

Senate Bill 314

Sponsored by Senator WINTERS, Representative NATHANSON; Senators BEYER, DEMBROW, GIROD, HANSELL, KNOPP, STEINER HAYWARD, Representatives BARNHART, LIVELY, NOSSE, OLSON, WHISNANT (Pre-session 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 **as introduced**.

Directs Early Learning Division to establish Relief Nursery programs statewide that are certified by Oregon Association of Relief Nurseries and provide trauma-informed services to at-risk children statewide. Describes how funding to support Relief Nursery programs may be used.

Requires Early Learning Division to enter into contracts with Relief Nursery programs.

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

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 repealing section 28, chapter 624, Oregon Laws 2013.

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

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

5
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 development 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 systems of child
20 welfare, foster care or juvenile or adult corrections.**

21 (2) **"Relief Nursery program" means a program that has been established by the Early
22 Learning Division under ORS 417.788 and that provides trauma-informed services to families
23 with at-risk children, who are zero through five years of age, where the participation and
24 progress of each child and family is tracked and reported through a statewide database.**

25 (3) **"Trauma-informed services" means services that include but are not limited to:**

26 (a) **Child screenings and assessments for appropriate development using research-based
27 tools;**

28 (b) **Therapeutic early childhood classrooms with a minimum of three adults, at least two**

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 of whom are staff, per:

2 (A) Six children, ages 6 weeks to 24 months;

3 (B) Eight children, ages 24 to 36 months; or

4 (C) Eleven children, ages 3 to 5 years;

5 (c) Classroom curriculum that integrates focused interventions for children with emo-
6 tional, social and behavioral concerns or delays;

7 (d) Individual goals for each child that are developed and recorded in the child's records;

8 (e) Classroom teachers that provide home visiting services including parental support and
9 education regarding child development, individual and family goal setting and support, prob-
10 lem solving, referrals and resources, family stabilization and improvement of parent and
11 child interactions;

12 (f) Parent education and support through home visiting and groups, using evidence-based
13 curriculum that is appropriate to the needs of the family;

14 (g) Basic needs support and services including resource referral, short- and long-term
15 problem solving and emergency food and clothing as available;

16 (h) After a Relief Nursery program's third year of operation, outreach and crisis re-
17 sponse services including immediate services for family stabilization, including but not lim-
18 ited to respite, face-to-face meetings, resource and referral support, phone consultation and
19 follow-up; and

20 (i) After a Relief Nursery program's third year of operation, transportation support ser-
21 vices, including bus services for children, bus tokens or gas vouchers.

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

23 417.788. (1) The Early Learning Division shall [*support relief nurseries statewide as funding be-*
24 *comes available*] **establish Relief Nursery programs in all counties of the state as funding be-**
25 **comes available in accordance with this section. Relief Nursery programs must be certified**
26 **by the Oregon Association of Relief Nurseries. Funding to support Relief Nursery programs**
27 **may include, but is not limited to, reimbursement for start-up costs, classroom furniture and**
28 **materials, playground equipment, computers and transportation vehicles, and funding for**
29 **direct services and trauma-informed services to children and families.**

30 (2) The division shall enter into contracts with Relief Nursery programs in order to en-
31 sure service continuity and efficient delivery of contracted services.

32 (3) The division may encourage communities to establish [*relief nurseries*] **Relief Nursery pro-**
33 **grams** for young children who are [*at risk*] **at-risk** and their families. Adjoining counties may
34 choose to establish regional [*relief nurseries*] **Relief Nursery programs.** The [*relief nurseries*] **Relief**
35 **Nursery programs** shall:

36 (a) Be consistent with the voluntary early learning system overseen by the Early Learning
37 Council; and

38 (b) Involve the parents of children served by the relief nurseries.

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

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

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

42 (4) **Relief Nursery programs shall:**

43 (a) **Provide trauma-informed services to at-risk children; and**

44 (b) **Participate in a statewide independent evaluation to document improved child safety,**
45 **reduction in foster care placements, progress in healthy child development and improvement**

1 **in family functioning and support.**

2 [(3)] (5) Each [*relief nursery*] **Relief Nursery program** that receives state funding shall have
 3 financial support from the community that, **excluding any amounts distributed to the Relief**
 4 **Nursery program pursuant to ORS 131A.360 (4)(d) and 131A.365 (3)(d)**, is at least equal to 25
 5 percent of any state allocation.

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

7 131A.360. (1) The provisions of this section apply only to a forfeiting agency other than the
 8 state, and apply only to forfeiture proceeds arising out of prohibited conduct as defined by ORS
 9 131A.005 (12)(a).

10 (2) If the forfeiting agency is not a county, the forfeiting agency shall enter into an agreement,
 11 under ORS chapter 190, with the county in which the property was seized to provide a portion of
 12 the forfeiture proceeds to the county.

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

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

21 (a) Deduct an amount equal to five percent of the forfeiture proceeds and deposit that amount
 22 in the Illegal Drug Cleanup Fund established by ORS 475.495 for the purposes specified in ORS
 23 475.495 (5) and (6);

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

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

29 (d) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in
 30 the Early Learning Division Fund established in ORS 326.435 for disbursement to [*relief nurseries*]
 31 **Relief Nursery programs** as described in ORS 417.788.

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

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

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

42 (b) Currency for undercover law enforcement operations;

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

44 (d) The expenses of a forfeiting agency in operating joint narcotic operations with other for-
 45 feiting agencies pursuant to the terms of an intergovernmental agreement, including paying for

1 rental space, utilities and office equipment;

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

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

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

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

10 (8) A forfeiting agency shall sell as much property as may be needed to make the distributions
11 required by this section. Distributions required under subsection (4) of this section must be made
12 once every three months and are due within 20 days of the end of each quarter. No interest shall
13 accrue on amounts that are paid within the period specified by this subsection.

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

15 131A.365. (1) The provisions of this section apply only when the forfeiting agency is the state,
16 and apply only to forfeiture proceeds arising out of prohibited conduct as defined by ORS 131A.005
17 (12)(a).

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

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

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

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

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

37 (d) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in
38 the Early Learning Division Fund established in ORS 326.435 for disbursement to [*relief nurseries*]
39 **Relief Nursery programs** as described in ORS 417.788.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (b) Currency for undercover law enforcement operations;

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

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

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

44 **SECTION 5. Section 28, chapter 624, Oregon Laws 2013, is repealed.**