

Senate Bill 818

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Tina Kotek for Oregon Youth Authority)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes changes to OYA power to enter into contracts and award grants. (Flesch Readability Score: 65.7).

Modifies provisions regarding the duties and discretion of the Oregon Youth Authority to enter into contracts and award grants.

A BILL FOR AN ACT

1
2 Relating to the Oregon Youth Authority; amending ORS 420A.010.

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

4 **SECTION 1.** ORS 420A.010 is amended to read:

5 420A.010. (1) The Oregon Youth Authority is established. The youth authority shall:

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

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

11 (c) Carry out dispositions of adjudicated youths committed to its legal custody;

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

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

18 (f) Provide adjudicated youths and others in youth authority custody with opportunities for
19 self-improvement and work; and

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

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

23 (a) **Shall** develop a *[flexible fee-for-service provider]* system **of providers** that can respond
24 *[quickly]* to each person's *[identified and changing]* **individual** circumstances;

25 (b) **May make financial grants from funds appropriated to the youth authority by the**
26 **Legislative Assembly to carry out the youth authority's responsibilities; and**

27 *[(b)]* (c) **Shall** develop a process for joint state and county review of contracts entered into un-
28 der subsection (6)(b) of this section and paragraph (a) of this subsection based on:

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

- 3 (i) Academic progress;
- 4 (ii) Social adjustments;
- 5 (iii) Behavioral improvements;
- 6 (iv) Rearrests; and
- 7 (v) Other measurements as determined by the youth authority;

8 (B) Performance measurements including:

- 9 (i) Fiscal accountability;
- 10 (ii) Compliance with state and federal regulations;
- 11 (iii) Record keeping, including data collection and management; and
- 12 (iv) Reporting; and

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

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

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

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

- 23 (a) A juvenile court adjudication and disposition under ORS chapter 419C; or
- 24 (b) ORS 137.124.

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

28 (b) The youth authority is authorized to contract with counties, groups of counties or private
29 providers to administer juvenile corrections programs and services as provided in ORS 420.017,
30 420.019, 420A.145 and 420A.155 (1) to (4).

31 (c) The youth authority may provide consultation services related to the juvenile justice system
32 to local or statewide public or private agencies, groups and individuals or may initiate such con-
33 sultation services. Consultation services include, but are not limited to, conducting studies and
34 surveys, sponsoring or participating in educational programs and providing advice and assistance.
35 Nothing in ORS 419C.001 and 420A.005 to 420A.155 is intended to diminish the state's efforts to plan,
36 evaluate and deliver effective human services programs to adjudicated youths, either in a youth
37 correction facility or on probation or parole. Therefore, the Oregon Youth Authority and the De-
38 partment of Human Services shall jointly develop and implement needed social and rehabilitative
39 services.

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

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

45 (9) The equal access provisions of ORS 417.270 apply to the youth authority's development and

1 administration of youth correction facilities, programs and services, including the development and
 2 implementation of the diversion plan described in ORS 420.017.

3 (10)(a) The youth authority shall:

4 (A) Be cognizant of and sensitive to the issue of overrepresentation of minority adjudicated
 5 youths in youth correction facilities;

6 (B) Endeavor to develop and operate, and require its subcontractors to develop and operate,
 7 culturally appropriate programs for adjudicated youths; and

8 (C)(i) Keep data reflecting the demographics, including race, ethnicity and gender, of all adju-
 9 dicated youths committed to its care;

10 (ii) Keep data reflecting the demographics, including race, ethnicity and gender, of youth au-
 11 thority employees;

12 (iii) Keep data as necessary to monitor the measurable outcomes described in subsection
 13 [(2)(b)(A)] **(2)(c)(A)** of this section; and

14 (iv) Regularly review and compare the measurable outcomes described in subsection [(2)(b)(A)]
 15 **(2)(c)(A)** of this section with rates of recidivism, as defined by the youth authority under ORS
 16 420A.012, and analyze the disparities in outcomes based on the demographics of the persons in the
 17 youth authority's custody.

18 (b) In the development of the programs described in paragraph (a)(B) of this subsection, the
 19 youth authority shall take into consideration the demographic disparities among adjudicated youths
 20 and between adjudicated youths and youth authority employees and how those disparities may affect
 21 the cultural appropriateness of the programs.

22 *[(11) The youth authority may make financial grants to local units of government, nonprofit or-
 23 ganizations and individuals from funds appropriated to the youth authority by the Legislative Assembly
 24 to meet the treatment and care needs of adjudicated youths committed to the custody of the youth au-
 25 thority to be able to respond quickly to each adjudicated youth's identified and changing
 26 circumstances.]*

27 [(12)] **(11)** The youth authority is a designated agency as defined in ORS 181A.010.

28