

HB 2940-2  
(LC 1258)  
3/25/21 (LAS/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Jason Kropf)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2940**

1 On page 1 of the printed bill, delete lines 4 through 30 and delete pages  
2 2 and 3 and insert:

3 **“SECTION 1.** ORS 419C.150 is amended to read:

4 “419C.150. (1) Except as **otherwise** provided in [*subsection (3) of*] this  
5 section, a youth may be held in detention under this section and ORS  
6 419C.145, 419C.153 and 419C.156 for a maximum of 28 days except for good  
7 cause shown prior to the expiration of the 28-day period. If good cause for  
8 continued detention is shown, the period of detention may be extended for  
9 no more than an additional 28 days unless the adjudication is continued with  
10 the express consent of the youth.

11 “(2) Subsection (1) of this section does not apply to a youth alleged to be  
12 within the jurisdiction of the juvenile court for having committed an act that  
13 would be murder, attempted murder, conspiracy to commit murder or treason  
14 if committed by an adult and if proof of the act is evident or the presumption  
15 strong that the youth committed the act. The juvenile court may conduct  
16 such hearing as the court considers necessary to determine whether the proof  
17 is evident or the presumption strong.

18 “(3)(a) The time limits described in subsection (1) of this section do not  
19 apply if:

20 “(A) The court has stayed the proceedings on the petition alleging juris-  
21 diction under ORS 419C.005 pursuant to ORS 419C.378;

1 “(B) The court has not entered an order determining the youth’s fitness  
2 to proceed pursuant to a motion made under ORS 419C.378 or the motion has  
3 not otherwise been resolved; and

4 “(C) The court holds the review hearings required by ORS 419C.153 and  
5 determines that detention of the youth under ORS 419C.145 should continue.

6 “(b)(A) Except as provided in subparagraph (B) of this paragraph, the  
7 detention of the youth whose detention has been continued under paragraph  
8 (a) of this subsection may be extended for no more than 28 days upon entry  
9 of an order determining the youth’s fitness to proceed pursuant to a motion  
10 made under ORS 419C.378 or upon other resolution of the motion, and if the  
11 court holds the review hearings required by ORS 419C.153 and determines  
12 that detention of the youth under ORS 419C.145 should continue.

13 “(B) The detention of the youth may be extended for more than 28 days  
14 under this paragraph if expressly agreed to by the youth, and if the court  
15 holds the review hearings required by ORS 419C.153 and determines that  
16 detention of the youth under ORS 419C.145 should continue.

17 **“(4)(a) The time limits described in subsection (1) of this section do  
18 not apply if:**

19 **“(A) The state has filed a motion requesting waiver under ORS  
20 419C.349;**

21 **“(B) The motion has not been resolved; and**

22 **“(C) The court holds the review hearings required by ORS 419C.153  
23 and determines that detention of the youth should continue.**

24 **“(b)(A) Except as provided in subparagraph (B) of this paragraph,  
25 the detention of the youth whose detention has been continued under  
26 paragraph (a) of this subsection may be extended for no more than 28  
27 days upon entry of an order denying a motion for waiver hearing or  
28 an order denying waiver, and if the court holds the review hearings  
29 required by ORS 419C.153 and determines that detention of the youth  
30 should continue.**

1       **“(B) The detention of the youth may be extended for more than 28**  
2 **days under this paragraph if expressly agreed to by the youth, and if**  
3 **the court holds the review hearings required by ORS 419C.153 and de-**  
4 **termines that detention of the youth should continue.**

5       **“SECTION 2.** ORS 419C.153 is amended to read:

6       **“419C.153. (1) Except as provided in subsection (2) of this section,** any  
7 youth ordered detained under ORS 419C.145, 419C.150 and 419C.156 shall  
8 have a review hearing at least every 10 days, excluding Saturdays, Sundays  
9 and judicial holidays. At the review hearing the court shall determine  
10 whether sufficient cause exists to require continued detention of the youth.  
11 In addition, the court may review and may confirm, revoke or modify any  
12 order for the detention or release of the youth under this section or ORS  
13 419C.109, 419C.136, 419C.139, 419C.145, 419C.150 or 419C.156 and, in the event  
14 that the youth is alleged to have committed an offense which if committed  
15 by an adult would be a misdemeanor or Class C felony, may do so ex parte.  
16 Release of a youth may not be revoked, however, except upon a finding that  
17 the youth may be detained under this section or ORS 419C.145, 419C.150 and  
18 419C.156, and after a hearing is held in accordance with ORS 419C.109,  
19 419C.136 and 419C.139. *[If the victim requests, the district attorney or juvenile*  
20 *department shall notify the victim of the review hearing.]*

21       **“(2)(a) Any youth detained under ORS 419C.145, 419C.150 and**  
22 **419C.156 in whose case the state has filed a request for a waiver hear-**  
23 **ing under ORS 419C.349 (1) shall have a review hearing every 30 days**  
24 **at which:**

25       **“(A) The court shall require the parties to describe the efforts made**  
26 **toward expeditious case resolution, considering public safety and the**  
27 **youth’s continued placement in detention as paramount concerns, and**  
28 **the court shall identify opportunities for judicial intervention to assist**  
29 **the parties with resolution of any outstanding issues; and**

30       **“(B) The court may, upon the request of the youth or at the dis-**

1 **cretion of the court, determine whether sufficient cause exists to re-**  
2 **quire continued detention of the youth. In addition, the court may**  
3 **review and may confirm, revoke or modify any order for the detention**  
4 **or release of the youth under this subsection or ORS 419C.109, 419C.136,**  
5 **419C.139, 419C.145, 419C.150 or 419C.156. Release of a youth may not be**  
6 **revoked, however, except upon a finding that the youth may be de-**  
7 **tained under this section or ORS 419C.145, 419C.150 or 419C.156, and**  
8 **after a hearing is held in accordance with ORS 419C.109, 419C.136 and**  
9 **419C.139.**

10 **“(b) Upon filing with the court of a written waiver signed by the**  
11 **youth and the youth’s counsel, the court may waive the youth’s pres-**  
12 **ence at a review hearing under this subsection.**

13 **“(3) If a youth intends to request release at a review hearing under**  
14 **subsection (1) or (2) of this section, the youth’s counsel must notify**  
15 **the district attorney of the youth’s intent to request release at least**  
16 **five days prior to the date of the review hearing.**

17 **“(4) If a victim requests, the district attorney or juvenile depart-**  
18 **ment shall notify the victim of a review hearing under subsection (1)**  
19 **or (2) of this section.”.**

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