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SENATE COMMITTEE ON CRIME & CORRECTIONS

May 2, 1997 Hearing Room B

1:00 P.M. Tapes 94 - 95

MEMBERS PRESENT:

Sen. Shirley Stull, Chair

Sen. Jeannette Hamby, Vice-Chair

Sen. Avel Gordly

Sen. Eileen Qutub

Sen. Veral Tarno

MEMBER EXCUSED: Sen. Cliff Trow

Sen. Jeannette Hamby

STAFF PRESENT:

Nikola Jones, Counsel

Julie Clemente, Administrative Support

MEASURE/ISSUES HEARD: Public Hearing: SB 1010, SB 1062

Work Session: SB 1078

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 94, A		
003	Chair Stull	Calls meeting to order at 1:12 p.m.
<u>OPENS WORK SESSION ON SB 1078</u>		
010	Nikola Jones	Committee Counsel: Discussion -3 amendments. [Exhibit A]
	Mike Ramsby	Sergeant, Oregon State Police. Testifies in support of SB 1078. Discusses SB 1078-3 amendments.
030	Eric Wassman	Oregon Department of Justice. Submits written summary and proposed amendments to SB 1078. [Exhibit D]
	Chair Stull	Go point-by-point.
039	Wassman	Discusses: Proposals to conform Oregon law to federal standards [Exhibit D]
058	Sen. Tarno	Questions `days' for clarification.
	Wassman	Federal statute says 10 days.
068	Wassman	Continues testimony. Additional significant features.
093	Ramsby	Explains
099	Wasmann	Continues. Sections 3 through 5 of the bill and amendments.
114	Ramsby	Just met with the Department of Corrections regarding conception amendments to Section 9.
	Jones	Page 10-A of the hand engrossed bill
126	Jeff Collins	Sex Offenders Supervision Net Work; Department of Corrections.. Discusses meetings with the Oregon State Police to see how information will be provided for them and have come to a working agreement. >provide them with information on predatory sex offenders
150	Sen. Gordly	Questions word `predatory'.
	Jones	Explains language and its point of insertion.
171	Collins	Will release our Pre-Sentence Investigation reports if the offender has gone through that process. Continues.
188	Sen. Gordly	Questions for clarification. What is being researched by the attorney general's office and when will it be available?
	Collins	Replies. Some concern regarding evaluation provided by a therapist. Might have an answer in 3-4 weeks.

201	Ramsby	Provide for any prohibition to follow state and federal law if legal.
	Chair Stull	Comments for clarification.
214	Collins	Continues: Section 11, item C
	Jones	Page 10D of the engrossed bill, line 9gggg
	Collins	Make small change: strike word 'all' and insert 'those'.
231	Sen. Tarno	Why the change?
	Collins	Replies. Essentially protect ourselves from any mandate of releasing all information in our files. Explains.
	Chair Stull	Questions court challenges.
	Collins	Replies. An attorney could get almost anything out of our files. Explains.
265	Chair Stull	Continues to question for clarification regarding polygraph.
294	Sen. Trow	Comments on keeping files from being destroyed.
	Collins	That has been a problem. Continues.
309	Ramsby	Concerned regarding retention - no procedures at this time
	Chair Stull	Questions distribution of records.
	Collins	Destroy all files on all offenders after one year.
337	Barbara McGuire	Department of Corrections (DOC). Clarifies records issue. Very large number of the issues exists in DOC data system. Information retained permanently. >Requirement that each of the counties follow specific DOC of rules >explains closure of cases >proposes to expand to some extent - explains
374	Chair Stull	Questions polygraph records regarding a potential value that may be lost.
	Collins	Concerned about a particular kind of polygraph. >disclosure polygraph - treatment tool
416	Sen. Gordly	Questions for clarification regarding documents not sent to Oregon State Police (OSP)
	Collins	Replies.
457	Sen. Tarno	Questions thoughts of the State Police.
TAPE 95, A		
028	Ramsby	Replies. Either way would work. Basic information we feel we really need. Continues.
038	Sen. Gordly	Requests compromise language.
	Collins	Replies:

060	Sen. Tarno	Questions further language - `others relied upon'
	Collins	States his concerns.
	Chair Stull	Questions for clarification regarding original testimony
	Collins	Replies. - substituting `those' for `all'. Continues
087	Chair Stull	Continues to question for clarification regarding records.
	Collins	Replies. Those listed in Section 9 would be a good guideline.
	Chair Stull	Continues for clarification regarding documentation required.
130	Ramsby	Willing to accept Sen. Gordly's language. Continues.
	Chair Stull	Continues for clarification.
	Wassman	That would be how I read it.
151	Chair Stull	Continues for clarification regarding Section 9.
	Wassman	I think you are correct.
	Collins	Comments for clarification regarding files and their contents.
172	Sen. Tarno	Questions the privilege aspect.
	Collins	They can be. Continues. Counties are different.
199	Sen. Qutub	Questions regarding file contents.
	Collins	Replies. Not sure what a good answer would be. Continues.
223	Chair Stull	Comments on the insertion in Section 9.
	Collins	Would probably work. Continues.
250	Chair Stull	Questions regarding predatory sex offenders only.
	Collins	Replies.
	Chair Stull	Continues for clarification.
<u>CLOSES WORK SESSION ON SB 1078</u>		
<u>OPENS PUBLIC HEARING ON SB 1010</u>		
299	Sy Kornbrodt	Parole & Probation Officer specializing in the treatment of Sex Offenders. Submits written testimony in support of SB 1010. [Exhibit E] Also discusses SB 1010-1 amendments [Exhibit C]
402	Jeff Collins	Sex Offender Supervision Network, Lane County. Testifies in support of SB 1010. Supports language of bill and -1 amendments.
420	Erick Wassman	Department of Justice and Oregon District Attorney's Association. Testifies in support of SB 1010. Discusses preferred form of the bill and the SB 1010-2 amendments. [Exhibit B] >belief that a great number of these people are sex offenders >discusses SB 1010 -1 amendments.

		>One free offense disregards true nature of the offense. Continues. >prior public indecency
TAPE 94, B		
035	Wassman	Finally, the provision for registration in the case of multiple counts that are separate distinct incidents - continues. Prefers SB 1010-2 amendments over the 1010-1 amendments. >Any of the forms before you, we would support this bill.
054	Nikola Jones	Committee Counsel. Questions a language change to take care of his concern.
	Wassman	Yes.
068	Ingrid Swenson	Oregon Criminal Defense Lawyers Association. Testifies in opposition of SB 1010. If the Committee were to adopt the -1 or -2 amendments, would not have further comment. >concered over the deletion of the word `misdemeanor' in the -2 amendments
087	Sen. Qutub	Am confused. Questions for clarification.
	Swenson	Gives an example for clarification.
111	Sen. Qutub	Perception of the witness makes this appear to be public indecency?
	Swenson	Could be. Innumerable other circumstances. Continues. >no victim in the traditional sense
124	Chair Stull	Certainly requires intent.
	Swenson	Agrees. Continues to explain for clarification.
149	Sen. Qutub	Is this particular act something like a speeding ticket?
	Swenson	No. You are cited to go to court. Continues.
174	Jones	Explains. DA's office makes the determination on what the charge would be. There are processes and reviews.
191	Swenson	Only concerned regarding violation treatment.
	Jones	Continues explaining for clarification.
<u>CLOSES PUBLIC HEARING ON SB 1010</u>		
<u>OPENS PUBLIC HEARING ON SB 1062</u>		
212	Sen. Tarno	Explains his bill. Creates crime of custodial interference involving a runaway child.

		>harbors or conceals those children
222	Nikola Jones	Committee Counsel. Person harboring the child knowing they were a run away. Excludes a relative or organization or employee of an organization
241	Sen. Qutub	Questions for clarification regarding emancipated child.
	Sen. Tarno	Comments for clarification.
	Chair Stull	Comments and gives local example.
276	Ingrid Swenson	Oregon Criminal Defense Lawyers Association. Testifies in opposition to SB 1062. Speaks of the young person who is a chronic run away. Gives an example.
325	Chair Stull	Questions for clarification - parents provided some sort of permission?
	Swenson	Would work in many cases. Continues.
	Chair Stull	Continues for clarification
397	Swenson	Staff secure shelter - >provide staff secure settings
420	Sen. Tarno	Asks Swenson to help with language.
434	Sen. Qutub	Questions for clarification regarding people who are well meaning who harbor young people. Continues
TAPE 95, B		
021	Sen. Qutub	Continues to comment for clarification.
	Swenson	As soon as the report is made, the child would leave. Continues.
<u>CLOSES PUBLIC HEARING ON SB 1062</u>		
	Chair Stull	Adjourns meeting at 2:40 p.m.

Submitted by, Reviewed by,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

EXHIBIT SUMMARY

A - Proposed SB 1078-3 Amendments - Staff - 8 pgs

B - Proposed SB 1010-2 Amendments - Staff - 1 pg

C - Proposed SB 1010-1 Amendments - Staff - 1 pg

D - Summary of SB 1078 and Proposed Amendments - Eric Wassman - 2 pgs

E - Testimony in Support of SB 1010 - Sy Kornbrodt - 3 pgs
