

**HOUSE COMMITTEE ON JUDICIARY - CRIMINAL LAW**

March 15, 1999 Hearing Room 357

8:30 a.m. Tapes 86

**MEMBERS PRESENT: Rep. Mannix, Chair**

**Rep. Prozanski, Vice-Chair**

**Rep. Bowman**

**Rep. Gianella**

**Rep. Hansen**

**Rep. Sunseri**

**MEMBER EXCUSED: Rep. Simmons**

**STAFF PRESENT: John Horton, Counsel**

**Patsy Wood, Administrative Support**

**MEASURE/ISSUES HEARD:**

**HB 2301 Work Session**

**SB 340A Public Hearing and Possible Work Session**

**SB 342 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
<b>TAPE 86, A</b>		
005	Chair Mannix	Calls meeting to order at 8:34 a.m.
<b><u>SB 342 PUBLIC HEARING</u></b>		

011	Counsel Horton	SB 342 updates the statutory language in ORS 179 by replacing obsolete terms relating to transfer of youth offenders in state close custody to state mental hospital.
019	<b>Karen Brazeau</b>	<b>Oregon Youth Authority (OYA)</b>  Testifies and submits written testimony in favor of SB 342 ( <b>EXHIBIT A</b> ). Explains that the OYA wanted to make sure that the statutory language was clear giving them the authority to move youth that have mental health crises out of OYA facilities into mental health facilities.
<b><u>SB342 WORK SESSION</u></b>		
028	<b>Rep. Bowman</b>	<b>MOTION: Moves SB 342 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 6-0</b>  <b>EXCUSED: 1 - Rep. Simmons</b>
	<b>Chair Mannix</b>	<b>Hearing no objection, declares the motion CARRIED.</b>  <b>REP. BOWMAN will lead discussion on the floor.</b>
<b><u>SB 340A PUBLIC HEARING</u></b>		
036	Counsel Horton	SB 340A establishes that only youth offenders under 19 years of age may be admitted to youth correction facility, and the Oregon Youth Authority may retain custody until 25 years of age.
043	<b>Karen Brazeau</b>	<b>Oregon Youth Authority (OYA)</b>  Testifies and submits proposed amendments in favor of SB 342 ( <b>EXHIBIT B</b> ). Discusses the problems caused by the current statutes because the upper age limit for initial placement in a youth correctional facility was not clear.
063	Chair Mannix	Are the amendments OYA is proposing the ones that were made in the Senate to make SB 340 A-engrossed?
065	Brazeau	Yes.
068	Chair Mannix	Lists the participants of the work group that developed the amendments adopted in the Senate. Were all of these groups in agreement on the proposed amendments?

072	Brazeau	Yes.
<b><u>SB 340A WORK SESSION</u></b>		
074	Rep. Prozanski	<p><b>MOTION: Moves SB 340A to the floor with a DO PASS recommendation.</b></p> <p><b>VOTE: 6-0</b></p> <p><b>EXCUSED: 1 - Rep. Simmons</b></p>
	Chair Mannix	<p><b>Hearing no objection, declares the motion CARRIED.</b></p> <p><b>REP. BOWMAN will lead discussion on the floor.</b></p>
<b><u>HB 2301 WORK SESSION</u></b>		
085	Counsel Horton	<p>HB 2301 allows judicial districts to establish drug court programs. The program is funded through a \$6 increase in the unitary assessment. Discusses the ñ1 amendments (<b>EXHIBIT C</b>), the -2 amendments (<b>EXHIBIT D</b>) and the ñ3 amendments (<b>EXHIBIT E</b>). The ñ1 and the ñ3 amendments are inconsistent, and if the committee chooses one of these, they should not adopt the other one. The ñ2 amendments delete the funding source of HB 2301.</p>
112	Rep. Prozanski	Where did these amendments originate?
113	Counsel Horton	<p>The ñ1 and -3 amendments came from a work group including the Department Of Justice, Judge Daryl Larson, and Bradd Swank. I requested the ñ2 amendments based upon a question if the unitary assessment was the correct funding mechanism.</p>
121	Bradd Swank	<p><b>State Court Administratorís Office</b></p> <p>Testifies in support of HB 2301, the ñ1 and ñ3 amendments. Discusses that adopting lines 1 and 2, from page 1 of the ñ1 amendments and inserting them in the ñ3 amendments, would eliminate any confusion between the two amendments by adding the consent of the District Attorney. Other than that, the ñ1 and the ñ3 achieve the same purpose.</p>
132	Chair Mannix	Do the ñ3 amendments have better language compared to the ñ1 amendments?
135	Swank	<p>The ñ1 amendments do all the same cleanup, but the ñ3 amendments include and add the alcohol and drug program people to the commission and formalize their participation in the process. The ñ2 amendments do remove the funding mechanism. One of the primary purposes of HB 2301 is not just to fund the court part of the drug courts, but to provide monies for the treatment programs.</p>

157	Rep. Sunseri	Some counties already have their own drug courts. How are these courts funded now without this additional tax?
159	Swank	Discusses his understanding that most of the drug courts were initially federally funded, but at some point those federal monies will end.
178	Rep. Bowman	Do the drug courts currently in place require the consent of the district attorney before someone can participate?
180	Swank	Yes.
182	Chair Mannix	Does the drug court program need the District Attorney's participation for the program to be successful?
183	Swank	Yes.
184	Rep. Hansen	What is a "drug related offense"? How broad of a category is that?
187	Swank	It depends on what the District Attorney works out with the court. Drug courts are looking for drug offenders and treatment related to their drug problem. There may be secondary crimes involved, but the programs are aimed at the people whose problem is based upon their drug use. It also depends upon how far your resources will extend to different types of treatment.
201	Rep. Hansen	Discusses the problem Multnomah County faced when starting their drug court and that they eventually included property crimes to get the critical mass to make the program work.
212	Swank	One of the problems is matching the population you have with the treatment resources that you have to make the program successful.
215	Chair Mannix	Discusses how a burglary could be committed as a "drug related offense" when the offender is a known drug user and the burglary was committed to obtain money for drugs.
231	Counsel Horton	If the committee adopts the ñ1 amendments, there would be no reason to adopt the ñ3 amendments?
235	Chair Mannix	We would still need to add, "with the consent of the district attorney".
235	Swank	That is correct.
242	Rep. Prozanski	Should HB 2301 go to Ways & Means without a suggested revenue source?

247	Swank	It is better to send it down with a recommended revenue source.
263	<b>James Rice</b>	<b>Oregon Criminal Defense Lawyeris Association</b>  Testifies in support of HB 2301. Discusses how funding is critical for drug court because drug offenders can't get off drugs without some kind of treatment program. Discusses what type of person might end up using this treatment program. This is an inexpensive way to deal with an expensive problem.
<b>308</b>	<b>Rep. Prozanski</b>	<b>MOTION: Moves HB 2301 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways &amp; Means.</b>
313	Chair Mannix	An appropriate amendment would be to adopt the 3 amendments with lines 1 & 2 of 1 amendments.
<b>317</b>	<b>Rep. Prozanski</b>	<b>MOTION: Moves to ADOPT conceptual amendments to HB 2301 by adding lines 1 and 2 from page 1 of the 1 amendments to the 3 amendments and adopting the 3 amendments as amended.</b>
		<b>VOTE: 6-0</b>  <b>EXCUSED: 1 - Rep. Simmons</b>
	<b>Chair Mannix</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
330	Rep. Prozanski	I would like to discuss the 2 amendments. I think it would be appropriate to have the funding in place before HB 2301 goes to Ways & Means.
342	Chair Mannix	I thought the \$6 was already in HB 2301 and the 2 amendments would take it out.
350	Rep. Prozanski	I didn't realize the \$6 was already in HB 2301.
<b>357</b>	<b>Rep. Prozanski</b>	<b>MOTION: Moves HB 2301 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways &amp; Means.</b>
		<b>VOTE: 6-0</b>

		<b>EXCUSED: 1 - Rep. Simmons</b>
	<b>Chair Mannix</b>	<b>Hearing no objection, declares the motion CARRIED.</b> Adjourns the meeting at 8:57 a.m.

Submitted By, Reviewed By,

Patsy Wood, Sarah Watson,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A ñ SB 342, written testimony submitted by Karen Brazeau, Oregon Youth Authority, dated March 15, 1999, 1 pg.**

**B ñ SB 340A, written testimony submitted by Karen Brazeau, Oregon Youth Authority, dated March 15, 1999, 2 pgs.**

**C ñ HB 2301, -1 amendments (LC 1109), dated 1/28/99, submitted by Staff, 2 pgs.**

**D -- HB 2301, -2 amendments (LC 1109), dated 2/6/99, submitted by Staff, 1 pg.**

**E -- HB 2301, -3 amendments (LC 1109), dated 3/4/99, submitted by Staff, 3 pgs.**