

SENATE COMMITTEE ON JUDICIARY

March 25, 1999 Hearing Room 343

3:00 PM Tapes 95ñ 96

MEMBERS PRESENT: Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Brown

Sen. Burdick

Sen. Qutub

Sen. Tarno

MEMBER EXCUSED: Sen. Nelson

STAFF PRESENT: Bill Taylor, Counsel

Kathy Courtney, Administrative Support

MEASURE/ISSUES HEARD: SB 740 - Public Hearing

HB 2505A, - Public Hearing and 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, SIDE A		
007	Sen. Courtney	Calls meeting to order at 3:05 PM.
<u>HB 2505A PUBLIC HEARING</u>		
024	Rep. Floyd Prozanski	State Representative, House District 40 Testifies in support of 2505A that allows cities that have free standing incarceration facilities to house offenders and recover costs.

046	Beth Vargas Duncan	League of Oregon Cities Testifies in support of HB 2505A. Explains that HB 2505A does not change the existing arrangement between cities and counties.
061	Sen. Courtney	Closes HB 2505A Public Hearing.
<u>HB 2505A WORK SESSION</u>		
062	Sen. Tarno	MOTION: Moves HB 2505A to the floor with a DO PASS recommendation.
		VOTE: 4-0-3 EXCUSED: 3 - Sen. Bryant, Sen Qutub, Sen. Nelson
Sen. Courtney		Hearing no objection, declares the motion CARRIED. SEN. TARNO will lead discussion on the floor.
080	Sen. Courtney	Closes HB 2505A Work Session.
<u>SB 740 PUBLIC HEARING</u>		
081	Rep. Leslie Lewis	State Representative, House District 29 Testifies in support of SB 740. Relates story about friend killed by a sex offender prior to the registration requirement.
125	Rich Hein	Oregon State Police, Criminal Investigations Services Division Testifies and submits written testimony in support of SB 740. (EXHIBITS A and B) Discusses current system of entry and housing of criminal records. Explains central depository for records as mandated by SB 740. Discusses SB 740 ñ1 amendments that makes certain crimes subject to the registration requirement and allows for assessment of a registration fee.
140	Kent Zwicker	Oregon State Police, Criminal Investigations Services Division Testifies in support of SB 740. Explains the goals to enhance and update the criminal registration system and to comply with federal requirements. Discusses the inclusion of juvenile offenders in SB 740.

245	Pamela Wood	Department of Justice Testifies in support of SB 740. Discusses the consistency between SB and the Wetterling Act.
260	Sen. Burdick	Do the four new crimes requiring sex offender registration include consensual sex between an adult and a minor?
266	Zwicker	Yes.
269	Sen. Burdick	What level of crime is it?
270	Zwicker	It is a Class A Misdemeanor.
274	Sen. Tarno	Expresses concern about requiring sex offender registration for an 18-year-old engaged in consensual sex with a 16 or 17-year old.
279	Chair Bryant	Explains the federal requirement to create a criminal offense classification system.
280	Wood	Discusses "criminal sexual conduct" offenses.
292	Counsel Taylor	Inquires if federal law allows for affirmative defense of 3 years age difference for sex offense crimes.
308	Wood	No, not for sexually violent offenses. Discusses the difference between violent offenders and sex offenders. Explains that the categories are not mutually exclusive.
354	Sen. Courtney	How does Oregon law would take precedence over federal law?
359	Zwicker	Explains that federal law allows states to draft statutes within a set of guidelines.
382	Sen. Burdick	Do we have flexibility in removing a name from sex offender registration for certain levels of misdemeanors? Can a crime be expunged in less than 10 years?
393	Wood	Ten years is the minimum of time required on the sex offender registration system for crimes that fit within the established categories.
417	Mike Cahill	Junction City Chief of Police, Oregon Association Chiefs of Police Testifies and submits written testimony in support of SB 740. (EXHIBIT C) Discusses recent newspaper article about a Lane County sex offender with a history of sex crimes against young boys.

TAPE 96, SIDE A

010	Cahill	Continues discussion about sex crimes and expresses need for SB 740 and other legislation to keep communities safe from sex predators.
029	Chair Bryant	Relates story about a school volunteer of the year who committed sex crimes against children. Discusses 1995 legislation that required criminal background checks for school workers.
046	Terry Merritt	Beaverton Police Department Testifies and submits written testimony in support of SB 740. (EXHIBIT D)
053	Marc Adams	City of Keizer Chief of Police, Oregon Association Chiefs of Police Legislative Committee Testifies and submits written testimony in support of SB 740. (EXHIBIT E) Discusses sex offenders and the means they use to mask their predatory behaviors.
072	Scott Taylor	Oregon Department of Corrections (DOC) Testifies and submits written testimony in support of SB 740. (EXHIBIT F) Explains Sex Offender Registration procedures. Discusses sex offender treatments and DOC supervision.
097	Karen Brazeau	Oregon Youth Authority (OYA) Testifies in support of SB 740. Discusses SB 740 funding and fee impact on juveniles and their families.
108	Chair Bryant	Supports the need to determine the cost of SB 740 and to establish a funding source.
114	Brazeau	Asserts that youth offenders should be pay restitution, not parents. Encourages youth accountability and consequences for criminal behavior.
118	Chair Bryant	Are parents still responsible for youth under your guardianship?
120	Brazeau	Yes, we collect parental support. Explains the significant difference between parental costs assessed and actual monies collected.
143	Chair Bryant	Does the state issue a judgement against offenders with outstanding fees?
144	Brazeau	Discusses the need to have a mechanism to enforce non-payment of assessed fees.

147	S. Taylor	Explains that the Department of Revenue assists the OYA in fee collection. Discusses average fees, services, and costs to incarcerate sex offenders.
172	Sen. Qutub	Expresses little sympathy for the assumption that some sex offenders may be unable to pay fees connected with their crimes. Asserts that an offender's refusal to accept responsibility, not money, is not the issue.
181	Sen. Tarno	Asks for clarification about Scott Taylor's assertion that community notification of a sex offender's presence can adversely affect the victim.
185	S. Taylor	Explains that notification exposes the identity of the victim.
206	Sen. Tarno	How similar are the State Police and the OYA notification policies?
211	Brazeau	Discusses the differences of notification policies with regard to youth sex offenders. Explains the use of the youth assessment tool.
241	Sen. Tarno	Do you place "predatory sex offenders" in the community?
244	Brazeau	Yes, we do, under supervision after they have served time in the correctional facility.
249	Sen. Tarno	Do those placements prove tragic?
251	Brazeau	Yes, we take risks, but proper supervision helps curtail crime.
262	Chair Bryant	Discusses 1995 legislation requiring background checks on school workers at the option of the school district.
280	Ingrid Swenson	Oregon Criminal Defense Lawyers Association Testifies and submits written testimony in opposition to SB 740. (EXHIBITS G and H) Proposes changes to registration and notification when conviction is expunged or overturned. Discusses kidnapping and sex abuse in the first, second and third degree in relation to SB 740.
386	Sen. Brown	Why exempt juveniles offenders who commit kidnapping 2 from the registration requirement?
391	Kathie Osborn	Juvenile Rights Project Discusses the use of kidnapping 2 in sibling disagreements. Cites an example.
433	Sen. Qutub	How many of those cases have you had?

438	Osborn	About six, with adjudication in 4 of those cases.
TAPE 95, SIDE B		
004	Sen. Qutub	What was the result of the adjudicated cases?
004	Osborn	The offenders were placed on probation. SB 740 would make such cases sex crimes.
013	Sen. Burdick	Does Kidnapping in the 2 nd degree involve sexual abuse? If not, why is it in SB 740?
020	Osborn	Explains that the federal law deals with sex offenders and violence against minors.
025	Sen. Burdick	If kidnapping involves violence, is it not Kidnapping 1?
028	Swenson	Explains that violence, as well as the attempt to commit a certain crime, would require sex offender registration.
039	Sen. Qutub	Requests specific kidnapping 2 case information from Ms. Osborn and the kidnapping 3 cases from Ms. Swenson.
054	Swenson	I will obtain that information for you. Explains that Sex Abuse 3 involves touching an intimate part of the body with a sexual intent.
075	Sen. Qutub	Expresses concern that sex abuse is explained as innocent and inconsequential and that courts inappropriately convict people in these cases.
088	Sen. Brown	Discusses Bend area high school sexual harassment situations in 1995. Explains that Sex Abuse 3 is a more serious offense.
104	Sen. Qutub	Expresses that sexual abuse cannot be tolerated.
121	Stan Robson	Benton County Sheriff, Oregon State Sheriffs' Association Testifies in support of SB 740. Discusses expunction of sex offenses from criminal records after 10 years. Explains that SB 740 expands the list of individuals who can make notification.
162	Norm Hend	Yamhill County Sheriff Testifies in support of SB 740. Discusses the severity of sex abuse crimes including date rape. Asserts that plea bargains mask the severity of crimes.

		Relates tragic incident in Yamhill County.
191	Chair Bryant	Explains that the incident in Yamhill County was definitely not consensual sex.
193	Hend	Explains that a female will often clearly indicate that what is termed "consensual sex" was not consensual.
204	Chair Bryant	Discusses juvenile sex crimes involving alcohol.
220	Hend	Explains that thorough investigation of facts often produces plea bargains in sex offense cases.
237	Pat Patterson	Concerned Citizen Discusses his 40 years of experience working with youth sex offenders. Asserts that it is essential to notify civic, paternal and church organizations of the presence of sex offenders in communities to avoid further criminal abuses.
310	Sen. Tarno	MOTION: Moves HB 2505A to the floor with a DO PASS recommendation.
		VOTE: 4-0-3 EXCUSED: 3 - Chair Bryant, Sen. Nelson and Sen. Qutub
		Sen. Courtney Hearing no objection, declares the motion CARRIED. SEN. TARNO will lead discussion on the floor.
322	Chair Bryant	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. QUTUB and CHAIR BRYANT to BE RECORDED as voting AYE on SB 2505A)
		VOTE: 7-0-1 EXCUSED: 1 - Sen. Nelson
		Chair Bryant Hearing no objection, declares the motion CARRIED.

324	Chair Bryant	Adjourns meeting at 4:25 PM.
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Submitted By, Reviewed By,

Kathy Courtney, Sarah Watson

Administrative Support Office Manager

EXHIBIT SUMMARY

- A. Testimony in support of SB 740, Rich Hein, 35pp**
- B. SB 740 ñ1 amendments, Bill Taylor, 3pp**
- C. Southern Linn County newspaper article, Mike Cahill, 1p**
- D. Testimony in support of SB 740, David Bishop, 1p**
- E. Testimony in support of SB 740, H. Marc Adams, 1p**
- F. Testimony in support of SB 740, Scott Taylor, 1p**
- G. SB 740 proposed amendments, Ingrid Swenson, 17pp**
- H. SB 740 proposed amendments, Ingrid Swenson, 2pp**