

SB 134-1
(LC 529)
3/29/21 (LAS/ps)

Requested by SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION

**PROPOSED AMENDMENTS TO
SENATE BILL 134**

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

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

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

12 “(2)(a) In addition to the persons placed in the legal custody of the youth
13 authority under ORS 419C.478 (1) or 419C.481, and with the concurrence of
14 the Director of the Oregon Youth Authority or the director’s designee, per-
15 sons who are committed to the Department of Corrections under ORS 137.124
16 and meet the requirements of ORS 137.124 (5) may be temporarily assigned
17 to a youth correction facility as provided by ORS 137.124 (5). A person as-
18 signed on such a temporary basis remains within the legal custody of the
19 Department of Corrections and such reassignment is subject to termination
20 by the Director of the Oregon Youth Authority by referring the person back
21 to the Department of Corrections as provided in paragraph (b) of this sub-

1 section.

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

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

9 “(B) Is not likely, in the foreseeable future, to benefit from the rehabili-
10 tation and treatment programs administered by the youth authority and is
11 appropriate for placement in a Department of Corrections institution.

12 “(3) Any person under 18 years of age at the time of committing the crime
13 and under 20 years of age at the time of sentencing and commitment who,
14 after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370 or
15 sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712, is sentenced to
16 a term of imprisonment in the custody of the Department of Corrections, and
17 any person under 16 years of age who after waiver under ORS 419C.349 (1)(b),
18 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or
19 (7)(b) or 137.712 is sentenced to a term of imprisonment in the county jail,
20 shall be temporarily assigned to a youth correction facility by the Depart-
21 ment of Corrections, or by the sheriff to whose custody the person has been
22 committed, pursuant to ORS 137.124 (6). The director shall designate the ap-
23 propriate youth correction facility or schools for such assignment. A person
24 assigned to a youth correction facility under ORS 137.124 (6) and this sub-
25 section remains within the legal custody of the Department of Corrections
26 or sheriff to whose custody the person was committed. The assignment of
27 such a person to the youth correction facility is subject, when the person is
28 18 years of age or older, to termination by the director by referring the
29 person back to the Department of Corrections or the sheriff to serve the
30 balance of the person’s sentence. Assignment to a youth correction facility

1 pursuant to ORS 137.124 (6) and this subsection, if not terminated earlier by
2 the director, shall terminate upon the person's attaining the age specified in
3 ORS 420A.010 (5) setting the age limits for which the Oregon Youth Au-
4 thority may retain legal and physical custody of the person, and the person
5 shall be referred to the Department of Corrections or the sheriff having legal
6 custody of the person to serve the balance of the person's sentence.

7 “(4)(a) Whenever a person committed to the custody of the Department
8 of Corrections is temporarily assigned to a youth correction facility pursuant
9 to this section, the youth authority may provide programs and treatment for
10 the person, and may adopt rules relating to conditions of confinement at the
11 youth correction facility, as the youth authority determines are appropriate.
12 However, the person remains subject to laws and rules of the State Board
13 of Parole and Post-Prison Supervision relating to parole.

14 **“(b) Information or records prepared or maintained by the youth
15 authority relating to a person committed to the custody of the De-
16 partment of Corrections and temporarily assigned to a youth cor-
17 rection facility pursuant to this section are confidential and exempt
18 from disclosure if the public interest in confidentiality clearly out-
19 weighs the public interest in disclosure and:**

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

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

26 **“(c) Nothing in this section prohibits the youth authority from
27 disclosing information or records relating to a person committed to
28 the custody of the Department of Corrections and temporarily as-
29 signed to a youth correction facility pursuant to this section to coun-
30 sel representing the person or to the district attorney or assistant**

1 **district attorney general representing the state, for use in connection**
2 **with the person’s criminal, juvenile dependency or juvenile delin-**
3 **quency proceeding.**

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

6 “(a) If the person is convicted of two or more offenses occurring on dif-
7 ferent days, the person’s age shall be calculated using the earliest date.

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

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