

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON CRIMINAL LAW

April 03, 2001
8:30 a.m.

Hearing Room 357
Tapes 55-57

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

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

MEASURE/ISSUES HEARD: **HB 2444 Public Hearing & Work Session**
 HB 3832 Public Hearing
 HB 2337 Work Session
 HB 2072 Work Session
 HB 2884 Work Session
 HB 2663 Work Session
 HB 2664 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 55, A		
004	Chair Williams	Calls the meeting to order at 8:30 a.m. and opens the public hearing on HB 2444.
<u>HB 2444 PUBLIC HEARING</u>		
013	Larry Oglesby	Oregon Juvenile Department Submits testimony and testifies in support of HB 2444 relating to establishment of youth courts (EXHIBIT A).
040	Jennifer Strutz	Sublimity Youth Court Testifies in support of HB 2444.
063	Sherry Pressler	Oregon Youth Court Submits testimony and testifies in support of HB 2444 (EXHIBIT B).
077	Chair Williams	Comments on his experience working with the Youth Court.
102	Laura Marchbanks	Stayton/Sublimity Peer Court Testifies in support of HB 2444.

125	Natalie Wilson	Stayton/Sublimity Peer Court Testifies in support of HB 2444.
146	Kirsten Atkin	Stayton/Sublimity Peer Court Testifies in support of HB 2444.
174	Chair Williams	Asks what type of cases they typically see.
179	Atkin	Responds shoplifting, minor in possession of tobacco and speeding.
189	Mary Fleischmann	Lapine Youth Diversion Testifies in support of HB 2444.
220	Chair Williams	Asks for clarification on the –1 amendment (EXHIBIT C).
223	Oglesby	Discusses the –1 amendment that requires agreement of various courts in the youth courts program.
243	Rep. Lowe	Asks about sentences and safeguards in the process.
252	Oglesby	Responds with explanation of the informal safeguards
288	Rep. V. Walker	Asks how the programs are funded.
292	Oglesby	Responds that most are local contributions and some grants.
305	Chair Williams	Closes the public hearing on HB 2444 and opens a work session on HB 2444.

HB 2444 WORK SESSION

312	Chair Williams	MOTION: Moves to adopt HB 2444 –1 amendments dated 3/22/01 with a DO PASS recommendation.
316	Chair Williams	Hearing no objections, declares the motion CARRIED.
	Chair Williams	Closes the work session on HB 2444 and opens a public hearing on HB 3832.

HB 3832 PUBLIC HEARING

327	Rep. Gary Hansen	House District 17 Testifies in support of HB 3832 relating to community accountability programs for youth offenders.
350	Chair Williams	Closes the public hearing on HB 3832 and opens work session on HB 2337

HB 2337 WORK SESSION

355	Counselor Taylor	Explains HB 2337 –2 amendment relating to waiver of counsel in criminal actions (EXHIBIT D).
383	Rep. Ackerman	Discusses the –2 amendments and waiver of rights. Adds he will probably vote against this bill.
410	Rep. Shetterly	MOTION: Moves to adopt HB 2337 –2 amendments dated 4/2/01.
413	Chair Williams	Hearing no objections, declares the motion CARRIED.
416	Rep. Shetterly	MOTION: Moves HB 2337 to the full committee with a DO PASS AS AMENDED recommendation.
418	Chair Williams	Record reflects Rep. Ackerman objection. Hearing no other objections, declares the motion CARRIED.
433	Rep. Lowe	Comments she may not vote for this bill on the floor.
442	Chair Williams	Closes work session on HB 2337 and opens work session on HB 2072.

TAPE 56, A

HB 2072 WORK SESSION

011	Counsel Taylor	Explains HB 2072 –4 amendment relating to child support obligations offset by disability benefits (EXHIBIT E).
028	Ronnelle Shenkle	Department of Justice
		Explains the difference between the –2 and –4 amendments.
038	Chair Williams	MOTION: Moves to ADOPT HB 2072-4 amendments dated 3/6/01.
040	Chair Williams	Hearing no objection, declares the motion CARRIED.
042	Chair Williams	MOTION: Moves HB 2072 to the full committee with a DO PASS AS AMENDED recommendation.
044	Chair Williams	Hearing no objections, declares the motion CARRIED.
058	Chair Williams	Closes the work session on HB 2072 and opens work session on HB 2884.
<u>HB 2884 WORK SESSION</u>		
058	Counsel Taylor	Explains HB 2884 –2 and -3 amendments relating to request of criminal offender information from the State Police (EXHIBIT F).
083	Rep. Ackerman	Asks for clarification on qualified entities.
110	Rep. Shetterly	Expresses reservations.
118	Chair Williams	Comments that he feels that perhaps the amendments are not yet ready but wants to move the bill today and work on the amendments later.
142	Chair Williams	MOTION: Moves HB 2884 without recommendation to the full committee.
144	Chair Williams	Hearing no objections, declares the motion CARRIED.
147	Chair Williams	Closes the work session on HB 2884 and re-opens the public hearing on HB 3832.
<u>HB 3832 PUBLIC HEARING</u>		
161	Elyse Clawson	Multnomah County Community Justice
		Submits testimony and testifies in support of HB 3832 relating to accountability programs for youth offenders (EXHIBIT G).
275	Rep. Lowe	Asks about the funding mechanisms for this program.
288	Clawson	Responds with the cuts in the Oregon Youth Authority (OYA) budget, this program probably won't be implemented this biennium but they want to go forward with development at this time.
331	Larry Oglesby	Oregon Juvenile Department
		Testifies in support of HB 3832. Expresses concern about return of youth to the community. Discusses the Oregon Association of Counties –1 and –2 amendments. (EXHIBIT H).
369	Paul Snider	Oregon Counties
		Testifies in support of HB 3832.
393	Dennis Maloney	Deschutes County
		Submits testimony and testifies in support of HB 3832 and explains the process already in place for Deschutes County (EXHIBIT I).
TAPE 55, B		
098	Chair Williams	Asks about the data concerning community programs.
108	Maloney	Responds they are trying not to compare organizations.

135 Chair Williams Asks if Deschutes County is now on the Juvenile Justice Information System (JJIS).
 138 Maloney Responds he does not know.
 152 **Kathie Osborn** **Juvenile Rights Project**
 Testifies in support of HB 3832.
 239 **Ray Mathis** **Citizens Crime Portland**
 Submits testimony and testifies in support of HB 3832
(EXHIBIT J).
 267 Rep. Wilson Asks about bed space shortage in local facilities and how this would relate to juvenile issues if adopted.
 284 Osborn Responds that it would lower the number of beds needed and that OYA would have to agree for the program to exist.
 350 **Karen Brazeau** **Oregon Youth Authority**
 Submits testimony and testifies on support of HB 3832
(EXHIBIT K). Discusses the governor's budget limitations and the cutbacks in the agency.

TAPE 56, B

052 Rep. Ackerman Asks about the fiscal impact upon the agency.
 060 Brazeau Responds that funds would go through the OYA and be transferred to counties but would not anticipate implementation of the program in this biennium.
 077 Rep. Lowe Asks how the funds would be disbursed, if granted.
 084 Brazeau Explains disbursement.
 096 Rep. Lowe Asks about the overhead of the programs and how will it operate.
 100 Brazeau Responds that the counties would have better answers to that question and that it would have to be addressed in administrative rules.
 130 Chair Williams Asks about the JJIS program with Deschutes county.
 138 Brazeau Responds they are not on board yet because of problems with their software.
 146 **Jim Green** **Oregon School Boards Association**
 Testifies as neutral to HB 3832.
 179 **Kevin Mannix** **Private Citizen, former Representative**
 Testifies in opposition to HB 3832. Explains the historical background of the current youth system and says that the OYA is successful, but resources are limited.
 335 **Steve Doell** **Crime Victims United**
 Testifies in opposition to HB 3832. Discusses the issue of close custody.

TAPE 57, A

025 Chair Williams Closes the public hearing on HB 3832 and opens the work session on HB 2663.

HB 2663 WORK SESSION

030 Counsel Taylor Explains HB 2663 -1 amendments relating to statute of limitations for rape and sodomy **(EXHIBIT L)**.
 040 Chair Williams Explains the -1 amendments and DNA samples.
 049 Rep. Lowe Asks if there was any kind of analysis on the constitutionality of this amendment.
 065 Counsel Taylor Responds that he does not see a constitutional issue here.
 072 **Chair Williams** **MOTION: Moves to ADOPT HB 2663-1 amendments dated 4/2/01.**
 073 **Chair Williams** **Hearing no objection, declares the motion CARRIED.**

075	Chair Williams	MOTION: Moves HB 2663 to the full committee with a DO PASS AS AMENDED recommendation.
076	Chair Williams	Hearing no objections, declares the motion CARRIED.
080	Chair Williams	Closes the Work Session on HB 2663 and opens the work session on HB 2664.
<u>HB 2664 WORK SESSION</u>		
081	Counsel Taylor	Explains HB 2664-1, -2 & -3 amendments relating to expansion of crimes for which blood samples can be obtained (EXHIBIT M).
120	Chair Williams	MOTION: Moves to ADOPT HB 2664-1 amendments dated 4/2/01.
121	Chair Williams	Hearing no objection, declares the motion CARRIED.
122	Chair Williams	MOTION: Moves to ADOPT HB 2664-2 amendments dated 4/2/01.
123	Chair Williams	Hearing no objection, declares the motion CARRIED.
124	Chair Williams	MOTION: Moves to ADOPT HB 2664-3 amendments dated 4/2/01.
125	Chair Williams	Hearing no objection, declares the motion CARRIED.
126	Chair Williams	MOTION: Moves HB 2664 to the full committee with a DO PASS AS AMENDED recommendation.
127	Chair Williams	Hearing no objections, declares the motion CARRIED.
133	Chair Williams	Closes the work session on HB 2664 and adjourns the meeting at 10:53 a.m.

Submitted By,

Reviewed By,

Shannon Reed,
Committee Assistant

Bill Taylor,
Counsel

EXHIBIT SUMMARY

- A - HB 2444, testimony submitted by Larry Oglesby, Oregon Juvenile Department, 3 pgs.**
- B - HB 2444, testimony submitted by Sherry Pressler, Oregon Youth Authority, 1 pg.**
- C – HB 2444 – 1 amendments, submitted by staff, dated March 22, 2001, 1 pg.**
- D – HB 2337 –2 amendments, submitted by staff, dated April 2, 2001, 13 pgs.**
- E – HB 2072-4 amendments, submitted by staff, dated March 16, 2001, 3 pgs.**
- F – HB 2884-2 & -3 amendments, submitted by staff, dated March 12 & 26, 2001, 7 pgs.**
- G – HB 3832, testimony submitted by Elyse Clawson, Multnomah County, 2 pgs.**
- H – HB 3832 –1 & -2 amendments, submitted by staff, dated March 22 & 26, 2001, 5 pgs.**
- I – HB 3832, testimony submitted by Dennis Maloney, Deschutes County, 12 pgs.**
- J – HB 3832, testimony submitted by Ray Mathis, Citizens Crime Commission, 1 pg.**

K – HB 3832, testimony submitted by Karen Brazeau, Oregon Youth Authority, 3 pgs.

L – HB 2663-1 amendments, submitted by staff, dated April 2, 2001, 3 pgs.

M – HB 2664 –1, -2 & -3 amendments, submitted by staff, dated April 2, 2001, 8 pgs.