

CONFERENCE COMMITTEE ON HB 2479B

July 06, 1999 Hearing Room 357

9:00 a.m. Tapes 1 - 2

MEMBERS PRESENT: Rep. Mannix, Chair

Sen. Courtney

Rep. Edwards

Sen. Nelson

Rep. Gianella

Sen. Tarno

STAFF PRESENT: John Horton, Counsel

Patsy Wood, Administrative Support

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 1, A		
003	Chair Mannix	Calls the meeting to order at 9:02 a.m.
<u>HB 2479B WORK SESSION</u>		
007	Counsel Horton	HB 2479B adopts amendments to rules of the Oregon Criminal Justice Commission ranking and classifying crimes created and modified by sixty-ninth Legislative Assembly. Discusses the ñB8 and ñB9 amendments to HB 2479B (EXHIBITS A & B).

027	Sen. Nelson	What is the purpose of waiting until July 1, 2001 as stated in the HB8 amendments?
028	Chair Mannix	A fiscal impact is avoided with the delayed implementation date. Discusses the main difference between the House and the Senate regarding HB 2479B: the House incorporated juvenile adjudication in consideration of repeat offenders and the Senate did not.
037	Phil Lemman	<p>Oregon Criminal Justice Commission</p> <p>The Conference Committee has to decide if it is going to expand the pool of people subject to these prison sentences for repeat property offenses. When you expand the eligibility of people who are subject to this law, you are going to have more people going to prison. Estimates the impact at 70-100 new offenders per year. The Senate took out the language referring to juveniles to avoid the fiscal impact. The House also passed a bill on identity theft that would be included into this repeat offender statute. If that bill and HB 2479B proceed, there will need to be conflict amendments.</p>
067	Chair Mannix	Do we have to have the actual amendments or could we adopt conceptual conflict amendments?
072	Counsel Horton	We would need the actual amendments before the committee could pass them out. When I checked with LC about the conflict amendments, I was told the changes to HB 2479 could be incorporated into HB 3057 later.
079	Chair Mannix	Before it went to full Ways and Means?
079	Counsel Horton	The changes can be made after the full committee on Ways and Means and after it goes to the House, but before it goes back to the Senate.
083	Sen. Nelson	Is the fiscal impact \$4 million per year?
085	Lemman	We have not run that through Legislative Fiscal yet. We identify the number of additional people and then the Department of Corrections and Legislative Fiscal assign a dollar amount.
088	Chair Mannix	One hundred people per year at \$22,000/person would be \$2.2 million or \$4.4 million a biennium.
090	Sen. Nelson	I thought it was \$60/day for incarceration.
091	Chair Mannix	I use the annual rate of \$22,000/year that the Department of Corrections gave me recently.
097	Dale Penn	Marion County District Attorney

		We think these are good changes that address repeat property offenders, but the final issue is how you are going to fund this legislation.
110	Ingrid Swenson	<p>Oregon Criminal Defense Lawyers Association</p> <p>The purpose of the repeat property offender law was not meant to pick up everyone who had a prior conviction, but to get at offenders that show a pattern of repeat property offenses. Discusses the differences in dealing with juveniles vs. adults in court. Urges the committee to adopt the Senate amendments that take out the prior juvenile offenses and simultaneous convictions.</p>
158	Rep. Edwards	What is your opinion about the ñB8 and ñB9 amendments?
159	Swenson	The impact will ultimately be the same, but we prefer the amendments that remove the prior offenses by juvenile offenders.
168	Chair Mannix	Discusses the options open to the committee on HB 2479B: 1) adopt the Senate amendments eliminating prior juvenile convictions; 2) use the House version that includes prior juvenile offenses, but has a fiscal impact; or 3) adopt a sunset clause.
209	Rep. Edwards	Was there a discussion of the fiscal impact?
210	Chair Mannix	Yes. We do not have specific dollar amounts, but approximately 70-100 additional offenders would be incarcerated each year. This would calculate at around \$4.5 million per biennium.
225	Sen. Tarno	Would this legislation have to go to Ways & Means?
228	Chair Mannix	If we incorporate juvenile offenses into the sentencing structure and we don't move the implementation date to July 1, 2001, it would have to go to Ways and Means.
238	Sen. Tarno	MOTION: Moves to ADOPT HB 2479B-8 amendments dated 07/01/99.
245	Sen. Nelson	I will be a "no" vote on both amendments.
255	Sen. Courtney	Discusses that tough legislation is needed, but with it comes a fiscal impact. I don't recall the Senate getting into the issue of prior juvenile offenses and the resulting fiscal impact, so I need more time to consider these amendments.
301	Rep. Edwards	What is the significance of using the date November 1, 1989?

303	Counsel Horton	That is the date that sentencing guidelines were established.
326	Chair Mannix	Discusses how the House Judiciary Criminal Law Committee has been handling bills with fiscal impacts.
431	Rep. Edwards	I would like more time to consider these amendments.
TAPE 2, A		
002	Sen. Tarno	WITHDRAWS the motion to adopt the ñB8 amendments.
020	Chair Mannix	Discusses a bill that passed the House this session dealing with repeat property offenders as a trimmed-down version of Ballot Measure 61. We could take a piece of the ñB8 amendments to clarify the sentencing and leave out the juvenile portion.
081	Counsel Horton	I donít know if that portion would have a fiscal impact and therefore need to go to Ways and Means.
089	Lemman	Are you asking, what the fiscal impact is if you take out juvenile adjudications, but keep the simultaneously sentenced adult priors?
092	Chair Mannix	Yes.
092	Lemman	I think it would still require a referral to Ways and Means.
096	Chair Mannix	We could adopt the November 1, 1989 date with a deferred implementation date.
098	Sen. Courtney	If this bill makes good sense, we should send it to Ways and Means.
110	Chair Mannix	Asks the Criminal Justice Commission to look at the fiscal impact with just the November 1, 1989 open court sentencing provision.
125	Rep. Edwards	Will that last suggestion you made be drafted as an additional amendment?
126	Chair Mannix	Yes.
128	Chair Mannix	Adjourns the meeting at 9:40 a.m.

Submitted By, Reviewed By,

Patsy Wood, Sarah Watson,

Administrative Support Office Administrator

EXHIBIT SUMMARY

A - HB 2479B, ñB8 amendments (LC 1005), dated 7/1/99, staff, 3 pgs.

B - HB 2479B, ñB9 amendments (LC 1005), dated 7/1/99, staff, 1 pg.