

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON CRIMINAL LAW

April 26, 2001
8:30 a.m.

Hearing Room 357
Tapes 73-76

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

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

MEASURE HEARD: **HB 3934 Public Hearing**
 HB 3256 Public Hearing
 HB 2877 Public Hearing

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 73, A 003	Chair Williams	Calls the meeting to order at 8:30 a.m. and opens the public hearing on HB 3934.
<u>HB 3934 PUBLIC HEARING</u> 019	Phil Lemman	Oregon Law Commission Submits testimony and testifies in support of HB 3934, relating to changing certain mandatory minimum sentences into presumptive sentences (EXHIBIT A).
055	Steve Marks	Governor's Senior Policy Advisor Submits testimony and testifies in support of HB 3934 (EXHIBIT B).
230	David Cook	Director, Department of Corrections Submits testimony and testifies in support of HB 3934 (EXHIBIT C).
287 303	Rep. Krieger Lemman	Asks about the increase of crimes committed by youth offenders. Responds that arrest rates seem to be down since 1996.

318	Pete Shepherd	Dept. Attorney General Testifies as neutral to HB 3934 and says that there needs to be more work to make this a good issue.
421	Brigitte Sarabi	Oregon Criminal Justice Reform Coalition Submits testimony and testifies in support of HB 3934 (EXHIBIT D).
TAPE 74, A 048	Joe Thimm	Private Citizen Submits testimony and testifies in support of HB 3934 (EXHIBIT E).
108	Jon Raney	Private Citizen Submits testimony and testifies in support of HB 3934 (EXHIBIT F).
208	Jane Beyer	Private Citizen Testifies in support of HB 3934 and relates personal experience.
213	Arwen Bird	Survivors Advocating For an Effective System Submits testimony and testifies in support of HB 3934 (EXHIBIT G)
297	Emily Simen	Oregon Criminal Defense Lawyer’s Association and The Juvenile Rights Project Testifies in support of HB 3934 and feels that sex offenders deserve treatment.
394	Rep. V. Walker	Asks about data proving sex offender treatment is effective.
410	Simen	Responds she will provide the reports showing treatment works.
424	Rep. V. Walker	Asks how many juvenile offenders are sex offenders.
430	Simen	Responds her statistics are outdated but she will provide updated numbers to her.
TAPE 73, B 020	Jack Roberts	State Labor Commissioner Testifies in opposition to HB 3934 and says that the voters need to be the determining factor in Measure 11.
077	Steve Doell	Crime Victims United Submits testimony and testifies in opposition to HB 3934 and says that violent crimes in all categories are down since Measure 11 (EXHIBIT H).
196	Rep. V. Walker	Asks about the crime rate decrease in relation to Measure 11.
209	Doell	Responds Measure 11 was not the only reason.
224	Rep. Ackerman	Asks if statistics are of arrests or conviction.
235	Doell	Responds that they are arrests.
239	Rep. Ackerman	Asks how many offenders were actually convicted.
248	Doell	Responds he does not have those statistics.
254	Rep. Ackerman	Asks if he feels the statistics are accurate if they don’t involve adjudication.
265	Doell	Defers to other witnesses who are attorneys.
285	Joshua Marquis	District Attorney’s Association Testifies in opposition to HB 3934.
414	Mark McDonnell	Multnomah County District Attorney Testifies in opposition to HB 3934.

TAPE 74, B

020	Rep. Ackerman	Asks how discretion is used in their offices.
042	Marquis	Responds in his office it is by vertical prosecution and monitored by Measure 11 opponents.
064	McDonnell	Responds with explanation of procedures used in Multnomah County.
072	Rep. Ackerman	Discusses his experience with Measure 11.
097	Renata Sutton	Private Citizen Testifies in opposition to HB 3934 and relates a personal experience.
219	Donna Mainord	Private Citizen Submits testimony and testifies in opposition to HB 3934 (EXHIBIT I) . Relates a personal experience of attempted murder.
336	Tracy Bedolla	Private Citizen Testifies in opposition to HB 3934 and relates a personal experience.
TAPE 75, A		
029	Anne Pratt	Private Citizen Testifies in opposition to HB 3934 and relates a personal experience.
067	Bruce Pratt	Private Citizen Testifies in opposition to HB 3934.
077	Rep. Krieger	Comments on the testimony and judges discretion.
099	Chair Williams	Closes the public hearing on HB 3934 and opens a public hearing on HB 3256.
<u>HB 3256 PUBLIC HEARING</u>		
104	Chair Williams	Closes the public hearing on HB 3256 and opens the public hearing on HB 2877.
<u>HB 2877 PUBLIC HEARING</u>		
121	Chris Gardner	Child Abuse Response and Evaluation Services (CARES) Testifies as neutral to HB 2877, relating to the distribution of moneys in the Criminal Fines and Assessment Account.
241	Candy Solovjous	Executive Director, Liberty House Submits testimony and testifies in opposition to HB 2877 (EXHIBIT J) .
333	Jennifer Cole-Small	Executive Director, Child Abuse Response and Evaluation Services Submits testimony and testifies in opposition to HB 2877 (EXHIBIT K) .

415	Gardner	Comments they are prepared to work with the members to get the bill through.
TAPE 76, A		
026	Jane Hamilton	Executive Director, Jackson County Children’s Advocacy Center Submits testimony and testifies in opposition to HB 2877 (EXHIBIT L) .
067	Leila Keltner, MD	Medical Director, CARES Northwest Testifies in opposition to HB 2877.
082	Loren Irving	Children’s Trust Fund of Oregon Testifies in opposition to HB 2877.
136	Josh Marquis	District Attorney Testifies in opposition to HB 2877.
161	Keltner	Testifies further regarding the Children’s Trust Fund.
171	Rep. Ackerman	Asks that the total number of dollars be identified.
180	Chair Williams	Responds there are others to testify who could answer that question.
190	Edward Neuwelt MD	Oregon Health Sciences University Submits testimony and testifies in opposition to HB 2877 (EXHIBIT M) .
231	Steve Marks	Governor’s Office Submits testimony and testifies in support of HB 2877. Explains the background and history (EXHIBIT N) .
TAPE 75, B		
013	Kevin Campbell	Association of Chiefs of Police Submits testimony and testifies in support of HB 2877 (EXHIBIT O) .
083	Bill McGee	Department of Administration Services Submits testimony and testifies in support of HB 2877 (EXHIBITS P & Q) and outlines the history of the account and an overview to the bill.
183	Rep. V. Walker	Asks for clarification on the funding of the three tiers.
187	McGee	Clarifies how the funding works for tiers one and two, defers to Rep. Schrader on tier three.
206	Rep. Kurt Schrader	House District 23 Testifies in support of HB 2877.
251	Chair Williams	Closes the public hearing on HB 2877 and adjourns the meeting at 10:32 a.m..

Ruth Ann Stellmacher,
Committee Assistant

Bill Taylor,
Counsel

Submitted By,

Shannon Reed
Committee Assistant

EXHIBIT SUMMARY

- A – HB 3934, testimony submitted by Phillip Lemman, Oregon Criminal Justice Commission, dated 4-26-01, 2 pgs.**
- B – HB 3934, testimony submitted by Steve Marks, Governor’s Office, dated 4-26-01, 6 pgs.**
- C – HB 3934, testimony submitted by Dave Cook, Department of Corrections, dated 4-26-01, 2 pgs.**
- D – HB 3934, testimony submitted by Brigitte Sarabi, Oregon Criminal Justice Reform Coalition, 2 pgs.**
- E – HB 3934, testimony submitted by Joe Thimm, Private Citizen, 2 pgs.**
- F – HB 3934, testimony submitted by Jon Raney, Private Citizen, 24 pgs.**
- G – HB 3934, testimony submitted by Arwen Bird, Survivors Advocating for an Effective System, dated 4-26-01, 2 pgs.**
- H – HB 3934, testimony submitted by Steve Doell, Crime Victims United, dated 4-26-01, 13 pgs.**
- I – HB 3934, testimony submitted by Donna Mainord, Private Citizen, dated 4-26-01, 2 pgs.**
- J – HB 2877, testimony submitted by Candy Solovjous, Liberty House, dated 4-26-01, 3 pgs.**
- K – HB 2877, testimony submitted by Jennifer Cole-Small, Child Abuse Response and Evaluation Services, 2 pgs.**
- L – HB 2877, testimony submitted by Jane Hamilton, Jackson County Children’s Advocacy Center, 3 pgs.**
- M – HB 2877, testimony submitted by Edward Neuwelt, MD, Oregon Health Sciences University, dated 4-26-01, 33 pgs.**
- N – HB 2877, testimony submitted by Steve Marks, Governor’s Office, dated 4-26-01, 3 pgs.**
- O – HB 2877, testimony submitted by Kevin Campbell, Oregon Association of Chiefs of Police, dated 4-26-01, 2 pgs.**
- P – HB 2877, testimony submitted by Bill McGee, Department of Administrative Services, 12 pgs.**
- Q – HB 2877, testimony submitted by Bill McGee, Department of Administrative Services, dated 4-23-01, 47 pgs.**
- R – HB 3934, written testimony submitted by Howard Rodstein, dated 4-26-01, 1 pg.**
- S – HB 2877, written testimony submitted by James Lace, M.D., Oregon Pediatric Society, dated 4-26-01, 1 pg.**
- T – HB 2877, written testimony submitted by Children's Trust Fund, dated 4-26-01, 11 pgs.**