

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

February 13, 2001  
8:30 a.m.

Hearing Room 357  
Tapes 16 & 17

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

**MEMBER EXCUSED:**      **Rep. Jo Anne Bowman**

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

**MEASURE/ISSUES HEARD:**      **HB 2348 Public Hearing**  
                                 **SB 74 Public Hearing and Work Session**  
                                 **HB 2355 Work Session**  
                                 **HB 2379 Work Session**

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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 16, A</b> 004	Chair Williams	Calls the meeting to order at 8:42 a.m. and opens a public hearing on HB 2348.
<b><u>HB 2348 PUBLIC HEARING</u></b>		
015	<b>Philip Schradle</b>	<b>Department of Justice</b> Submits testimony and testifies on HB 2348 which relates to judicial review ( <b>EXHIBIT A</b> ). States that the bill streamlines the process of judicial review and enables considerable cost savings.
134	<b>Diane Rea</b>	<b>Board of Parole</b> Testifies in support of HB 2348 concerning funding of the measure.
153	Counsel Taylor	Explains the background on the measure.
160	Rep. Krieger	Asks about the opposition to this bill.
174	Schradle	Responds not sure, but cases would get faster review and be more cost effective.
184	Rep. Ackerman	Asks about the economic impact of bill.
189	Schradle	Responds that by the elimination of habeas corpus, big savings would accrue.
195	Rea	Responds that there are some Parole Board costs.

226	Counsel Taylor	Asks about appeals procedure.
249	Schradle	Responds that it suffices for “failure to exhaust” appeal avenues.
252	Rep. Lowe	Questions constitutionality of the bill.
261	Schradle	Answers that it should hold up.
272	<b>Dave Groom</b>	<b>Public Defender’s Office</b>  Testifies as neutral of HB 2348 and submits amendment <b>(EXHIBIT B)</b> . States that there would be more costs and that they would not be happy with audio transcripts.
342	<b>Jesse Barton</b>	<b>Public Defender’s Office</b>  Testifies as neutral and says that the parole caseload would increase from 45 to 175 cases per year at a cost to the agency of \$386,105.
355	Rep. Shetterly	Asks about statewide impact.
388	Barton	Answers that private attorneys or private contractors currently do the work.
433	Counsel Taylor	Ask if the copies are written transcripts or audio recordings.
436	Groom	Says they are written transcripts.
448	Barton	Explains amendments concerning parole appeals and conflict of interest changes.
<b>TAPE 17, A</b>		
012	<b>Jim Nass</b>	<b>Appellate Courts</b>  Submits testimony and testifies in opposition to HB 2348 and expresses concerns about costs and about separation of powers <b>(EXHIBIT C)</b> . Says the public defender’s office duties will be increased.
087	Rep. V. Walker	Says that audio transcripts are a hardship on everyone involved.
096	Nass	Agrees and says that written transcripts will be provided on request. Says the court may direct the audio or written transcript be available if it is determined that the case is legitimate.
150	Barton	Says that they have to review the entire case.
133	Rep. V. Walker	Asks about the transcript review and recounts cost and time.
160	Rea	Clarifies that hearings are one-half to one hour in length. Expresses concerns about the costs of transcribing for staff with increased caseloads.
212	Chair Williams	Asks about the Department of Justice savings.
199	Schradle	Says that Counsel on parole matter costs are not included. Say that they anticipate no change in costs for the appellate side.
247	<b>Ann Christian</b>	<b>Indigent Defense Services</b>  Testifies in support of HB 2348 and explains various costs.
295	Chair Williams	Expresses confusion about how the costs would be born by the various groups involved in the appeals process.
298	Nass	Explains the appeal process changes with this bill.
322	Chair Williams	Discusses the “puts and takes” costs of the measure.
335	Rep. Lowe	Asks if these costs are going to be recovered from defendant.
340	Nass	Answers no.
351	Chair Williams	Asks about transcript savings versus written transcription.
362	Christian	Says that the Indigent Defense Office handles costs for transcribing from trial courts.
377	Rea	Says that Parole Board would have increased transcribing costs.
411	Chair Williams	Suggests that the cost and procedures are different and that budget costs need to be worked out before it is passed forward.

Closes the public hearing HB 2348 and opens a public hearing on SB 74.

**PUBLIC HEARING SB 74**

444 Counsel Taylor

Explains SB 74 relating to grand jury evidence and failure to appear.

**TAPE 16, B**

005 Rep. Ackerman

Asks if the relating clause is accurate.

015 **Bradd Swank**

**State Court Administrator's Office**

Indicates that it relates to grand jury's procedure in the failure to appear process.

021 Chair Williams

Closes the public hearing on SB 74 and opens a work session on SB 74.

**SB 74 WORK SESSION**

035 **Rep. Shetterly**

**MOTION: Moves SB 74 to the full committee with a DO PASS recommendation.**

**VOTE: 7-0**

036 **Chair Williams**

**Hearing no objection, declares the motion CARRIED.**

053 Chair Williams

Closes the work session for SB 74 and opens a work session on HB 2355.

**HB 2355 WORK SESSION**

045 Counsel Taylor

Explains HB 2355, which relates to juvenile post-adjudication relief.

060 **Michael Livingston**

**Department of Justice**

Submits testimony and testifies in support of HB 2333 and clarifies –1 amendment concerning record expungement and fiscal impact (**EXHIBIT D**).

123 **Rep. Shetterly**

**MOTION: Moves to ADOPT HB 2355-1 amendments dated 02/13/01 and the conceptual amendment presented.**

**VOTE: 7-0**

132 **Chair Williams**

**Hearing no objection, declares the motion CARRIED.**

135 **Rep. Shetterly**

**MOTION: Moves HB 2355 to the full committee with a DO PASS AS AMENDED recommendation.**

**VOTE: 7-0**

136 **Chair Williams**

**Hearing no objection, declares the motion CARRIED.**

143 Chair Williams

Closes the work session on HB 2355 and opens the work session on HB 2379.

**HB 2379 WORK SESSION**

145 Counsel Taylor

Explains HB 2379 and –1 amendments relating to unauthorized use of public transit vehicles (**EXHIBIT E**).

166 **Michael Colbach**

**Multnomah District Attorney's Office for Tri-Met**

Testifies in support of HB 2379 and amendments. Expresses support for the inclusion of "knowingly, intentionally and recklessly" language. Says that he has not had much time with

249	Chair Williams	the amendments. Asks about rider advocates and the best way to describe them in the bill.
259	Colbach	Responds that “agent” is a good term.
267	Counsel Taylor	Asks if they are better described as “employees”.
269	Colbach	Says that they are not employed by Tri-Met exactly and that “agent” would cover most situations.
287	Chair Williams	Suggests that agreement on amendments is crucial and that we may need new ones. Closes the work session on HB 2379 and adjourns the meeting at 10:28 a.m.

Submitted By,

Reviewed By,

Shannon Reed,  
Assistant

Bill Taylor,  
Counsel

**EXHIBIT SUMMARY**

- A – HB 2348 testimony, submitted by Phil Schradle, Department of Justice, dated 2-13-01, 4 pgs.**
- B – HB 2348 testimony and amendment submitted by Dave Groom, State Public Defender, dated 2-13-01, 1 pg.**
- C – HB 2348 testimony, submitted by James Nass, Appellate Court, dated 2-13-01, 12 pgs.**
- D – HB 2355 testimony, submitted by Michael Livingston, Assistant Attorney General, dated 2-13-01, 6 pgs.**
- E – HB 2379 –1 amendments, submitted by staff, dated 2-13-01, 1 pg.**