

B-Engrossed
Senate Bill 231

Ordered by the House June 10
Including Senate Amendments dated March 16 and House Amendments
dated June 10

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Joint Interim Committee on Judiciary for Oregon Law Commission)

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.

Requires court, under certain circumstances, to cause list to be made that identifies **information** in reports or material [*provided to court for consideration but not admitted as exhibits*] **considered by court but not offered as exhibit or otherwise offered for judicial notice**. Provides that transcript of juvenile court proceeding is part of record of case. Establishes access and disclosure requirements for transcripts and other records of juvenile court proceedings.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to juvenile court records; and declaring an emergency.

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

4 **SECTION 1. Sections 2, 3 and 4 of this 2005 Act are added to and made a part of ORS**
5 **chapter 419A.**

6 **SECTION 2. (1) When, for the purpose of a hearing or proceeding that will result in the**
7 **entry of an order or judgment, the juvenile court considers information in a report or other**
8 **material described in ORS 419A.255 (2) and no party has offered the report or material as**
9 **an exhibit or asked the court to take judicial notice of the information, the court shall**
10 **identify on the record the report or material, or the part of the report or material, that the**
11 **court has considered. Subject to the court's ruling on objections by the parties, the court**
12 **shall either take judicial notice of the information pursuant to ORS 40.060 to 40.085 or cause**
13 **the report or material, or the part of the report or material, to be marked and received as**
14 **an exhibit. The court shall cause a list to be made that reasonably identifies, by reference**
15 **to its source, information judicially noticed under this subsection. The list may be included**
16 **in the order or judgment or may be set out in a separate document attached to the order**
17 **or judgment. If an appeal is taken from the order or judgment following the hearing or pro-**
18 **ceeding and the designation of record on appeal includes exhibits, the court or the trial court**
19 **administrator shall cause the exhibits and any report or other materials containing judicially**
20 **noticed information to be transmitted to the appellate court as part of the record on appeal.**

21 **(2) The list described in subsection (1) of this section is part of the record of the case**
22 **maintained by the clerk of the court under ORS 419A.255 (1).**

23 **(3) Nothing in ORS 419A.255 limits access to any juvenile court records by an appellate**
24 **court reviewing a juvenile court order or judgment. Appellate court rules may establish**

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 procedures for appellate court access to juvenile court records.

2 **SECTION 3.** (1) Once prepared and filed with the court, a transcript of a juvenile court
3 proceeding is part of the record of the case maintained by the clerk of the court under ORS
4 419A.255 (1) and is subject to the provisions of ORS 419A.255 (1) and (3) governing access and
5 disclosure.

6 (2) The official audio, video or other recording of a juvenile court proceeding shall be
7 withheld from public inspection but is open to inspection by the child, ward, youth, youth
8 offender, parent, guardian, court appointed special advocate, surrogate or a person allowed
9 to intervene in a proceeding involving the child, ward, youth or youth offender, and their
10 attorneys.

11 **SECTION 4.** (1) The district attorney or assistant attorney general representing the state
12 in a juvenile court proceeding, the juvenile department, the Department of Human Services
13 and the Oregon Youth Authority may inspect and obtain from the court copies of the re-
14 cords, reports and other materials described in ORS 419A.255 (1) and (2) to the same extent
15 that attorneys for the other parties and the other parties are authorized to inspect and ob-
16 tain copies of the records, reports and other materials. An agency or person that inspects
17 or obtains records, reports or materials under this subsection is subject to ORS 419A.255 (3).

18 (2) Nothing in ORS 419A.255 prohibits the district attorney or assistant attorney general
19 representing the state in a juvenile court proceeding, the juvenile department, the Depart-
20 ment of Human Services, the Oregon Youth Authority or the other parties in the proceeding
21 or their attorneys from disclosing to each other records, reports and other materials de-
22 scribed in ORS 419A.255 (1) and (2) if the disclosure is reasonably necessary to perform offi-
23 cial duties related to the involvement of the child, ward, youth or youth offender with the
24 juvenile court or juvenile department. An agency or person to whom records, reports or
25 materials are disclosed under this subsection is subject to ORS 419A.255 (3).

26 (3) An agency or person that inspects or obtains records, reports or materials under
27 subsection (1) of this section or to whom records, reports or materials are disclosed under
28 subsection (2) of this section may not use or disclose the records, reports or materials ex-
29 cept:

30 (a) As provided in subsections (1) and (2) of this section;

31 (b) In the juvenile court proceeding for which the records, reports or materials were
32 sought or disclosed;

33 (c) With the consent of the court as provided in ORS 419A.255 (2) or (3); or

34 (d) As provided in section 2 of this 2005 Act.

35 **SECTION 5.** This 2005 Act being necessary for the immediate preservation of the public
36 peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect
37 on its passage.

38