

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON CRIMINAL LAW

January 25, 2001
8:30 a.m.

Hearing Room 357
Tapes 5-6

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

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

MEASURE/ISSUES HEARD: **HB 2376 Public Hearing**
 HB 2377 Public Hearing
 HB 2092 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.

TAPE/#	Speaker	Comments
TAPE 5, A 005	Chair Williams	Opens the meeting at 8:33 and public hearings on HB 2376 which deletes country requirement to pay fees incurred by state offices and HB 2377, which deletes requirement that county pay witness fees for state witnesses.
<u>HB 2376 and HB 2377 PUBLIC HEARING</u>		
029	Steven Dye	Juvenile Department Director Of Linn County, Oregon Juvenile Department Directors Association. Submits testimony and testifies in support of HB 2376 and HB 2377 (EXHIBIT A) .
071	Larry Oglesby	Legislative Chair, Oregon Juvenile Department Directors Association. Testifies that they have no choice but to pay certain bills, specifically juvenile cases involving the State Office of Services for Children and Families, over which they have no control. Urges that the state should pay for costs that are accrued by a state agency.
083	Rep. Ackerman	Comments on the fiscal impact and asks if this legislation should be should referred it to another committee.
090	Chair Williams	Answers that the fiscal analysis shows impact of \$67,000 to the general fund and \$45,000 impact to the federal fund totaling \$112,500 for 2003 and 2005 biennium. Says that the fiscal report on HB 2377 has indeterminate amount. Asks for clarification on the difference between the two bills.

106	Oglesby	Responds that HB 2377 is for witness fees and HB 2376 deals with the cost of summons and processing.
122	Chair Williams	Says that the sub-committee could refer this legislation to the full committee and then hold it until it has been clarified with legislative fiscal.
144	Kathy Ledesma	Program Manager, Adoption Services, State Office for Services to Children and Families (SOSCF) Submits testimony and testifies against HB 2376 and HB 2377 because these items are not in the governor's budget. Admits some confusion about fee payment for services in termination of parental rights proceeding (EXHIBIT B and C).
209	Rep. Wilson	Wonders about the rationale for the county to pay for these bills.
213	Ledesma	Answers that juvenile departments share responsibilities for witnesses in proceedings concerning children.
217	Rep. Walker	Expresses confusion about fiscal impact of the two bills. Asks if Ledesma opposes both bills on the budget grounds when we don't have a fiscal impact on one of them.
230	Ledesma	Opposes both bills because no money has been allotted for this in the governor's budget.
236	Chair Williams	Asks why this should not be in the governor's budget.
260	Ledesma	Reads the statute where the courts require the directors of the juvenile departments to investigate, produce witnesses in juvenile proceedings and take charge of the child.
287	Vice Chair Bowman	Recalls county representatives to help clarify the issue.
298	Dye	Explains that practices may vary from county to county. Says that judges direct the county juvenile departments to focus on delinquency with SOSCF to focus on dependency.
412	Rep. Ackerman	Comments and wonders if the county's obligation to pay is based on historical practices.
421	Dye	States that an oversight may have been made when shifting of responsibilities occurred.
481	Oglesby	Suggests that they work with the state to clarify these issues before taking the process further.
492	Chair Williams	Welcomes them to return and provide more information on fiscal and other responsibilities. Close public hearing on HB 2376 and HB 2377. Opens a work session on HB 2092.

HB 2092 WORK SESSION

TAPE 6, A

040	Counsel Taylor	Introduces HB 2092 which expands the types of proceedings in which murder of juror or witness becomes aggravated murder and the -2 amendments (EXHIBIT D).
110	Rep. Wilson	MOTION: Moves to ADOPT HB 2092-2 amendments dated 1/24/01.
		VOTE: 7-0-0
114	Chair Williams	Hearing no objection declares the motion CARRIED.
115	Rep. Wilson	MOTION: Moves HB 2092 to the full committee with a DO PASS AS AMENDED recommendation.
122	Vice Chair Bowman	Explains that in recent death penalty cases, persons have been found not guilty through technology, and she will not support the bill out of the full committee.
134	Chair Williams	Responds that this is mostly a clarification of the existing law

160	Rep. Walker	and respects other positions on the death penalty. Expresses her opinion against death penalty and states that she will not support HB 2092.
180	Rep Lowe	Comments as non-voting member that inconsistent law is a problem, but with some newer thinking about death penalty, should we be considering this.
211	Chair Williams	Declares his position that inconsistency in the law is the issue here and that discussion of death penalty is for another time.
239	Rep. Wilson	Comments on his support of the bill.
252		VOTE: 4-3 AYE: 4 - Krieger, Shetterly, Wilson, Williams NAY: 3 - Ackerman, Bowman, Walker V
265	Chair Williams	The motion CARRIES. WILLIAMS will lead discussion on the floor.
269	Chair Williams	Adjourns the meeting at 9:20 am.

Submitted By,

Reviewed By,

Shannon Reed,
Assistant

Bill Taylor,
Counsel

EXHIBIT SUMMARY

A-HB 2376 and HB 2377, testimony submitted by Steven Dye and Larry Oglesby, Oregon Juvenile Department Directors Association, dated 1/25/01, 2 pgs.

B-HB 2376, testimony submitted by Kathy Ledesma, Program Manager, State Office of Services for Children and Families, dated 1/25/01, 2 pgs.

C-HB 2377, testimony submitted by Kathy Ledesma, Program Manager, State Office of Services for Children and Families, dated 1/25/01, 2 pgs.

D-HB 2092 -2 Amendment, submitted by staff, dated 1/24/01, 1 pg.