

SENATE COMMITTEE ON JUDICIARY

May 12, 1999 Hearing Room 343

3:00 PM Tapes 176 - 178

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

Anne Tweedt, Counsel

Aaron Felton, Counsel

Kathy Courtney, Administrative Support

MEASURE/ISSUES HEARD: HB 2612 Public Hearing

SB 1168 Work Session

HB 2216 Work Session

SB 196 Work Session

HB 2436 Public Hearing

HB 2599 Public Hearing

HB 2464 Public Hearing, Work Session

HB 2392 Public Hearing, Work Session

HB 2555 Public Hearing

HB 2398 Public Hearing

TAPE/#	Speaker	Comments
TAPE 176, SIDE A		
003	Chair Bryant	Calls meeting to order at 3:10 PM.
<u>HB 2612 PUBLIC HEARING</u>		
015	Rep. Floyd Prozanski	State Representative, House District 40 Testifies and submits written testimony in support of HB 2612. (EXHIBIT A) Discusses situation in a dorm room relating to private indecency. Explains that HB 2612 attempts to mirror the public indecency statute.
117	Chair Bryant	Proposes an exception to HB 2612 offenses for adults who cohabit. Discusses sex offender registration for repeat sex crime offenders.
130	Rep. Prozanski	Proposes to remove an "attempt" of private disclosure from HB 2612.
143	Ingrid Swenson	Oregon Criminal Defense Lawyers Association Testifies in opposition to HB 2612. Agrees with Rep. Prozanski's proposal to remove an attempt of private disclosure from HB 2612.
160	Chair Bryant	Closes HB 2612 Public Hearing.
<u>SB 1168 WORK SESSION</u>		
162	Counsel Taylor	Introduces SB 1168 which establishes pilot program for persons on post-prison supervision, parole, probation, or in diversion. Discusses the SB 1168 amendments. (EXHIBIT B)
173	Sen. Courtney	MOTION: Moves to RECONSIDER the vote by which SB 1168 moved to the floor with a DO PASS recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Qutub

	Chair Bryant	Hearing no objection, declares the motion CARRIED.
184	Sen. Courtney	MOTION: Moves to ADOPT SB 1168-4 amendments dated 05/12/99.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
218	Sen. Courtney	MOTION: Moves SB 1168 to the floor with a DO PASS AS AMENDED recommendation and remove the subsequent referral to the Ways and Means Committee.
		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.
221	Chair Bryant	Closes SB 1168 Work Session.
<u>HB 2216 WORK SESSION</u>		
222	Counsel Taylor	Introduces HB 2216 which requires an offender on post-prison supervision to reside in the county of residence where the offense was committed for 6 months. Discusses the HB 2216 amendments. (EXHIBIT C)
237	Chair Bryant	MOTION: Moves to RECONSIDER the vote by which HB 2216 was moved to the floor with a DO PASS recommendation.
		VOTE: 6-0-1

		EXCUSED: 1 - Sen. Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
246	Chair Bryant	MOTION: Moves to ADOPT HB 2216-1 amendments dated 04/08/99.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
248	Chair Bryant	MOTION: Moves HB 2216 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. BURDICK will lead discussion on the floor.
<u>SB 196 WORK SESSION</u>		
255	Counsel Tweedt	Introduces SB 196 which allows the State Treasurer to define collateral and establish amounts for the purpose of securing deposits of public funds.
266	Tim Martinez	Oregon Bankers Association Testifies in support of SB 196. Discusses consensus with Darren Bond relating to public fund deposits and collateral.
280	Darren Bond	Oregon State Treasury, Director of Finance

		Testifies and submits written testimony and amendments in support of SB 196. (EXHIBITS D and E) Discusses the use of securities as collateral by financial institutions. Explains public fund investments by financial institutions.
354	Chair Bryant	MOTION: Moves to ADOPT SB 196-3 amendments dated 05/12/99.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
356	Chair Bryant	MOTION: Moves SB 196 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. BROWN will lead discussion on the floor.
364	Chair Bryant	Closes SB 196 Work Session.
<u>HB 2436 PUBLIC HEARING</u>		
395	Bob Joondeph	Oregon Advocacy Center, Executive Director Testifies and submits written testimony in support of HB 2436 which requires a defendant to be transported to a state hospital within 72 hours after a court determination of a lack of fitness to proceed. (EXHIBIT F) Discusses the inefficiency in relocating mentally unfit offenders from correctional facilities to mental health facilities.
TAPE 177, SIDE A		
004	Ingrid Swenson	Oregon Criminal Defense Lawyers Association

		Testifies in support of HB 2436. Asserts that providing timely mental health treatment to offenders will enable a more timely court trial.
012	Chair Bryant	If the state hospital lacks space for a defendant, what is the recourse?
015	Joondeph	Explains that HB 2436 does not require a defendant to be housed within the state hospital.
035	Sen. Courtney	Inquires about the nature and site of treatment options when the state hospital lacks space.
043	Joondeph	Treatment options depend on the individual and available resources.
056	Margaret Johnson	Mental Health and Developmental Disability Services Division Testifies in support of HB 2436. Discusses the state hospital's lack of space and human resources. Explains that planned discharges require time.
093	Chair Bryant	Discusses costs and capacity of mental health facility placement.
102	Sen. Brown	Discusses the need to invest resources in mental health issues.
135	Sen. Tarno	What is the scope of HB 2436 problems?
141	Joondeph	States statistics of incarcerated defendants with mental health problems. Discusses the interlocking nature of the mental health issues and the criminal behavior.
180	Sen. Tarno	At some point, the state may face liability for holding those in jail who have committed no crime.
185	Joondeph	Discusses the opening of a mental health ward with Emergency Board funds as a temporary measure.
210	Sen. Courtney	Explains that the Oregon State Hospital is outdated and in poor structural condition.
230	Chair Bryant	Closes HB 2436 Public Hearing.
<u>HB 2599 PUBLIC HEARING</u>		
240	Rep. Kitty Piercy	State Representative, House District 39 Testifies and submits written testimony in support of HB 2599. (EXHIBIT G)

		Discusses the need for community support and intervention with homeless youth.
319	Sen. Tarno	Shall we add harboring a juvenile as a Class A misdemeanor to HB 2599?
322	Rep. Piercy	Good suggestion, but it may slow down the bill.
328	Chair Bryant	May youth be placed in the same facility but in separate wards from adjudicated youth?
355	Rep. Piercy	Yes, as long as the holding areas are separate.
365	Rep. Kevin Mannix	State Representative, House District 32 Testifies in support of HB 2599. Discusses legislative history of bill. Explains that facility denotes a mixing of populations, not a building.
399	Rep. Piercy	Explains that residence at a runaway youth facilities is voluntary.
TAPE 176, SIDE B		
001	Rep. Mannix	Suggests that Sen. Tarno's idea about criminal penalties for harboring a runaway youth could become a separate bill.
010	Mayor Jim Torrey	Mayor of Eugene Testifies and submits written testimony in support of HB 2599. (EXHIBIT H) Explains the need to protect homeless youths who have not committed crimes.
055	Sen. Tarno	Why do you not consider taking these youth into custody an arrest?
057	Rep. Mannix	Explains that taking homeless youth into custody will not be a part of a juvenile record.
070	Rep. Piercy	Over 80 percent of runaways do not continue to runaway if meaningful intervention occurs the first or second time.
078	Sen. Courtney	What is the average age of a runaway youth?
080	Mayor Torrey	Typically, runaways are ages 12 ñ 20. Unfortunately, a small group of 25 ñ 30 year olds prey on them.

091	Chair Bryant	Closes HB 2599 Public Hearing.
<u>HB 2436 and HB 2464 PUBLIC HEARING</u>		
102	Rep. Kevin Mannix	State Representative, House District 32 Testifies in support of HB 2436 which relates to release of defendants who lack fitness to the State Hospital's custody. Discusses the legislative history of the bill. Testifies in support of HB 2464 which includes disabled persons in statutes which provide for the protection of the elderly.
131	Chair Bryant	Closes HB 2436 and HB 2464 Public Hearing.
<u>SB 847 WORK SESSION</u>		
138	Counsel Tweedt	Introduces SB 847 which exempts personnel evaluations from public disclosure.
149	Sen. Qutub	MOTION: Moves SB 847 to the floor with a DO PASS recommendation.
		VOTE: 4-2-1 AYE: 4 - Nelson, Qutub, Tarno, Bryant NAY: 2 - Brown, Courtney EXCUSED: 1 - Burdick
	Chair Bryant	The motion CARRIES. SEN. QUTUB will lead discussion on the floor.
160	Chair Bryant	Closes SB 847 Work Session.
<u>HB 2599 PUBLIC HEARING</u>		
163	Barbara Golden	Concerned Parent, Lane County Testifies and submits written testimony in support of SB 2599. (EXHIBIT D) Relates personal story of 15-year old wayward son. Asserts that this bill give parents knowledge of their children's well-being through police notification.

250	Sen. Susan Castillo	State Senator, District 20 Testifies in support of HB 2599. Asserts that HB 2599 makes a difference for runaway kids and parents and gives law enforcement a tool to create a process to keep them safe while away from home.
271	Sonya Spencer	Concerned Parent, Lane County Testifies in support of HB 2599. Relates story of her runaway 14-year old daughter. Discusses the need for law enforcement to intervene promptly in runaway youth situations.
310	Barbara Shrauger	United Parents for Runaway and Homeless Youth Testifies and offers written testimony in support of HB 2599. Relates story of runaway, wayward son. Discusses lack of intervention by police.
385	Daidre Kasberger	Cascade Youth and Family Services Testifies in support of HB 2599. Explains that youth runaway from dangerous home situations. Asserts that law enforcement should take precautions not to return youth to dangerous homes.
TAPE 177, SIDE B		
013	Matthew Helch	Former Runaway Youth Testifies in support of HB 2599. Relates personal story of abusive home situation and retaliation by his mother. Asserts that law enforcement must take time to assess the runaway's situation.
054	Michelle Cooper	Former Runaway Youth Testifies in support of HB 2599. Relates personal story of verbally abusive father and arrest as a runaway. Asserts the need to provide runaway youth with safe shelter and support.
108	Sen. Qutub	Michelle, what age were you when you moved in with your father? What school costs did he require you to pay?
115	Cooper	I was 16 years old and had to pay my for foreign language classes at the community college to fulfill the foreign language requirement.
120	Sen. Qutub	Matthew, did you mother ask you to leave home?
121	Helch	Yes. Explains home situation when he left.
131	Kathie Osborn	Juvenile Rights Project

		Testifies in support of HB 2599. Discusses the law enforcement's discretion and lack of training in handling runaway youth situations. Asserts that HB 2599 offers an alternative to placing runaway youth with adjudicated youth.
226	Timothy Travis	Oregon Judicial Department Testifies in support of HB 2599. Discusses the ambiguity and inefficiency of filing runaway youth reports with if youth will not be adjudicated.
310	Sen. Tarno	Why aren't the runaway youth reports entered into LEDS?
318	Sen. Qutub	How does law enforcement track runaway youth without a LEDS report? A lot of parents do not know that harboring a runaway is a crime.
343	Travis	Discusses relationships between parents in runaway situations.
352	Sen. Tarno	Mr. Travis, please investigate whether runaway and homeless youth reports will be entered into LEDS.
355	Sen. Qutub	Contrasts homeless and runaway youth. Asserts that HB 2599 will promote building homeless shelters if homeless youth are included within the scope of the bill.
370	Travis	Explains that homeless youth include children who have aged out of the foster care system.
379	Chair Bryant	Closes HB 2599.
<u>HB 2392 PUBLIC HEARING</u>		
381	Dale Penn	Marion County District Attorney's Office Testifies in support of HB 2392 which grants victims the right to be present and heard at diversion hearings. Discusses the purpose of diversion.
TAPE 178, SIDE A		
005	Chair Bryant	Do you deny diversion if the offender injures others or damages another's property?
010	Penn	Yes. Explains that diversion is denied to those with serious drinking problems.
018	Counsel Taylor	Does the District Attorney's Office currently allow victims to be heard at diversion hearings?

023	Penn	The district attorney must notify a victim when a hearing is scheduled.
035	Chair Bryant	Closes HB 2392 Public Hearing.
<u>HB 2392 WORK SESSION</u>		
036	Sen. Tarno	MOTION: Moves HB 2392 to the floor with a DO PASS recommendation.
		VOTE: 4-0-3 EXCUSED: 3 - Sen. Brown, Sen. Burdick, Sen. Courtney
Chair Bryant		Hearing no objection, declares the motion CARRIED. SEN. TARNO will lead discussion on the floor.
040	Chair Bryant	Closes HB 2392 Work Session.
<u>HB 2464 PUBLIC HEARING</u>		
044	Ruth McEwen	Concerned Citizen Testifies and submits written testimony in support of HB 2464. (EXHIBIT J) Asserts that persons with disabilities should be protected to the fullest extent of the law when they are abused.
070	Dale Penn	Marion County District Attorney's Office Testifies in support of HB 2464. Asserts that HB 2464 is sound policy.
075	Chair Bryant	Closes HB 2464 Public Hearing.
<u>HB 2464 WORK SESSION</u>		
077	Sen. Qutub	MOTION: Moves HB 2464 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. QUTUB will lead discussion on the floor.
088	Chair Bryant	Closes HB 2464 Work Session.
<u>HB 2555 PUBLIC HEARING</u>		
089	Tammy Dentiger	Oregon State Bar, Family Law Section Testifies in support of HB 2555 which reorganizes spousal support and criteria into three categories. Discusses spousal support compensation in regard to an academic degree's value.
117	Counsel Felton	Discusses the spousal support criteria and the HB 2555 n2 amendments. (EXHIBIT K)
122	Chair Bryant	Closes HB 2555 Public Hearing.
<u>HB 2398 PUBLIC HEARING</u>		
138	Ingrid Swenson	Oregon Criminal Defense Lawyers Association Testifies in opposition to HB 2398 which establishes that the Implied Consent Law does not prohibit evidence of blood alcohol content from medical records. Discusses the Implied Consent Law limitations and the confidentiality of medical records.
202	Dale Penn	Marion County District Attorneys Association Testifies in support of HB 2398. Asserts that HB 2398 does not change current hospital procedures or the Implied Consent Law. Discusses the limitation of the Implied Consent Law in serious accident situations.
316	Sen. Tarno	Discusses the legislative history of HB 2398. Adjourns meeting at 5:20 PM.

Submitted By, Reviewed By,

Kathy Courtney, Sarah Watson

Administrative Support Office Coordinator

EXHIBIT SUMMARY

- A. Written testimony in support of HB 2612, Rep. Floyd Prozanski, 2pp
- B. SB 1168-4 proposed amendments, Bill Taylor, 1p
- C. HB 2216-1 proposed amendments, Bill Taylor, 1p
- D. Written testimony in support of SB 196, Darren Bond, 3pp
- E. SB 196-3 proposed amendments, Bill Taylor, 6pp
- F. Written testimony in support of HB 2436, Bob Joondeph, 2pp
- G. Written testimony in support of HB 2599, Rep. Kitty Piercy, 2pp
- H. Written testimony in support of HB 2599, Jim Torrey, 2pp
- I. Written testimony in support of HB 2599, Barbara Golden, 2pp
- J. Written testimony in support of HB 2464, Ruth McEwen, 1p
- K. HB 2555-A2 proposed amendments, Aaron Felton, 1p
- L. ORS 410.040 definitions/Senior and Disability Services, Bill Taylor, 2pp