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SENATE COMMITTEE ON CRIME & CORRECTIONS

April 30, 1997 Hearing Room B

1:00 P.M. Tapes 91- 93

MEMBERS PRESENT:

Sen. Shirley Stull, Chair

Sen. Jeannette Hamby, Vice-Chair

Sen. Avel Gordly

Sen. Eileen Qutub

Sen. Veral Tarno

Sen. Cliff Trow

STAFF PRESENT:

Nikola Jones, Counsel

Julie Clemente, Administrative Support

MEASURE/ISSUES HEARD: Public Hearing: SB 857, SB 767

Public Hearing & Work Session: SB 1167

Work Session: SB 229, SB 773

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 91, A		
003	Vice Chair Hamby	Calls meeting to order at 1:13 p.m.
<u>OPENS PUBLIC HEARING ON SB 1167</u>		
015	Mary Ellen Johnson	Director, Crime Victim Assistance Section, Department of Justice. Submits written testimony in support of SB 1167. [Exhibit F]
038	Janvier Slick	Coordinator, Child Abuse Multidisciplinary Intervention (CAMI) Account Program, State Office for Services to Children and Families. Submits written testimony in support of SB 1167. [Exhibit G]
066	Dale Penn	Oregon District Attorney's Association. Testifies in support of SB 1167. Discusses reasons for support of bill. >expansion of victim's needs >increase volunteers >re-couplement from punitive damage awards into the victim compensation fund >time to take step two to authorize the spending of those funds
089	Sen. Gordly	Questions for clarification regarding funds in the account and numbers of victims.
	Johnson	Replies: >at the moment we may not have the funds in reserve >compensation payments have gone to 15,000 plus applicants in the past 5 years >victims of violent crimes
120	Sen. Gordly	Continues questioning regarding the amount of funding available
	Johnson	Replies.
	Sen. Gordly	Continues for clarification regarding fiscal
139	Sen. Hamby	Replies : Explains passage based on budget.
150	Sen. Gordly	What is missing is a statement regarding fiscal impact.
	Johnson	Replies. Cannot do a fiscal on state grants. Explains.

<u>CLOSES PUBLIC HEARING ON SB 1167</u>		
<u>OPENS WORK SESSION ON SB 1167</u>		
183	Sen. Hamby	MOTION: Moves SB 1167 to the floor with a DO PASS recommendation.
		VOTE: 5-1 AYE: 5 - Gordly, Hamby, Qutub, Trow, Stull NAY: 1 - Tarno
	Chair Stull	The motion CARRIES. SEN. STULL will lead discussion on the floor.
<u>CLOSES WORK SESSION ON SB 1167</u>		
<u>OPENS PUBLIC HEARING ON SB 767</u>		
190	Al Chandler	Assistant Director, Institutions, Oregon Department of Corrections. Submits written testimony in opposition of SB 767. [Exhibit H]
221	Jessica Harris	Legislative Assistant to Senator Jeannette Hamby. Testifies in support of SB 767. Discusses property sitting in storage stacked to the ceiling belonging to the State; much of which has never been used. Property is available to state agencies. Agencies could save one quarter of their budgets if this source was used.
255	Sen. Gordly	Questions Mr. Chandler regarding property in the warehouse.
	Chandler	Department has visited and used its resources.
278	Sen. Trow	If we know of fairly specific property, we ought to specify that in the bill.
	Harris	Department of Administrative Services, Property Management Division. They don't feel they are used enough. Continues.
	Sen. Trow	Bill is worded too overly general.
321	Chair Stull	Questions for clarification. How do they notify various agencies?
	Harris	Replies.

383	Sen. Trow	Questions for clarification
392	Sen. Qutub	Comments on the food supply available.
417	Chandler	Replies and gives examples.
473	Harris	Comments on meal rations
TAPE 92, A		
041	Chair Stull	Comments clarification.
	Sen. Hamby	Stock is overwhelming. >Why can't they use one of these new tents?
067	Chandler	Absolutely right. Continues.
081	Chair Stull	Encourages Chandler to call DOC in Arizona. Explains.
	Chandler	Aware of that facility. Continues.
116	Sen. Gordly	Questions whether statute is really necessary.
<u>CLOSES PUBLIC HEARING ON SB 767</u>		
<u>OPENS PUBLIC HEARING ON SB 857</u>		
136	Larry Oglesby	Oregon Juvenile Department Directors Association. Testifies in support of SB 857. Calls attention to SB 857-1 amendments [Exhibit D] Clause that allows a waiver process. Bill is a critical need for many of the smaller more isolated communities who have no local detention facilities available.
150	Ken Boethin	Director, Grant County Juvenile Department and a member of the Central and Eastern Oregon Juvenile Justice Consortium (CEOJJC). Submits written testimony in support of SB 857 [Exhibit I]
189	Sen. Gordly	Questions regarding number of counties and communities affected.
	Boethin	Replies. Refers second question to Ed Pierson, Malheur County
202	Ed Pierson	Director, Malheur County Juvenile Department; Chair, Central and Eastern Oregon Juvenile Justice Consortium (CEOJJC). Testifies in support of SB 857. Discusses some of the problems in rural counties when juveniles are arrested, using Malheur County as an example. >do not have the ability to secure youth - closest facility is in Pendleton >alternative is the local motel

		>release under house arrest back to their homes - many occasions re-offends
254	Pierson	Another real problem is transportation back to appear before the judge - only way to hold the youth is in the office. >opened new jail - previous jail is vacant - housed juveniles since 1985 >remodel cost prohibitive to meet all of the conditions in the statute
286	Sen. Qutub	Questions witness regarding old jail. What kinds of standards would be waived with this particular building.
	Pierson	Replies. Gives an example.
306	Sen. Tarno	Still a sight and sound issue as far as adults are concerned?
	Oglesby	Yes.
313	Chair Stull	Comments for clarification.
	Oglesby	That is right.
319	Sen. Hamby	Questions for clarification. It would be much more than a shelter.
	Pierson	Replies. Pure safety issue.
347	Sen. Gordly	Questions for clarification. Requests someone who can assure regarding waiving certain standards.
	Oglesby	Replies.
369	Chair Stull	Point of clarification. Please describe some of the challenges smaller communities have.
	Pierson	Replies. Leaving to transport a youth, no one left in the community. Continues.
405	Chair Stull	Continues commenting for clarification
416	Russell F. Hursh	Malheur County Court Judge. Testifies in support of SB 857. >Discusses what happens in his community. Were able to reduce the cost of their adult prison. >We became aware that the laws did not give us the latitude to utilize the remodel of an older facility.
TAPE 91, B		
036	Hursh	>distance and resources are problems >starting an adult parole and probation through 1145 funds >refers to SB 857 -1 amendments [Exhibit D]
083	Dave Jester	State Jail Inspector, Oregon Department of Corrections. Submits written testimony in support of SB 857. [Exhibit J]
		Juvenile Rights Project. Testifies in support of SB 857. Speaks of

096	Timothy Travis	<p>how he became familiar with the people who testified previously and their problems. Very necessary bill for these people.</p> <p>>discusses changes in language</p> <p>>facilities of dependent children</p> <p>>line 14 - any county may designate, equip, and maintain a short-term detention facility for pre-ejudicated youth</p>
127	Travis	Continues: The facility may house up to five pre-ejudicated youth for a period not to exceed 4 continuous days.
130	Sen. Tarno	Questions for clarification.
	Travis	Replies.
152	Travis	<p>Continues testimony.</p> <p>Discusses the issue of the waiver of standards. [Exhibit K]</p> <p>>Oregon Youth Authority (OYA) does a very good job in policing themselves</p> <p>>Refers to amendments [Exhibit D]</p>
199	Sen. Trow	Questions for clarification.
	Travis	No written language - will prepare and submit to Committee Counsel
223	Oglesby	<p>Explains. Not our intention to waive those. Belief was that we should comply with the detention standards.</p> <p>>Waiver asks for structural changes</p>
	Travis	Constitutional safeguards are still attached.
	Oglesby	Liability issues attached. Continues.
247	Sen. Tarno	Questions for clarification regarding the fulfillment of requirements.
	Oglesby	Replies. Yes.
254	Paul Snider	<p>Association of Oregon Counties. Testifies in support of SB 857. Gives some personal background regarding this part of Oregon. Is very different. Populations and resources in this part of the state are sparse. Creates some real challenges.</p>
295	Chair Stull	Comments on innovative ways our rural districts use.
<p><u>CLOSES PUBLIC HEARING ON SB 857</u></p> <p><u>OPENS WORK SESSION ON SB 229</u></p>		

304	Nikola Jones	<p>Committee Counsel. Reviews previous information for the Committee.</p> <p>Proposes to do three things:</p> <ul style="list-style-type: none"> >Approval for certain rule changes >Requests authorization for the various crime serious rankings >Requests authorizations for different classifications of person/non-person crimes >-2 amendment - [Exhibit A] - proposed by the attorney general's office
366	Jones	>-3 amendment [Exhibit B] - removes emergency clause
379	Dale Penn	<p>Chairperson, Criminal Justice Commission. Submits explanation of SB 229 -1 amendments [Exhibit L].</p> <ul style="list-style-type: none"> >recommendation in original bill maintains different punishments >-1 brings some consistency >requests adoption along with all three amendments
424	Sen. Qutub	Questions for clarification of -2 amendments. Requests examples
TAPE 92, B		
019	Chair Stull	Comments for clarification.
022	Phil Lemman	<p>Criminal Justice Commission.</p> <p>Two distinctions: Medicaid fraud statute is separate from the theft statute. Explains.</p>
041	Sen. Trow	Is there opposition?
	Lemman	<p>Replies.</p> <ul style="list-style-type: none"> >strong argument for consistency
065	Chair Stull	Comments for clarification. The -1 amendments exist because of her concern. Continues.
075	Sen. Gordly	Comments for clarification. Changing the name of the Oregon Community Corrections Directors Association?
	Lemman	Replies. We are acknowledging what they are currently called.
109	Sen. Qutub	MOTION: Moves to ADOPT SB 229-1 amendments dated 02/24/97.
		VOTE: 6-0
		AYE: In a roll call vote, all members present vote Aye.

	Chair Stull	The motion CARRIES.
118	Sen. Trow	MOTION: Moves to ADOPT SB 229-2 amendments dated 02/24/97.
		VOTE: 5-1 AYE: 5 - Gordly, Hamby, Tarno, Trow, Stull NAY: 1 - Qutub
	Chair Stull	The motion CARRIES.
125	Sen. Tarno	MOTION: Moves to ADOPT SB 229-3 amendments dated 04/30/97.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES.
131	Sen. Hamby	MOTION: Moves SB 229 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. GORDLY will lead discussion on the floor.
<u>CLOSES WORK SESSION ON SB 229</u>		
<u>OPENS WORK SESSION ON SB 773</u>		
139	Nikola Jones	Committee Counsel. Reviews the bill. >reviews SB 773 -2 amendments [Exhibit E] >Section 1 of the amendments puts the burden on the victim to notify the Department of Corrections >Sections 2 & 3 - defers to Mr. Chandler
163	Al Chandler	Director, Department of Corrections. The Department concurs with Sections 2 & 3 as written.
		Explains:

	Jones	>Section 2 - sets forth who would be able to supervise inmates >Section 3 amends ORS 293.250 - allows Department of Revenue to enter into a inter-governmental agreement for collection of supervision fees. Current practice, just want in statute.
182	Chandler	Section 3 - Community corrections moving to local communities. Explains.
193	Chair Stull	Asks for more detail regarding Section 2 components.
	Chandler	Explains: Currently work crews go out for other governmental agencies. Currently allowed for in statute only for the Department of Forestry.
213	Chair Stull	Speaks of concerns about supervision. Explain the extent we are doing this now.
	Chandler	Correct. Minimum custody status. Department has the responsibility to determine those people have the necessary training. >want to protect anyone who comes in contact with an inmate >many years - trouble free
244	Sen. Tarno	Questions for clarification regarding State Forestry
	Chandler	Yes we do. Continues.
263	Sen. Qutub	DOC really responsible. Continues to comment for clarification.
	Chandler	We screen the inmates.
279	Sen. Tarno	Questions for clarification regarding escapes.
	Chandler	Replies. Up to that particular jurisdiction.
290	Sen. Hamby	Comments. Really a "gut and stuff" from what we heard initially. >Questions for clarification regarding the -2 amendments.
	Chair Stull	Comments for clarification regarding Sen. Hamby's question.
	Chandler	Victim notification - inmates about to be released. Continues to explain.
334	Sen. Gordly	Confused, what are we doing? Continues.
351	Jim Lockwood	Director of Public Affairs, Oregon Department of Corrections. Some of this is being done at our request. Explains. >need legal authority for people doing what they are already doing >agencies will get the gravity of this if in statute >work crew safety issue
405	Sen. Gordly	Questions for clarification.
	Lockwood	Explains. Revenue has been collecting the restitution funds for years. Continues.

446	Sen. Gordly	It just doesn't work for me. Strayed away from the original language of the bill.
TAPE 93, A		
026	Chair Stull	Questions for clarification regarding Sen. Gordly's concerns.
042	Sen. Gordly	Am comfortable with Section 1. The rest is problematic.
049	Sen. Hamby	Comments for further clarification regarding sex offenders.
070	Committee	Discusses bill for clarification
<u>CLOSES WORK SESSION ON SB 773</u>		
	Chair Stull	Declares meeting adjourned at 3:15 P.M.

Submitted by, Reviewed by,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

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EXHIBIT SUMMARY

A - Proposed SB 229-2 Amendments - Staff - 1 pg

B - Proposed SB 229-3 Amendments - Staff - 1 pg

C - Proposed SB 1161 -1 Amendments - Staff - 11 pgs

D - Proposed SB 857-1 Amendments - Staff - 1 pg

E - Proposed SB 773-2 Amendments - Staff - 4 pgs

F - Testimony in Support of SB 1167 - Mary Ellen Johnson - 1 pg

G - Testimony in Support of SB 1167 - Janvier Slick - 1 pg

H - Testimony in Support of SB 767 - Al Chandler - 1 pg

I - Testimony in Support of SB 857 - Ken Boethin - 5 pgs

J - Testimony in Support of SB 857 - Dave Jester - 1 pg

K - Reference to Statute - SB 857 - Timothy Travis - 1 pg

L - Proposed SB 229-1 Amendments - Staff - 1 pg
