

HOUSE COMMITTEE ON JUDICIARY

April 16, 2003 Hearing Room 357
1:00 p.m. Tapes 143 – 145

MEMBERS PRESENT: Rep. Max Williams, Chair
 Rep. Gordon Anderson, Vice-Chair
 Rep. Robert Ackerman, Vice-Chair
 Rep. Jeff Barker
 Rep. Bob Jenson
 Rep. Jerry Krummel
 Rep. Greg Macpherson
 Rep. Floyd Prozanski
 Rep. Lane Shetterly

STAFF PRESENT: Bill Taylor, Counsel
 Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: HB 2069 Reconsideration and Work Session
 HB 2238 Work Session
 HB 2711 Work Session
 HB 2756 Work Session
 HB 2865 Work Session
 HB 2647 Work Session
 HB 2094 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 143, A		
003	Chair Williams	Calls the meeting to order at 1:10 p.m. Opens a work session on HB 2069.
<u>HB 2069 WORK SESSION</u>		
015	Vice Chair Ackerman	MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 2069. VOTE: 8-0-1 EXCUSED: 1 - Anderson
017	Chair Williams	Hearing no objection, declares the motion CARRIED.
020	Vice Chair Ackerman	MOTION: Moves to RECONSIDER the vote by which HB 2069 was sent to the floor with a DO PASS RECOMMENDATION. VOTE: 8-0-1 EXCUSED: 1 - Anderson
021	Chair Williams	Hearing no objection, declares the motion CARRIED.
025	Vice Chair Ackerman	MOTION: Moves HB 2069 to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED. VOTE: 8-0-1 EXCUSED: 1 - Anderson
028	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. ACKERMAN will lead discussion on the floor.
030	Chair Williams	Closes the work session on HB 2069 and opens a work session

on HB 2238.

HB 2238 WORK SESSION

035	Bill Taylor	Committee Counsel. Introduces HB 2238 which changes payment of benefits awarded by Public Safety Memorial Fund Board to payment in lump sum. Discusses the -1 amendments (EXHIBITS A & B) .
057	Scott Tighe	Standards and Certification Director, Department of Public Safety Standards and Training (DPSST). Discusses bill and amendments.
111	Marilyn Lorens	Government Liaison, DPSST. Says she is there to address questions.
113	Brian DeLashmutt	Oregon Council of Police Associations, Association of Oregon Corrections Employees, Federation of Oregon Parole and Probation Officers. Discusses bill and -1 amendments.
154	Rep. Jenson	Says that he has a concern with language on page 5, line 5 of the -1 amendments.
175	DeLashmutt	Says that is the same language as the current statute.
190	Rep. Jenson	Thinks they should amend the existing statute.
197	Rep. Barker	Asks what "totally disabled" means.
202	Tighe	Says that the definition is "totally permanently disabled" which means unable to do any work.
209	Vice Chair Ackerman	Asks about minor children and their benefits.
229	Lorens	Says that she believes there is a provision in the bill that addresses his concerns.
241	Tighe	Points out procedures for the board regarding this issue on Page 10, section 6, line 15, new subsection (1).
255	Rep. Jenson	MOTION: Moves to ADOPT HB 2238-1 amendments dated 04/16/03.
		VOTE: 9-0
257	Chair Williams	Hearing no objection, declares the motion CARRIED.
260	Rep. Jenson	MOTION: Moves HB 2238 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 9-0
267	Chair Williams	Hearing no objection, declares the motion CARRIED.
		REP. JENSON will lead discussion on the floor.
275	Chair Williams	Closes the work session on HB 2238 and opens a work session on HB 2711.

HB 2711 WORK SESSION

283	Bill Taylor	Committee Counsel. Introduces HB 2711 which modifies provisions relating to collection of child support payments by collection agencies. Discusses the -1 amendments (EXHIBIT C) .
300	Ronelle Shankle	Department of Justice. Testifies in support of HB 2711 and submits testimony (EXHIBITS D-F) .
317	Chair Williams	Says that the committee has the -1 amendments.
324	Shankle	Discusses history of the -1 amendments.
336	Chair Williams	Informs committee about issues of bill.
377	Rep. Prozanski	Asks who makes the payment of collection fees.
379	Shankle	Explains how child support payments work with private collection agencies.

TAPE 144, A

013	Rep. Prozanski	Inquires about child support payments that go in arrears.
029	Shankle	Says that they discussed that problem last session and explains.

072 Rep. Jenson States that he is struggling with this and it sounds like they are getting loan sharks involved.

099 Rep. Prozanski Expresses his concerns on cutting back on money going to the Department of Justice. Says we need to take care of the revenue issues.

112 Rep. Jenson **MOTION: Moves to ADOPT HB 2711-1 amendments dated 04/11/03.**
VOTE: 8-0-1
EXCUSED: 1 - Krummel

114 Chair Williams **Hearing no objection, declares the motion CARRIED.**

115 Rep. Jenson **MOTION: Moves HB 2711 to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 8-0-1
EXCUSED: 1 - Krummel

120 Chair Williams **Hearing no objection, declares the motion CARRIED.**
REP. JENSON will lead discussion on the floor.

123 Chair Williams Closes the work session on HB 2711 and opens a work session on HB 2756.

HB 2756 WORK SESSION

131 Bill Taylor Committee Counsel. Introduces HB 2756 which modifies provision relating to relief from requirement to report to sex offender based on juvenile adjudication. Explains that this bill was the product of a work group. Discusses the -1 amendments **(EXHIBIT G)**.

172 Chair Williams Discusses history of bill.

176 Sarah Morse Oregon District Attorneys Association (ODAA). Talks about the -1 amendments. Says they are consensus amendments.

183 Kelly Skye Oregon Criminal Defense Lawyers Association. Discusses bill.

222 Rep. Barker Asks about Measure 11 crimes.

224 Morse Answers that it depends on what the negotiation is with the County District Attorney.

240 Dan Malin Oregon State Police. Sex Offenders Registration Unit. Testifies in support of HB 2756.

270 Taylor Provides history of bill.

286 Timothy Travis Oregon Judicial Department. Testifies in opposition to HB 2756. Says that the courts were not part of the work group. Discusses fiscal and problems with bill.

390 Taylor Comments on the right to counsel being taken out of the bill.

419 Chair Williams Closes the work session on HB 2756 and opens a work session on HB 2865.

HB 2865 WORK SESSION

402 Bill Taylor Committee Counsel. Introduces HB 2865 which allows district attorney to treat certain felonies as Class A misdemeanors. Discusses -2, -3 and -4 amendments **(EXHIBITS H-J)**.

TAPE 143, B

048 Rep. Barker **MOTION: Moves to RESCIND 2865 -1 amendments dated 04/14/03 ADOPTED ON 4/14/03.**
VOTE: 9-0
Hearing no objection, declares the motion CARRIED.

044 Chair Williams Discusses the -2, -3 and -4 amendments.

051 Rep. Prozanski Comments on "chain of custody" in the amendments.

055 Rep. Macpherson Explains the differences in the amendments.

069 Chair Williams Asks what the effect of the -3 amendments are.

074 Rep. Prozanski

076	Chair Williams	Says that you get sections 1 and 3 of the bill and not section 2 in the -3 amendments.
079	Rep. Macpherson	States that he is in favor of the -4 amendments.
081	Rep. Barker	Asks about the differences in amendments and advising defendants of their rights.
107	Chair Williams	Says that it's between the -2 and -4 amendments.
117	Taylor	Explains current law and the -2 and -4 amendments.
137	Vice Chair Ackerman	Talks about the standard of a grand jury proceeding. Says he supports the -2 amendments.
148	Rep. Ackerman	MOTION: Moves to ADOPT HB 2865-2 amendments dated 04/15/03.
163	Rep. Prozanski	Asks how an investigative officer responds to hearsay in a grand jury.
172	Rep. Barker	Says that the grand jury can bring in the other officer if necessary.
188	Chair Williams	Explains the -2 and -4 amendments to Rep. Anderson.
219		VOTE: 7-1-1 AYE: 7 - Ackerman, Anderson, Barker, Jenson, Prozanski, Shetterly, Williams NAY: 1 - Macpherson EXCUSED: 1 - Krummel The motion CARRIES.
220	Chair Williams	MOTION: Moves HB 2865 to the floor with a DO PASS AS
233	Rep. Prozanski	AMENDED recommendation.
237	Rep. Jenson	Says that he is going to vote aye in the committee, but he may vote no on the floor.
260		VOTE: 9-0
262	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. BARKER will lead discussion on the floor.
270	Chair Williams	Closes the work session on HB 2865 and opens a work session on HB 2647.

HB 2647 WORK SESSION

273	Bill Taylor	Committee Counsel. Introduces HB 2647 which deletes requirement that special alternative incarceration program be based on military basic training model. Discusses the -1 amendments (EXHIBIT K).
297	Scott Taylor	Oregon Department of Corrections. Testifies in support of HB 2647. Submits testimony (EXHIBIT L).
375	Rep. Prozanski	Asks Scott Taylor what Section 2, subsection 3 of the -1 amendment entails.
378	S. Taylor	Describes the alternative incarceration addiction program.
400	Rep. Prozanski	Asks how this program is different from the military model.
TAPE 144, B		
003	Chair Williams	Explains the bill and its objective.
022	Vice Chair Anderson	Asks Mr. Taylor what the recidivism rate is at Shutter Creek.
024	S. Taylor	Answers that a control group is 29% and this particular population is 23%.
029	Vice Chair Anderson	Comments on a "junior marines" program in Jackson County.
041	Rep. Krummel	Asks Mr. Taylor if the program at Shutter Creek is a one-strike program.
050	S. Taylor	Answers that if an inmate makes a violation then they have to go through a review process.
063	Rep. Krummel	Asks how "walk-aways" are dealt with at Shutter Creek.

072	S. Taylor	Explains that the “walk-aways” are treated as escapes.
082	Rep. Macpherson	Asks about the level of expense for these facilities and if it is more costly.
087	S. Taylor	Responds that the initial cost is higher for the Summit Program, but when the time cut and transitional leave are factored in there is an average savings of \$23,000-24,000 per inmate per year.
105	Rep. Macpherson	Says that it sounds like the savings includes the early release. Wonders whether they are duplicating the experimental facilities in hopes of saving by early release.
127	S. Taylor	Says that they have been running the Summit Program for nine years and believes that it will be successful.
145	Rep. Prozanski	MOTION: Moves to ADOPT HB 2647-1 amendments dated 04/14/03.
		VOTE: 9-0
146	Chair Williams	Hearing no objection, declares the motion CARRIED.
148	Rep. Prozanski	MOTION: Moves HB 2647 to the floor with a DO PASS AS AMENDED recommendation.
150	Rep. Jenson	Comments on evaluation of programs.
185	Rep. Macpherson	Says he supports the bill, but has concerns.
210	Chair Williams	Asks if the bill needs to go to Ways and Means.
212	B. Taylor	Says that it does not have a fiscal impact, but needs to be a part of the Department of Corrections budget.
225	Chair Williams	Suggests that they deal with it on the Senate side.
233	Rep. Krummel	Comments on boot camp program and new program discussed in the bill.
254		VOTE: 9-0
260	Chair Williams	Hearing no objection, declares the motion CARRIED.
		REP. ANDERSON will lead discussion on the floor.
268	Chair Williams	Closes the work session on HB 2647 and opens a work session on HB 2094.
<u>HB 2094 WORK SESSION</u>		
272	Pete Shepherd	Deputy Attorney General. Discusses bill which requires tobacco product manufacturers to report certain information to Attorney General. Discusses the -2 amendments (EXHIBIT M).
311	Chair Williams	Asks if they could strike the words “in this state” on page 11, line 15, of the -2 amendments.
314	Shepherd	Says that frames the policy issue and the Department of Justice would support that, but some people want those words kept in.
335	Chair Williams	Explains bill to committee.
384	Shepherd	Discusses what the bill does.
430	Chair Williams	Says that they are going to set the bill for Friday’s committee with new amendments.
TAPE 145, A		
012	Marshall Coba	Council of Independent Tobacco Manufacturers of America. Supports HB 2094 and the -2 amendments.
029	David Redmond	President, Carolina Tobacco Companies. Testifies in support of HB 2094 and the -2 amendments.
066	Jim Gardner	Philip Morris Tobacco Company. Submits testimony and testifies on HB 2094 and states what the intent of the Attorney General is (EXHIBIT N).
086	Bill Linden	R.J. Reynolds Tobacco Company. Says that the language “in this state” on page 11 of the -2 amendments needs to be removed.
103	Gardner	Explains why “in this state” needs to be removed.

116	Redmond	Comments on the impact of removing the language “in this state” in the -2 amendments.
154	Gardner	Discusses the broadness of the language in the -2 amendments.
164	Rep. Prozanski	Says that it sounds like there is an interstate commerce problem.
206	Chair Williams	Discusses the bill. Closes the work session on HB 2094 and adjourns the meeting at 3:10 p.m.

EXHIBIT SUMMARY

A – HB 2238, -1 amendments, submitted by staff, dated 4/16/03, 13 pgs.

B – HB 2238, explanation of -1 amendments, submitted by staff, 1 pg.

C – HB 2711, -1 amendments, submitted by staff, dated 4/11/03, 2 pgs.

D – HB 2711, hand-engrossed bill, submitted by Ronelle Shankle, 7 pgs.

E – HB 2711, written testimony submitted by Ronelle Shankle, 7 pgs.

F – HB 2711, written testimony of David Conder, Child Support Enforcement Council, submitted by Ronelle Shankle, 3 pgs.

G – HB 2756, -1 amendments, submitted by staff, dated 4/15/03, 3 pgs.