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SENATE COMMITTEE ON CRIME & CORRECTIONS

February 14, 1997 Hearing Room B

1:00 P.M. Tapes 11 - 12

MEMBERS PRESENT:

Sen. Shirley Stull, Chair

Sen. Avel Gordly

Sen. Eileen Qutub

Sen. Veral Tarno

Sen. Cliff Trow

MEMBER EXCUSED: Sen. Jeannette Hamby, Vice Chair

STAFF PRESENT:

Nikola Jones, Counsel

Julie Clemente, Administrative Support

MEASURES HEARD: Public Hearing & Work Session: HB 2159

Work Session: SB 49

SB 157

SB 301

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 |
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| Tape 11, A | | |
| 002 | Chair Stull | Opens meeting at 1:05 p.m. |
| <u>OPENS PUBLIC HEARING ON HB 2159</u> | | |
| 007 | Scott Taylor | Assistant Director for Community Corrections, Oregon Department of Corrections. Submits written testimony in support of HB 2159 [Exhibit A] |
| | | Discusses: |
| | | >what the bill does |
| | | >transitional leave |
| | | >purpose of legislation |
| 051 | Sen. Trow | Asks about supervision during 30-day period |
| | Ernest Delco | Lane County Parole Officer Replies. |
| | | >starts 3 months prior to graduation |
| | | >held to a higher standard |
| | | >supervision level is four times greater |
| 082 | Sen. Trow | When they fail, why? |
| | Delco | Replies: |
| | | >technical violations |
| 093 | Bill Beers | Shutter Creek Correctional Institution Superintendent Best supervision has just been described. Continues. |
| | | >not necessarily true statewide |
| | | >no specific supervision standards |
| 102 | Sen. Trow | Continues questioning for clarification |
| | | >lenient or stricter |
| | Beers | Bill keeps those graduates under control of our department longer. Explains |
| | | Refers to Study conducted by the National Institute of |

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| 121 | Sen. Gordly | Corrections, page 2, [Exhibit A] . Oregon alone or included other areas? |
| | Beers | Submits copy of study. [Exhibit B] |
| 147 | Chair Stull | Other recommendations made in study? |
| | Beers | Lack of standardization |
| 164 | Chair Stull | Requests copies of synopsis and study for review by committee. |
| | Chair Stull | Calls attention to Fiscal Report in packet. Discusses remarks regarding failures in program. Asks for definition of technical violations. |
| 187 | Delco | Explains and gives examples |
| | Chair Stull | Continues questions: >Violations treated equally? |
| 218 | Deco | Explains differences in treatment of violations |
| 231 | Chair Stull | Continues for clarification. |
| | Taylor | Replies: Definition of the technical is more for our internal usage. Explains: >distinction is somewhat discretionary. Gives examples |
| 260 | Chair Stull | Continues questioning for clarification |
| | Taylor | Replies |
| | Chair Stull | Do you track the criteria regarding those two categories? |
| | Taylor | We have the ability to break out technical vs. new convictions. |
| | Chair Stull | Requests that information for next session |
| 283 | Sen. Qutub | Do you believe that extending the transition time allows the inmate to better succeed in the community? |
| | Beers | Yes. Explains >under tremendous amount of pressure to do everything right >90 days will allow us to see if a pattern develops |
| 315 | Sen. Tarno | Agrees with the extended transitional time frame |
| 334 | Sen. Trow | Why not 90 days to begin with? |
| | Beers | There is a 30-day prevision in the law for all inmates. Continues >would like longer period >90 days seems a good compromise |
| | Sen. Trow | Are there any arguments against? |
| | Beers | Knows of none |

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| 366 | Chair Stull | Asks for comments on changing the age cap. |
| | Beers | Replies - gives background >women wanted to participate >emphasis not trying to make soldiers but citizens >modeled after other programs |
| 404 | Chair Stull | Do you anticipate any liability in the future to the State? |
| TAPE 12, A | | |
| 012 | Beers | Replies: >already complies with the Americans With Disabilities Act. Explains. >no real concerns >if unable to participate, they do something else to emphasize discipline and participation |
| | Chair Stull | Do you have difficulty in filling the program? |
| 032 | Beers | Generally able to fill platoons. Explains >turned down about 130 >potential in system for more - no capacity in system personnel wise >doesn't see a dramatic change in numbers |
| | Sen. Qutub | Are men and women separated? |
| 051 | Beers | Replies: >woman's dorm >together a good part of the time >do have separate meetings >normal kinds of co-ed problems |
| 063 | Chair Stull | Other correctional institutions co-ed? |
| | Beers | Columbia River in Portland |
| 080 | Paul Ferder | Salem attorney specializing in criminal law testifies in support of HB 2159 >relates knowledge of boot camp program |

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| | | >revolutionary change in attitude, live styles, relationships |
| <u>CLOSES PUBLIC HEARING ON HB 2159</u> | | |
| <u>OPENS WORK SESSION ON HB 2159</u> | | |
| 104 | Sen. Tarno: | MOTION: Moves HB 2159 be sent to the floor with a DO PASS recommendation. |
| | | VOTE: 5-0 EXCUSED: 1 - Sen. Hamby |
| | Chair Stull | Hearing no objection, declares the motion CARRIED. SEN. GORDLY will lead discussion on the floor. |
| <u>CLOSES WORK SESSION ON HB 2159</u> - | | |
| <u>OPENS WORK SESSION ON SB 49</u> | | |
| 121 | Nikola Jones | Committee Counsel, gives overview of SB 49 and explains SB 49 -1 amendments [Exhibit C] |
| 131 | Sen. Trow | Is the amendment acceptable to the Department of Administrative Services and the Governor? |
| | Chair Stull | calls on Dianne Lancaster for comments |
| 139 | Dianne Lancaster | Assistant Administrator, Program Operations, State Office for Services to Children and Families. Confirms both DHR and the Governor's office are in support of SB 49 and SB 49-1 amendments. >accomplishes housekeeping >puts appointment of SDS Administrator in line with other administrators of DHR division. |
| 147 | Sen. Trow: | MOTION: Moves to ADOPT SB 49-1 amendments dated 02/12/97. |
| | | VOTE: 5-0 EXCUSED: 1 - Sen. Hamby |
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| | Chair Stull | Hearing no objection, declares the motion CARRIED. |
| 161 | Sen. Trow: | MOTION: Moves SB 49 to the floor with a DO PASS AS AMENDED recommendation. |
| | | VOTE: 5-0 EXCUSED: 1 - Sen. Hamby |
| | Chair Stull | Hearing no objection, declares the motion CARRIED. SEN. TROW will lead discussion on the floor. |
| <u>CLOSES WORK</u> <u>SESSION ON SB 49</u> | | |
| <u>OPENS WORK</u> <u>SESSION ON SB 301</u> | | |
| 175 | Nikola Jones | Committee Counsel, reviews SB 301 for the committee. |
| 187 | Sen. Tarno: | MOTION: Moves SB 301 be sent to the floor with a DO PASS recommendation. |
| | | VOTE: 5-0 EXCUSED: 1 - Sen. Hamby |
| | Chair Stull | Hearing no objection, declares the motion CARRIED. SEN. STULL will lead discussion on the floor. |
| <u>CLOSES WORK</u> <u>SESSION ON SB 301</u> | | |
| <u>OPENS WORK</u> <u>SESSION ON SB 157</u> | | |
| 205 | Dianne L. Middle | Chair, Oregon Board of Parole and Post-Prison Supervision Discusses proposed amendments submitted by committee [Exhibits D & F] >Exception: [Exhibit D] Page 3 , line 16 "B" - Section incorporates reform of the money judgment and deletes some of the probation times. Suggests adding words "except as provided in Section 2 of this 1997 Act" before the word "money". >would make sure didn't have an exception to the rules that were being applied here |
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| 235 | Chair Stull | Refers to hand engrossed version of SB 157 in Committee's packet |
| 244 | Sen. Trow | What does the bill do as amended? |
| | Middle | Replies: >not in competition with ORS 177.071 >makes clear that rights victims currently have of collecting moneys owed to them are not prevented >cannot collect twice |
| 265 | Sen. Trow | Asks for further clarification - what does this bill do? |
| | Middle | Explains and gives examples |
| 309 | | Refers to Sen. Gordley's prior questions regarding numbers of revocations. Explains: [Exhibit E] |
| 329 | Sen. Trow | That person will continue to pay? |
| | Middle | Currently, if unable to comply becomes victim's responsibility to seek other areas for restitution. Explains. |
| 354 | Sen. Trow | Asks Middle to comment on testimony of Michael Brouchard, Parole Client and former Corrections Client on February 3rd |
| | Middle | Replies: >re-examined file - testimony was not accurate |
| 367 | Sen. Gordly | Asks for clarification of information contained in [Exhibit E] |
| 414 | Sen. Gordly | Continues for clarification |
| | Middle | Replies: >able to tract condition numbers >amounts owing was not available >of those randomly pulled, only one was paid in full |
| TAPE 11, B | | |
| 040 | Sen. Gordly | Continues for clarification. >do you have recommendations |
| | Middle | Just finalizing an information merger >make a determination of information needed |

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| | | >make sound decisions for usage of resources |
| 051 | Chair Stull | Comments regarding small amounts of restitution received. [Exhibit E] |
| 064 | Chair Stull | Comments on Committee policy regarding conceptual amendments. >3 amendments before the Committee, 2 are in printed form |
| 076 | Jones | Reviews conceptual amendment as presented by Ms. Middle found in hand engrossed version of bill (W-1) in packet. [Exhibit G] >page 2c, line 15qqq after "(B)" "Except as provided in Section 2 of this 1997 Act". |
| 111 | Chair Stull | For clarification, sentence currently there remains. |
| 119 | Sen. Trow | Have these amendments been discussed with all parties concerned? |
| | Jones | -1 & -2 amendments came from the Oregon District Attorney's Association. Continues to explain. >expedite and consolidate restitution issue |
| 134 | Sen. Gordly | HB being referenced was 2427 |
| | Chair Stull | Discusses for clarification her understanding of events |
| | Sen. Gordly | It was the DA's bill and they planned to withdraw it. |
| | Jones | It was withdrawn. |
| 144 | Sen. Trow | I would like to know if the defense attorneys have some other point of view before we act on the bill. >schedule it for another time >does change the bill - makes it a different bill |
| 157 | Middle | Explains background: >two bills - one from the District Attorney's Association and one from the Board of Paroles. Both heading in same direction. Board's bill had some additional items not included in the other bill. >Middle met with the DA's Association who indicated that if their word "determined" was used along with some of the other terminology in the Board's bill, they would withdraw their bill and support the Board's bill. >discussed at first public hearing and from there went to |

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| | | Legislative Counsel where it was prepared in written form. |
| 168 | Sen. Trow | Was defense counsel okay with those amendments? |
| | Middle | Doesn't remember if they took a position one way or the other. |
| 174 | Sen. Qutub | Comments on 24-hour rule: >If the defense attorney's had a problem with it, they would be here. >If someone is not here to testify against a bill for a work session, I personally wouldn't be in favor of holding it for that reason. |
| 186 | Chair Stull | Agenda was issued on the 6th of February and indicates that these bills were going to be heard at a work session >recalls a lot of discussion |
| 198 | Sen. Qutub | MOTION: Moves to ADOPT SB 157-1 amendments dated 02/11/97. |
| | | VOTE: 5-0 EXCUSED: 1 - Sen. Hamby |
| | Chair Stull | Hearing no objection, declares the motion CARRIED. |
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| 257 | Sen. Qutub | MOTION: Moves to ADOPT SB 157-2 amendments dated 02/11/97. |
| | | VOTE: 5-0 EXCUSED: 1 - Sen. Hamby |
| | Chair Stull | Hearing no objection, declares the motion CARRIED. |
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| 277 | Sen. Qutub | MOTION: Moves to AMEND the hand-engrossed version of SB 157-1 on page 2c, line 15qqq, before the word "Money", insert "Except as provided in section 2 of this 1997 Act". |
| | | VOTE: 4-1 AYE: 4 - Gordly, Qutub, Tarno, Stull NAY: 1 - Trow EXCUSED: 1 - Hamby |
| | Chair Stull | The motion CARRIES. |
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| 306 | Sen. Trow | Before final action is taken on the bill, requests defense counsel's representative comment on the amendments. |
| 328 | Chair Stull | While Counsel is briefing Ms. Swenson, acknowledges visiting Boy Scout representatives. |
| 346 | Chair Stull | >encourages members to invite participation on items of special interest >staff tries to contact as many as they can who might be interested in a particular bill for their input >there is a real effort to include people for their participation |
| 390 | Ingrid Swenson | Criminal Defense Lawyer's Association. >It would have been our intention to testify in regard to the House Bill >not well prepared to comment today |
| | Sen. Trow | Would you have supported or opposed the House Bill? |
| | Swenson | We would have opposed the bill. |
| 425 | Sen. Trow | Asks for time for the Association to review the bill as it is now and come back and report to Committee. |
| | Sen. Trow | Did you know we were amending the House bills into this one? |
| | Swenson | Recalls from the public hearing there was some discussion. Continues |
| TAPE 12, B | | |
| 031 | Chair Stull | Tries to remember what happened last meeting |
| | Swenson | Recalls she did not testify but did have a conversation with the Chair after the meeting. |
| 034 | Chair Stull | Please share with the Committee how you obtain your information regarding bills that are scheduled. |
| | Swenson | As bills are printed, they are reviewed and ones of interest are brought before a legislative committee on a weekly basis where they are assigned in order of importance. Sometimes there isn't adequate time for preparation. >SB 157 would be followed, but no testimony >planned to testify on the house bill |
| 059 | Chair Stull | Announces staff is checking on procedure technicalities before continuing with work session as a special courtesy to Sen. Trow's request to allow defense counsel to have time to review the bill. |
| DECLARES RECESS AT 2:30 p.m. | | |

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| RECONVENES MEETING AT 2:35 p.m. | | |
| 070 | Chair Stull | Will reconvene for public hearing and possible work session on SB 157 at a future date. |
| CLOSES WORK SESSION ON SB 157 | | |
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| 085 | Jones | <p>Calls attention to items included for binder in packet</p> <ul style="list-style-type: none"> >drug schedules >maximum prison terms and fines for both felonies and misdemeanors >sentencing guidelines on properties |
| 100 | Chair Stull | Declares meeting adjourned at 2:45 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 2159 - Scott Taylor, Assistant Director, Community Corrections, Oregon Department of Corrections - 2 pgs

B - Study conducted by the National Institute of Corrections - Bill Beers, Superintendent, Shutter Creek Correctional Institution - 37 pgs

C - SB 49-1 Proposed Amendments - Staff - 3 pgs

D - SB 157-1 Proposed Amendments - Staff - 4 pgs

E - SB 157 Restitution Data - Dianne L. Middle, Chair, Board of Parole and Post-Prison Supervision - 1 pg

F - SB 157-2 Proposed Amendments - Staff - 1 pg

G - Hand-engrossed SB 157 (W1 -1 amendments) - Staff - 5 pgs
