) to (6) of this
24 section. The grant shall be limited as provided by subsections (7) to (10) of this section.

25 (3) A grant shall be awarded under this section to a person who meets the following criteria:

26 (a) Is enrolled in courses that are:

27 (A) Offered at a community college in this state; and

28 (B) Determined by the office, in accordance with rules adopted by the Higher Education Coor-
29 dinating Commission, to be required for completion of:

30 (i) A one-year curriculum for students who plan to transfer to another post-secondary institution
31 of education;

32 (ii) An associate degree; or

33 (iii) A program in career and technical education;

34 (b) Except as provided in subsection (5) of this section, has been a resident of this state for at
35 least 12 months prior to enrolling in the courses described in paragraph (a) of this subsection;

36 (c) Attained the person's highest level of education, except as provided in subsection (5) of this
37 section, in this state prior to:

38 (A) Receiving a diploma under ORS 329.451;

39 (B) Receiving a certificate for passing an approved high school equivalency test such as the
40 General Educational Development (GED) test as provided by ORS 350.175;

41 (C) Completing grade 12 in compliance with the requirements of ORS 339.035; or

42 (D) Completing grade 12 at a private or parochial school, as described in ORS 339.030 (1)(a);

43 (d) Except as provided in subsections (4) and (5) of this section, attained the person's highest
44 level of education as described in paragraph (c) of this subsection within six months from the date
45 that the person first enrolls in courses described in paragraph (a) of this subsection for the purpose

1 of receiving a grant under this section;

2 (e) Earned a cumulative grade point average of 2.5 or better in high school or otherwise dem-
3 onstrated an equivalent academic ability, as determined by the office according to rules adopted by
4 the commission;

5 (f) Completed and submitted the Free Application for Federal Student Aid for each academic
6 year and accepted all state and federal aid grants available to the person, if eligible to file the ap-
7 plication; and

8 (g) Has not completed either of the following:

9 (A) More than a total of 90 credit hours, or the equivalent, at a post-secondary institution of
10 education; or

11 (B) A curriculum, degree or program, as described in paragraph (a)(B) of this subsection.

12 (4)(a) If a person otherwise meets the required criteria and has been awarded a grant under
13 subsection (3) of this section, but the person enters into service with a career and technical student
14 organization relating to agriculture or farming that is approved by the Department of Education
15 under ORS 344.077 within six months after the person attained the person's highest level of educa-
16 tion as described in subsection (3)(c) of this section, the person will continue to be eligible to receive
17 the grant if the person first enrolls in courses described in subsection (3)(a) of this section within
18 six months of finishing the person's service with the career and technical student organization.

19 (b) In addition to the situation described in paragraph (a) of this subsection, the commission may
20 waive the requirement set forth in subsection (3)(d) of this section for a person who shows that the
21 person was unable to timely enroll in courses described in subsection (3)(a) of this section due to a
22 significant hardship. The commission may adopt rules to implement this paragraph.

23 (5)(a) A member of the Oregon National Guard who has completed initial active duty training
24 is not required to comply with the criteria set forth in subsection (3)(d) of this section in order to
25 receive a grant, provided that the member first enrolls in courses described in subsection (3)(a) of
26 this section within six months after completing initial active duty training, as evidenced by an offi-
27 cial form issued by the United States Department of Defense.

28 (b)(A) A person who completes the highest level of education as described in subsection (3)(c)
29 of this section while confined in a correctional facility, either serving a sentence of incarceration
30 or as a young person, youth or [*youth offender*] **adjudicated youth**, is not required to comply with
31 the criteria set forth in subsection (3)(d) of this section in order to receive a grant, provided that
32 the person first enrolls in courses described in subsection (3)(a) of this section within six months
33 after the date on which the person is first released from a correctional facility following completion
34 of the highest level of education described in subsection (3)(c) of this section.

35 (B) The eligibility requirements described in subsection (6)(a)(C) of this section may be waived
36 by the office according to rules adopted by the commission for a person who receives a grant under
37 this section in the manner described in subparagraph (A) of this paragraph.

38 (C) As used in this paragraph:

39 (i) **“Adjudicated youth,” “detention facility,” “young person” and “youth” have the**
40 **meanings given those terms in ORS 419A.004.**

41 [*i*] (ii) “Correctional facility” means any place used for the confinement of young persons,
42 [*youth or youth offenders*] **youths or adjudicated youths** or persons charged with or convicted of
43 a crime or otherwise confined under a court order, including a:

44 (I) Youth correction facility;

45 (II) Detention facility;

1 (III) Department of Corrections institution;

2 (IV) Local correctional facility; or

3 (V) State hospital or a secure intensive community inpatient facility, with respect to persons
 4 detained therein who are [*youth or youth offenders*] **youths or adjudicated youths**, who are charged
 5 with or convicted of a crime or who are detained therein after having been found guilty except for
 6 insanity of a crime under ORS 161.290 to 161.373 or having been found responsible except for in-
 7 sanity under ORS 419C.411.

8 [(ii)] (iii) “Department of Corrections institution” has the meaning given that term in ORS
 9 421.005.

10 [(iii)] *“Detention facility,” “young person,” “youth” and “youth offender” have the meanings given*
 11 *those terms in ORS 419A.004.*]

12 (iv) “Local correctional facility” has the meaning given that term in ORS 169.005.

13 (v) “Youth correction facility” has the meaning given that term in ORS 420.005.

14 (c)(A) If a person was a foster child:

15 (i) The person shall be treated as meeting the residency criteria for eligibility under subsection
 16 (3)(b) of this section if, but for the person’s placement in out-of-state foster care, the person other-
 17 wise meets the requirements of subsection (3)(b) of this section.

18 (ii) The person shall be treated as attaining the person’s highest level of education in this state
 19 under subsection (3)(c) of this section if the person attained the person’s highest level of education
 20 while placed in out-of-state foster care and the person’s highest level of education substantially
 21 meets the requirements under subsection (3)(c) of this section.

22 (iii) The person is not required to comply with the criteria set forth in subsection (3)(d) of this
 23 section in order to receive a grant provided that the person completes the highest level of education
 24 as described in subparagraph (A)(ii) of this paragraph while in a treatment program and the person
 25 first enrolls in courses described in subsection (3)(a) of this section within 12 months after the date
 26 on which the person is released from the treatment program.

27 (B) Upon request from the commission, the Department of Human Services shall provide doc-
 28 umentation of the placement status of a person described in paragraph (c)(A) of this subsection.

29 (C) As used in this paragraph:

30 (i) “Foster care” means substitute care for children placed by the Department of Human Ser-
 31 vices or a tribal child welfare agency away from the child’s parents and for whom the department
 32 or agency has placement and care responsibility, including placements in foster family homes, foster
 33 homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and
 34 preadoptive homes.

35 (ii) “Foster child” means a child over whom the Department of Human Services retained juris-
 36 diction under ORS 417.200 for the duration of the child’s placement in foster care outside the State
 37 of Oregon.

38 (6)(a) A person continues to remain eligible to receive a grant under this section if the person,
 39 in addition to satisfying the criteria specified in subsection (3) of this section, meets the following
 40 criteria:

41 (A) Maintains at least the minimum cumulative grade point average prescribed by the commis-
 42 sion based on federal aid grant requirements;

43 (B) Makes satisfactory academic progress toward a curriculum, degree or program, as described
 44 in subsection (3)(a)(B) of this section, as prescribed by the commission based on federal aid grant
 45 requirements;

1 (C) Enrolls in courses described in subsection (3)(a) of this section for a sufficient number of
2 credit hours to be considered at least a half-time student each term for at least three terms in each
3 consecutive academic year; and

4 (D) Completes a first-year experience, as identified by the community college and reported by
5 the community college to the commission.

6 (b) A person who fails to meet an eligibility requirement described in paragraph (a) of this
7 subsection becomes ineligible to receive a grant under this section for the term after which the
8 person fails to meet the eligibility requirement, unless the eligibility requirement is waived by the
9 office according to rules adopted by the commission.

10 (7)(a) The total amount of a grant awarded under this section shall be based on each term that
11 a person is enrolled in courses described in subsection (3)(a) of this section. Except as provided in
12 subsections (9) and (10) of this section, after the amount of tuition for the person for the term is
13 reduced by any amounts received by the person in state and federal aid grants, the person shall be
14 eligible for a grant under this section in an amount that equals:

15 (A) Except as provided by paragraphs (b) and (c) of this subsection, not less than the greater
16 of:

17 (i) \$1,000; and

18 (ii) The person's actual cost for tuition.

19 (B) Not more than the lesser of:

20 (i) The average cost of tuition at a community college in this state, as determined by the office;
21 and

22 (ii) The person's actual cost for tuition.

23 (b) The amount of a grant, as calculated under paragraph (a) of this subsection, shall be reduced
24 by \$50 for each term that the person receives a grant under this section.

25 (c)(A) If the office determines both that the person's actual cost for tuition exceeds the amount
26 set forth in paragraph (a)(A)(i) of this subsection and that the person's actual cost for tuition ex-
27 ceeds the average cost of tuition at a community college in this state, the person shall be eligible
28 for a grant in an amount that equals the average cost of tuition at a community college in this state.

29 (B) If the office determines that the person's actual cost for tuition is less than the amount set
30 forth in paragraph (a)(A)(i) of this subsection, the person shall be eligible for a grant in an amount
31 that equals the amount set forth in paragraph (a)(A)(i) of this subsection.

32 (d) The minimum amount of a grant, as calculated under paragraphs (a) to (c) of this subsection,
33 may be prorated for a person who is enrolled in courses described in subsection (3)(a) of this section
34 for a sufficient number of credit hours to be considered at least a half-time student but not a full-
35 time student.

36 (e) The commission may prescribe by rule whether to include fees, and any limitations related
37 to the inclusion of fees, when determining the actual cost of tuition or the average cost of tuition
38 under this subsection.

39 (8) The commission may adopt by rule the priority by which grants are awarded, which may
40 allow for preference to be given to persons enrolled in school districts or high schools that meet
41 specified criteria.

42 (9) Prior to the start of the fall term of each academic year, the commission shall determine
43 whether there are sufficient moneys to award a grant under this section to each person who meets
44 the criteria described in subsections (3) to (6) of this section. On the basis of this determination the
45 commission may:

1 (a) Limit eligibility to receive a grant under this section to a person whose family contribution,
2 as determined by the commission by rule, is at or below the level the commission determines is
3 necessary to allow the commission to operate the Oregon Promise program with available moneys;
4 or

5 (b) Reduce or eliminate any limitation on eligibility previously imposed by the commission under
6 paragraph (a) of this subsection.

7 (10)(a) If at any time the commission determines that there are insufficient moneys to provide
8 a grant to each person who has been awarded a grant under this section, the commission may:

9 (A) Decrease the total amount of the grant awarded; or

10 (B) Increase the amount that a person must pay under subsection (7)(b) of this section for each
11 term that the person receives a grant under this section.

12 (b) If at any time the commission determines that the amount of moneys available to operate the
13 Oregon Promise program exceeds the amount determined under subsection (9) of this section, the
14 commission may reduce or eliminate any limitation on eligibility to receive a grant under this sec-
15 tion that was previously imposed by the commission under subsection (9)(a) of this section.

16 (c) The commission shall promptly notify the interim committees of the Legislative Assembly
17 responsible for higher education each time the commission takes any action under paragraph (a) or
18 (b) of this subsection.

19 (11) The commission shall adopt any rules necessary for the administration of this section, in-
20 cluding any requirements related to:

21 (a) Specifying the form and timelines for submitting an application for a grant under this section;

22 (b) Determining whether a person is eligible for a grant under this section, including whether
23 the person shall be given priority as allowed under subsection (8) of this section;

24 (c) Implementing programs or policies that improve the academic success or completion rates for
25 persons who receive a grant under this section;

26 (d) Prescribing eligibility requirements and grant calculations for persons dually enrolled in a
27 community college and a public university; and

28 (e) Evaluating the impact of the program established under this section, including any require-
29 ments for reporting data needed for evaluations.

30 (12) No later than December 31 of each even-numbered year, the commission shall submit to an
31 interim legislative committee related to education a report that summarizes the commission's
32 findings on the impact of the program established under this section. The report shall include:

33 (a) Student completion rates of curricula, degrees and programs described in subsection (3)(a)(B)
34 of this section;

35 (b) The amount of federal aid grants received by persons who received a grant under this sec-
36 tion;

37 (c) The financial impact of the program on school districts that had students receive a grant
38 under this section;

39 (d) The financial impact and the enrollment impact of the program on community colleges and
40 public universities in this state; and

41 (e) The overall success rate of the program and financial impact of the program.

42 **SECTION 27.** ORS 417.850 is amended to read:

43 417.850. The Youth Development Council established by ORS 417.847 shall:

44 (1) Review the budget and allocation formula for appropriations for the purpose of juvenile crime
45 prevention;

1 (2) Review the components of local high-risk juvenile crime prevention plans developed under
2 ORS 417.855 and make recommendations to the Governor about the local plans;

3 (3) Ensure that high-risk juvenile crime prevention planning criteria are met by state and local
4 public and private entities;

5 (4) Recommend high-risk juvenile justice and juvenile crime prevention policies to the Governor
6 and the Legislative Assembly;

7 (5) Ensure initiation of contracts based on approved local high-risk juvenile crime prevention
8 plans and oversee contract changes;

9 (6) Review data and outcome information;

10 (7) Establish and publish review and assessment criteria for the local high-risk juvenile crime
11 prevention plans. The criteria shall include, but not be limited to, measuring changes in juvenile
12 crime and juvenile recidivism;

13 (8) Review and coordinate county youth diversion plans and basic services grants with the local
14 high-risk juvenile crime prevention plans. Basic services grants may be used for detention and other
15 juvenile department services including:

16 (a) Shelter care;

17 (b) Treatment services;

18 (c) Graduated sanctions; and

19 (d) Aftercare for [*youth offenders*] **adjudicated youths**;

20 (9) Work to ensure broad-based citizen involvement in the planning and execution of high-risk
21 juvenile crime prevention plans at both the state and local levels;

22 (10) Develop a funding policy that provides incentives for flexible programming and promotes
23 strategies that stress reinvestment in youth;

24 (11) Periodically report to the Governor and the Legislative Assembly on the progress of the
25 council;

26 (12) As required by the federal Juvenile Justice and Delinquency Prevention Act of 1974, 34
27 U.S.C. 11133 et seq., approve funding and policy recommendations of the state advisory group and
28 adopt rules for overseeing approved funding and policy recommendations; and

29 (13) Work with tribal governments to develop tribal high-risk juvenile crime prevention plans.

30 **SECTION 28.** ORS 418.978 is amended to read:

31 418.978. (1) A commission known as the System of Care Advisory Council is established.

32 (2) The council consists of 25 members appointed as follows:

33 (a) The Chief Justice of the Supreme Court shall appoint one representative from the Judicial
34 Department.

35 (b) The Governor shall appoint:

36 (A) Two members who are representatives of the Department of Human Services with extensive
37 knowledge of systems of care, one of whom must have direct experience with intellectual and de-
38 velopmental disabilities programs.

39 (B) One member who is a representative of the Oregon Youth Authority with extensive knowl-
40 edge of systems of care.

41 (C) One member who is a representative of the Oregon Health Authority with extensive knowl-
42 edge of systems of care.

43 (D) One member who is a representative of the Department of Education.

44 (E) Two members who are representatives of coordinated care organizations meeting the criteria
45 adopted by the Oregon Health Authority under ORS 414.572, at least one of which must provide

1 services to rural communities.

2 (F) One psychiatrist, one psychologist and one pediatric physician, each of whom must have
3 clinical experience with youth.

4 (G) One member who is a representative of an entity that offers commercial insurance.

5 (H) Three members who are representatives of agencies that provide different services and
6 supports to youth and families of youth.

7 (I) One member who is a representative of organizations that advocate for youth.

8 (J) One member who is a representative of organizations that advocate for families of youth.

9 (K) Two members of the public, each of whom are family members of:

10 (i) Persons with intellectual or developmental disabilities or mental illness; or

11 (ii) Persons who are currently or were previously in the foster care system or the youth criminal
12 justice system.

13 (L) Two members of the public who are no more than 25 years of age and who:

14 (i) Are persons with intellectual or developmental disabilities or mental illness; or

15 (ii) Are currently or were previously a ward, youth or [*youth offender*] **adjudicated youth**, as
16 those terms are defined in ORS 419A.004.

17 (M) One member who is a county juvenile department director.

18 (N) One member who is a county mental health program director.

19 (O) One member who is a member of a federally recognized Indian tribe in this state or a
20 designee of the Indian tribe.

21 (P) One member who is a representative of Oregon's federally mandated disability protection and
22 advocacy agency.

23 (3) The term of office of each member of the council is four years, but a member serves at the
24 pleasure of the appointing authority. Before the expiration of the term of a member, a successor
25 shall be appointed whose term begins on January 2 next following. A member is eligible for reap-
26 pointment to one additional term. If there is a vacancy for any cause, the appointing authority shall
27 make an appointment to become immediately effective for the unexpired term.

28 (4)(a) Members of the council who are not state employees are not entitled to compensation or
29 reimbursement for expenses and serve as volunteers on the council.

30 (b) Notwithstanding paragraph (a) of this subsection, members of the council described in sub-
31 section (2)(b)(K) and (L) of this section may be reimbursed for travel and other reasonable expenses
32 associated with serving on the council.

33 (5) Members of the council who are state employees carrying out their state employment func-
34 tions are entitled to compensation and reimbursement by their employing agencies for actual and
35 necessary travel and other expenses incurred by them in the performance of their official duties as
36 members of the council.

37 (6) The Governor shall appoint one of the members as chairperson, to serve at the pleasure of
38 the Governor. The members of the council shall elect from among themselves a vice chairperson
39 who shall preside over meetings and exercise the functions of the chairperson during the absence
40 or disability of the chairperson. The chairperson and the vice chairperson shall execute the duties
41 determined by the council to be necessary.

42 (7) The council shall meet at least four times per year at a place, day and hour determined by
43 the council.

44 (8) A majority of the members of the council constitutes a quorum for the transaction of busi-
45 ness.

1 (9) The Oregon Health Authority, in coordination with the Department of Human Services, shall
 2 provide staff support to the council.

3 **SECTION 29.** ORS 418.981 is amended to read:

4 418.981. (1) The System of Care Advisory Council shall maintain the Children’s System Data
 5 Dashboard, which must include, at a minimum, the following local and statewide data:

6 (a) The number of children under 21 years of age, wards, [*youth and youth offenders*] **youths and**
 7 **adjudicated youths** being served by the Oregon Youth Authority, the Oregon Health Authority and
 8 the Department of Human Services;

9 (b) The number of children, wards, [*youth and youth offenders*] **youths and adjudicated youths**
 10 identified in this section who are currently living in each of the following situations:

11 (A) At home;

12 (B) In substitute care; or

13 (C) In specific placement;

14 (c) The number of children, wards, [*youth and youth offenders*] **youths and adjudicated youths**
 15 identified in this section who were previously identified as being in danger of removal but who have
 16 been able to remain in their homes;

17 (d) The number of children, wards, [*youth and youth offenders*] **youths and adjudicated youths**
 18 identified in this section who are living in hotels, out-of-state placements, congregate care facilities,
 19 shelter care or emergency department boarding;

20 (e) The length of time the children, wards, [*youth and youth offenders*] **youths and adjudicated**
 21 **youths** identified in this section have been waiting to access services or appropriate placements;
 22 and

23 (f) Outcomes of services that are provided to children, wards, [*youth and youth offenders*] **youths**
 24 **and adjudicated youths** by the Oregon Youth Authority, the Oregon Health Authority and the
 25 Department of Human Services.

26 (2) Notwithstanding ORS 418.976, as used in this section, the terms “wards,” “youth” and [*youth*
 27 *offenders*] “**adjudicated youths**” have the meanings given those terms in ORS 419A.004.

28 (3) The System of Care Advisory Council may adopt rules to carry out the provisions of this
 29 section.

30 **SECTION 30.** ORS 419A.010 is amended to read:

31 419A.010. (1)(a) Subject to paragraph (b) of this subsection, the governing body of any county,
 32 after consultation with the judges of the juvenile court in that county, shall appoint or designate
 33 one or more persons of good moral character as counselors of the juvenile department of the county,
 34 to serve at the pleasure of and at a salary designated by the governing body of the county.

35 (b) The governing bodies of two or more contiguous counties may, pursuant to an agreement
 36 between the counties concerned, and after consultation with the judges of the juvenile courts in
 37 those counties, jointly appoint one or more persons of good moral character as counselors of the
 38 juvenile departments of the counties, to serve at the pleasure of and at a salary designated by the
 39 governing bodies of the counties concerned.

40 (c) When more than one person is appointed under this subsection, the appointing authority may
 41 designate one as director of the juvenile department or departments and the others to serve as ju-
 42 venile counselors or staff members.

43 (d) Additional qualifications for a person appointed director of a juvenile department of a county
 44 under this subsection may be established by the governing body of a county, subject to the approval
 45 of such qualifications by the judge of the juvenile court in that county.

1 (e) When the chairperson of the governing body of the county is also the judge of the juvenile
2 court under ORS 5.020, only the judge shall make the decisions described in this subsection.

3 (2) The director shall be the administrator of the juvenile department or departments for the
4 county or counties, including any juvenile detention facilities maintained by the county or by the
5 counties jointly, and the supervisor of the staff of the juvenile department or departments and de-
6 tention facilities, subject to the direction of the appointing authority.

7 (3) Notwithstanding subsection (2) of this section, if the county has entered into a written
8 agreement under ORS 190.010 with any other unit or units of local government to coordinate juve-
9 nile detention facilities established under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063 for
10 the detention of youths or [*youth offenders*] **adjudicated youths** pursuant to a judicial commitment
11 or order, a juvenile director oversight committee may assume the duties and powers described in
12 subsection (2) of this section and ORS 419A.012, 419A.014, 419A.015 and 419A.016 if the following
13 requirements have been met:

14 (a) The agreement to coordinate juvenile detention facilities provides for the formation and op-
15 eration of a juvenile director oversight committee;

16 (b) A juvenile director oversight committee consisting of the juvenile director of each county
17 that has entered into the agreement has been formed; and

18 (c) Each juvenile director has an equal vote on the juvenile director oversight committee.

19 **SECTION 31.** ORS 419A.012 is amended to read:

20 419A.012. The director of a juvenile department or one of the counselors shall:

21 (1) Make or cause to be made an investigation of every child, ward, youth or [*youth offender*]
22 **adjudicated youth** brought before the court and report fully thereon to the court.

23 (2) Be present in court to represent the interests of the child, ward, youth or [*youth offender*]
24 **adjudicated youth** when the case is heard.

25 (3) Furnish such information and assistance as the court requires.

26 (4) Take charge of any child, ward, youth or [*youth offender*] **adjudicated youth** before and after
27 the hearing as may be directed by the court.

28 **SECTION 32.** ORS 419A.014 is amended to read:

29 419A.014. The juvenile department of a county shall report annually to the Youth Development
30 Council the frequency with which the following persons are held in preadjudicative detention and
31 the duration of the detention:

32 (1) Out-of-state runaways, as defined in ORS 419C.156; or

33 (2) Runaway [*youth and youth offenders*] **youths and adjudicated youths.**

34 **SECTION 33.** ORS 419A.015 is amended to read:

35 419A.015. (1)(a) Once each month, a county juvenile department shall provide to school admin-
36 istrators of schools or of school districts in the county a list of all [*youth offenders*] **adjudicated**
37 **youths** enrolled in a school in the county who are on probation by order of the juvenile court in
38 the county. The department shall include in the list the name and business telephone number of the
39 juvenile counselor assigned to each case.

40 (b) When [*a youth offender*] **an adjudicated youth** who is on probation transfers from one school
41 or school district to a different school or school district, the juvenile counselor assigned to the case
42 shall notify the school administrator of the school or of the school district to which the [*youth*
43 *offender*] **adjudicated youth** has transferred of the [*youth offender's*] **adjudicated youth's** probation
44 status. The juvenile counselor shall make the notification no later than 72 hours after the juvenile
45 counselor knows of the transfer.

1 (2) Upon request by the school administrator, the juvenile department shall provide additional
 2 information, including the offense that brought the [*youth offender*] **adjudicated youth** within the
 3 jurisdiction of the juvenile court and such other information that is subject to disclosure under ORS
 4 419A.255 (6).

5 (3) In addition to the general notification required by subsection (1) of this section, the juvenile
 6 department shall notify the school administrator of the specific offense if the act bringing the [*youth*
 7 *offender*] **adjudicated youth** within the jurisdiction of the juvenile court involved a firearm, delivery
 8 of a marijuana item as defined in ORS 475B.015 or delivery of a controlled substance.

9 (4) When a school administrator receives any notice under this section, the school administrator
 10 may disclose the information only to school personnel, as defined in ORS 339.326, who the school
 11 administrator determines need the information in order to safeguard the safety and security of the
 12 school, students and staff. A person to whom personally identifiable information is disclosed under
 13 this subsection may not disclose the information to another person except to carry out the pro-
 14 visions of this subsection.

15 (5) Except as otherwise provided in ORS 192.431, a juvenile department, school district or school
 16 administrator, or anyone employed or acting on behalf of a juvenile department, school district or
 17 school administrator, who sends or receives records under this section is not civilly or criminally
 18 liable for failing to disclose the information under this section.

19 (6) As used in this section, “school administrator” has the meaning given that term in ORS
 20 419A.305.

21 **SECTION 34.** ORS 419A.016 is amended to read:

22 419A.016. Any director or counselor has the power of a peace officer as to any child, ward,
 23 youth or [*youth offender*] **adjudicated youth** committed to the care of the director or counselor. Any
 24 director or counselor may, in the discretion of the director or counselor and at any time, bring a
 25 child, ward, youth or [*youth offender*] **adjudicated youth** committed to the custody and care by the
 26 juvenile court before the court for any further action the court considers advisable.

27 **SECTION 35.** ORS 419A.020 is amended to read:

28 419A.020. (1) The cost of maintaining a juvenile department and all expenditures incidental
 29 thereto, including traveling expenses, and necessarily incurred in supplying the immediate necessi-
 30 ties of children, wards, youths or [*youth offenders*] **adjudicated youths** while committed to the
 31 charge of a director or counselor, and all salaries for the personnel of a juvenile department and
 32 of any detention facilities maintained in the county, are payable upon the order of the board of
 33 county commissioners or county court of the county from county funds budgeted and levied for that
 34 purpose in any manner provided by law.

35 (2) When two or more counties have counselors appointed to serve the counties jointly, each
 36 county shall provide funds to pay its share of the costs and expenses of the employment of counse-
 37 lors and maintaining juvenile departments. The method of determining the portion of such costs and
 38 expenses each county is to bear must be provided in the agreement made between the counties un-
 39 der ORS 419A.010 (1)(b).

40 **SECTION 36.** ORS 419A.022 is amended to read:

41 419A.022. The board of county commissioners or county court of counties having more than
 42 400,000 inhabitants, according to the latest federal decennial census, shall provide proper accom-
 43 modations for detention rooms and hospital wards, as may be necessary for the care, custody and
 44 discipline of children, wards, youths or [*youth offenders*] **adjudicated youths**. The expense of the
 45 same shall be audited and paid in the same manner as other bills in such county are audited and

1 paid.

2 **SECTION 37.** ORS 419A.045 is amended to read:

3 419A.045. It is declared to be the legislative policy of the State of Oregon to recognize county
4 juvenile courts and departments as a basic foundation for the provision of services to children,
5 wards, youths, [*youth offenders*] **adjudicated youths** and their families and, with the limited amount
6 of funds available, to assist counties in financing certain juvenile court-related services on a con-
7 tinuing basis. The purpose of ORS 419A.045 to 419A.048 is to provide basic grants to juvenile de-
8 partments to assist them in the administration of court services as defined in ORS 3.250.

9 **SECTION 38.** ORS 419A.050 is amended to read:

10 419A.050. (1) Any county may acquire in any lawful manner, equip and maintain within the
11 county suitable facilities for the shelter of children, wards, youths and [*youth offenders*] **adjudicated**
12 **youths**, or the detention of youths and [*youth offenders*] **adjudicated youths**, confined pursuant to
13 a judicial commitment or order pending final adjudication of the case by the juvenile court.

14 (2) When two or more counties have entered into an agreement under ORS 419A.010, the coun-
15 ties jointly may acquire in any lawful manner, equip and maintain, at a suitable site or sites in the
16 counties, facilities suitable for the shelter of children, wards, youths and [*youth offenders*] **adjudi-**
17 **cated youths**, or the detention of youths and [*youth offenders*] **adjudicated youths**, confined pur-
18 suant to judicial commitment or order pending final adjudication of the case by the juvenile court.

19 (3) Any county may designate, equip and maintain a short-term detention facility for youths and
20 [*youth offenders*] **adjudicated youths** in transit. The facility may house up to a total of five youths
21 and [*youth offenders*] **adjudicated youths** in transit for a period not to exceed four continuous days
22 pending further placement. Short-term detention facilities:

23 (a) May not be located with detention facilities established under subsection (1) or (2) of this
24 section; and

25 (b) Are subject to the standards and specifications found in ORS 169.740 and 419A.052. Upon
26 written request of the county, the Department of Corrections may approve waivers and variances
27 from the standards and specifications as long as the waivers or variances are consistent with the
28 safety and welfare of detained youths and [*youth offenders*] **adjudicated youths**.

29 **SECTION 39.** ORS 419A.055 is amended to read:

30 419A.055. (1) As used in this section:

31 (a) "Contracting county" means a county that contracts with another county or a regional ju-
32 venile detention correctional facility to place youths and [*youth offenders*] **adjudicated youths** in a
33 detention facility in another county or in a regional juvenile detention correctional facility.

34 (b) "County court" has the meaning given that term in ORS 174.100.

35 (2) The county court of a county may:

36 (a) Institute an examination of the county's detention facility and establish its capacity in ac-
37 cordance with constitutional standards; and

38 (b) Issue an order establishing the capacity of the county's detention facility.

39 (3)(a) A county court of a county may adopt standards for releasing youths and [*youth*
40 *offenders*] **adjudicated youths** when the capacity of the detention facility is exceeded.

41 (b) A county court of a contracting county may adopt standards for releasing youths and [*youth*
42 *offenders*] **adjudicated youths** when the number of youths or [*youth offenders*] **adjudicated youths**
43 requiring placement in a detention facility in another county or in a regional juvenile detention
44 correctional facility exceeds the number of youths and [*youth offenders*] **adjudicated youths** for
45 whose placement the contracting county has contracted.

1 (4) If a county court issues an order establishing the capacity of the detention facility and that
2 capacity is exceeded, the county court, through the juvenile department director of that county, may
3 release a sufficient number of youths or [*youth offenders*] **adjudicated youths** to reduce the popu-
4 lation of the detention facility to the established capacity.

5 (5) If the number of youths and [*youth offenders*] **adjudicated youths** requiring placement in a
6 detention facility in another county or in a regional juvenile detention correctional facility exceeds
7 the number for whose placement the contracting county has contracted, the county court of the
8 contracting county, through the juvenile department director of the contracting county, may release
9 a sufficient number of youths or [*youth offenders*] **adjudicated youths** who have been placed in a
10 detention facility in another county or in a regional juvenile detention correctional facility to re-
11 duce the number of youths and [*youth offenders*] **adjudicated youths** to the number for whose
12 placement the contracting county has contracted.

13 (6)(a) The county court of a county, through the juvenile department director of the county,
14 shall immediately notify the judge of the juvenile court of the county of the release of the youths
15 or [*youth offenders*] **adjudicated youths**.

16 (b) The county court of a contracting county, through the juvenile department director of the
17 contracting county, shall immediately notify the judge of the juvenile court of the contracting
18 county of the release of the youths or [*youth offenders*] **adjudicated youths**.

19 (7) This section does not create a cause of action and may not be asserted as the basis for a
20 per se negligence claim.

21 **SECTION 40.** ORS 419A.057 is amended to read:

22 419A.057. (1) All expenses incurred in the maintenance of the facilities for detention and the
23 personnel required for the facilities, except as otherwise provided in subsection (2) of this section,
24 shall be paid upon order of the board of county commissioners or county court from county funds
25 duly levied and collected in any manner provided by law. When joint detention facilities are main-
26 tained as provided in ORS 419A.050 (2), each county shall pay its share of the costs and expenses
27 of acquiring, equipping and maintaining the joint detention facilities, to be determined pursuant to
28 an agreement between the counties. Counties may accept gifts or donations of property, including
29 money, for the use of detention facilities to be expended and used as directed by the board of county
30 commissioners.

31 (2) When a county operates a combined facility to provide both care and rehabilitation services,
32 under ORS 420.855 to 420.885, and detention facilities, the county may also receive state support for
33 the care and rehabilitation services as permitted by ORS 420.880.

34 (3) When a county operates a combined facility as described in subsection (2) of this section,
35 only [*youth offenders*] **adjudicated youths** may be admitted to the youth care center of the facility
36 and only following court review of the admission.

37 **SECTION 41.** ORS 419A.059 is amended to read:

38 419A.059. (1) The juvenile court of each county shall designate the place or places in which
39 children, wards, youths or [*youth offenders*] **adjudicated youths** are to be placed in shelter care, or
40 in which youths or [*youth offenders*] **adjudicated youths** are to be placed in detention, when taken
41 into temporary custody.

42 (2) If the county is adjacent to another state, the court may designate a place or places in the
43 adjoining state where children, wards, youths or [*youth offenders*] **adjudicated youths**, pursuant to
44 an agreement between such place or places and the juvenile department of the county, may be
45 placed in shelter care when taken into custody.

1 (3) If the county is adjacent to another state, the court may designate a place or places in the
2 adjoining state where youths or [*youth offenders*] **adjudicated youths**, pursuant to an agreement
3 between such place or places and the juvenile department of the county, may be placed in detention
4 when taken into custody. A county juvenile department may not enter into an agreement with an
5 out-of-state place for placement in detention as provided in this subsection, unless the place or
6 places conform to standards of this state for such a place and unless the agreement includes a pro-
7 vision that the place be subject to inspection by officers of this state under ORS 419A.061.

8 **SECTION 42.** ORS 419A.063 is amended to read:

9 419A.063. (1) The juvenile court may not place [*a youth offender*] **an adjudicated youth** in a
10 detention facility under ORS 419C.453 unless the facility:

11 (a) Houses [*youth offenders*] **adjudicated youths** in a room or ward screened from the sight and
12 sound of adults who may be detained in the facility; and

13 (b) Is staffed by juvenile department employees.

14 (2) In no case may the court order, pursuant to ORS 419C.453, that [*a youth offender*] **an adju-**
15 **dicated youth** under 14 years of age be placed in any detention facility in which adults are detained
16 or imprisoned.

17 (3) As used in this section, “adult” does not include a person who is 18 years of age or older
18 and is alleged to be, or has been found to be, within the jurisdiction of the juvenile court under ORS
19 419C.005.

20 **SECTION 43.** ORS 419A.107 is amended to read:

21 419A.107. (1) Subject to the availability of funds, a local citizen review board shall review cases
22 of [*youth offenders*] **adjudicated youths** in the custody of the Oregon Youth Authority and placed
23 in substitute care. The local citizen review board shall focus on public safety, [*youth offender*] **ad-**
24 **judicated youth** accountability and reformation in conducting the reviews.

25 (2) The Judicial Department and the Oregon Youth Authority shall enter into an intergovern-
26 mental agreement regarding the reviews conducted under subsection (1) of this section. The inter-
27 governmental agreement must outline the:

28 (a) Timing of the reviews;

29 (b) Participants to be invited to the reviews; and

30 (c) Process to be followed in conducting the reviews.

31 (3) The local citizen review board shall forward findings and recommendations generated at a
32 review under subsection (1) of this section to the court and any other parties designated in the
33 agreement under subsection (2) of this section. The court shall cause the findings and recommen-
34 dations to become part of the juvenile court file for consideration by the juvenile court judge.

35 **SECTION 44.** ORS 419A.150 is amended to read:

36 419A.150. (1) The judge of the juvenile court may appoint one or more persons as referee of the
37 juvenile court. A referee shall be appointed in every county in which there is no resident juvenile
38 court judge. A person appointed referee must be qualified by training and experience in the handling
39 of juvenile matters, must have such further qualifications as may be prescribed by law and holds
40 office as referee at the pleasure of the judge. The state shall pay the compensation of a referee ap-
41 pointed by the judge of a circuit court from funds available for the purpose. The county shall pay
42 the compensation of a referee appointed by the judge of a county court.

43 (2) The judge may direct that any case, or all cases of a class designated by the judge, be pro-
44 cessed or heard in the first instance by a referee in the manner provided for the hearing of cases
45 by the court. Upon conclusion of the hearing in each case, the referee shall transmit to the judge

1 the findings, recommendations or order in writing of the referee.

2 (3) When the referee conducts a hearing, the persons entitled to request rehearing as provided
3 in subsection (7) of this section must be notified of the referee's findings, recommendations or order,
4 together with a notice to the effect that a rehearing may be had before a judge if requested within
5 10 days. A rehearing before a judge of the juvenile court may be determined on the same evidence
6 introduced before the referee if a stenographic transcript of the proceedings was kept, but, in any
7 case, additional evidence may be presented.

8 (4) All orders of a referee become immediately effective, subject to the right of review provided
9 in this section, and continue in full force and effect, unless stayed by order of the referee or by a
10 juvenile court judge, until vacated or modified upon rehearing by order of a judge of the juvenile
11 court. Any order entered by a referee becomes a final order of the juvenile court upon expiration
12 of 10 days following its entry, unless a rehearing is ordered or requested.

13 (5) The judge of the juvenile court or, in counties having more than one judge of the juvenile
14 court, the presiding judge of the juvenile court may establish requirements that any or all orders
15 of referees must be expressly approved by a judge of the juvenile court before becoming effective.

16 (6) A judge of the juvenile court may, on the judge's own motion, order a rehearing of any
17 matter heard before a referee.

18 (7) At any time prior to the expiration of 10 days after the entry of the order and findings of a
19 referee into the court register, a child, ward, youth, [*youth offender*] **adjudicated youth**, the parent,
20 guardian, district attorney, Department of Human Services, juvenile department or other party af-
21 fected by the order may request rehearing. The request for rehearing must be served upon all par-
22 ties by the party requesting the rehearing.

23 (8) All rehearings of matters heard before a referee shall be heard expeditiously by a judge of
24 the juvenile court within 30 days after the filing of the request, unless the court orders a contin-
25 uance. In no event may the rehearing occur later than 45 days after the date of the filing of the
26 request. The rehearing is conducted de novo.

27 (9) Notwithstanding subsection (7) of this section, when a referee finds that a youth is not within
28 the jurisdiction of the court in a proceeding brought under ORS 419C.005, the district attorney may
29 not request a rehearing.

30 **SECTION 45.** ORS 419A.190 is amended to read:

31 419A.190. Except as provided in ORS 153.108 (1), proceedings in adult criminal court and other
32 juvenile court adjudicatory proceedings based on an act alleged in a petition or citation to have
33 been committed by a child, ward, youth or [*youth offender*] **adjudicated youth** or allegations arising
34 out of the same conduct are barred when the juvenile court judge or referee has begun taking evi-
35 dence in an adjudicatory hearing or has accepted a child, ward, youth or [*youth offender's*] **adjudi-**
36 **cated youth's** admission or answer of no contest to the allegations of the petition or citation. This
37 section does not prevent appeal of any preadjudicatory order of the court that could be appealed in
38 a criminal case, including, but not limited to, an order suppressing evidence.

39 **SECTION 46.** ORS 419A.200 is amended to read:

40 419A.200. (1) Except as provided in ORS 419A.190, any person or entity, including, but not lim-
41 ited to, a party to a juvenile court proceeding under ORS 419B.875 (1) or 419C.285 (1), whose rights
42 or duties are adversely affected by a judgment of the juvenile court may appeal therefrom. An ap-
43 peal from a circuit court must be taken to the Court of Appeals, and an appeal from a county court
44 must be taken to the circuit court.

45 (2) If the proceeding is in the circuit court and no record of the proceedings was kept, the court,

1 on motion made not later than 15 days after the entry of the court's judgment, shall grant a re-
2 hearing and shall direct that a record of the proceedings be kept. However, the court may not grant
3 a rehearing in a case barred by ORS 419A.190 without the consent of the child, ward, youth or
4 [youth offender] **adjudicated youth** affected by such case. If a rehearing is held, the time for taking
5 an appeal runs from the date of entry of the court's judgment after the rehearing.

6 (3)(a) The appeal may be taken by causing a notice of appeal, in the form prescribed by ORS
7 19.250, to be served:

8 (A) On all parties who have appeared in the proceeding;

9 (B) On the trial court administrator or other person serving as clerk of the juvenile court; and

10 (C) On the juvenile court transcript coordinator, if a transcript is designated in connection with
11 the appeal.

12 (b) The original of the notice with proof of service must be filed with:

13 (A) The Court of Appeals if the appeal is from a circuit court; or

14 (B) The circuit court if the appeal is from a county court.

15 (c) The notice must be filed not later than 30 days after the entry of the court's judgment. On
16 appeal from the county court, the circuit court shall hear the matter de novo and its judgment is
17 appealable to the Court of Appeals in the same manner as if the proceeding had been commenced
18 in the circuit court.

19 (4) The counsel in the proceeding from which the appeal is being taken shall file and serve those
20 documents necessary to commence an appeal if the counsel is requested to do so by the party the
21 counsel represents. If the party requesting an appeal is represented by court-appointed counsel,
22 court-appointed counsel may discharge the duty to commence an appeal under this subsection by
23 complying with policies and procedures established by the office of public defense services for ap-
24 peals of juvenile court judgments.

25 (5)(a) Upon motion of a person, other than the state, entitled to appeal under subsection (1) of
26 this section, the appellate court shall grant the person leave to file a notice of appeal after the time
27 limits described in subsection (3) of this section if:

28 (A) The person shows a colorable claim of error in the proceeding from which the appeal is
29 taken; and

30 (B) The person shows that the failure to file a timely notice of appeal is not personally attrib-
31 utable to the person.

32 (b) A person other than the state is not entitled to relief under this subsection for failure to file
33 timely notice of cross-appeal when the state appeals pursuant to ORS 419A.208.

34 (c) The request for leave to file a notice of appeal after the time limits prescribed in subsection
35 (3) of this section must be filed no later than 90 days after entry of the judgment being appealed and
36 must be accompanied by the notice of appeal sought to be filed. A request for leave under this
37 subsection may be filed by mail and is deemed filed on the date of mailing if the request is mailed
38 as provided in ORS 19.260.

39 (d) The court may not grant relief under this subsection unless the state has notice and oppor-
40 tunity to respond to the person's request for relief.

41 (6) An appeal to the Court of Appeals must be conducted in the same manner as an appeal under
42 ORS chapter 19 except that the court shall advance the appeal on the court's docket in the same
43 manner as appeals in criminal cases.

44 (7)(a) Except as provided in ORS 419A.208 (2), or when otherwise ordered by the appellate court,
45 the filing of an appeal does not suspend an order or judgment of the juvenile court nor discharge

1 the ward or [*youth offender*] **adjudicated youth** from the custody of the person, institution or agency
 2 in whose custody the ward or [*youth offender*] **adjudicated youth** may have been placed nor pre-
 3 clude the juvenile court after notice and hearing from entering such further orders relating to the
 4 ward or [*youth offender's*] **adjudicated youth's** custody pending final disposition of the appeal as it
 5 finds necessary by reason only of matters transpiring subsequent to the order or judgment appealed
 6 from. The trial court administrator shall immediately file certified copies of any such order or
 7 judgment with the Court of Appeals.

8 (b) Notwithstanding the filing of an appeal from a jurisdictional or dispositional judgment or an
 9 order entered pursuant to ORS 419B.449 or 419B.476, the juvenile court may proceed with the ad-
 10 judication of a petition seeking termination of the parental rights of a parent of the ward who is
 11 subject to the judgment from which the appeal is taken.

12 (c) The appeal of any judgment entered in a termination of parental rights proceeding under
 13 paragraph (b) of this subsection must be consolidated, if appropriate, with any pending appeal of an
 14 order or judgment entered under ORS 419B.325, 419B.449 or 419B.476. The consolidated appeal must
 15 be conducted and advanced on the court's docket in the same manner as termination of parental
 16 rights cases.

17 (8) On appeal of a judgment or final order, the appellate court may review any interlocutory
 18 order that:

19 (a) Involves the merits or necessarily affects the judgment or final order appealed from; and

20 (b) Was made after entry of the last appealable judgment or final order preceding entry of the
 21 judgment or final order being appealed.

22 (9) The district attorney or Attorney General shall represent the state in the appeal.

23 (10)(a) The court from which an appeal is taken shall prepare and transmit a record on appeal
 24 in the manner provided in ORS 19.365, except that, when the appeal is to the circuit court from a
 25 county court, the record on appeal shall be prepared and transmitted by the county court to the
 26 circuit court.

27 (b) The court to which an appeal is taken under this section shall keep a record of the case on
 28 appeal that includes but is not limited to notices of appeal, briefs, motions, orders of the court and
 29 other papers filed with the court on appeal.

30 (c) The record on appeal prepared and transmitted under paragraph (a) of this subsection, when
 31 it is in the custody of the court to which the appeal is taken, and the record of the case on appeal
 32 kept under paragraph (b) of this subsection are subject to the same limitations on inspection, copy-
 33 ing and disclosure of records, reports and materials as those set forth under ORS 419A.255.

34 (d) The court on appeal may consent to disclosure of:

35 (A) Records described in paragraph (a) of this subsection, while in the custody of the court to
 36 which the appeal is taken, in the same manner and under the same circumstances as the juvenile
 37 court consents to disclosure under ORS 419A.255;

38 (B) Records described in paragraph (b) of this subsection; or

39 (C) An audio or video recording prepared of an oral proceeding on appeal, in the same manner
 40 as permitted under ORS 419A.256 (1)(b), (3) and (4).

41 (e) Notwithstanding any other provision of law, any decision, as that term is defined in ORS
 42 19.450, issued by the Court of Appeals or the Supreme Court, on appeal or review of a juvenile court
 43 decision, is not confidential and is not exempt from disclosure.

44 **SECTION 47.** ORS 419A.211 is amended to read:

45 419A.211. (1) If the child, ward, youth, [*youth offender*] **adjudicated youth**, parent or guardian

1 is determined to be entitled to, and financially eligible for, appointment of counsel at state expense
 2 in an appeal as provided in ORS 419A.200 and 419A.208, the court, upon request of the person or
 3 upon its own motion, shall appoint suitable counsel to represent the person. Counsel appointed by
 4 the court shall be paid compensation determined by the public defense services executive director
 5 as provided in ORS 135.055 if the circuit court is the appellate court or as provided in ORS 138.500
 6 if the Court of Appeals or the Supreme Court is the appellate court. The court may not substitute
 7 one appointed counsel for another except pursuant to the policies, procedures, standards and
 8 guidelines of the Public Defense Services Commission.

9 (2)(a) When the court appoints counsel to represent the child, ward, youth or [*youth offender*]
 10 **adjudicated youth**, it may order the parent, if able, or guardian of the estate, if the estate is able,
 11 to pay to the Public Defense Services Account established by ORS 151.225, through the clerk of the
 12 court, in full or in part the administrative costs of determining the ability of the parents or estate
 13 to pay for legal services and the costs of the legal and other services that are related to the pro-
 14 vision of appointed counsel.

15 (b) The test of the parent's or estate's ability to pay costs under paragraph (a) of this subsection
 16 is the same test as applied to appointment of counsel for defendants under ORS 151.216. If counsel
 17 is provided at state expense, the court shall apply this test in accordance with the guidelines
 18 adopted by the Public Defense Services Commission under ORS 151.485.

19 (c) If counsel is provided at state expense, the court shall determine the amount the parents or
 20 estate is required to pay for the costs of administrative, legal and other services related to the
 21 provision of appointed counsel in the same manner as this amount is determined under ORS 151.487.

22 (d) The court's order of payment is enforceable in the same manner as an order of support under
 23 ORS 419B.408 and 419C.600.

24 (3) When the court appoints counsel and the child, ward, youth, [*youth offender*] **adjudicated**
 25 **youth**, parent or guardian has been determined to be entitled to, and financially eligible for, ap-
 26 pointed counsel at state expense, the compensation for counsel and costs and expenses necessary to
 27 the appeal shall be determined and paid as provided in ORS 135.055 if the circuit court is the ap-
 28 pellate court or as provided in ORS 138.500 if the Court of Appeals or the Supreme Court is the
 29 appellate court.

30 **SECTION 48.** ORS 419A.240 is amended to read:

31 419A.240. During any juvenile court proceeding under this chapter and ORS chapters 419B and
 32 419C regarding a youth, [*youth offender*] **adjudicated youth** or young person:

33 (1)(a) Instruments of physical restraint, such as handcuffs, chains, irons, straitjackets, cloth re-
 34 straints, leather restraints, plastic restraints and other similar items, may not be used during the
 35 juvenile court proceeding and must be removed prior to the youth, [*youth offender*] **adjudicated**
 36 **youth** or young person being brought into the courtroom unless the court finds that the use of re-
 37 straints is necessary due to an immediate and serious risk of dangerous or disruptive behavior and
 38 there are no less restrictive alternatives that will alleviate the immediate and serious risk of dan-
 39 gerous or disruptive behavior.

40 (b) If the means do not exist to remove instruments of physical restraint as described in para-
 41 graph (a) of this subsection prior to the youth, [*youth offender*] **adjudicated youth** or young person
 42 being brought into the courtroom, such restraints shall be removed prior to commencement of the
 43 proceeding.

44 (c) Instruments of physical restraint removed under this subsection must remain removed for the
 45 duration of the proceeding.

1 (2) In determining whether an immediate and serious risk of dangerous or disruptive behavior
2 exists, the court may consider:

3 (a) Whether the youth, [*youth offender*] **adjudicated youth** or young person has a history of
4 dangerous or disruptive behavior that has placed the youth, [*youth offender*] **adjudicated youth** or
5 young person or others in potentially harmful situations as evidenced by recent behavior;

6 (b) Whether the youth, [*youth offender*] **adjudicated youth** or young person presents a substan-
7 tial risk of inflicting physical harm on himself or others; and

8 (c) Whether the youth, [*youth offender*] **adjudicated youth** or young person presents a substan-
9 tial risk of flight from the courtroom or courtroom premises.

10 (3) In determining whether a less restrictive alternative will alleviate the immediate and serious
11 risk of dangerous or disruptive behavior, the court may consider the presence of court personnel,
12 law enforcement officers, juvenile department staff or counselors, or bailiffs.

13 (4) When the use of restraints is requested by a law enforcement agency, the juvenile depart-
14 ment or other party to the juvenile court proceeding, the request must be made in writing and pre-
15 sented to the court and other parties prior to the youth, [*youth offender*] **adjudicated youth** or
16 young person's appearance in the courtroom for the juvenile court proceeding. The request must
17 describe discrete, recent, concrete and observable examples of behaviors or risk factors that justify
18 the use of restraints.

19 (5) The court shall provide the attorney for the youth, [*youth offender*] **adjudicated youth** or
20 young person an opportunity to be heard prior to ordering the use of restraints. If restraints are
21 ordered, the court shall make written findings of fact in support of the order.

22 (6) Any restraints used must allow the youth, [*youth offender*] **adjudicated youth** or young per-
23 son limited movement of the hands to read and handle documents and writings necessary to the ju-
24 venile court proceeding. Under no circumstances should a youth, [*youth offender*] **adjudicated youth**
25 or young person be restrained to a stationary object or another person.

26 (7) Restraints may not be used as punishment, for convenience or as a substitute for staff
27 supervision.

28 **SECTION 49.** ORS 419A.245 is amended to read:

29 419A.245. (1) During the transportation of a youth, [*youth offender*] **adjudicated youth**, young
30 person, ward or child by the Department of Human Services, the Oregon Health Authority or an
31 agent of the department or authority:

32 (a) Instruments of physical restraint, such as handcuffs, chains, irons, straitjackets, cloth re-
33 straints, leather restraints, plastic restraints and other similar items, may not be used unless:

34 (A) The transportation is secure transportation to a detention facility, youth correction facility,
35 as defined in ORS 420.005, secure hospital, secure intensive community inpatient facility or other
36 secure facility; or

37 (B) Restraints are necessary due to an immediate and serious risk of dangerous or disruptive
38 behavior and there are no less restrictive alternatives that will alleviate the immediate and serious
39 risk of dangerous or disruptive behavior.

40 (b) Prior to the use of restraints during transportation, a transportation safety plan, including
41 documentation of the need for restraints, must be created. The transportation safety plan must ad-
42 dress intervention strategies designed to modify behavior without the use of restraints and recom-
43 mend the least restrictive effective alternative.

44 (c) Only staff who have been adequately trained in restraint device usage may use and apply
45 restraints during transportation.

1 (d) Restraints during transportation may not be used as punishment, for convenience or as a
2 substitute for staff supervision.

3 (2) This section applies to all circumstances of transportation of a ward or child by the De-
4 partment of Human Services, the Oregon Health Authority or an agent of the department or au-
5 thority, including but not limited to transportation between placements with child-caring agencies,
6 foster homes, shelter care facilities, treatment and residential facilities or any other type of place-
7 ment destination for a ward or child in the custody of the Department of Human Services.

8 **SECTION 50.** ORS 419A.250 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) When a youth is taken into custody under ORS 419C.080, the law enforcement agency taking
21 the youth into custody shall photograph and fingerprint the youth. When a youth is found within the
22 jurisdiction of the juvenile court for the commission of an act that would constitute a crime if
23 committed by an adult, the court shall ensure that the [*youth offender's*] **adjudicated youth's** fin-
24 gerprints have been taken. The law enforcement agency attending upon the court is the agency re-
25 sponsible for obtaining the fingerprints. The law enforcement agency attending upon the court may,
26 by agreement, arrange for another law enforcement agency to obtain the fingerprints on the at-
27 tending agency's behalf.

28 (3) Fingerprint and photograph files or records of children, wards, youths and [*youth offenders*]
29 **adjudicated youths** must be kept separate from those of adults, and fingerprints and photographs
30 known to be those of a child may be maintained on a local basis only and may not be sent to a
31 central state or federal depository.

32 (4) Fingerprint and photograph files or records of a child, ward, youth or [*youth offender*] **adju-**
33 **dicated youth** are open to inspection only by, or the contents disclosed only to, the following:

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

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

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

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

43 (e) The victim or a witness of an act or behavior described under ORS 419C.005 (1) or the
44 victim's parent, guardian, personal representative or subrogee, when necessary to identify the youth
45 or [*youth offender*] **adjudicated youth** committing the act or behavior and identifying the apparent

1 extent of the youth or [*youth offender's*] **adjudicated youth's** involvement in the act or behavior.

2 (5)(a) Fingerprint and photograph files or records of youths and [*youth offenders*] **adjudicated**
3 **youths** must be sent to a central state depository in the same manner as fingerprint and photograph
4 files or records of adults. The fingerprint and photograph files or records of a youth or [*youth*
5 *offender*] **adjudicated youth** sent to a central depository under this subsection are open to in-
6 spection in the same manner and under the same circumstances as fingerprint and photograph files
7 or records of adults.

8 (b) A party filing a petition alleging that a youth is within the jurisdiction of the court under
9 ORS 419C.005 shall notify the central state depository of the following:

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

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

14 (c) The juvenile court shall notify the central state depository of the disposition of a case in
15 which jurisdiction is based on ORS 419C.005.

16 (d) The Department of State Police shall delete the fingerprint and photograph files or records
17 of a youth or [*youth offender*] **adjudicated youth** from the depository and destroy the files or records
18 relating to the conduct that caused the files or records to be sent to the depository:

19 (A) One year after receiving the files, if the central state depository has not received notice
20 under paragraph (b) of this subsection;

21 (B) No later than one year following receipt of a notice of dismissal of a petition under para-
22 graph (b)(B) of this subsection; or

23 (C) In all other circumstances, no later than five years and 30 days after fingerprint and pho-
24 tograph files or records are sent to the central state depository.

25 (6) Fingerprint and photograph files and records of a child, ward, youth or [*youth offender*] **ad-**
26 **judicated youth** must be expunged when the juvenile court orders expunction of a child, ward,
27 youth or [*youth offender's*] **adjudicated youth's** record pursuant to ORS 419A.260 and 419A.262.

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

33 (8) When fingerprint files or records are submitted under subsection (7) of this section, the De-
34 partment of State Police shall enter in a special index in the computerized criminal history files the
35 name of the child and the name of the county or agency that submitted the fingerprint file or record.

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

38 **SECTION 51.** ORS 419A.252, as amended by section 56, chapter 14, Oregon Laws 2020 (first
39 special session), is amended to read:

40 419A.252. As used in this section and ORS 419A.253, 419A.255 and 419A.256:

41 (1) "Person" means an individual, a public body as defined in ORS 174.109 or a tribe that is a
42 party to a juvenile court proceeding pursuant to ORS 419B.875.

43 (2) "Prospective appellate attorney" means an attorney designated by the office of public defense
44 services established under ORS 151.216 to potentially represent a child, ward, youth, [*youth*
45 *offender,*] **adjudicated youth** or a parent or guardian of a child, ward, youth or [*youth offender*]

1 **adjudicated youth**, in a juvenile case when the case has been referred to the office of public defense
2 services for appeal.

3 (3) “Public defense provider” means an attorney or a law firm designated by the office of public
4 defense services established under ORS 151.216 to potentially represent a child, ward, youth, [*youth*
5 *offender*] **adjudicated youth** or the parent or guardian of a child, ward, youth or [*youth offender*]
6 **adjudicated youth** in a juvenile court proceeding.

7 (4) “Record of the case” or “record of each case,” whether maintained in paper or electronic
8 form, includes but is not limited to the following and includes records filed in juvenile court pro-
9 ceedings commenced before January 1, 2014, when the records are substantially similar to the fol-
10 lowing:

11 (a) The summons and other process;

12 (b) Petitions;

13 (c) Papers in the nature of pleadings, answers, motions, affidavits and other papers that are filed
14 with the court, including supporting documentation;

15 (d) Local citizen review board findings and recommendations submitted under ORS 419A.118 or
16 419B.367;

17 (e) Guardianship report summaries filed with the court under ORS 419B.367;

18 (f) Orders and judgments of the court, including supporting documentation;

19 (g) Transcripts under ORS 419A.256;

20 (h) Exhibits and materials offered as exhibits whether or not received in evidence; and

21 (i) Other documents that become part of the record of the case by operation of law.

22 (5) “Supplemental confidential file,” whether maintained in paper or electronic form, includes
23 reports and other material relating to the child, ward, youth or [*youth offender’s*] **adjudicated**
24 **youth’s** history and prognosis, including but not limited to reports filed under ORS 419B.440, and
25 includes similar reports and other materials filed in juvenile court proceedings commenced before
26 January 1, 2014, that:

27 (a) Are not or do not become part of the record of the case; and

28 (b) Are not offered or received as evidence in the case.

29 **SECTION 52.** ORS 419A.255 is amended to read:

30 419A.255. (1)(a) The clerk of the court shall maintain a record of each case and a supplemental
31 confidential file for each case, except as otherwise provided in ORS 7.120.

32 (b) The record of the case shall be withheld from public inspection but is open to inspection by
33 the following:

34 (A) The judge of the juvenile court and those acting under the judge’s direction;

35 (B) The child;

36 (C) The ward;

37 (D) The youth;

38 (E) The [*youth offender*] **adjudicated youth**;

39 (F) The parent or guardian of the child, ward, youth or [*youth offender*] **adjudicated youth**;

40 (G) The guardian ad litem for the parent;

41 (H) A person allowed to intervene in a proceeding involving the child, ward, youth or [*youth*
42 *offender*] **adjudicated youth**;

43 (I) The court appointed special advocate, and a representative of a CASA Volunteer Program
44 as defined in ORS 184.489, when reasonably necessary for the appointment or supervision of court
45 appointed special advocates;

1 (J) The attorneys or prospective appellate attorneys for any of the persons listed in subpara-
2 graphs (B) to (I) of this paragraph;

3 (K) The surrogate;

4 (L) Service providers in the case;

5 (M) The district attorney or assistant attorney general representing a party in the case;

6 (N) The juvenile department;

7 (O) The Department of Human Services;

8 (P) The Oregon Youth Authority; and

9 (Q) Any other person or entity allowed by the court pursuant to ORS 419A.258.

10 (c) The following are entitled to copies of the record of the case:

11 (A) The judge of the juvenile court and those acting under the judge's direction;

12 (B) A party to the extent permitted under ORS 419B.875 (2) or 419C.285 (2);

13 (C) A guardian ad litem for a parent to the same extent the parent is permitted to copies under
14 ORS 419B.875 (2) or 419C.285 (2);

15 (D) Persons listed in paragraph (b)(J) to (P) of this subsection; and

16 (E) Any other person or entity allowed by the court pursuant to ORS 419A.258.

17 (2)(a) Reports and other material relating to the child, ward, youth or [*youth offender's*] **adjudi-**
18 **cated youth's** history and prognosis in the record of the case or the supplemental confidential file
19 are privileged and, except at the request of the child, ward, youth or [*youth offender*] **adjudicated**
20 **youth**, shall be withheld from public inspection except that inspection is permitted as set forth in
21 subsection (1)(b) of this section and paragraph (b) of this subsection. The offer or admission of re-
22 ports and other material in the record of the case or the supplemental confidential file as exhibits
23 in a hearing or trial does not waive or otherwise change the privileged status of the reports and
24 other material, except for purposes of the hearing or trial in which the reports and other material
25 are offered or admitted. Once offered as an exhibit, reports and other material relating to the child,
26 ward, youth or [*youth offender's*] **adjudicated youth's** history and prognosis that were maintained
27 in the supplemental confidential file become part of the record of the case but are subject to para-
28 graph (e) of this subsection.

29 (b) A supplemental confidential file is open to inspection by the following:

30 (A) The judge of the juvenile court and those acting under the judge's direction;

31 (B) The parent or guardian of the child or ward in a dependency case;

32 (C) The guardian ad litem for the parent of a child or ward in a dependency case;

33 (D) The parent or guardian of the youth or [*youth offender*] **adjudicated youth** in a delinquency
34 case if the youth or [*youth offender*] **adjudicated youth** consents to, or the court authorizes, in-
35 spection;

36 (E) The guardian ad litem for the parent of a youth or [*youth offender*] **adjudicated youth** in a
37 delinquency case if the youth or [*youth offender*] **adjudicated youth** consents to, or the court au-
38 thORIZES, inspection;

39 (F) A person allowed to intervene in a proceeding involving the child, ward, youth or [*youth*
40 *offender*] **adjudicated youth**;

41 (G) The court appointed special advocate, and a representative of a CASA Volunteer Program
42 as defined in ORS 184.489, when reasonably necessary for the appointment or supervision of court
43 appointed special advocates;

44 (H) The surrogate;

45 (I) Service providers in the case;

- 1 (J) The attorneys or prospective appellate attorneys for:
 2 (i) The child;
 3 (ii) The ward;
 4 (iii) The youth;
 5 (iv) The [*youth offender*] **adjudicated youth**;
 6 (v) The parent or guardian of the child, ward, youth or [*youth offender*] **adjudicated youth**;
 7 (vi) The guardian ad litem for the parent;
 8 (vii) A person allowed to intervene in a proceeding involving the child or ward in a dependency
 9 case; or
 10 (viii) The court appointed special advocate and a representative of a CASA Volunteer Program
 11 as defined in ORS 184.489;
- 12 (K) The district attorney or assistant attorney general representing a party in the case;
 13 (L) The juvenile department;
 14 (M) The Department of Human Services;
 15 (N) The Oregon Youth Authority; and
 16 (O) Any other person or entity allowed by the court pursuant to ORS 419A.258.
- 17 (c) The supplemental confidential file in cases under ORS 419C.005 may be disclosed to the su-
 18 perintendent of the school district in which the [*youth offender*] **adjudicated youth** resides or the
 19 superintendent's designee.
- 20 (d) The following are entitled to copies of material maintained in the supplemental confidential
 21 file:
 22 (A) The judge of the juvenile court and those acting under the judge's direction;
 23 (B) Service providers in the case;
 24 (C) School superintendents and their designees in cases under ORS 419C.005;
 25 (D) Attorneys designated under subsection (2)(b)(J) of this section;
 26 (E) The district attorney or assistant attorney general representing a party in the case;
 27 (F) The juvenile department;
 28 (G) The Department of Human Services;
 29 (H) The Oregon Youth Authority;
 30 (I) The court appointed special advocate, and a representative of a CASA Volunteer Program
 31 as defined in ORS 184.489, when reasonably necessary for the appointment or supervision of court
 32 appointed special advocates; and
 33 (J) Any other person or entity allowed by the court pursuant to ORS 419A.258.
- 34 (e) A person that obtains copies of material in the supplemental confidential file pursuant to
 35 paragraph (d) of this subsection is responsible for preserving the confidentiality of the material in
 36 the supplemental confidential file. A service provider, school superintendent or superintendent's
 37 designee who obtains copies of such material shall destroy the copies upon the conclusion of in-
 38 volvement in the case.
- 39 (3) Except as otherwise provided in subsection (5) of this section, no information appearing in
 40 the record of the case or in the supplemental confidential file may be disclosed to any person not
 41 described in subsections (1)(b) and (2)(b) of this section, respectively, without the consent of the
 42 court, except for purposes of evaluating the child, ward, youth or [*youth offender's*] **adjudicated**
 43 **youth's** eligibility for special education as provided in ORS chapter 343, and no such information
 44 may be used in evidence in any proceeding to establish criminal or civil liability against the child,
 45 ward, youth or [*youth offender*] **adjudicated youth**, whether such proceeding occurs after the child,

1 ward, youth or [*youth offender*] **adjudicated youth** has reached 18 years of age or otherwise, except
2 for the following purposes:

3 (a) In connection with a presentence investigation after guilt has been admitted or established
4 in a criminal court.

5 (b) In connection with a proceeding in another juvenile court concerning the child, ward, youth
6 or [*youth offender*] **adjudicated youth** or an appeal from the juvenile court.

7 (4)(a) When a person described in subsection (1)(b)(M), (N), (O) or (P) of this section inspects or
8 obtains copies of reports, materials or documents under this subsection or under subsection (1) or
9 (2) of this section, the person may not use or disclose the reports, materials or documents, except:

10 (A) As provided in this subsection or under subsection (1) or (2) of this section;

11 (B) In the juvenile court proceeding for which the reports, materials or documents were sought
12 or disclosed;

13 (C) With the consent of the court; or

14 (D) As provided in ORS 419A.253.

15 (b) Nothing in this section prohibits the district attorney or assistant attorney general repre-
16 senting a party in a juvenile court proceeding, the juvenile department, the Department of Human
17 Services, the Oregon Youth Authority or other parties in the proceeding or their attorneys from
18 disclosing to each other reports, materials or documents described in subsections (1) and (2) of this
19 section if the disclosure is reasonably necessary to perform official duties related to the involvement
20 of the child, ward, youth or [*youth offender*] **adjudicated youth** with the juvenile court or the ju-
21 venile department. A person to whom reports, materials or documents are disclosed under this sub-
22 section is subject to subsection (3) of this section.

23 (5)(a) Information contained in the supplemental confidential file that, in the professional judg-
24 ment of the juvenile counselor, caseworker, school superintendent or superintendent's designee,
25 teacher or detention worker to whom the information in the supplemental confidential file has been
26 provided, indicates a clear and immediate danger to another person or to society shall be disclosed
27 to the appropriate authority and the person who is in danger from the child, ward, youth or [*youth*
28 *offender*] **adjudicated youth**.

29 (b) A person that discloses information under paragraph (a) of this subsection has immunity from
30 any liability, civil or criminal, that might otherwise be incurred or imposed for making the disclo-
31 sure.

32 (c) Nothing in this subsection affects the provisions of ORS 146.750, 146.760, 419B.035, 419B.040
33 and 419B.045. The disclosure of information under this subsection does not make the information
34 admissible in any court or administrative proceeding if it is not otherwise admissible.

35 (6) Notwithstanding any other provision of law, and subject to subsection (8) of this section, the
36 following are not confidential and not exempt from disclosure:

37 (a) The name and date of birth of the youth or [*youth offender*] **adjudicated youth**;

38 (b) The basis for the juvenile court's jurisdiction over the youth or [*youth offender*] **adjudicated**
39 **youth**;

40 (c) The date, time and place of any juvenile court proceeding in which the youth or [*youth*
41 *offender*] **adjudicated youth** is involved;

42 (d) The act alleged in the petition that if committed by an adult would constitute a crime if ju-
43 risdiction is based on ORS 419C.005;

44 (e) That portion of the juvenile court order providing for the legal disposition of the youth or
45 [*youth offender*] **adjudicated youth** when jurisdiction is based on ORS 419C.005;

1 (f) The names and addresses of the youth or [*youth offender's*] **adjudicated youth's** parents or
2 guardians; and

3 (g) The register described in ORS 7.020 when jurisdiction is based on ORS 419C.005.

4 (7) Notwithstanding any other provision of law, and subject to subsection (8) of this section,
5 when a youth has been taken into custody under ORS 419C.080, the following information shall be
6 disclosed unless, and only for so long as, there is a clear need to delay disclosure in the course of
7 a specific investigation, including the need to protect the complaining party or the victim:

8 (a) The youth's name and age and whether the youth is employed or in school;

9 (b) The youth offense for which the youth was taken into custody;

10 (c) The name and age of the adult complaining party and the adult victim, unless the disclosure
11 of such information is otherwise prohibited or restricted;

12 (d) The identity of the investigating and arresting agency; and

13 (e) The time and place that the youth was taken into custody and whether there was resistance,
14 pursuit or a weapon used in taking the youth into custody.

15 (8) Except as provided in ORS 419A.300 and unless otherwise directed by the court, only the
16 juvenile court, the county juvenile department and the Oregon Youth Authority may disclose the
17 information under subsections (6) and (7) of this section if the information is subject to disclosure.
18 The youth authority may disclose only information relating to [*youth offenders*] **adjudicated youths**
19 committed to the youth authority by order of the juvenile court if the information is subject to dis-
20 closure under subsection (6) or (7) of this section.

21 (9) Nothing in this section limits access to any juvenile court records by an appellate court re-
22 viewing a juvenile court order or judgment. Appellate court rules may establish procedures for ap-
23 pellate court access to juvenile records.

24 (10) Nothing in this section prohibits the court from providing to the administrator as defined
25 in ORS 25.010 the date of entry of a judgment terminating parental rights or the date of entry of a
26 judgment terminating wardship following entry of a judgment of adoption together with the names
27 and dates of birth of the parents and children subject to the judgment.

28 (11) In addition to any other provision in this section, the Judicial Department may permit
29 county or statewide access to juvenile court records or information by county juvenile departments,
30 the Department of Human Services, the Oregon Youth Authority, district attorney offices, the office
31 of the Attorney General, the office of public defense services, prospective appellate attorneys or
32 public defense providers subject to the following restrictions:

33 (a) A prospective appellate attorney or public defense provider granted access under this sub-
34 section must agree, pursuant to a written agreement with the Judicial Department, to access:

35 (A) Party information only for purposes of conflicts screening procedures; and

36 (B) Other records or information about a client only as reasonably necessary for the represen-
37 tation of that client in any juvenile case in which the client is a party, subject to applicable state
38 and federal confidentiality laws.

39 (b) Any other person or entity granted access under this subsection must agree, pursuant to a
40 written agreement with the department, to access records or information only as authorized and
41 allowed by this section, subject to applicable state and federal confidentiality laws.

42 (c) The State Court Administrator shall prescribe standards and procedures to implement the
43 provisions of this subsection.

44 (d) Any person or entity granted access to juvenile court records or information under this
45 subsection must preserve the confidentiality of that information as required under this section.

1 (12) A petition filed under ORS 419B.851 alleging that a child who is a foreign national is within
2 the jurisdiction of the court, or a motion requesting an implementation plan other than return of a
3 ward to the ward's parent, is subject to disclosure to the consulate for the child or ward's country
4 as provided under ORS 419B.851 (3).

5 (13) Nothing in this section prohibits a guardian appointed under ORS 419B.365 or 419B.366 from
6 disclosing or providing copies of letters of guardianship when so required to fulfill the duties of a
7 guardian.

8 (14) The court shall cooperate in the sharing of information with a court in another state to
9 facilitate an interstate placement of a child or ward.

10 (15) Nothing in this section prohibits the Chief Justice of the Supreme Court, the Chief Judge
11 of the Court of Appeals or a presiding judge from permitting access to juvenile court records, in-
12 cluding the record of the case and the supplemental confidential file in a juvenile court proceeding,
13 or audio or video recordings of a juvenile court proceeding, by researchers or evaluators for the
14 purposes of developing statistics and performing analyses or audits on the effectiveness, cost and
15 other areas of public interest regarding juvenile court programs and activities in accordance with
16 child welfare and juvenile justice state plans and programs related to Title IV-B and IV-E of the
17 Social Security Act and to the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq).
18 The Chief Justice shall, by rule or order, establish standards and guidelines for the release of juve-
19 nile court information for research and evaluation purposes to ensure confidentiality consistent with
20 state and federal law and to promote consistent statewide application of this subsection. Statistics
21 and analyses released by researchers and evaluators under this subsection may not contain any in-
22 formation that identifies any individual person involved in a juvenile court proceeding.

23 (16) Subject to subsection (11) of this section, the office of public defense services shall be per-
24 mitted access to juvenile court records for the purposes of performing the office's duties as set forth
25 in ORS 151.219 to audit or investigate attorney appointment or representation of a party in a juve-
26 nile court proceeding in order to ensure adequate representation of parties in juvenile court pro-
27 ceedings consistent with the child welfare state plan related to Title IV-E of the Social Security Act.

28 (17) Subject to subsection (11) of this section, the Oregon State Bar shall be permitted access
29 to juvenile court records maintained in the record of the case for the purpose of performing the
30 bar's duties as set forth in ORS 9.005 to 9.757 to investigate attorney representation of a party in
31 a juvenile court proceeding and in order to ensure adequate representation of parties in juvenile
32 court proceedings consistent with the child welfare state plan related to Title IV-E of the Social
33 Security Act.

34 (18)(a) A child, ward, youth or [*youth offender*] **adjudicated youth**, or the parent or guardian
35 of a child, ward, youth or [*youth offender*] **adjudicated youth** who is a party to the juvenile court
36 proceeding, who is entitled to inspect or copy the record of the case under subsection (1)(b) and (c)
37 of this section maintains the right to inspect or copy the record of the case after jurisdiction of the
38 court over the child, ward, youth or [*youth offender*] **adjudicated youth** terminates and after the
39 child, ward, youth or [*youth offender*] **adjudicated youth** has reached the age of majority.

40 (b) Notwithstanding ORS 419B.524, a parent of a child, ward, youth or [*youth offender*] **adjudi-**
41 **cated youth** whose parental rights have been terminated maintains the right that existed under
42 subsection (1)(b) and (c) of this section to inspect or copy the record of the case as the record of
43 the case existed up until the time of entry of the judgment terminating the parent's parental rights
44 and may obtain a copy of the judgment terminating the parent's parental rights.

45 (19) When inspection or copying of the record of the case or of the supplemental confidential file

1 is allowed pursuant to this section, and unless otherwise required by law, the court that maintains
 2 the record of the case or the supplemental confidential file is not required to redact the names of,
 3 or information about, siblings or other persons contained in the record of the case or the supple-
 4 mental confidential file.

5 (20) Nothing in this section prohibits the court, acting as a certifying agency or official as de-
 6 fined in ORS 147.620, from certifying a request under ORS 147.620 and including in the certification
 7 document any information obtained from the record of the case or the confidential supplemental file
 8 that is necessary to complete the certification.

9 (21) Nothing in this section prohibits a court from providing to the Department of State Police,
 10 pursuant to ORS 163A.030 (11), a copy of an order requiring a youth or [*youth offender*] **adjudicated**
 11 **youth** to report as a sex offender or a copy of a form that documents the youth's or [*youth*
 12 *offender's*] **adjudicated youth's** obligation to report as a sex offender.

13 **SECTION 53.** ORS 419A.256 is amended to read:

14 419A.256. (1)(a) Once prepared and filed with the court, a transcript of a juvenile court pro-
 15 ceeding is part of the record of the case maintained by the clerk of the court under ORS 419A.255
 16 (1) and is subject to the provisions of ORS 419A.255 governing access and disclosure.

17 (b) Notwithstanding ORS 419A.255, if a transcript, audio recording or video recording has been
 18 prepared in any proceeding under ORS chapter 419C, the victim may obtain a copy by paying the
 19 actual cost of preparation.

20 (2) If the court finds that the child, ward, youth, [*youth offender*] **adjudicated youth** or parent
 21 or guardian of the child, ward, youth or [*youth offender*] **adjudicated youth** is without financial
 22 means to purchase all or a necessary part of the transcript of the evidence or proceedings, the court
 23 shall order, upon motion, the transcript or part of the transcript to be furnished. The transcript or
 24 part of the transcript furnished under this subsection must be paid for in the same manner as fur-
 25 nished transcripts are paid for in criminal cases.

26 (3) The official audio, video or other recording of a juvenile court proceeding shall be withheld
 27 from public inspection but is open to inspection by the persons described in ORS 419A.255 (1)(b)(A)
 28 to (Q).

29 (4) With a finding of good cause and subject to any conditions the court finds appropriate, the
 30 court may provide a copy of the audio or video recording of a juvenile court proceeding to persons
 31 described in ORS 419A.255 (1)(b)(A), (I), (J) and (M) to (Q).

32 **SECTION 54.** ORS 419A.257 is amended to read:

33 419A.257. (1) Reports and other materials relating to a child, ward, youth or [*youth offender's*]
 34 **adjudicated youth's** history and prognosis that are created or maintained by or on behalf of the
 35 Oregon Youth Authority or the juvenile department are privileged and, except with the consent of
 36 the child, ward, youth or [*youth offender*] **adjudicated youth** or with the authorization of the court,
 37 shall be withheld from public inspection.

38 (2) The Oregon Youth Authority and the juvenile department may disclose and provide copies
 39 of reports and other materials relating to the child, ward, youth or [*youth offender's*] **adjudicated**
 40 **youth's** history and prognosis, if the disclosure is reasonably necessary to perform official duties
 41 relating to the involvement of the child, ward, youth or [*youth offender*] **adjudicated youth** with the
 42 juvenile court or the juvenile department, to the following:

- 43 (a) Each other;
- 44 (b) The court;
- 45 (c) Service providers in the case;

- 1 (d) School superintendents and their designees in cases under ORS 419C.005;
 2 (e) Attorneys of record for the child, ward, youth or [*youth offender*] **adjudicated youth**;
 3 (f) Attorneys representing a party in the case;
 4 (g) The district attorney or assistant attorney general representing a party in the case;
 5 (h) The Department of Human Services;
 6 (i) The court appointed special advocate; and
 7 (j) The Psychiatric Security Review Board.

8 (3)(a) The Oregon Youth Authority and county juvenile departments established under ORS
 9 419A.010 to 419A.020 may disclose and provide copies of reports and other materials relating to the
 10 child, ward, youth or [*youth offender's*] **adjudicated youth's** history and prognosis to the Depart-
 11 ment of Corrections for the purpose of enabling the Department of Corrections to perform its official
 12 duties relating to the exercise of custody or supervision of a person committed to the legal and
 13 physical custody of the Department of Corrections.

14 (b) The Department of Corrections shall limit the use of reports and other materials disclosed
 15 and provided to the department under this section to reports and other materials that relate to the
 16 history and prognosis of a youth or [*youth offender*] **adjudicated youth** as these pertain to:

17 (A) A person who was transferred to the physical custody of the authority under ORS 137.124
 18 and is subsequently transferred to the physical custody of the Department of Corrections under ORS
 19 137.124 or 420.011 or any other statute; or

20 (B) A person committed to the legal and physical custody of the Department of Corrections
 21 while the person is under the jurisdiction of the juvenile court under ORS 419C.005, including but
 22 not limited to a person in the legal custody of the authority.

23 (4) A person that obtains copies of reports or other materials under this section is responsible
 24 for preserving the confidentiality of the reports or other materials. A service provider, school su-
 25 perintendent or superintendent's designee who obtains copies of reports or other materials under
 26 this section shall destroy the copies upon the conclusion of involvement in the case.

27 (5)(a) Information appearing in reports or other materials relating to the child, ward, youth or
 28 [*youth offender's*] **adjudicated youth's** history or prognosis may not be disclosed directly or indi-
 29 rectly to any person not described in subsection (2) of this section unless the consent of the child,
 30 ward, youth or [*youth offender*] **adjudicated youth** or the authorization of the court has been ob-
 31 tained, except for purposes of evaluating the child, ward, youth or [*youth offender's*] **adjudicated**
 32 **youth's** eligibility for special education as provided in ORS chapter 343.

33 (b) Information appearing in reports or other materials may not be used in evidence in any
 34 proceeding to establish criminal or civil liability against the child, ward, youth or [*youth offender*]
 35 **adjudicated youth**, whether the proceeding occurs after the child, ward, youth or [*youth offender*]
 36 **adjudicated youth** has reached 18 years of age or otherwise, except for the following purposes:

37 (A) In connection with a presentence investigation after guilt has been admitted or established
 38 in a criminal court.

39 (B) In connection with a proceeding in another juvenile court concerning the child, ward, youth
 40 or [*youth offender*] **adjudicated youth** or an appeal from an order or judgment of the juvenile court.

41 (6)(a) Information contained in reports and other materials relating to a child, ward, youth or
 42 [*youth offender's*] **adjudicated youth's** history and prognosis that, in the professional judgment of
 43 the Oregon Youth Authority, juvenile department, juvenile counselor, caseworker, school super-
 44 intendent or superintendent's designee, teacher or detention worker to whom the information con-
 45 tained in the reports and other materials has been provided, indicates a clear and immediate danger

1 to another person or to society, shall be disclosed to the appropriate authority and the person or
2 entity that is in danger from the child, ward, youth or [*youth offender*] **adjudicated youth**.

3 (b) An agency or a person that discloses information under paragraph (a) of this subsection has
4 immunity from any liability, civil or criminal, that might otherwise be incurred or imposed for
5 making the disclosure.

6 (c) Nothing in this subsection affects the provisions of ORS 146.750, 146.760, 419B.035, 419B.040
7 and 419B.045.

8 (7) The disclosure of information under this section does not make the information admissible
9 in any court or administrative proceeding if it is not otherwise admissible.

10 **SECTION 55.** ORS 419A.258 is amended to read:

11 419A.258. (1) Any person or entity not included in ORS 419A.255 as a person or entity entitled
12 to inspection or copying of the record of the case or the supplemental confidential file may file a
13 motion with the court to inspect or copy the record of the case or the supplemental confidential file.
14 The person or entity filing the motion shall file a sworn affidavit or declaration under penalty of
15 perjury that states all of the following:

16 (a) The reasons why the inspection or copying is sought;

17 (b) The relevancy, if any, of the inspection or copying to the juvenile court proceeding; and

18 (c) How the inspection or copying will serve to balance the interests listed in subsection (6) of
19 this section.

20 (2)(a) No later than 14 days before the court considers the motion, the person or entity filing
21 the motion shall serve all parties and attorneys of record to the juvenile court proceeding with a
22 copy of the motion and affidavit or declaration. Except as provided in paragraph (b) of this sub-
23 section and regardless of whether the juvenile court proceeding was commenced under ORS chapter
24 419B or 419C, service under this subsection must be consistent with the provisions of ORS 419B.851
25 and 419B.854. The person or entity filing the motion shall also provide all parties and attorneys of
26 record with written notice that the party has until 14 days after the date of service to file a re-
27 sponse or objection to the motion or such other time as specified by the court under paragraph (c)
28 of this subsection.

29 (b) If the affidavit or declaration of the person or entity filing the motion states that the person
30 or entity does not know the identity or address of a party or attorney of record, the court shall mail
31 notice of the time to respond or object to the party or attorney of record at the party's or attorney
32 of record's last known address and shall note in the register the date the notice was mailed. The
33 notice must be mailed at least 14 days before the court considers the motion or such other time as
34 specified by the court under paragraph (c) of this subsection.

35 (c) On its own motion or upon application of the person or entity filing the motion, and for good
36 cause shown, the court may reduce or extend the time for service of the motion and affidavit or
37 declaration.

38 (3) The court may summarily deny the motion if the requirements of subsections (1) and (2) of
39 this section have not been met.

40 (4) The court may set a hearing to consider the motion and shall send notice of the time and
41 place of the hearing to all parties.

42 (5) Upon determination by the court that the person or entity filing the motion has met the re-
43 quirements of subsections (1) and (2) of this section, the court shall conduct an in camera review,
44 taking into consideration any response or objections made by a party.

45 (6) Following the in camera review under subsection (5) of this section, in making the determi-

1 nation of whether to allow inspection or copying of the record of the case or the supplemental
2 confidential file, in whole or in part, the court shall weigh the following interests:

3 (a) The privacy interests and particular vulnerabilities of the child, ward, youth or [*youth*
4 *offender*] **adjudicated youth**, or of family members, that may be affected by the inspection or copy-
5 ing of all or part of the record of the case or the supplemental confidential file;

6 (b) The interests of the other parties to, or victims in, the juvenile court proceeding;

7 (c) The interests of the person or entity filing the motion; and

8 (d) The interests of the public.

9 (7) In granting a motion made under this section, the court:

10 (a) Shall allow inspection or copying only as necessary to serve the legitimate need of the per-
11 son or entity filing the motion, as determined by the court;

12 (b) May limit inspection or copying to particular parts of the record of the case or the supple-
13 mental confidential file;

14 (c) May specify the timing and procedure for allowing inspection or copying; and

15 (d) Shall make protective orders governing use of the materials that are inspected or copied.

16 **SECTION 56.** ORS 419A.262 is amended to read:

17 419A.262. (1) An expunction proceeding shall be commenced in the county where the subject
18 person resided at the time of the most recent termination.

19 (2) Upon application of either a person who is the subject of a record or a juvenile department,
20 or upon its own motion, the juvenile court shall order expunction if, after a hearing when the matter
21 is contested, it finds that:

22 (a) At least five years have elapsed since the date of the person's most recent termination;

23 (b) Since the date of the most recent termination, the person has not been convicted of a felony
24 or a Class A misdemeanor;

25 (c) No proceedings seeking a criminal conviction or an adjudication in a juvenile court are
26 pending against the person;

27 (d) The person is not within the jurisdiction of any juvenile court on the basis of a petition al-
28 leging an act or behavior as defined in ORS 419B.100 (1)(a) to (c) and (f) or 419C.005; and

29 (e) The juvenile department is not aware of any pending investigation of the conduct of the
30 person by any law enforcement agency.

31 (3)(a) Notwithstanding subsection (2) of this section, upon application of a person who is the
32 subject of a record kept by a juvenile court or juvenile department, upon application of the juvenile
33 department, or upon its own motion, the juvenile court, after a hearing when the matter is contested
34 under subsection (13) of this section, shall order expunction if it finds that:

35 (A) The application requests expunction of only that part of the person's record that involves
36 a charge, allegation or adjudication based on conduct that if done by an adult would constitute the
37 crime of prostitution under ORS 167.007; and

38 (B) The person was under 18 years of age at the time of the conduct.

39 (b) Except as provided in subsections (13) and (14) of this section, there is no waiting period
40 required before the juvenile court orders expunction under this subsection.

41 (4) In the case of an application by the juvenile department or of the court acting upon its own
42 motion, expunction shall not be ordered if actual notice of expunction has not been given to the
43 person in accordance with subsection (12) of this section unless the person has reached 21 years of
44 age.

45 (5) When a person who is the subject of a record kept by a juvenile court or juvenile department

1 reaches 18 years of age, the juvenile court, after a hearing when the matter is contested, shall order
2 expunction if:

3 (a) The person never has been found to be within the jurisdiction of the court; or

4 (b) The conditions of subsection (2) or (3) of this section have been met.

5 (6) Expunction shall not be ordered under this section if actual notice of expunction has not
6 been given to the person in accordance with subsection (12) of this section unless the person has
7 reached 21 years of age.

8 (7) Subsections (5) and (6) of this section apply only to cases resulting in termination after
9 September 13, 1975.

10 (8) Notwithstanding subsections (2), (3) and (5) to (7) of this section, upon application of a person
11 who is the subject of a record kept by a juvenile court or juvenile department, upon application of
12 the juvenile department, or upon its own motion, the juvenile court, after a hearing when the matter
13 is contested, may order expunction of all or any part of the person's record if it finds that to do so
14 would be in the best interests of the person and the public. In the case of an application by the ju-
15 venile department or of the court acting upon its own motion, expunction shall not be ordered if
16 actual notice of expunction has not been given to the person in accordance with subsection (12) of
17 this section unless the person has reached 21 years of age.

18 (9) Notwithstanding ORS 419A.260 (1)(d)(J)(x), (xiii), (xix) or (xviii), a person who has been found
19 to be within the jurisdiction of the juvenile court based on an act that if committed by an adult
20 would constitute:

21 (a) Rape in the third degree under ORS 163.355, sodomy in the third degree under ORS 163.385
22 or sexual abuse in the third degree under ORS 163.415, or an attempt to commit those crimes, may
23 apply for an order of expunction under this section. The court shall order expunction of the records
24 in the case if, after a hearing when the matter is contested, the court finds that the person:

25 (A) Meets the requirements of subsection (2) of this section;

26 (B) Has been relieved of the obligation to report as a sex offender pursuant to a court order
27 entered under ORS 163A.145 or 163A.150; and

28 (C) Has not been convicted of, found guilty except for insanity of or found to be within the ju-
29 risdiction of the juvenile court based on a crime listed in ORS 419A.260 (1)(d)(J), other than the
30 adjudication that is the subject of the motion.

31 (b) A sex crime that is a Class C felony may apply for an order of expunction under this section.
32 The court shall order expunction of the records in the case if, after a hearing when the matter is
33 contested, the court finds that:

34 (A) The person meets the requirements of subsection (2) of this section;

35 (B) The person was under 16 years of age at the time of the offense;

36 (C) The person is:

37 (i) Less than two years and 180 days older than the victim; or

38 (ii) At least two years and 180 days older, but less than three years and 180 days older, than
39 the victim and the expunction is in the interests of justice and of benefit to the person and the
40 community;

41 (D) The victim's lack of consent was due solely to incapacity to consent by reason of being less
42 than a specified age;

43 (E) The victim was at least 12 years of age at the time of the offense;

44 (F) Each finding described in this paragraph involved the same victim; and

45 (G) The person has not been convicted of, found guilty except for insanity of or found to be

1 within the jurisdiction of the juvenile court based on a crime listed in ORS 419A.260 (1)(d)(J) or an
2 offense the court is prohibited from setting aside under ORS 137.225, other than the adjudication
3 that is the subject of the motion.

4 (10) When an expunction proceeding is commenced by application of the person whose records
5 are to be expunged, the person shall set forth as part of the application the names of the juvenile
6 courts, juvenile departments, institutions and law enforcement and other agencies that the person
7 has reason to believe possess an expungible record of the person. The juvenile department shall
8 provide the names and addresses of the juvenile courts, juvenile departments, institutions and law
9 enforcement and other agencies that a reasonable search of department files indicates have
10 expungible records.

11 (11) When an expunction proceeding is commenced by application of the juvenile department or
12 upon the court's own motion, the application or motion shall set forth the names and addresses of
13 the juvenile courts, juvenile departments, institutions and law enforcement and other agencies that
14 a reasonable search of department files indicates have expungible records and those provided by the
15 subject person.

16 (12)(a) Notice and a copy of an application for expunction under subsections (2) to (8) of this
17 section shall be given to:

18 (A) The district attorney of the county in which the expunction proceeding is commenced and
19 the district attorney of each county in which the record sought to be expunged is kept; and

20 (B) The person who is the subject of the record if the person has not initiated the expunction
21 proceeding.

22 (b) A district attorney who receives notice under this subsection shall notify the victim of the
23 acts that resulted in the disposition that is the subject of the application for expunction and shall
24 mail a copy of the application for expunction to the victim's last known address.

25 (13)(a) Within 30 days of receiving the notice of application for expunction under subsection (12)
26 of this section, a district attorney shall give written notice of any objection and the grounds therefor
27 to the person whose records are to be expunged and to the juvenile court.

28 (b) Except as provided in subsection (14)(c) of this section, if no objection is filed the court may
29 decide the issue of expunction either without a hearing or after full hearing under subsections (14)
30 to (17) of this section.

31 (14) When an expunction is pending under subsections (2) to (8) of this section, the court may
32 proceed with or without a hearing, except that:

33 (a) The court may not enter an expunction judgment without a hearing if a timely objection to
34 expunction has been filed under subsection (13) of this section;

35 (b) The court may not deny an expunction without a hearing if the proceeding is based on an
36 application of the subject; and

37 (c) The court shall proceed without a hearing if:

38 (A) No objection is filed under subsection (13) of this section;

39 (B) The application requests expunction of only that part of the person's record that involves
40 a charge, allegation or adjudication based on conduct that if done by an adult would constitute the
41 crime of prostitution under ORS 167.007; and

42 (C) The person was under 18 years of age at the time of the conduct.

43 (15)(a) Notice of a hearing on a pending expunction shall be served on the subject and any dis-
44 trict attorney filing a timely objection under subsection (13) of this section.

45 (b) When a district attorney receives notice of a hearing for expunction of a record concerning

1 a youth or [*youth offender*] **adjudicated youth** proceeding under ORS chapter 419C, if the victim of
2 the acts that resulted in the disposition that is the subject of the application for expunction re-
3 quests, the district attorney shall mail notice of the hearing to the victim's last-known address.

4 (16) The court shall conduct a hearing on a pending expunction in accord with the provisions
5 of ORS 419B.195, 419B.198, 419B.201, 419B.205, 419B.208, 419B.310, 419B.812 to 419B.839 and
6 419B.908. Rules of evidence shall be as in a hearing to establish juvenile court jurisdiction and as
7 defined in ORS 419B.310 (3) and 419C.400 (2). The burden of proof shall be with the party contesting
8 expunction.

9 (17) At the conclusion of a hearing on a pending expunction, the court shall issue judgment
10 granting or denying expunction.

11 (18) The juvenile court or juvenile department shall send a copy of an expunction judgment to
12 each agency subject to the judgment. Upon receipt of a copy of the judgment, the agency shall
13 comply and, within 21 days of the date of receipt, return the copy to the juvenile court or juvenile
14 department with an indorsement indicating compliance.

15 (19) When all agencies subject to an expunction judgment have indicated their compliance or in
16 any event no later than six weeks following the date the judgment was delivered as required by
17 subsection (18) of this section, the juvenile court shall provide the person who is the subject of the
18 record with a copy of the expunction judgment, a list of complying and noncomplying agencies, and
19 a written notice of rights and effects of expunction. The juvenile court and juvenile department then
20 shall expunge forthwith all records which they possess and which are subject to the judgment, ex-
21 cept the original expunction judgment and the list of complying and noncomplying agencies which
22 must be preserved under seal.

23 (20) In addition to those agencies identified in ORS 419A.260 (1)(d), the juvenile, circuit, munic-
24 ipal and justice courts, and the district and city attorneys of this state, are bound by an expunction
25 judgment of any juvenile court of appropriate jurisdiction in this state issuing an expunction judg-
26 ment.

27 (21) Upon entry of an expunction judgment, the contact that is the subject of the expunged re-
28 cord shall not be disclosed by any agency. An agency that is subject to an expunction judgment shall
29 respond to any inquiry about the contact by indicating that no record or reference concerning the
30 contact exists.

31 (22) A person who is the subject of a record that has been expunged under this section may
32 assert that the record never existed and that the contact, which was the subject of the record, never
33 occurred without incurring a penalty for perjury or false swearing under the laws of this state.

34 (23) Juvenile courts, by court rule or by order related to a particular matter, may direct that
35 records concerning a subject person be destroyed. No records shall be destroyed until at least three
36 years have elapsed after the date of the subject's most recent termination. In the event the record
37 has been expunged, the expunction judgment and list of complying and noncomplying agencies may
38 not be destroyed, but shall be preserved under seal. The destruction of records under this sub-
39 section does not constitute expunction.

40 (24) An expunction judgment and list of complying and noncomplying agencies shall be released
41 from confidentiality only on order of the court originating the expunction judgment, based on a
42 finding that review of a particular case furthers compliance with the expunction provisions of this
43 chapter.

44 (25) A subject has a right of action against any person who intentionally violates the
45 confidentiality provisions of this section. In the proceeding, punitive damages up to an amount of

1 \$1,000 may be sought in addition to any actual damages. The prevailing party shall be entitled to
2 costs and reasonable attorney fees.

3 (26) Intentional violation of the confidentiality provisions of this section by a public employee
4 is cause for dismissal.

5 (27) A person who intentionally releases all or part of an expunged record commits a Class C
6 misdemeanor.

7 **SECTION 57.** ORS 419B.035 is amended to read:

8 419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.478 and
9 192.610 to 192.810 relating to confidentiality and accessibility for public inspection of public records
10 and public documents, reports and records compiled under the provisions of ORS 419B.010 to
11 419B.050 are confidential and may not be disclosed except as provided in this section. The Depart-
12 ment of Human Services shall make the records available to:

13 (a) Any law enforcement agency or a child abuse registry in any other state for the purpose of
14 subsequent investigation of child abuse;

15 (b) Any physician, physician assistant licensed under ORS 677.505 to 677.525 or nurse practi-
16 tioner licensed under ORS 678.375 to 678.390, at the request of the physician, physician assistant
17 or nurse practitioner, regarding any child brought to the physician, physician assistant or nurse
18 practitioner or coming before the physician, physician assistant or nurse practitioner for examina-
19 tion, care or treatment;

20 (c) Attorneys of record for the child or child's parent or guardian in any juvenile court pro-
21 ceeding;

22 (d) Citizen review boards established by the Judicial Department for the purpose of periodically
23 reviewing the status of children, youths and [*youth offenders*] **adjudicated youths** under the juris-
24 diction of the juvenile court under ORS 419B.100 and 419C.005. Citizen review boards may make
25 such records available to participants in case reviews;

26 (e) A court appointed special advocate in any juvenile court proceeding in which it is alleged
27 that a child has been subjected to child abuse or neglect;

28 (f) The Office of Child Care for certifying, registering or otherwise regulating child care facili-
29 ties;

30 (g) The Office of Children's Advocate;

31 (h) The Teacher Standards and Practices Commission for investigations conducted under ORS
32 339.390 or 342.176 involving any child or any student;

33 (i) Any person, upon request to the Department of Human Services, if the reports or records
34 requested regard an incident in which a child, as the result of abuse, died or suffered serious phys-
35 ical injury as defined in ORS 161.015. Reports or records disclosed under this paragraph must be
36 disclosed in accordance with ORS 192.311 to 192.478;

37 (j) The Office of Child Care for purposes of ORS 329A.030 (10)(g), (h) and (i);

38 (k) With respect to a report of abuse occurring at a school or in an educational setting that
39 involves a child with a disability, Disability Rights Oregon;

40 (L) The Department of Education for purposes of investigations conducted under ORS 339.391;
41 and

42 (m) An education provider for the purpose of making determinations under ORS 339.388.

43 (2)(a) When disclosing reports and records pursuant to subsection (1)(i) of this section, the De-
44 partment of Human Services may exempt from disclosure the names, addresses and other identifying
45 information about other children, witnesses, victims or other persons named in the report or record

1 if the department determines, in written findings, that the safety or well-being of a person named in
2 the report or record may be jeopardized by disclosure of the names, addresses or other identifying
3 information, and if that concern outweighs the public's interest in the disclosure of that information.

4 (b) If the Department of Human Services does not have a report or record of abuse regarding
5 a child who, as the result of abuse, died or suffered serious physical injury as defined in ORS
6 161.015, the department may disclose that information.

7 (3) The Department of Human Services may make reports and records compiled under the pro-
8 visions of ORS 419B.010 to 419B.050 available to any person, administrative hearings officer, court,
9 agency, organization or other entity when the department determines that such disclosure is neces-
10 sary to administer its child welfare services and is in the best interests of the affected child, or that
11 such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to protect
12 children from abuse and neglect or for research when the Director of Human Services gives prior
13 written approval. The Department of Human Services shall adopt rules setting forth the procedures
14 by which it will make the disclosures authorized under this subsection or subsection (1) or (2) of this
15 section. The name, address and other identifying information about the person who made the report
16 may not be disclosed pursuant to this subsection and subsection (1) of this section.

17 (4) A law enforcement agency may make reports and records compiled under the provisions of
18 ORS 419B.010 to 419B.050 available to other law enforcement agencies, district attorneys, city at-
19 torneys with criminal prosecutorial functions and the Attorney General when the law enforcement
20 agency determines that disclosure is necessary for the investigation or enforcement of laws relating
21 to child abuse and neglect or necessary to determine a claim for crime victim compensation under
22 ORS 147.005 to 147.367.

23 (5) A law enforcement agency, upon completing an investigation and closing the file in a specific
24 case relating to child abuse or neglect, shall make reports and records in the case available upon
25 request to any law enforcement agency or community corrections agency in this state, to the De-
26 partment of Corrections or to the State Board of Parole and Post-Prison Supervision for the purpose
27 of managing and supervising offenders in custody or on probation, parole, post-prison supervision
28 or other form of conditional or supervised release. A law enforcement agency may make reports and
29 records compiled under the provisions of ORS 419B.010 to 419B.050 available to law enforcement,
30 community corrections, corrections or parole agencies in an open case when the law enforcement
31 agency determines that the disclosure will not interfere with an ongoing investigation in the case.
32 The name, address and other identifying information about the person who made the report may not
33 be disclosed under this subsection or subsection (6)(b) of this section.

34 (6)(a) Any record made available to a law enforcement agency or community corrections agency
35 in this state, to the Department of Corrections or the State Board of Parole and Post-Prison Super-
36 vision or to a physician, physician assistant or nurse practitioner in this state, as authorized by
37 subsections (1) to (5) of this section, shall be kept confidential by the agency, department, board,
38 physician, physician assistant or nurse practitioner. Any record or report disclosed by the Depart-
39 ment of Human Services to other persons or entities pursuant to subsections (1) and (3) of this sec-
40 tion shall be kept confidential.

41 (b) Notwithstanding paragraph (a) of this subsection:

42 (A) A law enforcement agency, a community corrections agency, the Department of Corrections
43 and the State Board of Parole and Post-Prison Supervision may disclose records made available to
44 them under subsection (5) of this section to each other, to law enforcement, community corrections,
45 corrections and parole agencies of other states and to authorized treatment providers for the pur-

1 pose of managing and supervising offenders in custody or on probation, parole, post-prison super-
2 vision or other form of conditional or supervised release.

3 (B) A person may disclose records made available to the person under subsection (1)(i) of this
4 section if the records are disclosed for the purpose of advancing the public interest.

5 (7) An officer or employee of the Department of Human Services or of a law enforcement agency
6 or any person or entity to whom disclosure is made pursuant to subsections (1) to (6) of this section
7 may not release any information not authorized by subsections (1) to (6) of this section.

8 (8) As used in this section, “law enforcement agency” has the meaning given that term in ORS
9 181A.010.

10 (9) A person who violates subsection (6)(a) or (7) of this section commits a Class A violation.

11 **SECTION 58.** ORS 419B.335 is amended to read:

12 419B.335. The Department of Human Services shall provide the following information regarding
13 out-of-state placements of children and wards on a website maintained by the department and up-
14 dated monthly:

15 (1) The name of each out-of-state facility in which children or wards placed by the department
16 are currently receiving services;

17 (2) The city and state in which each facility is located;

18 (3) The name of any parent organization for each facility;

19 (4) The name of each facility’s accreditation agency;

20 (5) The number of children or wards placed by the department currently receiving services from
21 each facility;

22 (6) The total number of children or wards currently receiving services from each facility;

23 (7) The daily rate charged by each facility for each child or ward;

24 (8) The name of the face-to-face contracting agency, including the city and state in which it is
25 located;

26 (9) Whether each facility provides services to [*youth offenders*] **adjudicated youths** or the resi-
27 dent state’s equivalent of [*youth offenders*] **adjudicated youths**;

28 (10) Demographic information about all children or wards the department currently has placed
29 in out-of-state facilities, including but not limited to age, gender or gender identity, race, ethnicity,
30 tribal status and, if known, sexual orientation;

31 (11) The number of children or wards the department currently has placed in out-of-state facili-
32 ties who have autism, intellectual disabilities or developmental disabilities; and

33 (12) Aggregate travel costs for the department to support out-of-state placements during the
34 previous month.

35 **SECTION 59.** ORS 419B.354, as amended by sections 11a and 11b, chapter 19, Oregon Laws 2020
36 (first special session), is amended to read:

37 419B.354. (1) As used in this section:

38 (a) “Congregate care residential setting” means any setting that cares for more than one child
39 or ward and is not a setting described in ORS 418.205 (2)(b)(A), (D) or (E) or (10).

40 (b) “Sex trafficking” means the recruitment, harboring, transportation, provision, obtaining, pa-
41 tronizing or soliciting of a person under 18 years of age for the purpose of a commercial sex act,
42 as defined in ORS 163.266, or the recruitment, harboring, transportation, provision or obtaining of
43 a person over 18 years of age using force, fraud or coercion for the purpose of a commercial sex
44 act, as defined in ORS 163.266.

45 (2) The Department of Human Services may place a child or ward in a congregate care resi-

1 denial setting only if the setting is:

2 (a) A child-caring agency, as defined in ORS 418.205, a hospital, as defined in ORS 442.015, or
3 a rural hospital, as defined in ORS 442.470; and

4 (b) A qualified residential treatment program described in section 12b, chapter 19, Oregon Laws
5 2020 (first special session).

6 (3) Notwithstanding subsection (2) of this section, the department may place a child or ward in
7 a child-caring agency that is not a qualified residential treatment program if:

8 (a) The child-caring agency is providing prenatal, postpartum or parenting supports to the child
9 or ward.

10 (b) The child or ward is placed in an independent residence facility described in ORS 418.475
11 that is licensed by the department as a child-caring agency.

12 (c) The child or ward is, or is at risk of becoming, a victim of sex trafficking and the child-caring
13 agency is providing high-quality residential care and supportive services to the child or ward.

14 (d) The Oregon Health Authority has approved the placement as medically necessary and the
15 child-caring agency:

16 (A) Is a residential care facility;

17 (B) Is licensed by the authority and maintains site-specific accreditation from a nationally re-
18 cognized organization to provide psychiatric treatment to children; and

19 (C) Has an active provider agreement with the Oregon Medicaid program.

20 (e) The child-caring agency is an adolescent residential drug and alcohol treatment program li-
21 censed or certified by the State of Oregon to provide residential care, and the court has approved,
22 or approval is pending for, the placement in the child-caring agency of each child or ward over
23 whom the department retains jurisdiction.

24 (f) The placement with the child-caring agency is for the purpose of placing the child or ward
25 in a proctor foster home.

26 (g) The child-caring agency is a residential care facility licensed by the department that provides
27 short-term assessment and stabilization services.

28 (h) The child-caring agency is a shelter-care home, as defined in ORS 418.470, that provides
29 short-term assessment and stabilization services.

30 (i) The child-caring agency is a homeless, runaway or transitional living shelter licensed by the
31 department that provides short-term assessment and stabilization services.

32 (4) The department may not place a child or ward in a residential care facility or shelter-care
33 home described in subsection (3)(g) or (h) of this section:

34 (a) For more than 60 consecutive days or 90 cumulative days in a 12-month period; or

35 (b) If the residential care facility or shelter-care home also serves [*youth or youth offenders*]
36 **youths or adjudicated youths** served by the county juvenile department or [*youth offenders*] **adju-**
37 **dicated youths** committed to the custody of the Oregon Youth Authority by the court.

38 (5) The department may not place a child or ward in a homeless, runaway or transitional living
39 shelter described in subsection (3)(i) of this section for more than 60 consecutive or 90 cumulative
40 days in any 12-month period.

41 (6) Calculations of the number of days a child or ward is placed in a shelter-care home under
42 subsection (3)(h) of this section or a homeless, runaway or transitional living shelter under sub-
43 section (3)(i) of this section exclude the days the child or ward is in the shelter-care home or shelter
44 if the child or ward:

45 (a) Accessed the shelter-care home or shelter without the support or direction of the department;

1 and

2 (b) Is homeless or a runaway, as defined by the department by rule.

3 (7)(a) Nothing in this section prohibits the Oregon Youth Authority from placing [*a youth*
4 *offender*] **an adjudicated youth** committed to its custody in a placement that is not a qualified res-
5 idential treatment program.

6 (b) Nothing in this section prohibits the Oregon Youth Authority or a county juvenile depart-
7 ment from placing [*a youth offender*] **an adjudicated youth** or a youth served by the Oregon Youth
8 Authority or the county juvenile department in shelter care or detention under ORS chapter 419C.

9 **SECTION 60.** ORS 419B.395 is amended to read:

10 419B.395. (1) If in any proceeding under ORS 419B.100 or 419B.500 the juvenile court determines
11 that the child or ward has fewer than two legal parents or that parentage is disputed as allowed in
12 ORS 109.070, the court may enter a judgment of parentage or a judgment of nonparentage in com-
13 pliance with the provisions of ORS 109.065, 109.070, 109.124 to 109.230, 109.250 to 109.262 and
14 109.326.

15 (2) Before entering a judgment under subsection (1) of this section, the court must find that
16 adequate notice and an opportunity to be heard was provided to:

17 (a) The parties to the proceeding;

18 (b) The person alleged or claiming to be the child or ward’s parent; and

19 (c) The Administrator of the Division of Child Support of the Department of Justice or the
20 branch office providing support services to the county in which the court is located.

21 (3) When appropriate, the court shall inform a person before the court claiming to be the parent
22 of a child or ward that parentage establishment services may be available through the administrator
23 if the child or ward:

24 (a) Is a child born out of wedlock;

25 (b) Has not been placed for adoption; and

26 (c) Has fewer than two legal parents.

27 (4) As used in this section:

28 (a) “Administrator” has the meaning given that term in ORS 25.010.

29 (b) “Child born out of wedlock” has the meaning given that term in ORS 109.124.

30 (c) “Legal parent” has the meaning given that term in ORS 419A.004 [(19)].

31 **SECTION 61.** ORS 419C.058 is amended to read:

32 419C.058. (1) With the approval of the Chief Justice of the Supreme Court, the presiding judge
33 of the twenty-second judicial district and, for cases arising in Wasco County or Hood River County,
34 the presiding judge of the seventh judicial district may enter into a memorandum of understanding
35 with the Confederated Tribes of Warm Springs regarding the adjudication and disposition of youths
36 and [*youth offenders*] **adjudicated youths**.

37 (2) A memorandum of understanding entered into under subsection (1) of this section may allow
38 the juvenile court of the judicial district:

39 (a) To waive its jurisdiction over a youth and transfer the case, notwithstanding ORS 419C.005,
40 to the jurisdiction of the tribal court of the Confederated Tribes of Warm Springs for adjudication;
41 or

42 (b) After finding the youth to be within its jurisdiction under ORS 419C.005, to transfer the case
43 to the tribal court of the Confederated Tribes of Warm Springs for disposition.

44 (3) A memorandum of understanding entered into under subsection (1) of this section applies
45 only to youths or [*youth offenders*] **adjudicated youths** who are enrolled members of a federally

1 recognized tribe and who reside on the Warm Springs Reservation.

2 (4) A memorandum of understanding entered into under subsection (1) of this section may con-
3 tain, but is not limited to, provisions relating to:

- 4 (a) The duration of the memorandum of understanding;
- 5 (b) The cases that are subject to transfer;
- 6 (c) Who may request a transfer;
- 7 (d) The custody of a youth or [*youth offender*] **adjudicated youth** after transfer; and
- 8 (e) The sharing of information about a case after it has been transferred.

9 **SECTION 62.** ORS 419C.130 is amended to read:

10 419C.130. (1) A youth or [*youth offender*] **adjudicated youth** may not be detained at any time in
11 a police station, jail, prison or other place where adults are detained, except as follows:

12 (a) A youth or [*youth offender*] **adjudicated youth** may be detained in a police station for up to
13 five hours when necessary to obtain the youth or [*youth offender's*] **adjudicated youth's** name, age,
14 residence and other identifying information.

15 (b) A youth waived under ORS 419C.349 or 419C.364 to the court handling criminal actions or
16 to municipal court may be detained in a jail or other place where adults are detained if:

17 (A) The youth is at least 16 years of age; and

18 (B) The director of the county juvenile department and the sheriff, or other official responsible
19 for the jail or other place, agree to detain the youth in a jail or other place where adults are de-
20 tained.

21 (c) When detention is authorized by ORS 419C.453, [*a youth offender*] **an adjudicated youth** may
22 be detained in a jail or other place where adults are detained.

23 (2) A youth waived to the court handling criminal actions or to municipal court pursuant to a
24 standing order of the juvenile court under ORS 419C.370, including a youth accused of nonpayment
25 of fines, may not be detained in a jail or other place where adults are detained.

26 (3) As used in this section, "adult" does not include a person who is 18 years of age or older
27 and is alleged to be, or has been found to be, within the jurisdiction of the juvenile court under ORS
28 419C.005.

29 **SECTION 63.** ORS 419C.220 is amended to read:

30 419C.220. (1) Upon the request of any party, the court shall appoint a surrogate for a youth or
31 [*youth offender*] **adjudicated youth** who is temporarily or permanently in the custody of, or com-
32 mitted to, a public or private agency through the action of the juvenile court if:

33 (a) The court finds that the youth or [*youth offender*] **adjudicated youth** may be eligible for
34 special education programs because of a disabling condition as provided in ORS chapter 343;

35 (b) The youth or [*youth offender*] **adjudicated youth** does not already have a surrogate ap-
36 pointed by a school district or other educational agency; and

37 (c) The requesting party nominates a person who is willing to serve as the surrogate and who
38 meets the requirements described in subsection (2) of this section.

39 (2) A surrogate appointed under this section:

40 (a) May not be an employee of the state educational agency, a school district or any other
41 agency that is involved in the education or care of the youth or [*youth offender*] **adjudicated**
42 **youth;**

43 (b) May not have a conflict of interest that would interfere with the surrogate representing the
44 special education interests of the youth or [*youth offender*] **adjudicated youth;**

45 (c) Shall have knowledge and skills that ensure that the surrogate can adequately represent the

1 youth or [*youth offender*] **adjudicated youth** in special education decisions; and

2 (d) May not be a person who is the youth's or [*youth offender's*] **adjudicated youth's** parent,
3 guardian or former guardian if:

4 (A) At any time while the youth or [*youth offender*] **adjudicated youth** was under the care,
5 custody or control of the person, a court entered an order:

6 (i) Taking the youth or [*youth offender*] **adjudicated youth** into protective custody under ORS
7 419B.150; or

8 (ii) Committing the youth or [*youth offender*] **adjudicated youth** to the legal custody of the De-
9 partment of Human Services for care, placement and supervision under ORS 419B.337; and

10 (B) The court entered a subsequent order that:

11 (i) The youth or [*youth offender*] **adjudicated youth** should be permanently removed from the
12 person's home, or continued in substitute care, because it was not safe for the youth or [*youth*
13 *offender*] **adjudicated youth** to be returned to the person's home, and no subsequent order of the
14 court was entered that permitted the youth or [*youth offender*] **adjudicated youth** to return to the
15 person's home before the youth's or [*youth offender's*] **adjudicated youth's** wardship was terminated
16 under ORS 419B.328; or

17 (ii) Terminated the person's parental rights under ORS 419B.500 and 419B.502 to 419B.524.

18 **SECTION 64.** ORS 419C.223 is amended to read:

19 419C.223. A person that is appointed surrogate for [*a youth offender*] **an adjudicated youth** has
20 the duty and authority to protect the due process rights of the [*youth offender*] **adjudicated youth**
21 with respect to the provision of free appropriate public education. A surrogate appointed by the
22 court shall immediately apply to the attending school district for an evaluation of the [*youth*
23 *offender's*] **adjudicated youth's** eligibility for special education and shall participate in the devel-
24 opment of the [*youth offender's*] **adjudicated youth's** educational plan as provided in ORS chapter
25 343. The duties and responsibilities of the surrogate shall continue until whichever of the following
26 occurs first:

27 (1) The [*youth offender*] **adjudicated youth** is 21 years of age;

28 (2) The [*youth offender*] **adjudicated youth** is determined to be no longer eligible for special
29 education; or

30 (3) The juvenile court terminates jurisdiction of the [*youth offender*] **adjudicated youth** and de-
31 termines that the [*youth offender's*] **adjudicated youth's** parent or guardian is both known and
32 available to protect the special educational rights of the [*youth offender*] **adjudicated youth**.

33 **SECTION 65.** ORS 419C.273 is amended to read:

34 419C.273. (1)(a) The victim of any act alleged in a petition filed under this chapter may be
35 present at and, upon request, must be informed in advance of critical stages of the proceedings held
36 in open court when the youth or [*youth offender*] **adjudicated youth** will be present.

37 (b) The victim must be informed of any constitutional rights of the victim. Except as provided
38 in ORS 147.417, the district attorney or juvenile department must ensure that victims are informed
39 of their constitutional rights.

40 (2)(a) The victim has the right, upon request, to be notified in advance of or to be heard at:

41 (A) A detention or shelter hearing;

42 (B) A hearing to review the placement of the youth or [*youth offender*] **adjudicated youth**; or

43 (C) A dispositional hearing.

44 (b) For a release hearing, the victim has the right:

45 (A) Upon request, to be notified in advance of the hearing;

- 1 (B) To appear personally at the hearing; and
- 2 (C) If present, to reasonably express any views relevant to the issues before the court.
- 3 (3) If the victim is not present at a critical stage of the proceeding, the court shall ask the
- 4 district attorney or juvenile department whether the victim requested to be notified of critical stages
- 5 of the proceedings. If the victim requested to be notified, the court shall ask the district attorney
- 6 or juvenile department whether the victim was notified of the date, time and place of the hearing.
- 7 (4) As used in this section:
- 8 (a) “Critical stage of the proceeding” means a hearing that:
- 9 (A) Affects the legal interests of the youth or [*youth offender*] **adjudicated youth**;
- 10 (B) Is held in open court; and
- 11 (C) Is conducted in the presence of the youth or [*youth offender*] **adjudicated youth**.
- 12 (b) “Critical stage of the proceeding” includes, but is not limited to:
- 13 (A) Detention and shelter hearings;
- 14 (B) Hearings to review placements;
- 15 (C) Hearings to set or change conditions of release;
- 16 (D) Hearings to transfer proceedings or to transfer parts of proceedings;
- 17 (E) Waiver hearings;
- 18 (F) Adjudication and plea hearings;
- 19 (G) Dispositional hearings, including but not limited to restitution hearings;
- 20 (H) Review or dispositional review hearings;
- 21 (I) Hearings on motions to amend, dismiss or set aside petitions, orders or judgments;
- 22 (J) Probation violation hearings, including probation revocation hearings, when the basis for the
- 23 alleged violation directly implicates a victim’s rights;
- 24 (K) Hearings for relief from the duty to report under ORS 163A.130; and
- 25 (L) Expunction hearings.
- 26 (5) Nothing in this section creates a cause of action for compensation or damages. This section
- 27 may not be used to invalidate an accusatory instrument or adjudication or otherwise terminate any
- 28 proceeding at any point after the case is commenced or on appeal.
- 29 **SECTION 66.** ORS 419C.276 is amended to read:
- 30 419C.276. (1)(a) Unless authorized by the court to disclose the information, the attorney of a
- 31 youth or [*youth offender*] **adjudicated youth**, or an agent of the attorney, may not disclose to the
- 32 youth or [*youth offender*] **adjudicated youth** personal identifiers of a victim or witness.
- 33 (b) The court shall order the attorney, or agent of the attorney, to disclose to the youth or
- 34 [*youth offender*] **adjudicated youth** the personal identifiers of a victim or witness if the court finds
- 35 that:
- 36 (A) The attorney of the youth or [*youth offender*] **adjudicated youth** has requested the district
- 37 attorney or the juvenile department to disclose the information to the youth or [*youth offender*] **ad-**
- 38 **judicated youth**;
- 39 (B) The district attorney or the juvenile department has refused to disclose the information to
- 40 the youth or [*youth offender*] **adjudicated youth**; and
- 41 (C) The need for the information cannot reasonably be met by other means.
- 42 (2) If contacted by the attorney of the youth or [*youth offender*] **adjudicated youth**, an agent
- 43 of the youth or [*youth offender*] **adjudicated youth**, or an agent of the attorney of the youth or
- 44 [*youth offender*] **adjudicated youth**, a victim must be clearly informed by the attorney or agent, ei-
- 45 ther in person or in writing;

1 (a) Of the identity and capacity of the person contacting the victim;

2 (b) That the victim does not have to talk to the attorney or agent, or provide other discovery
3 unless the victim wishes; and

4 (c) That the victim may have a representative of the state present during any interview.

5 (3) Unless the victim consents after receiving a full advice of rights as provided in subsection
6 (2) of this section, a victim may not be required to be interviewed or deposed by or give discovery
7 to the youth or [*youth offender*] **adjudicated youth** or the attorney for the youth or [*youth*
8 *offender*] **adjudicated youth**, or an agent of the attorney or youth or [*youth offender*]**adjudicated**
9 **youth**. This subsection does not prohibit the youth or [*youth offender*] **adjudicated youth** from:

10 (a) Subpoenaing or examining the victim in a proceeding when the purpose is other than for
11 discovery; or

12 (b) Subpoenaing books, papers or documents as provided in ORS 136.580.

13 (4) Any preadjudication release order must prohibit any contact with the victim, either directly
14 or indirectly, unless specifically authorized by the court. This subsection does not limit contact by
15 the attorney for the youth or [*youth offender*] **adjudicated youth**, or an agent of the attorney, other
16 than the youth or [*youth offender*] **adjudicated youth**, in the manner set forth in subsection (2) of
17 this section.

18 (5)(a) If a victim notifies the district attorney or juvenile department that the youth or [*youth*
19 *offender*] **adjudicated youth**, by direct or indirect contact, threatened or intimidated the victim, the
20 district attorney or juvenile department shall notify the court and the attorney for the youth or
21 [*youth offender*] **adjudicated youth**. If the youth or [*youth offender*] **adjudicated youth** is not in
22 custody and the court finds there is probable cause to believe the victim has been threatened or
23 intimidated by the youth or [*youth offender*] **adjudicated youth**, by direct or indirect contact, the
24 court shall immediately issue an order to show cause why the release status should not be revoked.

25 (b) After conducting a hearing as the court deems appropriate, if the court finds that the victim
26 has been threatened or intimidated by the youth or [*youth offender*] **adjudicated youth**, by direct
27 or indirect contact, the release status shall be revoked and the youth or [*youth offender*] **adjudicated**
28 **youth** shall be held in detention until conditions of release sufficient to ensure the safety of the
29 victim and the community can be implemented.

30 (c) In any hearing convened under this subsection, the victim has the right to be notified in
31 advance of the hearing, to appear personally at the hearing and, if present, to express any views
32 relevant to the issues before the court.

33 (6)(a) For purposes of subsections (4) and (5) of this section, “contact” has the meaning given
34 that term in ORS 163.730.

35 (b) For the purposes of subsection (1) of this section, “personal identifiers” means a person’s
36 address, telephone number, Social Security number and date of birth and the identifying number of
37 a person’s depository account at a financial institution, as defined in ORS 706.008, or credit card
38 account.

39 **SECTION 67.** ORS 419C.411 is amended to read:

40 419C.411. (1) At the termination of the hearing or hearings in the proceeding or after entry of
41 an order under ORS 419C.067, the court shall enter an appropriate order directing the disposition
42 to be made of the case.

43 (2) The court shall find a youth responsible except for insanity if:

44 (a) The youth asserted qualifying mental disorder as a defense as provided in ORS 419C.524; and

45 (b) The court determined by a preponderance of the evidence that, as a result of a qualifying

1 mental disorder at the time the youth committed the act alleged in the petition, the youth lacked
2 substantial capacity either to appreciate the nature and quality of the act or to conform the youth's
3 conduct to the requirements of law.

4 (3) Except as otherwise provided in subsections (6) and (7) of this section, in determining the
5 disposition of the case, the court shall consider each of the following:

6 (a) The gravity of the loss, damage or injury caused or attempted during, or as part of, the
7 conduct that is the basis for jurisdiction under ORS 419C.005;

8 (b) Whether the manner in which the [*youth offender*] **adjudicated youth** engaged in the conduct
9 was aggressive, violent, premeditated or willful;

10 (c) Whether the [*youth offender*] **adjudicated youth** was held in detention under ORS 419C.145
11 and, if so, the reasons for the detention;

12 (d) The immediate and future protection required by the victim, the victim's family and the
13 community; and

14 (e) The [*youth offender's*] **adjudicated youth's** juvenile court record and response to the re-
15 quirements and conditions imposed by previous juvenile court orders.

16 (4) In addition to the factors listed in subsection (3) of this section, the court may consider the
17 following:

18 (a) Whether the [*youth offender*] **adjudicated youth** has made any efforts toward reform or re-
19 habilitation or making restitution;

20 (b) The [*youth offender's*] **adjudicated youth's** educational status and school attendance record;

21 (c) The [*youth offender's*] **adjudicated youth's** past and present employment;

22 (d) The disposition proposed by the [*youth offender*] **adjudicated youth**;

23 (e) The recommendations of the district attorney and the juvenile court counselor and the
24 statements of the victim and the victim's family;

25 (f) The [*youth offender's*] **adjudicated youth's** mental, emotional and physical health and the
26 results of the mental health or substance abuse treatment; and

27 (g) Any other relevant factors or circumstances raised by the parties.

28 (5) The court's consideration of matters under this section may be addressed on appeal only if
29 raised by a party at a dispositional hearing or by a motion to modify or set aside under ORS
30 419C.610.

31 (6) When a youth is found responsible except for insanity, the court shall order a disposition
32 under ORS 419C.529 if the court finds by a preponderance of the evidence that, at the time of dis-
33 position, the youth:

34 (a) Has a serious mental condition; or

35 (b) Has a qualifying mental disorder other than a serious mental condition and presents a sub-
36 stantial danger to others.

37 (7) When a youth is found responsible except for insanity and the court does not make a finding
38 described in subsection (6) of this section, the court may:

39 (a) Enter an order finding the youth to be within the court's jurisdiction under ORS 419B.100
40 and make any disposition authorized by ORS chapter 419B;

41 (b) Initiate civil commitment proceedings; or

42 (c) Enter an order of discharge.

43 **SECTION 68.** ORS 419C.440 is amended to read:

44 419C.440. Unless guardianship is granted as provided in ORS 419C.555, the court as an incident
45 of its jurisdiction over the [*youth offender*] **adjudicated youth** has the duties and authority of the

1 guardian as provided in ORS 419C.558.

2 **SECTION 69.** ORS 419C.441 is amended to read:

3 419C.441. A court having jurisdiction pursuant to ORS 419C.005 over [a youth offender] **an ad-**
4 **judicated youth** who commits an act that would be a violation of ORS 167.315, 167.320, 167.322 or
5 167.333 if done by an adult may, in addition to any other exercise of jurisdiction over the [youth
6 offender] **adjudicated youth**, order that the [youth offender] **adjudicated youth** undergo psychiatric,
7 psychological or mental health evaluation. If warranted by the mental condition of the [youth
8 offender] **adjudicated youth**, the court may order that the [youth offender] **adjudicated youth** un-
9 dergo appropriate care or treatment.

10 **SECTION 70.** ORS 419C.446 is amended to read:

11 419C.446. (1) When a court determines it would be in the best interest and welfare of [a youth
12 offender] **an adjudicated youth**, the court may place the [youth offender] **adjudicated youth** on
13 probation. The court may direct that the [youth offender] **adjudicated youth** remain in the legal
14 custody of the [youth offender's] **adjudicated youth's** parents or other person with whom the [youth
15 offender] **adjudicated youth** is living, or the court may direct that the [youth offender] **adjudicated**
16 **youth** be placed in the legal custody of some relative or some person maintaining a foster home
17 approved by the court, or in a child care center or a youth care center authorized to accept the
18 [youth offender] **adjudicated youth**.

19 (2) The court may specify particular requirements to be observed during the probation consist-
20 ent with recognized juvenile court practice, including but not limited to restrictions on visitation
21 by the [youth offender's] **adjudicated youth's** parents, restrictions on the [youth offender's] **adjudi-**
22 **cated youth's** associates, occupation and activities, restrictions on and requirements to be observed
23 by the person having the [youth offender's] **adjudicated youth's** legal custody, requirements for
24 visitation by and consultation with a juvenile counselor or other suitable counselor, requirements
25 to make restitution under ORS 419C.450, requirements of a period of detention under ORS 419C.453,
26 requirements to pay a fine under ORS 419C.459, requirements to pay a supervision fee under ORS
27 419C.449, requirements to perform community service under ORS 419C.462, or service for the victim
28 under ORS 419C.465, or requirements to submit to blood or buccal testing under ORS 419C.473.

29 (3) If the [youth offender] **adjudicated youth** is a sex offender, as defined in ORS 163A.005, the
30 juvenile department shall notify the chief of police, if the [youth offender] **adjudicated youth** is go-
31 ing to reside within a city, and the county sheriff of the county in which the [youth offender] **adju-**
32 **dicated youth** is going to reside of the [youth offender's] **adjudicated youth's** release on probation
33 and the requirements imposed on the [youth offender's] **adjudicated youth's** probation under sub-
34 section (2) of this section.

35 **SECTION 71.** ORS 419C.449 is amended to read:

36 419C.449. (1) In determining whether to impose a supervision fee under ORS 419C.446 (2), the
37 court shall consider whether the [youth offender] **adjudicated youth** or the parent or legal guardian
38 of the [youth offender] **adjudicated youth** will be able to pay the fee. When a supervision fee is re-
39 quired, the fee shall be determined and fixed by the county juvenile department.

40 (2) The county shall collect or provide by contract for the collection of the supervision fee from
41 the [youth offender] **adjudicated youth** or the parent or legal guardian of the [youth offender] **ad-**
42 **judicated youth** and shall retain the fee to be used by the county for funding of its juvenile de-
43 partment program.

44 **SECTION 72.** ORS 419C.450 is amended to read:

45 419C.450. (1)(a) It is the policy of the State of Oregon to encourage and promote the payment

1 of restitution and other obligations by [*youth offenders*] **adjudicated youths** as well as by adult
2 offenders. In any case within the jurisdiction of the juvenile court pursuant to ORS 419C.005 in
3 which the [*youth offender*] **adjudicated youth** caused another person any physical, emotional or
4 psychological injury or any loss of or damage to property, the victim has the right to receive prompt
5 restitution. The district attorney shall investigate and present to the court, prior to or at the time
6 of adjudication, evidence of the nature and amount of the injury, loss or damage. If the court finds
7 from the evidence presented that a victim suffered injury, loss or damage, in addition to any other
8 sanction it may impose, the court shall:

9 (A) Include in the judgment a requirement that the [*youth offender*] **adjudicated youth** pay the
10 victim restitution in a specific amount that equals the full amount of the victim's injury, loss or
11 damage as determined by the court; or

12 (B) Include in the judgment a requirement that the [*youth offender*] **adjudicated youth** pay the
13 victim restitution, and that the specific amount of restitution will be established by a supplemental
14 judgment based upon a determination made by the court within 90 days of entry of the judgment.
15 In the supplemental judgment, the court shall establish a specific amount of restitution that equals
16 the full amount of the victim's injury, loss or damage as determined by the court. The court may
17 extend the time within which the determination and supplemental judgment may be completed for
18 good cause. The lien, priority of the lien and ability to enforce a specific amount of restitution es-
19 tablished under this subparagraph by a supplemental judgment relates back to the date of the ori-
20 ginal judgment that is supplemented.

21 (b) After the district attorney makes a presentation described in paragraph (a) of this subsection,
22 if the court is unable to find from the evidence presented that a victim suffered injury, loss or
23 damage, the court shall make a finding on the record to that effect.

24 (c) No finding made by the court or failure of the court to make a finding under this subsection
25 limits or impairs the rights of a person injured to sue and recover damages in a civil action under
26 subsection (2) of this section.

27 (d) The court may order restitution, including but not limited to counseling and treatment ex-
28 penses, for emotional or psychological injury under this section only:

29 (A) When the act that brought the [*youth offender*] **adjudicated youth** within the jurisdiction
30 of the court would constitute aggravated murder, murder or a sex crime if committed by an adult;
31 and

32 (B) For an injury suffered by the victim or a member of the victim's family who observed the
33 act.

34 (e) If the [*youth offender*] **adjudicated youth** will be present at a hearing under this subsection
35 and the victim requests notice, the district attorney or juvenile department shall notify the victim
36 of the hearing.

37 (2) Restitution for injury inflicted upon a person by the [*youth offender*] **adjudicated youth**, for
38 property taken, damaged or destroyed by the [*youth offender*] **adjudicated youth** and for a reward
39 offered by the victim or an organization authorized by the victim and paid for information leading
40 to the apprehension of the [*youth offender*] **adjudicated youth**, shall be required as a condition of
41 probation. Restitution does not limit or impair the right of a victim to sue in a civil action for
42 damages suffered, nor shall the fact of consultation by the victim be admissible in such civil action
43 to prove consent or agreement by the victim. However, the court shall credit any restitution paid
44 by the [*youth offender*] **adjudicated youth** to a victim against any judgment in favor of the victim
45 in such civil action. Before setting the amount of such restitution, the court shall notify the person

1 upon whom the injury was inflicted or the owner of the property taken, damaged or destroyed and
2 give such person an opportunity to be heard on the issue of restitution.

3 (3)(a) If a judgment or supplemental judgment described in subsection (1) of this section includes
4 restitution, a court may delay the enforcement of the monetary sanctions, including restitution, only
5 if the [youth offender] **adjudicated youth** alleges and establishes to the satisfaction of the court the
6 [youth offender's] **adjudicated youth's** inability to pay the judgment in full at the time the judgment
7 is entered. If the court finds that the [youth offender] **adjudicated youth** is unable to pay, the court
8 may establish or allow an appropriate supervising authority to establish a payment schedule. The
9 supervising authority shall be authorized to modify any payment schedule established under this
10 section. In establishing a payment schedule, the court or the supervising authority shall take into
11 consideration:

12 (A) The availability to the [youth offender] **adjudicated youth** of paid employment during such
13 time as the [youth offender] **adjudicated youth** may be committed to a youth correction facility;

14 (B) The financial resources of the [youth offender] **adjudicated youth** and the burden that pay-
15 ment of restitution will impose, with due regard to the other obligations of the [youth offender] **ad-**
16 **judicated youth**;

17 (C) The present and future ability of the [youth offender] **adjudicated youth** to pay restitution
18 on an installment basis or on other conditions to be fixed by the court; and

19 (D) The rehabilitative effect on the [youth offender] **adjudicated youth** of the payment of
20 restitution and the method of payment.

21 (b) As used in this subsection, "supervising authority" means any state or local agency that is
22 authorized to supervise the [youth offender] **adjudicated youth**.

23 (4) Notwithstanding ORS 419C.501 and 419C.504, when the court has ordered [a youth offender]
24 **an adjudicated youth** to pay restitution, as provided in this section, the judgment shall be entered
25 in the register or docket of the court in the manner provided by ORS chapter 18 and enforced in
26 the manner provided by ORS 18.252 to 18.993. The judgment is in favor of the state and may be
27 enforced only by the state. Notwithstanding ORS 419A.255, a judgment for restitution entered under
28 this subsection is a public record. Judgments entered under this subsection are subject to ORS
29 18.048.

30 (5) A person required to pay restitution under subsection (1) of this section may file a motion
31 supported by an affidavit for satisfaction of the judgment or supplemental judgment requiring pay-
32 ment of restitution in the circuit court of the county in which the original judgment was entered if:

33 (a) At least 50 percent of the monetary obligation is satisfied or at least 10 years have passed
34 since the original judgment was entered;

35 (b) The person has substantially complied with all established payment plans;

36 (c) The person has not been found to be within the jurisdiction of the juvenile court under ORS
37 419C.005 or convicted of an offense since the date the original judgment of restitution was entered;
38 and

39 (d) The person has satisfactorily completed any required period of probation or parole for the
40 act for which the judgment of restitution was entered.

41 (6) When a person files a motion described in subsection (5) of this section, the district attorney
42 for the county in which the motion was filed shall promptly notify the victim for whose benefit the
43 judgment of restitution was entered that the person has filed the motion and that the victim may
44 object in writing to the motion through the district attorney.

45 (7) If the victim does not object to the motion as provided in subsection (6) of this section, the

1 court shall hold a hearing on the motion and may enter an order granting a full or partial satis-
 2 faction if the allegations in the affidavit supporting the motion are true and failure to grant the
 3 motion would result in an injustice. In determining whether an injustice would result, the court shall
 4 take into account:

5 (a) The financial resources of the defendant and the burden that continued payment of
 6 restitution will impose, with due regard to the other obligations of the defendant;

7 (b) The ability of the defendant to continue paying restitution on an installment basis or under
 8 other conditions to be fixed by the court; and

9 (c) The rehabilitative effect on the defendant of the continued payment of restitution and the
 10 method of payment.

11 (8) A person may file a motion under subsection (5) of this section no more than one time per
 12 year for each judgment of restitution entered against the person.

13 **SECTION 73.** ORS 419C.453 is amended to read:

14 419C.453. (1) Pursuant to a hearing, the juvenile court may order [*a youth offender*] **an adjudi-**
 15 **cated youth** placed in a detention facility for a specific period of time not to exceed eight days, in
 16 addition to time already spent in the facility, unless a program plan that is in conformance with
 17 standards established by the Youth Development Council has been filed with and approved by the
 18 council, in which case the [*youth offender*] **adjudicated youth** may be held in detention for a maxi-
 19 mum of 30 days in addition to time already spent in the facility, when:

20 (a) The [*youth offender*] **adjudicated youth** has been found to be within the jurisdiction of the
 21 juvenile court by reason of having committed an act that would be a crime if committed by an adult;
 22 or

23 (b) The [*youth offender*] **adjudicated youth** has been placed on formal probation for an act that
 24 would be a crime if committed by an adult, and has been found to have violated a condition of that
 25 probation.

26 (2) Pursuant to a hearing, the juvenile court may order [*a youth offender*] **an adjudicated youth**
 27 who is at least 18 years of age placed in a jail or other place where adults are detained. The
 28 placement must be for a specific period of time and may not exceed eight days in addition to time
 29 already spent in a juvenile detention facility or jail. The court may order placement under this
 30 subsection when:

31 (a) The [*youth offender*] **adjudicated youth** has been found to be within the jurisdiction of the
 32 juvenile court by reason of having committed an act that would be a crime if committed by an adult;
 33 or

34 (b) The [*youth offender*] **adjudicated youth** has been placed on formal probation for an act that
 35 would be a crime if committed by an adult, and has been found to have violated a condition of that
 36 probation.

37 (3) In order to detain [*a youth offender*] **an adjudicated youth** under subsection (2) of this sec-
 38 tion, the court shall make case-specific findings that placement in a jail or other place where adults
 39 are detained meets the specific needs of the [*youth offender*] **adjudicated youth**.

40 (4) As used in this section, "adult" does not include a person who is 18 years of age or older
 41 and is alleged to be, or has been found to be, within the jurisdiction of the juvenile court under ORS
 42 419C.005.

43 **SECTION 74.** ORS 419C.456 is amended to read:

44 419C.456. Pursuant to a hearing, the juvenile court may order [*a youth offender*] **an adjudicated**
 45 **youth** 12 years of age or older placed in a detention facility for a specific period of time not to

1 exceed eight days, in addition to time already spent in the facility, when the [*youth offender*] **adju-**
 2 **dicated youth** has been found to be within the jurisdiction of the juvenile court by reason of having
 3 escaped from a detention facility, after having been placed in the facility pursuant to the filing of
 4 a petition alleging that the youth has committed an act which would be a crime if committed by an
 5 adult or the offense described in ORS 419C.159.

6 **SECTION 75.** ORS 419C.459 is amended to read:

7 419C.459. If a youth is found to be within the jurisdiction of the court under ORS 419C.005 by
 8 reason of committing an offense or by reason of committing an act that would constitute an offense
 9 if committed by an adult, the [*youth offender*] **adjudicated youth** is subject to the same fines, in-
 10 cluding the minimum fines established under ORS 137.286 and 153.021, that are applicable to adults
 11 who commit the offense. In determining the amount of the fine, the court shall consider the potential
 12 rehabilitative effect of a fine.

13 **SECTION 76.** ORS 419C.461 is amended to read:

14 419C.461. (1) When [*a youth offender*] **an adjudicated youth** has been found to be within the
 15 jurisdiction of the juvenile court for having committed an act that if committed by an adult would
 16 constitute a violation of ORS 164.383 or 164.386 or criminal mischief and the act consisted of de-
 17 facing property by creating graffiti, the court, in addition to any other disposition, may order the
 18 [*youth offender*] **adjudicated youth** to perform:

19 (a) Personal service, as provided in ORS 419C.465, consisting of removing graffiti; or

20 (b) If the victim does not agree to the personal service, community service consisting of re-
 21 moving graffiti at some location other than that defaced by the [*youth offender*] **adjudicated**
 22 **youth.**

23 (2) In no case shall the [*youth offender*] **adjudicated youth**, pursuant to this section, perform
 24 more hours of personal or community service than would be indicated by dividing the monetary
 25 damage caused by the [*youth offender*] **adjudicated youth** by the legal minimum wage.

26 (3)(a) When [*a youth offender*] **an adjudicated youth** has been found to be within the jurisdiction
 27 of the juvenile court for having committed an act that if committed by an adult would constitute a
 28 violation of ORS 164.383, the court may find the parent, legal guardian or other person lawfully
 29 charged with the care or custody of the [*youth offender*] **adjudicated youth** liable for actual dam-
 30 ages to person or property caused by the [*youth offender*] **adjudicated youth**. However, a parent
 31 who is not entitled to legal custody of the [*youth offender*] **adjudicated youth** at the time of the act
 32 is not liable for the damages.

33 (b) The legal obligation of the parent, legal guardian or other person under this subsection may
 34 not exceed the liability provided in ORS 30.765.

35 (c) The court may, with the consent of the parent, legal guardian or other person, order the
 36 parent, legal guardian or other person to complete a parent effectiveness program approved by the
 37 court. Upon the parent's, legal guardian's or other person's completion of the program to the satis-
 38 faction of the court, the court may dismiss any other penalties imposed upon the parent, legal
 39 guardian or other person.

40 **SECTION 77.** ORS 419C.462 is amended to read:

41 419C.462. The court may order [*a youth offender*] **an adjudicated youth** to perform appropriate
 42 community service for a number of hours not to exceed that which could be required under ORS
 43 137.129 if the [*youth offender*] **adjudicated youth** were an adult.

44 **SECTION 78.** ORS 419C.465 is amended to read:

45 419C.465. Upon agreement of the [*youth offender*] **adjudicated youth**, the [*youth offender's*] **ad-**

1 **judicated youth's** parent or guardian and the victim of the [*youth offender's*] **adjudicated youth's**
 2 conduct, the court may order [*a youth offender*] **an adjudicated youth** to perform personal service
 3 for the victim as a condition of probation. Contact with a victim to determine whether the victim
 4 is willing to agree to such personal service shall be by a person to be designated by the court and
 5 may not be by the [*youth offender*] **adjudicated youth**. The victim shall be advised by such person
 6 of any prior findings of juvenile court jurisdiction of the [*youth offender*] **adjudicated youth** under
 7 ORS 419C.005. The court shall specify the nature and length of the service as the court finds ap-
 8 propriate. Personal service performed pursuant to the order shall constitute full or partial satisfac-
 9 tion of any restitution ordered by the court, as provided by agreement prior to the making of the
 10 order. However, in no case shall the [*youth offender*] **adjudicated youth**, pursuant to this section,
 11 perform more hours of personal service than would be indicated by dividing the victim's monetary
 12 loss by the legal minimum wage.

13 **SECTION 79.** ORS 419C.470 is amended to read:

14 419C.470. The Oregon Youth Authority and county juvenile departments, respectively, and to the
 15 extent practicable, shall create opportunities for [*youth offenders*] **adjudicated youths** placed in the
 16 legal custody of the youth authority or under the supervision of a county juvenile department to pay
 17 restitution as ordered by the court and to perform any community service ordered by the court, as
 18 well as to fulfill any other obligation imposed by the court.

19 **SECTION 80.** ORS 419C.473 is amended to read:

20 419C.473. (1) Whenever [*a youth offender*] **an adjudicated youth** has been found to be within the
 21 jurisdiction of the court under ORS 419C.005 for having committed an act that if done by an adult
 22 would constitute a felony listed in subsection (2) of this section, the court shall order the [*youth*
 23 *offender*] **adjudicated youth** to submit to the obtaining of a blood or buccal sample in the manner
 24 provided by ORS 137.076. The court shall further order that as soon as practicable after the entry
 25 of the dispositional order, the law enforcement agency attending upon the court shall cause a blood
 26 or buccal sample to be obtained and transmitted in accordance with ORS 137.076. The court may
 27 also order the [*youth offender*] **adjudicated youth** to reimburse the appropriate agency for the cost
 28 of obtaining and transmitting the blood or buccal sample.

29 (2) The felonies to which subsection (1) of this section applies are:

30 (a) Rape, sodomy, unlawful sexual penetration, sexual abuse in the first or second degree, public
 31 indecency, incest or using a child in a display of sexually explicit conduct, as those offenses are
 32 defined in ORS 163.355 to 163.427, 163.465 (1)(d), 163.525 and 163.670;

33 (b) Burglary in the second degree, as defined in ORS 164.215, when committed with intent to
 34 commit any offense listed in paragraph (a) of this subsection;

35 (c) Promoting or compelling prostitution, as defined in ORS 167.012 and 167.017;

36 (d) Burglary in the first degree, as defined in ORS 164.225;

37 (e) Assault in the first degree, as defined in ORS 163.185;

38 (f) Conspiracy or attempt to commit any Class A or Class B felony listed in paragraphs (a) to
 39 (e) of this subsection; or

40 (g) Murder or aggravated murder.

41 (3) No order for the obtaining and transmitting of a blood or buccal sample is required to be
 42 entered if:

43 (a) The Department of State Police notifies the court or the law enforcement agency attending
 44 upon the court that it has previously received an adequate blood or buccal sample taken from the
 45 [*youth offender*] **adjudicated youth** in accordance with this section, ORS 137.076 or 161.325 (4); or

1 (b) The court determines that obtaining a sample would create a substantial and unreasonable
2 risk to the health of the [*youth offender*] **adjudicated youth**.

3 (4) Notwithstanding any other provision of law, blood and buccal samples and other physical
4 evidence and criminal identification information obtained under authority of this section or as a
5 result of analysis conducted pursuant to ORS 181A.155 may be maintained, stored, destroyed and
6 released to authorized persons or agencies under the conditions established in ORS 181A.155 and
7 rules adopted by the Department of State Police under the authority of that section.

8 **SECTION 81.** ORS 419C.475 is amended to read:

9 419C.475. (1) Whenever [*a youth offender*] **an adjudicated youth** has been found to be within the
10 jurisdiction of the court under ORS 419C.005 (1) for having committed an act from which it appears
11 that the transmission of body fluids from one person to another as described in ORS 135.139 may
12 have been involved or a sexual act may have occurred, the court shall order the [*youth offender*]
13 **adjudicated youth** to submit to blood-borne infection testing as provided in ORS 135.139 if the vic-
14 tim, or parent or guardian of the victim, requests the court to make such an order.

15 (2) The court may also order the [*youth offender*] **adjudicated youth** or the parent or guardian
16 of the [*youth offender*] **adjudicated youth** to reimburse the appropriate agency for the cost of the
17 test.

18 **SECTION 82.** ORS 419C.478 is amended to read:

19 419C.478. (1) The court may, in addition to probation or any other dispositional order, place [*a*
20 *youth offender*] **an adjudicated youth** who is at least 12 years of age in the legal custody of the
21 Oregon Youth Authority for care, placement and supervision or, when authorized under subsection
22 (3) of this section, place [*a youth offender*] **an adjudicated youth** in the legal custody of the De-
23 partment of Human Services for care, placement and supervision. In any order issued under this
24 section, the court shall include written findings describing why it is in the best interests of the
25 [*youth offender*] **adjudicated youth** to be placed with the youth authority or the department.

26 (2) If the court places [*a youth offender*] **an adjudicated youth** under subsection (1) of this sec-
27 tion, the court may specify the type of care, supervision or services to be provided by the youth
28 authority or the department to [*youth offenders*] **adjudicated youths** placed in the youth authority's
29 or department's custody and to the parents or guardians of the [*youth offenders*] **adjudicated**
30 **youths**, but the actual planning and provision of the care, supervision, security or services is the
31 responsibility of the youth authority or the department. The youth authority or the department may
32 place the [*youth offender*] **adjudicated youth** in a youth care center or other facility authorized to
33 accept the [*youth offender*] **adjudicated youth**.

34 (3) The court may place [*a youth offender*] **an adjudicated youth** in the legal custody of the
35 department under subsection (1) of this section if:

36 (a) The court has determined that a period of out-of-home placement and supervision should be
37 part of the disposition in the case;

38 (b) The court finds that, because of the [*youth offender's*] **adjudicated youth's** age or mental or
39 emotional condition, the [*youth offender*] **adjudicated youth**:

40 (A) Is not amenable to reform and rehabilitation through participation in the programs provided
41 and administered by the youth authority; and

42 (B) Is amenable to reform and rehabilitation through participation in the programs provided and
43 administered by the department;

44 (c) The court finds that the department can provide adequate security to protect the community
45 and the [*youth offender*] **adjudicated youth**;

1 (d) The court provides for periodic review of the placement; and

2 (e) The court, in making the findings and determinations required by this subsection, has con-
3 sidered the relevant facts and circumstances of the case, as provided in ORS 419C.411.

4 (4) Uniform commitment blanks, in a form approved by the director of the youth authority, or
5 by the Director of Human Services for placements under subsection (3) of this section, shall be used
6 by all courts for placing [*youth offenders*] **adjudicated youths** in the legal custody of the youth au-
7 thority or the department.

8 (5) If the [*youth offender*] **adjudicated youth** has been placed in the custody of the youth au-
9 thority or the department, the court may not make a commitment directly to any residential facility,
10 but shall cause the [*youth offender*] **adjudicated youth** to be delivered into the custody of the youth
11 authority or the department at the time and place fixed by rules of the youth authority or the de-
12 partment. [A *youth offender*] **An adjudicated youth** committed under this subsection may not be
13 placed in a Department of Corrections institution.

14 (6) When the court places [*a youth offender*] **an adjudicated youth** in the legal custody of the
15 department under subsection (1) of this section, ORS 419B.440, 419B.443, 419B.446, 419B.449,
16 419B.452, 419B.470, 419B.473 and 419B.476 apply as if the [*youth offender*] **adjudicated youth** were
17 a ward.

18 **SECTION 83.** ORS 419C.481 is amended to read:

19 419C.481. (1) The juvenile court retains jurisdiction and the Oregon Youth Authority retains
20 legal custody of [*a youth offender*] **an adjudicated youth** committed to it regardless of the physical
21 placement of the [*youth offender*] **adjudicated youth** by the youth authority.

22 (2) When the court grants legal custody to the youth authority, it may also grant guardianship
23 of the [*youth offender*] **adjudicated youth** to the youth authority, to remain in effect solely while the
24 [*youth offender*] **adjudicated youth** remains in the legal custody of the youth authority.

25 (3) The director of the youth authority may authorize the superintendent of the youth correction
26 facility, as defined in ORS 420.005, in which the [*youth offender*] **adjudicated youth** is placed, if any,
27 to exercise the duties and authority of a guardian of the [*youth offender*] **adjudicated youth** under
28 ORS 419C.558 and to determine parole and final release under ORS 420.045.

29 **SECTION 84.** ORS 419C.486 is amended to read:

30 419C.486. To ensure effective planning for [*youth offenders*] **adjudicated youths** committed to its
31 custody, the Oregon Youth Authority shall take into consideration recommendations and information
32 provided by the committing court before placement in any facility. The youth authority shall ensure
33 that the case planning in any case:

34 (1) Serves the purposes of and is consistent with the principles of ORS 419C.001;

35 (2) Incorporates the perspective of the [*youth offender*] **adjudicated youth** and the family; and

36 (3) Is integrated with the efforts of other agencies responsible for providing services to the
37 [*youth offender*] **adjudicated youth** or the family.

38 **SECTION 85.** ORS 419C.489 is amended to read:

39 419C.489. Whenever [*a youth offender*] **an adjudicated youth** who is in need of medical care or
40 other special treatment by reason of physical or mental condition is placed in the custody of the
41 Oregon Youth Authority by the juvenile court, the youth authority shall prepare a plan for care or
42 treatment within 14 days after assuming custody of the [*youth offender*] **adjudicated youth**. The
43 court may indicate in general terms the type of care which it regards as initially appropriate. A
44 copy of the plan, including a time schedule for its implementation, shall be sent to the juvenile court
45 that committed the [*youth offender*] **adjudicated youth** to the youth authority. The court may at any

1 time request regular progress reports on implementation of the plan. The youth authority shall no-
 2 tify the court when the plan is implemented, and shall report to the court concerning the progress
 3 of the [*youth offender*] **adjudicated youth** annually thereafter. If the plan is subsequently revised,
 4 the youth authority shall notify the court of the revisions and the reasons therefor.

5 **SECTION 86.** ORS 419C.492 is amended to read:

6 419C.492. Commitment of [*a youth offender*] **an adjudicated youth** to the Oregon Youth Au-
 7 thority or the Department of Human Services does not terminate the court's continuing jurisdiction
 8 to protect the rights of the [*youth offender*] **adjudicated youth** or the [*youth offender's*] **adjudicated**
 9 **youth's** parents or guardians. Notwithstanding ORS 419C.478 (5), if upon review of a placement of
 10 [*a youth offender*] **an adjudicated youth** made by the youth authority or the department, the court
 11 determines that the placement is so inappropriate as to violate the rights of the [*youth offender*]
 12 **adjudicated youth** or the [*youth offender's*] **adjudicated youth's** parents or guardians, the court
 13 may direct the youth authority or the department to place the [*youth offender*] **adjudicated youth**
 14 in a specific type of residential placement, but the actual planning and placement of the [*youth*
 15 *offender*] **adjudicated youth** shall be the responsibility of the youth authority or the department.
 16 Nothing in this section affects any contractual right of a private agency to refuse or terminate a
 17 placement.

18 **SECTION 87.** ORS 419C.495 is amended to read:

19 419C.495. (1) [*A youth offender*] **An adjudicated youth** placed in the legal custody of the Oregon
 20 Youth Authority may be placed in a youth correction facility or in a private institution operated
 21 as a facility for [*youth offenders*] **adjudicated youths** requiring secure custody only when the juve-
 22 nile court having jurisdiction so recommends.

23 (2) [*A youth offender*] **An adjudicated youth** who is admitted to a youth correction facility may
 24 be retained in the facility for the duration of the commitment period. In no case may [*a youth*
 25 *offender*] **an adjudicated youth** be retained in a youth correction facility after the [*youth offender*]
 26 **adjudicated youth** has attained 25 years of age.

27 (3) No [*youth offender*] **adjudicated youth** shall be transferred or returned after discharge to a
 28 facility described in subsection (1) of this section, except upon court order under this chapter.

29 (4) Nothing in subsection (3) of this section shall be deemed to prohibit return of [*a youth*
 30 *offender*] **an adjudicated youth** to a facility described in subsection (1) of this section, in the dis-
 31 cretion of the youth authority, if the [*youth offender*] **adjudicated youth** has been released from the
 32 facility on temporary or indefinite parole, or to prohibit transfer of [*a youth offender*] **an adjudicated**
 33 **youth** from one such facility to another.

34 **SECTION 88.** ORS 419C.498 is amended to read:

35 419C.498. If there is an interstate compact or agreement or an informal arrangement with an-
 36 other state permitting the [*youth offender*] **adjudicated youth** to reside in another state while on
 37 probation or under protective supervision, or to be placed in an institution or with an agency in
 38 another state, the court may place the [*youth offender*] **adjudicated youth** on probation or under
 39 protective supervision in such other state, or, subject to ORS 419C.495, place the [*youth offender*]
 40 **adjudicated youth** in an institution in such other state in accordance with the compact, agreement
 41 or arrangement.

42 **SECTION 89.** ORS 419C.501 is amended to read:

43 419C.501. (1) The court shall fix the duration of any disposition made pursuant to this chapter
 44 and the duration may be for an indefinite period. Any placement in the legal custody of the De-
 45 partment of Human Services or the Oregon Youth Authority under ORS 419C.478 or placement un-

1 der the jurisdiction of the Psychiatric Security Review Board under ORS 419C.529 shall be for an
2 indefinite period. However, the period of institutionalization or commitment may not exceed:

3 (a) The period of time specified in the statute defining the crime for an act that would constitute
4 an unclassified misdemeanor if committed by an adult;

5 (b) Thirty days for an act that would constitute a Class C misdemeanor if committed by an adult;

6 (c) Six months for an act that would constitute a Class B misdemeanor if committed by an adult;

7 (d) Three hundred sixty-four days for an act that would constitute a Class A misdemeanor if
8 committed by an adult;

9 (e) Five years for an act that would constitute a Class C felony if committed by an adult;

10 (f) Ten years for an act that would constitute a Class B felony if committed by an adult;

11 (g) Twenty years for an act that would constitute a Class A felony if committed by an adult; and

12 (h) Life for a young person who was found to have committed an act that, if committed by an
13 adult would constitute murder or any aggravated form of murder under ORS 163.095, 163.107 or
14 163.115.

15 (2) Except as provided in subsection (1)(h) of this section, the period of any disposition may not
16 extend beyond the date on which the young person or [*youth offender*] **adjudicated youth** becomes
17 25 years of age.

18 **SECTION 90.** ORS 419C.504 is amended to read:

19 419C.504. In any case under ORS 419C.005 the court, notwithstanding ORS 419C.501, may place
20 the [*youth offender*] **adjudicated youth** on probation to the court for a period not to exceed five
21 years. However, the period of probation shall not extend beyond the date on which the [*youth*
22 *offender*] **adjudicated youth** becomes 23 years of age.

23 **SECTION 91.** ORS 419C.507 is amended to read:

24 419C.507. The court may, in lieu of or in addition to any disposition under this chapter, direct
25 that [*a youth offender*] **an adjudicated youth** be examined or treated by a physician, psychiatrist
26 or psychologist, or receive other special care or treatment in a hospital or other suitable facility.
27 If the court determines that mental health examination and treatment should be provided by services
28 delivered through the Oregon Health Authority, the Department of Human Services shall determine
29 the appropriate placement or services in consultation with the court, the Oregon Youth Authority
30 and other affected agencies. If the youth authority or another affected agency objects to the type
31 of placement or services, the court shall determine the appropriate type of placement or service.
32 During the examination or treatment of the [*youth offender*] **adjudicated youth**, the department may,
33 if appropriate, be appointed guardian of the [*youth offender*] **adjudicated youth**.

34 **SECTION 92.** ORS 419C.550 is amended to read:

35 419C.550. A person, agency or institution having legal custody of a youth or [*youth offender*]
36 **adjudicated youth** has the following duties and authority:

37 (1) To have physical custody and control of the youth or [*youth offender*] **adjudicated youth**.

38 (2) To supply the youth or [*youth offender*] **adjudicated youth** with food, clothing, shelter and
39 incidental necessities.

40 (3) To provide the youth or [*youth offender*] **adjudicated youth** with care, education and disci-
41 pline.

42 (4) To authorize ordinary medical, dental, psychiatric, psychological, hygienic or other remedial
43 care and treatment for the youth or [*youth offender*] **adjudicated youth**, and, in an emergency when
44 the youth or [*youth offender's*] **adjudicated youth's** safety appears urgently to require it, to au-
45 thorize surgery or other extraordinary care.

1 (5) To make such reports and to supply such information to the court as the court may from time
2 to time require.

3 (6) To apply for any Social Security benefits, public assistance or medical assistance, as defined
4 in ORS 414.025, to which the youth or [*youth offender*] **adjudicated youth** is otherwise entitled and
5 to use the benefits or assistance to provide for the care of the youth or [*youth offender*] **adjudicated**
6 **youth**.

7 (7) To obtain and disclose information necessary to apply for Social Security benefits, public
8 assistance or medical assistance on behalf of the youth or [*youth offender*] **adjudicated youth** in-
9 cluding the youth or [*youth offender's*] **adjudicated youth's** Social Security number or information
10 that is not otherwise subject to disclosure under ORS 411.320 or 413.175. Information obtained under
11 this subsection may be used only for the purpose of applying for Social Security benefits, public
12 assistance or medical assistance on behalf of the youth or [*youth offender*] **adjudicated youth**.

13 **SECTION 93.** ORS 419C.555 is amended to read:

14 419C.555. Except when the court grants legal custody to the Oregon Youth Authority, the court
15 may grant guardianship of the [*youth offender*] **adjudicated youth** to a private institution or agency
16 to which the [*youth offender*] **adjudicated youth** is committed or to some suitable person or entity
17 if it appears necessary to do so in the interests of the [*youth offender*] **adjudicated youth**.

18 **SECTION 94.** ORS 419C.558 is amended to read:

19 419C.558. A person, agency or institution having guardianship of [*a youth offender*] **an adjudi-**
20 **cated youth** by reason of appointment by the court has the duties and authority of a guardian of
21 the [*youth offender*] **adjudicated youth**, including but not limited to the following:

22 (1) To authorize surgery for the [*youth offender*] **adjudicated youth**, but this authority does not
23 prevent the person having legal custody of the [*youth offender*] **adjudicated youth** from acting under
24 ORS 419C.550 (4).

25 (2) To authorize the [*youth offender*] **adjudicated youth** to enlist in the Armed Forces of the
26 United States.

27 (3) To consent to the [*youth offender's*] **adjudicated youth's** marriage.

28 (4) To make other decisions concerning the [*youth offender*] **adjudicated youth** of substantial
29 legal significance.

30 (5) To make such reports and to supply such information to the court as the court may from time
31 to time require.

32 **SECTION 95.** ORS 419C.561 is amended to read:

33 419C.561. A person appointed guardian of [*a youth offender*] **an adjudicated youth** by the court
34 is guardian only and not a conservator of the estate of the [*youth offender*] **adjudicated youth**, un-
35 less that person is appointed conservator of the [*youth offender's*] **adjudicated youth's** estate in a
36 protective proceeding as provided in ORS chapter 125.

37 **SECTION 96.** ORS 419C.570 is amended to read:

38 419C.570. (1)(a) A parent or legal guardian of [*a youth offender*] **an adjudicated youth**, if the
39 parent or guardian was served with summons under ORS 419C.300, 419C.303 and 419C.306 prior to
40 the adjudication or at least 10 days prior to disposition, is subject to the jurisdiction of the court
41 for purposes of this section. The court may:

42 (A) Order the parent or guardian to assist the court in any reasonable manner in providing ap-
43 propriate education or counseling for the [*youth offender*] **adjudicated youth**;

44 (B) If the [*youth offender*] **adjudicated youth** is within the jurisdiction of the court for having
45 committed an act that if committed by an adult would constitute a violation of ORS 166.250, 166.370

1 or 166.382, require the parent or guardian to pay or cause to be paid all or part of the reasonable
2 costs of any mental health assessment or screening ordered by the court under ORS 419C.109 (3);

3 (C) If the court orders probation, require the parent or guardian to enter into a contract with
4 the juvenile department in regard to the supervision and implementation of the [*youth offender's*]
5 **adjudicated youth's** probation; or

6 (D) If the court orders probation, require the parent or guardian to pay all or a portion of the
7 supervision fee if a supervision fee is imposed under ORS 419C.446 (2).

8 (b) In all cases in which [*a youth offender*] **an adjudicated youth** is placed on probation, the
9 juvenile department and the parent or guardian shall develop a plan for supervision of the [*youth*
10 *offender*] **adjudicated youth**. The plan must be reasonably calculated to provide the supervision
11 necessary to prevent further acts of delinquency given the individual circumstances of the [*youth*
12 *offender*] **adjudicated youth**. The court shall review and ratify the plan and make the plan a part
13 of the probation order.

14 (2) The court may require the parent or guardian to pay a specific sum not to exceed \$1,000 for
15 a violation by the parent or guardian of the court's order or the contract under subsection (1)(a)
16 of this section.

17 (3) The court may not revoke [*a youth offender's*] **an adjudicated youth's** probation solely be-
18 cause of a failure of the [*youth offender's*] **adjudicated youth's** parent or guardian to comply with
19 an order or a contract under subsection (1)(a) of this section.

20 **SECTION 97.** ORS 419C.573 is amended to read:

21 419C.573. (1)(a) The court may order the parent or guardian to participate in any educational
22 or counseling programs as are reasonably directed toward improvement of parenting skills and the
23 ability of the parent to supervise the [*youth offender*] **adjudicated youth** if the court finds:

24 (A) That a deficiency in parenting skills has significantly contributed to the circumstances
25 bringing the [*youth offender*] **adjudicated youth** within the jurisdiction of the court; and

26 (B) That participation would be consistent with the best interests of the [*youth offender*] **adju-**
27 **dicated youth**.

28 (b) The programs may include, but need not be limited to, parenting classes.

29 (c) The court may order such participation with the [*youth offender*] **adjudicated youth** or sep-
30 arately.

31 (2) As an alternative to a contempt proceeding, the court may require a parent or guardian to
32 pay a specific sum not to exceed \$1,000 for a violation by the parent or guardian of an order under
33 subsection (1) of this section.

34 (3) The court may not revoke [*a youth offender's*] **an adjudicated youth's** probation solely be-
35 cause of a failure of the [*youth offender's*] **adjudicated youth's** parent or guardian to comply with
36 an order under subsection (1) of this section.

37 **SECTION 98.** ORS 419C.575 is amended to read:

38 419C.575. If the court finds that the parent's or guardian's addiction to or habitual use of alco-
39 hol, cannabis or controlled substances has significantly contributed to the circumstances bringing
40 the [*youth offender*] **adjudicated youth** within the jurisdiction of the court, the court may conduct
41 a special hearing to determine if the court should order the parent or guardian to participate in
42 treatment and pay the costs thereof. Notice of this hearing shall be by special petition and summons
43 to be filed by the court and served upon the parent or guardian. The court shall appoint counsel to
44 represent the parent or guardian if the parent or guardian is eligible under ORS 135.050. If, at this
45 hearing, the court finds it is in the best interest of the [*youth offender*] **adjudicated youth** for the

1 parent or guardian to be directly involved in treatment, the judge may order the parent or guardian
 2 to participate in treatment. The dispositional order shall be in writing and shall contain appropriate
 3 findings of fact and conclusions of law. The judge shall state with particularity, both orally and in
 4 the written order of the disposition, the precise terms of the disposition.

5 **SECTION 99.** ORS 419C.590 is amended to read:

6 419C.590. (1) The court may, after a hearing on the matter, require the parents or other person
 7 legally obligated to support [*a youth offender*] **an adjudicated youth** to pay toward the [*youth*
 8 *offender's*] **adjudicated youth's** support such amounts at such intervals as the court may direct,
 9 while the [*youth offender*] **adjudicated youth** is within the jurisdiction of the court even though the
 10 [*youth offender*] **adjudicated youth** is over 18 years of age as long as the [*youth offender*] **adjudi-**
 11 **cated youth** is a child attending school, as defined in ORS 107.108.

12 (2) At least 21 days before the hearing, the court shall notify the Administrator of the Division
 13 of Child Support of the Department of Justice, or the branch office providing support services to the
 14 county where the hearing will be held, of the hearing. Before the hearing the administrator shall
 15 inform the court, to the extent known:

16 (a) Whether there is pending in this state or any other jurisdiction any type of support pro-
 17 ceeding involving the [*youth offender*] **adjudicated youth**, including a proceeding brought under ORS
 18 25.287, 25.501 to 25.556, 107.085, 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, 125.025 or
 19 419B.400 or ORS chapter 110; and

20 (b) Whether there exists in this state or any other jurisdiction a support order, as defined in
 21 ORS 110.503, involving the [*youth offender*] **adjudicated youth**.

22 (3) The Judicial Department and the Department of Justice may enter into an agreement re-
 23 garding how the courts give the notice required under subsection (2) of this section to the Depart-
 24 ment of Justice and how the Department of Justice gives the information described in subsection
 25 (2)(a) and (b) to the courts.

26 (4) The court, in determining the amount to be paid, shall use the scale and formula provided
 27 for in ORS 25.275 and 25.280. Unless otherwise ordered, the amounts so required to be paid shall
 28 be paid to the Department of Justice or the county clerk, whichever is appropriate, for transmission
 29 to the person, institution or agency having legal custody of the [*youth offender*] **adjudicated**
 30 **youth**.

31 **SECTION 100.** ORS 419C.595 is amended to read:

32 419C.595. Any order for support entered pursuant to ORS 419C.590 for [*a youth offender*] **an**
 33 **adjudicated youth** in the care and custody of the Oregon Youth Authority may be made contingent
 34 upon the [*youth offender*] **adjudicated youth** residing in a state financed or supported residence,
 35 shelter or other facility or institution. A certificate signed by the director of the youth authority,
 36 the Administrator of the Division of Child Support or the administrator's authorized representative
 37 is sufficient to establish such periods of residence and to satisfy the order for periods of nonresi-
 38 dence.

39 **SECTION 101.** ORS 419C.597 is amended to read:

40 419C.597. When [*a youth offender*] **an adjudicated youth** or other offender is in the legal or
 41 physical custody of the Oregon Youth Authority and the offender is the beneficiary of an order of
 42 support in a judgment of dissolution or other order and the youth authority is required to provide
 43 financial assistance for the care and support of the offender, the youth authority shall be assignee
 44 of and subrogated to the offender's proportionate share of any such support obligation including
 45 sums that have accrued whether or not the support order or judgment provides for separate monthly

1 amounts for the support of each of two or more children or a single monthly gross payment for the
 2 benefit of two or more children, up to the amount of assistance provided by the youth authority.
 3 The assignment shall be as provided in ORS 412.024.

4 **SECTION 102.** ORS 419C.600 is amended to read:

5 419C.600. (1) An order of support entered pursuant to ORS 419C.590, 419C.592, 419C.595 and
 6 419C.597 may be enforced by execution or in the manner provided by law for the enforcement of a
 7 judgment granting an equitable remedy or by an order to withhold pursuant to ORS 25.372 to 25.427.

8 (2) No property of the [*youth offender's*] **adjudicated youth's** parents, or either of them, or other
 9 person legally obligated to support the [*youth offender*] **adjudicated youth** is exempt from levy and
 10 sale or other process to enforce collection of the amounts ordered by the court to be paid toward
 11 the support of the [*youth offender*] **adjudicated youth**.

12 **SECTION 103.** ORS 419C.610 is amended to read:

13 419C.610. (1) Except as provided in ORS 419C.613, 419C.615 and 419C.616, the court may modify
 14 or set aside any order made by it upon such notice and with such hearing as the court may direct.

15 (2) When the court modifies or sets aside an order of jurisdiction based on a petition alleging
 16 that [*a youth offender*] **an adjudicated youth** has committed an act that would constitute a sex
 17 crime, as defined in ORS 163A.005, if committed by an adult, the court shall make written findings
 18 stating the reason for modifying or setting aside the order.

19 **SECTION 104.** ORS 419C.613 is amended to read:

20 419C.613. (1) Except as provided in subsection (2) of this section, notice and a hearing as pro-
 21 vided in this chapter shall be granted in any case where the effect of modifying or setting aside the
 22 order will or may be to deprive a parent of the legal custody of the [*youth offender*] **adjudicated**
 23 **youth**, to place the [*youth offender*] **adjudicated youth** in an institution or agency or to transfer the
 24 [*youth offender*] **adjudicated youth** from one institution or agency to another. However, the pro-
 25 visions of this subsection do not apply to a parent whose rights have been terminated by the court
 26 or whose child has been permanently committed by order of the court unless an appeal from such
 27 order is pending.

28 (2) Notice and a hearing as provided in subsection (1) of this section are not required where the
 29 effect of modifying or setting aside the order will be to transfer the [*youth offender*] **adjudicated**
 30 **youth** from one foster home to another.

31 **SECTION 105.** ORS 419C.620 is amended to read:

32 419C.620. (1) When required by the court, the Oregon Youth Authority or a private agency
 33 having guardianship or legal custody of [*a youth offender*] **an adjudicated youth** pursuant to court
 34 order shall file reports on the [*youth offender*] **adjudicated youth** with the juvenile court that en-
 35 tered the original order concerning the [*youth offender*] **adjudicated youth**.

36 (2) A county juvenile department shall file a report with the juvenile court under this section
 37 if [*a youth offender*] **an adjudicated youth** remains under juvenile department care for six consec-
 38 utive months from the date of initial placement and:

39 (a) The county juvenile department is a county program, as defined in ORS 418.205;

40 (b) The county juvenile department is participating in programs related to Title IV-E of the So-
 41 cial Security Act;

42 (c) The county juvenile department has responsibility for the care and placement of the [*youth*
 43 *offender*] **adjudicated youth**; and

44 (d) The placement is not a detention facility.

45 **SECTION 106.** ORS 419C.623 is amended to read:

1 419C.623. (1) The Oregon Youth Authority, a county juvenile department or a private agency
 2 shall file the reports required by ORS 419C.620 at times required by the court, required by the
 3 [youth offender's] **adjudicated youth's** reformation plan or case plan and as determined necessary
 4 by the youth authority or agency. The youth authority or agency shall file reports more frequently
 5 if the court so orders. The reports shall include, but need not be limited to:

6 (a) A description of the offenses that necessitated the placement of the [youth offender] **adjudi-**
 7 **cated youth** with the youth authority, juvenile department or agency;

8 (b) A description of the [youth offender's] **adjudicated youth's** risk to reoffend and an analysis
 9 of the need for services and assistance; and

10 (c) A proposed reformation plan or case plan, or proposed continuation or modification of an
 11 existing reformation plan or case plan, including, where applicable, a description of services to be
 12 provided in furtherance of the [youth offender's] **adjudicated youth's** reformation and safe return
 13 to the community.

14 (2) A report under ORS 419C.620 (2) by a county juvenile department must also include:

15 (a) A description of the efforts to return the [youth offender] **adjudicated youth** to the parental
 16 home, including, when applicable, efforts to assist the parents in remedying factors that contributed
 17 to the removal of the [youth offender] **adjudicated youth** from the home.

18 (b) A description of the care, treatment and supervision that have been provided for the [youth
 19 offender] **adjudicated youth**, including:

20 (A) The safety of the placement;

21 (B) A description of whether the placement is the least restrictive and most appropriate setting
 22 available and in close proximity to the [youth offender's] **adjudicated youth's** home, and is consist-
 23 ent with the best interest and the special needs of the [youth offender] **adjudicated youth**; and

24 (C) An analysis of the effectiveness of the care, treatment and supervision.

25 (c) A description of the progress that has been made toward alleviating or mitigating the causes
 26 necessitating the [youth offender's] **adjudicated youth's** placement.

27 (d) If continued substitute care is recommended, a proposed timetable for the [youth offender's]
 28 **adjudicated youth's** return home or other permanent placement or a justification of why continued
 29 substitute care is necessary.

30 (3) Notwithstanding the requirements of subsections (1) and (2) of this section, reports following
 31 the first report that is required by this section need not contain information contained in prior re-
 32 ports.

33 (4) Notwithstanding the requirements under ORS 419C.620 that reports be filed with the court,
 34 any report after the first report that is required by subsections (1) and (2) of this section on [a youth
 35 offender] **an adjudicated youth** whose case is being regularly reviewed by a local citizen review
 36 board shall be filed with that local citizen review board rather than with the court.

37 **SECTION 107.** ORS 419C.626 is amended to read:

38 419C.626. (1) Upon receiving a report required by ORS 419C.620:

39 (a) The court may hold a hearing to review the [youth offender's] **adjudicated youth's** condition
 40 and circumstances and to determine if the court should continue jurisdiction over the [youth
 41 offender] **adjudicated youth** or order modifications in the custody, placement and supervision of the
 42 [youth offender] **adjudicated youth**.

43 (b) And if requested by the [youth offender] **adjudicated youth**, the attorney for the [youth
 44 offender] **adjudicated youth**, if any, the parents of the [youth offender] **adjudicated youth** if par-
 45 ental rights have not been terminated, a court appointed special advocate, a local citizen review

1 board, the Oregon Youth Authority, a county juvenile department, a district attorney or a private
 2 agency having guardianship or legal custody of the [youth offender] **adjudicated youth**, the court
 3 shall hold a hearing within 30 days of receipt of the request.

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

11 (3) A hearing under subsection (1) or (2) of this section shall be conducted in the manner pro-
 12 vided in ORS 419C.400 (1), 419C.405 and 419C.408, except that the court may receive testimony and
 13 reports as provided in ORS 419C.400 (4). At the conclusion of the hearing, the court shall enter
 14 findings of fact if the decision is to continue the [youth offender] **adjudicated youth** in an out-of-
 15 home placement in the legal custody of the youth authority, a county juvenile department or a pri-
 16 vate agency. The findings shall specifically state:

17 (a) Why continued out-of-home placement is necessary as opposed to returning the [youth
 18 offender] **adjudicated youth** to the [youth offender's] **adjudicated youth's** home or promptly secur-
 19 ing another placement;

20 (b) The expected timetable for return home; and

21 (c) Whether the [youth offender's] **adjudicated youth's** reformation plan or case plan should be
 22 modified.

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

25 (a) Whether the county juvenile department has made reasonable efforts or, if the Indian Child
 26 Welfare Act applies, active efforts to make it possible for the [youth offender] **adjudicated youth** to
 27 safely return home. In making this finding, the court shall consider the [youth offender's] **adjudi-
 28 cated youth's** health and safety the paramount concerns.

29 (b) The appropriateness of the [youth offender's] **adjudicated youth's** placement.

30 (c) The extent of compliance with the [youth offender's] **adjudicated youth's** case plan.

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

33 (5) The court may direct the local citizen review board to review the status of the [youth
 34 offender] **adjudicated youth** prior to the court's next review under ORS 419A.106, 419A.108,
 35 419A.110, 419A.112, 419A.116 and 419A.118.

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

38 **SECTION 108.** ORS 419C.629 is amended to read:

39 419C.629. Except when [a youth offender] **an adjudicated youth** has been surrendered for
 40 adoption or the parents' rights have been terminated, the court shall send a copy of a report re-
 41 quired by ORS 419C.620 to the parents of the [youth offender] **adjudicated youth** and shall notify
 42 the parents either that a hearing will be held or that the parents may request a hearing at which
 43 time they may ask for modifications in the custody, placement and supervision of the [youth
 44 offender] **adjudicated youth**. If the court finds that informing the parents of the identity and lo-
 45 cation of the foster parents of the [youth offender] **adjudicated youth** or providing other information

1 in the [youth offender's] **adjudicated youth's** reformation plan or case plan is not in the best in-
 2 terest of the [youth offender] **adjudicated youth**, the court may order the information deleted from
 3 the report before sending the report to the parents.

4 **SECTION 109.** ORS 419C.653 is amended to read:

5 419C.653. (1) The court may order that the [youth offender] **adjudicated youth** or any other
 6 person be present during a hearing under ORS 419C.626.

7 (2) The court shall notify the parties listed in ORS 419C.626 and any other interested parties
 8 of the hearing. The notice shall state the time and place of the hearing. Upon request of the court,
 9 the Oregon Youth Authority or other legal custodian of the [youth offender] **adjudicated youth** shall
 10 provide the court with information concerning the whereabouts and identity of such parties. If the
 11 victim requests notice, the district attorney or juvenile department shall notify the victim of the
 12 time and place of the hearing.

13 **SECTION 110.** ORS 420.005 is amended to read:

14 420.005. As used in ORS 420.005 to 420.048, 420.060 to 420.275, 420.810 to 420.840 and 420.905 to
 15 420.915, unless the context requires otherwise:

16 (1) **“Adjudicated youth” has the meaning given that term in ORS 419A.004.**

17 [(1)] (2) “Design capacity” means the number of [youth offenders] **adjudicated youths** or other
 18 persons a youth correction facility is able to hold based on applicable safety codes and standards.

19 [(2)] (3) “Director” means the Director of the Oregon Youth Authority.

20 [(3)] (4) “Youth authority” means the Oregon Youth Authority.

21 [(4)] (5) “Youth correction facility” means a facility used for the confinement of [youth
 22 offenders] **adjudicated youths** and other persons placed in the legal or physical custody of the youth
 23 authority and includes secure regional youth facilities, regional accountability camps, residential
 24 academies and satellites, camps and branches of those facilities.

25 [(5) “Youth offender” has the meaning given that term in ORS 419A.004.]

26 **SECTION 111.** ORS 420.011 is amended to read:

27 420.011. (1) Except as provided in subsections (2) and (3) of this section, admissions to the youth
 28 correction facilities are limited to [youth offenders] **adjudicated youths** who are at least 12 but less
 29 than 19 years of age, found by the juvenile court to have committed an act that if committed by an
 30 adult would constitute aggravated murder, murder, a felony or a Class A misdemeanor and placed
 31 in the legal custody of the Oregon Youth Authority. [A youth offender] **An adjudicated youth** ad-
 32 mitted to a youth correction facility may not be transferred by administrative process to any penal
 33 or correctional institution.

34 (2)(a) In addition to the persons placed in the legal custody of the youth authority under ORS
 35 419C.478 (1) or 419C.481, and with the concurrence of the Director of the Oregon Youth Authority
 36 or the director's designee, persons who are committed to the Department of Corrections under ORS
 37 137.124 and meet the requirements of ORS 137.124 (5) may be temporarily assigned to a youth cor-
 38 rection facility as provided by ORS 137.124 (5). A person assigned on such a temporary basis remains
 39 within the legal custody of the Department of Corrections and such reassignment is subject to ter-
 40 mination by the Director of the Oregon Youth Authority by referring the person back to the De-
 41 partment of Corrections as provided in paragraph (b) of this subsection.

42 (b) After a person is transferred to the physical custody of the youth authority under ORS
 43 137.124 (5), the Director of the Oregon Youth Authority may refer the person back to the Depart-
 44 ment of Corrections for physical custody and placement if the director, after consulting with the
 45 Department of Corrections, determines that the person is at least 18 years of age and:

1 (A) Poses a substantial danger to youth authority staff or persons in the custody of the youth
2 authority; or

3 (B) Is not likely, in the foreseeable future, to benefit from the rehabilitation and treatment pro-
4 grams administered by the youth authority and is appropriate for placement in a Department of
5 Corrections institution.

6 (3) Any person under 18 years of age at the time of committing the crime and under 20 years
7 of age at the time of sentencing and commitment who, after waiver under ORS 419C.349 (1)(b),
8 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712, is
9 sentenced to a term of imprisonment in the custody of the Department of Corrections, and any per-
10 son under 16 years of age who after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or
11 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712 is sentenced to a term of
12 imprisonment in the county jail, shall be temporarily assigned to a youth correction facility by the
13 Department of Corrections, or by the sheriff to whose custody the person has been committed, pur-
14 suant to ORS 137.124 (6). The director shall designate the appropriate youth correction facility or
15 schools for such assignment. A person assigned to a youth correction facility under ORS 137.124 (6)
16 and this subsection remains within the legal custody of the Department of Corrections or sheriff to
17 whose custody the person was committed. The assignment of such a person to the youth correction
18 facility is subject, when the person is 18 years of age or older, to termination by the director by
19 referring the person back to the Department of Corrections or the sheriff to serve the balance of
20 the person's sentence. Assignment to a youth correction facility pursuant to ORS 137.124 (6) and this
21 subsection, if not terminated earlier by the director, shall terminate upon the person's attaining the
22 age specified in ORS 420A.010 (5) setting the age limits for which the Oregon Youth Authority may
23 retain legal and physical custody of the person, and the person shall be referred to the Department
24 of Corrections or the sheriff having legal custody of the person to serve the balance of the person's
25 sentence.

26 (4) Whenever a person committed to the custody of the Department of Corrections is temporarily
27 assigned to a youth correction facility pursuant to this section, the youth authority may provide
28 programs and treatment for the person, and may adopt rules relating to conditions of confinement
29 at the youth correction facility, as the youth authority determines are appropriate. However, the
30 person remains subject to laws and rules of the State Board of Parole and Post-Prison Supervision
31 relating to parole.

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

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

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

38 **SECTION 112.** ORS 420.031 is amended to read:

39 420.031. (1) The granting of legal custody and guardianship over the [*youth offender*] **adjudicated**
40 **youth** to the Oregon Youth Authority does not terminate the juvenile court's jurisdiction over the
41 [*youth offender*] **adjudicated youth**.

42 (2) Upon parole of the [*youth offender*] **adjudicated youth** from a youth correction facility, the
43 legal custody of the [*youth offender*] **adjudicated youth** is vested in the parents of the [*youth*
44 *offender*] **adjudicated youth** or other person to whom the [*youth offender*] **adjudicated youth** is re-
45 turned, subject to ORS 420.045 (3).

1 **SECTION 113.** ORS 420.040 is amended to read:

2 420.040. The youth correction facility, the superintendents of the youth correction facility, the
3 Director of the Oregon Youth Authority and personnel of the Oregon Youth Authority are not liable
4 for any damages whatsoever that are sustained by any person on account of the actions or miscon-
5 duct of [a youth offender] **an adjudicated youth** placed in a youth correction facility.

6 **SECTION 114.** ORS 420.045 is amended to read:

7 420.045. (1) Upon finding that [a youth offender] **an adjudicated youth** placed in a youth cor-
8 rection facility is ready for release therefrom and that the [youth offender] **adjudicated youth** had
9 best be returned to the parent or guardian of the [youth offender] **adjudicated youth** or to a suitable
10 and desirable home or facility, the Director of the Oregon Youth Authority may, after advising the
11 committing court, release the [youth offender] **adjudicated youth** on parole conditioned upon good
12 behavior.

13 (2) At such time as the Director of the Oregon Youth Authority finds that final release is com-
14 patible with the safety of the community and the best interests of the [youth offender] **adjudicated**
15 **youth**, with the consent of the committing court, the Director of the Oregon Youth Authority may
16 make and issue a final order discharging the [youth offender] **adjudicated youth**.

17 (3) The Director of the Oregon Youth Authority may revoke a parole if the conditions of the
18 parole have been violated or if the continuation of the [youth offender] **adjudicated youth** on parole
19 would not be in the best interests of the [youth offender] **adjudicated youth** or the community. After
20 the revocation of parole, the Director of the Oregon Youth Authority shall immediately advise the
21 committing court thereof.

22 **SECTION 115.** ORS 420.048 is amended to read:

23 420.048. (1)(a) When [a youth offender] **an adjudicated youth** who is in the legal custody of the
24 Oregon Youth Authority transfers from one school or school district to a different school or school
25 district, the person responsible for supervising the [youth offender] **adjudicated youth** shall notify
26 the school administrator of the school or of the school district to which the [youth offender] **adju-**
27 **dicated youth** has transferred of the [youth offender's] **adjudicated youth's** status as [a youth
28 offender] **an adjudicated youth**. The person shall make the notification no later than 72 hours after
29 the person knows of the transfer.

30 (b) When a school administrator receives notification under this section, the school administra-
31 tor may request the Oregon Youth Authority to provide additional information about the [youth
32 offender] **adjudicated youth**. The youth authority shall provide additional information, including the
33 offense that brought the [youth offender] **adjudicated youth** within the jurisdiction of the juvenile
34 court and such other information that is subject to disclosure under ORS 419A.255 (6).

35 (2) The youth authority shall include in the notice the following:

36 (a) The name and date of birth of the [youth offender] **adjudicated youth**;

37 (b) The names and addresses of the [youth offender's] **adjudicated youth's** parents or guardians;

38 (c) The name and contact information of the attorney for the [youth offender] **adjudicated**
39 **youth**, if known;

40 (d) The name and contact information of the person giving notice under subsection (1) of this
41 section or the person's designated representative to contact for further information about the notice;

42 (e) The specific offense that brought the [youth offender] **adjudicated youth** within the juris-
43 diction of the juvenile court and whether it involved a firearm, the delivery of a marijuana item as
44 defined in ORS 475B.015 or the delivery of a controlled substance, a violation of ORS 163.355 to
45 163.445 or 163.465 or any other offense if the youth authority or juvenile court believes the [youth

1 *offender*] **adjudicated youth** represents a risk to other students or school staff; and

2 (f) Any terms of probation.

3 (3) Except as otherwise provided in ORS 192.431, the youth authority, a school district or a
4 school administrator, or anyone employed or acting on behalf of the youth authority, school district
5 or school administrator, who sends or receives records under this section is not liable civilly or
6 criminally for failing to disclose the information under this section.

7 (4) As used in this section:

8 (a) “School administrator” has the meaning given that term in ORS 419A.305.

9 (b) “School district” has the meaning given that term in ORS 332.002.

10 **SECTION 116.** ORS 420.060 is amended to read:

11 420.060. (1) Upon finding that the education and training of [*a youth offender*] **an adjudicated**
12 **youth** placed in a youth correction facility will be furthered if the [*youth offender*] **adjudicated**
13 **youth** is permitted to work at gainful employment on a temporary basis, the superintendent may
14 enter into an agreement with any suitable person or business establishment for the temporary em-
15 ployment of the [*youth offender*] **adjudicated youth**.

16 (2) For the purposes of ORS 420.060 to 420.074, “youth correction facility” includes youth care
17 centers as defined in ORS 420.855 and approved by the Oregon Youth Authority pursuant to ORS
18 420.865, and “superintendent” includes the person in charge of any such youth care center.

19 **SECTION 117.** ORS 420.065 is amended to read:

20 420.065. (1) Such agreements shall provide for compensation to be paid for the [*youth*
21 *offender’s*] **adjudicated youth’s** work at the prevailing wages for such work in the community where
22 the [*youth offender*] **adjudicated youth** is employed or at a wage rate approved by the superinten-
23 dent.

24 (2) All sums earned by [*a youth offender*] **an adjudicated youth** placed in a youth correction
25 facility, other than amounts involuntarily withheld by the employer of the [*youth offender*] **adjudi-**
26 **cated youth**, shall be paid directly to the superintendent or to the [*youth offender*] **adjudicated**
27 **youth** if so directed by the superintendent. Except as otherwise provided in ORS 419C.203, all
28 moneys received by the superintendent under this section shall be placed in a trust account to be
29 used solely for the benefit of the [*youth offender*] **adjudicated youth**.

30 **SECTION 118.** ORS 420.070 is amended to read:

31 420.070. While temporarily employed under ORS 420.060 to 420.074, [*a youth offender*] **an adju-**
32 **dicated youth** placed in a youth correction facility shall remain in the legal custody of the super-
33 intendent. The superintendent shall continue to exercise appropriate supervision over the [*youth*
34 *offender*] **adjudicated youth** during the period of the temporary employment of the [*youth offender*]
35 **adjudicated youth**.

36 **SECTION 119.** ORS 420.074 is amended to read:

37 420.074. While temporarily employed under the provisions of ORS 420.060 to 420.074, [*youth*
38 *offenders*] **adjudicated youths** placed in a youth correction facility are entitled to the protection
39 and benefits of ORS chapters 652, 654 and 656 to the same extent as other employees of their em-
40 ployer under 21, except that:

41 (1) Payment of wages by an employer of [*a youth offender*] **an adjudicated youth** directly to the
42 superintendent as provided by ORS 420.065 (2) shall not be deemed in violation of ORS chapter 652;
43 and

44 (2) Compensation paid under ORS chapter 656 that is not expended on medical services shall
45 be treated in the same manner as the [*youth offender’s*] **adjudicated youth’s** earnings under ORS

1 420.065, so long as the [*youth offender*] **adjudicated youth** remains in the legal custody of the youth
2 correction facility.

3 **SECTION 120.** ORS 420.081 is amended to read:

4 420.081. (1) The total population of [*youth offenders*] **adjudicated youths** confined in the youth
5 correction facilities may not exceed the design capacity of the facilities designated for close custody
6 purposes by the Director of the Oregon Youth Authority. The total population limit shall include
7 [*offenders*] **adjudicated youths** in the youth correction facility who were waived by the juvenile
8 court to be prosecuted as adults.

9 (2) The director by rule shall determine reasonable standards for care and treatment of [*youth*
10 *offenders*] **adjudicated youths** housed in youth correction facilities. Within the total limit estab-
11 lished under subsection (1) of this section, the Director of the Oregon Youth Authority shall estab-
12 lish and impose a maximum allowable population level for each youth correction facility. The
13 maximum allowable population shall not exceed the design capacity for the facility and shall be
14 further limited by the ability of the facility to meet the standard of care and treatment established
15 by rule under this subsection, protect communities, hold [*youth offenders*] **adjudicated youths** ac-
16 countable for their behavior and improve the competency of [*youth offenders*] **adjudicated youths**
17 to become responsible and productive members of their communities.

18 (3) The director by rule shall establish criteria upon which the decision to place a youth in a
19 youth correction facility must be based, and which, in turn, shall be based upon behaviors and
20 characteristics of youths otherwise eligible for commitment to a youth correction facility.

21 (4) After conferring with the juvenile court judges, the director shall develop and implement by
22 rule, a method of controlling admissions to the youth correction facilities so as not to exceed max-
23 imum levels determined under subsections (1) and (2) of this section.

24 **SECTION 121.** ORS 420.210 is amended to read:

25 420.210. The Director of the Oregon Youth Authority, in cooperation with any public agency,
26 may establish at any place in this state one or more work and training camps for any [*youth*
27 *offenders*] **adjudicated youths** committed to the custody of the Oregon Youth Authority who are
28 determined by the director to be qualified and amenable as security risks for work and training in
29 such camps.

30 **SECTION 122.** ORS 420.220 is amended to read:

31 420.220. The Director of the Oregon Youth Authority is responsible for the care and custody of
32 all [*youth offenders*] **adjudicated youths** assigned to a camp established under ORS 420.210.

33 **SECTION 123.** ORS 420.225 is amended to read:

34 420.225. The Director of the Oregon Youth Authority and the persons employed by the director
35 or designated to have direct control of the [*youth offenders*] **adjudicated youths** at camp shall co-
36 operate to the fullest extent with any public agency assisting in the camp program in making as-
37 signments and in supervising any work or training of [*youth offenders*] **adjudicated youths** who are
38 physically able to perform manual labor.

39 **SECTION 124.** ORS 420.230 is amended to read:

40 420.230. The Director of the Oregon Youth Authority may enter into contracts with any public
41 agency cooperating or willing to cooperate in the camp program to carry into effect the purposes
42 of ORS 420.210 to 420.235, providing among other things for the type of work to be performed by
43 [*youth offenders*] **adjudicated youths** at any camp, for rate of payment and other matters relating
44 to the maintenance and training of the [*youth offenders*] **adjudicated youths** while at a camp.

45 **SECTION 125.** ORS 420.235 is amended to read:

1 420.235. Any [*youth offender*] **adjudicated youth** who violates the rules and regulations relating
2 to discipline of a camp or who appears to the Director of the Oregon Youth Authority to be a bad
3 security risk may be returned to a more secure youth correction facility on order of the director.

4 **SECTION 126.** ORS 420.270 is amended to read:

5 420.270. [*A youth offender*] **An adjudicated youth** or a person committed to the custody of the
6 Department of Corrections and placed in the physical custody of the Oregon Youth Authority under
7 ORS 137.124 or other statute may be supervised by any employee or agent of a local, state or federal
8 governmental agency while the [*youth offender*] **adjudicated youth** or committed person is assigned
9 to a youth correction facility and participating in a work release program or other work program
10 provided by the youth authority, pursuant to an agreement between the agency and the youth au-
11 thority. An agreement entered into under this section must require that persons exercising custodial
12 supervision over the [*youth offender*] **adjudicated youth** or committed person receive security
13 training approved and provided by the youth authority in consultation with the Department of Cor-
14 rections.

15 **SECTION 127.** ORS 420.500 is amended to read:

16 420.500. [*A youth offender*] **An adjudicated youth** in a youth correction facility may not be
17 transferred to an institution for persons with mental illness or mental retardation for a period of
18 more than 14 days unless the [*youth offender*] **adjudicated youth** has been committed to an institu-
19 tion for persons with mental illness or mental retardation in the manner specified in ORS 420.505
20 and 420.525.

21 **SECTION 128.** ORS 420.505 is amended to read:

22 420.505. (1) [*A youth offender*] **An adjudicated youth** at a youth correction facility may apply
23 for admission to a hospital or facility designated by the Department of Human Services or the
24 Oregon Health Authority. The application may be made on behalf of the [*youth offender*] **adjudicated**
25 **youth** by the parents or legal guardian of the [*youth offender*] **adjudicated youth**. However, the
26 superintendent shall not be required to cause the examination of [*a youth offender*] **an adjudicated**
27 **youth** who applies under this section more often than once in six months.

28 (2) Within five working days after receipt of the application, the superintendent of the youth
29 correction facility shall cause the [*youth offender*] **adjudicated youth** to be examined by one or more
30 qualified persons at the facility and shall request the examination of the [*youth offender*] **adjudicated**
31 **youth** by one or more qualified persons employed or designated by the department or the Oregon
32 Health Authority. The examination conducted or authorized by the department or the Oregon Health
33 Authority shall take place within five working days after receipt of the request from the super-
34 intendent. The examiners shall prepare separate reports and shall submit such reports to the su-
35 perintendent. A copy of the reports shall be given to the applicant.

36 (3) If the superintendent finds that there is a probable cause to believe that the [*youth*
37 *offender*] **adjudicated youth** has a mental illness and that it would be in the best interests of the
38 [*youth offender*] **adjudicated youth** to be admitted to a hospital or facility designated by the de-
39 partment or the Oregon Health Authority, the superintendent shall notify the department or the
40 Oregon Health Authority and shall order the [*youth offender*] **adjudicated youth** transferred pursu-
41 ant to ORS 179.473.

42 (4) No [*youth offender*] **adjudicated youth** at a youth correction facility voluntarily admitted to
43 a hospital or facility designated by the department or the Oregon Health Authority shall be detained
44 therein more than 72 hours after the [*youth offender*] **adjudicated youth** is of the age specified in
45 ORS 420A.010 (5) setting the age limits for which the Oregon Youth Authority may retain legal and

1 physical custody of the [youth offender] **adjudicated youth** and has given notice in writing of the
 2 desire of the [youth offender] **adjudicated youth** to be released. If the [youth offender] **adjudicated**
 3 **youth** is under the age specified in ORS 420A.010 (5) setting the age limits for which the Oregon
 4 Youth Authority may retain legal and physical custody of the [youth offender] **adjudicated youth**,
 5 the [youth offender] **adjudicated youth** may be returned to the youth correction facility after notice
 6 in writing has been given by the parent or legal guardian of the [youth offender] **adjudicated**
 7 **youth**, that such parent or guardian desires that the [youth offender] **adjudicated youth** be dis-
 8 charged from the hospital or facility designated by the department or the Oregon Health Authority.

9 **SECTION 129.** ORS 420.888 is amended to read:

10 420.888. As used in ORS 420.888 to 420.892:

11 (1) “**Adjudicated youth** ” has the meaning given that term in ORS 419A.004.

12 (2) “**Adjudicated youth foster home**” means any home maintained by a person who has
 13 under the care of the person in the home, for the purpose of providing the adjudicated youth
 14 with supervision, food and lodging, an adjudicated youth committed to the legal custody of
 15 the youth authority under ORS 419C.478. An adjudicated youth foster home may be main-
 16 tained by a person who is related to the adjudicated youth by blood or marriage only under
 17 circumstances set forth by the youth authority in rule.

18 [(1)] (3) “Youth authority” means the Oregon Youth Authority.

19 [(2)] “Youth offender” has the meaning given that term in ORS 419A.004.]

20 [(3)] “Youth offender foster home” means any home maintained by a person who has under the care
 21 of the person in the home, for the purpose of providing the youth offender with supervision, food and
 22 lodging, a youth offender committed to the legal custody of the youth authority under ORS 419C.478.
 23 A youth offender foster home may be maintained by a person who is related to the youth offender by
 24 blood or marriage only under circumstances set forth by the youth authority in rule.]

25 **SECTION 130.** ORS 420.890 is amended to read:

26 420.890. (1) A person may not operate [a youth offender] **an adjudicated youth** foster home
 27 without a certificate of approval issued by the Oregon Youth Authority.

28 (2) A person may apply for a certificate of approval to operate [a youth offender] **an adjudicated**
 29 **youth** foster home by submitting an application to the youth authority on a form furnished by the
 30 youth authority.

31 (3)(a) Upon receipt of an application under subsection (2) of this section, the youth authority
 32 shall cause an investigation to be made of the applicant and the applicant’s home. The youth au-
 33 thority, in accordance with rules adopted under ORS 420.892, shall determine whether to issue a
 34 certificate of approval to the applicant. The certificate must be in the form prescribed by the youth
 35 authority and must state the name of the foster parent, the address of the premises to which the
 36 certificate applies and the maximum number of [youth offenders] **adjudicated youths** to be main-
 37 tained in the [youth offender] **adjudicated youth** foster home at any one time. The certificate applies
 38 only to the premises designated in the certificate and a change of residence automatically termi-
 39 nates the certificate. The certificate is effective for one year.

40 (b) After notice and opportunity for hearing as provided in ORS 183.310 to 183.482, the youth
 41 authority may deny an application for a certificate of approval under paragraph (a) of this sub-
 42 section. A person whose application for a certificate of approval has been denied may appeal the
 43 decision to the Court of Appeals in the manner provided in ORS 183.480 for the review of orders in
 44 contested cases.

45 (4)(a) After notice and opportunity for hearing as provided in ORS 183.310 to 183.482, the youth

1 authority may revoke, deny an application to renew or attach conditions to a certificate of approval
 2 issued under subsection (3)(a) of this section for a violation of any provision of this section or ORS
 3 420.892 or of the rules adopted under ORS 420.892.

4 (b) A person whose certificate of approval is revoked, not renewed or is made subject to condi-
 5 tions by a decision of the youth authority under paragraph (a) of this subsection may appeal the
 6 decision to the Court of Appeals in the manner provided in ORS 183.480 for the review of orders in
 7 contested cases.

8 **SECTION 131.** ORS 420.891 is amended to read:

9 420.891. (1) [A *youth offender*] **An adjudicated youth** foster home may not interfere with the
 10 good faith disclosure of information concerning the abuse or mistreatment of a youth in the care
 11 of the [youth offender] **adjudicated youth** foster home, violations of licensing or certification re-
 12 quirements, criminal activity at the [youth offender] **adjudicated youth** foster home, violations of
 13 state or federal laws or any practice that threatens the health and safety of [a *youth offender*] **an**
 14 **adjudicated youth** in the care of the [youth offender] **adjudicated youth** foster home to:

15 (a) The Oregon Youth Authority, a law enforcement agency or other entity with legal or regu-
 16 latory authority over the [youth offender] **adjudicated youth** foster home; or

17 (b) A family member, guardian or other person who is acting on behalf of the youth.

18 (2) [A *youth offender*] **An adjudicated youth** foster home interferes with the disclosure of the
 19 information described in subsection (1) of this section by:

20 (a) Asking or requiring the employee or volunteer to sign a nondisclosure or similar agreement
 21 prohibiting the employee or volunteer from disclosing the information;

22 (b) Training an employee or volunteer not to disclose the information; or

23 (c) Taking actions or communicating to the employee or volunteer that the employee or volun-
 24 teer may not disclose the information.

25 (3) The authority may revoke or suspend the certificate of approval of [a *youth offender*] **an**
 26 **adjudicated youth** foster home that is found to have violated subsection (1) of this section.

27 (4) This section does not authorize the disclosure of:

28 (a) Protected health information, as defined in ORS 192.556, other than as is permitted by the
 29 federal Health Insurance Portability and Accountability Act privacy regulations, 45 C.F.R. parts 160
 30 and 164, ORS 192.553 to 192.581 or by other state or federal laws limiting the disclosure of health
 31 information; or

32 (b) Information protected under ORS 419A.255 and 419A.257.

33 **SECTION 132.** ORS 420.892 is amended to read:

34 420.892. (1) The Oregon Youth Authority shall adopt the rules it deems necessary or advisable
 35 to carry out the intent and purposes of this section and ORS 420.890.

36 (2) The youth authority shall adopt rules establishing standards for certification of [youth
 37 offender] **adjudicated youth** foster homes. The youth authority shall include in the rules require-
 38 ments that a foster parent receive training designed to assist the foster parent in understanding
 39 juvenile delinquency and managing the behavior that results from juvenile delinquency.

40 (3) The youth authority or its representative shall visit every certified [youth offender] **adjudi-**
 41 **cated youth** foster home from time to time as often as appears necessary to determine whether:

42 (a) The [youth offender] **adjudicated youth** foster home consistently maintains the standards
 43 established by the youth authority; and

44 (b) Proper care is being provided to [youth offenders] **adjudicated youths** at the [youth
 45 offender] **adjudicated youth** foster home.

1 (4) A person operating [*a youth offender*] **an adjudicated youth** foster home may not, as a dis-
 2 ciplinary measure against [*a youth offender*] **an adjudicated youth** in the [*youth offender*] **adjudi-
 3 cated youth** foster home, deny a parent or guardian of the [*youth offender*] **adjudicated youth** the
 4 right to visit the [*youth offender*] **adjudicated youth**.

5 **SECTION 133.** ORS 420.910 is amended to read:

6 420.910. (1)(a) When [*a youth offender*] **an adjudicated youth** placed in a youth correction fa-
 7 cility has escaped or is absent without authorization from the youth correction facility or from the
 8 custody of any person in whose charge the [*youth offender*] **adjudicated youth** lawfully has been
 9 placed, the superintendent of the youth correction facility concerned, or the superintendent's au-
 10 thorized representative, may order the arrest and detention of the [*youth offender*] **adjudicated
 11 youth**.

12 (b) When [*a youth offender*] **an adjudicated youth** on parole from a youth correction facility is
 13 absent from the custody of a person in whose charge the [*youth offender*] **adjudicated youth** lawfully
 14 has been placed, or has failed to abide by rules of parole supervision or to respond successfully to
 15 prior sanctions imposed by the Oregon Youth Authority pursuant to administrative rule, the super-
 16 intendent of the youth correction facility from which the [*youth offender*] **adjudicated youth** is on
 17 parole, or the superintendent's authorized representative, may order the arrest and detention of the
 18 [*youth offender*] **adjudicated youth**.

19 (c) The superintendent or authorized representative may issue an order under this subsection
 20 based on a reasonable belief that grounds exist for issuing the order. Where reasonable, the super-
 21 intendent or representative shall investigate to ascertain whether such grounds exist.

22 (2) An order issued by the superintendent of a youth correction facility, or the superintendent's
 23 representative, as authorized by subsection (1) of this section constitutes full authority for the arrest
 24 and detention by a peace officer of the escapee, absentee or parole violator, and all laws applicable
 25 to warrants of arrest shall apply to such orders.

26 (3) An order issued by the superintendent of a youth correction facility, or the superintendent's
 27 representative, as authorized by subsection (1)(b) and (c) of this section constitutes full authority for
 28 a juvenile community supervision officer to take the parole violator into custody.

29 (4) In lieu of the procedure in subsection (1) of this section, the juvenile court of the county from
 30 which the [*youth offender*] **adjudicated youth** or parolee was committed may direct issuance of a
 31 warrant of arrest against the [*youth offender*] **adjudicated youth** or parolee when notified by the
 32 superintendent of the youth correction facility concerned, or the superintendent's authorized repre-
 33 sentative, that any [*youth offender*] **adjudicated youth** placed in a youth correction facility has es-
 34 caped or is absent without authorization from the institution to which committed, from parole
 35 supervision or from the custody of any person in whose charge the [*youth offender*] **adjudicated
 36 youth** lawfully has been placed.

37 **SECTION 134.** ORS 420.992 is amended to read:

38 420.992. (1) In addition to any other liability or penalty provided by law, the Director of the
 39 Oregon Youth Authority shall impose a civil penalty, as provided in ORS 183.745, on [*a youth
 40 offender*] **an adjudicated youth** foster home, as defined in ORS 420.888, that violates ORS 420.891.

41 (2) A civil penalty under subsection (1) of this section is \$500 for each violation.

42 **SECTION 135.** ORS 420A.005 is amended to read:

43 420A.005. As used in ORS 420A.005 to 420A.155, unless the context requires otherwise:

44 (1) **"Adjudicated youth" has the meaning given that term in ORS 419A.004.**

45 [(1)] (2) **"Cognitive restructuring"** means any rehabilitation process that redirects the thinking

1 of an offender into more socially acceptable directions and that is generally accepted by rehabili-
 2 tation professionals.

3 [(2)] (3) "Director" means the Director of the Oregon Youth Authority.

4 [(3)] (4) "Reformation plan" means a written plan prepared by the Oregon Youth Authority that
 5 is tailored to the [youth offender's] **adjudicated youth's** unique requirements as identified by the
 6 initial assessment. "Reformation plan" includes, but is not limited to, a plan for medical, educational,
 7 vocational, social and psychological services and training as well as other rehabilitative services
 8 designed to reduce future criminal and antisocial conduct and to provide the [youth offender] **adju-**
 9 **dicated youth** with clear expectations about what programs must be successfully completed by the
 10 [youth offender] **adjudicated youth**.

11 [(4)] (5) "Youth authority" means the Oregon Youth Authority.

12 [(5)] (6) "Youth correction facility" has the meaning given that term in ORS 420.005.

13 [(6) "Youth offender" has the meaning given that term in ORS 419A.004.]

14 **SECTION 136.** ORS 420A.010 is amended to read:

15 420A.010. (1) The Oregon Youth Authority is established. The youth authority shall:

16 (a) Supervise the management and administration of youth correction facilities, state parole and
 17 probation services, community out-of-home placement for [youth offenders] **adjudicated youths**
 18 committed to its legal custody and other functions related to state programs for youth corrections;

19 (b) Provide capital improvements and capital construction necessary for the implementation of
 20 all youth correction facilities;

21 (c) Carry out dispositions of [youth offenders] **adjudicated youths** committed to its legal cus-
 22 tody;

23 (d) Exercise custody and supervision over those [youth offenders] **adjudicated youths** committed
 24 to the youth authority by order of the juvenile court and persons placed in the physical custody of
 25 the youth authority under ORS 137.124 or other statute until the time that a lawful release authority
 26 authorizes release or terminates the commitment or placement;

27 (e) Provide adequate food, clothing, health and medical care, sanitation and security for confined
 28 [youth offenders] **adjudicated youths** and others in youth authority custody;

29 (f) Provide [youth offenders] **adjudicated youths** and others in youth authority custody with
 30 opportunities for self-improvement and work; and

31 (g) Conduct investigations and prepare reports for release authorities.

32 (2) To meet the individual circumstances of each person committed to its custody, the youth
 33 authority shall:

34 (a) Develop a flexible fee-for-service provider system that can respond quickly to each person's
 35 identified and changing circumstances; and

36 (b) Develop a process for joint state and county review of contracts entered into under sub-
 37 section (6)(b) of this section and paragraph (a) of this subsection based on:

38 (A) Measurable outcomes, which must include in dominant part the reduction of future criminal
 39 or antisocial conduct and which also must include:

40 (i) Academic progress;

41 (ii) Social adjustments;

42 (iii) Behavioral improvements;

43 (iv) Rearrests; and

44 (v) Other measurements as determined by the youth authority;

45 (B) Performance measurements including:

- 1 (i) Fiscal accountability;
2 (ii) Compliance with state and federal regulations;
3 (iii) Record keeping, including data collection and management; and
4 (iv) Reporting; and
5 (C) Provision of services identified under the reformation plan.

6 (3) In order to measure performance as required in subsection (2) of this section, the youth au-
7 thority shall require parties to the contracts to compile, manage and exchange data to the extent
8 of available information systems resources to facilitate the measurement of outcomes including, but
9 not limited to, reduction in future criminal or antisocial conduct.

10 (4) The youth authority may administer a program of state assistance to counties for the con-
11 struction and operation of local youth detention facilities or to purchase detention services.

12 (5) The youth authority shall accept and exercise legal or physical custody of [*youth offenders*]
13 **adjudicated youths** and others 12 years of age and over and under 25 years of age who are com-
14 mitted to, or placed with, the youth authority pursuant to:

- 15 (a) A juvenile court adjudication and disposition under ORS chapter 419C; or
16 (b) ORS 137.124.

17 (6)(a) The youth authority shall cooperate with and assist county governments and juvenile de-
18 partments in carrying out the principles and purposes of the juvenile justice system as provided in
19 ORS 419C.001.

20 (b) The youth authority is authorized to contract with counties, groups of counties or private
21 providers to administer juvenile corrections programs and services as provided in ORS 420.017,
22 420.019, 420A.145 and 420A.155 (1) to (4).

23 (c) The youth authority may provide consultation services related to the juvenile justice system
24 to local or statewide public or private agencies, groups and individuals or may initiate such con-
25 sultation services. Consultation services include, but are not limited to, conducting studies and
26 surveys, sponsoring or participating in educational programs and providing advice and assistance.
27 Nothing in ORS 419C.001 and 420A.005 to 420A.155 is intended to diminish the state's efforts to plan,
28 evaluate and deliver effective human services programs to [*youth offenders*] **adjudicated youths**,
29 either in a youth correction facility or on probation or parole. Therefore, the Oregon Youth Au-
30 thority and the Department of Human Services shall jointly develop and implement needed social
31 and rehabilitative services.

32 (7) The youth authority is the recipient of all federal funds paid or to be paid to the state to
33 enable the state to provide youth correction programs and services assigned to the Department of
34 Human Services prior to January 1, 1996.

35 (8) The youth authority shall report its progress in implementing the provisions of chapter 422,
36 Oregon Laws 1995, to the Legislative Assembly at each odd-numbered year regular session.

37 (9) The equal access provisions of ORS 417.270 apply to the youth authority's development and
38 administration of youth correction facilities, programs and services, including the development and
39 implementation of the statewide diversion plan described in ORS 420.017.

40 (10) The youth authority shall:

41 (a) Be cognizant of and sensitive to the issue of overrepresentation of minority [*youth*
42 *offenders*] **adjudicated youths** in youth correction facilities;

43 (b) Endeavor to develop and operate, and require its subcontractors to develop and operate,
44 culturally appropriate programs for [*youth offenders*] **adjudicated youths**; and

45 (c) Keep data reflecting the ethnicity and gender of all [*youth offenders*] **adjudicated youths**

1 committed to its care.

2 (11) The youth authority is a designated agency as defined in ORS 181A.010.

3 **SECTION 137.** ORS 420A.012 is amended to read:

4 420A.012. (1) The Oregon Youth Authority, in consultation with the Oregon Juvenile Department
5 Directors' Association, shall adopt one or more definitions of recidivism and establish a recidivism
6 reporting system applicable to [*youth offenders*] **adjudicated youths**. The definition must be designed
7 to address outcomes including, but not limited to, community safety and rehabilitation.

8 (2) The juvenile department of a county annually shall submit to the Oregon Youth Authority,
9 in the form established under subsection (1) of this section, statistical data relating to the recidivism
10 of delinquent youths experienced by the county during the previous year.

11 (3) The Oregon Youth Authority shall publish an annual comprehensive report that includes the
12 data provided by the counties under subsection (2) of this section and similar data that measures the
13 recidivism of youths supervised by the youth authority who are on probation or parole.

14 (4) The Oregon Youth Authority shall cooperate and, to the extent of available information
15 systems resources, shall share data with the Department of Corrections to enable the department
16 to track [*youth offenders*] **adjudicated youths** who later enter the adult corrections system and to
17 assess the effect of juvenile corrections on future criminal conduct that occurs during and after
18 supervision by the Oregon Youth Authority and county juvenile departments. The Department of
19 Corrections shall manage data under this subsection in a manner consistent with the confidentiality
20 of juvenile court records and the effectiveness of orders of expunction.

21 **SECTION 138.** ORS 420A.021 is amended to read:

22 420A.021. For the purpose of requesting a state or nationwide criminal records check under ORS
23 181A.195, the Oregon Youth Authority may require the fingerprints of a person who:

24 (1) Is employed or applying for employment by the youth authority;

25 (2) Provides services or seeks to provide services to the youth authority as a contractor, vendor
26 or volunteer; or

27 (3) Is an applicant to operate [*a youth offender*] **an adjudicated youth** foster home, as defined
28 in ORS 420.888, or who is an adult member of the applicant's household as defined by rule.

29 **SECTION 139.** ORS 420A.022 is amended to read:

30 420A.022. (1) The Oregon Youth Authority may certify employees of the authority to provide
31 mental health services to [*youth offenders*] **adjudicated youths** and other persons placed in the
32 physical custody of the authority in accordance with standards established by the authority by rule.

33 (2) As used in this section, [*"youth offenders"*] "**adjudicated youth**" has the meaning given that
34 term in ORS 419A.004.

35 **SECTION 140.** ORS 420A.023 is amended to read:

36 420A.023. (1) The Director of the Oregon Youth Authority may authorize an individual youth
37 correction officer or group of youth correction officers to exercise the powers and authority of a
38 peace officer in the supervision and custody of [*youth offenders*] **adjudicated youth** and persons in
39 the physical custody of the youth authority under ORS 137.124 or other applicable law.

40 (2) The authority of a youth correction officer acting as a peace officer under subsection (1) of
41 this section includes but is not limited to:

42 (a) Preventing an escape from the grounds of a youth correction facility by a person in the
43 custody of the youth authority; and

44 (b) Going beyond the grounds of a youth correction facility to:

45 (A) Pursue a person in the custody of the youth authority who is in the act of escaping from a

1 youth correction facility;

2 (B) Search for a person in the custody of the youth authority who is in the act of escaping from
3 a youth correction facility; and

4 (C) Recapture a person in the custody of the youth authority who is in the act of escaping from
5 a youth correction facility.

6 (3) A youth correction officer acting as a peace officer under subsection (1) of this section re-
7 tains the authority until the law enforcement agency that has general jurisdiction over the area in
8 which the escape or attempted escape took place assumes responsibility for recapturing the person.

9 (4) The Oregon Youth Authority shall inform the appropriate law enforcement agency of the
10 escape or attempted escape of a person in youth authority custody as soon as is reasonably practi-
11 cable.

12 **SECTION 141.** ORS 420A.035 is amended to read:

13 420A.035. The Oregon Youth Authority may deposit money belonging to [*youth offenders*] **adju-**
14 **dicated youths** or others in youth authority custody in a trust account in the State Treasury sep-
15 arate and distinct from the General Fund. Interest earned by the account, if any, shall accrue to the
16 benefit of the account.

17 **SECTION 142.** ORS 420A.040 is amended to read:

18 420A.040. (1) An agency that provides juvenile corrections programs may enter into an agree-
19 ment with a tribe for the purposes of placing a tribal [*youth offender*] **adjudicated youth** into a state
20 youth correction facility or program. The tribe shall pay the agency reasonable expenses associated
21 with the incarceration and treatment of the [*youth offender*] **adjudicated youth**.

22 (2)(a) The Oregon Youth Authority may receive applications from, and award funds under a
23 competitive process to, tribes for the administration and provision of services to tribal youth. The
24 services eligible for funding under this subsection must be intended to protect the public and reduce
25 juvenile delinquency.

26 (b) As used in this subsection, “tribal youth” means a member of a tribe who is:

27 (A) A youth as defined in ORS 419A.004; or

28 (B) A person under 18 years of age who:

29 (i) Has more than one of the risk factors identified in ORS 417.855 (2)(a); or

30 (ii) Is demonstrating at-risk behaviors that will lead to imminent or increased involvement in the
31 juvenile justice system.

32 (3) As used in this section, “tribe” means a federally recognized Indian tribe in Oregon.

33 **SECTION 143.** ORS 420A.100 is amended to read:

34 420A.100. (1) The Oregon Youth Authority may establish and operate youth correction facilities.
35 If the youth authority establishes youth correction facilities, the youth authority shall site the fa-
36 cilities in accordance with applicable state and local laws.

37 (2) Youth correction facilities must be used for the confinement of [*youth offenders*] **adjudicated**
38 **youths** and others placed in the custody of the youth authority and for the development of those
39 persons into productive members of society.

40 (3) Youth correction facilities shall make available tampons, sanitary pads, postpartum pads and
41 panty liners at no cost to all persons confined in a youth correction facility for use in connection
42 with vaginal discharge. Youth correction facilities shall maintain a sufficient supply, which shall be
43 stored, dispensed and disposed of in a sanitary manner. The supply of products available shall in-
44 clude at least the following:

45 (a) Regular absorbent and super absorbent tampons;

- 1 (b) Regular absorbent and super absorbent sanitary pads;
- 2 (c) Postpartum pads; and
- 3 (d) Regular absorbent panty liners.

4 **SECTION 144.** ORS 420A.105 is amended to read:

5 420A.105. The Director of the Oregon Youth Authority may adopt rules necessary to carry out
6 the provisions of ORS 420A.105 to 420A.155. The rules must include but need not be limited to:

- 7 (1) Procedures by which [*youth offenders*] **adjudicated youths** may apply for transfers from one
8 level of custody to another; and
- 9 (2) Rules applicable to parole of [*youth offenders*] **adjudicated youths**.

10 **SECTION 145.** ORS 420A.108 is amended to read:

11 420A.108. (1) It is the policy of the State of Oregon that:

12 (a) Rules regulating the conduct of [*youth offenders*] **adjudicated youths** and other persons
13 placed in the physical custody of the Oregon Youth Authority under ORS 137.124 or any other
14 provision of law be based on the following principles and goals:

- 15 (A) Concrete expectations and goals for the conduct of [*youth offenders*] **adjudicated youths** and
16 other persons in the custody of the youth authority;
- 17 (B) Safety of youth correction facility staff, the public, visitors, [*youth offenders*] **adjudicated**
18 **youths** and other persons in the custody of the youth authority;
- 19 (C) Maintenance of order within youth correction facilities;
- 20 (D) Maintenance of a structured environment within youth correction facilities; and
- 21 (E) Maintenance of an atmosphere necessary for effective education, training, treatment and
22 reform within youth correction facilities.

23 (b) Sanctions and punishment for violation of rules regulating the conduct of [*youth offenders*]
24 **adjudicated youths** and other persons in the custody of the youth authority:

- 25 (A) Must be structured to reflect the severity and frequency of the violations;
- 26 (B) Must be consistently and promptly imposed; and
- 27 (C) May not include placing [*a youth offender*] **an adjudicated youth** or other person in the
28 custody of the youth authority alone in a locked room.

29 (2) The Director of the Oregon Youth Authority, upon request, shall review any disposition that
30 results in the transfer of [*a youth offender*] **an adjudicated youth** to a different youth correction
31 facility no later than 72 hours after the transfer.

32 **SECTION 146.** ORS 420A.111 is amended to read:

33 420A.111. (1) The Director of the Oregon Youth Authority may authorize the transfer of [*a youth*
34 *offender*] **an adjudicated youth** from one level of custody to another.

35 (2) Before a transfer under subsection (1) of this section may take place, the Director of the
36 Oregon Youth Authority shall review the record of the [*youth offender*] **adjudicated youth** and enter
37 an order granting or denying the transfer.

38 (3) The [*youth offender*] **adjudicated youth** subject to a transfer order, or an order denying
39 transfer, may request a hearing. The request must be in writing and submitted no later than 10 days
40 after receipt of the order.

41 (4) In a hearing that would result in the transfer of [*a youth offender*] **an adjudicated youth** to
42 a less restrictive setting, the [*youth offender*] **adjudicated youth** has the burden of demonstrating
43 that the transfer is warranted and consistent with ORS 419C.001.

44 (5) Different levels of custody in youth correction facilities reflect the differences between the
45 level of security and direct supervision of the facilities.

1 **SECTION 147.** ORS 420A.115 is amended to read:

2 420A.115. (1) The Director of the Oregon Youth Authority may authorize any [*youth offender*]
3 **adjudicated youth** to go on parole, subject to conditions of supervision and custody established by
4 the Director of the Oregon Youth Authority and subject to being taken into custody and detained
5 under written order of the Director of the Oregon Youth Authority or as provided in ORS 420A.120.

6 (2) The Director of the Oregon Youth Authority shall determine whether violations of conditions
7 of parole have occurred.

8 **SECTION 148.** ORS 420A.120 is amended to read:

9 420A.120. (1) The Oregon Youth Authority, upon being informed and having reasonable grounds
10 to believe that [*a youth offender*] **an adjudicated youth** under the youth authority's supervision or
11 control has violated the conditions of parole or other conditional release from custody, may suspend
12 the [*youth offender's*] **adjudicated youth's** parole or conditional release and order that the [*youth*
13 *offender*] **adjudicated youth** be taken into custody and detained. The written order of the youth
14 authority is sufficient warrant for a law enforcement officer or a juvenile community supervision
15 officer as defined in ORS 420.905 to take custody of the [*youth offender*] **adjudicated youth**.

16 (2) The youth authority shall adopt rules establishing standards and procedures for revocation
17 of parole and conditional release. The rules must be consistent with the requirements of due process
18 and other applicable law.

19 (3) If the juvenile court has committed [*a youth offender*] **an adjudicated youth** to the legal
20 custody of the youth authority and has placed the [*youth offender*] **adjudicated youth** on probation,
21 and the youth authority has probable cause to believe that the [*youth offender*] **adjudicated youth**
22 has violated a condition of probation, the juvenile court, upon request of the youth authority, may
23 order that the [*youth offender*] **adjudicated youth** be taken into custody as provided in ORS chapter
24 419C.

25 **SECTION 149.** ORS 420A.122 is amended to read:

26 420A.122. (1) Prior to [*a youth offender's*] **an adjudicated youth's** release or discharge from a
27 youth correction facility, the Oregon Youth Authority shall notify the following of the release or
28 discharge:

29 (a) Law enforcement agencies in the community in which the [*youth offender*] **adjudicated youth**
30 is going to reside;

31 (b) The school administrator of the school the [*youth offender*] **adjudicated youth** will attend
32 or, if the school the [*youth offender*] **adjudicated youth** will attend is unknown, the school admin-
33 istrator of the school district in which the [*youth offender*] **adjudicated youth** will reside; and

34 (c) If requested by the victim, as defined in ORS 419A.004, the victim.

35 (2) The youth authority shall include in the notification:

36 (a) The [*youth offender's*] **adjudicated youth's** name and date of birth;

37 (b) The names and addresses of the [*youth offender's*] **adjudicated youth's** parents or guardians;

38 (c) The name and contact information of the attorney for the [*youth offender*] **adjudicated**
39 **youth**, if known;

40 (d) The name and contact information of the individual to contact for further information about
41 the notification;

42 (e) The [*youth offender's*] **adjudicated youth's** date of release or discharge;

43 (f) The type of placement to which the [*youth offender*] **adjudicated youth** is released;

44 (g) The specific offense that brought the [*youth offender*] **adjudicated youth** within the juris-
45 diction of the juvenile court;

1 (h) Any terms of parole including, but not limited to, whether school attendance is a condition
 2 of release; and

3 (i) Any other conditions required by the court.

4 (3) The youth authority, a law enforcement agency or anyone employed by or acting on behalf
 5 of the youth authority or law enforcement agency with responsibility for sending records under this
 6 section is not liable civilly or criminally for failing to disclose the information under this section.

7 (4) No later than seven days after [a youth offender's] **an adjudicated youth's** release or dis-
 8 charge from a youth correction facility, the Department of Education or its contractor shall provide
 9 the [youth offender's] **adjudicated youth's** education records to the school administrator of the
 10 school or of the school district in which the [youth offender] **adjudicated youth** enrolls.

11 (5) As used in this section, "school administrator" has the meaning given that term in ORS
 12 419A.305.

13 **SECTION 150.** ORS 420A.125 is amended to read:

14 420A.125. (1) The Oregon Youth Authority shall conduct, or cause to be conducted, intake as-
 15 sessments when [youth offenders] **adjudicated youths** and other persons are initially placed in a
 16 youth correction facility.

17 (2) At the time of the intake assessment, the youth authority shall provide the person with a
 18 copy of the rules of conduct for [youth offenders] **adjudicated youths** and other persons in custody
 19 in youth correction facilities. The youth authority shall also provide [a youth offender] **an adjudi-**
 20 **cated youth** with information concerning the process for transferring from one level of custody to
 21 another.

22 (3) An intake assessment shall include the following for each person:

23 (a) A physical health evaluation;

24 (b) If appropriate, a psychiatric evaluation;

25 (c) A psychological evaluation if a psychological evaluation of the person has not been done in
 26 the six months prior to the person's commitment to the youth correction facility;

27 (d) A drug and alcohol abuse evaluation;

28 (e) If appropriate, a sex offender evaluation; and

29 (f) If appropriate, a vocational evaluation.

30 (4) For [a youth offender] **an adjudicated youth**, the intake assessment must also include an
 31 educational evaluation to be provided by the Department of Education. The educational evaluation
 32 must include evaluations for special education as required by the Individuals with Disabilities Edu-
 33 cation Act, 20 U.S.C. 1400 et seq.

34 (5) Following assessment of [a youth offender] **an adjudicated youth**, the Director of the Oregon
 35 Youth Authority shall prepare, or cause to be prepared, a reformation plan for the [youth offender]
 36 **adjudicated youth** and make the initial placement of the [youth offender] **adjudicated youth** based
 37 upon the plan. The director shall base the placement on:

38 (a) The evaluations required by subsections (3) and (4) of this section;

39 (b) The severity of the conduct engaged in by the [youth offender] **adjudicated youth**;

40 (c) The juvenile record of the [youth offender] **adjudicated youth**; and

41 (d) The conduct of the [youth offender] **adjudicated youth** during assessment.

42 **SECTION 151.** ORS 420A.135 is amended to read:

43 420A.135. (1) The Oregon Youth Authority may establish up to five secure regional youth facil-
 44 ities.

45 (2) A secure regional youth facility shall:

1 (a) Provide secure incarceration;

2 (b) Provide education and job and life skills training including, but not limited to, anger man-
3 agement and self-control; and

4 (c) Include a drug and alcohol treatment component that meets the standards promulgated by
5 the Oregon Health Authority pursuant to ORS 430.357.

6 (3) The Director of the Oregon Youth Authority is solely responsible for determining which
7 persons committed to, or placed in the custody of, the youth authority are eligible to participate in,
8 and are accepted for placement in, a secure regional youth facility. The juvenile court may recom-
9 mend to the Oregon Youth Authority that [*a youth offender*] **an adjudicated youth** be placed in a
10 secure regional youth facility, but the recommendation is not binding on the youth authority.

11 **SECTION 152.** ORS 420A.147 is amended to read:

12 420A.147. (1) The Director of the Oregon Youth Authority is solely responsible for determining
13 which persons committed to, or placed in the custody of, the youth authority are eligible to partic-
14 ipate in, and are accepted for, a regional youth accountability camp. The juvenile court may re-
15 commend to the Oregon Youth Authority that [*a youth offender*] **an adjudicated youth** be placed in
16 a regional youth accountability camp, but the recommendation is not binding on the youth authority.

17 (2) In determining whether to place a person in a regional youth accountability camp, the Di-
18 rector of the Oregon Youth Authority must find that the person is physically and mentally able to
19 withstand the rigors of the program or that the program can be modified to accommodate a person's
20 physical or mental limitations. If the Director of the Oregon Youth Authority determines that a
21 person's acceptance into a regional youth accountability camp is consistent with the safety of the
22 community, the welfare of the person, the objectives of the regional youth accountability camp and
23 the rules of the youth authority, the Director of the Oregon Youth Authority may place the person
24 into the program.

25 **SECTION 153.** ORS 420A.155 is amended to read:

26 420A.155. (1) The Oregon Youth Authority may establish up to four regional residential acade-
27 mies.

28 (2) A regional residential academy shall:

29 (a) Provide a secure, closed residential campus;

30 (b) Provide year-round education, job and life skills training, vocational training and appren-
31 ticeship programs; and

32 (c) Include a drug and alcohol treatment component that meets the standards promulgated by
33 the Oregon Health Authority pursuant to ORS 430.357.

34 (3) The youth authority may contract with all of the governing bodies of the counties in a region
35 to administer cooperatively a regional residential academy subject to the provisions of ORS 420.011,
36 420.081, 420A.108 and 420A.111 (5).

37 (4) The youth authority may contract with any private agency to administer a regional resi-
38 dential academy subject to the provisions of ORS 420A.108 and 420A.111 (5).

39 (5) The Director of the Oregon Youth Authority is solely responsible for determining which
40 persons committed to, or placed in the physical custody of, the youth authority are eligible to par-
41 ticipate in, and are accepted for, a regional residential academy. The juvenile court may recommend
42 to the Oregon Youth Authority that [*a youth offender*] **an adjudicated youth** be placed in a regional
43 residential academy, but the recommendation is not binding on the youth authority.

44 **SECTION 154.** ORS 420A.223 is amended to read:

45 420A.223. (1) The Juvenile Justice Information System, an electronic information system devel-

1 oped and maintained by the state through the Oregon Youth Authority, is established. The youth
 2 authority, in partnership with county juvenile departments, shall administer the Juvenile Justice
 3 Information System through a steering committee established by rule. The youth authority shall, in
 4 consultation with the steering committee, adopt rules governing the administration of the Juvenile
 5 Justice Information System including, but not limited to:

- 6 (a) Confidentiality of information;
- 7 (b) State and county roles and costs; and
- 8 (c) County reporting requirements.

9 (2) The youth authority shall develop, maintain and administer the Juvenile Justice Information
 10 System according to the Criminal Justice Information Standards program established under ORS
 11 181A.265.

12 (3) Counties shall provide the youth authority with required data elements in the format re-
 13 quired by the rules of the youth authority at no cost to the state.

14 (4)(a) Notwithstanding ORS 419A.257, the youth authority or a county juvenile department may
 15 disclose, for the purposes identified in paragraph (b) of this subsection, information contained in
 16 reports or other materials relating to a youth or [*youth offender's*] **adjudicated youth's** history and
 17 prognosis to the following persons:

- 18 (A) A government agency.
- 19 (B) A public or private post-secondary institution of education.
- 20 (C) A person with whom the youth authority, a county or a county juvenile department has en-
 21 tered into an agreement for the disclosure of information under this subsection.

22 (b) The youth authority or a county juvenile department may disclose information under this
 23 subsection for the purposes authorized by rules adopted under this section, including research,
 24 evaluation, coordination of public safety services, program planning, compliance with grant re-
 25 quirements and audits.

26 (c) The disclosure of information under this subsection does not waive or otherwise change the
 27 privileged status of the information, except for the purposes authorized by this subsection.

28 (d) Any person that obtains information under this subsection is responsible for preserving the
 29 confidentiality of the information.

30 **SECTION 155.** ORS 421.107 is amended to read:

31 421.107. (1) As used in this section:

32 (a) **“Adjudicated youth” has the meaning given that term in ORS 419A.004.**

33 [(a)] (b) **“Correctional facility”:**

34 (A) Means any place used for the confinement of [*youth offenders*] **adjudicated youths**, detained
 35 juveniles, persons charged with or convicted of a crime or persons otherwise confined under a court
 36 order.

37 (B) Includes but is not limited to a youth correction facility and a juvenile detention facility.

38 (C) Applies to a state hospital or a secure intensive community inpatient facility only as to
 39 persons detained therein charged with or convicted of a crime, or detained therein after having been
 40 found guilty except for insanity of a crime under ORS 161.290 to 161.373.

41 [(b)] (c) **“Inmate”** means [*a youth offender*] **an adjudicated youth** confined in a youth correction
 42 facility, a juvenile detained in a juvenile detention facility, or any person incarcerated or detained
 43 in a correctional facility who is accused of, convicted of or sentenced for a violation of criminal law
 44 or for the violation of the terms and conditions of pretrial release, probation, parole, post-prison
 45 supervision or a diversion program.

1 [(c)] (d) “Juvenile detention facility” has the meaning given that term in ORS 169.005.

2 [(d)] (e) “Youth correction facility” has the meaning given that term in ORS 420.005.

3 [(e) “Youth offender” has the meaning given that term in ORS 419A.004.]

4 (2) An official of a correctional facility may not use a dog to extract an inmate from a cell.

5 (3) Nothing in this section prohibits:

6 (a) The use of a dog in a correctional facility for the purposes of tracking the location of an
7 inmate or detecting contraband as defined in ORS 162.135.

8 (b) The use of a dog in a correctional facility to quell a disturbance, prevent an inmate escape
9 or address an immediate health or safety risk to inmates or staff members.

10 (c) The use of dogs in a correctional facility as part of an inmate dog training program or for
11 purposes relating to the rehabilitation, treatment, vocational education and skill-building of inmates.

12 **SECTION 156.** ORS 423.565 is amended to read:

13 423.565. In addition to the duties assigned to it under ORS 423.560, the local public safety co-
14 ordinating council convened by the board of commissioners shall, at a minimum:

15 (1) Develop and recommend to the county board of commissioners the plan for use of state re-
16 sources to serve the local [youth offender] **adjudicated youth** population.

17 (2) Coordinate local juvenile justice policy among affected juvenile justice entities.

18 (3) Develop and recommend to the county board of commissioners a plan designed to prevent
19 criminal involvement by youth. The plan must provide for coordination of community-wide services
20 involving treatment, education, employment and intervention strategies aimed at crime prevention.

21 (4) Create a facility advisory subcommittee when provided with the information described in
22 ORS 169.690. The subcommittee shall be composed of the following persons:

23 (a) The affected law enforcement officer described in ORS 423.560 (1)(a) or (b);

24 (b) A district attorney;

25 (c) A mental health director;

26 (d) A designee of the city council or county board of commissioners, whichever is affected;

27 (e) A representative of an organization that advocates on behalf of persons with mental illness;

28 and

29 (f) A consumer as defined in ORS 430.073.

30 (5) If a written plan of action has been provided to the council under ORS 165.127, annually
31 review the plan and, if appropriate, make written recommendations to the affected district attorney
32 for plan improvements.

33 **SECTION 157.** ORS 655.510 is amended to read:

34 655.510. (1) Every adult in custody shall receive benefits as provided in ORS 655.505 to 655.555
35 for injury sustained in an authorized work or occupational training assignment if the injury:

36 (a) Is proximately caused by or received in the course of the authorized work or occupational
37 training assignment, with or without negligence of the adult in custody;

38 (b) Is not intentionally self-inflicted;

39 (c) Is not a result of a willful violation of work rules or rules regulating adult in custody con-
40 duct or premises security; and

41 (d) Does not occur to an active participant in an assault or combat that is not connected to the
42 job assignment and that constitutes a deviation from customary duties.

43 (2) An injury must be established by medical evidence supported by objective findings. The
44 medical evidence must be substantiated by verifiable pathological indication of injury that includes,
45 but is not limited to, range of motion, atrophy, muscle strength, palpable muscle spasm and diag-

1 nostic evidence substantiated by clinical findings. Objective findings do not include physical findings
 2 or subjective responses to physical examinations that are not consistently reproducible, measurable
 3 or observable, or do not fit an anatomical pattern and that cannot be demonstrated after reasonable
 4 medical evaluation. A claimant's statement to a physician or other party does not constitute objec-
 5 tive medical evidence sufficient to substantiate an injury.

6 (3) The following circumstances do not constitute a basis for establishing an injury:

7 (a) Compulsion to participate in employment or training;

8 (b) Disciplinary action taken by the Department of Corrections or the Oregon Youth Authority;

9 (c) Action taken by the Department of Corrections or the Oregon Youth Authority, to protect
 10 the safety of persons or to maintain order; or

11 (d) Actions of other adults in custody or [*youth offenders*] **adjudicated youths** as defined in ORS
 12 419A.004.

13 (4) The filing of claims for benefits under ORS 655.505 to 655.555 is the exclusive remedy of an
 14 adult in custody or beneficiary of the adult in custody for injuries compensable under ORS 655.505
 15 to 655.555 against the state or its political subdivisions or any person or entity that contracts with
 16 the Department of Corrections or the Oregon Youth Authority for the services of adult in custody
 17 labor, any person or entity that employs an adult in custody in a work release program established
 18 under ORS 144.420 or 420.240 or any owner or manager of premises where authorized work or oc-
 19 cupational training assignments occur, regardless of negligence. This section applies to any work-
 20 related injury to, or conditions of, an adult in custody whether or not the injury or conditions are
 21 determined to be compensable under ORS 655.505 to 655.555.

22 **SECTION 158.** ORS 659A.340 is amended to read:

23 659A.340. (1) As used in this section, "employer" means:

24 (a) **An adjudicated youth foster home as defined in ORS 420.888;**

25 [(a)] (b) An adult foster home as defined in ORS 443.705;

26 [(b)] (c) A child care provider as defined in ORS 329A.700;

27 [(c)] (d) A child-caring agency as defined in ORS 418.205;

28 [(d)] (e) A child-caring facility as defined in ORS 418.950;

29 [(e)] (f) Community-based structured housing as defined in ORS 443.480;

30 [(f)] (g) A facility as defined in ORS 430.735;

31 [(g)] (h) A foster home as defined in ORS 418.625;

32 [(h)] (i) A long term care facility as defined in ORS 442.015;

33 [(i)] (j) A residential facility as defined in ORS 443.400;

34 [(j)] (k) A youth care center as defined in ORS 420.855; **or**

35 [(k) A *youth offender foster home as defined in ORS 420.888; or*]

36 (L) Any other entity that is licensed, certified or registered by a public body, as defined in ORS
 37 174.109, to provide care to children, youth, individuals with disabilities or older adults.

38 (2) It is an unlawful employment practice under ORS chapter 659A for an employer to violate
 39 ORS 329A.348, 418.256, 418.644, 420.872, 420.891, 441.046, 443.453 or 443.766 or to interfere with an
 40 employee's good faith disclosure of information concerning the abuse or mistreatment of an individ-
 41 ual cared for by the employer, violations of licensing or certification requirements, criminal activity
 42 occurring at the workplace, violations of state or federal laws or any practice that threatens the
 43 health and safety of the individual cared for by the employer to regulatory agencies, law enforce-
 44 ment authorities or persons who are acting on behalf of the individual.

45 (3) An employee or a volunteer may file a civil action under ORS 659A.885, alleging violation

1 of this section.

2
