

## SENATE COMMITTEE ON JUDICIARY

March 23, 2005  
1:00 P.M.

Hearing Room 343  
Tapes 79 - 80

**MEMBERS PRESENT:**     **Sen. Ginny Burdick, Chair**  
                                  **Sen. Charles Starr, Vice-Chair**  
                                  **Sen. Roger Beyer**  
                                  **Sen. Floyd Prozanski**  
                                  **Sen. Charlie Ringo**

**MEMBER EXCUSED:**     **Sen. Vicki Walker**  
                                  **Sen. Doug Whitsett**

**STAFF PRESENT:**       **Joe O'Leary, Counsel**  
                                  **Dale Penn, Committee Assistant**

**MEASURES/ISSUES HEARD:**  
                                  **SB 850 – Public Hearing**  
                                  **SB 36 – Work Session**  
                                  **SB 913 – Public Hearing**  
                                  **SB 915 – Public Hearing**

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 79, A</b>		
003	Chair Burdick	Calls the meeting to order at 1:14 p.m. and opens a public hearing on SB 850.
<b><u>SB 850 – PUBLIC HEARING</u></b>		
007	Joe O'Leary	Counsel. Describes SB 850 relating to establishing an Address Confidentiality Program in the Department of Justice. Introduces the -1 amendment and the hand engrossed version dated March 23, 2005 ( <b>EXHIBITS A &amp; B</b> ).
020	Sen. Richard Devlin	Senate District 19. Submits testimony and testifies in support of SB 850 ( <b>EXHIBIT C</b> ).
060	Sen. Devlin	Expresses his pride over this particular bill, and reiterates the need for its implementation.
082	Sen. Devlin	Addresses the amendments and how they will not meet opposition in Ways and Means.
102	Shelby Rihala	Legislative Aide. Testifies in support of SB 850. Describes the legislation other states use as a similar address confidentiality program in their department of justices.
140	Sen. Prozanski	Stresses the importance of men being included in these provisions.
154	Sybil Hebb	Oregon Law Center. Introduces written testimony from Julie Massa, a Public Policy Advocate with the Oregon Food Bank ( <b>EXHIBIT D</b> ). Submits testimony and testifies in support of SB 850 ( <b>EXHIBIT E</b> ).
188	Hebb	Describes a story from an abuse victim who is in support of the

bill.

205 Hebb Discusses the substitute address applicants may use during the process.

243 Chair Burdick Inquires about attorney contact for the applicant.

248 Hebb States that the Attorney General will contact the applicant through the substitute address.

259 Sen. Prozanski Explains the process by which an attorney or another court official may contact the applicant.

275 Hebb Continues the discussion on the process in contacting the individual under the protection of this program.

292 Sen. Prozanski Raises concerns over the constitutionality of forcing the accused (of abuse) to go through the Attorney General or other medium in order to contact the accuser.

307 Hebb Describes the problem brought up by Sen. Prozanski.

319 Chair Burdick Inquires about the ability of law enforcement to access to the address.

328 Hebb Comments on the process outlined in the bill dealing with this issue.

339 Sen. Beyer Wonders about the repercussions from attempting to access the information from the database.

351 O’Leary Talks about the repercussions of an individual who attempts to access the address who understands the legality of the issue.

370 Chair Burdick Explains that there are methods outlined in the bill that tell law enforcement how to legally access the information.

393 Ronelle Shankle Department of Justice. Submits testimony and testifies in support of SB 250 (**EXHIBIT F**).

448 Sen. Prozanski Declares his support for this concept, but expresses his hesitance over the drafting of the bill conflicting with certain rights of the accused.

**TAPE 80, A**

018 Shankle Explains that the conflict was not intended in the bill, and expresser her desire to work through any problems the committee might have with the bill.

028 O’Leary Comments on a possible drafting amendment that will alleviate the concerns talked about earlier.

047 Hebb States they would support such an amendment.

049 Sen. Prozanski Agrees with counsel’s proposed amendment.

058 Arnie Green Executive Director, Community Works. Testifies in support of SB 850.

099 Jayne Downing Executive Director, Mid-Valley Women’s Crisis Service. Submits testimony and testifies in support of SB 850 (**EXHIBIT G**).

133 Denise Washington Executive Director, Oregon Coalition Against Domestic & Sexual Violence. Submits testimony and testifies in support of SB 850 (**EXHIBIT H**).

175 Brad Swank Oregon Judicial Department. Expresses his support for the concept of SB 850, but cites issues he hesitates to provide full support over.

205 Chair Burdick Articulates her desire to form a work group to focus on a possible amendment. Closes the public hearing on SB 850 and opens a work session on SB 36.

**SB 36 – WORK SESSION**

222 Joe O’Leary Counsel. Describes SB 36 relating to new subpoenas not needing to be served in criminal actions when the date or time of

		appearance has changed if the person subpoenaed is notified of the change. Introduces the -2 amendment and the hand-engrossed version dated March 23, 2005 ( <b>EXHIBITS I &amp; J</b> ).
249	Sen. Starr	<b>MOTION: Moves to ADOPT SB 36-2 amendments dated 3/8/05.</b>
		<b>VOTE: 4-0-3</b>
		<b>EXCUSED: 3 - Ringo, Walker, Whitsett</b>
251	Chair Burdick	<b>Hearing no objection, declares the motion CARRIED.</b>
252	Sen. Starr	<b>MOTION: Moves SB 36 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-0-3</b>
		<b>EXCUSED: 3 - Ringo, Walker, Whitsett</b>
255	Chair Burdick	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>SEN. BURDICK will lead discussion on the floor.</b>
259	Chair Burdick	Closes the work session on SB 36 and opens a public hearing on SB 913.
<b><u>SB 913 – PUBLIC HEARING</u></b>		
261	Joe O’Leary	Counsel. Describes SB 913 relating to the Department of Human Services (DHS) being required to suspend medical assistance for certain persons while they are residing in public institutions.
290	Scott Taylor	Chief of Community Corrections, Oregon Department of Corrections (DOC). Submits testimony and testifies in support of SB 913 ( <b>EXHIBIT K</b> ).
332	Taylor	Addresses the funding problems facing the DOC and how this bill would alleviate some of those issues.
349	Arthur Tolan	Administrator, Counseling and Treatment Services. Testifies in support of SB 913.
366	Bob Nikkel	Administrator of the Office of Mental Health and Addiction Services, Department of Human Services. Submits testimony and testifies in a neutral stance on SB 913 ( <b>EXHIBIT L</b> ).
410	Nikkel	Talks about the issues dealing with the creation of a fiscal impact for the bill.
440	Chair Burdick	Asks if inmates inside the Department of Corrections lose their eligibility for Medicaid-type benefits.
445	Nikkel	Explains the situation facing both inmates and individuals in the Oregon State Hospital in relation to eligibility for Medicaid and other programs.
465	Sen. Prozanski	Comments on the term “correctional facilities” within the bill including the Oregon State Hospital.
<b>TAPE 79, B</b>		
025	Scott Manchester	Executive Director, Oregon Chapter of the National Association of Social Workers. Submits testimony and testifies in support of SB 913 ( <b>EXHIBIT M</b> ).
060	Chair Burdick	Asks if he wants the Oregon State Hospital to be included in the definitions discussed above.
062	Manchester	Replies yes.
063	Angela Kimball	Association of Oregon Community Mental Health Programs. Submits written testimony from Glen Stanton and a 2005 study on reducing recidivism through the suspension of benefits and the continuity of care ( <b>EXHIBITS N &amp; O</b> ). Submits the High Booking Study, March 2005 ( <b>EXHIBIT Q</b> ).
115	Phillip Chadsey	Chairman, National Alliance for the Mentally Ill. Submits testimony and testifies in support of SB 913 ( <b>EXHIBIT P</b> ).
130	Chair Burdick	Closes the public hearing on SB 913 and opens a public hearing

on SB 915.

**SB 915 – PUBLIC HEARING**

140	Joe O’Leary	Counsel. Describes SB 915 relating to allowing defendants charged with Class C felonies to enter a plea of not guilty in writing.
149	Judge Terry Leggert	Marion County Judge. Testifies in a neutral stance on SB 915.
167	Sen. Prozanski	Inquires about the requirements for individuals who are supposed to attend court appearances dealing with Class C felonies.
177	Leggert	Comments on the appearance process after the bill is passed, and currently. Advocates the use of video appearances and phone appearances for these types of court cases.
213	Chair Burdick	Asks if she already does this.
215	Leggert	Replies no, and expresses her desire to streamline the process.
227	Chair Burdick	Inquires if she wants the courts to have this responsibility instead of the district attorney.
229	Leggert	Responds yes.
231	Sen. Prozanski	Wonders about certain court circumstances, and how the bill would affect them.
238	Leggert	Discusses the above scenarios.
246	Sen. Prozanski	Cites his hesitance over issues in the bill from the point of view as a prosecutor.
266	Leggert	Addresses the earlier issues, and talks about why the judges are the ones who should be making these decisions on appearances.
290	Bradd Swank	Oregon Judicial Department. Testifies in a neutral stance on SB 915. Details the process of court appearances dealing with not guilty pleas.
337	Chair Burdick	Closes the public hearing on SB 915 and adjourns the meeting at 2:30 p.m.

**EXHIBIT SUMMARY**

- A. **SB 850, -1 amendment, Sen. Devlin, 3 pp**
- B. **SB 850, hand-engrossed version, staff, 9 pp**
- C. **SB 850, written testimony, Sen. Devlin, 1 p**
- D. **SB 850, written testimony, Sybil Hebb, 1 p**
- E. **SB 850, written testimony, Sybil Hebb, 2 pp**
- F. **SB 850, written testimony, Ronelle Shankle, 1 p**
- G. **SB 850, written testimony, Jayne Downing, 2 pp**
- H. **SB 850, written testimony, Denise Washington, 1 p**
- I. **SB 36, -2 amendment, staff, 1 p**
- J. **SB 36, hand-engrossed version, staff, 2 pp**
- K. **SB 913, written testimony, Scott Taylor, 2 pp**
- L. **SB 913, written testimony, Bob Nikkel, 2 pp**
- M. **SB 913, written testimony, Scott Manchester, 2 pp**
- N. **SB 913, written testimony, Angela Kimball, 2 pp**
- O. **SB 913, Study: Reducing Recidivism, Angela Kimball, 1 p**
- P. **SB 913, written testimony, Phillip D. Chadsey, 1 p**
- Q. **SB 913, High Booking Study, Angela Kimball, 53 pp**