

—

SENATE COMMITTEE ON CRIME & CORRECTIONS

April 25, 1997 Hearing Room B

1:00 P.M. Tapes 85 -86

MEMBERS PRESENT:

Sen. Shirley Stull, Chair

Sen. Jeannette Hamby, Vice-Chair

Sen. Avel Gordly

Sen. Eileen Qutub

Sen. Veral Tarno

Sen. Cliff Trow

MEMBER EXCUSED:

STAFF PRESENT:

Nikola Jones, Counsel

Julie Clemente, Administrative Support

MEASURE/ISSUES HEARD: Public Hearing & Work Session: SB 258

Public Hearing: SB's 976, 1125, 1193, 318, 1119, 1167, 786, 857, 909, 654, 495, 1018, 401, 1060,767, 334, 964, 1062, 1063

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 85, A		
004	Chair Stull	Opens meeting at 1:12 p.m.
<u>OPENS PUBLIC HEARING ON SB 258</u>		
	Nikola Jones	Committee Counsel. Explains SB 258. Would allow a person who has legal custody of a child to seek assistance in getting the child back, if the non-custodial parent is keeping the child in violation of the legal custody order.
015	Russell Lipetzky	Chair, Family & Juvenile Law Section, Oregon State Bar (OSB). Presents written testimony in support of SB 258 [Exhibit D] and -1 amendments [Exhibit A]
046	Sen. Tarno	Concurs with substance of bill. Gives examples.
<u>CLOSES PUBLIC HEARING ON SB 258</u>		
<u>OPENS WORK SESSION ON SB 258</u>		
062	Sen. Tarno	MOTION: Moves to ADOPT SB 258-1 amendments dated 04/22/97.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES.
078	Sen. Tarno	MOTION: Moves SB 258 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES. SEN. TARNO will lead discussion on the floor.
<u>CLOSES WORK</u>		

SESSION ON SB 258		
OPENS PUBLIC HEARING ON SB 1125		
089	Nikola Jones	Committee Counsel: Explains SB 1125. Enhances penalties for major crimes if defendant has previous convictions.
132	Sen. Tarno	All measure 11 crimes?
	Jones	No. Explains.
148	Sen. Trow	Questions 18-month sentence.
	Jones	Replies. 18 months of imprisonment. Calls attention to page 1 of the bill for further clarification.
159	Sen. Trow	Questions for clarification regarding impact statement.
	Jones	Replies. Amendment proposes to send to voters. Fiscal just received the amendments. [Exhibit B] Explains.
	Sen. Trow	Comments for clarification regarding referral to the people.
172	Sen. Gordly	Wants to see fiscal impact. Refers to people in the audience who she would like to see testify today on the bill. >wants proponent to tell of the compelling reason to do this
189	Phil Lemon	Criminal Justice Commission. Gives some background of bill. Not prepared to testify. SB 1125 is a modified version of the major crimes initiative. >policy changes - adds additional layer of sentencing laws on to the several already in place
243	Lemon	Discusses practical impacts. >Have not done a bed impact; working on it. Explains. >biggest difference in sentence for non-residential burglaries >unauthorized use of a motor vehicle >felony possession of fire arms
267	Sen. Gordly	Questions for clarification regarding adding beds.
	Lemon	Replies. Estimate was done under the initiative measure. Continues. >two impacts
291	Sen. Gordly	Continues for clarification. Speaks of several bills with impact on adding to prison population. Do we have a chart or grid that shows all the bills that have been introduced that have a possible bed

		impact?
	Lemon	We have not prepared that, but certainly can. Continues.
323	Chair Stull	Comments for clarification regarding subject being discussed.
	Lemon	Will follow with Legislative Fiscal.
332	Sen. Trow	Questions for clarification regarding layers of penalties and the discretion of the judge.
	Lemon	Depends on sentencing scheme. Explains.
	Sen. Trow	Continues questioning witness for clarification
	Lemon	Replies.
389	Sen. Hamby	Questions good case for proportionality.
	Lemon	Replies. Legislature has discretion to declare some crimes more important than others. Continues.
417	Sen. Hamby	Comments on the addition of beds almost immediately.
423	Sen. Qutub	Questions Sen. Hamby for clarification.
TAPE 86, A		
014	Lemon	Replies. 5,000 beds in six years
021	Sen. Hamby	Continues for clarification.
	Lemon	Replies.
025	Chair Stull	Comments that projected beds continue to decline. Continues.
	Lemon	Anytime you make a major sentencing change, it takes a while for the system to adjustment. Continues. >longer prison sentences - contributes to that lessening impact
047	Jim Arneson	Oregon Defense Lawyers Association. Testifies in opposition of SB 1125. Discusses some of the problems that are less obvious. >opposition in general to mandatory sentences >too many mandatory minimums in effect already >exceed the maximum sentence for a particular crime with the mandatory minimum >no credit for time served
073	Arneson	Discusses items curious to the bill because of the proposal to go to the people. >Use of the word `major crime' and `previous conviction' will mislead. Explains. >crimes are not all major

		<ul style="list-style-type: none"> >third-degree robbery >public will be thinking of other crimes >previous conviction - any conviction arising out of the same episode
129	Arneson	Continues giving examples.
131	Chair Stull	Questions for clarification. Isn't that what happens in current law anyway?
	Arneson	<p>Yes. Explains.</p> <ul style="list-style-type: none"> >different matter than sending to the voters a mandatory minimum >continues with examples regarding same criminal episode
172	Sen. Trow	Is there need for another layer?
	Arneson	Replies. Serious property crimes can be dealt with through departure. Continues.
<u>CLOSES PUBLIC HEARING ON SB 1125</u>		
200	Chair Stull	Explains procedure for remainder of the agenda.
209	Sen. Trow & Sen. Gordly	Questions Chair Stull for clarification regarding this procedure and other bills not on the list.
246	Sen. Gordly	Goes on record as protesting process and assignment of bills that have been heard before this committee.
275	Sen. Trow	Continues to comment regarding his views concerning process. 'There may be a time when you will need us'.
292	Chair Stull	'Thank you for putting me on notice, Sen. Trow'.
307	Sen. Gordly	Asks Chair for explanation of the process to follow.
315	Chair Stull	Happening in all committees. Not unique to this committee nor this session. Explains process.
324	Sen. Trow & Sen. Gordly	Request sponsor's names be read for each bill being heard during this process.
	Chair Stull	Accommodates request.
<u>OPENS PUBLIC HEARING ON SB 976</u>		
<u>CLOSES PUBLIC HEARING ON SB 976</u>		

OPENS PUBLIC HEARING ON SB 1193

CLOSES PUBLIC HEARING ON SB 1193

OPENS PUBLIC HEARING ON SB 318

CLOSES PUBLIC HEARING ON SB 318

OPENS PUBLIC HEARING ON SB 1119

CLOSES PUBLIC HEARING ON SB 1119

OPENS PUBLIC HEARING ON SB 1167

CLOSES PUBLIC HEARING ON SB 1167

OPENS PUBLIC HEARING ON SB 786

CLOSES PUBLIC HEARING ON SB 786

OPENS PUBLIC HEARING ON SB 857

CLOSES PUBLIC

<u>HEARING ON SB</u> <u>857</u>		
<u>OPENS PUBLIC</u> <u>HEARING ON SB</u> <u>909</u>		
<u>CLOSES PUBLIC</u> <u>HEARING ON SB</u> <u>909</u>		
<u>OPENS PUBLIC</u> <u>HEARING ON SB</u> <u>654</u>		
<u>CLOSES PUBLIC</u> <u>HEARING ON SB</u> <u>654</u>		
<u>OPENS PUBLIC</u> <u>HEARING ON SB</u> <u>495</u>		
<u>CLOSES PUBLIC</u> <u>HEARING ON SB</u> <u>495</u>		
<u>OPENS PUBLIC</u> <u>HEARING ON SB</u> <u>1018</u>		
<u>CLOSES PUBLIC</u> <u>HEARING ON SB</u> <u>1018</u>		
<u>OPENS PUBLIC</u> <u>HEARING ON SB</u> <u>401</u>		
<u>CLOSES PUBLIC</u> <u>HEARING ON SB</u> <u>401</u>		
<u>OPENS PUBLIC</u> <u>HEARING ON SB</u>		

1060
**CLOSES PUBLIC
HEARING ON SB
1060**

**OPENS PUBLIC
HEARING ON SB
767**

**CLOSES PUBLIC
HEARING ON SB
767**

**OPENS PUBLIC
HEARING ON SB
334**

**CLOSES PUBLIC
HEARING ON SB
334**

**OPENS PUBLIC
HEARING ON SB
964**

**CLOSES PUBLIC
HEARING ON SB
964**

**OPENS PUBLIC
HEARING ON SB
1062**

**CLOSES PUBLIC
HEARING ON SB
1062**

**OPENS PUBLIC
HEARING ON SB
1063**

**CLOSES PUBLIC
HEARING ON SB
1063**

428	Chair Stull	Adjourns meeting at 2:09 p.m.
-----	-------------	-------------------------------

Submitted by, Reviewed by,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

-

EXHIBIT SUMMARY

A - Proposed SB 258-1 Amendments - Staff - 2 pgs

B - Proposed SB 1125 -1 Amendments -Staff - 3 pgs

C - Testimony in Support of SB 976 - Kent Zwicker - 1 pg

D - Testimony in Support of SB 258-1 Amendments - Russell Lipetzky - 3 pgs
