

SENATE COMMITTEE ON JUDICIARY

March 03, 1999 Hearing Room 343

3:00 PM Tapes 58 - 59

MEMBERS PRESENT: Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Brown

Sen. Burdick

Sen. Nelson

Sen. Tarno

MEMBER EXCUSED: Sen. Qutub

STAFF PRESENT: Bill Taylor, Counsel

Travis Prestwich, Intern to Legislative Counsel Office

Kevin Walling, Intern to Legislative Counsel Office

Kathy Courtney, Administrative Support

MEASURE/ISSUES HEARD: SB 564 Public Hearing, Work Session

SB 449 Public Hearing

SB 75 Public Hearing, Work Session

SB 20 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 58, A		

004	Chair Bryant	Calls meeting to order at 3:20 PM.
<u>SB 564 PUBLIC HEARING</u>		
009	Intern Walling	SB 564 makes technical changes in Oregon law.
020	Gregory Chaimov	Legislative Counsel Testifies in support of SB 564. Discusses Department of Forestry concerns with changing the term "watchman" in SB 564. Defines terms: watchman, lookout, and firewatch.
034	Sen. Courtney	Asks for clarification of terms.
056	Chaimov	Explains terms: watchman, lookout, and firewatch. Suggests moving SB 564 as drafted and making technical changes to the bill on the House side.
056	Chair Bryant	Closes SB 564 Public Hearing.
<u>SB 449 PUBLIC HEARING</u>		
063	Michael Dugan	Deschutes County District Attorney's Office Testifies and submits written testimony in support of SB 449. (EXHIBITS A and B) Discusses the Safe Schools Alliance purpose and goals. The Safe Schools Alliance members include school districts, law enforcement, juvenile justice, mental health providers, and district attorneys.
121	Greg Brown	Deschutes County Sheriff Testifies in support of SB 449. Discusses the criteria for removing a child from schools. Explains how removing a student from school is delayed when parents do not allow access to student records. Discusses identification of "at risk" children in elementary grades.
178	Allan Frickey	Bend-LaPine School District Assistant Superintendent Testifies and submits written testimony in support of SB 449. (EXHIBIT C) Discusses the history of the Safe Schools Alliance and the need for inter-agency information sharing. Discusses criteria for removing a child from school.
266	Chair Bryant	States that he is the attorney for the Bend-LaPine School District.
272	Dugan	Discusses SB 449's amendments relating to notification by the clerk of the court. Supports the Oregon Youth Authority (OYA) and District Attorney's Office notification since the records are in their possession.

283	Sen. Tarno	SB 449 relates to youth up to what age?
294	Dugan	Suggests that SB 449 relates to youth under the OYA's jurisdiction.
305	Counsel Taylor	Explains that Measure 11 youth offenders are under the jurisdiction of the Department of Corrections.
311	Chair Bryant	Questions how and if SB 449 will apply to Measure 11 youth offenders who return to the community.
314	Frickey	Explains that some Measure 11 youth offenders are in local court custody.
323	Dugan	Discusses youth offenders who are under an affirmative obligation to attend school as a condition of their release.
330	Chair Bryant	Suggests that SB 449 should apply to persons under the age of 18.
334	Sen. Tarno	Do you advocate counseling programs for "at risk" youth?
341	Frickey	Yes, but not long term counseling in the school context.
347	G. Brown	Discusses school police officers' effective identification and interaction with "at risk" youth/families.
367	Dugan	Discusses the reinvestment of funds for "at risk" youth.
378	Sen. Brown	What is the purpose of SB 449? Is it to increase services for "at risk" youth or to create a safe school environment?
385	Dugan	Both. Elaborates on the Safe Schools Alliance goals and services.
399	Sen. Brown	Doesn't OYA provide those services?
402	Dugan	Yes, but SB 449 allows schools to identify students before they offend and come under OYA's jurisdiction.
418	Sen. Brown	Shouldn't you enlist the cooperation and permission of the child to release his or her school information?
TAPE 59, SIDE A		

003	Dugan	No, children have no legal standing.
014	Sen. Nelson	SB 449 makes release of a student's school records mandatory. Why does it include disclaimers?
018	Chair Bryant	The disclaimers remove liability from the school district.
021	Sen. Nelson	Does SB 449 allow for sanctions when court clerks fail to forward the mandated information?
022	Chair Bryant	No. Discusses the logistic challenges that courts face in routing information.
043	Sen. Brown	Existing statutes allow for notification to school districts. Why is SB 449 necessary?
050	Dugan	Current statutes do not allow school districts to pass information about youths who are not adjudicated.
057	Sen. Tarno	Does SB 449 allow for reciprocity with other states?
059	Dugan	No.
063	Sen. Courtney	Relates story of a teacher who assigned a predatory sex offender to a home study group. Asserts that withholding such crucial information could have had tragic consequences.
094	Chair Bryant	SB 449 would remedy such situations.
105	Dugan	Explains how SB 449 could provide a network of student information.
115	Sen. Brown	Do school districts have authority to mandate student/parent participation in treatment programs?
119	Frickey	Not unilaterally, but school districts have leverage. They can threaten the student with expulsion for non-compliance.
143	Nancy Miller	State Court Administrator's Office Testifies and submits written testimony in support of SB 449. (EXHIBIT D) Explains the SB 449 amendments that removes the notification responsibility from the court clerk.
168	Larry Oglesby	Oregon Juvenile Department Directors' Association

		Testifies and submits written testimony in support of SB 449. (EXHIBIT E) Discusses proposal to remove the prohibition against disclosure to a third party from section 9 of the bill. Explains that SB 449 allows for release of substantive student information.
230	Karen Brazeau	Oregon Youth Authority (OYA) Testifies in support of SB 449. Discusses OYA's logistics challenge to meet a 15-day notification requirement. Expresses concern about creating bias against youth offenders re-entering school community. Suggests schools notify youth agencies about student suspensions.
297	Chair Bryant	Explains that SB 449 cannot be the vehicle for the notification issue.
304	Brazeau	Suggests SB 449 age limit of 21 years since special education youth may remain in school programs until age 21.
317	Counsel Taylor	Would your proposal to SB 449 section 9 allow unlimited disclosure of information to third parties?
343	Ingrid Swenson	Oregon Criminal Defense Lawyers Association Testifies in opposition to SB 449. Asserts the need to enlist input from parents, youth advocates and other key parties in SB 449 issues. Discusses the folly of slightly changing statutes which results in ambiguous language. Asserts that SB 449 fails to specify what information will be disclosed. Cautions against giving information that was indirectly acquired to third parties.
TAPE 58, SIDE B		
001	Kathie Osborne	Juvenile Rights Project Testifies in opposition of SB 449. Agrees with the preceding testimony of Ingrid Swenson. Encourages obtaining an Individual Education Plan on every student affected by SB 449. Asserts that many of these students are eligible for special education programs/funding and have been inadvertently bypassed.
032	Chair Bryant	Excuses aforementioned SB 449 witnesses and Bill Taylor to work group session.
039	Edward Johnson	Concerned citizen Testifies in opposition to SB 449. Asserts that speculative information shared between agencies disenfranchises students/families.
086	Chair Bryant	SB 449 promotes sharing factual, not speculative information.
089	Johnson	Relates story of a family whose reputation and lives were damaged by circulation

		of false allegations. Asserts that SB 449 does not specify what type of information will be shared between agencies.
143	Chair Bryant	Closes SB 449 Public Hearing.
<u>SB 564 WORK SESSION</u>		
172	Sen. Courtney	MOTION: Moves SB 564 to the floor with a DO PASS recommendation.
		VOTE: 4-0-3 EXCUSED: 3 - Sen. Brown, Sen. Burdick, Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED. SEN. NELSON will lead discussion on the floor.
185	Counsel Prestwich	Introduces Legislative Counsel bills: <ul style="list-style-type: none"> • LC 4016 relating to condemnation, • LC 4074 relating to special road districts, • LC 4045 relating to Central Oregon Regional Advisory Board, • LC 2689 relating to persistent bio-accumulative toxins, and • LC 4017 relating to semi-independent state agencies.
<u>SB 20 WORK SESSION</u>		
206	Counsel Prestwich	Introduces SB 20 ñ15 and ñ16 amendments. (EXHIBITS F and G)
222	Bradd Swank	State Court Administratorís Office Testifies and submits written testimony in support of SB 20. (EXHBIT H) Discusses county and city amendments to SB 20. Discusses how SB 20 standardizes procedures for non-criminal offenses. Explains the private citation procedure for ordinance enforcement.
TAPE 59, SIDE B		
001	Swank	Continues discussion on a police officerís discretion in assigning citations to courts. Explains the subsequent fiscal, revenue, and workload impact on courts. Clarifies that SB 20 does not change this procedure.

042	Chair Bryant	MOTION: Moves to ADOPT SB 20-14,15,16 amendments dated 02/23/99.
		VOTE: 4-0-3 EXCUSED: 3 - Sen. Brown, Sen. Burdick, Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED.
045	Chair Bryant	MOTION: Moves SB 20 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0-3 EXCUSED: 3 - Sen. Brown, Sen. Burdick, Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.
<u>SB 75 PUBLIC HEARING</u>		
057	Nancy Miller	Citizen Review Board Director Testifies and submits written testimony in support of SB 75. (EXHIBIT I) Discusses the legislative history of SB 75. Explains that SB 75 repeals the sunset of review process.
089	Claudia Weber	Oregon Youth Authority, Citizen Review Board Testifies in support of SB 75. Explains the need for citizen involvement with juvenile justice process. SB 75 enables citizens to continue involvement with juvenile justice cases.
100	Karen Brazeau	Oregon Youth Authority Testifies in support of SB 75.
113	Chair Bryant	Closes SB 75 Public Hearing.

SB 75 WORK SESSION

114	Sen. Courtney	MOTION: Moves to ADOPT SB 75-1 amendments dated 02/04/99.
		VOTE: 4-0-3 EXCUSED: 3 - Sen. Brown, Sen. Burdick, Sen. Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
117	Sen. Courtney	MOTION: Moves SB 20 to the floor with a DO PASS AS AMENDED recommendation.
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. COURTNEY will lead discussion on the floor.
120	Chair Bryant	Adjourns meeting at 4:55 PM.

Submitted By, Reviewed By,

Kathy Courtney, Sarah Watson

Administrative Support Office Manager

EXHIBIT SUMMARY

- A. Safe Schools Alliance overview, Michael Dugan, 14pp**
- B. Testimony in support of SB 449, Michael Dugan, 1p**
- C. Testimony in support of SB 449, Allan Frickey, 54pp**
- D. ñ2 Proposed amendments to SB 449, Bill Taylor, 1p**

- E. Testimony in support of SB 449, Larry Oglesby, 6pp
- F. ñ15 Proposed amendments to SB 20, Travis Prestwich, 1p
- G. ñ16 Proposed amendments to SB 20, Travis Prestwich, 2pp
- H. Testimony in support of SB 20, Bradd Swank, 11pp
 - I. Testimony in support of SB 75, Nancy Miller, 2pp
- J. Testimony in opposition of 20, Linda Meng, 2pp
- K. Testimony in opposition of SB 20, Michael Kohlhoff, 1p
- L. ñ14 Proposed amendments to SB 20, Travis Prestwich, 214pp