

**SENATE COMMITTEE ON JUDICIARY**

**April 12, 1999 Hearing Room 343**

**3:00 PM Tapes 116 - 117**

**MEMBERS PRESENT: Sen. Bryant, Chair**

**Sen. Courtney, Vice-Chair**

**Sen. Brown**

**Sen. Burdick**

**Sen. Nelson**

**Sen. Tarno**

**MEMBER EXCUSED: Sen. Qutub**

**GUEST MEMBERS: Rep. Shetterly**

**Rep. Uherbelau**

**Rep. Backlund**

**Rep. Edwards**

**Rep. Lowe**

**Rep. Wells**

**Rep. Williams**

**STAFF PRESENT: Bill Taylor, Counsel**

**Kathy Courtney, Administrative Support**

**MEASURE/ISSUES HEARD: SB 408 Work Session**

**SB 344 Work Session**

**SB 740 Work Session**

**SB 848 Work Session**

**HB 2204 Public Hearing, 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 116, SIDE A</b>		
004	Chair Bryant	Calls meeting to order at 3:25 PM. Welcomes the House Civil Judiciary Committee to the hearing.
<b><u>SB 408 WORK SESSION</u></b>		
011	Counsel Taylor	SB 408 authorizes the State Office for Services to Children and Families to form interstate compacts to provide adoption assistance agreements. Discusses ñ6 and ñ7 amendments relating to the termination of parental rights. <b>(EXHIBITS A and B)</b>
035	Kay Toran	<b>State Office to Services for Children and Families (SCF)</b>  Testifies in support of SB 408 ñ6 amendments.
039	Linda Guss	<b>Department of Justice, Assistant Attorney General</b>  Testifies in support of SB 408 and submits amendments.  <b>(EXHIBITS C and D)</b> Discusses the Adoption and Safe Families Act (ASFA) guidelines and exemptions for termination of parental rights.
143	Rep. Uherbelau	Why did you change the language relating to the Citizen Review Board (CRB) on page 6 of SB 408?
149	Guss	That change allows us to make the timeline for termination case review consistent with SCF and the Judicial Department timelines.
165	Nancy Miller	<b>Citizen Review Board, Director</b>  Testifies in support of SB 408 ñ7 amendments.
188	Tim Travis	<b>State Court Administrator, Juvenile Court Improvement Project</b>  Testifies and submits written testimony in support of SB 408. <b>(EXHIBIT E)</b> Discusses the SB 408 ñ7 amendments. Explains that exclusions to the termination of parental rights should be encoded in statute. Asserts that legislators not state agencies should make such policy. Explains that the Oregon Revised Statutes are inaccessible and outdated.

252	Stephen Carroll	<p><b>Family Court Judge, Multnomah County</b></p> <p>Testifies in support of SB 408. Discusses the administrative history of SB 408. Explains that a state statute would be binding on the courts, but not the executive branch's administrative rules.</p>
287	Chair Bryant	Do federal statutes allow states to determine compelling reasons for the termination of parental rights?
290	Carroll	Yes.
297	Travis	Discusses the necessity for the state to define compelling reasons. Relates how other states address the ASFA standards.
327	Sen. Brown	Since the nature of termination cases will define "compelling reasons" and a court's discretion is not limited by statute, why is SB 408 necessary?
334	Carroll	SB 408 will establish perimeters for these cases.
352	Travis	Discusses the lengthy process of termination cases which leave children in temporary living arrangements. Asserts that establishing statutes create a more efficient and less ambivalent process.
377	Sen. Burdick	Would participation in a plan give a parent means to unnecessarily delay the process?
385	Miller	No, because the bill has specific criteria and time limits to assess a parent's compliance to a plan.
433	Rep. Uherbelau	Asserts that the parental termination process must be streamlined.
<b>TAPE 117, SIDE A</b>		
003	Rep. Uherbelau	How would you determine "compelling reasons" for terminating parental rights?
003	Carroll	Primarily, we would rely on the presiding judge's discretion.
022	Rep. Uherbelau	A parent's continued detrimental behavior toward a child is more important than mental ascent to a plan.
033	Carroll	Only the state or a child can file a petition to terminate parental rights.

043	Rep. Lowe	Expresses concern about the lengthy time period for a parent to comply with termination case requirements.
061	Chair Bryant	Explains that the compliance periods can be shortened.
063	Travis	Discusses the federal compliance standard and explains that the focus must be on providing the child a permanent safe home environment.
097	Rep. Shetterly	What are the services outlined on page 13 of the SB 408 hand engrossed bill?
<b>116</b>	<b>Deanne Darling</b>	<b>Juvenile Court Judge, Clackamas County</b>  Discusses the procedure for a parent to provide a safe home for a child within 12 months or forfeit custody of the child.
144	Sen. Brown	Reiterates that the standard for assessing a parent's compliance to a plan is a high standard.
159	Sen. Burdick	Should SB 408 specify that an extension of time for "compelling reasons" can only be invoked once in a termination case?
168	Darling	That would be acceptable, though unnecessary. Explains that the parent must prove compliance to the plan within the set time.
209	Chair Bryant	Proposes amending the SB 408 ñ7 to include that the parent is "apparently successfully completing a plan."
219	Darling	"Successfully working to complete a plan" is more fitting.
248	Chair Bryant	Closes SB 408 Public Hearing.
<b><u>SB 740 PUBLIC HEARING</u></b>		
262	Counsel Taylor	SB 740 expands the group of persons required to report as sex offenders. Explains the ñ4 amendments which relate to the age difference between the perpetrator and the victim in consensual sexual behavior. <b>(EXHIBIT F)</b>
<b>302</b>	<b>Sen. Courtney</b>	<b>MOTION: Moves to ADOPT SB 740-4 amendments dated 04/09/99.</b>
		<b>VOTE: 6-0-1</b>  <b>EXCUSED: 1 - Sen. Qutub</b>

	Chair Bryant	Hearing no objection, declares the motion CARRIED.
308	Sen. Courtney	MOTION: Moves SB 740 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED.  SEN. COURTNEY will lead discussion on the floor.
<b><u>SB 344 WORK SESSION</u></b>		
325	Counsel Taylor	SB 344 requires school employees to report any person who unlawfully possess a firearm or destructive device on public property. Discusses SB 344 -4, -5, -6, -7, -8, -9 and -10 amendments. (EXHIBITS G ñ M)
387	Chair Bryant	Discusses the time frame for reporting SB 344 offenses.
403	Mike Livingston	Department of Justice, Assistant Attorney General  Discusses the SB 344 ñ4 and ñ6 amendments regarding the time frame for reporting SB 344 offenses.
416	Ingrid Swenson	Oregon Criminal Defense Lawyers Association  Testifies in support of SB 344. Discusses the mandatory arrest provisions and the reporting time frame of SB 344.
<b>TAPE 116, SIDE B</b>		
002	Swenson	Continues discussion on the liability reporting issues of SB 344.
011	Counsel Taylor	Discusses the differences between the SB 344 amendments.
020	Sen. Courtney	MOTION: Moves to ADOPT SB 344-4 amendments dated

		04/08/99.
		<b>VOTE: 6-0-1</b> <b>EXCUSED: 1 - Sen. Qutub</b>
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
024	Livingston	Explains how SB 344 ñ4 obviates consideration of SB 344 ñ5 and ñ6. Discusses ñ7 and ñ8 relating to reporting time periods.
041	Sen. Nelson	Discusses the SB 344 reporting time frame in relation to reasonable cause to report a firearmís possession offense.
052	Counsel Taylor	Discusses the difference in time periods in relation to reporting SB 344 offenses and taking a person into custody for an offense.
066	Swenson	Explains why the 90-day period is more appropriate as a time frame for reporting SB 344 offenses.
081	Sen. Burdick	Discusses the nature of the school year in relation to the time frame for reporting SB 344 offenses.
114	Livingston	Discusses discretion of police officers in determining whether to take a youth into custody on a SB 344 offense.
145	Chair Bryant	Assessing the volatility of a youth is difficult to do.
170	Sen. Burdick	Suggests a time frame of 120 days for reporting offenses.
184	Sen. Nelson	Why not report offenses promptly? Why allow a broad time period?
190	Chair Bryant	Explains the need for a time frame for reporting SB 344 offenses.
129	Sen. Courtney	<b>MOTION: Moves to RECONSIDER the vote by which SB 344 ñ4 amendments were adopted.</b>
		<b>VOTE: 6-0-1</b> <b>EXCUSED: 1 - Sen. Qutub</b>

	<b>Chair Bryant</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
204	Sen. Tarno	I would accept 120 days although I prefer 90 days.
227	Livingston	Discusses potential liability and immunity for a person who fails to make a mandatory report.
251	Chair Bryant	Explains his preference for the SB 344 ñ10 amendments instead of the ñ9 amendments.
262	Sen. Burdick	Inquires about civil and criminal liability in relation to SB 344 offense reporting.
268	Chair Bryant	Explains immunity for making a false report with reasonable grounds.
283	Sen. Burdick	Inquires about immunity in relation to failure to report of SB 344 offense.
285	Livingston	Clarifies the liability and immunity issues of SB 344 reporting.
375	Chair Bryant	Closes SB 344 Public Hearing.
<b><u>SB 848 WORK SESSION</u></b>		
380	Counsel Taylor	SB 848 makes it a class A misdemeanor to point a laser light at police.
392	<b>Bill Cross</b>	<b>Oregon State Police Officers Association</b>  Testifies in support of SB 848. Asserts that it is easy for a police officer to mistake a laser light for a weapon.
404	<b>Curt A. Curtis</b>	<b>Oregon State Police, Patrol Services Division</b>  Testifies in support of SB 848 and demonstrates a laser-sited weapon. Discusses the easy access of laser services.
<b>TAPE 117, SIDE B</b>		
002	Curtis	Continues demonstration of laser-sited weapon. Compares weapon to laser pointing devices. Discusses low costs of laser devices.

019	Sen. Courtney	Where can you buy a laser device?
020	Curtis	Cites local gun retailers in Portland and Salem. When inquiring about laser services, gun retailers did not ask me why I wanted to site a laser on a weapon.
024	Sen. Courtney	Expresses concern that other groups may request the same protection that SB 848 would offer police officers.
037	Sen. Tarno	The consequences are more dangerous when law enforcement officers encounter laser pointers than other groups.
047	Sen. Courtney	The consequences may be devastating for any groups who lawfully carry weapons.
052	Chair Bryant	Discusses the inclusion of uniform security guards to SB 848.
062	Counsel Taylor	Discusses the SB 848 ñ1 amendments. <b>(EXHIBIT N)</b>
066	Sen. Tarno	<b>MOTION: Moves SB 848 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 5-0-2</b> <b>EXCUSED: 2 - Sen. Qutub, Sen. Brown</b>
Chair Bryant		<b>Hearing no objection, declares the motion CARRIED.</b>  <b>SEN. TARNO will lead discussion on the floor.</b>
071	Swenson	Discusses the differences between the classes of misdemeanors.
081	Chair Bryant	Closes SB 848 Work Session.
<b><u>HB 2204 PUBLIC HEARING</u></b>		
089	Karen Brazeau	<b>Oregon Youth Authority, Deputy Director</b>  Testifies and submits written testimony in support of HB 2204 which allows the OYA to collect parental support for youth offenders placed in its custody.



099	Chair Bryant	Closes HB 2204 Public Hearing.
<b><u>HB 2204 WORK SESSION</u></b>		
099	Sen. Courtney	<b>MOTION: Moves HB 2204 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 5-0</b> <b>EXCUSED: 2 - Sen. Brown, Sen. Qutub</b>
		<b>Hearing no objection, declares the motion CARRIED.</b>  <b>SEN. COURTNEY will lead discussion on the floor.</b>
102	Chair Bryant	Closes HB 2204 Work Session. Adjourns hearing at 4:55 PM.

Submitted By, Reviewed By,

Kathy Courtney, Sarah Watson,

Administrative Support Office Coordinator

#### **EXHIBIT SUMMARY**

- A. SB 408 ñ6 amendments, Bill Taylor, 10pp
- B. SB 408 ñ7 amendments, Bill Taylor, 2pp
- C. SB 408 hand-engrossed bill, Linda Guss, 21pp
- D. Written testimony in support of SB 408, Linda Guss, 4pp
- E. Written testimony in support of SB 408, Timothy Travis, 3pp
- F. SB 740 ñ4 amendments, Bill Taylor, 5pp
- G. SB 344 ñ4 amendments, Bill Taylor, 2pp
- H. SB 344 ñ5 amendments, Bill Taylor, 1p
- I. SB 344 ñ6 amendments, Bill Taylor, 1p
- J. SB 344 ñ7 amendments, Bill Taylor, 1p
- K. SB 344 ñ8 amendments, Bill Taylor, 1p
- L. SB 344 ñ9 amendments, Bill Taylor, 2pp
- M. SB 344 ñ10 amendments, Bill Taylor, 2pp
- N. SB 848 ñ1 amendments, Bill Taylor, 1p

**O. Written testimony in support of HB 2204, Karen Brazeau, 1p**