

House Bill 2049

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., 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**.

Authorizes juvenile community supervision officer to take youth offender who violates parole into custody upon issuance of order or warrant of arrest.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to authority of juvenile community supervision officer with respect to youth offender;
3 amending ORS 420.905, 420.910, 420.915 and 420A.120; and declaring an emergency.

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

5 **SECTION 1.** ORS 420.905 is amended to read:

6 420.905. As used in ORS 420.905 to 420.915[.]:

7 (1) **“Juvenile community supervision officer” means an employee of the Oregon Youth**
8 **Authority who is classified as a juvenile parole and probation officer or a juvenile parole and**
9 **probation assistant.**

10 (2) “Peace officer” means:

11 [(1)] (a) A sheriff, constable or marshal, or the deputy of any such officer;

12 [(2)] (b) A member of the state police;

13 [(3)] (c) A member of the police force of a city or a university that has established a police de-
14 partment under ORS 352.383; or

15 [(4)] (d) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws
16 2011.

17 **SECTION 2.** ORS 420.905, as amended by section 54, chapter 644, Oregon Laws 2011, is
18 amended to read:

19 420.905. As used in ORS 420.905 to 420.915[.]:

20 (1) **“Juvenile community supervision officer” means an employee of the Oregon Youth**
21 **Authority who is classified as a juvenile parole and probation officer or a juvenile parole and**
22 **probation assistant.**

23 (2) “Peace officer” means:

24 [(1)] (a) A sheriff, constable or marshal, or the deputy of any such officer;

25 [(2)] (b) A member of the state police; or

26 [(3)] (c) A member of the police force of a city or a university that has established a police de-
27 partment under ORS 352.383.

28 **SECTION 3.** ORS 420.910 is amended to read:

29 420.910. (1)(a) When a youth offender placed in a youth correction facility has escaped or is
30 absent without authorization from the youth correction facility or from the custody of any person

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 in whose charge the youth offender lawfully has been placed, the superintendent of the youth cor-
 2 rection facility concerned, or the superintendent's authorized representative, may order the arrest
 3 and detention of the youth offender.

4 (b) When a youth offender on parole from a youth correction facility is absent from the custody
 5 of a person in whose charge the youth offender lawfully has been placed, or has failed to abide by
 6 rules of parole supervision or to respond successfully to prior sanctions imposed by the Oregon
 7 Youth Authority pursuant to administrative rule, the superintendent of the youth correction facility
 8 from which the youth offender is on parole, or the superintendent's authorized representative, may
 9 order the arrest and detention of the youth offender.

10 (c) The superintendent or authorized representative may issue an order under this subsection
 11 based on a reasonable belief that grounds exist for issuing the order. Where reasonable, the super-
 12 intendent or representative shall investigate to ascertain whether such grounds exist.

13 (2) *[Any]* **An** order issued by the superintendent of a youth correction facility, or the
 14 superintendent's representative, as authorized by subsection (1) of this section constitutes full au-
 15 thority for the arrest and detention **by a peace officer** of the escapee, absentee or parole violator,
 16 and all laws applicable to warrants of arrest shall apply to such orders.

17 **(3) An order issued by the superintendent of a youth correction facility, or the**
 18 **superintendent's representative, as authorized by subsection (1)(b) and (c) of this section**
 19 **constitutes full authority for a juvenile community supervision officer to take the parole vi-**
 20 **olator into custody.**

21 *[(3)]* **(4)** In lieu of the procedure in subsection (1) of this section, the juvenile court of the county
 22 from which the youth offender or parolee was committed may direct issuance of a warrant of arrest
 23 against the youth offender or parolee when notified by the superintendent *[or authorized represen-*
 24 *tative of the superintendent]* **of the youth correction facility concerned, or the superintendent's**
 25 **authorized representative**, that any youth offender placed in a youth correction facility has es-
 26 caped or is absent without authorization from the institution to which committed, from parole
 27 supervision or from the custody of any person in whose charge the youth offender lawfully has been
 28 placed.

29 **SECTION 4.** ORS 420.915 is amended to read:

30 420.915. (1) Upon issuance of an order or warrant of arrest **under ORS 420.910**, *[any]* a peace
 31 officer may apprehend and deliver to a juvenile detention facility as described in ORS 419A.050 and
 32 419A.052 the escapee, absentee or parole violator *[described in ORS 420.910]* who is under 18 years
 33 of age. If the escapee, absentee or parole violator is 18 years of age or older, *[any]* a peace officer
 34 may deliver *[such]* **the** person to an adult detention facility.

35 **(2) Upon issuance of an order for arrest under ORS 420.910 (1)(b), a juvenile community**
 36 **supervision officer may apprehend and deliver to a juvenile detention facility as described in**
 37 **ORS 419A.050 and 419A.052 the parole violator who is under 18 years of age. If the parole**
 38 **violator is 18 years of age or older, a juvenile community supervision officer may deliver the**
 39 **person to an adult detention facility.**

40 *[(2)]* **(3)** A youth correction facility escapee or absentee described in ORS 420.910 may be held
 41 in a juvenile detention facility as described in ORS 419A.050 and 419A.052 or an adult detention
 42 facility as provided in subsection (1) of this section for up to 36 hours.

43 *[(3)]* **(4)** The parole violator described in ORS 420.910 may be held in a juvenile detention facility
 44 as described in ORS 419A.050 and 419A.052 or an adult detention facility as provided in subsection
 45 **(1) or (2)** of this section no more than 72 hours, excluding Saturdays, Sundays and judicial holidays,

1 except pursuant to such provisions as the Oregon Youth Authority may adopt by rule to govern the
 2 use of detention for parolees and review of revocation of parole.

3 [(4)] (5) The director or authorized representative of the juvenile department in whose juvenile
 4 detention facility the escapee or absentee from a youth correction facility is held, or the adminis-
 5 trator of the adult detention facility in which the escapee or absentee is held, shall immediately
 6 inform the institution to which such escapee or absentee was committed and shall surrender the
 7 escapee or absentee to any person authorized by the superintendent or authorized representative
 8 of such institution to receive the escapee or absentee.

9 [(5)] (6) The director or authorized representative of the juvenile department in whose juvenile
 10 detention facility the parole violator is held, or the administrator of the adult detention facility in
 11 which the violator is held, shall immediately inform the paroling authority.

12 [(6)] (7) Except as provided in subsection [(3)] (4) of this section, the provisions of ORS 419B.175,
 13 419B.183, 419B.185, 419C.109, 419C.136, 419C.139, 419C.145, 419C.150, 419C.153, 419C.170 and
 14 419C.173 do not apply to the detention of an escapee, absentee or parole violator under this section.

15 **SECTION 5.** ORS 420A.120 is amended to read:

16 420A.120. (1) The Oregon Youth Authority, upon being informed and having reasonable grounds
 17 to believe that a youth offender under the youth authority's supervision or control has violated the
 18 conditions of parole or other conditional release from custody, may suspend the youth offender's
 19 parole or conditional release and order that the youth offender be taken into custody and detained.
 20 The written order of the youth authority is sufficient warrant for [any] a law enforcement officer
 21 **or a juvenile community supervision officer as defined in ORS 420.905** to take custody of the
 22 youth offender.

23 (2) The youth authority shall adopt rules establishing standards and procedures for revocation
 24 of parole and conditional release. The rules must be consistent with the requirements of due process
 25 and other applicable law.

26 (3) If the juvenile court has committed a youth offender to the legal custody of the youth au-
 27 thority and has placed the youth offender on probation, and the youth authority has probable cause
 28 to believe that the youth offender has violated a condition of probation, the juvenile court, upon
 29 request of the youth authority, may order that the youth offender be taken into custody as provided
 30 in ORS chapter 419C.

31 **SECTION 6. This 2013 Act being necessary for the immediate preservation of the public**
 32 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
 33 **on its passage.**