

HOUSE JUDICIARY SUBCOMMITTEE

ON CRIMINAL LAW

February 08, 2005 Hearing Room 357

8:30 AM Tapes 11 - 12

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 HEARD & WITNESSES:

HB 2296 – Public Hearing and Work Session

Sergeant Steve Duvall, Oregon State Police

Kamala Shugar, Oregon District Attorneys Association

Lori Sattenspiel, Oregon Community College Association

Lisa Zavala, Oregon University System

HB 2015 – Public Hearing

House Speaker Karen Minnis

Stephanie Tuttle, Oregon District Attorneys Association

Derek Dow, Police Officer in Portland

Kelly Skye, Oregon Criminal Defense Lawyers Association

Andrea Meyer, American Civil Liberties Union

HB 2297 – Public Hearing and Work Session

Stephanie Tuttle, Oregon District Attorneys Association

HB 2299 – Public Hearing and Work Session

Sergeant Steve Duvall, Oregon State Police

Kamala Shugar, Oregon District Attorneys Association

HB 2300 – Public Hearing

Stephanie Tuttle, Oregon District Attorneys Association

Sergeant Steve Duvall, Oregon State Police

Diana Lindsey, Oregon State Police

Andrea Meyer, American Civil Liberties Union

Kelly Skye, Oregon Criminal Defense Lawyers Association

Marge Kafoury, City of Portland

HB 2301 – Public Hearing

Sergeant Steve Duvall – Oregon State Police

Diana Lindsey – Oregon State Police

Kamala Shugar – Oregon District Attorneys Association

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

TAPE 11, A

003 Chair Barker Calls the meeting to order at 8:35 a.m. Opens a public hearing on HB 2296, which expands sex offender reporting requirements by requiring sex offender to report when sex offender works at, carries on vocation at or attends institution of higher education.

HB 2296 – PUBLIC HEARING

006 Heidi Moawad Counsel. Notes that a fiscal statement was received for HB 2296.

013 Sergeant Steve Duvall Oregon State Police. Submits written testimony and testifies in support of HB 2296 (**EXHIBIT A**).

054 Rep. Macpherson Asks about definition of “higher education institution.”

063 Sergeant Duvall Offers to do research on whether trade schools, etc., are included.

068 Rep. Macpherson Asks if this is in compliance with the federal statute.

070 Sergeant Duvall Answers affirmatively.

074 Kamala Shugar Oregon District Attorneys Association. Testifies in support of HB 2296.

099 Chair Barker Asks if business colleges, etc., would be involved.

103 Shugar Offers to do additional research to find out.

109 Lori Sattenspiel Oregon Community College Association. Submits written testimony and testifies in support of HB 2296 (**EXHIBIT B**).

145 Lisa Zavala Senior Associate Director of Government Relations, Oregon University System. Submits written testimony and testifies in support of HB 2296 (**EXHIBIT C**).

156 Chair Barker Closes public hearing and opens a work session on HB 2296.

HB 2296 – WORK SESSION

158 Rep. Macpherson

MOTION: Moves HB 2296 to the full committee with a DO PASS recommendation.

VOTE: 4-0-0

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

167 Chair Barker The motion CARRIES.
REP. MACPHERSON will lead discussion in the full committee.

172 Chair Barker Closes work session on HB 2296. Opens a public hearing on HB 2015, which extends statute of limitations for certain felonies.

HB 2015 – PUBLIC HEARING

175 Speaker Karen Minnis Speaker of the House. House District 29. Testifies in support of HB 2015.

215 Stephanie Tuttle Oregon District Attorneys Association. Testifies in support of HB 2015.

248 Tuttle Discusses problems with requiring young children to testify for abuse at a young age, and explains the benefit of HB 2015 extending the statute of limitations.

260 Derek Dow Police Officer in Portland. Testifies in support of HB 2015.

302 Kelly Skye Oregon Criminal Defense Lawyers Association (OCDLA). Testifies in opposition to HB 2015. Emphasizes the OCDLAs opposition to extending statute of limitations, and explains the purpose for the current statute of limitations.

347 Skye Continues explanation of the necessity for the current statute of limitations.

TAPE 12, A

005 Andrea Meyer American Civil Liberties Union. Discusses the history of HB 2015, and testifies in opposition to the bill.

025	Rep. Macpherson	Asks how other states' statute of limitations compares to Oregon law.
032	Skye	Offers to do some research about statute of limitations in other states.
035	Rep. Macpherson	Clarifies that he wants to know how our statute of limitations compares other states' statutes.
040	Moawad	Notes that HB 2015 is modeled after the Pennsylvania statute.
044	Meyer	Offers to do some research about other states.
048	Rep. Thatcher	Wonders if many cases are dismissed due to the current statute.
054	Skye	Says she has not seen many cases that are forced to be declined due to the current statute of limitations.
070	Chair Barker	Closes public hearing on HB 2015. Asks for more time and information before the committee proceeds to a work session.
074	Moawad	Offers to do research on state trends for statute of limitations.
077	Chair Barker	Opens public hearing on HB 2297.

HB 2297 – PUBLIC HEARING

080	Heidi Moawad	Counsel. Introduces HB 2297, which expands circumstances under which public indecency is felony.
097	Stephanie Tuttle	Oregon District Attorneys Association. Testifies in support of HB 2297.
111	Chair Barker	Closes public hearing and opens a work session on HB 2297.

HB 2297 – WORK SESSION

112	Rep. Olson	MOTION: Moves HB 2297 to the full committee with a DO PASS recommendation.
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VOTE: 4-0-0

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

116 Chair Barker The motion CARRIES.

REP. OLSON will lead discussion in the full committee.

119 Chair Barker Closes work session on HB 2297. Opens public hearing on HB 2299, which expands circumstances under which public indecency is felony.

HB 2299 – PUBLIC HEARING

120 Heidi Moawad Counsel. Notes that HB 2299 received a No Fiscal Impact statement.

125 Sergeant Steve Duvall Oregon State Police. Submits written testimony and testifies in support of HB 2299 (**EXHIBIT D**).

153 Chair Barker Asks for an example of an adult who could be relieved of their duty to report as a sex offender.

156 Sergeant Duvall Offers an illustration that someone who committed a Class C felony ten or more years ago could be relieved.

164 Rep. Krieger Asks why we would require offender to send the certified copy of the release instead of the court.

167 Sergeant Duvall Replies that he does not know.

169 Rep. Krieger Suggests talking about efficiencies.

171 Kamala Shugar Oregon District Attorneys Association. Answers Rep. Krieger's question by explaining that requiring the adult offender to send the copy would maintain consistency with the juvenile requirement. Testifies in support of HB 2299.

196 Shugar Notes section three introducing a standard of proof regarding juveniles seeking relief from registration.

210 Chair Barker Closes public hearing and opens a work session on HB 2299.

HB 2299 – WORK SESSION

- 211 Rep. Thatcher **MOTION: Moves HB 2299 to the full committee with a DO PASS recommendation.**
- VOTE: 4-0-0**
- AYE: In a roll call vote, all members present vote Aye.**
- 216 Chair Barker **The motion CARRIES.**
- REP. THATCHER will lead discussion in the full committee.**
- 218 Chair Barker Closes work session on HB 2299. Opens public hearing on HB 2300, which requires person with duty to report as sex offender to report every 10 days if person does not have fixed address.

HB 2300 – PUBLIC HEARING

- 220 Stephanie Tuttle Oregon District Attorneys Association. Testifies in support of HB 2300.
- 252 Rep. Olson Asks about the definition of “fixed address.”
- 258 Tuttle Answers that HB 2300 does not define what a “fixed address” is. Explains that HB 2300 addresses the homeless population: those who move from place to place without a mailing address or stable residence.
- 272 Sergeant Steve Duvall Oregon State Police (OSP). Submits written testimony and testifies on HB 2300 (**EXHIBIT E**). Explains OSPs neutral position. Desires discussion and clarification for definitions.
- 316 Sergeant Duvall Discusses the effects of HB 2300. Offers statistics about how increased reporting will increase workload and have a fiscal impact.
- 360 Sergeant Duvall Offers suggestions for amendments to HB 2300.
- 374 Rep. Olson Asks if other states are having the same problem with identifying addresses of transient offenders.

378 Diana Lindsey Administrative Specialist, OSP. Believes that California and Washington have reduced their reporting period to every 30 days to track their homeless offender population.

394 Rep. Thatcher Asks what happens if a person fails to register within ten days.

400 Tuttle Answers that failing to report is not prosecuted often, but the statute allows the option for tracking more dangerous offenders.

TAPE 11, B

009 Rep. Thatcher Notes that if the homeless offenders followed the current law they would have to register every day.

012 Tuttle Admits difficulties with establishing definition of “residence,” especially for homeless offenders.

021 Rep. Thatcher Asks if the police just want to know where they are every ten days.

027 Tuttle Explains that reporting every ten days would give the police an idea of where they are, and what their patterns are.

035 Rep. Thatcher Inquires about how burdensome the registering requirements are.

037 Tuttle Explains processes for registering.

044 Rep. Krieger Notes possible mental problems and irresponsibility of offenders, and suggests they look at the 30-day requirement.

054 Andrea Meyer American Civil Liberties Union. Testifies in opposition to HB 2300.

084 Chair Barker Notes cuts in domestic spending. Asks for suggestions about how to make this work so we know where people are more than once a year.

089 Meyer Suggests that “residence” be defined, and wants the resources so that released offenders become functional members of society.

106 Kelly Skye Oregon Criminal Defense Lawyers Association. Suggests that it would be less expensive for Oregon to spend money on transitional housing as opposed to the cost of putting offenders in jail for not

		registering on time. Notes the low compliance rate for sex offender registration.
141	Skye	Explains that sex offenders have a hard time finding housing, and it limits their options, and now they have more requirements.
156	Chair Barker	Asks what the rate is for sex offender registration compliance.
158	Skye	Defers to Sergeant Duvall.
164	Marge Kafoury	City of Portland. Submits written testimony and testifies in opposition to HB 2300 (EXHIBIT F). Explains difficulty with definition of “fixed address.” Notes the increase in reporting, and the fiscal impact for the Portland Police Bureau.
214	Sergeant Duvall	Gives statistics on sex offender registration compliance: 85 percent compliance rate.
227	Rep. Macpherson	Asks if homeless are large part of the non-compliant population.
236	Sergeant Duvall	Says he does not have official statistics, but one can assume that the homeless population is less responsible, and less likely to comply.
244	Rep. Thatcher	Asks how effective registration is, and what tools it gives the OSP.
250	Sergeant Duvall	Explains intent is not to keep a short leash on offenders, but to make sure mobile offenders are complying with registration requirements.
279	Sergeant Duvall	Announces that OSP wants to discuss and work out clarifications.
282	Rep. Thatcher	Asks if there is a differentiation between predatory sex offenders and other sex offenders.
293	Lindsey	Explains that registration requirements are identical for predatory sex offenders and other sex offenders. The only difference is that the community is alerted when a predatory sex offender moves in.
308	Chair Barker	Closes public hearing on HB 2300. Asks that the definition of “fixed address” be clarified, and that the high cost of the ten day registration be addressed.

319 Chair Barker Opens public hearing on HB 2301, which allows person required to report a sex offender to make annual report other than in-person under certain circumstances.

HB 2301 – PUBLIC HEARING

330 Sergeant Steve Duvall Oregon State Police (OSP). Submits written testimony and testifies on HB 2301 (**EXHIBIT G**). Explains neutral position on HB 2301. Offers statistics on registrations.

373 Sergeant Duvall Discusses mail-in registration in place of in-person registration when a sex offender must report.

TAPE 12, B

025 Sergeant Duvall Explains difficulty with vague language in HB 2301.

053 Rep. Olson Expresses curiosity about the rate of returned invoiced payments.

056 Diana Lindsey Oregon State Police. Asks for clarification that Rep. Olson wants details for the return rate of envelopes due to incorrect addresses.

060 Rep. Olson Replies that she is correct.

062 Lindsey Discloses that OSP receives approximately 100 invoices back each month out of 1,000 sent out.

070 Rep. Olson Inquires how long Washington has been doing mail-in registration.

074 Sergeant Duvall Admits that he is not familiar with Washington's process.

075 Rep. Olson Desires to know if Washington's program has been successful.

078 Kamala Shugar Oregon District Attorneys Association. Testifies with a neutral position, but has concerns with cost-effectiveness and standardization of reporting requirements.

101 Shugar Expresses concern about verification of identity and due dates for mail-in reporting.

127	Rep. Thatcher	Asks if the public is really safer due to sex offender registration.
135	Shugar	Defers to OSP, but notes that registration allows the public to be informed of the location of convicted sex offenders.
164	Sergeant Duvall	Agrees with Ms. Shugar, and says that HB 2301 is an attempt to streamline registration. Notes that HB 2301 allows agencies to make an alternative method for reporting, but it is not standardized.
182	Chair Barker	Closes public hearing on HB 2301. Remarks that the bill needs work.
189	Chair Barker	Adjourns the meeting at 10:10 a.m.

EXHIBIT SUMMARY

- A. **HB 2296, written testimony, Sergeant Steve Duvall, 4 pp**
- B. **HB 2296, written testimony, Lori Sattenspiel, 1 p**
- C. **HB 2296, written testimony, Lisa M. Zavala, 1 p**
- D. **HB 2299, written testimony, Sergeant Steve Duvall, 2 pp**
- E. **HB 2300, written testimony, Sergeant Steve Duvall, 3 pp**
- F. **HB 2300, written testimony, Marge Kafoury, 2 pp**
- G. **HB 2301, written testimony, Sergeant Steve Duvall, 4 pp**