

Enrolled
Senate Bill 267

Sponsored by COMMITTEE ON JUDICIARY (at the request of AFSCME Council 75)

CHAPTER

AN ACT

Relating to public safety; creating new provisions; amending ORS 181.620 and 181.637; and declaring an emergency.

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

EDITORS NOTE: Sections 1 and 2 have been deleted from this version.

Please skip to Section 3 on the next page..

SECTION 3. As used in this section and section 7 of this 2003 Act:

(1) "Agency" means:

- (a) The Department of Corrections;
- (b) The Oregon Youth Authority;
- (c) The State Commission on Children and Families;
- (d) That part of the Department of Human Services that deals with mental health and addiction issues; and
- (e) The Oregon Criminal Justice Commission.

(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 4. As used in sections 5 and 6 of this 2003 Act, "agency," "cost effective," "evidence-based program" and "program" have the meanings given those terms in section 3 of this 2003 Act.

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

(2) Each agency shall submit a report containing:

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

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

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

(d) A description of the efforts the agency is making to meet the requirements of subsection (1) of this section and sections 6 (1) and 7 (1) of this 2003 Act.

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

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

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

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

(2) Each agency shall submit a report containing:

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

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

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

(d) A description of the efforts the agency is making to meet the requirements of subsection (1) of this section and section 7 (1) of this 2003 Act.

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

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

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

SECTION 7. (1) The Department of Corrections, the Oregon Youth Authority, the State Commission on Children and Families, that part of the Department of Human Services that deals with mental health and addiction issues and the Oregon Criminal Justice Commission shall spend at least 75 percent of state moneys that each agency receives for programs on evidence-based programs.

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

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

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

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

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

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

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

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

SECTION 8. The provisions of section 7 of this 2003 Act apply to biennia beginning on or after July 1, 2009.

SECTION 9. (1) As used in this section, "agency," "evidence-based program" and "program" have the meanings given those terms in section 3 of this 2003 Act.

(2) Each agency shall conduct an assessment of existing programs and establish goals that enable the agency to meet the requirements of sections 5 (1), 6 (1) and 7 (1) of this 2003 Act. Each agency shall work with interested persons to establish the goals and to develop a process for meeting the goals.

(3) No later than September 30, 2004, each agency shall submit a report containing:

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

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

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

(d) A description of the efforts the agency is making to meet the requirements of sections 5 (1), 6 (1) and 7 (1) of this 2003 Act.

SECTION 10. This 2003 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2003 Act takes effect on its passage.

Passed by Senate March 5, 2003

Repassed by Senate July 24, 2003

.....
Secretary of Senate

.....
President of Senate

Passed by House June 24, 2003

Repassed by House July 29, 2003

.....
Speaker of House

Received by Governor:

.....M,....., 2003

Approved:

.....M,....., 2003

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2003

.....
Secretary of State