

HOUSE JUDICIARY SUBCOMMITTEE

ON CRIMINAL LAW

June 02, 2005 Hearing Room 357

9:00 A.M. Tapes 70 - 71

MEMBERS PRESENT: Rep. Jeff Barker, Chair

Rep. Greg Macpherson

Rep. Andy Olson

Rep. Kim Thatcher

STAFF PRESENT: Heidi Moawad, Counsel

Joe O’Leary, Counsel

Bill Taylor, Counsel

Elizabeth Howe, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2101 – Work Session

SB 914 A – Public Hearing and Work Session

SB 919 A – Public Hearing and Work Session

SB 56 A – Public Hearing and 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 70, A

003 Chair Barker Calls the meeting to order at 9:06 a.m. Opens a work session on HB 2101.

HB 2101 – WORK SESSION

005 Bill Taylor Counsel. Provides background on HB 2101, which creates the Oregon Homeland Security Department.

008 Rep. Macpherson MOTION: Moves HB 2101 to the full committee without RECOMMENDATION to passage.

VOTE: 4-0-0

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

013 Chair Barker Closes work session on HB 2101. Recesses the committee at 9:10 a.m. Reconvenes the meeting at 9:20 a.m. Opens a work session on SB 914A.

SB 914 A – PUBLIC HEARING

016 Joe O’Leary Counsel. Provides background on SB 914A, which directs the Oregon Department of Corrections to require that presentence reports provide analysis of the disposition most likely to reduce an offender’s criminal conduct and provide assessment of the availability of relevant programs or treatment to the offender.

029 Judge Michael Marcus Circuit Court Judge, Multnomah County. Submits written testimony (**EXHIBIT A**) and testifies in support of SB 914A.

073 Scott Taylor Department of Corrections, Oregon Association of Community Corrections Directors. Testifies in support of SB 914A.

085 Rep. Olson Inquires about pre-sentence reports.

088 Taylor Replies that they are not using pre-sentences everywhere in the state; small numbers are currently being used.

095	Rep. Macpherson	Asks if there are pre-sentencing investigations done on Measure 11 offenders.
098	Marcus	Responds that this practice is often employed.
108	Rep. Macpherson	Wonders about the recidivism issues relating to this issue.
113	Marcus	Talks about the recidivism problems facing the state; discusses the methods used by Multnomah county to address this issue.
137	Rep. Thatcher	Asks for examples of the depositions used in the pre-sentencing reports.
143	Marcus	Gives examples of pre-sentencing reports he uses in his position. Talks about Measure 11 sentencing cases he has presided over.
192	Chair Barker	Closes the public hearing and opens a work session on SB 914A.

SB 914A – WORK SESSION

195	Rep. Macpherson	MOTION: Moves SB 914A to the full committee with a DO PASS recommendation.
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VOTE: 4-0-0

202	Chair Barker	Hearing no objection, declares the motion CARRIED. REP. MACPHERSON will lead discussion on the floor.
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205	Chair Barker	Closes the work session on SB 914A and opens a public hearing on SB 919A.
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SB 919A – PUBLIC HEARING

211	Joe O’Leary	Counsel. Describes SB 919A relating to directing the Oregon Criminal Justice Commission to study the feasibility of incorporating the consideration of the reduction of criminal behavior and crime rate into sentencing guidelines. Talks about the subsequent referral.
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	Judge Michael Marcus	Circuit Court Judge, Multnomah County. Testifies in support of SB 919A.
299	Marcus	Talks about the lack of opposition to the bill, to his knowledge.
320	Rep. Olson	Inquires about other states that have looked at this type of proposal.
324	Marcus	Replies that Virginia stands out among the crowd.
359	Rep. Olson	Asks when this research was conducted and implemented; wonders about the results.
365	Marcus	Responds that the 2004 annual report is the most recent, and it is released every four years. Talks about the recommendation from the report.
390	Rep. Thatcher	Inquires if the study would be completed in a year and a half and ready for the next Legislative session.
397	Marcus	Stresses that this type of research will never stop; and the flow of increasing information will be a persistent charge of the Criminal Justice Commission.
421	Rep. Thatcher	Asks who would participate in the study.
427	Marcus	Talks about the statutory authorization that would constitute a committee that would include many different members; discusses the different membership (prosecution, defense, judges, Crime Victims United, etc.).

TAPE 71, A

019	Craig Prins	Executive Director, Criminal Justice Commission. Points out that Rep. Olson is the House Legislative appointee on the Criminal Justice Commission. Addresses the Virginia study.
055	Prins	Stresses that he believes it could be done in a year and a half.
068	Rep. Thatcher	States that she does not want to create another bureaucracy by passing this bill.

071	Prins	Talks about how the Criminal Justice Commission does not have a bureaucracy and how the bill would not create additional problems.
087	Rep. Thatcher	Asks who would be doing the study.
089	Prins	Asserts that the commission would charge him to bring in the Virginia information and the research analysts from the Department of Correction to analyze the research in order to address issues of recidivism. Discusses the possibility of using national experts to advise the study.
117	Prins	Comments on the importance of accountability.
131	Chair Barker	Declares his pleasure in using actual statistical methods and scientific principals as opposed to “hocus pocus” to arrive at solutions to these problems.
137	Prins	Stresses that this statistical analysis allows them to know many things they haven’t in the past.
151	Marcus	Talks about the public safety plan enacted by the Criminal Justice Commission.
191	Marcus	Discusses the criminal actions of those who are not normally criminally minded and how probationary methods are used often in these cases (social drinker who hurts someone accidentally driving home one night, etc.).
203	Chair Barker	Closes the public hearing and opens a work session on SB 919A.

SB 919A – WORK SESSION

209 Rep. Olson MOTION: Moves SB 919A to the full committee with a DO PASS recommendation.

VOTE: 4-0-0

**213 Chair Barker Hearing no objection, declares the motion CARRIED.
REP. OLSON will lead discussion on the floor.**

215 Chair Barker Closes the work session on SB 919A and opens a public hearing on SB 56A.

SB 56A – PUBLIC HEARING

220 Heidi Moawad Counsel. Describes SB 56A relating to prohibiting a person from operating a motorboat or idling a motorboat engine while any person holds on to or occupies any portion of the boat aft of transom.

230 Paul Donheffner Director, Oregon State Marine Board. Submits testimony and testifies in support of SB 56A (**EXHIBIT B**).

260 Donheffner Talks about a story involving a youth under the influence of carbon monoxide poisoning who perished in Lake Shasta.

285 Donheffner Discusses recent laws enacted by other states to address this issue.

315 Rep. Olson Inquires about if the opinion of state police was asked about this bill.

319 Donheffner Replies that the issue of carbon dioxide poisoning is very important to marine deputies. Declares that they have their support for this bill.

337 Chair Barker Raises the concern of getting the word out before enforcement begins.

342 Donheffner Responds that they strive to get education out about the law.

347 Chair Barker Closes the public hearing and opens a work session on SB 56A.

SB 56A – WORK SESSION

350 Rep. Thatcher **MOTION: Moves SB 56A to the full committee with a DO PASS recommendation.**

VOTE: 3-0-1

EXCUSED: 1 - Macpherson

356 Chair Barker **Hearing no objection, declares the motion CARRIED.**
REP. BARKER will lead discussion on the floor.

358

Chair Barker

Closes the work session on SB 56A and adjourns the meeting at 10:10 a.m.

EXHIBIT SUMMARY

- A. **SB 914A, written testimony, Judge Michael Marcus, 1 p**
- B. **SB 56A, written testimony, Paul Donheffner, 6 pp**