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SENATE COMMITTEE ON CRIME & CORRECTIONS

May 16, 1997 Hearing Room B

1:00 P.M. Tapes 119 - 120

MEMBERS PRESENT:

Sen. Shirley Stull, Chair

Sen. Avel Gordly

Sen. Eileen Qutub

Sen. Cliff Trow

MEMBER EXCUSED: Sen. Jeannette Hamby, Vice Chair

Sen. Veral Tarno

STAFF PRESENT:

Nikola Jones, Counsel

Julie Clemente, Administrative Support

MEASURE/ISSUES HEARD: Public Hearing: SB 1024A, SB 1046, HB 2229

Public Hearing & Work Session: HB 2983A

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 119, A		
004	Chair Stull	Calls meeting to order at 1:20 p.m.
<u>OPENS PUBLIC HEARING ON HB 2983A</u>		
008	Floyd Prozanski	State Representative, District 40. Testifies in support of HB 2983A. Provides for an increased penalty for attempting to elude a police officer from a Class A misdemeanor to a Class C felony if the attempt to elude occurs while the offender is operating a motor vehicle.
020	Thomas R. Mason	City of Eugene, Department of Public Safety; Sergeant, City of Eugene Police Department - Testifies in support of HB 2983A. Gives some personal background which form the basis of his testimony. >pursuits are viewed as critical incidents >high risk to all concerned - turn deadly when speeds become excessive >officers are trained to weigh the risk of the pursuit against the need to apprehend the suspect - common language in policy >suspects know that to flee is only to risk an addition charge of a Class A misdemeanor
063	Mason	Continues testimony. Higher penalty is a strong deterrent for people not to flee >utilize media to send message >prosecutors - stiffer penalty >grass roots organization - STOP (Solutions to the Tragedies of Police Pursuits) >citizens deserve greater protection from those who would flee, taking the risk without regard to their own safety
096	Sen. Trow	Supportive of bill. Comments.
	Mason	Replies. Unfortunately so many people are desensitized to the real threat.
	Chair Stull	Comments for clarification.
		Comments regarding information contained in the Staff Measure

112	Sen. Gordly	Summery and asks for additional data from previous years regarding trends.
	Prozanski	I can't answer with specific facts. Seems to be an increase.
124	Mason	Impression of law enforcement is that they are occurring with more tragic results. Continues.
131	Sen. Gordly	Comments regarding strengthening case by getting better data.
	Prozanski	Comments regarding the actual experience of being in a ` hot pursuit' Continues.
159	Mason	Responds regarding tracking the problem.
166	Sen. Trow	Has this bill been to Ways & Means?
	Prozanski	Understands automatic referral to Ways & Means
	Sen. Trow	Passed the House. Governor's office comfortable with the bill?
	Prozanski	Don't know?
186	Chair Stull	Rep. Prozanski, level of seriousness based on your experience.
	Prozanski	Have not looked at that issue. Explains.
205	Curt A. Curtis	Sergeant, Patrol Services Division, Oregon State Police. Submits written testimony in support of HB 2983A. [Exhibit B]
<u>CLOSES PUBLIC HEARING ON HB 2983A</u>		
<u>OPENS PUBLIC HEARING ON SB 1024</u>		
244	Everett Cutter	Manager, Oregon Railroad Association representing Class 1 Railroads in Oregon. Submits written testimony in support of SB 1024. [Exhibit C]
297	Cutter	Continues testimony.
301	Claudia Howells	Interim Manager, Rail Section, Oregon Department of Transportation. Submits written testimony in support of SB 1024. [Exhibit D] Supports concept.
324	Chair Stull	Questions for clarification regarding exemptions.
	Cutter	Replies. Only designated crossings may be used.
	Chair Stull	Continues her comments/questions regarding theft of signs.
346	Cutter	Signs are erected - difficult to keep them up. Continues. >education problem as well as enforcement
350	Sen. Trow	Other states have laws like this?
	Cutter	Patterned after Utah law which was much stricter.
	Sen. Trow	Continues to question witness for clarification.

382	Cutter	Operation Life Saver - 20 years old in Oregon - 25 years nationally. Hiway/rail crossing safety.
417	Sen. Qutub	How do you envision the enforcement of this measure?
	Cutter	Replies. >working with law enforcement >previously procedure was cumbersome
TAPE 120, A		
019	Sen. Trow	Questions for clarification - does have an effect on liability
	Howells	From original testimony - please delete that sentence.
029	Chair Stull	Questions for clarification regarding penalties
	Cutter	Do not have a clear picture. Continues
<u>OPENS PUBLIC HEARING ON SB 1046A</u>		
100	Paul Donheffner	Director, Oregon State Marine Board. Submits written testimony in support of SB 1046A. [Exhibit E] and Amendments. [Exhibit F]
117	Sen. Qutub	Questions compelling need.
	Donheffner	Replies. To help law enforcement. Continues.
134	Sen. Qutub	Continues to question for clarification. >over abundance or just a few times - how great is the problem
	Donheffner	Replies. Not a huge problem because of boating programs reducing the number of fatalities on the water.
150	Terry Jones	Lieutenant, Multnomah County Sheriff's Office. Manages River Patrol. Testifies in support of SB 1046A. Discusses problems he encounters during the course of his job. >have the authority to act in a proper manner >life savings situations
196	Chair Stull	Questions regarding especially hazardous conditions.
	Jones	We know what the extremely hazardous situations are but have problems putting it on paper. Any of the following in combination adds to the extremeness: >overloading >over powered

		>leaky fuel delivery system
226	Sen. Qutub	Questions for clarification regarding having sound judgment.
	Jones	Agrees. Rather see it not happen. We have to recover the victims.
254	Chair Stull	Comments for clarification regarding insufficiencies stated in the bill.
272	Sen. Trow	Comments on Donheffner's testimony. Why do you want to make it a Class C misdemeanor?
	Donheffner	Suggested to be in parallel to the motor vehicle statute >Class A misdemeanor. Explains. >penalty for refusing to terminate would be a Class A misdemeanor >not an all or nothing
317	Sen. Trow	Questions for clarification regarding a lesser sentence.
	Donheffner	1 year is mandatory
324	Nikola Jones	Committee Counsel. Calls attention to amendments in packet. [Exhibit L]
	Sen. Trow	Any opposition?
	Donheffner	Replies. Concern regarding commercial vessel. Explains. Addressed in the Transportation Committee.
346	Chair Stull	Had to do with a crime issue. Explains.
<u>CLOSES PUBLIC HEARING ON SB 1046</u>		
<u>OPENS PUBLIC HEARING ON HB 2229A</u>		
364	Michael Marcus	Multnomah County District Judge. Presents written testimony in support of HB 2229A. [Exhibit H]
TAPE 119, B		
037	Marcus	Continues testimony.
064	Sen. Trow	Comments for clarification. Why should we expect what you do in sentencing should divert anyone. Shouldn't the punishment fit the crime?
	Marcus	Replies.
094	Marcus	Opportunity here is to prevent a large number of crimes by stopping the repeating. Continues.
111	Sen. Trow	Agrees that the information needs to be there. Continues. Stiffer penalties don't solve the problems.
		Continues. People tend to progress to more serious crime through the

137	Marcus	criminal justice system.
144	Chair Stull	Intent is to discover the information. Continues to comment for clarification.
157	Sen. Qutub	Comments regarding previous dialogue of Judge Marcus.
	Sen. Trow	Exciting to see someone excited about this.
169	John Tawney	<p>Administrator - Oregon State Police. Testifies in support of HB 2229A. Describes the Criminal Justice Information System (CJIS) program. The bill makes a one word change in the name of the program to clarify that it is not a computer system. Changes name of Criminal Justice Information System to Criminal Justice Information Standards program.</p> <p>>strengthens the CJIS program</p> <p>>sets a focus for the evaluation of correctional programs</p> <p>>no fiscal impact</p>
211	Scott Taylor	<p>Assistant Director, Oregon Department of Corrections. Presents written testimony in support of HB 2229A. [Exhibit I]</p> <p>>Not in agreement with the conviction/return to prison figures quoted by Judge Marcus. Explains.</p>
235	Sen. Gordly	Are both of you looking at the same data?
	Taylor	Don't know that answer. Explains.
250	Taylor	Continues testimony.
261	Sen. Trow	Questions new information and its use.
	Taylor	Replies. We are taking the first step in trying to get a comprehensive criminal justice information system that uses the same definitions, etc.
284	Sen. Gordly	Will future legislators use it?
	Taylor	Replies. Department of Corrections has been instructed to return with a report on the effectiveness and an evaluation
303	Chair Stull	Legislators are hungry for information. Questions for clarification regarding the tracking of offenses.
	Taylor	Replies. Limited in our research staffing capability.
326	Paul Snider	<p>Association of Oregon Counties. Testifies in support of HB 2229A. Affirms comments by Judge Marcus regarding the need for the information that would be provided by the implementation of this legislation.</p> <p>>short of accurate information to make good choices</p> <p>>not offering amendments at this time [Exhibit J]</p> <p>>Amendments are very important to his organization. Requests</p>

		opportunity to offer them at another time.
368	DeeDee Kouns	Crime Victims United. Testifies in support of HB 2229A concept. >sentencing other people to victimization >realize there are some people we cannot reform >this bill is very important - we need to know what we are doing >not making decisions on someone's agenda rather than actual information
430	Bob Kouns	Crime Victims United. Testifies in support of HB 2229A. Provides historical prospective to issue.
Tape 120, B		
023	Kouns	>15 years later, still don't know what works >concurs with Sen. Gordly's suggestion >Calls attention to line 39, page 2, section 3. Describes two very large, powerful organization that have had a profound effect on Oregon criminal justice. Continues.
066	Sen. Gordly	What information do you have that I don't have? >intent to involve those two groups
	Kouns	Replies.
074	Sen. Gordly	Who did write that section?
078	Marcus	I don't know. This language is in existing ORS 137.658 >suspect Kouns is right >reason language is there because we added the Oregon Youth Authority and private contract providers to the list of people this statute said that the Criminal Justice System may consider - language predates this bill
096	Sen. Gordly	Questions for clarification regarding rest of the language.
	Marcus	I wrote the bill in its original form. Continues. >pre-existing part of the statute >work group on the House side proposed modifications and amendments
105	Sen. Trow	Comments for clarification regarding purpose of the list.
118	B. Kouns	Continues to express his views on subject.

		>do not have confidence in them
147	Sen. Gordly	I hear your concern. Also heard Judge Marcus say that the language is in existing statute.
159	Jeff Watkins	Oregon Alliance of Children's Programs. Presents HB 2229-A3 amendments. [Exhibit K] Adds two other entities.
191	Sen. Trow	Like idea of being inclusive instead of exclusive.
<u>CLOSES PUBLIC HEARING ON HB 2229A</u>		
<u>OPENS WORK SESSION ON HB 2983A</u>		
215	Sen. Trow	MOTION: Moves HB 2983A to the floor with a DO PASS recommendation.
		VOTE: 4-0 AYE: 4 - Gordly, Qutub, Trow, Stull EXCUSED: 2 - Hamby, Tarno
	Chair Stull	The motion CARRIES. SEN. TROW will lead discussion on the floor.
	Chair Stull	Adjourns meeting at 3:05 p.m.

Submitted by, Reviewed by,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

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EXHIBIT SUMMARY

A - Proposed SB 1162-1 Amendments - Staff - 12 pgs

B - Testimony in Support of HB 2983A - Curt Curtis - 2 pgs

C - Testimony in Support of SB 1024 - Everett Cutter - 1 pg

D - Testimony in Support of SB 1024 - Claudia Howells - 1 pg

E - Testimony in Support of SB 1046A - Paul Donheffner - 1 pg

F - Proposed SB 1046A Amendments - Paul Donheffner - 1 pg

G - Testimony in Support of SB 1046A - John Raichl - 2 pgs

H - Testimony in Support of SB 1046A - Michael Marcus - 2 pgs

I - Testimony in Support of HB 2229A - Scott Taylor - 2 pgs

J - Proposed HB 2229-A4 Amendments - Paul Snider - 2 pgs

K - Proposed HB 2229-A3 Amendments - Jeff Watkins - 1 pg

L - Proposed SB 1046-A3 Amendments - Staff - 1 pg
