

**B-Engrossed**  
**Senate Bill 314**

Ordered by the Senate June 26  
Including Senate Amendments dated April 7 and June 26

Sponsored by Senator WINTERS, Representative NATHANSON; Senators BEYER, DEMBROW, GIROD, HANSELL, KNOPP, MANNING JR, STEINER HAYWARD, TAYLOR, THOMSEN, Representatives BARNHART, LIVELY, NOSSE, OLSON, WHISNANT (Presession filed.)

**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.

Directs Early Learning Division to support Relief Nursery programs statewide. Requires Relief Nursery programs [*to be certified by Oregon Association of Relief Nurseries and*] to participate in statewide independent evaluation. Describes how funding to support Relief Nursery programs may be used.

Excludes statutory forfeiture proceeds distributed to Relief Nursery program from calculation of amount of required matching community financial support.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to Relief Nursery programs; creating new provisions; amending ORS 131A.360, 131A.365 and  
3 417.788; and declaring an emergency.

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

5 **SECTION 1. As used in this section and ORS 417.788:**

6 (1) "At risk" means likely to enter foster care due to multiple risk factors, including but  
7 not limited to:

8 (a) Living in a household that is at or near poverty, as determined under federal poverty  
9 guidelines;

10 (b) Living in inadequate or unsafe housing;

11 (c) Having inadequate nutrition;

12 (d) Living in a household where there is significant or documented domestic conflict,  
13 disruption or violence;

14 (e) Having a parent who suffers from mental illness, who engages in substance abuse or  
15 who experiences a developmental disability or an intellectual disability;

16 (f) Living in circumstances under which there is neglectful or abusive caregiving;

17 (g) Having unmet health care and medical treatment needs; or

18 (h) Having a racial or ethnic minority status that is historically consistent with dis-  
19 proportionate overrepresentation in academic achievement gaps or in the system of child  
20 welfare, foster care or juvenile or adult corrections.

21 (2) "Relief Nursery program" means a program that:

22 (a) Provides services to families with at-risk children who are zero through five years  
23 of age, where the participation and progress of each child and family are tracked and re-  
24 ported through a database that is created and maintained by the Oregon Association of Relief

**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 **Nurseries;**

2 **(b) Is community based and implemented by a nongovernmental entity;**

3 **(c) Is exempt from income tax under section 501(c)(3) of the Internal Revenue Code; and**

4 **(d) Maintains or exceeds the minimum therapeutic program services necessary for cer-**  
5 **tification by the Oregon Association of Relief Nurseries, including but not limited to**  
6 **therapeutic early childhood programs, home visiting and parent education, support and out-**  
7 **reach.**

8 **SECTION 2.** ORS 417.788 is amended to read:

9 417.788. (1) The Early Learning Division shall support *[relief nurseries]* **Relief Nursery pro-**  
10 **grams** statewide as funding becomes available. **Funding to support Relief Nursery programs**  
11 **may include, but is not limited to:**

12 **(a) Administrative costs;**

13 **(b) Costs for direct service personnel, equipment, supplies and operating expenses;**

14 **(c) Start-up costs;**

15 **(d) Classroom furniture and materials;**

16 **(e) Playground equipment;**

17 **(f) Computers; and**

18 **(g) Transportation vehicles.**

19 **(2)** The division may encourage communities to establish *[relief nurseries]* **Relief Nursery pro-**  
20 **grams** for young children who are at risk and their families. *[Adjoining counties]* **Communities** may  
21 choose to establish regional *[relief nurseries]* **Relief Nursery programs**. The *[relief nurseries]* **Relief**  
22 **Nursery programs** shall[.]

23 *[(a)]* be consistent with the voluntary early learning system overseen by the Early Learning  
24 Council[; and].

25 *[(b) Involve the parents of children served by the relief nurseries.]*

26 *[(2) Programs at the relief nurseries shall include:]*

27 *[(a) Therapeutic early childhood education programs; and]*

28 *[(b) Parent education, training and support.]*

29 **(3) Relief Nursery programs shall participate in a statewide independent evaluation con-**  
30 **ducted by the Oregon Association of Relief Nurseries to document improved child safety,**  
31 **reduction in foster care placements, progress in healthy child development and improvement**  
32 **in family functioning and support.**

33 *[(3)]* **(4)** Each *[relief nursery]* **Relief Nursery program** that receives state funding shall have  
34 financial support from the community that, **excluding any amounts distributed to the Relief**  
35 **Nursery program pursuant to ORS 131A.360 (4)(d) and 131A.365 (3)(d),** is at least equal to 25  
36 percent of any state allocation.

37 **(5) The division shall adopt rules necessary for the administration of this section, in-**  
38 **cluding rules requiring that any public funds received by Relief Nursery programs be used**  
39 **to achieve the outcomes identified in subsection (3) of this section.**

40 **SECTION 3.** ORS 131A.360 is amended to read:

41 131A.360. (1) The provisions of this section apply only to a forfeiting agency other than the  
42 state, and apply only to forfeiture proceeds arising out of prohibited conduct as defined by ORS  
43 131A.005 (12)(a).

44 (2) If the forfeiting agency is not a county, the forfeiting agency shall enter into an agreement,  
45 under ORS chapter 190, with the county in which the property was seized to provide a portion of

1 the forfeiture proceeds to the county.

2 (3) After entry of a judgment of forfeiture, a forfeiting agency shall first pay from the forfeiture  
3 proceeds the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the  
4 case, including costs, disbursements and attorney fees as defined in ORCP 68 A, special expenses  
5 such as the provision of currency for undercover law enforcement operations, the cost of disabling  
6 a hidden compartment in a motor vehicle and the expenses of maintaining the seized property. The  
7 forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and  
8 operation of a seizing or forfeiting agency under this subsection.

9 (4) After payment of costs under subsection (3) of this section, the forfeiting agency shall:

10 (a) Deduct an amount equal to five percent of the forfeiture proceeds and deposit that amount  
11 in the Illegal Drug Cleanup Fund established by ORS 475.495 for the purposes specified in ORS  
12 475.495 (5) and (6);

13 (b) Deduct an amount equal to 2.5 percent of the forfeiture proceeds and deposit that amount  
14 in the Asset Forfeiture Oversight Account;

15 (c) Deduct an amount equal to 20 percent of the forfeiture proceeds and deposit that amount in  
16 the Oregon Criminal Justice Commission Account established under ORS 137.662 for disbursement  
17 to drug court programs as described in ORS 3.450; and

18 (d) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in  
19 the Early Learning Division Fund established in ORS 326.435 for disbursement to [*relief nurseries*  
20 *as described in ORS 417.788.*] **Relief Nursery programs as defined in section 1 of this 2017 Act.**

21 (5) If the forfeiting agency has entered into an agreement with a county under subsection (2)  
22 of this section, after paying costs under subsection (3) of this section and making the deductions  
23 required by subsection (4) of this section, the forfeiting agency shall pay the county the amounts  
24 required by the agreement.

25 (6) After making all payments and deductions required by subsections (3), (4) and (5) of this  
26 section, the forfeiting agency may use the remaining forfeiture proceeds, including amounts received  
27 by a county under subsection (5) of this section or by any other public body under an intergovern-  
28 mental agreement entered into under ORS 131A.355, only for:

29 (a) The purchase of equipment necessary for the enforcement of laws relating to the unlawful  
30 delivery, distribution, manufacture or possession of controlled substances;

31 (b) Currency for undercover law enforcement operations;

32 (c) Drug awareness and drug education programs offered in middle schools and high schools;

33 (d) The expenses of a forfeiting agency in operating joint narcotic operations with other for-  
34 feiting agencies pursuant to the terms of an intergovernmental agreement, including paying for  
35 rental space, utilities and office equipment;

36 (e) Expenses of a district attorney in criminal prosecutions for unlawful delivery, distribution,  
37 manufacture or possession of controlled substances, as determined through intergovernmental  
38 agreement between the forfeiting agency and the district attorney;

39 (f) Drug treatment and programs that support drug treatment; and

40 (g) A CASA Volunteer Program as defined in ORS 458.580.

41 (7) Notwithstanding subsection (6) of this section, growing equipment and laboratory equipment  
42 seized by a forfeiting agency that was used, or intended for use, in the manufacturing of controlled  
43 substances may be donated to a public school, community college or institution of higher education.

44 (8) A forfeiting agency shall sell as much property as may be needed to make the distributions  
45 required by this section. Distributions required under subsection (4) of this section must be made

1 once every three months and are due within 20 days of the end of each quarter. No interest shall  
2 accrue on amounts that are paid within the period specified by this subsection.

3 **SECTION 4.** ORS 131A.365 is amended to read:

4 131A.365. (1) The provisions of this section apply only when the forfeiting agency is the state,  
5 and apply only to forfeiture proceeds arising out of prohibited conduct as defined by ORS 131A.005  
6 (12)(a).

7 (2) After entry of a judgment of forfeiture, a forfeiting agency shall first pay from the forfeiture  
8 proceeds the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the  
9 case, including costs, disbursements and attorney fees as defined in ORCP 68 A, special expenses  
10 such as the provision of currency for undercover law enforcement operations, the cost of disabling  
11 a hidden compartment in a motor vehicle and the expenses of maintaining the seized property. The  
12 forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and  
13 operation of a seizing or forfeiting agency under this subsection. Any amount paid to or retained  
14 by the Department of Justice under this subsection shall be deposited in the Criminal Justice Re-  
15 volving Account in the State Treasury. Any amount paid to or retained by the Oregon State Police  
16 under this subsection shall be deposited in the State Police Account.

17 (3) After payment of costs under subsection (2) of this section, the forfeiting agency shall:

18 (a) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in  
19 the Illegal Drug Cleanup Fund established by ORS 475.495 for the purposes specified in ORS 475.495  
20 (5) and (6);

21 (b) Deduct an amount equal to three percent of the forfeiture proceeds, not to exceed \$50,000  
22 in a biennium, and deposit that amount in the Asset Forfeiture Oversight Account;

23 (c) Deduct an amount equal to 20 percent of the forfeiture proceeds and deposit that amount in  
24 the Oregon Criminal Justice Commission Account established under ORS 137.662 for disbursement  
25 to drug court programs as described in ORS 3.450; and

26 (d) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in  
27 the Early Learning Division Fund established in ORS 326.435 for disbursement to [*relief nurseries*  
28 *as described in ORS 417.788.*] **Relief Nursery programs as defined in section 1 of this 2017 Act.**

29 (4) If the forfeiting agency has entered into an intergovernmental agreement with another public  
30 body under ORS 131A.355, or has entered into an agreement with any other law enforcement agency  
31 of the state relating to distribution of forfeiture proceeds, after paying costs under subsection (2)  
32 of this section and making the deductions required by subsection (3) of this section, the forfeiting  
33 agency shall pay an equitable portion of the forfeiture proceeds to each agency participating in the  
34 seizure or forfeiture as provided by the agreement.

35 (5) After making all payments and deductions required by subsections (2), (3) and (4) of this  
36 section, the forfeiting agency shall distribute the remaining forfeiture proceeds as follows:

37 (a) If no law enforcement agency other than the Department of Justice participated in the sei-  
38 zure or forfeiture, the remaining forfeiture proceeds, and forfeiture proceeds received by the De-  
39 partment of Justice under subsection (4) of this section, shall be divided between the Criminal  
40 Justice Revolving Account and the Special Crime and Forfeiture Account according to the following  
41 schedule:

42 (A) One hundred percent of the first \$200,000 accumulated shall be deposited in the Criminal  
43 Justice Revolving Account.

44 (B) Seventy-five percent of the next \$200,000 shall be deposited in the Criminal Justice Revolv-  
45 ing Account and the balance in the Special Crime and Forfeiture Account.

1 (C) Fifty percent of the next \$200,000 shall be deposited in the Criminal Justice Revolving Ac-  
2 count and the balance in the Special Crime and Forfeiture Account.

3 (D) Twenty-five percent of the next \$200,000 shall be deposited in the Criminal Justice Revolving  
4 Account and the balance in the Special Crime and Forfeiture Account.

5 (E) One hundred percent of all additional sums shall be deposited in the Special Crime and  
6 Forfeiture Account.

7 (b) If no law enforcement agency other than the Department of State Police participated in the  
8 seizure or forfeiture, the remaining proceeds, and proceeds received by the Department of State  
9 Police under subsection (4) of this section, shall be divided between the State Police Account and  
10 the Special Crime and Forfeiture Account according to the following schedule:

11 (A) One hundred percent of the first \$600,000 accumulated shall be deposited in the State Police  
12 Account.

13 (B) Seventy-five percent of the next \$300,000 shall be deposited in the State Police Account and  
14 the balance in the Special Crime and Forfeiture Account.

15 (C) Fifty percent of the next \$200,000 shall be deposited in the State Police Account and the  
16 balance in the Special Crime and Forfeiture Account.

17 (D) Twenty-five percent of the next \$200,000 shall be deposited in the State Police Account and  
18 the balance in the Special Crime and Forfeiture Account.

19 (E) One hundred percent of all additional sums shall be deposited in the Special Crime and  
20 Forfeiture Account.

21 (6) Forfeiture proceeds distributed under subsection (5) of this section may be used only for:

22 (a) The purchase of equipment necessary for the enforcement of laws relating to the unlawful  
23 delivery, distribution, manufacture or possession of controlled substances;

24 (b) Currency for undercover law enforcement operations;

25 (c) Drug awareness and drug education programs offered in middle schools and high schools; and

26 (d) The expenses of a forfeiting agency in operating joint narcotic operations with other for-  
27 feiting agencies pursuant to the terms of an intergovernmental agreement, including paying for  
28 rental space, utilities and office equipment.

29 (7) A forfeiting agency shall sell as much property as may be needed to make the distributions  
30 required by this section. Distributions required under subsection (3) of this section must be made  
31 once every three months and are due within 20 days of the end of each quarter. No interest shall  
32 accrue on amounts that are paid within the period specified by this subsection.

33 **SECTION 5. (1) Section 1 of this 2017 Act and the amendments to ORS 131A.360, 131A.365**  
34 **and 417.788 by sections 2 to 4 of this 2017 Act become operative on December 1, 2017.**

35 **(2) The Early Learning Division may adopt rules and take any action before the operative**  
36 **date specified in subsection (1) of this section that is necessary to enable the division, on or**  
37 **after the operative date specified in subsection (1) of this section, to exercise all of the du-**  
38 **ties, powers and function conferred on the division by section 1 of this 2017 Act and the**  
39 **amendments to ORS 131A.360, 131A.365 and 417.788 by sections 2 to 4 of this 2017 Act.**

40 **SECTION 6. This 2017 Act being necessary for the immediate preservation of the public**  
41 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
42 **on its passage.**