

CONFERENCE COMMITTEE ON HB 2594A

July 15, 2003 Hearing Room 357

3:00 pm Tapes 1 - 2

MEMBERS PRESENT: **Rep. Max Williams, Chair**
 Sen. John Minnis
 Rep. Bob Ackerman
 Sen. Vicki Walker
 Rep. Jerry Krummel

STAFF PRESENT: **Bill Taylor, Counsel**
 Ann Martin, Committee Assistant
 Patsy Wood, Office Coordinator

MEASURE/ISSUES HEARD: **HB 2594A 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> |
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| TAPE 1, A | | |
| 005 | Chair Williams | Calls the meeting to order at 3:16 p.m. Convenes a subcommittee because they are lacking a quorum. Opens a work session on HB 2594A. |
| <u>HB 2594A WORK SESSION</u> | | |
| 020 | Jenny Scanlon | Director, Deschutes County Juvenile Community Justice Department. Submits testimony and testifies on HB 2594A which provides that certain transfers and payments of moneys by justice and municipal courts be made not later than last day of month following month in which collected (EXHIBIT A). |
| 059 | Chair Williams | Talks about the A5 amendments (EXHIBIT B). |
| 063 | Dennis Luke | Deschutes County Commissioner. Testifies in support of HB 2594A and A5 amendments and A4 amendments from the Juvenile Director's Association (EXHIBIT C). |
| 114 | Sen. Walker | Asks Mr. Luke which amendments he supports. |
| 117 | Bill Taylor | Committee Counsel. Points out that Legislative Counsel says they cannot adopt both amendments. Says they need to adopt one or the other. |
| 121 | Luke | Answers that they need the A5 amendments. |
| 127 | Sen. Walker | Asks if he has talked with other juvenile courts about how they liked using the video technology for juvenile hearings. |
| 131 | Luke | Answers that they were looking only at the equipment. |
| 143 | Scanlon | Says that she has done some research on this issue in Oregon and says there are nine counties in the state that are currently using video or telephone technology to hold juvenile hearings. Says that no one was using it for a trial. Adds that the majority of the counties had the full support from their judges, attorneys and district attorneys. |
| 166 | Rep. Ackerman | Says that in Deschutes County they have an empty court room facility in the juvenile detention facility. Questions why they can't transport a circuit court judge to use the empty court room. |

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| 171 | Luke | Responds that it is not the choice of the county, but the choice of the court. Comments that it is a transportation problem to move all of the staff. |
| 182 | Rep. Ackerman | Says that they already have the technology in place so why are they seeking authority to do something they have already done. |
| 185 | Luke | Explains that they believe the law allows this, but they have had threats by different defense counsels that they were going to appeal cases heard by video conferencing. Says they are asking for clarification in the law. |
| 198 | Rep. Ackerman | Asks what proceedings they propose to have take place by video or telephonic communication. |
| 203 | Luke | Defers to Ms. Scanlon. |
| 212 | Scanlon | Discusses when they would use video or telephonic technology. |
| 220 | Rep. Ackerman | Asks where the proceedings in which the use of video technology will not be used will take place. |
| 223 | Scanlon | Answers that they will have those proceedings at their building. |
| 228 | Rep. Krummel | Asks question about the A4 amendments. |
| 251 | Scanlon | Explains that Deschutes County is not the sponsor of the A4 amendments. |
| 265 | Luke | Clarifies that the majority of the juvenile proceedings will be held at the juvenile facility on Fridays. |
| 280 | Larry Oglesby | Director, Oregon Juvenile Department Directors Association. Testifies on A4 amendments. Discusses types of hearings and exclusions in which they would use video or telephonic recording. Emphasizes that they do not want contested adjudications to be held by video or telephone. |
| 367 | Molly Rogers | Director, Wasco County, Department of Youth Services. Submits testimony and testifies on the A4 amendments (EXHIBIT D). Explains when video or telephonic hearings are very important to the rural counties. Discusses the costs to transport youths to hearings. Emphasizes they do not want contested adjudications to take place by video or telephone. |
| TAPE 2, A | | |
| 020 | Taylor | Asks Mr. Oglesby what he means by contested and non-contested adjudications. |
| 023 | Oglesby | Explains contested and non-contested adjudications. |
| 035 | Sen. Walker | Asks which attorneys support video-taped hearings. |
| 042 | Oglesby | Answers defense attorneys and prosecutors. |
| 050 | Rogers | Says that she believes most attorneys support the use of video technology for juvenile hearings. |
| 063 | Sen. Walker | Asks how a youth can talk off the record with counsel during a video-taped hearing. |
| 067 | Oglesby | Explains that the defense lawyers meet with their clients prior to the hearings so they have gone over the issues and expectations. Adds that if they need private time, then they could take time off the record. |
| 079 | Sen. Walker | Asks if the defense attorney has an opportunity to request not to have a hearing held by video or telephone. |
| 086 | Oglesby | Says that in most counties there is communication between the parties so that issue can be discussed. |
| 096 | Rogers | Comments that on the Eastern side of the mountains the defense attorneys have not been able to do that because of timelines. |
| 139 | Angela Sherbo | Senior Attorney, Juvenile Rights Project. Submits testimony and testifies in opposition to the amendments to HB 2594A. States |

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| 224 | Karla Nash | her concerns against televised or telephonic hearings (EXHIBIT E). Attorney. Submits testimony and testifies in opposition to the amendments to HB 2594A (EXHIBIT F). Says she is against holding juvenile proceedings by telephone or closed-circuit television. |
| 285 | Chair Williams | Comments that they need to work out some issues and do some research on the constitutionality of the issue. Says he is interested to see any scientific studies on this issue. Closes the conference committee on HB 2594A and adjourns the meeting at 4:05 p.m. |

EXHIBIT SUMMARY

- A – HB 2594A, written testimony, submitted by Jenny Scanlon, 2 pgs.**
- B – HB 2594A, -A5 amendments, submitted by staff, 2 pgs.**
- C – HB 2594A, -A4 amendments, submitted by staff, 3 pgs.**
- D – HB 2594A, written testimony, submitted by Molly Rogers, 2 pgs.**
- E – HB 2594A, written testimony, submitted by Angela Sherbo, 5 pgs.**
- F – HB 2594A, written testimony, submitted by Karla Nash, 2 pgs.**