

HOUSE COMMITTEE ON JUDICIARY - CRIMINAL LAW

March 19, 1999 Hearing Room 357

8:30 a.m. Tapes 95

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 2349 Public Hearing

HB 2350 Public Hearing

HB 2351 Public Hearing

HB 2562 Public Hearing

HB 2977 Work Session

HB 2526 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 95, A		
005	Chair Mannix	Calls meeting to order at 8:36 a.m.
<u>HB 2349, HB 2350, HB 2351, HB 2562 COMBINED PUBLIC HEARING</u>		
015	Steve Doell	<p>President, Crime Victims United</p> <p>Testifies in support of HB 2349, HB 2350 and HB 2562. This legislation would provide serious punishment and act as a deterrent for repeat property offenders. Without a serious deterrent, property crimes increase and offenders move on to bigger crimes. This legislation stops property offenders while intervention is still possible. Oregon has the highest rate of property crimes in the 9 western states, gives statistics. Since Measure 11 was passed in 1994, violent crime has dropped, but property crimes continue to increase.</p>
095	Rep. Prozanski	You mentioned a decriminalization based on SB 1145. Do you mean that certain crimes were dropped from felonies to misdemeanors?
101	Doell	We have used local jails for 12-month sentences and anything beyond that was a prison sentence. Because the jails were so overcrowded, many offenders sentenced to 12 months would only serve 60 or 90 days.
114	Rep. Prozanski	HB 3488 that was passed in 1996 focused on burglary and auto theft plus two other property crimes. What has the data shown in targeting those four high property crime areas?
129	Doell	I do not have any specific data, but we have a problem with the law because a judge is trying to determine if the 13-month sentence was a minimum or maximum. Discusses multiple car thefts in Multnomah County that are still not getting stiff enough sentences.
145	Rep. Prozanski	Are these individuals not getting higher sentences because the court is not imposing them, or is there no option for the judge to impose a longer sentence?
153	Doell	I don't know the answer to that.
155	Rep. Hansen	How long were people incarcerated before SB 1145 and how long are the sentences since SB 1145?
163	Doell	I do not have the data, but SB 1145 is not working as it was designed because they have gotten overloaded with cases at the local level.
167	Chair Mannix	We should ask the Department of Corrections to advise us of the sentencing

		pattern for time sentenced and time served before and after SB 1145.
175	Rep. Hansen	I heard that SB 1145 was not working like anyone intended. The counties were getting half the number of prisoners as expected, but they were staying in jail twice as long as expected.
188	Rep. Prozanski	We need to ask the Department of Corrections (DOC) where people were located in the correctional facilities because many people were in transition awaiting release.
196	Chair Mannix	I didn't realize that if a person was sentenced for three felonies for one event, and each sentence was less than 12 months, the person served his sentence in the county jail. That could put a person in jail for over 3 years, and the county jails do not have rehabilitation programs designed to last three years.
224	James Rice	Oregon Criminal Defense Lawyers Association Testifies in opposition to HB 2349, HB 2350 and HB 2562. From the standpoint of the inmate, a prisoner would rather serve a long sentence in prison than in a county jail. District attorneys feel that long sentences in jails use up valuable county resources.
257	Chair Mannix	Closes the public hearing on HB 2349, HB 2350, HB 2351 and HB 2562.
<u>HB 2977 WORK SESSION</u>		
274	Don Heffner	Director, Oregon Marine Board Testifies in support of HB 2977 and discusses the proposed ñ2 amendments (EXHIBIT A).
280	Rep. Sunseri	Are the ñ1 amendments included in the ñ2 amendments?
281	Counsel Horton	Yes.
282	Heffner	On page 4, Section 9 of the ñ2 amendments, we added lines 4-7 to address concerns that had been raised previously about developing a phase-in program. On page 3, we added a subsection (8) under Section 7, lines 26-28, to make it clear that persons not yet reached in the phase-in program are not required to have a boating safety education certificate.
300	Rep. Prozanski	MOTION: Moves to ADOPT HB 2977-2 amendments dated 3/17/99.
		VOTE: 6-0-1 EXCUSED: 1 - Rep. Simmons

	Chair Mannix	Hearing no objection, declares the motion CARRIED.
308	Rep. Prozanski	MOTION: Moves HB 2977 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Rep. Simmons
	Chair Mannix	Hearing no objection, declares the motion CARRIED. REP. MANNIX will lead discussion on the floor.
321	Chair Mannix	Closes the work session on HB 2977.
<u>HB 2526 WORK SESSION</u>		
329	Counsel Horton	Describes the ñ1 amendments to HB 2526 (EXHIBIT B) dealing with bounty hunters.
347	Rep. Sunseri	MOTION: Moves to ADOPT HB 2526-1 amendments dated 3/15/99.
350	Rep. Bowman	Didn't we vote to reinsert the \$5,000 limit on reimbursement?
357	Counsel Horton	There was a vote on that, and that motion failed 4-3.
373		VOTE: 5-1-1 AYE: 5 - Gianella, Hansen, Prozanski, Sunseri, Mannix NAY: 1 - Bowman EXCUSED: 1 - Simmons

	Chair Mannix	The motion CARRIES.
380	Rep. Sunseri	MOTION: Moves HB 2526 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-1-1 AYE: 5 - Gianella, Hansen, Prozanski, Sunseri, Mannix NAY: 1 - Bowman EXCUSED: 1 - Simmons
	Chair Mannix	The motion CARRIES. REP. SUNSERI will lead discussion on the floor.
443	Chair Mannix	Adjourns the meeting at 9:05 a.m.

Submitted By, Reviewed By,

Patsy Wood, Sarah Watson,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 2977, -2 amendments, dated 3/17/99, submitted by staff, 5 pgs.

B - HB 2526, -1 amendments, dated 3/15/99, submitted by staff, 2 pgs.