

SENATE COMMITTEE ON JUDICIARY

March 28, 2005
1:00 P.M.

Hearing Room 343
Tapes 83 - 84

MEMBERS PRESENT: Sen. Ginny Burdick, Chair
Sen. Charles Starr, Vice-Chair
Sen. Roger Beyer
Sen. Floyd Prozanski
Sen. Vicki Walker
Sen. Doug Whitsett

MEMBER EXCUSED: Sen. Charlie Ringo

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

MEASURES/ISSUES HEARD:
SB 89 – Work Session
SB 208 – Work Session
SB 489 – Work Session
SJR 26 – Public Hearing
SJR 27 – Public Hearing
SB 705 – 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 83, A		
003	Chair Burdick	Calls the meeting to order at 1:20 p.m. and opens a work session on SB 89.
<u>SB 89 – WORK SESSION</u>		
009	Joe O'Leary	Counsel. Describes SB 89 relating to the creation of a crime of custodial sexual misconduct in the first degree. Introduces the -1 amendment (EXHIBIT A). Discusses the proposed -2 amendment (EXHIBIT B).
030	Chair Burdick	Details the -1 and -2 amendment.
037	Sen. Starr	MOTION: Moves to ADOPT SB 89-1 amendments dated 3/21/05. VOTE: 6-0-1 EXCUSED: 1 - Ringo Hearing no objection, declares the motion CARRIED.
040	Chair Burdick	
044	Chair Burdick	Puts SB 89 over until Tuesday, March 29, 2005. Closes the work session on SB 89 and opens a work session on SB 208.
<u>SB 208 – WORK SESSION</u>		
058	Joe O'Leary	Counsel. Describes SB 208 relating to expanding the state no call program and the regulation of unlawful telephone

		solicitations to include all telephone customers of telecommunications companies. Introduces the -2 amendment (EXHIBIT C). Comments on the proposed amendment for SB 208 (EXHIBIT D).
080	Chair Burdick	Addresses the proposed -2 amendment.
100	Paul Cosgrove	Oregon Financial Services Association. Discusses the amendments before the committee.
120	Sen. Walker	Inquires if the opponents during the public hearing, who are not here, support these amendments.
127	Eva Terres	Department of Justice. Explains the concerns the Attorney General's office has with the current bill.
133	Chair Burdick	Moves SB 208 to Tuesday, March 29, 2005. Closes the work session on SB 208 and opens a work session on SB 489.
<u>SB 489 – WORK SESSION</u>		
150	Joe O'Leary	Counsel. Describes SB 208 relating to repealing the provision allowing the appeal of the Public Utility Commission orders to the circuit court. Discusses the -1 amendment (EXHIBIT E).
166	Chair Burdick	Submits written testimony from Dan Meeks (EXHIBIT F). Addresses the possibility of an emergency clause.
181	Sen. Starr	MOTION: Moves to ADOPT SB 489-1 amendments dated 3/17/05.
		VOTE: 6-0-1
		EXCUSED: 1 - Ringo
183	Chair Burdick	Hearing no objection, declares the motion CARRIED.
186	Sen. Starr	MOTION: Moves SB 489 to the floor with a DO PASS AS AMENDED recommendation.
189	Sen. Walker	Asks for more time to analyze the written testimony. Declares her current support of the bill, but advises that she might change her mind later. Discusses the written testimony of Dan Meeks (Exhibit F).
215	Sen. Whitsett	Agrees with Sen. Walker's hesitation.
221	Sen. Walker	Wonders about holding the bill until Wednesday, March 30, 2005.
231	Chair Burdick	Puts SB 489 to Wednesday, March 30, 2005.
233	Starr	Withdraws motion to move SB 489 as amended to the senate floor.
241	Chair Burdick	Closes the work session on SB 489 and opens a public hearing on SJR 26.
<u>SJR 26 – PUBLIC HEARING</u>		
246	Heidi Moawad	Counsel. Describes SJR 26 relating to the development of protocols to address the issues surrounding the manufacture, distribution and use of methamphetamine and the dangers to children exposed to such activities.
280	Craig Campbell	Governor's Office. Testifies in support of SJR 26. Comments on the dangers facing children in meth producing environments.
302	Chair Burdick	Asks if this approach was employed to avoid the unfunded mandate issue.
305	Campbell	Replies yes, and offers information on their choice.
317	Sen. Prozanski	Discusses the majority of people (not law enforcement personal) not understanding the protocols.
335	Campbell	Responds that they would have no problem with such an amendment.
347	Sen. Prozanski	Raises several issues with the bill dealing with the choice of a resolution. States that this bill is more tailored to the interim.

388	Campbell	Declares his hesitant support for the current bill.
398	Sen. Prozanski	Discusses the different organizations and counties working on the bill.
435	Sen. Prozanski	Advocates work groups cooperating on this issue as it relates to their area (different counties, local law enforcement, etc.) of interest and expertise.
471	Sen. Beyer	Continues a discussion on the different groups and entities that should be helping with the drafting of this bill.
		Details how SB 912 could have the resolutions added to the drafting, making the entire process more streamlined.
TAPE 84, A		
038	Sen. Prozanski	Asks if both resolutions would be able to be adopted in this way.
045	Chair Burdick	Responds that this hearing is only on SJR 26. Closes the public hearing on SJR 26 and opens a public hearing on SJR 27.
<u>SJR 27 – PUBLIC HEARING</u>		
046	Heidi Moawad	Counsel. Describes SJR 27 relating to the creation of a drug court for methamphetamine users.
060	Karen Wheeler	Addiction Policy and Program Development Manager, Department of Human Services. Submits testimony and a fact sheet on Drug Courts, and testifies in support of SJR 27 (EXHIBITS G & H). Advocates for certain minor drafting choices in the bill.
117	Judge Dennis Graves	Marion County Circuit Court and Drug Court Judge. Submits a testimony packet and testifies in support of SJR 27 (EXHIBIT I). Details the success of drug courts.
162	Chair Burdick	Asks Judge Graves for a brief outline of his drug court selection process.
168	Graves	Explains the drug court process, including the funding and selection process.
198	Graves	Discusses the repercussions of failing to follow the program.
212	Graves	Comments on the graduation requirement.
225	Chair Burdick	Points out that the committee members should visit the drug court to analyze the successes and failures.
232	Graves	Talks about the use of a jail bed as a possible method of enforcement.
254	Sen. Whitsett	Inquires about the case load Judge Graves currently faces.
265	Graves	Details his current work load, and his reasoning behind supporting the drug courts.
285	Sen. Prozanski	Wonders about employment rates when the person is in drug court.
288	Graves	Replies with information on employment methods used by the court.
304	Sen. Prozanski	Asks about employers in the private sector allowing their employees to continue the program.
310	Graves	Responds that the participants in the drug court have no problem getting jobs in the community.
326	Pat Schreiner	Commander, Parole and Probation Division, Marion County Sheriff's Office. Testifies in support of SJR 27, and expresses his support for drug courts in general. Addresses the current literature that proves the success of drug courts.
365	Schreiner	Discusses the "What works" literature; drug courts are within this category. Explains how the drug courts stack up against other methods of prevention and treatment.
405	Schreiner	Continues the discussion on prevention methods used by the drug

439	Chair Burdick	courts. States that the drug court being discussed during the road trip on March 17, 2005 to Pendleton, Oregon.
460	Mike Weiner	Drug Court Graduate. Discusses his background before the Polk County drug court.
TAPE 83, B		
027	Weiner	Details the opportunity he was given to begin drug court.
057	Weiner	Talks about several different prevention programs that weren't as effective as drug court.
078	Chair Burdick	Commends Mr. Weiner on his testimony, and asks about drug court keeping him honest.
082	Weiner	Replies that drug court makes it nearly impossible to hide drug or alcohol abuse. Describes his current status with drug court.
108	Graves	Declares that drug court meets every Friday from 10:00 a.m. until 12:00 p.m., and welcomes any members of the legislature to visit.
121	Gina Firm	Director, Association of Community Mental Health Programs. Testifies that alcohol and drug treatment programs have been cut over the past two biennium.
137	Chair Burdick	Closes the public hearing on SJR 27 and opens a public hearing on SB 705.
<u>SB 705 – PUBLIC HEARING</u>		
143	Joe O'Leary	Counsel. Describes SB 705 relating to requiring the Department of Corrections to study and report to the Seventy-fourth Legislative Assembly on rates and types of infectious diseases of persons committed to physical and legal custody of the department.
148	Paul Cosgrove	Cascade Aids Project. Testifies in support of SB 705. Talks about the studies on HIV and hepatitis within the Department of Corrections (DOC).
195	Cosgrove	Details the costs to the correction systems due to diseases such as HIV and hepatitis.
218	Dr. Steve Shelton	Medical Director, Department of Corrections Health Services. Submits testimony and testifies in support of the intent of the bill, but explains that the DOC is already reporting on this issue (EXHIBIT J).
263	Shelton	Talks about how there are over 50 different infectious diseases, and how the health department already researches their prevalence in the DOC.
286	Sen. Whitsett	Asks about the scope of the testing already done at the DOC.
295	Shelton	Discusses the recent study by the DOC on the issue of infectious diseases.
328	Chair Burdick	Inquires about the preventative methods employed by the DOC to halt the spread of these diseases.
335	Shelton	Comments on the methods used by the DOC.
365	Shelton	Describes the process for preventing the spread of diseases in the DOC.
403	Sen. Whitsett	Asks about testing inmates when they enter the DOC.
413	Shelton	States that they have discussed that alternative, but the legal problems and effectiveness are prohibitive.
437	Sen. Prozanski	Wonders about past studies or methods that have tried to track inmates with these diseases.
450	Shelton	Discusses the past studies employed by the DOC and the diseases they have tracked.
495	Shelton	Continues the discussion on previous studies on infectious

TAPE 84, B
047

Chair Burdick

diseases.

Closes the public hearing on SB 705 and adjourns the meeting at 2:45 p.m.

EXHIBIT SUMMARY

- A. SB 89, -1 amendment, staff, 2 pp
- B. SB 89, proposed amendments, staff, 1 p
- C. SB 208, -2 amendment, staff, 2 pp
- D. SB 208, proposed amendments, staff, 1 p
- E. SB 489, -1 amendment, staff, 1 p
- F. SB 489, written testimony, Daniel Meek, 3 pp
- G. SJR 27, written testimony, Karen Wheeler, 2 pp
- H. SJR 27, Drug Courts: Facts and Figures, Karen Wheeler, 2 pp
- I. SJR 27, Drug Court Graduation Bios, Dennis Graves, 22 pp
- J. SB 705, written testimony, Steve Shelton, 2 pp