

**HOUSE COMMITTEE ON JUDICIARY**  
**SUBCOMMITTEE ON CRIMINAL LAW**

January 18, 2001  
8:30 a.m.

Hearing Room 357  
Tapes 1 - 2

**MEMBERS PRESENT:**      **Rep. Max Williams, Chair**  
                                 **Rep. Robert Ackerman**  
                                 **Rep. Jo Ann Bowman**  
                                 **Rep. Wayne Krieger**  
                                 **Rep. Vicki Walker**  
                                 **Rep. Carl Wilson**

**MEMBER EXCUSED:**      **Rep. Lane Shetterly**

**STAFF PRESENT:**        **Bill Taylor, Counsel**  
                                 **Shannon Reed, Committee Assistant**

**MEASURE/ISSUES HEARD:**      **Presentation from the Department of Corrections**  
                                 **HB 2099 Public Hearing and Work Session**  
                                 **HB 2100 Public Hearing and Work Session**  
                                 **HB 2092 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 1, A</b>                     |                     |   |
| 004                                  | Vice-Chair Bowman   | Calls the meeting to order at 8:30 a.m. and introduces Scott Taylor of the Department of Corrections.   |
| 10                                   | <b>Scott Taylor</b> | <b>Deputy Director, Department of Corrections.</b><br><br>Makes presentation to committee on the mission of promoting public safety by making offenders accountable for their actions. <b>(EXHIBIT A).</b>  |
| <b>TAPE 2, A</b>                     |                     |   |
| 151                                  | Vice-Chair Bowman   | Opens a public hearing on HB 2099.  |
| <b><u>HB 2099 PUBLIC HEARING</u></b> |                     |   |
| 161                                  | <b>Jeff Brown</b>   | <b>Legal Counsel, Governor John Kitzhaber.</b><br><br>Submits testimony and testifies in support of HB 2099 relating to extradition. Says that the policy underlining this issue is comity with other states: the cooperation between states in dealing with extradition. At this time, Oregon doesn't validate pre-signed waivers. <b>(EXHIBIT B).</b> |
| 195                                  | Rep. Walker         | Asks why this legislation needs to be enacted if the state is federally mandated to comply with extradition.  |
| 206                                  | Brown               | Responds that this will ease the fiscal impact and expedite processing.   |
| 219                                  | Rep. Ackerman       | How we will require authenticity from the former state of pre-signed waiver? You are saying that we will not have a hearing?  |
| 231                                  | Brown               | Says that usually a notarized copy of the waiver will be accepted   |

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|                               |                              | and a hearing will be conducted.   |
| 234                           | Taylor                       | Re-emphasizes state-to-state cooperation and cost savings at the local level.  |
| 247                           | Rep. Ackerman                | Comments on cost, at the local level, of keeping an extradited person in jail.   |
| 260                           | <b>Bill Houser</b>           | <b>Oregon Criminal Defense Lawyers Association (OCDLA).</b><br>Testifies in opposition of HB 2099. Expresses concern that these waivers may not have been signed freely by parolee. Explains the current procedure in Oregon.                                      |
| 292                           | Rep. Wilson                  | Asks what the procedures are with a pre-signed waiver if the inmate doesn't want extradition.  |
| 302                           | Houser                       | Replies that a hearing is held for factual status of pre-signed waiver and proper identity. Then the issuing state files a Governors Warrant.  |
| 326                           | Rep. Walker                  | Asks why all states aren't honoring this.  |
| 345                           | Houser                       | Speculates that states are not honoring requests because the inmate has rights in the sanctuary state.   |
| 348                           | Rep. Walker<br>Houser        | Wonders if the inmate is signing voluntarily.<br>Responds that the inmate may sign the paper work in order to get out earlier, as a condition of release.  |
| 373                           | Rep. Ackerman                | Comments on manipulation of the system.  |
| 357                           | <b>Dale Penn</b>             | <b>Oregon District Attorney's Association (ODAA).</b><br>Testifies in support of HB 2099. Articulates the definition of voluntary act. Says it is important to be in line with the majority of states.   |
| 371                           | Rep. Walker                  | Questions Mr. Taylor about non-coercion.   |
| 376                           | Taylor                       | Explains that a parolee can go to another state, but is still under the purview of the original state. It makes it easier for parolee to leave the state to join families, find work etc.  |
| 422                           | Rep. Wilson                  | Wonders if the cost savings are worth changing a process that has been successful.   |
| 429                           | Taylor                       | Discusses the safeguards for the public and facilitating the movement of people ( <b>EXHIBIT C</b> ).  |
| <b>TAPE 1, B</b>              |                              |  |
| <b>005</b>                    | <b>Rep. WALKER</b>           | <b>MOTION: Moves HB 2099 to the full committee with a DO PASS recommendation.</b><br><b>VOTE: 5-1-1</b><br><b>AYE: 5 - Ackerman, Bowman, Krieger, Walker V, Williams</b><br><b>NAY: 1 - Wilson</b><br><b>EXCUSED: 1 - Shetterly</b>                                |
| <b>008</b>                    | <b>Vice-Chair<br/>Bowman</b> | <b>The motion CARRIES.</b>   |
| <b>HB 2100 PUBLIC HEARING</b> |                              |  |
| 011                           | <b>Scott Taylor</b>          | <b>Deputy Director, Department of Corrections</b><br>Submits testimony and testifies in support of HB 2100 relating to corrections. Says the intent of the bill is to allow travel and contact with probation officers to be within the law. ( <b>EXHIBIT D</b> ). |
| 87                            | Vice Chair Bowman            | Comments on current state law.   |
| 98                            | <b>Dale Penn</b>             | <b>Oregon District Attorneys Association (ODAA)</b>  |

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|     |                               | Testifies that the ODAA is in full support of HB 2100 on the same grounds as the Department of Corrections.   |
| 153 | <b>Vice-Chair<br/>Bowman</b>  | Closes the public hearing on HB 2100 and opens work session.  |
|     | <b>HB 2100 WORK SESSION</b>   |   |
| 154 | <b>Rep. WALKER</b>            | <b>MOTION: Moves HB 2100 to the full committee with a DO PASS recommendation.</b>   |
|     |                               | <b>VOTE: 6-0-1</b>  |
|     |                               | <b>AYE: In a roll call vote, all members present vote Aye.</b>  |
|     |                               | <b>EXCUSED: 1 – SHETTERLY</b>   |
| 161 | <b>Vice-Chair<br/>Bowman</b>  | <b>The motion CARRIES.</b>  |
| 187 | Vice-Chair Bowman             | Closes the work session on HB 2100 and opens a public hearing on HB 2092.   |
|     | <b>HB 2092 PUBLIC HEARING</b> |   |
| 200 | <b>Rep. Betsy Close</b>       | <b>House District 36</b>  |
|     |                               | Submits testimony and testifies in favor of HB 2090 relating to crime ( <b>EXHIBIT E</b> ).   |
| 215 | <b>Dave Amesbury</b>          | <b>Attorney, Salem.</b>   |
|     |                               | Submits testimony and testifies in favor of HB 2092 ( <b>EXHIBIT F</b> ) Explains that only once in his experience of 12 years has he known of an actual incident.  |
| 375 | Vice Chair Bowman             | Asks why we need to change if there has been only one incident in 12 years?   |
| 382 | Amesbury                      | Responds that the state considers this as the most compelling support it can give a witness.  |
| 413 | Chair Williams                | Explains that in “Oregon vs. Maney”, the term “criminal proceedings” did apply to adults and juvenile proceedings. Later in “Thompson”, the court held that they can only look at the words, not at legislative history and couldn’t include “juvenile” into the “criminal” language. That is why we have separate results with same statute. |
| 456 | <b>Dale Penn</b>              | <b>Oregon District Attorney’s Association (ODAA)</b>  |
|     |                               | Testifies in support of HB 2092 creating a policy so that witnesses feel protected. It also brings back the original legislative intent.  |
|     | <b>TAPE 2, B</b>              |   |
| 49  | Vice Chair Bowman             | Asks how long has Mr. Penn been a district attorney and has he had any similar experiences.   |
| 54  | Penn                          | Answers no, but explains that he has had intimidation tactics applied to witnesses.   |
| 99  | <b>Bill Houser</b>            | <b>Oregon Criminal Defense Lawyers Association (OCDLA)</b>  |
|     |                               | Explains that in his view, HB 2092 does expand the death penalty.   |
| 133 | <b>Enid Edwards</b>           | <b>Ecumenical Ministries of Oregon</b>  |
|     |                               | States that her organization is compelled to oppose HB 2092 because it expands death penalty, is morally reprehensible, closes avenues of review and is vulnerable to human error.  |
| 172 | <b>Charles Wallace</b>        | <b>Methodist Minister and Willamette University Chaplain.</b>   |
|     |                               | Submits testimony on HB 2092 and speaks in opposition on similar grounds that it does expand the death penalty, that it is  |

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| 264 | <b>Bob Costagna</b> | immoral, unfair, and is always final. <b>(EXHIBIT G).<br/>General Counsel and Executive Director, Oregon Catholic<br/>Conference</b><br><br>Submits testimony and testifies in opposition to HB 2092<br><b>(EXHIBIT H).</b> |
| 377 | Rep. Walker         | Comments and supports Costagna.   |
| 393 | Chair Williams      | Closes public hearing on HB 2092.   |
| 393 | Chair Williams      | Moves to suspend rules and to reopen the vote in order to vote<br>on HB 2099 and HB 2100. Votes aye on both HB 2099 and HB<br>2100.   |
| 397 | Chair Williams      | Adjourns meeting at 10:42 a.m.  |

Submitted By,

Reviewed By,

Shannon Reed,  
Administrative Support

Bill Taylor,  
Counsel

**EXHIBIT SUMMARY**

**A – Oregon Department of Corrections Mission on Prisons, submitted by Scott Taylor, dated 1/18/01, 11pgs.**

**B- HB 2099, testimony submitted by Jeff Brown, Legislative Counsel to Gov. John Kitzhaber, dated 1/18/01, 5pgs.**

**C- HB 2099, testimony submitted by Scott Taylor for Dave Cook, Director, Oregon Department of Corrections, dated 1/18/01, 2pgs.**

**D- HB 2100, testimony submitted by Scott Taylor for Dave Cook, Director, Department of Corrections, dated 1/18/01, 3pgs.**

**E- HB 2092, testimony submitted by Representative Betsy Close, dated 1/18/01, 1 pg.**

**F- HB 2092, testimony submitted by Dave Amesbury, Attorney, dated 1/18/01, 2 pgs.**

**G- HB 2092, testimony submitted by Charles Wallace, dated 1/18/01, 5 pgs.**

**H- “A Good Friday Appeal to End the Death Penalty”, submitted by Bob Costagna, dated 1/18/01, 4 pgs.**