

**HOUSE JUDICIARY SUBCOMMITTEE**

**ON CRIMINAL LAW**

**March 31, 2005 Hearing Room 357**

**8:30 A.M. Tapes 35 - 36**

**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:**

**HB 2829 – Public Hearing**

**HB 2833 – Public Hearing**

**HB 3012 – Public Hearing**

**HB 3071 – Public Hearing**

**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 35, A

003 Chair Barker Calls the meeting to order at 8:36 a.m. Opens a public hearing on HB 2829.

### HB 2829 – PUBLIC HEARING

006 Heidi Moawad Counsel. Introduces HB 2829, which creates offense of minor under influence of controlled substance or inhalant.

017 Jeff Rost Oregon State Police, Forensic Services Division. Submits written testimony (**EXHIBIT A**) and testifies as neutral on HB 2829. Discusses language defining “under the influence” and addresses fiscal impact.

044 Chair Barker Questions how problematic it will be to require a urinalysis.

048 Rost Discusses the issues related to requiring urinalysis.

064 Rep. Thatcher Relates a personal story, and suggests that HB 2829 may be a useful tool to help demonstrate the seriousness of drug offenses to minors.

074 Rost States that school systems prefer to give direction, not punishment. Comments that there is an absence of treatment in the bill. Confirms that it is illegal to possess a controlled substance, regardless of age.

113 Rep. Thatcher Suggests that perhaps HB 2829 is unnecessary if possession of a controlled substance is already illegal.

117 Moawad States that possession does not include in the bloodstream, so if there were no implements or substance found, then possession would not apply.

129 Rep. Macpherson Recalls that a minor can be cited for possession by consumption.

135 Moawad Confirms citation for minor in possession by consumption.

140 Chair Barker Closes public hearing on HB 2829. Opens public hearing on HB 2833, which continues and modifies authority of Juvenile Crime

Prevention Advisory Committee to allow use of crime prevention funds for younger children.

### **HB 2833 – PUBLIC HEARING**

- 148 Rep. Gene Whisnant House District 53. Testifies in support of HB 2833. Explains that HB 2833 continues a program that is already in existence.
- 190 Tammy Baney Deschutes County Commission on Children and Families (DCCCF). Testifies in support of HB 2833. Describes proposed amendment.
- 218 Julie Lyche DCCCF. Testifies in support of HB 2833. Discusses evidence-based programs that HB 2833 will support. Submits written testimony **(EXHIBIT B)** and a letter from Andy Jordan, Chief of Police, Bend **(EXHIBIT C)**.
- 268 Rep. Thatcher Questions why an amendment would be added to limit program to Deschutes County.
- 272 Lyche States that some counties are opposed to the program.
- 283 Becky Eklund Oregon Criminal Justice Commission. Testifies in support of HB 2833.
- 297 Chair Barker Asks if this would be a beneficial program for other counties.
- 301 Eklund Explains how funds were originally allocated, and why some counties would oppose the option to use them for a different age group.
- 312 Moawad Inquires if the program is voluntary. Mentions testimony by Tim Loewen, Oregon Juvenile Directors Association **(EXHIBIT D)**.
- 320 Eklund Confirms that the program is voluntary.
- 328 Chair Barker Closes public hearing on HB 2833. Opens public hearing on HB 3012, which requires Oregon Youth Authority to determine numbers of youth offenders with diagnosed mental illness who require mental health treatment.

### **HB 3012 – PUBLIC HEARING**

342 Mary Botkin American Federation of State, County, and Municipal Employees (AFSCME). Testifies in support of HB 3012.

**TAPE 36, A**

002 Botkin Suggests an alternative program that would send children to community based programs, rather than to the correctional facilities.

033 Rep. Olson Questions success of Trillium Family Services.

036 Botkin States that there are not enough resources like Trillium. Emphasizes the need for safe, secure, program-oriented facilities.

052 Angela Kimball Association of Oregon Community Mental Health Programs (AOCMHP). Offers a personal story of her son who was successfully helped by community health programs. Testifies as neutral on HB 3012. States there are few resources for non-Medicaid children.

139 Kimball Discusses the issues when resources are not balanced.

146 Chair Barker Asks if AOCMHP agrees that the goal is to place children in community programs not only youth facilities.

148 Kimball Responds affirmatively.

150 Phil Lemman Deputy Director, Oregon Youth Authority (OYA). Submits written testimony (**EXHIBIT E**) and testifies as neutral on HB 3012.

204 Rep. Krieger Inquires about young people who are not offenders, and questions what parents can do with those children who show signs of mental illness.

210 Lemman Defers to someone else, as OYA deals only with offenders.

218 Rep. Krieger Comments that preventative measures could keep children with mental illness from offending.

223 Kimball Relates that community mental health programs serve the Medicaid population, but private insurance limits mental health services. States

that the current funding structure does not provide sufficient assistance. Discusses bills addressing this issue.

284 Chair Barker Closes public hearing on HB 3012. Opens a public hearing on HB 3071, which requires Oregon Youth Authority to determine number of youth offenders with diagnosed mental illness who requires mental health treatment.

### **HB 3071 – PUBLIC HEARING**

299 Mary Botkin American Federation of State, County, and Municipal Employees (AFSCME). Testifies in support of HB 3071. Describes what AFSCME wants in order to assist youth.

368 Botkin Explains that Oregon Youth Authority (OYA) is serving well with the resources they are given, but the Department of Human Services (DHS) is not serving OYA well.

419 Rep. Olson Questions her belief that DHS is not serving OYA well.

### **TAPE 35, B**

003 Botkin States that DHS has overextended itself.

029 Rep. Olson Offers illustration: “If it’s predictable, it’s preventable.” Questions how DHS can improve and initiate preventative measures.

040 Botkin Suggests that every related agency needs to work together for solutions.

066 Rep. Krieger Expresses appreciation for Ms. Botkin’s perspective. Questions again where parents can find help for their young mentally ill children.

100 Botkin Reiterates that there are insufficient resources to successfully serve the mentally ill.

118 Chair Barker Mentions bills this session that address mental illness.

130 Phil Lemman

Deputy Director, OYA. Submits written testimony (**EXHIBIT F**) and testifies as neutral on HB 3071. Suggests that the OYA is already doing what HB 3071 would require them to do.

202	Chair Barker	Questions whether it would be helpful to have this law on the books.
203	Lemman	Believes it is unnecessary, but if proponents fear that policy will change, then HB 3071 would establish it in statute.
210	Rep. Olson	Comments that during his visit to MacLaren youth correctional facility he saw these things being addressed.
214	Angela Kimball	Association of Oregon Community Mental Health Programs. Testifies as neutral on HB 3071. Comments that this bill does not address the need for prevention or community based programs.
223	Chair Barker	Closes public hearing on HB 3071. Adjourns the meeting at 9:48 p.m.

### **EXHIBIT SUMMARY**

- A. **HB 2829, written testimony, Jeff Rost, 2 pp**
- B. **HB 2833, written testimony, Julie Lyche, 2 pp**
- C. **HB 2833, letter from Andy Jordan, Julie Lyche, 1 p**
- D. **HB 2833, written testimony, Tim Loewen, 1 p**
- E. **HB 3012, written testimony, Phil Lemman, 2 pp**
- F. **HB 3071, written testimony, Phil Lemman, 10 pp**