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SENATE COMMITTEE ON CRIME & CORRECTIONS

May 19, 1997 Hearing Room B

1:00 P.M. Tapes 121 - 124

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: Work Session: SB 943

Public Hearing: HB 2158

Public Hearing & Work Session: HB 2311, HB 2323, HB 2313, HB 2310

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 121, A		
003	Chair Stull	Calls meeting to order at 1:12 p.m.
<u>OPENS WORK SESSION ON SB 943</u>		
008	Mark Gibson	Policy Advisor, Governor's Office. Reached agreement. Reviews the changes between the prior -3 amendments and the SB 943-4 amendments [Exhibit A]
041	Gibson	Next change is on page 6.
075	Gordon Fultz	Staff, Association of Oregon Counties. Comments for clarification regarding language.
082	Gibson	Presents conceptual amendments: >Page 3, Section 2 (2) line 9 second word stricken and insert `shall' >line 11 after word funds, insert `shall' >line 12, strike `are' insert `have been'
100	Gibson	Submits final conceptual amendment [Exhibit C] - add to Section 6 (5)(6)
108	Chair Stull	Questions for clarification. In addition to or delete something?
119	Sen. Hamby	Questions subsection 5. Reads for clarification.
	Gibson	Clarifies language on [Exhibit C]
137	Gibson	Reference to court funds - explains for clarification >good deal of discussion around community progress teams - Nothing in this legislation will have an adverse effect on those community progress teams. Continues.
168	Chair Stull	Comments for clarification regarding community progress teams.
	Gibson	Replies. Idea here is that we don't necessarily see the juvenile dollars as only funding. Continues.
197	Fultz	Comments for clarification on the subject. >Intent - looking at part of the infra-structure - at-risk children entitled to have some of their funds remain
	Gibson	Responds. Wouldn't make sense for us to identify a target population and not have a real connection between the community progress teams and that population. Continues. >important there be a linkage there

224	Fultz	Agrees. Continues/explains. >refers to 6(4) - [Exhibit C]
	Gibson	One of the advantages to the compromise - negotiation between the county and the local governing body over their plan. Continues. >structured a process as well
254	Fultz	Comments for clarification. Came with the attitude that legislation was not needed. Continues. >relates some of his concerns >two sides - hi-risk - preventative (prevent one and protect the other)
285	Sen. Tarno	At risk kids from 0 to 9 will adequately be taken care of with funding?
	Gibson	No - Explains. >they are as well served as they are in the current system - dollars used for lower risk - held them harmless as far as this proposal is concerned - opt-out clause 6(4)
	Fultz	Comments for clarification relating to Sen. Tarno's concerns.
340	Fultz	Continues his comments. It would shift over to the hi-risk population.
352	Chair Stull	Comments for clarification.
358	Sen. Qutub	Comments regarding her impression of comments.
	Gibson	Continues commenting on 'hold harmless' clause.
391	Sen. Tarno	How much more money needed?
	Gibson	\$3 million
	Sen. Tarno	Why can't we ask for that?
	Gibson	Replies. The flexibility is gone out of the budgeting process at this time
421	Chair Stull	Comments regarding other revenue sources.
TAPE 122, A		
436	Fultz	Remembers \$3.3 million. Continues.
021	Sen. Tarno	We have a problem with the lower end, too. Continues.
	Gibson	Comments: There is a feeling that there are no resources allocated to the lower end of the spectrum. Continues. >re-establish some balance
	Chair Stull	Comments for clarification. >savings go back into the counties to further expand the out reach to at- risk kids.

057	Sen. Tarno	On record: all age segments of these children - not just the upper end
060	Sen. Trow	Thanks witnesses for the progress of their negotiations. >concerns - nothing more important than investing in these kids in the future
060	Chair Stull	Comments regarding building on foundation already laid.
	Sen. Qutub	Questions for clarification. >what differences between today and what happened Friday
090	Gibson	Replies: conceptual amendments - stronger commitment to reinvestment >primarily clarification
	Sen. Qutub	Questions criteria for success.
116	Gibson	Replies: >developed a negotiation process >focus on the real outcomes we want
150	Sen. Gordly	Questions for clarification regarding agreement. How have the counties communicated their support?
	Fultz	We can support the bill as it is now after leadership meeting. >will have counties on all sides of the issue >trying to represent the over-all needs of our Association
183	Sen. Gordly	Continues for clarification regarding Multnomah County.
	Fultz	Have not heard officially from Multnomah County.
	Sen. Gordly	I just did.
226	Fultz	Comments for further clarification.
237	Sen. Hamby	Comments regarding something from the Association to hand out on the Senate floor for further clarification regarding the level of support.
	Fultz	Replies. Letter from President is not available.
	Sen. Gordly	Comments regarding report card from Children First for Oregon. Helpful to have that information available.
256	Gibson	Happy to provide.
	Chair Stull	For the record: Provided a two-page document from Scott Johnson, Deschutes County, Commission on Children & Families [Exhibit B] >provide for the House Committee
280	Sen. Qutub	Questions for clarification regarding testimony from Benton County

	Gibson	Reference made there was in regards only to Measure 11 offenders. Continues
	Fultz	Refers to chart and testimony from Benton County - amount will stay
327	Gibson	Believe that is roughly correct. Continues.
	Sen. Qutub	Questions for clarification regarding counties that have less need for the funds.
	Gibson	Difficult to say without specifics. Continues.
380	Fultz	Something we have not put in language here. Continues. Negotiation is possible.
	Chair Stull	Money is not cut to any county. Continues.
400	Sen. Trow	Hoping we could find that kind of flexibility.
	Fultz	That in deed has occurred
TAPE 121, B		
006	Sen. Tarno	Expresses his concerns.
	Chair Stull	Comments on actual testimony regarding those concerns. >outside influences can affect that perception
027	Gibson	Concurs with assessment. Addresses Sen. Tarno's concerns. >allow the right forum for our local partners to come together for discussion >negotiation process should help us
	Chair Stull	Expresses her concerns: >truly changing their lives for the better
061	Sen. Trow	MOTION: Moves to AMEND SB 943-4 Amendments dated 05/19/94 as follows: on page 8, line 17 add "(5) Beginning with the Seventieth Legislative Assembly and biennially thereafter, the Governor shall recommend to the Legislative Assembly that funds be allocated to the Oregon Juvenile Crime Prevention Coordinating Team for the grants." "(6) The Oregon Juvenile Crime Prevention Coordinating Team shall recommend to the Governor a funding level based on information received from counties pursuant to Section 5, subsection 3(e) of this Act." Further AMEND on page 3, line 9 delete "should" and insert "shall". On line 11 delete "should" and insert "shall". On line 12 delete "are" and insert "have been".
		VOTE: 6-0

		AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES.
087	Sen. Trow	MOTION: Moves to ADOPT SB 943-4 amendments dated 05/19/97 AS AMENDED.
		VOTE: 5-1 AYE: 5 - Gordly, Hamby, Tarno, Trow, Stull NAY: 1 - Qutub
	Chair Stull	The motion CARRIES.
094	Sen. Trow	MOTION: Moves SB 943 to the floor with a DO PASS AS AMENDED recommendation.
097	Sen. Tarno	States his vote will be no on the bill and gives his reasons.
	Sen. Qutub	States her vote will be no on the bill and gives her reasons.
106	Chair Stull	Comments regarding Committee's commitment.
113	Sen. Gordly	Comments on the extra-ordinary effort by all concerned. >need for money >dollars are there
	Chair Stull	All of us remain committed to kids in general. Continues.
		VOTE: 4-2 AYE: 4 - Gordly, Hamby, Trow, Stull NAY: 2 - Qutub, Tarno
	Chair Stull	The motion CARRIES. SENATORS HAMBY & GORDLY will lead discussion on the floor.
<u>CLOSES WORK SESSION ON SB 943</u>		
<u>OPENS PUBLIC HEARING ON HB 2311</u>		
160	Mary Ellen Johnson	Crime Victim Assistance Section , Department of Justice. Submits written testimony in support of HB 2311. [Exhibit D]

175	Sen. Trow	Comments on fiscal impact report.
<u>CLOSES PUBLIC HEARING ON HB 2311</u>		
<u>OPENS WORK SESSION ON HB 2311</u>		
191	Sen. Hamby	MOTION: Moves HB 2311 to the floor with a DO PASS recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES. SEN. STULL will lead discussion on the floor.
<u>CLOSES WORK SESSION ON HB 2311</u>		
<u>OPENS PUBLIC HEARING ON HB 2323</u>		
193	Jan Peter Londahl	Assistant Attorney General. Submits written testimony in support of HB 2323. [Exhibit E]
241	Londahl	Continues testimony
<u>CLOSES PUBLIC HEARING ON HB 2323</u>		
<u>OPENS WORK SESSION ON HB 2323</u>		
259	Sen. Trow	Questions testimony in opposition.
	Londahl	Never had anybody in opposition.
270	Sen. Qutub	MOTION: Moves HB 2323 to the floor with a DO PASS recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair	The motion CARRIES.

	Stull	SEN. TROW will lead discussion on the floor.
<u>CLOSES WORK SESSION ON HB 2323</u>		
<u>OPENS PUBLIC HEARING ON HB 2313</u>		
280	Mary Ellen Johnson	Crime Victim Assistance Section, Department of Justice. Submits written testimony in support of HB 2313. [Exhibit F]
304	Sen. Tarno	Questions for clarification.
	Johnson	Only terrorism in foreign countries.
313	Sen. Gordly	Questions for clarification coverage for all crimes.
	Johnson	Replies. Not really something we looked at. Continues.
331	Sen. Qutub	Questions for clarification. Who is going to pay for the terrorist act?
	Johnson	Replies. Funds come from various offenders in the U. S. federal system. >not specific offender/nor victim
	Sen. Qutub	Questions regarding statistics from other states.
	Johnson	Reported either no payments or very little. Continues.
386	Chair Stull	Comments for clarification. Result of US Congress requiring the states to extend the crime victim's compensation coverage.
400	Sen. Gordly	Comments regarding intent.
	Chair Stull	Reads from bill for clarification.
	Johnson	Continues commenting for clarification. [Exhibit G]
<u>TAPE 122, B</u>		
<u>CLOSES PUBLIC HEARING ON HB 2313</u>		
<u>OPENS WORK SESSION ON HB 2313</u>		
024	Sen. Hamby	MOTION: Moves HB 2313 to the floor with a DO PASS recommendation.
		VOTE: 6-0

		AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES. SEN. STULL will lead discussion on the floor.
<u>CLOSES WORK SESSION ON HB 2313</u>		
<u>OPENS PUBLIC HEARING IN HB 2310A</u>		
036	Brenda JP Rocklin	Assistant Attorney General, Criminal Justice Division, Oregon Department of Justice. Presents written testimony and exhibits in support of HB 2310. [Exhibit H] >Exhibit 1 >Exhibit 2
098	Rocklin	Continues testimony. >Exhibit 4
124	Sen. Hamby	Comments on her experience receiving this type of document.
	Rocklin	Replies.
131	Rocklin	Continues testimony. >command citizens to make appearances in court >provide that it is unlawful to file false liens against public officials
	Sen. Trow	Questions for clarification regarding lien against the Governor's property.
	Rocklin	Replies. Not a procedure to clear the title to property.
196	Sen. Tarno	Questions for clarification.
	Rocklin	Replies. I don't think so. This is simple not legitimate activity.
211	Sen. Tarno	Questions for clarification regarding the recognition of allocations.
	Rocklin	Replies. That has really not been talked about. Continues.
229	Sen. Gordly	Comments for the record regarding exhibits in the packet. What has been done to inform others regarding how they should respond?
	Rocklin	Replies. Letters and training regarding what legally may be done >law enforcement is aware of these activities
	Sen.	Continues questioning for clarification regarding why we need to do

278	Gordly	this.
	Rocklin	A point well taken. Bigger picture here - only one small part - Continues to explain. >designed to get at two crimes that involve this type of activity
317	Sen. Trow	We deal with problems bill by bill, one at a time - appreciate having the bill here
329	Sen. Gordly	I believe we should do that. Concerned about the education to all members of the legislature about the problem out there.
	Rocklin	Agrees. Summarizes bill. >Class B misdemeanor to Class C felony
402	Sen. Qutub	Questions for clarification regarding convictions.
	Rocklin	Replies. Lane County - involving the Richardsons >simulating legal process - 4 times >criminal impersonation - 14 times
436	Sen. Trow	Questions for clarification: Federal court cases?
Tape 123,A		
018	Rocklin	Not aware of any.
	Sen. Trow	Continues to question for clarification.
	Rocklin	Replies. Individuals believe they have a right to engage in this conduct. Continues.
038	Sen. Tarno	Questions number of persons impacted.
	Rocklin	Replies - hundreds of documents - no exact number
	Sen. Hamby	Anyone ever followed through?
	Rocklin	>Continues to answer
060	Sen. Gordly	Questions for clarification regarding public servant rolls impersonated.
	Rocklin	Assumes peace officers - no exact information
	Sen. Gordly	In the bill you are very specific regarding list of rolls.
	Rocklin	Replies. Harm to citizens is greater when someone pretends to be a law enforcement officer or judge.
081	Sen. Trow	Questions the vote in the House.
	Sen. Tarno	Questions number of prosecutions on a Class B misdemeanor.
	Rocklin	Four between 1992/94
091	Sen. Qutub	Repeat offenders.
	Rocklin	Not sure.

096	Sen. Trow	Increased penalties consistent with most states?
	Replies	Treated as a misdemeanor.
117	Sen. Gordly	Questions how we coordinate our responses with other states.
	Rocklin	They do. We became aware of the laws in California and Washington during a conference.
<u>CLOSES PUBLIC HEARING ON HB 2310</u>		
<u>OPENS WORK SESSION ON HB 2310</u>		
151	Sen. Hamby	MOTION: Moves HB 2310 to the floor with a DO PASS recommendation.
		VOTE: 4-2 AYE: 4 - Gordly, Hamby, Trow, Stull NAY: 2 - Qutub, Tarno
	Chair Stull	The motion CARRIES. SEN. HAMBY will lead discussion on the floor.
<u>CLOSES WORK SESSION ON HB 2310</u>		
168	Sen. Qutub	Gives notice of possible minority report on SB 943, to be joined by Sen. Tarno.
<u>OPENS PUBLIC HEARING ON HB 2158</u>		
167	Les Dolecal	Inspector General, Oregon Department of Corrections. Submits written testimony in support of HB 2158. [Exhibit I]
242	Chair Stull	Comments regarding testimony.
253	Jim Arneson	Oregon Criminal Defense Lawyers Association. Testifies in opposition of SB 2158. Opposition is based on the concept of getting rid of the office of Corrections Ombudsman at this point in time as we increase incarceration. >need an Ombudsman - group that may not have an identifiable representative in the government

		<p>>those serving time and families would not look at the correctional system as the appropriate place to make their complaints</p> <p>>Ombudsman is one particular person in one particular office</p>
311	Chair Stull	Comments for clarification regarding the abolishment of other things when they become obsolete or there is a lack of funding. Continues.
	Arneson	<p>Know that is the argument. Concern if eliminated, only thing that would bring it back would be a crisis that could be eliminated by a functioning Ombudsman office.</p> <p>>have a place where complains can be aired</p>
	Chair Stull	<p>Comments regarding other areas that could be utilized.</p> <p>>legislators</p> <p>>legal representation</p> <p>>lot of mechanisms in place</p> <p>Are you aware of inequities in the system?</p>
369	Arneson	Not aware of any complaints. Continues.
402	Tom Cropper	<p>Multnomah Activists Solutions, LLC. Testifies in opposition to HB 2158. Office has not been filled for several years.</p> <p>>just transferring the duties will not solve the problems</p>
Tape 124, A		
039	Cropper	<p>Will call for an independent investigation - knows of many human rights violations</p> <p>>State better clean up its act</p>
052	Chair Stull	Requests that the documents be made available.
	Cropper	Will deliver a video tape.
	Chair Stull	Adjourns meeting at 3:36 p.m.

Submitted by, Reviewed by,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

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EXHIBIT SUMMARY

A - Proposed SB 943-4 Amendments - Staff - 10 pages

B - Testimony/Suggestion regarding SB 943 - Scott Johnson - 2 pgs

C - Suggested SB 943 Amendments - Mark Gibson - 1 pg

D - Testimony in Support of HB 2311 - Mary Ellen Johnson - 1 pg

E - Testimony in Support of HB 2323 - Jan Peter Londahl - 4 pgs

F - Testimony in Support of HB 2313 - Mary Ellen Johnson - 1 pg

G - Article with additional information regarding HB 2313 - Mary Ellen Johnson - 1 pg

H - Testimony/Exhibits in Support of HB 2310 - Brenda JP Rocklin - 55 pgs

I - Testimony in Support of HB 2158 - Les Dolecal - 4 pgs
