

HOUSE AMENDMENTS TO HOUSE BILL 3491

By COMMITTEE ON JUDICIARY

June 28

- 1 On page 1 of the printed bill, line 3, delete “and 166.116” and insert “, 166.116 and 419C.145”.
2 Delete line 29 and insert:
3 “(2)(a) Disorderly conduct in the first degree is a Class A misdemeanor.
4 “(b) Notwithstanding paragraph (a) of this subsection, disorderly conduct in the first degree is
5 a Class C felony if the defendant has at least one prior conviction for violating subsection (1) of this
6 section.”.
- 7 On page 2, after line 17, insert:
8 “**SECTION 5.** ORS 419C.145 is amended to read:
9 “419C.145. (1) A youth may be held or placed in detention before adjudication on the merits if
10 one or more of the following circumstances exists:
11 “(a) The youth is a fugitive from another jurisdiction;
12 “(b) The youth is alleged to be within the jurisdiction of the court under ORS 419C.005, by
13 having committed or attempted to commit an offense which, if committed by an adult, would be
14 chargeable as:
15 “(A) A crime involving infliction of physical injury to another person;
16 “**(B) A misdemeanor under section 3 of this 2005 Act;** or
17 “[~~(B)~~] (C) Any felony crime;
18 “(c) The youth has willfully failed to appear at one or more juvenile court proceedings by having
19 disobeyed a proper summons, citation or subpoena;
20 “(d) The youth is currently on probation imposed as a consequence of the youth previously
21 having been found to be within the jurisdiction of the court under ORS 419C.005, and there is
22 probable cause to believe the youth has violated one or more of the conditions of that probation;
23 “(e) The youth is subject to conditions of release pending or following adjudication of a petition
24 alleging that the youth is within the jurisdiction of the court pursuant to ORS 419C.005 and there
25 is probable cause to believe the youth has violated a condition of release; or
26 “(f) The youth is alleged to be in possession of a firearm in violation of ORS 166.250.
27 “(2) A youth detained under subsection (1) of this section must be released to the custody of a
28 parent or other responsible person, released upon the youth’s own recognizance or placed in shelter
29 care unless the court or its authorized representative makes written findings that there is probable
30 cause to believe that the youth may be detained under subsection (1) of this section, that describe
31 why it is in the best interests of the youth to be placed in detention and that one or more of the
32 following circumstances are present:
33 “(a) No means less restrictive of the youth’s liberty gives reasonable assurance that the youth
34 will attend the adjudicative hearing; or
35 “(b) The youth’s behavior endangers the physical welfare of the youth or another person, or

1 endangers the community.

2 “(3) When a youth is ordered held or placed in detention, the court or its authorized represen-
3 tative shall state in writing the basis for its detention decision and a finding describing why it is
4 in the best interests of the youth to be placed in detention. The youth shall have the opportunity
5 to rebut evidence received by the court and to present evidence at the hearing.

6 “(4) In determining whether release is appropriate under subsection (2) of this section, the court
7 or its authorized representative shall consider the following:

8 “(a) The nature and extent of the youth’s family relationships and the youth’s relationships with
9 other responsible adults in the community;

10 “(b) The youth’s previous record of referrals to juvenile court and recent demonstrable conduct;

11 “(c) The youth’s past and present residence;

12 “(d) The youth’s education status and school attendance record;

13 “(e) The youth’s past and present employment;

14 “(f) The youth’s previous record regarding appearance in court;

15 “(g) The nature of the charges against the youth and any mitigating or aggravating factors;

16 “(h) The youth’s mental health; and

17 “(i) Any other facts relevant to the likelihood of the youth’s appearance in court or likelihood
18 that the youth will comply with the law and other conditions of release.”.

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