

SENATE COMMITTEE ON JUDICIARY

April 12, 2005
1:00 P.M.

Hearing Room 343
Tapes 103 - 105

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

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

MEASURES/ISSUES HEARD:
 SB 435 – 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 103, A		
003	Chair Burdick	Calls the meeting to order at 1:14 p.m. and opens a public hearing on SB 435.
SB 435 – PUBLIC HEARING		
032	Rep. Gary Hansen	House District 44. Testifies in support of SB 435. Talks about the failure of Measure 30 forcing a re-evaluation of the budget.
053	Rep. Hansen	Advocates fiscal responsibility in our public safety system.
068	Rep. Chip Shields	House District 43. Submits testimony from the Citizen's Crime Commission and his own written testimony and testifies in support of SB 435 (EXHIBITS A & B).
110	Rep. Shields	Continues reading testimony in support of SB 435 relating to why this bill is important and needs to be implemented immediately.
148	Chair Burdick	Inquires about the earned time rate in comparison to recidivism in Washington state.
153	Rep. Shields	Discusses the preventative programs and methods that Washington uses to combat recidivism.
165	Sen. Ringo	Commends the Representatives for their support of the bill. Inquires about the recidivism in Oregon as opposed to Washington.
171	Rep. Shields	Talks about the different Department of Corrections in both Washington and Oregon.
189	Craig Prins	Executive Director, Criminal Justice Commission. Discusses their assumptions when analyzing the bill and the -2 amendment. Goes over the process used by Legislative Fiscal to arrive at a fiscal impact statement for any bill impacting the criminal justice

		system.
232	Sen. Prozanski	Asks for any hard copies of the documents he is discussing.
234	Prins	Replies that the amendment came in too late to accurately draft any fiscal statement at the moment.
249	O’Leary	Talks about the effects resulting from the passage of the -2 amendment.
280	Prins	Discusses earned time behavior within the system.
300	Chair Burdick	Asks for the ratio of earned time for inmates.
306	Sue Porter	Office of Economic Analysis. Details the process for arriving at the ratio under question. Cites an average ratio from the last few years.
336	Claudia Black	Portland State University. Submits written testimony and presents data on recidivism rates within Oregon (EXHIBIT D).
364	Black	Goes over information on the data in the study, and talks about inmate characteristics in relation to recidivism.
388	Sen. Prozanski	Asks about the data relating to recidivism rates.
391	Black	Addresses the question by Sen. Prozanski on recidivism rates, and continues her presentation.
406	Black	Discusses the fact that individuals who behave in prison are more likely to behave when released.
450	Sen. Whitsett	Inquires about the age of inmates in relation to her recidivism study results.
462	Black	Replies that she isn’t sure about the information, but will get the data to Sen. Whitsett.
TAPE 104, A		
022	Sen. Prozanski	Asks about the data set from the study.
035	Black	Responds that the research was based only on the Department of Corrections data.
041	Sen. Beyer	Wonders about the ratio of earned time.
043	Black	States that, at the time of this study, around 60% of inmates earned the maximum time credit. Gives statistical numbers over the last few years.
055	Prins	Stresses that some people are not eligible for earned time, and that these numbers need to be looked at.
061	Black	Clarifies that this study focused only on inmates eligible for earned time credit.
067	Sen. Beyer	States that the results of the study seem like basic logic.
093	Brigette Sarabi	Executive Director, Western Prison Project. Submits two testimony packets and testifies in support of SB 435 (EXHIBITS E & G).
128	Sarabi	Explains that the bill will save money; cites numbers on the amount saved by passing this bill.
155	John Topogna	Eco Northwest. Submits a chart on government corrections expenditures and testifies in support of SB 435 (EXHIBIT F).
209	Cynthia Guyer	Executive Director, Portland Schools Foundation. Submits testimony and testifies in support of SB 435 (EXHIBIT H). Details her personal story where she was a victim of armed robbery.
245	Guyer	Acknowledges the finite amount of funding available for corrections.
279	Sen. Prozanski	Asks who this bill, with the -2 amendment, would apply to.
288	O’Leary	Replies with information on the effects of the -2 amendment.
299	Sen. Beyer	Inquires about the effects of the <i>Blakely</i> decision on this bill.
306	O’Leary	Responds that this bill would not be impacted by the <i>Blakely</i>

		decision.
325	Sen. Whitsett	Wonders about the increase of possible crime resulting from the early release of inmates.
333	Topogna	Details the policy effects from the bill.
351	Sarabi	Offers information on recent studies from the Washington Institute for Public Policy on preventative programs aimed at reducing recidivism.
398	Steve Doell	Crime Victims United of Oregon. Submits written testimony and testimony from the Oregon Association Chiefs of Police testifies in opposition to SB 435 (EXHIBITS I & K). Talks about the ideology and morality involved with public safety.
434	Howard Rodstein	Crime Victims United. Testifies in opposition to SB 435. Addresses the recidivism rates in Oregon. Discusses how Oregon's crime rate has decreased over the past few years.
475	Rodstein	Comments on the crimes affected by this bill.
504	Rodstein	Talks about a recent meeting with Ben DeHaan, a past Director of the Oregon Department of Correction, where he agreed that the study does not provide evidence that increasing earned time causes lower recidivism.
TAPE 103, B		
040	Rodstein	Argues against the figures cited by the study presented earlier relating to earned time causing lower recidivism.
068	Bob Herman	Washington County District Attorney. Testifies in opposition to SB 435. Stresses the importance of having an individual stay in prison for the entire sentence s/he was charged for.
110	John Foote	Clackamas County District Attorney. Testifies in opposition to SB 435. Discusses the reasoning behind the mandatory minimum sentencing guidelines placed in effect with Measure 11.
126	Foote	Addresses a letter from Multnomah County District Attorney Mike Schrunk (EXHIBIT J).
165	Douglas Harcleroad	Lane County District Attorney. Submits testimony and a handout on sentencing guidelines and testifies in opposition to SB 435 (EXHIBITS L & M).
201	Chair Burdick	Points out that there are a finite amount of beds in the prisons and asks about the necessity of these inmates to occupy the beds.
228	Doell	Stresses that, according to the Criminal Justice Commission, 72% of individuals who commit felonies do not go to prison.
234	Foote	Advocates proportional response to crimes.
245	Sen. Prozanski	Addresses the -2 amendment, and asks about the standpoint of the Oregon District Attorneys Association.
253	Herman	Replies that they are opposed to SB 435 with or without the amendment.
261	Sen. Prozanski	Inquires about the 20% reduction in sentencing guidelines.
268	Foote	Talks about the 20% reduction in sentencing guidelines.
276	Sen. Prozanski	Wonders about violent crime reducing before 1995, and how it was possibly going down in Oregon.
286	Rodstein	Discusses violent crime rates in Oregon over the past forty years.
300	Sen. Whitsett	Asks about the percentages and ratios of reported crimes to actual convictions.
308	Rodstein	Cites a recent study dealing with reported crimes and convictions. Stresses that a large percentage of felony crimes do not result in convictions.
351	Robert Zimmer	Former law enforcement officer. Submits testimony and testifies

		in support of SB 435 (EXHIBIT N).
405	Arwen Bird	Crime Survivors for Community Safety. Submits testimony and testifies in support of SB 435 (EXHIBIT O).
445	Bird	Stresses the importance of increasing the awareness and access to recidivism prevention within the corrections system.
TAPE 104, B		
039	Jessica Stevens	Human Services Coalition of Oregon. Testifies in support of SB 435. Acknowledges the budgetary difficulties facing the legislature this session, but advocates for the passage of this bill.
063	Jo Smith	Jo Smith Associates. Submits testimony and testifies in support of SB 435 (EXHIBIT P).
106	Pete Shepherd	Deputy Attorney General, Department of Justice. Submits testimony and testifies in opposition to SB 435 (EXHIBIT Q).
120	Shepherd	Addresses the issue of plea negotiations offered by the District Attorney during the last few years.
160	Janyce M. Iturra	Mother of a murdered son, Eugene. Submits testimony and details her personal story involving violent crime (EXHIBIT R).
192	Iturra	States that her family has been extremely emotionally harmed due to this occurrence. Stresses that these people are in prison for a reason and need to remain in prison for as long as possible.
225	Sen. Walker	Commends the witness on her testimony.
232	John Bradley	Assistant to Michael Schrunck, District Attorney in Multnomah County. Testifies in opposition to SB 435.
260	John Bradley	Addresses the issue of the <i>Blakely</i> decision affecting minimum sentencing guidelines.
286	Chair Burdick	Asks about a cap for earned time.
303	Mark McDonald	Multnomah County District Attorneys Office. Testifies in opposition to SB 435.
330	McDonald	Addresses the sentencing guideline chart, and certain situations that would be affected by SB 435.
377	Sen. Prozanski	Talks about the methamphetamine issue and how Oregon is not the only state facing this problem.
390	Shepherd	Addresses the question relating to allowing the court to permit lower amounts of earned time for convicted individuals.
432	Tom Faye	Oregon Community College Association. Submits testimony and testifies in support of SB 435 (EXHIBIT S). Talks about the budget constraints facing the colleges today.
TAPE 105, A		
015	Faye	Stresses the importance of funding community colleges, and how communities should not be forced to sacrifice their education for their safety.
025	Paul Solomon	Director, Men's Services, Sponsors, Inc. Testifies in support of SB 435. Talks about the benefits resulting from allowing earned time.
068	William Robinson	Former inmate. Submits testimony and testifies in support of SB 435 (EXHIBIT T). Expresses his belief that earned time is an incredible impetus for offenders to shape up.
118	Verla Stice	Testifies in opposition to SB 435. Details her mother's story with violent crime and sexual abuse.
151	Christa Loveland	Director, Women's Information Networking Service. Submits testimony and testifies in opposition to SB 435 (EXHIBIT U).
188	Loveland	Talks about how every day is vital to the healing of a victim of a violent crime.
240	Cynthia Boyd	Registered Nurse, mother of two. Testifies in opposition to SB

435. Details her personal story of personal violence. Introduces testimony from Janet Lovelace, Lloyd Clodfelter, Marie Armstrong, Elaine Premo, and Charlotte Comito (**EXHIBITS V – Z**). Closes the public hearing on SB 435 and adjourns the meeting at 3:20 p.m.

EXHIBIT SUMMARY

- A. **SB 435, written testimony, Rep. Chip Shields, 1 p**
- B. **SB 435, written testimony, Rep. Chip Shields, 4 pp**
- C. **SB 435, -2 amendment, staff, 1 p**
- D. **SB 435, written testimony, Claudia Black, 2 pp**
- E. **SB 435, written testimony, Brigette Sarabi, 10 pp**
- F. **SB 435, Government Expenditures, John Topogna, 2 pp**
- G. **SB 435, written testimony, Brigette Sarabi, 3 pp**
- H. **SB 435, written testimony, Cynthia Guyer, 1 p**
- I. **SB 435, written testimony, Steve Doell, 5 pp**
- J. **SB 435, written testimony, John Foote, 2 pp**
- K. **SB 435, written testimony, Steve Doell, 1 p**
- L. **SB 435, written testimony, Douglas Harclerod, 1 p**
- M. **SB 435, Sentencing Guidelines Grid, Douglas Harclerod, 2 pp**
- N. **SB 435, written testimony, Robert Zimmer, 1 p**
- O. **SB 435, written testimony, Arwen Bird, 3 pp**
- P. **SB 435, written testimony, Jo Smith, 1 p**
- Q. **SB 435, written testimony, Pete Shepherd, 2 pp**
- R. **SB 435, written testimony, Janyce Iturra, 1 p**
- S. **SB 435, written testimony, Tom Faye, 1 p**
- T. **SB 435, written testimony, William Robinson, 1 p**
- U. **SB 435, written testimony, Christa Loveland, 3 pp**
- V. **SB 435, written testimony, Janet Lovelace, 3 pp**
- W. **SB 435, written testimony, Lloyd Clodfelter, 1 p**
- X. **SB 435, written testimony, Marie Armstrong, 1 p**
- Y. **SB 435, written testimony, Elaine Premo, 8 pp**
- Z. **SB 435, written testimony, Charlotte Comito, 2 pp**