

House Bill 2327

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Juvenile Justice Advocates Coalition)

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**.

Permits county juvenile department to provide preventive services to certain persons under 12 years of age. Modifies high-risk juvenile crime prevention plan targeted population to include certain persons under 12 years of age. Creates minimum age for juvenile court jurisdiction in delinquency proceedings. Appropriates moneys to Youth Development Division for purposes of providing preventive services to certain persons under 12 years of age.

A BILL FOR AN ACT

1
2 Relating to children under 12 years of age who engage in delinquent behavior; creating new pro-
3 visions; and amending ORS 417.855, 419C.005, 419C.103 and 419C.133.

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

5 **SECTION 1. (1) A county juvenile department may provide preventive services to a per-**
6 **son who is under 12 years of age and who has committed an act that is a violation, or that**
7 **if done by an adult would constitute a violation, of a law or ordinance of the United States**
8 **or a state, county or city.**

9 (2) Preventive services provided under this section include, at a minimum:

10 (a) Individual, group and family therapy;

11 (b) Trauma-informed, developmentally appropriate services not otherwise covered by
12 health insurance, including community-based sexual offending services;

13 (c) Assessments to identify treatment need;

14 (d) Educational supports; and

15 (e) Family navigation and support services.

16 **SECTION 2. ORS 417.855 is amended to read:**

17 417.855. (1) Each board of county commissioners shall designate an agency or organization to
18 serve as the lead planning organization to facilitate the creation of a partnership among state and
19 local public and private entities in each county. The partnership shall include, but is not limited to,
20 education representatives, public health representatives, local alcohol and drug planning commit-
21 tees, representatives of the court system, local mental health planning committees, city or municipal
22 representatives and local public safety coordinating councils. The partnership shall develop a local
23 high-risk juvenile crime prevention plan.

24 (2) The local high-risk juvenile crime prevention plans shall use services and activities to meet
25 the needs of a targeted population of youths who:

26 (a) Have more than one of the following risk factors:

27 (A) Antisocial behavior;

28 (B) Poor family functioning or poor family support;

29 (C) Failure in school;

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 (D) Substance abuse problems; [or]

2 (E) Negative peer association; or

3 **(F) Are under 12 years of age and have committed an act that is a violation, or that if**
 4 **done by an adult would constitute a violation, of a law or ordinance of the United States or**
 5 **a state, county or city; and**

6 (b) Are clearly demonstrating at-risk behaviors that have come to the attention of government
 7 or community agencies, schools or law enforcement and will lead to imminent or increased involve-
 8 ment in the juvenile justice system.

9 (3)(a) The Youth Development Council shall allocate funds available to support the local high-
 10 risk juvenile crime prevention plans to counties based on the youth population age 18 or younger
 11 in those counties.

12 (b) The Youth Development Council shall award a minimum grant to small counties. The mini-
 13 mum grant level shall be determined by the council through a public process and reviewed by the
 14 council biennially.

15 **SECTION 3.** ORS 419C.005 is amended to read:

16 419C.005. (1) The juvenile court has exclusive original jurisdiction in any case involving a per-
 17 son who is **at least 12 years of age and** under 18 years of age and who has committed an act that
 18 is a violation, or that if done by an adult would constitute a violation, of a law or ordinance of the
 19 United States or a state, county or city.

20 (2) The provisions of subsection (1) of this section do not prevent a court of competent juris-
 21 diction from entertaining a civil action or suit involving a youth.

22 (3) The court does not have jurisdiction as provided in subsection (1) of this section after a mi-
 23 nor has been emancipated pursuant to ORS 419B.550 to 419B.558.

24 (4) The court's jurisdiction over a person under this section or ORS 419C.067 continues until
 25 one of the following occurs:

26 (a) The court dismisses a petition filed under this chapter or waives the case under ORS
 27 419C.340. If jurisdiction is based on a previous adjudication, then dismissal or waiver of a later case
 28 does not terminate jurisdiction under the previous case unless the court so orders.

29 (b) The court transfers jurisdiction of the case as provided in ORS 419C.053, 419C.056 and
 30 419C.059.

31 (c) The court enters an order terminating jurisdiction.

32 (d) The person becomes 25 years of age.

33 (e) The court places the person under the jurisdiction of the Psychiatric Security Review Board
 34 as provided in ORS 419C.529. If the court also has jurisdiction over the person based on a previous
 35 adjudication under this chapter or ORS chapter 419B, placing a person under the jurisdiction of the
 36 board in a later case does not terminate wardship under the previous case unless the court so or-
 37 ders.

38 **SECTION 4.** ORS 419C.103 is amended to read:

39 419C.103. (1) Except as otherwise provided in subsection (2) of this section, if a youth taken into
 40 custody is not released as provided in ORS 419C.100 and the juvenile court for the county has not
 41 established the alternative procedure authorized in subsection (5) of this section, the person taking
 42 the youth into custody shall, without unnecessary delay, do one of the following:

43 (a) Take the youth before the court or a person appointed by the court to effect disposition
 44 under ORS 419C.109 and 419C.136.

45 (b) Take the youth to a place of detention or shelter care or a public or private agency desig-

1 nated by the court and as soon as possible thereafter notify the court that the youth has been taken
2 into custody.

3 (2) If the person taking the youth into custody has probable cause to believe that the youth,
4 while in or on a public building or court facility within the last 120 days, possessed a firearm or
5 destructive device in violation of ORS 166.250, 166.370 or 166.382, the person may not release the
6 youth from custody and shall do one of the following without unnecessary delay:

7 (a) Take the youth before the court for a determination of initial disposition under ORS 419C.109
8 (3); or

9 (b) [Notwithstanding ORS 419C.133,] Take the youth to a place of detention and, as soon as
10 possible thereafter, notify the court and the juvenile department that the youth has been taken into
11 custody and detained.

12 (3) Where a youth residing in some other county is taken into custody the youth may be:

13 (a) Released to the youth's parent, guardian or other responsible person in this state as provided
14 in ORS 419C.100.

15 (b) Delivered to a peace officer or juvenile counselor in the county in which the youth resides,
16 if such delivery can be made without unnecessary delay. In such event, the person to whom the
17 youth is delivered shall assume custody of the youth and shall proceed as provided in this chapter.

18 (4) Where a youth is released or delivered as provided in subsection (3) of this section, the ju-
19 risdiction of the juvenile court of the county in which the youth resides shall attach from the time
20 the youth is taken into custody.

21 (5) The juvenile court may establish, as an alternative to the provisions of subsection (1) of this
22 section, that if a youth taken into custody is not released as provided in ORS 419C.100, procedures
23 shall be followed that comply with the following:

24 (a) The person taking the youth into custody may communicate, by telecommunications or oth-
25 erwise, with the person appointed by the court to effect disposition under ORS 419C.109.

26 (b) After interviewing the person taking the youth into custody and obtaining such other infor-
27 mation as is considered necessary, the person appointed by the court under ORS 419C.109 to effect
28 disposition may exercise the authority granted under that section and shall, in such case, direct that
29 the person taking the youth into custody release the youth or deliver the youth in accordance with
30 such direction.

31 (c) The person taking the youth into custody shall comply with the direction of the person ap-
32 pointed by the court to effect disposition.

33 **SECTION 5.** ORS 419C.133 is amended to read:

34 419C.133. [No youth] **No person** under 12 years of age shall be placed in detention except pur-
35 suant to judicial review and written findings describing why it is in the best interests of the
36 [youth] **person** to be placed in detention. Such review may be ex parte, and the [youth] **person**
37 not need to be present. However, a juvenile court judge or referee must determine that the [youth]
38 **person** is eligible for detention under ORS [419C.145 or] 419C.156 and that appropriate alternative
39 methods of controlling the [youth's] **person's** behavior are unavailable. A [youth] **person** detained
40 under this section shall have the right to a hearing as provided in ORS 419C.153.

41 **SECTION 6. In addition to and not in lieu of any other appropriation, there is appropri-**
42 **ated to the Youth Development Division, for the biennium beginning July 1, 2023, out of the**
43 **General Fund, the amount of \$_____ for the purpose of carrying out the provisions of sec-**
44 **tion 1 of this 2023 Act and the amendments to ORS 417.855 by section 2 of this 2023 Act.**

45 **SECTION 7. (1) Section 1 of this 2023 Act and the amendments to ORS 417.855 and**

1 419C.005 by sections 2 and 3 of this 2023 Act apply to acts committed by a person under 12
2 years of age before, on or after the effective date of this 2023 Act.

3 (2) The amendments to ORS 419C.103 and 419C.133 by sections 4 and 5 of this 2023 Act
4 apply to placements of persons under 12 years of age in detention occurring on or after the
5 effective date of this 2023 Act.

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