

HOUSE JUDICIARY SUBCOMMITTEE

ON CRIMINAL LAW

May 12, 2005 Hearing Room 357

8:30 A.M. Tapes 60 - 61

Corrected 10/12/05

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

Bill Taylor, Counsel

Elizabeth Howe, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2561 – Public Hearing and Work Session

HB 2766 – Public Hearing

HB 2390 – Work Session

HB 2974 – Work Session

HB 2972 – Work Session

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 60, A		
003	Chair Barker	Calls the meeting to order at 8:35 a.m. Opens a public hearing on HB 2561.

HB 2561 – PUBLIC HEARING

006	Bill Taylor	Counsel. Provides background on HB 2561, which deletes requirement that Oregon Youth Authority make progress reports to Legislative Assembly.
019	Harry Gilmore	Director, Technical Assistance Unit, Children and Families, Department of Human Services (DHS). Testifies in support of HB 2561 with the -1 amendments (EXHIBIT A).
037	Karen Andall	Oregon Youth Authority (OYA). Testifies in support of HB 2561.
042	Chair Barker	Closes public hearing and opens a work session on HB 2561.

HB 2561 – WORK SESSION

043	Rep. Macpherson	MOTION: Moves to ADOPT HB 2561-1 amendments dated 5/6/05.
		VOTE: 4-0-0
054	Chair Barker	Hearing no objection, declares the motion CARRIED.
055	Rep. Macpherson	MOTION: Moves HB 2561 to the full committee with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0-0
	AYE:	In a roll call vote, all members present vote Aye.

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

060 Chair Barker Closes work session on HB 2561. Opens a public hearing on HB 2766, which extends period of time certain inmates are required to participate in functional literacy program.

HB 2766 – PUBLIC HEARING

066 Ginger Martin Department of Corrections (DOC). Testifies in support of HB 2766 with the -2 amendments (**EXHIBIT B**). Describes effects of the bill. Notes that an additional amendment will need to be drafted to cover all decisions made by the work group.

110 Craig Campbell Senior Policy Advisor, Governor's Office. Testifies in support of HB 2766 with the -2 amendments. Provides background on the bill.

133 Steve Berger Director, Community Corrections Klamath and Lake Counties/Oregon Community Corrections Directors. Testifies in support of HB 2766 with the -2 amendments.

188 Rep. Olson Inquires about the survey of local costs. Asks about survey in 1995.

192 Berger States that while attempts have been made for inflationary adjustments, a calculated review has not been conducted. Relates that 1995 calculations were based on partial survey results.

221 Paul Snyder Association of Oregon Counties. Addresses the county survey in 1995. Addresses need for further amendments.

323 Chair Barker Inquires about amendments.

325 Bill Taylor Counsel. Comments that bill will go into effect in 2006, while funding will not go into effect until the following biennium.

336 Snyder States that current service levels would be repealed in 2006. Discusses needed amendment.

365 Chair Barker Closes public hearing on HB 2766. Opens a work session on HB 2390.

HB 2390 – WORK SESSION

372 Heidi Moawad Counsel. Explains -3 amendments (**EXHIBIT C**) and reviews testimony from public hearing on HB 2390, which creates crime of refusal to identify.

TAPE 61, A

018 Rep. Thatcher Inquires about concerns of the City of Eugene.

022 Moawad Explains concerns of the City of Eugene.

037 Rep. Macpherson Questions the six hours time period in the amendments.

040 Moawad Describes why six hours was chosen.

060 Rep. Thatcher MOTION: Moves to ADOPT HB 2390-3 amendments dated 5/12/05.

VOTE: 4-0-0

062 Chair Barker Hearing no objection, declares the motion CARRIED.

063 Rep. Thatcher MOTION: Moves HB 2390 to the full committee with a DO PASS AS AMENDED recommendation.

VOTE: 4-0-0

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

065 Chair Barker The motion CARRIES.

REP. BARKER will lead discussion in the full committee.

066 Chair Barker Closes work session on HB 2390. Opens work session on HB 2974.

HB 2974 – WORK SESSION

- 074 Heidi Moawad Counsel. Provides background on HB 2974, which requires notification to crime victim when person who committed crime is going to be released from mental health facility to which person has been committed. Introduces -1 amendments (**EXHIBIT D**).
- 120 Rep. Macpherson Inquires about the conduct that will commit a mentally ill person.
- 125 Moawad Explains the process for civilly committing a mentally ill person.
- 132 Chair Barker Uses a clarifying illustration.
- 135 **Rep. Macpherson** **MOTION: Moves to ADOPT HB 2974-1 amendments dated 5/10/05.**
- VOTE: 4-0-0**
- 138 **Chair Barker** **Hearing no objection, declares the motion CARRIED.**
- 141 **Rep. Macpherson** **MOTION: Moves HB 2974 to the full committee with a DO PASS AS AMENDED recommendation.**
- 143 Rep. Macpherson Comments that the victim's need to know is not attributed to the offender's mental state.
- VOTE: 4-0-0**
- AYE: In a roll call vote, all members present vote Aye.**
- 150 **Chair Barker** **The motion CARRIES.**
- REP. MACPHERSON will lead discussion in the full committee.**
- 152 Chair Barker Closes work session on HB 2974. Opens a work session on HB 2972.

HB 2972 – WORK SESSION

- 156 Heidi Moawad Counsel. Provides review of testimony on HB 2972. Introduces the -2 amendments (**EXHIBIT E**) and the -3 amendments (**EXHIBIT F**).
- 208 Rep. Macpherson States that without the -3 amendments, he would oppose the bill.

214	Rep. Thatcher	Inquires why all three amendments have to be adopted.
220	Moawad	States that all three amendments are needed to include all necessary changes.
222	Rep. Macpherson	Inquires whether there is any conflict in the amendments.
233	Moawad	Clarifies that the -1 amendments (EXHIBIT G) and the -3 amendments need to be moved. Relates that the -2 amendments are incorporated in the -3 amendments. Explains what the amendments do.
252	Rep. Macpherson	States that the emergency clause would not necessarily need to be in the bill, though it may be beneficial.
259	Rep. Macpherson	MOTION: Moves to ADOPT HB 2972-1 amendments dated 4/6/05.
259	Rep. Thatcher	MOTION: Moves to ADOPT HB 2972-3 amendments dated 5/11/05.
		VOTE: 4-0-0
262	Chair Barker	Hearing no objection, declares the motion CARRIED.
263	Rep. Macpherson	MOTION: Moves HB 2972 to the full committee with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0-0
		AYE: In a roll call vote, all members present vote Aye.
270	Chair Barker	The motion CARRIES.
		REP. MACPHERSON will lead discussion in the full committee.
272	Chair Barker	Closes work session on HB 2972. States that HB 2792 will be held over to next week.
274	Moawad	

Announces that HB 2792 will be taken off of the full committee agenda on Friday, May 13, 2005.

276 Chair Barker Adjourns the meeting at 9:20 a.m.

EXHIBIT SUMMARY

- A. **HB 2561, -1 amendments, Harry Gilmore, 2 pp**
- B. **HB 2766, -2 amendments, Ginger Martin, 2 pp**
- C. **HB 2390, -3 amendments, staff, 1 p**
- D. **HB 2974, -1 amendments, staff, 3 pp**
- E. **HB 2972, -2 amendments, staff, 3 pp**
- F. **HB 2972, -3 amendments, staff, 5 pp**
- G. **HB 2972, -1 amendments, staff, 1 p**