

SENATE COMMITTEE ON JUDICIARY

April 03, 2001 Hearing Room 343

1:30 p.m. Tapes 82 - 85

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: **Marilyn Odell, Counsel**
 Craig Prins, Counsel
 Annola DeJong, Committee Assistant

MEASURE/ISSUES HEARD: SB 199 Reconsideration and Work Session
 SB 370 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 82, A		
004	Chair Minnis	Calls the meeting to order at 1:37 p.m. and opens a work session on SB 199.
<u>SB 199 – WORK SESSION</u>		
007	Counsel Odell	Talks about SB 199 which would allow a person to leave an infant at authorized facility under certain circumstances.
016	Vice Chair Courtney	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote by which the committee passed SB 199 to the Senate floor.
018		VOTE: 5-0-2
		EXCUSED: 2 – R. Beyer, Burdick
020	Chair Minnis	Hearing no objection, declares the rules are suspended.
021	Vice Chair Courtney	MOTION: Moves to RECONSIDER the vote by which the committee passed SB 199 to the Senate floor.
023		VOTE: 5-0-2
		EXCUSED: 2 - R. Beyer, Burdick
024	Chair Minnis	Hearing no objection, declares the motion CARRIED.
025	Vice Chair Courtney	MOTION: Moves to RESCIND the subsequent referral of SB 199 to the Ways and Means Committee.
028		VOTE: 5-0-2
		EXCUSED: 2 - R. Beyer, Burdick
029	Chair Minnis	Hearing no objection, declares the motion CARRIED.

030	Vice Chair Courtney	MOTION: Moves SB 199 to the floor with a DO PASS AS AMENDED recommendation.
031		VOTE: 5-0-2
032	Chair Minnis	EXCUSED: 2 - R. Beyer, Burdick Hearing no objection, declares the motion CARRIED. SEN. COURTNEY will lead discussion on the floor.
034	Chair Minnis	Closes the work session on SB 199 and opens a public hearing on SB 370.
<u>SB 370 – PUBLIC HEARING</u>		
048	Counsel Prins	Introduces SB 370 relating to repealing the sunset on various provisions dealing with sex offender registration. Introduces the -1, -2, -3, -4, -5, and -6 amendments (EXHIBITS A – F).
112	Diane Rea	Board of Parole and Post-Prison Supervision Submits testimony and testifies in support of SB 370 (EXHIBIT G).
224	Sen. Burdick	Inquires about the status of the internet posting project.
227	Robert Sundstrom	Oregon State Police (OSP) Explains that the internet project is presently in the Court of Appeals. Notes that the OSP Superintendent has indicated the internet will not be used for posting registered sex offenders information unless the law designates they do so.
238	Sen. Burdick	Refers to the provision in the -3 amendments. Asks if this is the authority the Superintendent is looking for.
245	Sundstrom	Agrees.
247	Chair Minnis	Talks about the current law regarding sex offender registration. Discusses the issues surrounding juvenile sex offender registration.
281	Karen Brazeau	Director, Oregon Youth Authority Submits an overview of juvenile sex offender issues (EXHIBIT H).
331	Shelly Whacker	Oregon State Police (OSP) Submits testimony and testifies in support of SB 370 (EXHIBIT D).
397	Sen. Duncan	Asks about a sex offender who relocates to Oregon from a state that does not require registration. Wonders how a sex offender would know to register in Oregon.
403	Whacker	Explains that it depends upon the date of their relocation. Talks about state-to-state notification procedures. Concedes that a person moving from a state that does not require registration, would not be aware of Oregon's requirements.
431	Chair Minnis	Points out that this person would be in violation, yet could not be prosecuted because they did not know.
445	Whacker	Continues her testimony.
471	Chair Minnis	Inquires about who does the sex offender follow-up visits.
472	Whacker	Talks about the collaboration between the OSP and local law enforcement agencies.
TAPE 83, A		
027	Chair Minnis	Asks about the participation of police agencies.
032	Whacker	Refers to the law enforcement web site system. Comments that many agencies choose to do local sex offender sweeps based on the noncompliance lists available through the web site. Continues her testimony.

056	Chair Minnis	Gives an explanation of the lifetime probation law enacted by the 1999 Legislature.
080	Whacker	Continues her testimony.
112	Chair Minnis	Inquires how many sex offenders are currently registered in Oregon.
113	Whacker	States there are “a little over” 9500 registered sex offenders.
115	Chair Minnis	Asks if this number includes people who are incarcerated.
116	Whacker	Responds, no.
117	Chair Minnis	Wonders how many sex offenders are incarcerated.
120	Darcy Baker	Clackamas County Community Corrections Reports that one-third of Oregon’s inmate population are incarcerated for sex crimes.
123	Chair Minnis	Asks how many of the registered sex offenders are juveniles.
128	Whacker	Mentions there are 1800 juveniles not under supervision and “a little over” 400 juveniles currently under supervision.
131	Chair Minnis	Inquires about the number of OSP staff who are assigned to overseeing the registration program.
133	Whacker	Says there are 7 people.
148	Scott Taylor	Department of Corrections (DOC) Offers additional explanation about the one-third inmate population figure. Talks about the effects of Measure 11.
170	Darcey Baker	Clackamas County Community Corrections Submits testimony and testifies in support of SB 370 (EXHIBIT J).
213	Sen. Burdick	Asks how Ms. Baker feels about the proposed amendment limiting the type of sex offenders posted on the internet.
216	Baker	States that it is a good idea.
224	Sen. Burdick	Inquires if there are any limitations on sex offenders buying firearms.
234	Cousel Prins	Explains that the majority of sex offenses are felonies, and a person convicted of a felony cannot legally own a firearm.
273	Scott Taylor	Department of Corrections Testifies in support of SB 370.
315	Vice Chair Courtney	Clarifies that the one-third figure counts only those inmates whose primary crime was a sex offense.
324	Taylor	Agrees.
325	Vice Chair Courtney	Verifies that the law does not require notification of predatory sex offenders.
332	Taylor	Talks about the degree of notification.
335	Vice Chair Courtney	Confirms that a parole officer may use neighborhood notification as incentive for sex offenders on probation to maintain their treatment.
344	Taylor	Agrees.
370	Karen Brazeau	Director, Oregon Youth Authority (OYA) Submits testimony and testifies in support of SB 370 (EXHIBIT K).
TAPE 82, B		
001	Brazeau	Continues testimony in support of SB 370.
120	Keith Kaufman	Psychologist, Portland State University Submits testimony and testifies in support of SB 370 (EXHIBIT L).

277	Peter Deuel	Oregon District Attorney's Association (ODAA) Testifies in support of SB 370.
TAPE 83, B		
054	Chair Minnis	Recesses the public hearing on SB 370 at 3:05 p.m.
056	Chair Minnis	Reconvenes the public hearing on SB 370 at 5:25 p.m.
064	Kathie Osborn	Juvenile Rights Project Testifies in opposition to SB 370. States that they originally supported the conceptual model. Cites the -4 amendments and suggests that there should be specific criteria for judges to consider.
165	Gail Meyer	Attorney, Portland, OR Introduces "Bonnie," the wife of a registered sex offender.
182	Bonnie	Citizen Testifies in opposition to SB 370. Talks about her organization "So Hopeful" that is an outreach to prior offenders.
356	Meyer	Testifies in opposition to SB 370. Relates the story of "Lisa" who was charged with promoting prostitution. Contends that internet exposure and hotline notification should be modified to fit the crime.
TAPE 84, A		
001	Meyer	Continues testimony in opposition to SB 370.
143	Ingrid Swenson	Oregon Criminal Defense Lawyers Association Submits testimony and testifies in opposition to SB 370 (EXHIBITS M – O).
260	Vice Chair Courtney	Asks Ms. Meyer if HB2482 was not a good bill when it was passed in 1993.
289	Meyer	Explains that she did not intend to convey this impression. Maintains that she has many problems with the predatory sex offender notification statute.
301	Vice Chair Courtney	Asks Ms. Meyer if Oregon's sex offender registration laws, and notification law should be repealed.
312	Meyer	States they should be revised.
425	Tim	Citizen Testifies in opposition to SB 370. Talks about his conviction and treatment as a sex offender. Expresses concern about the impact internet posting would have on his life, his family and the lives of other sex offenders who have successfully completed their treatment programs.
TAPE 85, A		
001	Tim	Continues testimony in opposition to SB 370.
069	Chair Minnis	Asks Tim how he feels about Washington's "3 strikes you're out" approach.
071	Tim	Says that sex offenders should not have 2 nd victims.
088	Sen. Duncan	Asks Tim what he thinks would be appropriate for his situation.
092	Tim	States he would like a goal to reach that would signify total completion of treatment.
158	Greg Moawad	Multnomah County District Attorney Testifies in opposition to SB 370.
248	Chair Minnis	Asks about prior victimization.

250	Moawad	Replies this was an issue but was not held “to be scientifically valid.”
257	Chair Minnis	Mentions this is not consistent with the research he has seen.
280	John Richardson	Oregon State Bar Discusses the work and findings of the subcommittee on juvenile sex offender registration over the last year.
359	Chair Minnis	Explains his intent and direction for SB 370 to the committee.
441	Nancy Miller	Oregon Juvenile Court Program Testifies as neutral on SB 370.
TAPE 85, B		
078	Beverly Poulin	Citizen Submits testimony and testifies in opposition of SB 370 (EXHIBIT P). Reads Joseph Poulin’s testimony (EXHIBIT Q).
189	Mark Poulin	Citizen Submits testimony and testifies in opposition of SB 370 (EXHIBIT R). Relates his experience with a plea bargain that backfired.
410	Deuell	Offers his summary of ODAA thoughts on the issue of lifetime registration.
455	Chair Minnis	Closes the public hearing on SB 370 and adjourns the meeting at 7:10 p.m.

Submitted By,

Reviewed By,

Annola DeJong,
Committee Assistant

Craig Prins,
Counsel

EXHIBIT SUMMARY

- A – SB 370, -1 amendments submitted by staff, dated 3/22/01, 1 p.**
- B – SB 370, -2 amendments submitted by staff, dated 3/29/01, 3 pp.**
- C – SB 370, -3 amendments submitted by staff, dated 3/29/01, 3 pp.**
- D – SB 370, -4 amendments submitted by staff, dated 3/29/01, 6 pp.**
- E – SB 370, -5 amendments submitted by staff, dated 3/29/01, 11 pp.**
- F – SB 370, -6 amendments submitted by staff, dated 3/29/01, 2 p.**
- G – SB 370, written testimony submitted by Diane Rea, Board of Parole, 17 pp.**
- H – SB 370, written testimony submitted by Karen Brazeau, Oregon Youth Authority, 72 pp.**
- I – SB 370, written testimony submitted by Shelly Whacker, Oregon State Police, 4 pp.**
- J – SB 370, written testimony submitted by Darcey Baker, Clackamas County Department of Community Corrections, 1 p.**
- K – SB 370, written testimony submitted by Karen Brazeau, Oregon Youth Authority, 1 p.**
- L – SB 370, written testimony submitted by Keith Kaufman, Psychologist, 2 pp.**
- M – SB 370, written testimony submitted by Ingrid Swenson, Oregon Criminal Defense Lawyers Association, dated 4/03/01, 102 pp.**

N – SB 370, written testimony submitted by Ingrid Swenson, Oregon Criminal Defense Lawyers Association, dated 10/31/99, 2 pp.

O – SB 370, written testimony submitted by Ingrid Swenson, Oregon Criminal Defense Lawyers Association, dated 4/03/01, 20 pp.

P – SB 370, written testimony submitted by Beverly Poulin, dated 4/03/01, 2 pp.

Q – SB 370, written testimony by Joseph Poulin, submitted by Beverly Poulin, dated 4/03/01, 1 p.

R – SB 370, written testimony submitted by Mark Poulin, dated 4/03/01, 3 pp.

S – SB 370, written testimony submitted by Ken Chapman, Jackson County Juvenile Department, dated 4/03/01, 5 pp.