

A-Engrossed
House Bill 3029

Ordered by the House June 10
Including House Amendments dated June 10

Sponsored by Representative WHISNANT; Representative MARCH (at the request of Oregon Commission on Children and Families)

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.

Transfers Juvenile Crime Prevention Advisory Committee from Oregon Criminal Justice Commission to State Commission on Children and Families.

Declares emergency, effective July 1, 2005.

A BILL FOR AN ACT

1
2 Relating to Juvenile Crime Prevention Advisory Committee; creating new provisions; amending ORS
3 137.656, 182.515, 182.525, 329.156, 417.735, 417.845, 417.855 and 419C.453 and section 40, chapter
4 1053, Oregon Laws 1999, and sections 5 and 6, chapter 669, Oregon Laws 2003; and declaring
5 an emergency.

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

7 **SECTION 1. The duties, functions and powers of the Oregon Criminal Justice Commission**
8 **relating to the Juvenile Crime Prevention Advisory Committee are imposed upon, transferred**
9 **to and vested in the State Commission on Children and Families.**

10 **SECTION 2. (1) The executive director of the Oregon Criminal Justice Commission shall:**

11 **(a) Deliver to the State Commission on Children and Families all records and property**
12 **within the jurisdiction of the executive director that relate to the duties, functions and**
13 **powers transferred by section 1 of this 2005 Act; and**

14 **(b) Transfer to the State Commission on Children and Families those employees engaged**
15 **primarily in the exercise of the duties, functions and powers transferred by section 1 of this**
16 **2005 Act.**

17 **(2) The staff director of the State Commission on Children and Families shall take pos-**
18 **session of the records and property, and shall take charge of the employees and employ them**
19 **in the exercise of the duties, functions and powers transferred by section 1 of this 2005 Act,**
20 **without reduction of compensation but subject to change or termination of employment or**
21 **compensation as provided by law.**

22 **(3) The Governor shall resolve any dispute between the Oregon Criminal Justice Com-**
23 **mission and the State Commission on Children and Families relating to transfers of records,**
24 **property and employees under this section, and the Governor's decision is final.**

25 **SECTION 3. (1) The unexpended balances of amounts authorized to be expended by the**
26 **Oregon Criminal Justice Commission for the biennium beginning July 1, 2005, from revenues**
27 **dedicated, continuously appropriated, appropriated or otherwise made available for the pur-**

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 pose of administering and enforcing the duties, functions and powers transferred by section
 2 1 of this 2005 Act are appropriated and transferred to and are available for expenditure by
 3 the State Commission on Children and Families for the biennium beginning July 1, 2005, for
 4 the purpose of administering and enforcing the duties, functions and powers transferred by
 5 section 1 of this 2005 Act.

6 (2) The expenditure classifications, if any, established by Acts authorizing or limiting
 7 expenditures by the Oregon Criminal Justice Commission remain applicable to expenditures
 8 by the State Commission on Children and Families under this section.

9 **SECTION 4.** The transfer of duties, functions and powers to the State Commission on
 10 Children and Families by section 1 of this 2005 Act does not affect any action, proceeding or
 11 prosecution involving or with respect to such duties, functions and powers begun before and
 12 pending at the time of the transfer, except that the State Commission on Children and
 13 Families is substituted for the Oregon Criminal Justice Commission in the action, proceeding
 14 or prosecution.

15 **SECTION 5.** (1) Nothing in sections 1 to 7 of this 2005 Act relieves a person of a liability,
 16 duty or obligation accruing under or with respect to the duties, functions and powers
 17 transferred by section 1 of this 2005 Act. The State Commission on Children and Families
 18 may undertake the collection or enforcement of any such liability, duty or obligation.

19 (2) The rights and obligations of the Oregon Criminal Justice Commission legally incurred
 20 under contracts, leases and business transactions executed, entered into or begun before the
 21 effective date of section 1 of this 2005 Act accruing under or with respect to the duties,
 22 functions and powers transferred by section 1 of this 2005 Act are transferred to the State
 23 Commission on Children and Families. For the purpose of succession to these rights and
 24 obligations, the State Commission on Children and Families is a continuation of the Oregon
 25 Criminal Justice Commission and not a new authority.

26 **SECTION 6.** Notwithstanding the transfer of duties, functions and powers by section 1
 27 of this 2005 Act, the rules of the Oregon Criminal Justice Commission with respect to such
 28 duties, functions or powers that are in effect on the effective date of section 1 of this 2005
 29 Act continue in effect until superseded or repealed by rules of the State Commission on
 30 Children and Families. References in such rules of the Oregon Criminal Justice Commission
 31 to the Oregon Criminal Justice Commission or an officer or employee of the Oregon Criminal
 32 Justice Commission are considered to be references to the State Commission on Children and
 33 Families or an officer or employee of the State Commission on Children and Families.

34 **SECTION 7.** Whenever, in any uncodified law or resolution of the Legislative Assembly
 35 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in
 36 the context of the duties, functions and powers transferred by section 1 of this 2005 Act,
 37 reference is made to the Oregon Criminal Justice Commission, or an officer or employee of
 38 the Oregon Criminal Justice Commission, whose duties, functions or powers are transferred
 39 by section 1 of this 2005 Act, the reference is considered to be a reference to the State
 40 Commission on Children and Families or an officer or employee of the State Commission on
 41 Children and Families who by this 2005 Act is charged with carrying out such duties, func-
 42 tions and powers.

43 **SECTION 8.** ORS 417.845 is amended to read:

44 417.845. (1) The Juvenile Crime Prevention Advisory Committee is created within the [*Oregon*
 45 *Criminal Justice Commission*] **State Commission on Children and Families.**

1 (2) The committee shall have the following members:

2 (a) The Director of the Oregon Youth Authority or a designee of the director;

3 (b) The staff director of the State Commission on Children and Families or a designee of the staff
4 director;

5 (c) The Director of Human Services or one or more designees of the director, one of whom has
6 expertise in treatment and prevention of substance abuse;

7 (d) The executive director of the Oregon Criminal Justice Commission or a designee of the
8 executive director;

9 (e) The Superintendent of Public Instruction or a designee of the superintendent;

10 (f) The Superintendent of State Police or a designee of the superintendent;

11 (g) The Director of the Department of Corrections or a designee of the director;

12 (h) One designee of the Governor;

13 (i) One member appointed by the President of the Senate, who shall be a member of the Senate
14 and who shall be a nonvoting, advisory member;

15 (j) One member appointed by the Speaker of the House of Representatives, who shall be a
16 member of the House of Representatives and who shall be a nonvoting, advisory member; and

17 (k) One designee of the Chief Justice of the Supreme Court from the Judicial Department who
18 serves as a nonvoting member to provide information and support the partnership role of the courts
19 in an effective comprehensive statewide approach to high-risk youth and their families.

20 (3) In addition to the members listed in subsection (2) of this section, the Governor shall appoint
21 the following members who shall be representative of the geographic and cultural diversity of the
22 state:

23 (a) To represent local public and private entities:

24 (A) A county commissioner;

25 (B) A local juvenile director;

26 (C) A director of a local commission on children and families;

27 (D) Two law enforcement officials;

28 (E) A county mental health director;

29 (F) An alcohol and drug abuse professional;

30 (G) A school superintendent;

31 (H) A private youth service provider; and

32 (I) An elected city official;

33 (b) A researcher;

34 (c) A citizen member; and

35 (d) Other members as determined by the Governor.

36 (4) Each member of the committee appointed by the Governor under subsection (3) of this sec-
37 tion shall serve a term of four years. Members appointed by the Governor shall serve at the pleasure
38 of the Governor. A vacancy in the office of any member appointed by the Governor under subsection
39 (3) of this section shall be filled by the Governor by appointment for the unexpired term.

40 (5) The Governor shall select one of the members of the committee as chairperson and one of
41 its members as vice chairperson.

42 (6) The committee shall meet at times, places and intervals deemed advisable by a majority of
43 the members.

44 (7) The [*Oregon Criminal Justice Commission*] **State Commission on Children and Families**
45 shall provide staff support to the committee.

1 **SECTION 9.** ORS 417.735 is amended to read:

2 417.735. (1) The State Commission on Children and Families shall promote the wellness of chil-
3 dren and families at the state level and shall act in accordance with the principles, characteristics
4 and values identified in ORS 417.708 to 417.725. The state commission shall provide no direct ser-
5 vices.

6 (2)(a) Funds for local commissions shall consist of payments from moneys appropriated
7 [therefor] **for local commissions** to the State Commission on Children and Families by the Legis-
8 lative Assembly. The state commission shall develop an equitable formula for the distribution of
9 funds to counties or regions for services for children and families, and a minimum annual grant shall
10 be provided to each county or region.

11 (b) The state commission shall provide technical assistance and research-based information to
12 local commissions to support the development of county goals, performance measures and outcomes
13 for services and programs.

14 (c) The state commission may withhold funds from a local commission if services and programs
15 funded through the local commission do not meet appropriate performance measures and outcomes.

16 (3) The state commission shall:

17 (a) Set guidelines for the planning, coordination and delivery of services by local commissions
18 in partnership with other planning bodies and agencies providing services for children and families.
19 The guidelines shall be consistent with the key elements of the service system developed and im-
20 plemented under ORS 417.705 to 417.797. In conjunction with other planning bodies and agencies
21 providing social supports, the state commission shall use the local coordinated comprehensive plans
22 to advise agencies, the Legislative Assembly and the Governor;

23 (b) Advise the Legislative Assembly and the Governor concerning possible solutions to problems
24 facing children and families;

25 (c) In consultation with other agencies, identify high-level and intermediate outcomes relating
26 to children and families and monitor the progress of local coordinated comprehensive plans in
27 meeting intermediate outcome targets;

28 (d) Encourage the development of innovative projects, based on proven practices of effective-
29 ness, that benefit children and families;

30 (e) Ensure that all services for children and families are integrated and evaluated according to
31 their outcomes;

32 (f) Compile, analyze and distribute information that informs and supports statewide coordinated
33 planning;

34 (g) Establish a uniform system of reporting and collecting statistical data from counties and
35 other agencies serving children and families;

36 (h) Provide a process whereby the Department of Human Services, Juvenile Crime Prevention
37 Advisory Committee, Oregon Youth Authority, Department of Education, Department of Community
38 Colleges and Workforce Development, Employment Department, Housing and Community Services
39 Department and Economic and Community Development Department review all findings from data
40 collected by the local commissions through the local coordinated comprehensive plans. The infor-
41 mation gathered in this review shall be considered by those agencies in designing future economic
42 resources and services and in the coordination of services;

43 (i) Make recommendations to the Commission for Child Care for the development of the state's
44 biennial child care plan; and

45 (j) Communicate information and policy advice on current research and proven practices of ef-

1 fectiveness, from both inside and outside the state, including successful local strategies, to local
2 commissions, the Governor, the Legislative Assembly, state agencies and the public. The information
3 shall include progress in meeting intermediate outcome targets identified in the local coordinated
4 comprehensive plans.

5 (4)(a) The state commission shall develop a review and approval process for local coordinated
6 comprehensive plans that includes:

7 (A) A requirement that the local plan has been approved by the board or boards of county
8 commissioners;

9 (B) Assurance that the local plan meets essential criteria and approval required by appropriate
10 entities and meets appropriate systems and planning connections; and

11 (C) Review of state expenditures of resources allocated to the local commissions on children and
12 families.

13 (b) The state commission shall develop the process under this subsection in consultation with
14 other entities involved in the review and approval process.

15 (c) The state commission shall act on any waiver request from a local commission within 90 days
16 after receipt of the request.

17 (d) The state commission may disapprove a local plan for failure to address the elements de-
18 scribed in paragraph (a) of this subsection within 90 days after receipt of the request.

19 (5) The state commission, in coordination with the local commissions on children and families,
20 shall:

21 (a) Assist the local commissions in the development and implementation of performance meas-
22 ures and outcomes for evaluating services at the local level;

23 (b) Monitor the progress in meeting intermediate outcome targets in the local coordinated
24 comprehensive plans;

25 (c) In conjunction with the Department of Human Services and using the staff resources and
26 other resources of the state commission, educate, inform and provide technical assistance to local
27 commissions, including but not limited to technical assistance with:

28 (A) Federal and state laws, regulations and rules, and changes therein, governing the use of
29 federal and state funds;

30 (B) Facilitation;

31 (C) Planning;

32 (D) Policy development;

33 (E) Proven practices of effectiveness;

34 (F) Local systems development;

35 (G) Community problem solving and mobilization; and

36 (H) Other services, as appropriate;

37 (d) Conduct research and disseminate information to local commissions on children and families;

38 (e) Negotiate federal waivers in consultation with the Department of Human Services; and

39 (f) Develop a process for reviewing requests for waivers from requirements of the state com-
40 mission. Requests for waivers shall be granted or denied as a part of the approval process for a local
41 coordinated comprehensive plan. The state commission shall not grant a request for waiver that al-
42 lows funds to be used for any purpose other than early childhood prevention, intervention and
43 treatment programs.

44 (6) The state commission shall employ a staff director who shall be responsible for hiring and
45 supervising any additional personnel necessary to assist the state commission in performing its du-

1 ties. The staff director shall be responsible for management functions of the state commission sub-
2 ject to policy direction by the state commission.

3 (7) To the extent that federal funding is not jeopardized, the State Commission on Children and
4 Families shall enter into an interagency agreement with the Department of Human Services in
5 which they agree on a system to:

6 (a) Distribute all Title XX Social Services Block Grant funds;

7 (b) Ensure that federal and state requirements are met for federal funds administered by the
8 state commission; and

9 (c) Carry out the necessary auditing, monitoring and information requirements for federal funds
10 distributed by the state commission.

11 (8) In addition to the authority under subsection (5)(e) of this section, the state commission may
12 direct the Department of Human Services or the appropriate state department providing services for
13 children and families to negotiate federal waivers. If the Department of Human Services or any
14 other state agency does not pursue a federal waiver recommended by the state commission, the state
15 commission may ask the Governor to direct the Department of Human Services or other state
16 agency to apply for and negotiate the waiver.

17 (9) If the Department of Human Services or any other state agency refuses to distribute state
18 or federal funds as requested by the state commission, the state commission may ask the Governor
19 to direct the Department of Human Services or other state agency to distribute the funds.

20 (10) The programs shall be funded as fully as possible by Title XX of the federal Social Security
21 Act, consistent with the terms and conditions of the block grant program and the local coordinated
22 comprehensive plans that reflect community priorities established by the local planning process.

23 (11) In conjunction with the Department of Human Services, the state commission, as soon as
24 possible, shall develop a plan to re-engineer and integrate the data processing systems related to
25 children's programs with the objective of making management information more accessible. The
26 state commission shall make regular presentations to the Joint Legislative Committee on Informa-
27 tion Management and Technology on its progress in developing and implementing the plan.

28 (12) Before each regular session of the Legislative Assembly, the state commission shall report,
29 to the Governor and to the appropriate joint interim committee as determined by the Speaker of the
30 House of Representatives and the President of the Senate, the following:

31 (a) Any additional proposals contained in "A Positive Future for Oregon's Children and
32 Families" by the 1991-1992 Oregon Children's Care Team Interim Task Force that should be under-
33 taken;

34 (b) The status in all counties of local service systems related to the health and wellness of
35 children and the adequacy of financial resources to deliver services;

36 (c) The progress in achieving desired outcomes, including but not limited to the statewide
37 guidelines set by the state commission under ORS 417.710 (1);

38 (d) Barriers to achieving intermediate and high-level outcome targets as identified in local co-
39 ordinated comprehensive plans;

40 (e) Proposed solutions to barriers identified under paragraph (d) of this subsection, including
41 proven, effective and innovative strategies; and

42 (f) County and community mobilization to increase public awareness and involvement and fund-
43 ing of community determined priorities.

44 (13)(a) The state commission may solicit, accept and receive federal moneys or moneys or other
45 property from persons or corporations, public or private, for the purpose of carrying out the pro-

1 visions of ORS 417.705 to 417.797 and 419A.170.

2 (b) All federal moneys collected or received under paragraph (a) of this subsection shall be ac-
3 cepted and transferred or expended by the state commission upon such terms and conditions as are
4 prescribed by the federal government.

5 (c) All moneys and other property accepted by the state commission under this subsection shall
6 be transferred, expended or used upon such terms and conditions as are prescribed by the donor in
7 a manner consistent with applicable law.

8 **(14) The state commission shall:**

9 **(a) Implement the recommendations of the Juvenile Crime Prevention Advisory Com-**
10 **mittee, as approved by the Governor; and**

11 **(b) In cooperation with other state and federal agencies, coordinate technical assistance**
12 **efforts on a statewide and county-specific basis relating to juvenile crime prevention pro-**
13 **grams and services.**

14 **(15) The state commission may contract with local governments or other entities to ad-**
15 **minister juvenile crime prevention programs and services. In accordance with the applicable**
16 **provisions of ORS chapter 183, the state commission may adopt rules necessary for the ad-**
17 **ministration of juvenile crime prevention programs and services.**

18 **SECTION 10.** ORS 417.855 is amended to read:

19 417.855. (1) Each board of county commissioners shall designate an agency or organization to
20 serve as the lead planning organization to facilitate the creation of a partnership among state and
21 local public and private entities in each county. The partnership shall include, but is not limited to,
22 local commissions on children and families, education representatives, public health representatives,
23 local alcohol and drug planning committees, representatives of the court system, local mental health
24 planning committees, city or municipal representatives and local public safety coordinating councils.
25 The partnership shall develop a local high-risk juvenile crime prevention plan that shall be incor-
26 porated into the local coordinated comprehensive plans created pursuant to ORS 417.775.

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

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

30 (A) Antisocial behavior;

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

32 (C) Failure in school;

33 (D) Substance abuse problems; or

34 (E) Negative peer association; and

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

38 (3)(a) The [*Oregon Criminal Justice Commission*] **State Commission on Children and Families**
39 shall allocate funds available to support the local high-risk juvenile crime prevention plans to
40 counties based on the youth population age 18 or younger in those counties.

41 (b) The **state** commission shall award a minimum grant to small counties. The minimum grant
42 level shall be determined by the Juvenile Crime Prevention Advisory Committee through a public
43 process and reviewed by the committee biennially.

44 **SECTION 11.** ORS 137.656 is amended to read:

45 137.656. (1) The purpose of the Oregon Criminal Justice Commission is to improve the effec-

1 tiveness and efficiency of state and local criminal justice systems by providing a centralized and
2 impartial forum for statewide policy development and planning.

3 (2) The primary duty of the commission is to develop and maintain a state criminal justice policy
4 and comprehensive, long-range plan for a coordinated state criminal justice system that encompasses
5 public safety, offender accountability, crime reduction and prevention and offender treatment and
6 rehabilitation. The plan must include, but need not be limited to, recommendations regarding:

7 (a) Capacity, utilization and type of state and local prison and jail facilities;

8 (b) Implementation of community corrections programs;

9 (c) Alternatives to the use of prison and jail facilities;

10 (d) Appropriate use of existing facilities and programs;

11 (e) Whether additional or different facilities and programs are necessary;

12 (f) Methods of assessing the effectiveness of juvenile and adult correctional programs, devices
13 and sanctions in reducing future criminal conduct by juvenile and adult offenders; and

14 (g) Methods of reducing the risk of future criminal conduct.

15 (3) Other duties of the commission are:

16 (a) To conduct joint studies by agreement with other state agencies, boards or commissions on
17 any matter within the jurisdiction of the commission.

18 (b) To provide Oregon criminal justice analytical and statistical information to federal agencies
19 and serve as a clearinghouse and information center for the collection, preparation, analysis and
20 dissemination on state and local sentencing practices.

21 (c) To provide technical assistance and support to local public safety coordinating councils.

22 [(d) To implement the recommendations of the Juvenile Crime Prevention Advisory Committee, as
23 approved by the Governor.]

24 [(e) In cooperation with other state and federal agencies, to coordinate technical assistance efforts
25 on a statewide and county-specific basis relating to juvenile crime prevention programs and services.]

26 [(4) The commission may contract with local governments or other entities to administer juvenile
27 crime prevention programs and services. In accordance with the applicable provisions of ORS chapter
28 183, the commission may adopt rules necessary for the administration of juvenile crime prevention
29 programs and services.]

30 **SECTION 12.** ORS 182.515 is amended to read:

31 182.515. As used in this section and ORS 182.525:

32 (1) "Agency" means:

33 (a) The Department of Corrections;

34 (b) The Oregon Youth Authority;

35 (c) The State Commission on Children and Families; **and**

36 (d) That part of the Department of Human Services that deals with mental health and addiction
37 issues[; and]

38 [(e) *The Oregon Criminal Justice Commission*].

39 (2) "Cost effective" means that cost savings realized over a reasonable period of time are
40 greater than costs.

41 (3) "Evidence-based program" means a program that:

42 (a) Incorporates significant and relevant practices based on scientifically based research; and

43 (b) Is cost effective.

44 (4)(a) "Program" means a treatment or intervention program or service that is intended to:

45 (A) Reduce the propensity of a person to commit crimes;

1 (B) Improve the mental health of a person with the result of reducing the likelihood that the
2 person will commit a crime or need emergency mental health services; or

3 (C) Reduce the propensity of a person who is less than 18 years of age to engage in antisocial
4 behavior with the result of reducing the likelihood that the person will become a juvenile offender.

5 (b) "Program" does not include:

6 (A) An educational program or service that an agency is required to provide to meet educational
7 requirements imposed by state law; or

8 (B) A program that provides basic medical services.

9 (5) "Scientifically based research" means research that obtains reliable and valid knowledge by:

10 (a) Employing systematic, empirical methods that draw on observation or experiment;

11 (b) Involving rigorous data analyses that are adequate to test the stated hypotheses and justify
12 the general conclusions drawn; and

13 (c) Relying on measurements or observational methods that provide reliable and valid data
14 across evaluators and observers, across multiple measurements and observations and across studies
15 by the same or different investigators.

16 **SECTION 13.** ORS 182.525 is amended to read:

17 182.525. (1) The Department of Corrections, the Oregon Youth Authority, the State Commission
18 on Children and Families[,] **and** that part of the Department of Human Services that deals with
19 mental health and addiction issues [*and the Oregon Criminal Justice Commission*] shall spend at least
20 75 percent of state moneys that each agency receives for programs on evidence-based programs.

21 (2) Each agency shall submit a biennial report containing:

22 (a) An assessment of each program on which the agency expends funds, including but not limited
23 to whether the program is an evidence-based program;

24 (b) The percentage of state moneys the agency receives for programs that is being expended on
25 evidence-based programs;

26 (c) The percentage of federal and other moneys the agency receives for programs that is being
27 expended on evidence-based programs; and

28 (d) A description of the efforts the agency is making to meet the requirement of subsection (1)
29 of this section.

30 (3) The agencies shall submit the reports required by subsection (2) of this section no later than
31 September 30 of each even-numbered year to the interim legislative committee dealing with judicial
32 matters.

33 (4) If an agency, in any biennium, spends more than 25 percent of the state moneys that the
34 agency receives for programs on programs that are not evidence based, the Legislative Assembly
35 shall consider the agency's failure to meet the requirement of subsection (1) of this section in mak-
36 ing appropriations to the agency for the following biennium.

37 (5) Each agency may adopt rules necessary to carry out the provisions of this section, including
38 but not limited to rules defining a reasonable period of time for purposes of determining cost effec-
39 tiveness.

40 **SECTION 14.** Section 5, chapter 669, Oregon Laws 2003, is amended to read:

41 **Sec. 5.** (1) For the biennium beginning July 1, 2005, the Department of Corrections, the Oregon
42 Youth Authority, the State Commission on Children and Families[,] **and** that part of the Department
43 of Human Services that deals with mental health and addiction issues [*and the Oregon Criminal*
44 *Justice Commission*] shall spend at least 25 percent of state moneys that each agency receives for
45 programs on evidence-based programs.

1 (2) Each agency shall submit a report containing:

2 (a) An assessment of each program on which the agency expends funds, including but not limited
3 to whether the program is an evidence-based program;

4 (b) The percentage of state moneys the agency receives for programs that is being expended on
5 evidence-based programs;

6 (c) The percentage of federal and other moneys the agency receives for programs that is being
7 expended on evidence-based programs; and

8 (d) A description of the efforts the agency is making to meet the requirements of subsection (1)
9 of this section and [*sections 6 (1) and 7 (1) of this 2003 Act*] **ORS 182.525 (1) and section 6 (1),**
10 **chapter 669, Oregon Laws 2003.**

11 (3) The agencies shall submit the reports required by subsection (2) of this section no later than
12 September 30, 2006, to the interim legislative committee dealing with judicial matters.

13 (4) If an agency, during the biennium beginning July 1, 2005, spends more than 75 percent of the
14 state moneys that the agency receives for programs on programs that are not evidence based, the
15 Legislative Assembly shall consider the agency's failure to meet the requirement of subsection (1)
16 of this section in making appropriations to the agency for the following biennium.

17 (5) Each agency may adopt rules necessary to carry out the provisions of this section, including
18 but not limited to rules defining a reasonable period of time for purposes of determining cost effec-
19 tiveness.

20 **SECTION 15.** Section 6, chapter 669, Oregon Laws 2003, is amended to read:

21 **Sec. 6.** (1) For the biennium beginning July 1, 2007, the Department of Corrections, the Oregon
22 Youth Authority, the State Commission on Children and Families[,] **and** that part of the Department
23 of Human Services that deals with mental health and addiction issues [*and the Oregon Criminal*
24 *Justice Commission*] shall spend at least 50 percent of state moneys that each agency receives for
25 programs on evidence-based programs.

26 (2) Each agency shall submit a report containing:

27 (a) An assessment of each program on which the agency expends funds, including but not limited
28 to whether the program is an evidence-based program;

29 (b) The percentage of state moneys the agency receives for programs that is being expended on
30 evidence-based programs;

31 (c) The percentage of federal and other moneys the agency receives for programs that is being
32 expended on evidence-based programs; and

33 (d) A description of the efforts the agency is making to meet the requirements of subsection (1)
34 of this section and [*section 7 (1) of this 2003 Act*] **ORS 182.525 (1).**

35 (3) The agencies shall submit the reports required by subsection (2) of this section no later than
36 September 30, 2008, to the interim legislative committee dealing with judicial matters.

37 (4) If an agency, during the biennium beginning July 1, 2007, spends more than 50 percent of the
38 state moneys that the agency receives for programs on programs that are not evidence based, the
39 Legislative Assembly shall consider the agency's failure to meet the requirement of subsection (1)
40 of this section in making appropriations to the agency for the following biennium.

41 (5) Each agency may adopt rules necessary to carry out the provisions of this section, including
42 but not limited to rules defining a reasonable period of time for purposes of determining cost effec-
43 tiveness.

44 **SECTION 16.** ORS 329.156 is amended to read:

45 329.156. (1) The Department of Education, the Department of Human Services[,] **and** the State

1 Commission on Children and Families [*and the Oregon Criminal Justice Commission*] shall support
2 the development and implementation of a network of community learning centers across the state.

3 (2) Within available funding, the state commission [*on Children and Families*], in conjunction
4 with local commissions on children and families or other organizations that provide training and
5 technical assistance to schools or community programs, shall provide training and technical assist-
6 ance to promote the development and implementation of community learning centers. To the extent
7 possible, the state commission [*on Children and Families*] shall use voluntary organizations to pro-
8 vide the training and technical assistance.

9 (3) If a community learning center is created by a school district, the school district shall co-
10 ordinate with the local commission on children and families to ensure that the community learning
11 center is referenced in the local coordinated comprehensive plan, implemented pursuant to ORS
12 417.775.

13 (4) Community learning centers created pursuant to this section shall:

14 (a) Be located in or near a school or a cluster of schools;

15 (b) Involve parents in the care and education of their children;

16 (c) Involve the local community in developing and overseeing community learning center pro-
17 grams;

18 (d) Incorporate the principles of family support services described in ORS 329.150 and 417.342;

19 (e) In partnership with the local school district board, create or designate an advisory committee
20 to offer guidance on program development and implementation, with membership that is represen-
21 tative of the diversity of community interests, including representatives of businesses, schools,
22 faith-based organizations, social service and health care agencies, cultural groups, recreation groups,
23 municipal governments, community colleges, libraries, child care providers, parents and youths;

24 (f) Conduct an assessment of strengths, needs and assets within the community to be served by
25 the community learning center that identifies services being delivered in the community, defines and
26 clarifies services that are missing or overlapping and builds on any existing community assessments;
27 and

28 (g) Coordinate the community assessment with the local commission on children and families.

29 (5) The Department of Human Services and the Department of Education shall provide technical
30 assistance to community learning centers to develop policies ensuring that confidential information
31 is disclosed only in accordance with state and federal laws.

32 **SECTION 17.** ORS 419C.453 is amended to read:

33 419C.453. (1) Pursuant to a hearing, the juvenile court may order a youth offender placed in a
34 detention facility for a specific period of time not to exceed eight days, in addition to time already
35 spent in the facility, unless a program plan that is in conformance with standards established by the
36 [*Oregon Criminal Justice Commission*] **State Commission on Children and Families** has been filed
37 with and approved by the commission, in which case the youth offender may be held in detention
38 for a maximum of 30 days in addition to time already spent in the facility, when:

39 (a) The youth offender has been found to be within the jurisdiction of the juvenile court by
40 reason of having committed an act which would be a crime if committed by an adult; or

41 (b) The youth offender has been placed on formal probation for an act which would be a crime
42 if committed by an adult, and has been found to have violated a condition of that probation.

43 (2) Pursuant to a hearing, the juvenile court may order a youth offender who is at least 18 years
44 of age placed in a jail or other place where adults are detained. The placement must be for a specific
45 period of time and may not exceed eight days in addition to time already spent in a juvenile de-

1 tention facility or jail. The court may order placement under this subsection when:

2 (a) The youth offender has been found to be within the jurisdiction of the juvenile court by
3 reason of having committed an act which would be a crime if committed by an adult; or

4 (b) The youth offender has been placed on formal probation for an act which would be a crime
5 if committed by an adult, and has been found to have violated a condition of that probation.

6 (3) In order to detain a youth offender under subsection (2) of this section, the court shall make
7 case-specific findings that placement in a jail or other place where adults are detained meets the
8 specific needs of the youth offender.

9 (4) As used in this section, "adult" does not include a person who is 18 years of age or older
10 and is alleged to be, or has been found to be, within the jurisdiction of the juvenile court under ORS
11 419C.005.

12 **SECTION 18.** Section 40, chapter 1053, Oregon Laws 1999, is amended to read:

13 **Sec. 40.** (1) A county or group of counties may place greater emphasis on early intervention and
14 work with younger children than required by the Juvenile Crime Prevention Advisory Committee if
15 the county or counties have been granted a waiver pursuant to this section.

16 (2) The Juvenile Crime Prevention Advisory Committee shall extend to June 30, 2005, any early
17 intervention waiver granted to any county through the review of the county's 1998 high-risk juvenile
18 crime prevention plan.

19 (3) In consultation with any county that received a 1998 waiver or any county or group of
20 counties requesting a waiver and no later than June 30, 2000, the Juvenile Crime Prevention Advi-
21 sory Committee shall develop an objective process, review criteria and timetable for consideration
22 of waiver requests. A waiver granted under this section shall apply to the requirements for basic
23 services grants described in [*section 38 (8) of this 1999 Act*] **ORS 417.850 (8)** and high-risk juvenile
24 crime prevention resources managed by the [*Oregon Criminal Justice Commission*] **State Commis-**
25 **sion on Children and Families.** The waiver shall be consistent with the goals of ORS [*137.656,*
26 417.705 to 417.797, **417.850, 417.855,** 430.250, 430.255, [*and*] 430.257 [*and sections 31, 32, 38 and 39*
27 *of this 1999 Act*], **430.258 and 430.259.**

28 (4) Any documentation required for a waiver under this section shall be from material contained
29 in a county's juvenile crime prevention plan and from material as determined through biennial
30 intergovernmental agreements.

31 (5) The Juvenile Crime Prevention Advisory Committee shall grant a waiver or continue a
32 waiver based on criteria that include:

33 (a) Rate of Oregon Youth Authority discretionary bed usage compared to other counties;

34 (b) Comparative analysis of detention and secure shelter capacity per 1,000 juveniles;

35 (c) Investment of local resources in juvenile crime prevention;

36 (d) Inclusion of prevention or early intervention strategies in the juvenile crime prevention plan;

37 (e) Investments that emphasize innovation and proven practices of effectiveness;

38 (f) Support of the local public safety coordinating council, local commission on children and
39 families and board of county commissioners; and

40 (g) Local integration practices including citizens, victims, courts, law enforcement, business and
41 schools.

42 (6) The committee shall review and act on any request for a waiver within 90 days after receipt
43 of the request.

44 **SECTION 19.** **This 2005 Act being necessary for the immediate preservation of the public**
45 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**

1 **July 1, 2005.**

2
