

SENATE COMMITTEE ON JUDICIARY

February 8, 2001 Hearing Room 343
1:00 p.m. Tapes 28 - 29

MEMBERS PRESENT: Sen. Minnis, Chair
 Sen. Courtney, Vice-Chair
 Sen. Duncan
 Sen. Harper
 Sen. Metsger

MEMBERS EXCUSED: Sen. R. Beyer
 Sen. Burdick

STAFF PRESENT: Marilyn Odell, Counsel
 Craig Prins, Counsel
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: SB 123 Reconsideration and Work Session
 SB 183 Public Hearing
 Introduction of LC Drafts 3065 and 3102

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 28, A 003	Chair Minnis	Calls the meeting to order at 1:00 p.m.
<u>SB 123 RECONSIDERATION AND WORK SESSION</u>		
005	Counsel Odell	Discusses the -2 amendment to SB 123 (EXHIBIT A) relating to disclaimers of property interests and explains the change of ORS statutes involved in this new amendment.
029	Vice Chair Courtney	MOTION: Moves to RECONSIDER the vote by which SB 123 was previously sent to the floor with a DO PASS AS AMENDED.
		VOTE: 4-0-3
032	Chair Minnis	EXCUSED: 3 - R. Beyer, Burdick, Duncan Hearing no objection, declares the motion CARRIED.

**Vice Chair
Courtney**

**MOTION: Moves to ADOPT SB 123-2 amendments dated
2/7/01.**

034

VOTE: 5-0-2

047

Chair Minnis

EXCUSED: 2 - R. Beyer, Burdick

Hearing no objection, declares the motion CARRIED.

048

Vice Chair
Courtney

**MOTION: Moves SB 123 to the floor with a DO PASS AS
AMENDED recommendation.**

VOTE: 5-0-2

052

Chair Minnis

EXCUSED: 2 – R. Beyer, Burdick

Hearing no objection, declares the motion CARRIED.

MINNIS will lead discussion on the floor.

SB 183 PUBLIC HEARING

068

Sen. Courtney

Submits testimony and testifies in support of SB 183 relating to recovery of cost of care by Department of Corrections (DOC) **(EXHIBIT B)**. Discusses the costs involved to build and maintain a prison bed in a maximum-security prison and the concept of an inmate paying for room and board.

107

Sen. Metsger

Testifies in support of SB 183. States that this bill will make an important policy statement to this legislature. Discusses what the bill will do to articulate the position of the citizens of Oregon that offenders are responsible for their misdeeds. Talks about how DOC will implement the program. Explains that the bill will not deprive families of inmates of essential financial means of support. States that there are 11 other states that have similar laws.

161

Steve Marks

Governors Senior Policy Advisor

Testifies that the Governor supports the effort being made through SB 183. Explains that the Governor is concerned that inmates have the ability to support their restitution, their families, and have the resources to transition back into society, but any resources in addition that can help with their incarceration is a valuable program for the DOC to examine.

182

Vice Chair Courtney

Asks if approval has been given by the Governor with regard to fiscal and financial impact.

187

Marks

Replies that as far as he understands the direction of the bill, yes.

200

Scott Taylor

**Assistant Director , Correctional Programs, Oregon
Department of Corrections**

Submits testimony and testifies in support of SB 183 **(EXHIBIT C)**. Explains that SB 183 establishes a process for DOC to be reimbursed for services to inmates.

232

Chair Minnis

Asks what the average age of an inmate is.

235

Taylor

States that the majority of inmates are in the range of 34-45 years.

238

Chair Minnis

Asks what happens to income that an inmate might have from SSI or Social Security, or other income.

241

Taylor

Replies that the money is usually retained by someone in the community in a trust account.

244

Chair Minnis

Asks if this bills get to the money in such an account.

247

Taylor

Replies, yes.

248

Chair Minnis

Asks about how many inmates might have income outside of their trust account.

250

Taylor

Suggests that it is a very small number.

259

Chair Minnis

Asks if it is true that about 30% of inmates are sex offenders.

260	Taylor	Replies that 30% is correct.
261	Chair Minnis	Suggests that in his line of work these offenders tend to have assets and asks if there is any analysis relevant to these assets.
266	Taylor	Explains that experience shows a proportionate number of sex offenders have more financial resources than other offenders do. Indicates a concern about the degree of cost for additional investigation into assets and resources.
282	Chair Minnis	Asks if the funds for additional investigation would come from these resources.
284	Taylor	Replies, yes.
288	Chair Minnis	Inquires if it might be possible for law enforcement officers to give some notice to DOC if they have reason to believe there are assets available.
296	Taylor	Replies, yes.
303	Steve Doell	President, Crime Victims United Testifies in support of SB 183. Conveys his congratulations to Sen. Courtney and Sen. Metsger on their efforts on this bill. Explains that he feels this bill extends accountability and responsibility of the criminal, but expresses the same concerns as others regarding restitution to victims and support to families.
368	Josh Marquis	President, Oregon District Attorneys Association Submits testimony and testifies in support of SB 183 (EXHIBIT D). Gives an example of a crime he prosecuted in 1990 involving a man who was responsible for his wife's death after taking out a half million- dollar life insurance policy on her. Explains how the money he received sat in a trust account and he paid for nothing while in prison.
447	Sen. Metsger	Asks if sufficient information is gathered during the period from discovery through adjudication of the case, in which a notification to DOC could be made indicating possible available assets.
471	Marquis	Replies, yes, and that the prosecutors and police could help to identify those cases.
TAPE 29, A		
049	Dale Penn	Marion County District Attorney Submits testimony and testifies in support of SB 183 (EXHIBIT E). Comments that it is wise public policy that if there are resources available without impoverishing a family, the state should recoup cost of care. Explains that this is a model that has worked for State Mental Health for years. Suggests that financial information <u>after</u> conviction could be available for the purposes of this bill.
093	Sen. Harper	Asks if this bill would apply to county jails.
103	Counsel Prins	Replies that the local county jails are given statutory authority under ORS 169.151 to get reimbursement for cost of care.
112	Chair Minnis	Asks if the cost recovery experience at the county jail level is known.
113	Counsel Prins	Replies that this is a fairly new statute at the county level. States that he has asked for a packet of information to be sent for review.
128	Chair Minnis	Suggests an amendment to the bill that asks that DOC have some

		access to the Department of Revenue for establishing assets of a convicted person.
141	Fred Olson	Institutional Revenue Manager, Mental Health and Developmental Disability Services Division
		Submits testimony and is neutral on SB 183 (EXHIBIT F). Explains how the Mental Health Division obtains reimbursement for costs of care in the Division’s institutions.
216	Vice Chair Courtney	Asks for the number of patients he is referring to.
218	Olson	Replies there are 780 in the entire system.
227	Vice Chair Courtney	Asks if factors regarding victims, family, and children are included when determining recovery of costs.
244	Olson	Responds that the system has been patterned to look at all factors regarding our clients.
269	Sen. Duncan	Asks for clarification of how family needs are considered using an example of a college-age student who needs funds for school.
283	Olson	Replies that each case is reviewed for needs of the family, and that funds for education would be an appropriate need.
292	Chair Minnis	Asks about third parties and wonders if that would include insurance companies.
294	Olson	Replies that third parties would include insurance companies, Medicare and Medicaid.
308	Taylor	Comments that unlike mental health patients, inmates are not eligible for Medicare or Medicaid.
327	Vice Chair Courtney	Refers to the reference made to “technical amendments” and asks what they are.
329	Taylor	Explains that there has been some discussion with the Attorney General’s office regarding reference to warrants in the bill that they may want to look at further in an on-going work session.
350	Chair Minnis	Asks how much time might be needed to complete this task.
353	Taylor	Replies that it could probably be done within a week.
360	Chair Minnis	Closes the public hearing on SB 183.
368	Counsel Prins	Introduces LC LC 3065 relating to audits of internal affairs procedures by the attorney general, and 3102 relating to domestic violence (EXHIBITS H-I).
373	Vice Chair Courtney	MOTION: Moves LC's: 3065 and 3102 BE INTRODUCED as committee bills.
		VOTE: 5-0-2
		EXCUSED: 2 - R. Beyer, Burdick
380	Chair Minnis	Hearing no objection, declares the motion CARRIED.
384	Chair Minnis	Adjourns the meeting at 2:20 p.m.

Submitted By,

Reviewed By,

Jane Bodenweiser,
Committee Assistant

Marilyn Odell,
Counsel

EXHIBIT SUMMARY

- B – SB 183, written testimony submitted by Sen. Courtney, dated 2/7/01, 1 p**
- C – SB 183, written testimony of David Cook, submitted by Scott Taylor, dated 2/8/01, 2 pp**
- D – SB 183, written testimony submitted by Joshua Marquis, dated 1/31/01, 2 pp**
- E – SB 183, written testimony submitted by Dale Penn, 1 p**
- F – SB 183, written testimony submitted by Fred Olson, dated 2/8/01, 1 p**
- G – SB 183, written testimony submitted by Michael R. Shinn, dated 2/5/01, 2 pp**
- H – LC Draft 3065, submitted by staff, dated 2/7/01, 4 pp**
- I – LC Draft 3102, submitted by staff, dated 2/8/01, 1 p**