

CHAPTER 623

AN ACT

HB 3231

Relating to youth; creating new provisions; amending ORS 181.715, 181.725, 182.515, 417.799, 417.845, 417.857, 418.975, 419B.005, 430.241, 430.242, 609.652 and 657A.490 and sections 21, 21b and 24, chapter 37, Oregon Laws 2012; and declaring an emergency.

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

SECTION 1. (1) The Youth Development Division is established in the Department of Education. The purpose of the division is to ensure that services are provided to school-age children through youth 20 years of age in a manner that supports educational success, focuses on crime prevention, reduces high risk behaviors and is integrated, measurable and accountable.

(2) The division shall function under the direction and control of the Youth Development Council with the Youth Development Director serving as the administrative officer.

SECTION 2. (1) The Governor shall appoint the Youth Development Director, who is responsible for the performance of the duties, functions and powers of the Youth Development Division.

(2) The director shall serve at the pleasure of the Governor.

(3) The director shall be directly responsible to the Superintendent of Public Instruction.

SECTION 2a. The duties, functions and powers of the Youth Development Council relating to the administration and enforcement of the Youth Development Council are imposed upon, transferred to and vested in the Youth Development Division of the Department of Education for the purpose of fulfilling the duties, powers and functions of the Youth Development Division.

SECTION 2b. (1) The chairperson of the Youth Development Council shall:

(a) Deliver to the Department of Education all records and property within the jurisdiction of the chairperson that relate to the duties, functions and powers transferred by section 2a of this 2013 Act; and

(b) Transfer to the Department of Education those employees engaged primarily in the exercise of the duties, functions and powers transferred by section 2a of this 2013 Act.

(2) The Superintendent of Public Instruction shall take possession of the records and property, and shall take charge of the employees and employ them in the exercise of the duties, functions and powers transferred by section 2a of this 2013 Act, without reduction of compen-

sation but subject to change or termination of employment or compensation as provided by law.

(3) The Governor shall resolve any dispute between the Youth Development Council and the Department of Education relating to transfers of records, property and employees under this section, and the Governor's decision is final.

SECTION 2c. (1) The unexpended balances of amounts authorized to be expended by the Youth Development Council for the biennium beginning July 1, 2013, from revenues dedicated, continuously appropriated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by section 2a of this 2013 Act are transferred to and are available for expenditure by the Department of Education for the biennium beginning July 1, 2013, for the purpose of administering and enforcing the duties, functions and powers transferred by section 2a of this 2013 Act.

(2) The expenditure classifications, if any, established by Acts authorizing or limiting expenditures by the Youth Development Council remain applicable to expenditures by the Department of Education under this section.

SECTION 2d. The transfer of duties, functions and powers to the Department of Education by section 2a of this 2013 Act does not affect any action, proceeding or prosecution involving or with respect to such duties, functions and powers begun before and pending at the time of the transfer, except that the Department of Education is substituted for the Youth Development Council in the action, proceeding or prosecution.

SECTION 2e. (1) Nothing in sections 2a to 2d of this 2013 Act relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers transferred by section 2a of this 2013 Act. The Department of Education may undertake the collection or enforcement of any such liability, duty or obligation.

(2) The rights and obligations of the Youth Development Council legally incurred under contracts, leases and business transactions executed, entered into or begun before the operative date of section 2a of this 2013 Act accruing under or with respect to the duties, functions and powers transferred by section 2a of this 2013 Act are transferred to the Department of Education. For the purpose of succession to these rights and obligations, the Department of Education is a continuation of the Youth Development Council and not a new authority.

SECTION 2f. Notwithstanding the transfer of duties, functions and powers by section 2a of

this 2013 Act, the rules of the Youth Development Council with respect to such duties, functions or powers that are in effect on the operative date of section 2a of this 2013 Act continue in effect until superseded or repealed by rules of the Department of Education.

SECTION 2g. Whenever, in any uncodified law or resolution of the Legislative Assembly or in any rule, document, record or proceeding authorized by the Legislative Assembly, in the context of the duties, functions and powers transferred by section 2a of this 2013 Act, reference is made to the administration of the Youth Development Council, or an officer or employee of the Youth Development Council, whose duties, functions or powers are transferred by section 2a of this 2013 Act, the reference is considered to be a reference to the Department of Education or an officer or employee of the Department of Education who by this 2013 Act is charged with carrying out such duties, functions and powers.

SECTION 3. Section 24, chapter 37, Oregon Laws 2012, is amended to read:

Sec. 24. (1) The amendments to section 21 [of this 2012 Act], **chapter 37, Oregon Laws 2012**, by section 23 [of this 2012 Act], **chapter 37, Oregon Laws 2012**, become operative on [March 15, 2016] **the effective date of this 2013 Act.**

(2) **The amendments to section 21, chapter 37, Oregon Laws 2012, by section 5 of this 2013 Act become operative on March 15, 2016.**

SECTION 4. Section 21, chapter 37, Oregon Laws 2012, as amended by section 23, chapter 37, Oregon Laws 2012, is amended to read:

Sec. 21. (1) The Youth Development Council is established. **The council shall function under the direction and control of the Oregon Education Investment Board established by section 1, chapter 519, Oregon Laws 2011.**

(2) **The council is established for the purpose of assisting the board in** overseeing a unified system that provides services to school-age children through youth 20 years of age in a manner that supports [academic success, reduces criminal involvement] **educational success, focuses on crime prevention, reduces high risk behaviors** and is integrated, measurable and accountable. **The council shall provide direction to the Youth Development Division.**

(3) The council consists of no fewer than 15 members who are appointed by the Governor. The Governor shall ensure that membership of the council satisfies any federal requirements for membership of a state advisory committee on juvenile justice.

(4) The council shall:

[a) *Prioritize funding for prevention and intervention services related to gang violence and gang involvement.*]

(a) **Determine the availability of funding to support community-based youth development programs, services and initiatives with demonstrated outcomes and strategic objectives established by the council by rule.**

(b) **Prioritize funding for services related to:**

(A) **The prevention of and intervention in the risk factors that lead to juvenile delinquency and the promotion of protective factors that improve the health and well-being of children and youth, as supported by evidence-based program models and other research-based models; and**

(B) **The prevention of and intervention in gang violence and gang involvement.**

(5) **The council may:**

(a) **Enter into performance-based intergovernmental agreements with regional and county entities, and tribal governments, to contract for the provision of youth development programs, services and initiatives that will achieve demonstrated outcomes and strategic objectives established by the council by rule.**

(b) **Determine the means by which services to children and youth may be provided effectively and efficiently across multiple programs to improve the academic and social outcomes of children and youth.**

(c) **Assess state programs and services related to youth development and training, and identify methods by which programs and services may be coordinated or consolidated.**

(d) **Establish common academic and social indicators to support attainment of goals established by the [council] board.**

(e) **Establish common program outcome measurements and coordinate data collection across multiple programs and services.**

(f) **Ensure implementation of best practices that:**

(A) **Are evidence based;**

(B) **Are culturally, gender and age appropriate;**

(C) **Address individual risk factors;**

(D) **Build upon factors that [increase] improve the health and well-being of children and youth; and**

(E) **Include tribal best practices.**

(5) **The Governor may designate one member of the council to serve as the chairperson or, if the Governor chooses not to designate a chairperson, the council may elect one of its members to serve as chairperson.**

(6) **In accordance with applicable provisions of ORS chapter 183, the council may adopt rules necessary for the administration of the laws that the council is charged with administering.**

SECTION 5. Section 21, chapter 37, Oregon Laws 2012, as amended by section 23, chapter 37, Oregon Laws 2012, and section 4 of this 2013 Act, is amended to read:

Sec. 21. (1) The Youth Development Council is established. [The council shall function under the direction and control of the Oregon Education Investment Board established by section 1, chapter 519, Oregon Laws 2011.]

(2) The council is established for the purpose of *[assisting the board in]* overseeing a unified system that provides services to school-age children through youth 20 years of age in a manner that supports educational success, focuses on crime prevention, reduces high risk behaviors and is integrated, measurable and accountable. The council shall provide direction to the Youth Development Division.

(3) The council consists of no fewer than 15 members who are appointed by the Governor. The Governor shall ensure that membership of the council satisfies any federal requirements for membership of a state advisory committee on juvenile justice.

(4) The council shall:

(a) Determine the availability of funding to support community-based youth development programs, services and initiatives with demonstrated outcomes and strategic objectives established by the council by rule.

(b) Prioritize funding for services related to:

(A) The prevention of and intervention in the risk factors that lead to juvenile delinquency and the promotion of protective factors that improve the health and well-being of children and youth, as supported by evidence-based program models and other research-based models; and

(B) The prevention of and intervention in gang violence and gang involvement.

(5) The council may:

(a) Enter into performance-based intergovernmental agreements with regional and county entities, and tribal governments, to contract for the provision of youth development programs, services and initiatives that will achieve demonstrated outcomes and strategic objectives established by the council by rule.

(b) Determine the means by which services to children and youth may be provided effectively and efficiently across multiple programs to improve the academic and social outcomes of children and youth.

(c) Assess state programs and services related to youth development and training, and identify methods by which programs and services may be coordinated or consolidated.

(d) Establish common academic and social indicators to support attainment of goals established by the *[board]* **council**.

(e) Establish common program outcome measurements and coordinate data collection across multiple programs and services.

(f) Ensure implementation of best practices that:

(A) Are evidence based;

(B) Are culturally, gender and age appropriate;

(C) Address individual risk factors;

(D) Build upon factors that improve the health and well-being of children and youth; and

(E) Include tribal best practices.

(5) The Governor may designate one member of the council to serve as the chairperson or, if the Governor chooses not to designate a chairperson, the council may elect one of its members to serve as chairperson.

(6) In accordance with applicable provisions of ORS chapter 183, the council may adopt rules necessary for the administration of the laws that the council is charged with administering.

SECTION 6. Section 21b, chapter 37, Oregon Laws 2012, is amended to read:

Sec. 21b. (1) The Youth Development *[Council]* **Division** Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Youth Development *[Council]* **Division** Fund shall be credited to the fund.

(2) Moneys in the Youth Development *[Council]* **Division** Fund consist of:

(a) Amounts donated to the fund;

(b) Moneys transferred to the fund from the federal government, state agencies and local governments;

(c) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly;

(d) Investment earnings received on moneys in the fund; and

(e) Other amounts deposited in the fund from any source.

(3) Moneys in the fund are continuously appropriated to the *[Youth Development Council established in section 21 of this 2012 Act]* **Department of Education** for the purpose of fulfilling the *[council's]* duties, functions and powers of the **Youth Development Division**.

(4) The *[council]* **department** may establish accounts and subaccounts within the fund when the *[council]* **department** determines that accounts or subaccounts are necessary or desirable and may credit any interest or income derived from moneys in the fund to any account or subaccount in the fund.

SECTION 7. (1) The amendments to section 21b, chapter 37, Oregon Laws 2012, by section 6 of this 2013 Act are intended to change the name of the "Youth Development Council Fund" to the "Youth Development Division Fund."

(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the "Youth Development Council Fund," wherever they occur in statutory law, other words designating the "Youth Development Division Fund."

SECTION 8. ORS 181.715, as amended by section 35, chapter 37, Oregon Laws 2012, is amended to read:

181.715. (1) The Department of State Police or another criminal justice agency designated by the Director of the Oregon Department of Administrative Services shall operate a Criminal Justice Information Standards program that coordinates information among state criminal justice agencies. The program shall:

(a) Ensure that in developing new information systems, data can be retrieved to support evaluation of criminal justice planning and programs, including,

but not limited to, the ability of the programs to reduce future criminal conduct;

(b) Ensure that maximum effort is made for the safety of public safety officers;

(c) Establish methods and standards for data interchange and information access between criminal justice information systems, in compliance with the technology standards and policies of the Oregon Department of Administrative Services;

(d) Design and implement improved applications for exchange of agency information; and

(e) Implement the capability to exchange images between criminal justice agencies.

(2) The program shall develop a plan to accelerate data sharing and information integration among criminal justice agencies. The plan shall include, but is not limited to, priorities, timelines, development costs, resources needed, the projected ongoing cost of support, critical success factors and any known barriers to accomplishing the plan. Representatives of criminal justice agencies and public safety agencies, including but not limited to local law enforcement agencies, courts of criminal jurisdiction, district attorneys, city attorneys with criminal prosecutive functions, public defender organizations established under ORS chapter 151, community corrections directors, jail managers and county juvenile departments, shall be invited to participate in the planning process. The program shall present the plan to the Director of the Oregon Department of Administrative Services no later than May 30 of each even-numbered year for development of the Governor's budget report. The program shall submit the plan to the Joint Legislative Committee on Information Management and Technology no later than December 31 of each even-numbered year.

(3) Notwithstanding the meaning given "criminal justice agency" in ORS 181.010, as used in this section and ORS 181.720, "criminal justice agency" includes, but is not limited to:

(a) The Judicial Department;

(b) The Attorney General;

(c) The Department of Corrections;

(d) The Department of State Police;

(e) Any other state agency with law enforcement authority designated by order of the Governor;

(f) The Department of Transportation;

(g) The State Board of Parole and Post-Prison Supervision;

(h) The Department of Public Safety Standards and Training;

(i) The State Department of Fish and Wildlife;

(j) The Oregon Liquor Control Commission;

(k) The Oregon Youth Authority;

(l) The Youth Development [Council] **Division**; and

(m) A university that has established a police department under ORS 352.383.

SECTION 9. ORS 181.725, as amended by section 36, chapter 37, Oregon Laws 2012, is amended to read:

181.725. (1) There is established a Criminal Justice Information Standards Advisory Board to advise the Department of State Police or the criminal justice agency designated by the Director of the Oregon Department of Administrative Services under ORS 181.715 (1) about the department's or the agency's duties under ORS 181.715. The board consists of the following members:

(a) The State Court Administrator or the administrator's designee;

(b) The Director of the Department of Corrections or the director's designee;

(c) The Superintendent of State Police or the superintendent's designee;

(d) The executive director of the Oregon Criminal Justice Commission or the executive director's designee;

(e) The Director of Transportation or the director's designee;

(f) The chairperson of the State Board of Parole and Post-Prison Supervision or the chairperson's designee;

(g) The Director of the Department of Public Safety Standards and Training or the director's designee;

(h) A chief of police designated by the Oregon Association Chiefs of Police;

(i) A sheriff designated by the Oregon State Sheriffs' Association;

(j) A jail manager designated by the Oregon Sheriff's Jail Command Council;

(k) A county juvenile department director designated by the Oregon Juvenile Department Directors' Association;

(l) A community corrections agency director designated by the Oregon Association of Community Corrections Directors;

(m) A district attorney designated by the Oregon District Attorneys Association;

(n) The administrator of the Enterprise Information Strategy and Policy Division of the Oregon Department of Administrative Services or the administrator's designee;

(o) The Director of the Oregon Youth Authority or the director's designee;

(p) The State Fish and Wildlife Director or the director's designee;

(q) The administrator of the Oregon Liquor Control Commission or the administrator's designee; and

[(r) The chairperson of the Youth Development Council or the chairperson's designee.]

(r) The Youth Development Director or the director's designee.

(2) The board shall meet at such times and places as the board deems necessary.

(3) The members of the board are not entitled to compensation but are entitled to expenses as provided in ORS 292.495.

SECTION 10. ORS 182.515, as amended by section 37, chapter 37, Oregon Laws 2012, is amended to read:

182.515. As used in this section and ORS 182.525:

- (1) "Agency" means:
 - (a) The Department of Corrections;
 - (b) The Oregon Youth Authority;
 - (c) The Youth Development [*Council*] **Division**;
 and
 - (d) That part of the Oregon Health Authority that deals with mental health and addiction issues.
- (2) "Cost effective" means that cost savings realized over a reasonable period of time are greater than costs.
- (3) "Evidence-based program" means a program that:
 - (a) Incorporates significant and relevant practices based on scientifically based research; and
 - (b) Is cost effective.
- (4)(a) "Program" means a treatment or intervention program or service that is intended to:
 - (A) Reduce the propensity of a person to commit crimes;
 - (B) Improve the mental health of a person with the result of reducing the likelihood that the person will commit a crime or need emergency mental health services; or
 - (C) Reduce the propensity of a person who is less than 18 years of age to engage in antisocial behavior with the result of reducing the likelihood that the person will become a juvenile offender.
- (b) "Program" does not include:
 - (A) An educational program or service that an agency is required to provide to meet educational requirements imposed by state law; or
 - (B) A program that provides basic medical services.
- (5) "Scientifically based research" means research that obtains reliable and valid knowledge by:
 - (a) Employing systematic, empirical methods that draw on observation or experiment;
 - (b) Involving rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; and
 - (c) Relying on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations and across studies by the same or different investigators.

SECTION 11. ORS 417.799, as amended by section 109, chapter 37, Oregon Laws 2012, is amended to read:

- 417.799. (1) The Department of Human Services is responsible for coordinating statewide planning for delivery of services to runaway and homeless youth and their families.
- (2) The department shall recommend policies that integrate a system of services and support for runaway and homeless youth into the state's continuum of care for children who are 0 through 18 years of age.
- (3) The department may work with the Youth Development [*Council*] **Division**, the Employment Department, the Housing and Community Services Department, the Department of Community Colleges and Workforce Development, the Department of Ed-

ucation and the Oregon Youth Authority to develop a comprehensive and coordinated approach for services and support for runaway and homeless youth and their families.

(4) In addition to the entities listed in subsection (3) of this section, the department shall include representatives of youth, nonprofit organizations and statewide coalitions related to runaway and homeless youth services and supports in the joint process described in subsection (3) of this section.

(5) The department may enter into and renew contracts with providers for the provision of services to runaway and homeless youth and their families.

SECTION 12. ORS 417.845, as amended by section 27, chapter 37, Oregon Laws 2012, is amended to read:

417.845. (1) The Juvenile Crime Prevention Advisory Committee is created within the Youth Development [*Council*] **Division**.

(2) The committee shall have the following members:

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

- [(b) *The chairperson of the Youth Development Council or a designee of the chairperson;*]

- (b) The Youth Development Director or a designee of the director;**

- (c) The Director of the Oregon Health Authority or one or more designees of the director, one of whom has expertise in treatment and prevention of substance abuse;

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

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

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

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

- (h) One designee of the Governor;

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

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

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

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

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

- (A) A county commissioner;
- (B) A local juvenile director;

(C) A director of a local commission on children and families;
 (D) Two law enforcement officials;
 (E) A county mental health director;
 (F) An alcohol and drug abuse professional;
 (G) A school superintendent;
 (H) A private youth service provider; and
 (I) An elected city official;
 (b) A researcher;
 (c) A citizen member; and
 (d) Other members as determined by the Governor.

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

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

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

(7) The Youth Development [Council] **Division** shall provide staff support to the committee.

(8) Members of the committee who are members of the Legislative Assembly are entitled to compensation and reimbursement of expenses as provided in ORS 171.072.

(9) Members of the committee who are not members of the Legislative Assembly are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses shall be paid out of funds appropriated [to the Youth Development Council] for purposes of the committee.

SECTION 13. ORS 417.857, as amended by section 56, chapter 37, Oregon Laws 2012, is amended to read:

417.857. (1) Deschutes County may place greater emphasis on early intervention and work with younger children than required by the Juvenile Crime Prevention Advisory Committee if the county has been granted a waiver pursuant to this section.

(2) The Juvenile Crime Prevention Advisory Committee shall develop an objective process, review criteria and timetable for consideration of a waiver request. A waiver granted under this section applies to the requirements for basic services grants described in ORS 417.850 (8) and high-risk juvenile crime prevention resources managed by the Youth Development [Council] **Division**. The waiver shall be consistent with the goals of ORS 417.705 to 417.800, 417.850 and 417.855.

(3) Any documentation required for a waiver under this section shall be obtained to the greatest extent possible from material contained in the county's

juvenile crime prevention plan and from material as determined through biennial intergovernmental agreements. The Juvenile Crime Prevention Advisory Committee may ask the county to submit additional information regarding how the county intends to use crime prevention funds under the waiver.

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

(a) The rate of Oregon Youth Authority discretionary bed usage compared to other counties;

(b) The county's rates of first-time juvenile offenders, chronic juvenile offenders and juvenile recidivism compared to other counties;

(c) The amount and allocation of expenditures from all funding sources for juvenile crime prevention, including prevention and early intervention strategies, and how the requested waiver addresses the needs and priorities for the target population described in ORS 417.855 and for the target population described in the waiver;

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

(e) Investments in evidence-based crime prevention programs and practices;

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

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

(h) Identification of the risk factors for the target population described in the waiver; and

(i) Changes in the risk factors for the target population described in the waiver.

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

(6) The duration of a waiver granted under this section is four years. Before the expiration of a waiver granted under this section, the county may submit a request for another waiver.

SECTION 14. ORS 417.857, as amended by sections 56 and 110b, chapter 37, Oregon Laws 2012, is amended to read:

417.857. (1) Deschutes County may place greater emphasis on early intervention and work with younger children than required by the Youth Development Council if the county has been granted a waiver pursuant to this section.

(2) The Youth Development Council shall develop an objective process, review criteria and timetable for consideration of a waiver request. A waiver granted under this section applies to the requirements for basic services grants described in ORS 417.850 (8) and high-risk juvenile crime prevention resources managed by the Youth Development [Council] **Division**. The waiver shall be consistent with the goals of ORS 417.705 to 417.800, 417.850 and 417.855.

(3) Any documentation required for a waiver under this section shall be obtained to the greatest extent possible from material contained in the county's

tent possible from material contained in the county's juvenile crime prevention plan and from material as determined through biennial intergovernmental agreements. The Youth Development Council may ask the county to submit additional information regarding how the county intends to use crime prevention funds under the waiver.

(4) The Youth Development Council shall grant a waiver or continue a waiver based on criteria that include:

(a) The rate of Oregon Youth Authority discretionary bed usage compared to other counties;

(b) The county's rates of first-time juvenile offenders, chronic juvenile offenders and juvenile recidivism compared to other counties;

(c) The amount and allocation of expenditures from all funding sources for juvenile crime prevention, including prevention and early intervention strategies, and how the requested waiver addresses the needs and priorities for the target population described in ORS 417.855 and for the target population described in the waiver;

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

(e) Investments in evidence-based crime prevention programs and practices;

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

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

(h) Identification of the risk factors for the target population described in the waiver; and

(i) Changes in the risk factors for the target population described in the waiver.

(5) The Youth Development Council shall review and act on any request for a waiver within 90 days after receipt of the request.

(6) The duration of a waiver granted under this section is four years. Before the expiration of a waiver granted under this section, the county may submit a request for another waiver.

SECTION 15. ORS 417.857, as amended by sections 56, 97 and 110b, chapter 37, Oregon Laws 2012, is amended to read:

417.857. (1) Deschutes County may place greater emphasis on early intervention and work with younger children than required by the Youth Development Council if the county has been granted a waiver pursuant to this section.

(2) The Youth Development Council shall develop an objective process, review criteria and timetable for consideration of a waiver request. A waiver granted under this section applies to the requirements for basic services grants described in ORS 417.850 (8) and high-risk juvenile crime prevention resources managed by the Youth Development [Council] **Division**. The waiver shall be consistent with the goals of ORS 417.705 to 417.800, 417.850 and 417.855.

(3) Any documentation required for a waiver under this section shall be obtained to the greatest extent possible from material contained in the county's juvenile crime prevention plan and from material as determined through biennial intergovernmental agreements. The Youth Development Council may ask the county to submit additional information regarding how the county intends to use crime prevention funds under the waiver.

(4) The Youth Development Council shall grant a waiver or continue a waiver based on criteria that include:

(a) The rate of Oregon Youth Authority discretionary bed usage compared to other counties;

(b) The county's rates of first-time juvenile offenders, chronic juvenile offenders and juvenile recidivism compared to other counties;

(c) The amount and allocation of expenditures from all funding sources for juvenile crime prevention, including prevention and early intervention strategies, and how the requested waiver addresses the needs and priorities for the target population described in ORS 417.855 and for the target population described in the waiver;

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

(e) Investments in evidence-based crime prevention programs and practices;

(f) Support of the local public safety coordinating council and the board of county commissioners;

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

(h) Identification of the risk factors for the target population described in the waiver; and

(i) Changes in the risk factors for the target population described in the waiver.

(5) The Youth Development Council shall review and act on any request for a waiver within 90 days after receipt of the request.

(6) The duration of a waiver granted under this section is four years. Before the expiration of a waiver granted under this section, the county may submit a request for another waiver.

SECTION 16. ORS 418.975, as amended by section 58, chapter 37, Oregon Laws 2012, is amended to read:

418.975. As used in ORS 418.975 to 418.985:

(1) "Cultural competence" means accepting and respecting diversity and differences in a continuous process of self-assessment and reflection on one's personal and organizational perceptions of the dynamics of culture.

(2) "Family" includes, with respect to a youth:

(a) A biological or legal parent;

(b) A sibling;

(c) An individual related by blood, marriage or adoption;

(d) A foster parent;

(e) A legal guardian;

(f) A caregiver;

(g) An individual with a significant social relationship with the youth; and

(h) Any person who provides natural, formal or informal support to the youth that the youth identifies as important.

(3) "Family-run organization" means a private nonprofit entity organized for the purpose of serving families with a youth who has a serious emotional disorder. The entity must:

(a) Have a governing board in which a majority of the members are family members of a youth with a serious emotional disorder; and

(b) Give a preference to family members in hiring decisions for the entity.

(4) "Identified population" means youth who have or are at risk of developing emotional, behavioral or substance use related needs, and who are involved with two or more systems of care.

(5) "Partner agency" includes the Department of Education, Oregon Youth Authority, Department of Human Services, Early Learning Council, Youth Development [Council] Division, Oregon Health Authority and other appropriate agencies involved in the system of care.

(6) "Services and supports" means public, private and community resources that assist youth in the achievement of positive outcomes.

(7) "System of care" means a coordinated network of services including education, child welfare, public health, primary care, pediatric care, juvenile justice, mental health treatment, substance use treatment, developmental disability services and any other services and supports to the identified population that integrates care planning and management across multiple levels, that is culturally and linguistically competent, that is designed to build meaningful partnerships with families and youth in the delivery and management of services and the development of policy and that has a supportive policy and management infrastructure.

(8) "Wraparound" means a definable, team-based planning process involving a youth and the youth's family that results in a unique set of community services and services and supports individualized for that youth and family to achieve a set of positive outcomes.

(9) "Youth" means an individual 18 years of age or younger.

SECTION 17. ORS 419B.005, as amended by section 60, chapter 37, Oregon Laws 2012, and section 1, chapter 92, Oregon Laws 2012, is amended to read:

419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

(1)(a) "Abuse" means:

(A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury.

(B) Any mental injury to a child, which shall include only observable and substantial impairment

of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.

(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are described in ORS chapter 163.

(D) Sexual abuse, as described in ORS chapter 163.

(E) Sexual exploitation, including but not limited to:

(i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or which is designed to serve educational or other legitimate purposes; and

(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution or to patronize a prostitute, as defined in ORS chapter 167.

(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.

(G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.

(H) Buying or selling a person under 18 years of age as described in ORS 163.537.

(I) Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.

(J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a child to a substantial risk of harm to the child's health or safety.

(b) "Abuse" does not include reasonable discipline unless the discipline results in one of the conditions described in paragraph (a) of this subsection.

(2) "Child" means an unmarried person who is under 18 years of age.

(3) "Higher education institution" means:

(a) A community college as defined in ORS 341.005;

(b) A public university listed in ORS 352.002;

(c) The Oregon Health and Science University; and

(d) A private institution of higher education located in Oregon.

(4) "Law enforcement agency" means:

(a) A city or municipal police department.

(b) A county sheriff's office.

(c) The Oregon State Police.

(d) A police department established by a university under ORS 352.383.

- (e) A county juvenile department.
- (5) "Public or private official" means:
 - (a) Physician, osteopathic physician, physician assistant, naturopathic physician, podiatric physician and surgeon, including any intern or resident.
 - (b) Dentist.
 - (c) School employee, including an employee of a higher education institution.
 - (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide or employee of an in-home health service.
 - (e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning Council, Youth Development [*Council*] **Division**, Child Care Division of the Employment Department, the Oregon Youth Authority, a county health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a licensed child-caring agency or an alcohol and drug treatment program.
 - (f) Peace officer.
 - (g) Psychologist.
 - (h) Member of the clergy.
 - (i) Regulated social worker.
 - (j) Optometrist.
 - (k) Chiropractor.
 - (L) Certified provider of foster care, or an employee thereof.
 - (m) Attorney.
 - (n) Licensed professional counselor.
 - (o) Licensed marriage and family therapist.
 - (p) Firefighter or emergency medical services provider.
 - (q) A court appointed special advocate, as defined in ORS 419A.004.
 - (r) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.
 - (s) Member of the Legislative Assembly.
 - (t) Physical, speech or occupational therapist.
 - (u) Audiologist.
 - (v) Speech-language pathologist.
 - (w) Employee of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission.
 - (x) Pharmacist.
 - (y) An operator of a preschool recorded program under ORS 657A.255.
 - (z) An operator of a school-age recorded program under ORS 657A.257.
 - (aa) Employee of a private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056.
 - (bb) Employee of a public or private organization providing child-related services or activities:
 - (A) Including but not limited to youth groups or centers, scout groups or camps, summer or day camps, survival camps or groups, centers or camps that are operated under the guidance, supervision or auspices of religious, public or private educational systems or community service organizations; and

(B) Excluding community-based, nonprofit organizations whose primary purpose is to provide confidential, direct services to victims of domestic violence, sexual assault, stalking or human trafficking.

(cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete, if compensated and if the athlete is a child.

SECTION 18. ORS 430.241, as amended by section 62, chapter 37, Oregon Laws 2012, is amended to read:

430.241. (1) As used in this section and ORS 430.242:

(a) "Local government" means a local government as defined in ORS 174.116 that receives state or federal funding for programs that provide alcohol or drug prevention or treatment services.

(b) "Participating state agency" means the Youth Development [*Council*] **Division**, the Department of Corrections, the Department of Human Services, the Oregon Health Authority, the Department of Education, the Oregon Criminal Justice Commission, the Oregon State Police, the Oregon Youth Authority or any other state agency that is approved by the Alcohol and Drug Policy Commission to license, contract for, provide or coordinate alcohol or drug prevention or treatment services.

(c) "Provider" means any person that is licensed by the Oregon Health Authority to provide alcohol or drug prevention or treatment services.

(2) There is created the Alcohol and Drug Policy Commission, which is charged with planning, evaluating and coordinating policies for the funding and effective delivery of alcohol and drug prevention and treatment services.

(3) The membership of the commission consists of:

(a) Sixteen members appointed by the Governor, subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565, including:

- (A) An elected district attorney;
- (B) An elected county sheriff;
- (C) A county commissioner;
- (D) A representative of an Indian tribe;
- (E) A provider;
- (F) A chief of police;
- (G) An alcohol or drug treatment researcher or epidemiologist;
- (H) A criminal defense attorney;
- (I) A representative of the health insurance industry;
- (J) A representative of hospitals;
- (K) An alcohol or treatment professional who is highly experienced in the treatment of persons with a dual diagnosis of mental illness and substance abuse;
- (L) An alcohol or drug abuse prevention representative;
- (M) A consumer of alcohol or drug treatment who is in recovery;
- (N) A representative of the business community;

(O) An alcohol or drug prevention representative who specializes in youth; and

(P) A person with expertise in and experience working with information technology systems used in complex intergovernmental or corporate settings.

(b) Two members of the Legislative Assembly appointed to the commission as nonvoting members of the commission, acting in an advisory capacity only and including:

(A) One member from among members of the Senate appointed by the President of the Senate; and

(B) One member from among members of the House of Representatives appointed by the Speaker of the House of Representatives.

(c) The following voting ex officio members:

(A) The Governor or the Governor's designee;

(B) The Attorney General;

(C) The Director of the Oregon Health Authority;

(D) The Director of the Department of Corrections;

(E) The Deputy Superintendent of Public Instruction or the deputy superintendent's designee;

(F) The Director of Human Services;

(G) The Director of the Oregon Youth Authority;

[(H) *The chairperson of the Youth Development Council; and*]

(H) The Youth Development Director; and

(I) The administrator of the Oregon Liquor Control Commission.

(d) A judge of a circuit court appointed to the commission as a nonvoting member by the Chief Justice of the Supreme Court.

(4) The Alcohol and Drug Policy Commission shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the commission determines.

(5) A majority of the voting members of the commission constitutes a quorum for the transaction of business.

(6) Official action of the commission requires the approval of a majority of a quorum.

(7) The commission may establish a steering committee and subcommittees. These committees may be continuing or temporary.

(8) The term of office of each commission member appointed by the Governor is four years, but a member serves at the pleasure of the Governor. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective.

(9) The Oregon Health Authority shall provide staff support to the commission. Subject to available funding, the commission may contract with a public or private entity to provide staff support.

(10) Members of the commission who are not members of the Legislative Assembly are entitled to compensation and expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for compensation and expenses shall be paid out of

funds appropriated to the Oregon Health Authority or funds appropriated to the commission for purposes of the commission.

(11) The commission shall establish a budget advisory committee composed of the individuals listed in subsection (3)(a)(C), (c)(B) to (I) and (d) of this section. The individual described in subsection (3)(d) of this section is a nonvoting member of the committee. The committee shall recommend budget policy priorities to the commission:

(a) Regarding the allocation of funding for alcohol and drug prevention and treatment services across state agencies and throughout this state;

(b) That identify additional funding from federal and private sources for alcohol and drug prevention and treatment services; and

(c) For authorizing a suspension of the payment of state funds, or funds administered by this state, to programs that do not comply with the commission's rules or the budget priority policy or that do not provide effective prevention or treatment services.

(12)(a) The Governor shall appoint a Director of the Alcohol and Drug Policy Commission who shall serve at the pleasure of the Governor and be responsible for the dissemination and implementation of the commission's policies and the performance of the duties, functions and powers of the commission that are delegated to the director by the commission.

(b) The director shall be paid a salary as provided by law or, if not so provided, as prescribed by the Governor.

SECTION 19. ORS 430.242, as amended by section 63, chapter 37, Oregon Laws 2012, is amended to read:

430.242. (1) The Alcohol and Drug Policy Commission established under ORS 430.241 shall:

(a) Establish priorities and policies for alcohol and drug prevention and treatment services as part of a long-term strategic prevention and treatment plan for this state.

(b) In consultation with the budget advisory committee described in ORS 430.241, adopt budget policy priorities including recommendations for state agency budget allocations, in the Governor's proposed budget, for alcohol and drug prevention and treatment services.

(c) For alcohol and drug prevention and treatment services that use state funds or that use private or federal funds administered by this state, establish, as the commission deems appropriate, minimum standards for licensing, contracting for, providing and coordinating the services.

(2) To promote the effective and efficient use of resources and to reduce unnecessary administrative requirements, the commission, in consultation with participating state agencies, the Judicial Department, local governments, providers and the Oregon Department of Administrative Services, shall develop and implement a plan for structuring Oregon's data collection and reporting systems for alcohol and drug prevention and treatment programs to enable

participating state agencies, the Judicial Department, local governments and providers to share data to:

- (a) Improve client care;
- (b) Improve and ensure the fidelity of evidence-based treatment practices;
- (c) Improve alcohol and drug prevention and treatment programs;
- (d) Ensure the accountability of publicly funded programs;
- (e) Establish high-level, statewide performance measures for Oregon's alcohol and drug prevention and treatment programs; and
- (f) Advance the science of alcohol and drug prevention and treatment.

(3) The plan established under subsection (2) of this section must:

- (a) Include protocols and procedures to improve data collection, sharing and analysis and the interoperability of data and information systems;
- (b) Include safeguards for protecting the confidentiality of information consistent with state and federal privacy and security requirements;
- (c) Include safeguards for protecting trade secret information of providers;
- (d) Include a review of the data collection, sharing and analysis functions of participating state agencies with respect to alcohol and drug prevention and treatment programs to identify duplicative, inefficient, wasteful or unnecessary functions and include recommendations for improvements to the functions described in this paragraph; and
- (e) Be published no later than six months after the appointment, under ORS 430.241, of the first Director of the Alcohol and Drug Policy Commission and shall be revised as frequently as the commission determines is appropriate.

(4) Consistent with the plan established under subsection (2) of this section, the commission may:

- (a) Designate a statewide data repository for data related to alcohol and drug prevention and treatment services and require participating state agencies, local governments and providers to furnish data to the designated statewide data repository in the form and manner prescribed by the commission.
- (b) Direct participating state agencies, local governments and providers to furnish other data, information and reports that the commission considers necessary to perform its duties.
- (c) Furnish data to participating state agencies, local governments, providers and the Judicial Department.

(d) Direct the unit within the Oregon Health Authority that conducts analyses and evaluations of alcohol and drug prevention and treatment programs to:

- (A) Modify systems and business processes to conform to the plan established under subsection (2) of this section; and
 - (B) Change or stop data collection, data sharing or data analysis functions that are duplicative, inefficient, wasteful or unnecessary.
- (5) All participating state agencies shall:

(a) Provide staff support and financial resources to assist the commission in the performance of its duties, which may include making reasonable modifications to the information systems of the state agencies to conform to the systems to the plan established under subsection (2) of this section.

(b) Furnish such information, assistance and advice as the commission considers necessary to perform its duties.

(c) Coordinate grant applications that seek funding for alcohol or drug prevention or treatment programs.

(d) Coordinate with research entities to obtain current information about issues related to alcohol and drug use and to encourage research to evaluate and refine prevention and treatment efforts.

(e) Educate the general public about issues related to alcohol and drug use and the effectiveness of evidence-based prevention and treatment services, to increase public awareness and the allocation of resources.

(f) Promote a treatment delivery infrastructure that will meet anticipated increases in demand for services, ensure a skilled addictions treatment workforce and provide effective treatment assessment mechanisms.

(g) Assess funding priorities and explore opportunities for additional federal resources for alcohol and drug prevention and treatment services.

(h) Solicit from agencies, associations, individuals and all political subdivisions of this state program proposals that address identified priorities.

(i) Evaluate and report to the commission, in the manner and at intervals prescribed by the commission, on the cost and effectiveness of the state agency's treatment programs.

(6) The commission may:

(a) Establish up to 10 pilot programs, located in diverse Oregon communities including at least one tribe, to:

(A) Phase in the long-term strategic prevention and treatment plan developed under subsection (1)(a) of this section; and

(B) Implement prevention programs developed under subsection (7) of this section.

(b) Delegate to the Director of the Alcohol and Drug Policy Commission the authority to carry out the provisions of this section.

(c) Apply for and receive gifts and grants from any public or private source. All moneys received by the commission under this paragraph are continuously appropriated to the commission for the purposes of carrying out the duties, functions and powers of the commission.

(d) Award grants from funds appropriated to the commission by the Legislative Assembly, or from funds otherwise available from any other source, for the purpose of carrying out the duties of the commission.

(7) No later than six months after the appointment of the first Director of the Alcohol and Drug Policy Commission, the director shall develop a science-based model alcohol and drug prevention

program for use in conjunction with the pilot programs, if any, established under subsection (6) of this section and as otherwise directed by the commission. The director shall develop the model program in consultation with:

- (a) The Oregon Health Authority;
 - (b) The Department of Human Services;
 - (c) The Department of Education;
 - (d) The Oregon Liquor Control Commission;
 - (e) The Youth Development [*Council*] **Division**;
 - (f) Organizations that represent or advocate on behalf of consumers of alcohol and drug prevention and treatment programs; and
 - (g) Behavioral scientists.
- (8) The commission and participating state agencies shall enter into interagency agreements to:
- (a) Provide staff and financial resources to assist the commission in carrying out its duties;
 - (b) Share computer systems and technologies between participating state agencies' staff;
 - (c) Collect and analyze data related to the performance of alcohol and drug prevention and treatment programs; and
 - (d) Investigate the impacts of drug and alcohol abuse on Oregonians.
- (9) The commission may adopt rules to carry out its duties under this section.

SECTION 20. ORS 609.652, as amended by section 66, chapter 37, Oregon Laws 2012, and section 15, chapter 67, Oregon Laws 2012, is amended to read:

609.652. As used in ORS 609.654:

- (1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.
- (b) "Aggravated animal abuse" does not include:
 - (A) Good animal husbandry, as defined in ORS 167.310; or
 - (B) Any exemption listed in ORS 167.335.
- (2) "Law enforcement agency" means:
 - (a) Any city or municipal police department.
 - (b) A police department established by a university under ORS 352.383.
 - (c) Any county sheriff's office.
 - (d) The Oregon State Police.
 - (e) A law enforcement division of a county or municipal animal control agency that employs sworn officers.
 - (f) A humane investigation agency as defined in section 1, chapter 67, Oregon Laws 2012, that employs humane special agents commissioned under section 1, chapter 67, Oregon Laws 2012.
- (3) "Public or private official" means:
 - (a) A physician, including any intern or resident.
 - (b) A dentist.
 - (c) A school employee.
 - (d) A licensed practical nurse or registered nurse.
 - (e) An employee of the Department of Human Services, Oregon Health Authority, Early Learning Council, Youth Development [*Council*] **Division**, Child Care Division of the Employment Department, the Oregon Youth Authority, a county health de-

partment, a community mental health program, a community developmental disabilities program, a county juvenile department, a licensed child-caring agency or an alcohol and drug treatment program.

- (f) A peace officer.
- (g) A psychologist.
- (h) A member of the clergy.
- (i) A regulated social worker.
- (j) An optometrist.
- (k) A chiropractor.
- (L) A certified provider of foster care, or an employee thereof.
- (m) An attorney.
- (n) A naturopathic physician.
- (o) A licensed professional counselor.
- (p) A licensed marriage and family therapist.
- (q) A firefighter or emergency medical services provider.
- (r) A court appointed special advocate, as defined in ORS 419A.004.
- (s) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.
- (t) A member of the Legislative Assembly.

SECTION 21. ORS 657A.490, as amended by section 67, chapter 37, Oregon Laws 2012, is amended to read:

657A.490. If the Department of Education is able to find adequate funding under ORS 657A.493, the department, in partnership with organizations including, but not limited to, the Institute on Violence and Destructive Behavior at the University of Oregon, the Child Care Division of the Employment Department, the Early Learning Council, the Youth Development [*Council*] **Division** and the Oregon Center for Career Development in Childhood Care and Education:

- (1) Shall establish, in coordination with existing training systems, a statewide child care provider training program that will educate child care providers on:
 - (a) The importance of healthy brain development in the first three years of a child's life.
 - (b) The identification of risk factors and behaviors that indicate that a child:
 - (A) Needs special education or mental health treatment; or
 - (B) Is at risk of becoming involved in the criminal justice system.
 - (c) Appropriate referrals for intervention for the behaviors identified under paragraph (b) of this subsection.
- (2) Shall establish an application process for child care providers who wish to attend the program and may charge child care providers a fee for attending the program.
- (3) May adopt any rules necessary to implement this section.

SECTION 22. Sections 2a to 2g and 7 of this 2013 Act and the amendments to ORS 181.715, 181.725, 182.515, 417.799, 417.845, 417.857, 418.975, 419B.005, 430.241, 430.242, 609.652 and 657A.490

and sections 21 and 21b, chapter 37, Oregon Laws 2012, by sections 4, 6 and 8 to 21 of this 2013 Act become operative on July 1, 2013.

SECTION 23. The Youth Development Council shall submit a report to the appropriate interim legislative committees on or before January 1, 2014. The report must provide a funding allocation plan that can be implemented no later than July 1, 2014, and that is for:

- (1) All services provided by the council;
- (2) Juvenile crime prevention programs; and

(3) New investments in youth development programs and services that align with and support goals established by the Oregon Education Investment Board.

SECTION 24. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Approved by the Governor July 19, 2013
Filed in the office of Secretary of State July 22, 2013
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