

## SENATE COMMITTEE ON JUDICIARY

May 03, 1999 Hearing Room 343

3:00 PM Tapes 157 ñ 160

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

Sen. Courtney, Vice-Chair

Sen. Brown

Sen. Burdick

Sen. Nelson

Sen. Qutub

Sen. Tarno

**GUEST MEMBERS:** Rep. Kitty Piercy

Rep. Rep. Prozanski

**STAFF PRESENT:** Bill Taylor, Counsel

Kathy Courtney, Administrative Support

**MEASURE/ISSUES HEARD:** SB 555 Work Session

SB 811 Public Hearing

SB 942 Public Hearing

SB 482 Work Session

SB 18 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 157, SIDE A		

006	Chair Bryant	Calls meeting to order at 3:12 PM. Discusses SB 555 which relates taking a youth in possession of a firearm or dangerous weapon in a public building into custody.
<b><u>SB 555 WORK SESSION</u></b>		
032	Karen Smith	<b>Policy Analyst, Senate Majority Office</b>  Discusses SB 555 ñ5, 7, and 9 amendments. <b>(EXHIBITS A, B, and C)</b> Discusses crisis nurseries, family resource centers and at risk kindergarten student program expansion.
079	Chair Bryant	Explains that funding for the Healthy Start program has been allocated and will not increase the cost of SB 555.
128	Hill Walker	<b>Institute on Violence and Destructive Behavior, University of Oregon</b>  Testifies and submits written testimony in support of SB 555. <b>(EXHIBIT D)</b> Presents overhead presentation on deviate youth behavior, escalation of destructive behavior and methods of redirecting behavior.
<b>TAPE 158, SIDE A</b>		
003	Walker	Continues discussion on intervention programs, costs, and outcomes for deviant youth. Discusses the First Step to Success early intervention program.
077	Chair Bryant	Do you have any longitudinal studies of the First Step program?
079	Walker	Discusses methods for collecting data for outcome studies: direct, informant, and archival records.
142	Sen. Nelson	What is the percentage of at risk children? Do you have difficulty gaining parentsí support for the First Step to Success program?
148	Walker	Six to nine percent of school children are "at risk" children. Discusses the willingness of parents to participate in the program.
199	Rep. Prozanski	Is the "Second Step" program related to the First Step program?
200	Walker	No, these programs were developed separately. Discusses Second Step program which teaches social skills such as impulse control, anger management and empathy.
234	Nancy Miller	<b>Director, Citizen Review Board (CRB)</b>

		Testifies in support of SB 555. Asserts that the courts are an essential link in integrated community programs.
276	Carl Ward	<b>Information Technology, Oregon Judicial Department</b>  Testifies and submits written testimony in support of SB 555. <b>(EXHIBIT E)</b> Discusses the implementation of court and administrative programs to track and measure outcomes of juvenile justice programs. Explains the need to modernize the CRB's scheduling and review system.
344	Jean Phelps	<b>Relief Nursery, Inc., Executive Director</b>  Discusses the origin and purpose of Relief Nurseries, a child abuse prevention program. Cites the critical shortage of space in relief nursery programs.
428	Sue Miller	<b>Family Building Blocks</b>  Testifies in support of SB 555. Discusses the origin and purpose of the Family Building Blocks, a community based Marion/Polk County relief nursery.
<b>TAPE 157, SIDE B</b>		
002	Sue Miller	Continues discussion on Family Building Blocks Board composition, funding sources and program expansion.
032	Jachim Sholtz	<b>Cottage Grove Relief Nurseries</b>  Testifies in support of SB 555. Discusses the origin of the Cottage Grove Relief Nursery program, the composition of its Board of Directors and funding sources.
068	Ray Brown	<b>Lane County Relief Nursery Program, Peer Support Person</b>  Testifies in support of SB 555. Discusses the continuum of relief services for the entire family including transportation services and child-care services.
088	Judge Ann Akin	<b>United States District Judge, District of Oregon</b>  Discusses the partnership between community service agencies in Eugene to pre-empt juveniles from entering the correctional system. Asserts that relief nursery services offer respite for youth and families.
130	Chair Bryant	How do the costs of the participation in relief nursery services and the correctional system compare?
132	Judge Akin	I will secure that data for you.
135	Sen. Nelson	What practical difficulties do you encounter when intervening in families?

140	Judge Akin	Discusses the importance of investing time and interest in families to build trust in relief agencies over time.
175	Sen. Nelson	How many at risk children are in Oregon?
182	Judge Akin	Discusses the statistics used by Juvenile Justice Task Force and deduces that there are at least 450,000 at-risk children in Oregon.
195	Sen. Tarno	Are parents receptive to allowing their children to undergo assessment?
200	Phelps	Yes.
223	Rep. Piercy	What is the ideal city population size for your relief nursery program?
224	Phelps	Explains that the program can be tailored for any community.
240	Judge Akin	Explains how relief nursery programs are tailored for small communities within Portland.
281	Gloria Griffith	<b>Family Resource Center Project Coordinator, Springfield and Marcola School Districts</b>  Testifies and submits written testimony in support of SB 555. <b>(EXHIBIT F)</b> Discusses the importance of family resource center services. Relates histories of delinquent youths and their families.
366	Peggy Perkinson	<b>Heart Family Resource Center, Harrisburg</b>  Testifies and submits written testimony in support of SB 555. <b>(EXHIBIT G)</b> Discusses the composition of the resource center's board and the welcoming atmosphere of the center. Asserts that family resource centers are for all community members.
<b>TAPE 158, SIDE B</b>		
004	Perkinson	Continues relating the histories of Resource Center participants. Discusses the Heart Family Resource Center's partnership with other community programs.
080	Steve Marks	<b>Governor's Senior Policy Advisory</b>  Testifies in support of SB 555. Disagrees with mandated participation in Healthy Start.
095	Randy Frankie	<b>Marion County Commissioner</b>

		Testifies in support of SB 555. Discusses the participation of local county commissioners in creating the juvenile justice legislation.
129	Chair Bryant	Closes SB 555 Work Session.
<b><u>SB 942 WORK SESSION</u></b>		
136	Bill Taylor	Introduces SB 942 which establishes an intensive non-custodial mental health case management program. Discusses SB 942 ñ1 and ñ2 amendments. <b>(EXHIBITS H and I)</b>
157	Frances Baker	<b>Effective Incarceration Project</b>  Testifies and submits written testimony in support of SB 942. <b>(EXHIBIT J and K)</b> Discusses the nature of diversion in lieu of a Driving Under the Influence of Intoxicants conviction.
180	Mark Gardner	<b>Special Counsel to the Attorney General</b>  Testifies and submits written testimony in support of SB 942. <b>(EXHIBIT L)</b> Discusses the critical need to for non-custodial probation and a custodial system for people with mental illness.
217	Baker	Discusses the Milwaukie, Wisconsin diversion program.
229	Lisa Naito	<b>Multnomah County Commissioner</b>  Testifies in support of SB 942. Relates story about an offender with mental health problems. Asserts that criminal issues cannot be resolved until assistance with daily living and alcohol/drug problems are solved.
366	Richard Sherman	<b>Lane County Sheriffs Office, Mental Health Supervisor</b>  Testifies in support of SB 942. Cites statistics for mentally ill population. Discusses the need for integrated community services.
<b>TAPE 159, SIDE A</b>		
001	Sherman	Continues discussion about the lack of Medicaid and other funding sources for mental health treatment.
014	John Bradley	<b>Multnomah County Deputy District Attorney</b>  Testifies in support of SB 942. Discusses the nature of crimes committed by mentally ill persons. Asserts that mentally ill offenders need safe habitations and supervision.

055	Rep. Floyd Prozanski	<b>State Representative, House District 40</b>  Testifies in support of SB 942. Discusses the rationale for selecting Lane and Deschutes counties for the SB 942 pilot project.
095	Sen. Courtney	<b>MOTION: Moves to ADOPT SB 942-2 amendments dated 05/03/99.</b>
		<b>VOTE: 5-0-2</b>  <b>EXCUSED: 2 - Sen. Brown, Sen. Burdick</b>
	Chair	<b>Hearing no objection, declares the motion CARRIED.</b>
100	Sen. Courtney	<b>MOTION: Moves SB 942 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.</b>
		<b>VOTE: 4-1-2</b>  <b>AYE: 4 - Courtney, Qutub, Tarno, Bryant</b>  <b>NAY: 1 - Nelson</b>  <b>EXCUSED: 2 - Brown, Burdick</b>
		<b>The motion CARRIES.</b>
<b><u>SB 811 PUBLIC HEARING</u></b>		
112	Sen. Ted Ferriolli	<b>State Senator, District 28</b>  Testifies in support of SB 811 which recognizes out-of-state concealed handgun licenses. Discusses the safeguards to the public in SB 811.
168	Chair Bryant	Do other states have requirements similar to Oregon for the issuance of handgun licenses?
176	Sen. Ferriolli	Explains that handgun license requirements vary from state to state. Discusses a procedure for law enforcement to determine if an out of state handgun license is valid in Oregon.

223	Chair Bryant	Under the affirmative defense, what happens now in concealed handgun cases against non-residents?
227	Sen. Ferriolli	The person is subject to arrest and prosecution, although reciprocity is occasionally offered.
245	Sen. Brown	Access to guns accelerates juvenile violent crime. Why allow more guns into Oregon?
250	Sen. Ferriolli	Discusses the danger of not honoring out of state gun licenses.
335	<b>F. Sherwood Stillman</b>	<b>Oregon State Sheriffs Association</b>  Testifies and submits written testimony in opposition to SB 811. <b>(EXHIBIT M)</b> Discusses Oregon procedures for prosecuting concealed handgun offenses.
<b>TAPE 160, SIDE A</b>		
004	Stillman	Continues discussion on concealed handguns in regard to current public building statutes.
020	<b>Russ Spencer</b>	<b>Oregon State Sheriffs Association</b>  Testifies in opposition to SB 811. Discusses a sheriff's discretion in issuance of a concealed handgun permit.
079	<b>Anne Kelly Feeney</b>	<b>Coalition for Safe Streets, Schools and Homes</b>  Testifies and submits written testimony in opposition of SB 811. <b>(EXHIBIT N)</b> Asserts that proliferation and access to guns poses a public safety risk.
104	Sen. Burdick	Does Oregon issue concealed handgun licenses to non-residents?
110	Stillman	Yes. Explains concealed handgun license requirements.
134	<b>Kevin Starrett</b>	<b>Oregon Gun Owners Association</b>  Testifies in support of SB 811. Explains how the carrying concealed handguns deters crime. Discusses a sheriff's discretion in issuance of concealed handgun licenses.
200	<b>John Hellen</b>	<b>Oregon Gun Owners Association</b>  Testifies in support of SB 811. Asserts that the requirements for a concealed handgun license are offensive. Law enforcement maintains peace, but it does not protect people.

248	Chair Bryant	Closes SB 811 Public Hearing.
<b><u>SB 482 WORK SESSION</u></b>		
265	Counsel Taylor	Introduces SB 482 which creates the crime of assaulting a sports official. Discusses the ñ2 amendments. <b>(EXHIBIT O)</b>
275	Chair Bryant	Discusses recovery of liquidated damages and attorney fees in SB 482 offenses.
282	Counsel Taylor	Compares current harassment statutes with SB 482 offenses.
287	Sen. Courtney	<b>MOTION: Moves to ADOPT SB 482-2 amendments dated 05/03/99.</b>
		<b>VOTE: 5-0-2</b> <b>EXCUSED: 2 - Sen. Qutub, Sen. Tarno</b>
Chair Bryant		<b>Hearing no objection, declares the motion CARRIED.</b>
290	Sen. Courtney	<b>MOTION: Moves SB 482 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-0-2</b> <b>EXCUSED: 2 - Sen. Qutub, Sen. Tarno</b>
Chair Bryant		<b>Hearing no objection, declares the motion CARRIED.</b>  <b>SEN. TROW will lead discussion on the floor.</b>
<b><u>SB 18 WORK SESSION</u></b>		
307	Counsel Taylor	Discusses SB 18 which allows consolidation of multiple probation violations. Discusses SB 18 ñ2 amendments. <b>(EXHIBIT P)</b>
312	Sen. Brown	<b>MOTION: Moves to ADOPT SB 18-2 amendments dated</b>



		04/29/99.
		<b>VOTE: 5-0-2</b> <b>EXCUSED: 2 - Sen. Qutub, Sen. Tarno</b>
	Chair Bryant	<b>Hearing no objection, declares the motion CARRIED.</b>  <b>SEN. BROWN will lead discussion on the floor.</b>
319	Chair Bryant	Closes SB 18 Work Session. Adjourns hearing at 5:50 PM.

Submitted By, Reviewed By,

Kathy Courtney, Sarah Watson,

Administrative Support Office Manager

#### **EXHIBIT SUMMARY**

- A. SB 555 ñ5 amendments, Bill Taylor, 33pp
- B. SB 555 ñ7 amendments, Bill Taylor, 2pp
- C. SB 555 ñ9 amendments, Bill Taylor, 5pp
- D. Written testimony in support of SB 555, Hill Walker, 58pp
- E. Written testimony in support of SB 555, Carl Ward, 1p
- F. Written testimony in support of SB 555, Gloria Griffith, 3pp
- G. Written testimony in support of SB 555, Peggy Perkinson, 6pp
- H. SB 942 ñ1 amendments, Bill Taylor, 6pp
  - I. SB 942 ñ2 amendments, Bill Taylor, 1p
- J. Written testimony in support of SB 942, Frances Baker, 3pp
- K. Managing Mentally Ill Offenders, Frances Baker, 19pp
- L. Written testimony in support of SB 942, Mark Gardner, 1p
- M. Written testimony in support of SB 811, F. Sherwood Stillman, 1p

- N. Written testimony in support of SB 811, Anne Kelly Feeney, 4pp**
- O. SB 482 ñ2 amendments, Bill Taylor, 2pp**
- P. SB 18 ñ2 amendments, Bill Taylor, 4pp**