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SENATE COMMITTEE ON CRIME & CORRECTIONS

May 21, 1997 Hearing Room B

1:00 P.M. Tapes 125 - 126

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 1162

Public Hearing & Work Session: HB 2541A, HB 2154A, HB 2649A, HB 2425, HB 2431A

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 125, A		
	Sen. Qutub	Opens meeting at 1:10 p.m.
<u>OPENS PUBLIC HEARING ON SB 2541</u>		
007	Lane Shetterly	House Representative, District 34. Sponsor of HB 2541. Testifies in support. Gives background and information regarding charging county jail prisoners for costs of incarceration. >passed house unanimously >working well in Michigan >loss of revenue to local government, replenish general fund revenues
040	Greg Brown	Oregon State Sheriffs Association. Testifies in support HB 2541 and urges passage. >if they have the ability, should be reimbursing
049	Sen. Tarno	10% collection rate
	Brown	Sounds right. Continues.
	Sen. Qutub	Questions for clarification.
	Brown	Replies.
064	John K. Anderson	Polk County Administrative Officer. Submits written testimony and background in support of HB 2541. [Exhibit A]
114	Paul Snider	Association of Oregon Counties: Testifies in support of HB 2541. Discusses several county's background and success in this endeavor
127	Sen. Hamby	Questions for clarification. Why so little. \$69.00 per day.
	Snider	Replies.
150	Sen. Hamby	Suggests conceptual amendment.
	Chair Stull	Questions for clarification regarding costs different from what Sen. Hamby suggested.
	Snider	Replies. Impact on poor people. Courts would take the offender's ability to pay into consideration. Dollar amount subject to existing Oregon laws.
	Sen. Trow	Questions for clarification.

	Sen. Tarno	Go with this the way it is.
186	Sen. Qutub	Questions actual daily cost language.
	Chair Stull	Replies
193	Sen. Gordly	Mr. Snider, in favor?.
	Snider	Yes.
207	Chair Stull	Comments: County `may' seek. Permissive in many ways.
<u>CLOSES PUBLIC HEARING ON HB 2541</u>		
<u>OPENS WORK SESSION ON SB 1162</u>		
224	Karen Brazeau	Deputy Director, Oregon Youth Authority. States that the -1 amendments present a different bill than the original version.
230	Brazeau	Explains SB 1162-1 amendments. [Exhibit B] >distinguish delinquency custody from protective custody
265	Brazeau	Continues: >page 8, two changes - inclusion of a different kind of foster home - youth offender foster home >middle of page, line 25 - suggested by Michael Livingston >page 11 - most subsistent change - information that can be disclosed relative to delinquent youth
	Gail Ryder	Oregon Newspaper Publishers Association. Presents conceptual amendment. >change word - page 11, line 12 `may' should be `shall' - clear up inconsistency in the law between the two attorney general's opinions >name and age of a juvenile victim not be disclosed - agreed to that change
312	Sen. Trow	Asks Brazeau to speak to the controversy on page 12 regarding the `may' and `shall'
	Brazeau	No controversy - just a mistake
323	Sen. Tarno	Section 3: - `custody' has connotation of `arrest' >Speaks of confusion with whole bill.
		Yes. We have struggled with this, too. Continues. Attempt here

	Brazeau	is to say - not deemed an arrest as far as the youth is concerned. Explains.
	Sen. Tarno	Questions the use of temporary custody.
	Brazeau	Not sure what the legal issues are. Continues.
370	Chair Stull	Comments for clarification.
432	Sen. Trow	MOTION: Moves to AMEND SB 1162-1 amendments dated 05/16/97 on page 11, in line 12, delete "may" and insert "shall".
446		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES.
454	Sen. Trow	MOTION: Moves to ADOPT SB 1162-1 amendments dated 05/16/97 AS AMENDED.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES.
	Sen. Trow	MOTION: Moves SB 1162 to the floor with a DO PASS AS AMENDED recommendation.
472	Sen. Gordly	Comments: Appreciates work done on the bill in its new form regarding financial impact in Multnomah County.
		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</u>		
<u>WORK</u>		
<u>SESSION ON</u>		
<u>SB 1162</u>		
Tape 126, A		
<u>OPENS</u>		
<u>PUBLIC</u>		
<u>HEARING</u>		
<u>ON HB 2152A</u>		
038	Dave Caulley	Institutions Division, Oregon Department of Corrections. Submits written testimony in support of HB 2152A. [Exhibit C]
040	Sen. Gordly	How are these situations handled now?

	Caulley	Replies, giving actual example.
072	Sen. Trow	Amended on House side. Why?
	Caulley	Replies. Make is clear that the Department is not required to take offenders.
	Sen. Trow	Questions witness for clarification
<u>CLOSES PUBLIC HEARING ON HB 2152A</u>		
<u>OPENS WORK SESSION ON HB 2152A</u>		
091	Sen. Trow	MOTION: Moves HB 2152A to the floor with a DO PASS recommendation.
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Sen. Hamby, Sen. Gordly
	Chair Stull	The motion CARRIES. SEN. DERFLER will lead discussion on the floor.
<u>OPENS PUBLIC HEARING ON HB 2649A</u>		
107	Greg Brown	Deschutes County Sheriff. Testifies in support of HB 2649A. Gives history and background of bill. > restores shooting zones >Has backing of National Rifle Association, Oregon Fish and Wildlife and the Oregon State Police
	Rep. Dennis Luke	House District 54. Testifies in support of HB 2649A. Worked very hard on House side to accommodate those with concerns. >would like the ordinance back
149	Sen. Trow	Take care of opposition?
	Luke	Yes. Explains.
		Oregon Gun Owners. Testifies in support to HB 2649A. Gives

160	John Nichols	additional background. Happy with bill. Looks forward to doing something statewide next session
183	Rod Harder	Oregon Consultant, National Rifle Association. Testifies in support of HB 2649A.
<u>CLOSES PUBLIC HEARING ON HB 2649A</u>		
<u>OPENS WORK SESSION ON HB 2649A</u>		
208	Sen. Hamby	MOTION: Moves HB 2649A to the floor with a DO PASS recommendation.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Sen. Qutub
	Chair Stull	The motion CARRIES. SEN. HAMBY will lead discussion on the floor.
<u>CLOSES WORK SESSION ON HB 2649A</u>		
<u>OPENS PUBLIC HEARING ON HB 2431A</u>		
226	Steve Dingle	Marion County District Attorney's Office representing Oregon District Attorney's Association. Testifies in support of HB 2431A. Discusses intent of bill - more flexibility with respect to the suspension of driver's licenses. Gives a court discretion to instruct the Department of Transportation to rescind certain suspensions or revocations of driving privileges, pending appeal of the criminal conviction. >communication problem with the Department of Motor Vehicles - no communication between the court of appeals and the Department of Transportation >allows judge to evaluate merits of appeal

248	Sen. Gordly	Classes of drivers treated differently?
	Dingle	It would appear to. Continues.
	Nikola Jones	Committee Counsel. Second page, lines 8 through 12. Does address commercial driver's license. >treated different from regular license
	Sen. Gordly	Why treated differently?
	Dingle	Most controversial area. Continues.
275	Sen. Hamby	Comments regarding knowledge of the law.
	Dingle	Commercial people more aware of the law than others.
298	Sen. Trow	Questions for clarification regarding amendments.
	Dingle	Asked to appear today for someone else. Continues.
314	Jones	Section 4 of the bill is a re-statement of what is in current law. Continues to explain.
330	Sen. Trow	Bill in good shape as far as you are concerned?
	Dingle	Replies. Eliminate frivolous appeals. Never feel the results of the suspension.
	Sen. Trow	Continues to question witness regarding amendments.
	Chair Stull	Replies with House vote information.
354	Sen. Hamby	Mistaken regarding intent of the bill.
	Chair Stull	Comments the need for additional improvement.
<u>CLOSES PUBLIC HEARING ON HB 2431A</u>		
<u>OPENS WORK SESSION ON HB 2431A</u>		
360	Sen. Trow	MOTION: Moves HB 2431A 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. TARNO will lead discussion on the floor.
<u>CLOSES WORK SESSION ON</u>		

<u>HB 2431A</u>		
<u>OPENS PUBLIC HEARING ON HB 2425</u>		
401	Steve Dingle	Marion County District Attorney's Office representing Oregon District Attorney's Association. Testifies in support of HB 2425. Gives background and current procedures. Bill expands requirement that state police reports analyzing controlled substances, be accepted as prima facie evidence of the results of the analysis, in certain controlled substances prosecutions. To be accepted in all prosecutions in lieu of having the criminalist appear. >these reports are not controversial
460	Sen. Tarno	Questions appeal to a higher court.
	Dingle	Replies. Yes. Explains procedure.
Tape 125, B		
040	Sen. Trow	Questions for clarification regarding persons in prison?
	Dingle	Replies. Has worked very well. Saved hours and money.
<u>CLOSES PUBLIC HEARING ON HB 2425</u>		
<u>OPENS WORK SESSION ON HB 2425</u>		
055	Sen. Tarno	MOTION: Moves HB 2425 to the floor with a DO PASS recommendation.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Sen. Stull
	Vice-Chair Hamby	The motion CARRIES. SEN. GORDLY will lead discussion on the floor.
<u>CLOSES WORK SESSION ON HB 2425</u>		

<u>OPENS WORK SESSION ON HB 2541</u>		
	Discussion between Senators Hamby and Tarno regarding previous discussion and passage of measure	
081	Sen. Trow	MOTION: Moves HB 2541 to the floor with a DO PASS recommendation.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Sen. Stull
	Vice-Chair Hamby	The motion CARRIES. SEN. TROW will lead discussion on the floor.
	Vice-Chair Hamby	Adjourns meeting at 2:12 p.m.

Submitted by, Reviewed by,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

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EXHIBIT SUMMARY

A - Testimony in Support of HB 2541 - John K. Anderson - 4 pgs

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

C - Testimony in Support of HB 2151 - Dave Caulley - 1 pg
