

## SENATE COMMITTEE ON JUDICIARY

March 20, 2001 Hearing Room 343

1:00 p.m. Tapes 67 - 68

**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 542 Public Hearing**  
  **SB 406 Work Session**  
  **SB 291 Public Hearing**  
  **SB 494 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.

---

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 67, A</b>		
004	Chair Minnis	Calls the meeting to order at 1:07 p.m. and opens a public hearing on SB 542.
<b><u>SB 542 – PUBLIC HEARING</u></b>		
008	<b>Sen. Charles Starr</b>	<b>Senate District 5</b> Introduces and testifies in support of SB 542 relating to creating a crime of assisting a runaway child.
020	<b>Daryl Crandall</b>	<b>Chief of Police, Banks, OR</b> Submits testimony and testifies in support of SB 542 ( <b>EXHIBIT A</b> ).
097	<b>Terry Weis</b>	<b>Citizen</b> Testifies in support of SB 542.
190	<b>Kathie Osborn</b>	<b>Juvenile Rights Project (JRP)</b> Testifies in opposition to SB 542.
219	Chair Minnis	Inquires if Ms. Osborn has had cases like the ones she described.
220	Osborn	Responds she has had many such cases.
235	Chair Minnis	Asks how you justify having a system that “protects” at-risk youths by keeping them separate from the organizations that can help them. Wonders how these “safe places” can be regulated.
272	Osborn	Replies the programs she is aware of receive money from the county and the state. Talks about how the programs work with

		the communities to provide the services that are needed. Expresses concern that SB 542 is too broad.
363	Chair Minnis	Refers to the written testimony from Galen Phipps. Wonders what legal right “one of these shelters” has to interfere with the custody of a runaway youth ( <b>EXHIBIT B</b> ).
404	Osborn	Remarks these programs would probably not fall under Custodial Interference in the 2 <sup>nd</sup> Degree.
412	Chair Minnis	Inquires where is it in statute that these programs have the legal right to “do what they are doing”, i.e. hold onto a youth vs. informing the authorities.
426	<b>Nancy Miller</b>	<b>Juvenile Courts Program, Oregon Judicial Department</b> Cites the temporary provisions put into ORS 419B.150 in 1999.
<b>TAPE 68, A</b>		
006	Chair Minnis	Suggests amendments to the custodial interference statute “might be helpful.” Says the issue is situations where someone is purposely coercing a youth to go with them to engage in illicit activities.
053	<b>Ingrid Swenson</b>	<b>Oregon Criminal Defense Lawyers Association (OCDLA)</b> Testifies in opposition to SB 542.
066	Sen. Metsger	Talks about “in the best interest of the child” legislation.
086	<b>Guy Miller</b>	<b>Citizen</b> Testifies in support of SB 542.
161	<b>Kevin Mannix</b>	<b>Attorney, Salem, OR</b> Testifies in opposition to SB 542.
233	Chair Minnis	Closes the public hearing on SB 542 opens a work session on SB 406.
<b><u>SB 406 – WORK SESSION</u></b>		
245	Chair Minnis	Discusses SB 406 which authorizes the Oregon Board of Investigators to assess costs of disciplinary proceeding against investigator or operative.
260	Counsel Prins	Introduces the –4 amendments and explains what they would accomplish ( <b>EXHIBIT C</b> ).
<b>315</b>	<b>Vice Chair Courtney</b>	<b>MOTION: Moves to ADOPT SB 406-4 amendments dated 3/20/01.</b>
320	Sen. Burdick	Verifies that the –2 and –3 amendments are not going to be adopted ( <b>EXHIBITS D &amp; E</b> ).
322	Chair Minnis	Agrees.
348		<b>VOTE: 5-0-2</b>
350	<b>Chair Minnis</b>	<b>EXCUSED: 2 – Sen. Metsger, Sen. Harper</b> <b>Hearing no objection, declares the motion CARRIED.</b>
<b>351</b>	<b>Vice Chair Courtney</b>	<b>MOTION: Moves SB 406 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-0-2</b>
		<b>EXCUSED: 2 – Sen. Metsger, Sen. Harper</b>
354	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. BURDICK will lead discussion on the floor.</b>
360	Chair Minnis	Closes the work session on SB 406 and opens a public hearing on SB 291.
<b><u>SB 291 – PUBLIC HEARING</u></b>		
392	<b>Dianne Middle</b>	<b>Director, Department of Public Safety Standards and Training (DPSST)</b>

Submits testimony and testifies in support of SB 291 which would allow persons with certain controlled substance convictions to be certified as private security officers (**EXHIBIT F**).

**TAPE 67, B**

029	<b>Harold Burke</b>	<b>Salem/Keizer School District</b> Testifies in support of SB 291.
039	<b>James D. DeLoretto</b>	<b>Owner, StarPlex Security and Crowd Management Services</b> Testifies in support of SB 291.
040	<b>Corwin Noble</b>	<b>Noble Ltd.</b> Testifies in support of SB 291.
042	<b>Joan Davies</b>	<b>DPSST</b> Testifies in support of SB 291.
045	<b>Eric Meyer</b>	<b>Owner, EBM Security</b> Testifies in support of SB 291.
051	Chair Minnis	Closes the public hearing on SB 291 and opens a public hearing on SB 494.

**SB 494 – PUBLIC HEARING**

062	<b>Ingrid Swenson</b>	<b>Oregon Criminal Defense Lawyers Association (OCDLA)</b> Testifies in opposition to SB 494 relating to increasing the period of time a youth may be held in detention or shelter care before a hearing.
089	<b>Kathie Osborn</b>	<b>Juvenile Rights Project</b> Testifies in opposition to SB 494.
158	Chair Minnis	Asks when judges review affidavits.
163	Swenson	Responds that she has forgotten.
191	Chair Minnis	Closes the public hearing on SB 494 and adjourns the meeting at 2:20 p.m.

Submitted By,

Reviewed By,

Annola DeJong,  
Committee Assistant

Craig Prins,  
Counsel

**EXHIBIT SUMMARY**

- A – SB 542, written testimony submitted by Daryl Crandall, Banks Police Department, 21 pp.**
- B – SB 542, written testimony submitted by Galen Phipps, Oregon Homeless and Runaway Youth Coalition, dated 3/20/01, 3 pp.**
- C – SB 406, -4 amendments submitted by staff, dated 3/20/01, 3 pp.**
- D – SB 406, -2 amendments submitted by staff, dated 3/08/01, 10 pp.**
- E – SB 406, -3 amendments submitted by staff, dated 3/16/01, 3 pp.**
- F – SB 291, written testimony submitted by Dianne Middle, Department of Public Safety**

**Standards and Training, dated 3/20/01, 2 pp.**

**G – SB 542, written testimony submitted by Oregon Alliance of Children’s Programs, dated 3/20/01, 1 p.**

**H – SB 542, Idaho statute submitted by staff, 1 p.**