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SENATE COMMITTEE ON CRIME & CORRECTIONS

January 29, 1997 Hearing Room B

1:00 P.M. Tapes 2 - 4

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 49

SB 50

SB 163

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 2, A		
003	Chair Stull	Calls meeting to order at 1:08 P.M. Requests Committee and those testifying:
		>talk into the mike >reviews conceptual amendment
<u>OPENS PUBLIC HEARING ON SB 49</u>		
020	Cindy Hunt	Legislative Counsel - Gives brief history of SB 49
		> 1993 Legislature passed HB 2004
		>created State Commission on Children & Families
		>created State Office for Services to Children & Families to become effective July 1, 1995
		>contained no language that CSD was abolished or changed
		>draft SB 49
		>completes transfer
		>abolishes CSD and transfers every thing to the State Office for Services to Children & Families
069	Sen. Trow	Asks for clarification of agency functions
	Hunt	Many functions are now with the local commission.
083	Sen. Hamby	No policy changes?
	Hunt	Correct.
100	Dianne Lancaster	Assistant Administrator, Program Operations, State Office for Services to Children and Families. Testifies in support of SB 49 [Exhibit A]
		>offers proposed amendments
131	Chair Stull	Offers clarification >position is a division administrator
	Linda J. Guss	Assistant Attorney General, Oregon Department of Justice >her understanding also

**CLOSES
PUBLIC
HEARING ON
SB 49**

**OPENS PUBLIC
HEARING ON
SB 50**

169	Sy Kornbrodt	Member, Sex Offender Supervision Network presents testimony in support of SB 50 [Exhibits B] Refers to brochure explaining Sex Offender Supervision Network [Exhibit C] Discusses: >need for some regulation of therapists who treat sex offenders >concern for integrity of profession >Title licensing act
226		>proposed amendments
263		Therapy different when you work with sex offenders Explains: >confrontive, directive >no confidentiality
302		>unqualified people treating sex offenders
310	Sen. Trow	Suggests sending to Ways & Means first
	Kornbrodt	Yes - explains
341	Sen. Tarno	How would we deal with this issue in the rural parts of Oregon?
	Kornbrodt	Issue dealt with in amendments >gives rural counties freedom >referral to licensed therapist optional
378	Jeff Collins	Vice President, Sex Offender Supervision Network Discusses rural area concerns
399	Sen. Hamby	Refers to page 1 [Exhibit B] Asks questions regarding different classifications of therapists and law suites brought by such therapists
TAPE 3, A		
017	Collins	Might be a lay person -

	Sen. Hamby	Restates question
023	Jesse L. Watson	Therapist and President, Oregon Chapter Association for the Treatment of Sexual Abusers replies: >not rigidly adhered to one model
030	Kornbrodt	Gives examples to further answer Sen. Hamby's question
041	Watson	This bill came to be out of frustration
047	Sen. Hamby	States her concerns regarding makeup of Network
052	Kornbrodt	Discussion continues: >sex offenders are highly manipulative
		>ought to have standards >offenders have changed in last 30 years
068	Sen. Hamby	Wanted previous testimony on tape.
		>did not want board with power to exclude new theories
071	Sen. Gordly	Refers to fiscal impact [Exhibit B]
		>bring us up to date
	Kornbrodt	Numbers about right for the State
090		Continues
117	Sen. Gordly	Clarify "an Associate Sex Therapist"
	Kornbrodt	>experience - a training position
		>pay lesser amount for license
		>work under supervision
131	Chair Stull	Who pays for therapy?
	Kornbrodt	offender pays - explains.
		>generally have more of an earning ability
155	Sen. Trow	What do you see this board doing?
		>gives examples of other board's functions
167	Kornbrodt	Will screen - continues
		>Title act
		>act on complaints
		>disciplinary function
		>self-policing
203	Collins	Board will have a practical effect for me in day-to-day supervision of my offenders.
		Past President of the Oregon Adolescent Sex Offender Treatment Network; Currently President of the Oregon Chapter of the Association for the Treatment of Sexual Abusers and one of the

220	Jesse L. Watson	<p>authors of this bill. Presents testimony in support of SB 50. [Exhibit D]</p> <ul style="list-style-type: none"> >sets a foundation for raising treatment standards >higher standards raise community safety >restricts referrals only to those licensed if they choose >new developments in treatment
335	Chair Stull	As a point of clarification -
	Kornbrodt	<ul style="list-style-type: none"> >Title act instead of an occupational act >specialty that draws across disciplines
357	Sen. Qutub	Could an existing board take this under their umbrella?
	Kornbrodt	<p>We thought about it - explains</p> <ul style="list-style-type: none"> >therapy approach difference
312	Collins	<p>Confrontational type of therapy</p> <ul style="list-style-type: none"> >quite different
394	Sen. Qutub	Wouldn't fit under a medical/counseling model?
432	Collins	<p>We asked both the LPC and LCSW boards</p> <ul style="list-style-type: none"> >not interested
Tape 2, B		
044	Sen. Tarno	Questions numbers of clients
	Kornbrodt	Responds
068	Sen. Tarno	Questions number of qualifying hours
	Kornbrodt	<p>Responds:</p> <ul style="list-style-type: none"> >evaluations >group >one on one
	Sen. Tarno	Continues questioning hours
	Kornbrodt	<p>Responds</p> <ul style="list-style-type: none"> >weekly treatment - generally group >40 hours every month
095	Watson	Wording needs to be changed
		>eliminate "face to face" and insert "client contact"

110	Kathy Savicki	Legislative Chair for the National Association of Social Workers testifies in opposition to SB 50. Discusses:
		>bill creates unnecessary government regulation
		>Psychologists Practice Act (ORS 675.010) will take care of untrained problem
		>take existing language and make it clearer
177	Barbara McGuire	Department of Corrections - Neutral position on SB 50
		Important some kinds of standards be set for treatment providers in the community setting.
190	Sen. Gordly	Position consistent with last session?
	McGuire	Supportive - now taking a neutral position Explains the Department's role
217	Chair Stull	Why is the Department neutral this session?
	McGuire	>premature to take position
233	Jody Fischer	Oregon Psychological Association testifies in opposition to SB 50 >unnecessary
		>duplicative of what is required by psychologists
		>requests specific exemption for psychologists - explains
283	Chair Stull	How do we fix part of the problem - continues
		>valid concerns
308	Fischer	Gives some suggestions
		>talk to members of other boards for answers >will talk to some of her members
334	Thomas M. Hart	Marion County District Attorney's Office and Oregon District Attorneys' Association. Testifies in support of SB 50 [Exhibit E]
		>screen people
376		>concerned with sections that deal with standards
		>treatment is different from anything else out there
		>need minimum standards for people delivering services
TAPE 3, B		
025	Marie Bell	Traveling from Eugene, Oregon testifies in support to SB 50
		>bill is about public safety
		>need credible treatment

		>against waiver for rural areas - suggests provisional status requirement
		>huge specialty
		>takes a special kind of person with a special kind of knowledge
088	Chair Stull	You make a valid point which concerns me
		>too many unknowns
113	Mark Nelson	Oregon Clinical Social Workers testifies in opposition of SB 50. Discusses compromise reached with some of the existing practitioners who are in the field now providing this service. [Exhibit E]
148		>represents middle ground
		>could be a solution
151	Sen. Gordly	Suggested this to the parties proposing the bill?
	Nelson	No - but will
<u>CLOSES PUBLIC HEARING ON SB 50</u>		
<u>OPENS PUBLIC HEARING ON SB 163</u>		
196	Mary Claire Buckley	Executive Director, Psychiatric Security Review Board testifies in support of SB 163
216		>agency charged with maintaining jurisdiction over all those found guilty except for insanity of a crime in Oregon who are a substantial danger to others. Discusses current process: >decision is made as to mental status; assignment to PSRB or release >ORS 161.325 does not direct length of time subject is under the jurisdiction of PSRB >problem lies with multiple counts
244		>board's interpretation of judgment order was challenged
266		>minor technical adjustment - court's obligation
269	Chair Stull	Why not review order when received and make a notation at that time?
	Buckly	Under the statute, board is bound by the court's judgment order. - Explains
293	Sen. Gordly	Aren't there different practices among judges?

302	Buckly	Responds: >problem arises later
320	Sen. Gordly	Has this issue been discussed with the judges for their opinion?
	Buckly	No
335	Chair Stull	Consecutive or concurrent - why doesn't bill address those statutes?
	Buckly	Merger counts are the issue >continues answering questions
TAPE 4, A		
019	Chair Stull	Some more detail oriented than others?
	Buckly	Orders received run from very comprehensive to incomplete
027	Chair Stull	More oversight than resistance?
	Buckly	What should be in the judgment order needs to be stated >have the court fulfill its obligation >board has no authority to set/shorten the jurisdiction
050	Thomas M. Hart	Marion County District Attorney's Office and the Oregon District Attorney's Association. Testifies on behalf of the District Attorney's Association in opposition to SB 163.
		>makes reference to ORS 161.341.1 >reviews time frames for different crime classifications >opposes to reduce time frames
087	Sen. Tarno	Bill says nothing about reduction of time.
	Chair Stull	Explains her theory of the bill
095	Hart	Relates typical practice by state >offenses merge >clarification on use
130	Sen. Tarno	Simply asking for a time frame while defendant is under their control?
	Hart	Replies
143	Sen. Tarno	Continues asking for clarification
	Hart	Take language out of 341 and add it to this amendment >gives example
		That is solely what we were looking for.

155	Buckly	>not looking to change length of jurisdiction >asking the Court to specify length of jurisdiction >not a budget issue >based on mental status
179		Considered it a housekeeping issue
194	Chair Stull	Would you provide us with a copy of the form.
	Buckly	Would be happy to provide samples
204	Sen. Gordly	Understood intent from the beginning
210	Buckly	Spoke to State Court Administrator >no fiscal impact >also considered it a housekeeping matter >clerical matter for the courts
<u>CLOSES PUBLIC HEARING ON SB 163</u>		
220	Chair Stull	Adjourns meeting at 3:10 p.m.

Submitted By, Reviewed By,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

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EXHIBIT SUMMARY

A - Testimony in Support of SB 49 - Dianne Lancaster - 3 pgs

B - Testimony in Support of SB 50 - Sy Kornbrodt - 8 pgs

C - Pamphlet - Sex Offender Supervision Network - SB 50 - Sy Kornbrodt - 2 pgs

D - Testimony in Support of SB 50 - Jesse L. Watson - 1 pg

E - Information - SB 50 - Mark Nelson - 1 pg
