

**HOUSE COMMITTEE ON JUDICIARY**

**SUBCOMMITTEE ON CRIMINAL LAW**

**February 4, 1997 Hearing Room 357**

**1:00 PM Tapes 18 - 19**

**MEMBERS PRESENT:**

**Rep. JOHN MINNIS, Chair**

**Rep. JO ANN BOWMAN, Vice-Chair**

**Rep. PETER COURTNEY**

**Rep. FLOYD PROZANSKI**

**Rep. LANE SHETTERLY**

**Rep. RON SUNSERI**

**Rep. LARRY WELLS**

**MEMBER EXCUSED:**

**STAFF PRESENT:**

**SCOTT LUMSDEN, Counsel**

**ANDREA TERRY, Administrative Support**

**MEASURE/ISSUES HEARD:**

**Public Hearing on HB 2370**

**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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 16, A</b>		
	Chair Minnis	Opens meeting at 1:08
<b><u>HB 2370-- PUBLIC HEARING</u></b>		
006	Minnis	public hearing on HB 2370
	Evelyn	

020	Andrea Gatrell-Moore	Beaverton Police Officer
023	Gatrell-Moore	EXHIBIT A
056	Gatrell-Moore	still reading EXHIBIT A
067	Gatrell-Moore	in support of HB 2370
077	Minnis	Oregon State Police are they in support?
083	Jim Reagan	Detective with Oregon State Police department has not taken a position on this bill describes process a sex offender goes through when registering with the OSP
119	Reagan	when a sex offender registers with the OSP we try to modify the jurisdiction that the offender lives in
132	Rep. Courtney	you spoke to two things 1. sex offender registration laws 2. predatory determination of sex offenders are any of the 72 registered sex offenders in the Washington County area predatory
140	Gatrell-Moore	we don't know if any are predators
144	Courtney	do you know if any of the neighbors living near any of these sex offenders have been notified
150	Gatrell-Moore	"not to my knowledge"
160	Rep. Prozanski	Rep. Uherbelau shared a letter with me regarding the registration of juvenile predators/ sex offenders-- what is the paperwork that is required of the juveniles
165	Reagan	labeling someone as a sex offender is based on a psychological evaluation, past history, remorse as far as the registration of juveniles it is the same as adults; they have to be convicted and then they are registered
200	Prozanski	I think this a good law don't want to label someone without going through the correct protocol letter that Rep. Uberlau shared with me regarding a nine year old that

		has been labeled as a sex offender
220	Reagan	juveniles that we have are not predatory sex offenders
226	Prozanski	OSP is the depository receipt of juvenile offenders
230	Minnis	we should have department of juvenile affairs come talk to us
250	Prozanski	does not want juveniles labeled unfairly and a label that person would have to live with for life; but if it is just then others need to know about this juvenile
253	Minnis	this is a very real discussion
257	Rep. Shetterly	will there be an amendment to this bill
265	Gattrell-Moore	we would like to see something in the bill that gives the responsibility of letting us know which sex offenders are predatory; as of now I don't know who to go to
272	Shetterly	sounds like this information staying with the entry level people in the departments and not getting all the way through the department
285	Rep. Bowman	summation of the bill: based on this bill the person would register in the city they live in, register with the OSP, and could or could not register with the Sheriff of their county
295	Gattrell-Moore	if the offender lives within a city they must register with the city and OSP; if they live in the unincorporated parts of a county they only have to register with the county
314	Rep. Sunseri	constitutional challenge about notification of all sex offenders Gresham case
324	Courtney	sex offender registration and sex offender notification are two different issues; history of this
352	Courtney	up to discretion of parole officer; parole officers already have a huge case load, giving them another responsibility may be too much
359	Shetterly	process of registering in these different jurisdictions; maybe the OSP could do this
368	Reagan	this is happening already
370	Minnis	this is why I am suggesting an interdisciplinary team
381	Gattrell-Moore	reiterate the value of photograph of person
390	Reagan	this is an administrative rule that the sex offender will provide a photo the sex offender list is available already, all that needs to be done is the department/jurisdiction wanting this information just needs to pick up the phone
Tape 19, A		
		purpose of multi disciplinary team is to get them proactive

007	Minnis	my responsibility on my team (in my other life) is to be on the look out for sex offenders by using the information reported to us; it is then my responsibility to send out a memo to the uniformed officers to be on the lookout for the sex offenders
028	Rep. Wells	looking at line 22 in the bill; look at the language "released from active parole or other supervised" is this is enough of an incentive for sex offenders to register  how do you enforce the reporting
038	Gattrell-Moore	within the last six months the lists have been checked by a coalition of officers to see that the sex offenders have been registering with the appropriate places
051	Reagan	the reason they are not being supervised any more because their sentence ended  their rights are now the same as anyone else  as convicted sex offenders they must come in once a year to register with the state  OSP takes  we have no idea if they have moved from one house to another unless they register with us, if they move and they don't register with us then it is a crime
076	Prozanski	this is under ORS 181.599 the effect of failure to register  explains the ORS
103	Bowman	when you went out to the homes of sex offenders what did you find
110	Reagan	task was overwhelming  the compliance rate was about 90%  Marion County was done just two weeks ago we ended up taking 10 people to jail
132	Ingrid Swenson	Oregon Criminal Defense Lawyers Association  testifying in opposition of the bill
136	Swenson	the fewer agency the offenders have to register with the better; give them very few rules  if there is a problem with the dissemination within agencies then that needs to be dealt with in another way
160	Bowman	calls Emily Cedarleaf
164	Emily	Director of Multi Family Housing Council

	Cedarleaf	
172	Cedarleaf	intense background check of possible tenants information should be put into the Oregon Judicial Information Network system, so that landlords can learn of the information example of landlord renting to sex offender in Salem
206	Cedarleaf	felons are not a protected class
213	Rep. Wells	seems as though we are discussing two different things here: we were discussing sex offender registration and now we are talking about doing checks for sex offenders and how these people get housing
226	Cedarleaf	we would like to have the lists of registered sex offenders available to us
235	Wells	currently there are pictures of sex offenders run in the paper how do those get in the paper
242	Cedarleaf	I believe it is put in there by the parole officers
246	Wells	the picture is in the paper because the police have lost track of the person, is that the reason; and where do they have the authority to do this
258	Cedarleaf	I believe it is from legislation that Rep. Courtney introduced in the past
268	Bowman	what is the process for a person who has previously been convicted of a sex crime; would you rent to that person
275	Cedarleaf	probably won't rent to those people
284	Bowman	is that illegal
287	Cedarleaf	under the state and federal statutes felons are not a protected class
295	Bowman	if someone has been convicted of a drug crime, would you use the same criteria for screening this person out from renting
299	Cedarleaf	yes, in the Federal Fair Housing Statutes it states that if someone has been convicted of manufacturing or delivery of a controlled substance they are not a protected class
309	Cedarleaf	Sen. Lim has been talking to our industry about making statutorily a requirement that landlords couldn't rent to felons all felons are not evil people we have a list of crimes with a rating by them (1-4) 1 is no big deal; 2 is do a little bit more checking; 3 is check with a probation officer and 4 is no way, no how
318	Cedarleaf	closing comments; landlords have to deal with the fall out of sex offenders renting from them

Submitted By, Reviewed By,

ANDREA TERRY, SCOTT LUMSDEN,

Administrative Support Counsel

**EXHIBIT SUMMARY**

**A - Testimony Given in Support on HB 2370 - introduced by Evelyn Andrea Gatrell-Moore - 5 pages**