

Enrolled Senate Bill 83

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CHAPTER

AN ACT

Relating to youth diversion; amending ORS 420.017, 420.019 and 420A.010.

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

SECTION 1. ORS 420.017 is amended to read:

420.017. (1) The Oregon Youth Authority shall *[develop annually a plan for diversion of delinquent youth]* **work collaboratively with the juvenile departments to divert youth offenders** from commitment to the youth correction facilities to alternative community services.

(2) The juvenile departments shall develop a plan for services needed to divert the commitment of youth from the youth correction facilities, and how these services are to be administered if funds are provided. *[The plan must be approved in the form of a resolution by the governing body of the appropriate county and of a letter of concurrence from the presiding judge for the judicial district in which the juvenile court is located.]* **The plan must include the process the juvenile departments will use to provide hearings officers and to conduct preliminary parole revocation hearings.**

[(3) The youth authority shall develop and implement a statewide diversion plan after taking the local juvenile departments' plans into consideration and after consulting with affected service providers.]

(3) The youth authority shall administer and coordinate the local juvenile diversion plans and juvenile crime prevention basic services with county juvenile departments. Juvenile crime prevention basic services may be used for detention and other juvenile department services.

(4) The youth authority, in consultation with county juvenile departments and the Youth Development Division, shall adopt rules to coordinate and align the high-risk juvenile crime prevention plans, the juvenile diversion plans and the juvenile crime prevention basic services.

SECTION 2. ORS 420.019 is amended to read:

420.019. (1)(a) The Oregon Youth Authority may contract with the governing body of a county or two or more counties, if the counties have joined together as a consortium or region, for implementing the *[statewide]* diversion plan **described in ORS 420.017**, *which may include juvenile parole and probation services or out-of-home placement*].

(b) A county or counties that contract with the Oregon Youth Authority under this section shall have access to a continuum of out-of-home placement options including, but not limited to, youth correction facilities, *youth care centers, foster care and private*] **and substitute care** placements,

as defined by the youth authority by rule. [*Participating counties shall be ensured access to an equitable share of out-of-home placements.*]

[(c) A county or counties that contract with the Oregon Youth Authority under this section have the responsibility for parole decisions regarding youths from the county or counties committed to youth correction facilities. In the event that a county or counties are operating over the allocated youth correction facility cap, the youth authority may assume parole authority until the county population is at the cap.]

[(d)] (c) The state and county may agree that the governing body of the county or counties may subcontract for services or that the state will provide services or that the county or counties may subcontract for some services and the state provide other services as stipulated in the contract with the youth authority.

[(e) When services previously provided by the Oregon Youth Authority transfer to a county or counties, terms of the contract must include, but need not be limited to, the actual cost of employee salaries, benefits and other payroll expenses, plus support costs necessary for the transferred positions.]

*[(f)] (d) The youth authority is responsible for [performance auditing] **providing financial oversight and administration** of contracts and **financial oversight of** subcontracts.*

[(g) The youth authority shall contract directly with service providers in those counties where the governing body of the county or counties chooses not to contract with the youth authority.]

[(h)] (e) The funds provided to implement the diversion plan or provide for out-of-home placement [or parole and probation services] shall not be used by a county to supplant moneys otherwise provided to the county juvenile department for services to delinquent youth.

[(2)(a) Unless otherwise provided in the contract, a county that is contracting with the youth authority under subsection (1) of this section shall supervise state employees providing parole and probation services within the county.]

[(b) Subject to a collective bargaining agreement, supervision under this subsection includes discipline, performance evaluation, training and all other functions previously carried out by state employed supervisors.]

(2)(a) The Oregon Youth Authority shall enter into intergovernmental agreements with a county or, if the counties have joined together as a consortium or region, two or more counties to delineate specific duties necessary to carry out the diversion plan described in ORS 420.017.

(b) The intergovernmental agreement must define the responsibilities of the youth authority and the county or counties and support the mission of the youth authority and the county or counties, taking into consideration public safety, equitable services for youth offenders and counties, geographic considerations and staffing and funding levels for the youth authority and the county or counties.

(c) The intergovernmental agreement may authorize the performance or transfer of probation and parole services between the youth authority and the county or counties.

(3) The Oregon Youth Authority shall adopt rules, in consultation with the county juvenile departments, to ensure equitable access to a continuum of out-of-home placement options among contracting counties and to develop performance metrics for the diversion plans.

SECTION 3. ORS 420A.010 is amended to read:

420A.010. (1) The Oregon Youth Authority is established. The youth authority shall:

(a) Supervise the management and administration of youth correction facilities, state parole and probation services, community out-of-home placement for youth offenders committed to its legal custody and other functions related to state programs for youth corrections;

(b) Provide capital improvements and capital construction necessary for the implementation of all youth correction facilities;

(c) Carry out dispositions of youth offenders committed to its legal custody;

(d) Exercise custody and supervision over those youth offenders committed to the youth authority by order of the juvenile court and persons placed in the physical custody of the youth authority under ORS 137.124 or other statute until the time that a lawful release authority authorizes release or terminates the commitment or placement;

(e) Provide adequate food, clothing, health and medical care, sanitation and security for confined youth offenders and others in youth authority custody;

(f) Provide youth offenders and others in youth authority custody with opportunities for self-improvement and work; and

(g) Conduct investigations and prepare reports for release authorities.

(2) To meet the individual circumstances of each person committed to its custody, the youth authority shall:

(a) Develop a flexible fee-for-service provider system that can respond quickly to each person's identified and changing circumstances; and

(b) Develop a process for joint state and county review of contracts entered into under subsection (6)(b) of this section and paragraph (a) of this subsection based on:

(A) Measurable outcomes, which must include in dominant part the reduction of future criminal or antisocial conduct and which also must include:

(i) Academic progress;

(ii) Social adjustments;

(iii) Behavioral improvements;

(iv) Rearrests; and

(v) Other measurements as determined by the youth authority;

(B) Performance measurements including:

(i) Fiscal accountability;

(ii) Compliance with state and federal regulations;

(iii) Record keeping, including data collection and management; and

(iv) Reporting; and

(C) Provision of services identified under the reformation plan.

(3) In order to measure performance as required in subsection (2) of this section, the youth authority shall require parties to the contracts to compile, manage and exchange data to the extent of available information systems resources to facilitate the measurement of outcomes including, but not limited to, reduction in future criminal or antisocial conduct.

(4) The youth authority may administer a program of state assistance to counties for the construction and operation of local youth detention facilities or to purchase detention services.

(5) The youth authority shall accept and exercise legal or physical custody of youth offenders and others 12 years of age and over and under 25 years of age who are committed to, or placed with, the youth authority pursuant to:

(a) A juvenile court adjudication and disposition under ORS chapter 419C; or

(b) ORS 137.124.

(6)(a) The youth authority shall cooperate with and assist county governments and juvenile departments in carrying out the principles and purposes of the juvenile justice system as provided in ORS 419C.001.

(b) The youth authority is authorized to contract with counties, groups of counties or private providers to administer juvenile corrections programs and services as provided in ORS 420.017, 420.019, 420A.145 and 420A.155 (1) to (4).

(c) The youth authority may provide consultation services related to the juvenile justice system to local or statewide public or private agencies, groups and individuals or may initiate such consultation services. Consultation services include, but are not limited to, conducting studies and surveys, sponsoring or participating in educational programs and providing advice and assistance. Nothing in ORS 419C.001 and 420A.005 to 420A.155 is intended to diminish the state's efforts to plan, evaluate and deliver effective human services programs to youth offenders, either in a youth correction facility or on probation or parole. Therefore, the Oregon Youth Authority and the Depart-

ment of Human Services shall jointly develop and implement needed social and rehabilitative services.

(7) The youth authority is the recipient of all federal funds paid or to be paid to the state to enable the state to provide youth correction programs and services assigned to the Department of Human Services prior to January 1, 1996.

(8) The youth authority shall report its progress in implementing the provisions of chapter 422, Oregon Laws 1995, to the Legislative Assembly at each odd-numbered year regular session.

(9) The equal access provisions of ORS 417.270 apply to the youth authority's development and administration of youth correction facilities, programs and services, including the development and implementation of the [statewide] diversion plan described in ORS 420.017.

(10) The youth authority shall:

(a) Be cognizant of and sensitive to the issue of overrepresentation of minority youth offenders in youth correction facilities;

(b) Endeavor to develop and operate, and require its subcontractors to develop and operate, culturally appropriate programs for youth offenders; and

(c) Keep data reflecting the ethnicity and gender of all youth offenders committed to its care.

(11) The youth authority is a designated agency as defined in ORS 181A.010.

Passed by Senate March 4, 2021

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

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Tina Kotek, Speaker of House

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Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State