

HOUSE JUDICIARY SUBCOMMITTEE

ON CRIMINAL LAW

February 03, 2005 Hearing Room 357

8:30 A.M. Tape 10

MEMBERS PRESENT: Rep. Jeff Barker, Chair

Rep. Greg Macpherson

Rep. Andy Olson

Rep. Kim Thatcher

GUEST MEMBER: Rep. Wayne Krieger

STAFF PRESENT: Heidi Moawad, Counsel

Elizabeth Howe, Committee Assistant

MEASURES/ISSUES HEARD & WITNESSES:

HB 2142 – Public Hearing

Stan Czerniak, Department of Corrections

Mary Botkin, American Federation of State, County, and

Municipal Employees

John Hummel, Oregon Criminal Defense Lawyers Association

Andrea Meyer, American Civil Liberties Union

HB 2145 – Public Hearing and Work Session

Scott Taylor, Department of Corrections

Mary Botkin, American Federation of State, County, and

Municipal Employees

Brain DeLashmutt, Federation of Oregon Parole and Probation Officers

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
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TAPE 10, A

004	Chair Barker	Calls meeting to order at 8:35 a.m. Opens a public hearing on HB 2142.
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HB 2142 – PUBLIC HEARING

008	Heidi Moawad	Counsel. Introduces HB 2142, which specifies circumstances under which corrections officer or other official employed by Department of Corrections may use deadly physical force.
014	Chair Barker	Understands conceptual amendments will be added, and announces there will be no work session on HB 2142.
020	Stan Czerniak	Assistant Director of Operations, Oregon Department of Corrections (DOC). Submits testimony and testifies in support of HB 2142 (EXHIBIT A) .
040	Czerniak	Discusses what current statutes do not allow currently, and how HB 2142 will improve the safety of corrections officers.
057	Czerniak	Discusses friendly amendments in progress for HB 2142.
065	Mary Botkin	American Federation of State, County, and Municipal Employees (AFSCME). Testifies in support of HB 2142, and illustrates why AFSCME is supporting this bill and will likely support amendments.
089	Rep. Macpherson	Asks Mr. Czerniak about the frequency of the need for deadly force.

093	Czerniak	Admits that deadly force is not needed often. Says the DOC's own rules require exhausting every alternative before deadly force is used.
110	Chair Barker	Asks if conceptual amendments add the DOC procedures to HB 2142.
114	Czerniak	Answers that amendments will add provisions currently in DOC rules.
129	John Hummel	Oregon Criminal Defense Lawyers Association (OCDLA). Believes that OCDLA will accept HB 2142 with amendments.
138	Andrea Meyer	American Civil Liberties Union (ACLU). Agrees that DOC is moving in a direction that ACLU can support. Adds that the DOC was in touch with her yesterday (Feb. 2) to discuss the amendments.
145	Chair Barker	Expresses desire that groups work together on amendments.
148	Chair Barker	Closes public hearing on HB 2142. Opens public hearing on HB 2145, which provides that county parole and probation officers have powers of peace officers in execution of their duties.

HB 2145 – PUBLIC HEARING

156	Scott Taylor	Community Corrections Chief, Department of Corrections (DOC). Submits written testimony and testifies in support of HB 2145 (EXHIBIT B) .
177	Mary Botkin	American Federation of State County Municipal Employees (AFSCME). Testifies in support of HB 2145.
182	Rep. Macpherson	Asks Ms. Botkin if the status of personnel will change, particularly their benefits status, as a result of HB 2145.
185	Botkin	Believes that HB 2145 will clarify authority, not change status.
198	Brian DeLashmutt	Federation of Oregon Parole and Probation Officers. Answers Rep. Macpherson's question by stating that negotiations have already started and HB 2145 will not change the status of any personnel.
216	Chair Barker	Closes public hearing and opens a work session on HB 2145.

HB 2145 – WORK SESSION

219 Rep. Thatcher **MOTION: Moves HB 2145 to the full committee with a DO PASS recommendation.**

VOTE: 4-0-0

AYE: In a roll call vote, all members present vote Aye.

225 Chair Barker **The motion CARRIES.**

BARKER will lead discussion in the full committee.

226 Chair Barker Closes work session on HB 2145. Adjourns the meeting at 8:52 a.m.

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EXHIBIT SUMMARY

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- A. HB 2142, written testimony, Stan Czerniak, 2 pp
- B. HB 2145, written testimony, Scott Taylor, 1 p