

HOUSE COMMITTEE ON JUDICIARY - CRIMINAL LAW

February 1, 1999 Hearing Room 357

8:30 a.m. Tapes 20 & 21

MEMBERS PRESENT: Rep. Mannix, Chair

Rep. Prozanski, Vice-Chair

Rep. Bowman

Rep. Gianella

Rep. Hansen

Rep. Simmons

MEMBER EXCUSED: Rep. Sunseri

STAFF PRESENT: John Horton, Counsel

Patsy Wood, Administrative Support

MEASURE/ISSUES HEARD: HB 2301 Public Hearing and Possible 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 20, A		
003	Chair Mannix	Calls meeting to order at 8:32 a.m.
<u>HB 2301 PUBLIC HEARING</u>		

011	Counsel Horton	Summarizes HB 2301 that allows the judicial districts to establish drug court programs.
027	Chair Mannix	Asks if there are any subsequent referrals of HB 2301 to other committees.
028	Counsel Horton	No.
035	Judge Darryl L. Larson	Circuit Court Judge from Eugene Submits written testimony and testifies in support of HB 2301 (EXHIBIT A and B). Indicates he is here today in his capacity as President of the Oregon Association of Drug Court Professionals and as President of the Oregon Circuit Court Judges Association. Drug courts are multiplying because they make good sense. Indicates that drug courts are cost effective and get better outcomes than the normal criminal justice process. Explains what would and would not be paid for by HB 2301. Indicates that the amendments he is offering (Exhibit B) came out of discussions between interested parties and they clarify some sections of the bill and strengthen collaboration between entities charged with carrying out its provisions..
178	Gary Brandt	Josephine County Trial Court Administrator Testifies in support of HB 2301. Discusses workload for drug court implementation. Discusses the software that has been developed for these drug courts to use. Explains the cost of counseling and urinalysis. Studies show it takes \$2300 to treat someone successfully for alcohol or drug addiction. Speaks to insurance or plans that cover part of the cost including the Oregon Health Plan. Projects that 2,000 Oregonians will go through the drug court program in the next biennium. Indicates that the costs are not fully provided for but that grants are available through the government to help establish drug courts.
294	Chair Mannix	The main theme of these grants in the past is to test things out and then move to permanent funding if they are successful.
302	Brandt	All jurisdictions are facing the same funding problems that we are in Oregon. The treatment component is very expensive.
319	Chair Mannix	Are you aware of any other bills that might be competing for these dollars this session?
321	Brandt	I believe there is one other bill.
312	Chair Mannix	Would you say this is an intermediate strategy for intervention?
336	Larson	Drug courts are clearly not a primary prevention except that some women who participate are parents and prevention at this level helps prevent further problems down the line. We think this gives us a lot of value for the dollars spent. Discusses how these cases are handled in Lane County.

365	Chair Mannix	These frequent appearances emphasize the oversight and required accountability for the participants.
367	Larson	It dramatically impacts accountability.
377	Rep. Bowman	Are the 53% of people in the Oregon Health Plan registered with the Health Plan prior to entering drug court?
365	Larson	Some are and some aren't. We try to push eligible people into registering for the Oregon Health Plan so the costs can be absorbed in a way which makes sense for the system and in terms of the drug courts.
404	Rep. Bowman	Do you know what percentage is already registered with the Oregon Health Plan before they enter the drug court?
409	Brandt	I don't know specifically if 53% are eligible, probably 40-45% are signing up and accessing funding.
418	Rep. Bowman	Is there a waiting list for drug court and how long is it?
421	Larson	Drug court is a diversion program and so the District Attorney makes the decision to refer to drug court. At their first arraignment they are told if they are eligible or not for the drug court program.
TAPE 21, A		
013	Chair Mannix	I think Rep. Bowman is asking if this program is aimed at an upper social or economic group. Is this an upper income diversion program?
019	Brandt	When people come into drug court there is no assessment of their ability to pay. All sources of funding are explored, however the working poor are 37% of participants.
031	Chair Mannix	The key element is entry into the program. You get into the program based on other elements and then it's figured out how to fund your participation.
034	Larson	All income groups are being served.
035	Rep. Bowman	You said the District Attorney is part of making the decision of who enters the program. Could you explain that?
039	Larson	We have representatives from a District Attorney's office here to testify so you may want to hold that question for them.

041	Rep. Gianella	Of the 2,000 participants expected in the next biennium what success rate is expected?
041	Brandt	Gives examples of Josephine County success rate indicating that of the 200 participants, 60 have graduated.
056	Larson	There are some national studies that indicate 40-50% is a good guess at how many make it through to graduation. Drug addiction is a chronic relapsing condition so it's hard to measure success. Drug court seems to get more people through the process.
075	Rep. Hansen	It would be helpful to get copies of the study you mentioned. Mentions the benefits of the program whether a participant graduates or not. Treatment successes for drug and alcohol abuse parallel treatment for diabetes and high blood pressure you need to change the person's lifestyle.
098	Larson	I'll provide the study to the committee members.
100	Chair Mannix	This is an action-oriented committee so this bill won't be here long. It needs to move to Ways and Means. However, having been around for a while you can see that we are improving and saving lives with these programs.
134	Dianne Middle	Director, Department of Public Safety Standards and Training (DPSST) Submits written testimony and testifies on HB 2301 (EXHIBIT C). States that DPSST is not opposed to HB 2301, but is concerned about funding for it. Details the history of how the funding for DPSST has been shrinking while their duties have been growing. Oregon is at the bottom of all states for training time for law enforcement personnel. Discusses training that is currently being done and compares it to training that they would like to do if the funding was available. Indicates concern that HB 2301 will impact further on funding levels.
207	Rep. Bowman	I thought that the request was to increase the fund to cover drug courts. Are you saying that there is a reduction?
210	Middle	Discusses her understanding of HB 2301 that includes a reduction in percentages available to DPSST.
220	Chair Mannix	Explains funding issue indicating that when the total amount goes up, the percentage will decrease in order that the funding level remains the same in actual dollars. This is an issue that should be discussed by Ways and Means.
262	Rep. Hansen	Expresses concern about 16 weeks of training with the cost increase required for local governments when the time required is increased.
285	Middle	We are working with the local jurisdictions on these issues, but still face a shortfall. We are trying to make the balance between cost of training versus the cost of not training. I don't want to speak against HB 2301, but just to point out

		that the funding source may not be the best and it will have an impact on other programs.
298	Rep. Prozanski	My understanding is that by increasing the pool from \$100 to \$106 we maintain current funding level although the percentage for DPSST will drop. The Ways & Means Committee needs to look at funding.
320	Chair Mannix	Because amendments have been proposed and we need a LC draft of those before us, there will be no formal action today, but held over to next Monday.
350	Kathleen Jordan	Assistant District Attorney from Lane County Testifies in support of HB 2301. Indicates she is representing the Oregon District Attorney's Association (ODAA).
	James Rice	Assistant District Attorney from Lane County Testifies in support of HB 2301. Indicates he is representing Oregon Criminal Defense Lawyer's Association.
364	Jordan	ODAA does support this bill. States concern about District Attorney's office maintaining control, in consultation with others, over what kind of cases go to the drug court program. This concern appears to have been addressed on page 2 of the bill. Discusses concern regarding the funding source for the drug court program.
400	Rice	Speaks in favor of HB 2301. Describes his experience with Judge Larson in Lane County's drug court. In Lane County an estimated 10% don't have the funding to go through this program.
TAPE 20, B		
013	Rep. Bowman	How do people get into treatment?
019	Jordan	The District Attorney's office doesn't send anyone to a particular program. They look at the criminal intake information and if it looks as though they are eligible for the drug court program we refer them. In Lane County, "ACES" is the treatment program that makes the initial assessment and determination as to level and source of treatment.
036	Chair Mannix	We will need to work through the ñ1 (EXHIBIT D) and ñ2 (Exhibit B) amendments. Discusses that no one is opposed to the drug court program.
059	Rep. Hansen	I was the liaison to Public Safety as a Multnomah County Commissioner and the things I saw in that capacity makes me totally in support of this program.
072	Rep. Prozanski	I believe that Judge Larson can give Rep. Bowman a list of the programs that

		participate in Lane County. This program seems to work best by using the resources available in the local area.
084	Rep. Gianella	I'm comfortable with bill as long as I can be assured that no money will be taken from law enforcement.
096	Rep. Bowman	Is getting the District Attorney's consent to get into the program a requirement?
101	Chair Mannix	If the District Attorney is not involved, you will have no referrals to the program.
112	Rep. Bowman	I have been hearing stories that you have to get on a waiting list for a year to a year and a half for these programs.
116	Chair Mannix	You have to get arrested to get into the drug court program. I would encourage those who are supporting the bill to get information to Rep. Bowman on this issue. She would like to know if we are displacing other people who want to get into these treatment programs with people who have been arrested? Closes public hearing on HB 2301.
128	Chair Mannix	Adjourns meeting at 9:45 am.

Submitted By, Reviewed By,

Patsy Wood, Sarah Watson,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 2301, Written testimony, Judge Darryl Larson, 3 pp

B ñ HB 2301, suggested amendments, Oregon Association of Drug Court Professionals, 2 pp

C ñ HB 2301, written testimony, Dianne Middle, 2 pp

D ñ HB 2301, -1 amendments dated 1/28/99, (LC 1109) 2 pp