

**HOUSE COMMITTEE ON JUDICIARY**

**SUBCOMMITTEE ON FAMILY LAW**

February 6, 1997 Hearing Room 357

3:15 P.M. Tapes 13 - 14

**MEMBERS PRESENT:**

Rep. Ron Sunseri, Chair

Rep. George Eighmey, Vice Chair

Rep. Roger Beyer

Rep. Peter Courtney

Rep. Charles Starr

Rep. Judy Uherbelau

**STAFF PRESENT:**

Nikola Jones, Counsel

Lauri Smith, Administrative Support

**MEASURE/ISSUES HEARD:**

Public Hearing: HB 2212

**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 13, A</b>		
003	Chair Sunseri	Calls meeting to order at 3:20 p.m.
<b><u>OPENS PUBLIC HEARING ON HB 2212</u></b>		
006	Nikola Jones	Counsel. Summarizes HB 2212 for Committee
		Deputy Director, Oregon Youth Authority, testifies in support of HB 2212 [ <b>Exhibit A</b> ]

013	Karen Brazeau	<p>&gt;directs local authorities to develop a protocol on fingerprinting and photographing youth offenders</p> <p>&gt;Oregon Youth Authority to serve as a non-voting member of Local Public Safety Coordinating Councils</p> <p>&gt;makes distinction in Juvenile Code to better distinguish between juvenile corrections and youth dependency</p> <p>&gt;more understandable for law enforcement and citizens</p>
054	Brazeau	Refers to written testimony which gives examples of wording changes <b>[Exhibit A]</b>
068	Rep. Eighmey	ORS 419C.005 - those are the crimes enumerated under 2212?
	Brazeau	Not necessarily. Continues
078	Chair Sunseri	Makes reference to the psychological deterrent in the word "convicted"
	Brazeau	Agrees, although no such thing as "a conviction" in the Juvenile Code. Continues.
091	Rep. Beyer	What are "youth offenses"?
	Brazeau	Crimes that are not captured in the Measure 11 crimes. Continues
109	Rep. Beyer	Refers to list on page 27 of Bill
	Brazeau	No, those are the Measure 11 offenses. Reads from statute.
130	Rep. Beyer	Questions "youth arrest" and "protective custody"
	Brazeau	<p>You have picked the best example for change in language. Explains.</p> <p>&gt;change in language follows changes in the juvenile justice system</p> <p>&gt;re-focus to public safety, youth accountability and rehabilitation</p>
158	Rep. Beyer	<p>Continues questioning the witness</p> <p>&gt;non-voting member - language redundant</p>
169	Rep. Eighmey	<p>&gt;done for emphasis purposes</p> <p>&gt;category defines and somewhat limits</p>
189	Rep. Beyer	<p>Resumes questioning</p> <p>&gt;unfunded mandate</p>
		Replies:

	Brazeau	>requirement for youth to be photographed and fingerprinted is not a new requirement. Continues
206	Rep. Beyer	Continues - What does Section 66, page 37 mean?
	Brazeau	Unable to answer
217	Michael Livingston	Assistant Attorney General, Department of Justice "I don't know."
	Brazeau	Will come back with answer.
225	Livingston	Speaks of a technical or drafting problem in HB 2212 and brings same to Committee's attention.  >page 7, line 30 - defining term "youth offense" - believes Task Force intent was not to use the word "Crime" as a term of art  >believes Legislative Counsel assumed as a term of art which creates a redundancy or an ambiguity later on regarding Juvenile Court jurisdiction. Continues  > intent to let "youth offense" be a shorthand phrase for 419C.005 jurisdiction - explains and gives example
271	Chair Sunseri	Other amendments being drafted
	Jones	No
276	Brazeau	Speaks of conversation with Sen. Stull's staff regarding language changes.
284	Chair Sunseri	Asks Brazeau to work with Counsel and bring back changes for Committee's review
292	Gail Ryder	Government Affairs Director for the Oregon Newspaper Publishers Association. Submits written testimony in support of section 3 of HB 2212. <b>[Exhibit B]</b>  Takes no position on remaining sections of the bill.
369	Ryder	Continues
403	Rep. Uherbelau	Asks for clarification from Attorney General's Office that this Bill does, in fact, resolve the problem.  >conflicting opinions  >does the change "placed under youth arrest" solve the problem
439	Livingston	>appropriate person to contact is Assistant Attorney General, Amy Veranth who is in charge of all public records, opinions and history

		>offers personal knowledge regarding question
<b>TAPE 14, A</b>		
037	Chair Sunseri	Who determines if the investigation is compromised?
038	Livingston	Amy Veranth could answer
042	Rep. Uherbelau	Would like Ms. Veranth to testify.
055	Chair Sunseri	Will schedule public hearing with a possible work session to allow that testimony
062	Doug Bray	Deputy State Court Administrator discusses issues brought forward by court judges >wants Emergency Clause removed >doesn't provide a timeframe for implementation
098	Nancy Miller	Director, Citizens Review Board of the Oregon Judicial Board
		Speaks to one last concern - simple amendment: >Section 23, line 45, page 10 and lines 1,2, & 3 on page 11; simple amendment - states verbiage wanted
111	Rep. Sunseri	Calls Karen Brazeau
		Do you have a problem with the Emergency Clause being removed?
114	Brazeau	Certainly not. Continues
118	Rep. Eighmey	Asks for clarification on timeframe implementation discussed by Bray
122	Bray	Responds - preference "offenses committed on or after the date of the act." Continues
133	Brazeau	Youth Authority is fine with that. Continues
143	Rep. Beyer	Questions fiscal impact
	Bray	Responds
154	Chair Sunseri	Requests submission of language to Counsel for future meeting
159	Bob Koontz	Legislative Liaison, Crime Victims United and member of the Governor's Juvenile Crime Prevention Task Force  Speaks of concerns regarding Task Force's intent  >has no doubt that Committee's intent was to change words into agreement with policy laid down in 416C in SB 1. Continues  >people want to know that "we are arresting a kid for a crime"

		>"protective custody" very confusing
201	Chair Sunseri	Requests written thoughts from Mr. Koontz for Committee's use in work session
205	Chair Sunseri	Declares meeting adjourned at 4:03 p.m.

Transcribed by, Reviewed by,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

**EXHIBIT SUMMARY**

**A - Testimony in Support of HB 2212 - Karen Brazeau, Deputy Director, Oregon Youth Authority  
- 2 pgs**

**B - Testimony in Support of HB 2212, Section 3 - Gail Ryder, Government Affairs Director,  
Oregon Newspaper Publishers Association - 5 pgs**