

SENATE COMMITTEE ON JUDICIARY

February 7, 2001 Hearing Room 343
1:00 p.m. Tapes 25 - 26

MEMBERS PRESENT: **Sen. John Minnis, Chair**
 Sen. Peter Courtney, Vice Chair
 Sen. Roger Beyer
 Sen. Ginny Burdick
 Sen. Verne Duncan
 Sen. Steve Harper
 Sen. Rick Metsger

STAFF PRESENT: **Craig Prins, Counsel**
 Annola DeJong, Committee Assistant

MEASURE/ISSUES HEARD: **SB 126 Public Hearing and Work Session**
 SB 415 Public Hearing
 SB 419 Public Hearing
 SB 423 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 25, A		
005	Chair Minnis	Calls the meeting to order at 1:10 p.m. and opens a public hearing on SB 126.
<u>SB 126 – PUBLIC HEARING</u>		
007	Carl Myers	Oregon Juvenile Department Directors Association Testifies in support of SB 126 which would allow a court to order a parent or legal guardian to pay the supervision fee of a youth placed on probation.
022	Steven Dye	Director, Linn County Juvenile Department Submits testimony and testifies in support of SB 126 (EXHIBIT A).
087	Larry Oglesby	Director, Marion County Juvenile Department Testifies in support of SB 126.
115	Sen. Metsger	Verifies his understanding that a court can reduce fees if compliance is met.
118	Oglesby	Agrees.
119	Sen. Metsger	Asks if the fee is retained once it is obtained.
121	Oglesby	Agrees.
127	Sen. Burdick	Inquires if there is a limit on the amount of the fee that can be charged.
132	Oglesby	Replies there is no maximum amount in statute. Explains that county ordinance determines the level of fee charged.
139	Chair Minnis	Confirms the discretion in determining the fee is up to the court.
141	Oglesby	Clarifies the county sets the initial fee, yet the court has the

		discretion to waive or reduce it.
150	Ingrid Swenson	Oregon Criminal Defense Lawyers Association (OCDLA) Testifies in opposition to SB 126. States it sends the wrong message to parents.
193	Sen. Metsger	Asks if Ms. Swenson thinks the judges, in these cases, use good judgement.
195	Swenson	Responds the judges in Multnomah County “certainly make that effort.”
212	Sen. Metsger	Inquires if there might be situations in which a court could decide some parents might benefit from SB 126 and some might not.
222	Swenson	Agrees.
242	Kathie Osborn	Attorney, Juvenile Rights Project Testifies in opposition to SB 126.
378	Chair Minnis	Notes this is contingent upon a judge’s determination about the parent’s ability to pay. Inquires if Ms. Osborn has concerns that judges are not making good decisions.
386	Osborn	Answers the juvenile department could say these are “fixed fees” and the court could decide to enforce them or not.
405	Chair Minnis	Comments the judge ultimately says a person will, or will not pay a fee. Observes the county juvenile department “fixes the fee” but they are not mandatory.
410	Osborn	Agrees.
411	Chair Minnis	Asks if Ms. Osborn feels judges are going to make bad decisions when they determine if people have to pay fees, or not – does Ms. Osborn not trust the judges.
423	Osborn	States she does trust the judges. Expresses concern that the fees are not necessarily fixed prior to the judge making their decision.
431	Chair Minnis	Inquires if the judge has the power to impose half the fee-to make a determination on a sliding scale.
433	Osborn	Agrees.
TAPE 26, A		
006	Chair Minnis	Expresses the opinion that judges are to consider all the factors of the entire case.
013	Osborn	Agrees with Sen. Minnis. Explains that most juveniles in Oregon do not have the assistance of an attorney.
034	Chair Minnis	Contends that Ms. Osborn feels judges are making bad decisions.
035	Osborn	Agrees.
039	Chair Minnis	Refers to language on page 2, and asks if it should be “tightened.”
044	Osborn	Replies that while this would be helpful, it will not solve all the problems with SB 126.
053	Dye	Responds to Ms. Osborn’s testimony.
102	Nancy Miller	Department of Justice (DOJ) Explains why SB 126 does not have a fiscal impact.
111	Chair Minnis	Asks Ms. Miller if the judges in juvenile court read the entire file before making a decision.
116	Miller	Remarks that she believes judges do “thoroughly prepare themselves.” Suggests that in cases of repeat offenders, judges might read the relevant documents to the particular appearance.
130	Dye	Relates the intent is not to increase the costs for the judicial department.
141	Oglesby	Talks about ex parte orders.

148	Chair Minnis	Closes the public hearing on SB 126 and opens a work session on SB 126.
<u>SB 126- WORK SESSION</u>		
155	Sen. Harper	States that he fully supports the idea that parents/guardians are essential parts of “the cure,” and fees can be used as incentive for their participation.
165	Sen. Burdick	Relates that she supports mechanisms to further parental involvement. States that SB 126 may not be the best way to go.
177	Sen. Duncan	Comments that SB 126 does not “say what we want to do.”
183	Vice Chair Courtney	Recommends the committee not move SB 126 today.
186	Chair Minnis	Agrees.
195	Chair Minnis	Closes the work session on SB 126 opens a public hearing on SB 415.
<u>SB 415 – PUBLIC HEARING</u>		
205	Dianne Middle	Director, Department of Public Safety and Standards Training (DPSST) Submits testimony and testifies in support of SB 415 which would extend the required period of employment before certification of public safety personnel (EXHIBIT B).
237	Char Minnis	Asks if SB 415 would delay training.
239	Middle	Replies it would not.
241	Chair Minnis	Inquires if there are agencies that put new officers “out on the street” without going to DPSST first.
243	Middle	Responds, yes.
247	Chair Minnis	Wonders if field-training officers are required to supervised new officers.
249	Middle	Remarks that it is up each agency to set their own policies.
256	Vice Chair Courtney	Verifies that DPSST is the only agency that certifies an officer’s competency.
263	Middle	Agrees.
270	Sen. Burdick	Inquires about DPSST involvement with agencies that have taken over training.
277	Middle	Explains how the agencies are “in essence” doing DPSST at their own locations.
290	Mary Botkin	Association of Oregon Corrections Employees Testifies with no position on SB 415. Suggests that the reference to correction officers be deleted if this is intended for police officers.
325	Vice Chair Courtney	Verifies that Ms. Botkin does not want more training time for correction’s officers.
327	Botkin	Clarifies she does not want additional “lag time.”
335	Middle	Explains how SB 415 will benefit correction officers. Notes that the advisory committees for both the county and state corrections departments support SB 415. Points out that SB 415 would create consistency with the amount of time an agency has designated for new officers to complete training.
365	Chair Minnis	Asks if this will change the year extension.
365	Middle	Replies, no.
384	Vice Chair Courtney	Confirms the training time at DPSST is the same for correction officers and police officers. Reviews that SB 415 would lengthen the probation period for agencies once new officers have completed DPSST.
402	Middle	Agrees. Describes what happens currently with the 12-month

416	Vice Chair Courtney	probation period.
431	Middle	Clarifies that all categories listed need more probation time.
448	Sen. Beyer	Remarks that SB 415 is most applicable to police.
		Refers to sub-sections 4 and 5, on page 2 and wonders how many people would be affected.
460	Middle	Answers, very few.
467	Sen. Beyer	Verifies that the additional probation time is only 30 days.
480	Middle	Agrees.
TAPE 25, B		
020	Sen. Duncan	Wonders if public safety officers are going to like this.
023	Middle	Mentions that line officers would prefer that people do not become certified before they are ready.
031	Botkin	Expresses the concern that DPSST will use SB 415 to “stretch out training” and the Department of Corrections can not afford that.
055	Sen. Burdick	Asks if there has been any discussion about having a longer time line for police officers vs. correction officers.
061	Middle	Acknowledges there was. Points out that all the separate advisory committees agreed SB 415 was the best way to go.
080	Sen. Beyer	Inquires how long the various training programs can take.
082	Middle	Describes the different training programs.
086	Sen. Beyer	Asks about the training that takes place at the individual agencies.
091	Middle	Talks about the different elements of training.
122	Chair Minnis	Asks Ms. Botkin what she would like to see happen.
123	Botkin	Responds that there is a significant difference between the duties of a police officer and a correction officer. Remarks that having two different time lines for these positions is “okay.”
133	Chair Minnis	Closes the public hearing on SB 415 opens a public hearing on SB 419.

SB 419 – PUBLIC HEARING

157	Ramona Foley	Administrator, Services to Children and Families (SCF) Submit testimony and testifies in support of SB 419 which would direct courts to include in protective custody orders, findings about the best interests of a child (EXHIBIT C).
211	Linda Guss	Assistant Attorney General, Department of Justice (DOJ) Submits a section by section summary of SB 419 and testifies in support of SB 419 (EXHIBIT D).
254	Chair Minnis	Asks if section 5, on page 1 of the submitted testimony, is a requirement of the federal act.
256	Guss	Explains that foster homes must have final certification within 60 days to be eligible for funding.
260	Guss	Continues the summarization of SB 419 through section 14, on page 2.
296	Nancy Miller	Director, Juvenile Court Program, State Court Administrator’s Office Expresses support for SB 419 on behalf of the judicial department. Discusses sections 15 – 19, pages 2 and 3, of the summary for SB 419.
375	Sen. Metsger	Refers to section 18, on page 3, and asks how hard does SCF work to keep from terminating a parents rights to their child.
383	Foley	Explains that SCF works very hard.
457	Vice Chair Courtney	Inquires about the language Sen. Metsger is referring to.

444	Muir	Mentions that SB 423 would provide more effective enforcement of existing tax laws.
479	Chair Minnis	Comments the focus is on those organizations that bring large quantities of cigarettes over the state line.
496	Alexander	Agrees with Sen. Minnis. Talks about the provision in ORS 323 that allows an individual to bring 200 cigarettes in to the state for personal use.
513	Chair Minnis	Closes the public hearing on SB 423 and adjourns the meeting at 3:00 p.m.

Submitted By,

Reviewed By,

Annola DeJong,
Committee Assistant

Craig Prins,
Counsel

EXHIBIT SUMMARY

A – SB 126, written testimony submitted by Steven Dye, Linn County Juvenile Department, 2 pp.

B – SB 415, written testimony submitted by Dianne Middle, Department of Public Safety Standards and Training, dated 1/26/01, 2 pp.

C – SB 419, written testimony submitted by Ramona Foley, Services for Children and Families, dated 2/07/01, 2 pp.

D – SB 419, written testimony submitted by Linda Guss, Department of Justice, 3 pp.

E – LC 2782, submitted by staff, dated 2/5/01, 11 pp.

F – LC 3063, submitted by staff, dated 2/6/01, 3 pp.

G – LC 3064, submitted by staff, dated 2/06/01, 3 pp.

H – LC 3066, submitted by staff, dated 2/6/01, 1 p.

I – SB 423, written testimony submitted by Bob Alexander, Oregon Department of Revenue, dated 2/06/01, 2 pp.