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SENATE COMMITTEE ON CRIME & CORRECTIONS

March 26, 1997 Hearing Room B

1:00 P.M. Tapes 47 - 49

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:

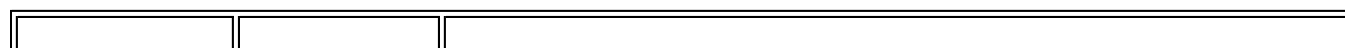
Nikola Jones, Counsel

Julie Clemente, Administrative Support

MEASURE/ISSUES HEARD: Public Hearing: SB 689, SB 573

Work Session: SB 423, SB 483

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 47, A		
003	Chair Stull	Opens meeting at 1:10 p.m.
<u>OPENS WORK SESSION ON SB 423</u>		
010	Nikola Jones	Committee Counsel. Reviews SB 423 for the Committee. Creates crime of obstructing a peace officer or other public servant. Refers to SB 423-2 amendments. [Exhibit A]
	Rep. Prozanski	Comments on SB 423-2 amendments.
028	Sen. Trow	Do these amendments take care of the problems with the bill?
	Rep. Prozanski	Yes. Explains.
048	Sen. Hamby	MOTION: Moves to ADOPT SB 423-2 amendments dated 03/14/97.
		VOTE: 5-1 AYE: 5 - Hamby, Qutub, Tarno, Trow, Stull NAY: 1 - Gordly
	Chair Stull	The motion CARRIES.
055	Sen. Hamby	MOTION: Moves SB 423 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-1 AYE: 5 - Hamby, Qutub, Tarno, Trow, Stull NAY: 1 - Gordly
	Chair Stull	The motion CARRIES. CHAIR STULL will lead discussion on the floor.
<u>CLOSES WORK SESSION ON SB 423</u>		
<u>OPENS</u>		

<u>WORK SESSION ON SB 483</u>		
068	Nikola Jones	Committee Counsel. No amendments were suggested.
074	Sen. Tarno	Reviews the bill for the Committee. Requires local subdivision to pay proceeds from the sale of weapon seized by or donated to a police agency to the account of the police agency that seized or received the weapon.
079	Chair Stull	Point of clarification - proceeds intended for the purposes of crime safety and education.
083	Sen. Trow	Likes bill. Comments that he doesn't want to see an incentive for selling weapons rather than destroying. Explains.
095	Sen. Tarno	MOTION: Moves SB 483 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 SB 483</u>		
<u>OPENS PUBLIC HEARING ON SB 689</u>		
114	Robert Miller	Doesn't need to testify, things have been worked out.
126	Connie Gallagher	Special Assistant to Director, State Office for Services to Children and Families.
	Victor Congleton	Program Manager, Child Protective and Family Based Services, State Office for Services to Children and Families. Submits written testimony in support of SB 689. [Exhibit B]
167	Gallagher	Area of technical questions. Continues.
171	Timothy Travis	Juvenile Rights Project. Submits SB 689 -1 amendments [Exhibit C] This bill creates as large a change in system for our abused and neglected children as Senate Bill 1 created for our delinquent children.
	Chair Stull	Not able to provide an engrossed version this time.

	Travis	Discusses the amendments line by line.
224	Travis	Continues: Reflects removal of language.
244	Sen. Tarno	Questions for clarification regarding the removal of language.
	Travis	Correct.
269	Travis	Continues: Additional change in sub (c) should read "in the case of a child under "10" years of age - not under "2" years of age. Explains.
305	Nikola Jones	Committee Counsel. Comments for clarification.
	Travis	Moved the "included but not limited to" up. Explains.
348	Chair Stull	Asks for clarification.
	Travis	Replies. Page 7, line 23. Continues.
365	Nancy Miller	Citizen Review Board and the State Court Administrator's Office. Actually going to delete all of Section 11.
376	Travis	Continues: Page 7, line 33. >Allegations against the parent. Continues.
433	Chair Stull	Questions for clarification. Placement with biological relative, records checked?
	Travis	It is. Explains
TAPE 48, A		
032	Travis	Continues: Page 9, line 5.
047	Miller	Line 16 of the same page. Continues.
076		Page 4 of the amendments, line 21. >places a time certain >suggests change on line 24 - after the word "petition" insert a period [.] and delete "or dismiss the petition"- Continues.
133	Jones	Point of clarification regarding Section 11.
	Miller	That is correct. Continues.
138	Sen. Tarno	Confused regarding Section 11.
146	Miller	Eleven comes out. Continues.
	Jones	Clarifies for the Committee.
161	Miller	Continues. Line 22 of the amendments, page 5. - adding language after "efforts"
189	Tom Hart	Oregon District Attorney's Association. Speaks to SB 689-1 amendments. [Exhibit C] Addresses a concern expressed by Sen. Tarno - line 8, page 1. >putting bracketed language back in except in line 3 "that this is not always" is changed to "it is not always".
		States concerns with amendments:

219	Hart	>Wanted to expand the definition of what constitutes "serious physical injury to children." - Explains.
249	Vice-Chair Hamby	States for the record - positive nod from prior witnesses regarding statements from Hart.
	Hart	Continues.
292	Sen. Tarno	States concern: Intentional infliction by a parent causing a broken arm or leg, create a permanent effect on that child?
	Hart	No. A broken leg is not permanent under the law. Continues.
370	Sen. Qutub	Does the word "or" make the difference between permanent and protracted?
	Hart	"Or" is disjunctive. Continues.
400	Vice-Chair Hamby	For the record, supporters nodding support.
TAPE 47, B		
011	Hart	Continues: Gives example of a situation where a child has appointed their own counsel. >don't want to compromise any child's attorney
	Jones	The language was added during discussions in work group. Delete the sentence?
	Hart	Yes. Continues.
039	Travis	Agrees that Mr. Hart has a point. Continues.
	Vice-Chair Hamby	Agreement that everything after the period on line 11 and entire line 12 should be deleted.
049	Hart	Continues: Discusses concern on page 4 of the amendments, line 29. >make both parties exchange discoverable materials
078	Travis	States there is a provision in the juvenile code which covers discovery. Continues. Feels discovery piece is redundant.
	Hart	Replies. If we want to make the timing work, we ought to put the 60-day obligation on both parties.
099	Vice-Chair Hamby	For record, affirmative nod from proponents and from the department.
<u>CLOSES</u> <u>PUBLIC</u> <u>HEARING ON</u> <u>SB 689</u>		
<u>OPENS</u> <u>PUBLIC</u> <u>HEARING ON</u> <u>SB 573</u>		

114	Sen. Eileen Qutub	Representing Senate District 4. Testifies in support of SB 573. This bill creates presumption that joint custody of a child is in the best interests and welfare of the child. Gives background regarding how this bill came to be and her interest in the subject. Discusses studies on the subject and dramatic increase in social trends regarding the absence of fathers. Bill addresses both mothers and fathers.
209	Sen. Qutub	Continues: Most beneficial thing about SB 573 is the stability and emotional support it will provide the children. Introduces testimony by N. Gregory Hamilton, M.D. [Exhibit D] , Linda McClelland [Exhibit F] and Jeff Fossum [Exhibit E] all in support of SB 573. >are willing to make necessary compromises in the legislation
225	Sen. Gordly	Are you aware of other states who have moved in this direction?
	Sen. Qutub	Fifteen states. California - Texas being the most recent.
239	Kevin C. Schaumleffle	Presents written testimony in support of SB 573. [Exhibit G] Addresses some of the important merits regarding joint custody.
302	Schaumleffle	Continues testimony.
384	Russell Lipetzky	Chair, Family & Juvenile Law Section, Oregon State Bar. Submits written testimony in opposition of SB 573. [Exhibit H] States organization was not consulted regarding SB 573 and that they oppose the bill on both policy and technical grounds. Discusses substantial technical flaws along with terms and phrases which are central to an application of the statute, but which are undefined.
TAPE 48, B		
036	Lipetzky	Continues testimony. Surprised to learn that the Family Law Task Force approves of joint custody.
045	Sen. Qutub	Comments for clarification of Lipetzky's statement. >input from the public was overwhelming for joint custody
	Lipetzky	Understands that the task force does not approve court mandated joint custody. Continues.
084	Sen. Gordly	Questions for clarification. Did that study focus on states that have legislation on the books?
	Lipetzky	Sample poll was in California. Continues.
	Sen. Gordly	Continues for clarification.
	Lipetzky	No.
097	Sen. Hamby	Calls attention to study in testimony, page 272. [Exhibit H]
	Lipetzky	This is a 1989 study. Continues.
112	Sen. Gordly	Continues for clarification. Sounds like we are focused on what happens in court orders where there is a "bitterly" contested divorce.
	Lipetzky	Problem is that there is an amazing lack of research in this area. Continues.

124	Lipetzky	Continues testimony. Discusses technical things about the bill which cause concern.
144	Sen. Gordly	Questions for clarification the point Lipetzky is contesting. Are you arguing this language should not be removed?
	Lipetzky	Replies.
156	Lipetzky	Continues referencing written testimony taking bill section by section. >page 1, line 10 - court "shall" order
207	Sen. Qutub	Was not the intent. Continues.
	Lipetzky	It identifies it as a deficiency. Continues.
289	Sen. Qutub	Questions for clarification. Would you say that every other weekend is a significant amount of time?
	Lipetzky	Replies. Who would be the person to determine what is significant amount of time. Differs from parent to parent. Continues
	Sen. Qutub	Continues for clarification.
	Lipetzky	Court should have as much discretion as possible.
	Sen. Qutub	I wouldn't call every other weekend significant time.
313	Lipetzky	Continues testimony.
388	Lipetzky	Our conclusion is that children benefit from parents who are willing to parent jointly. Continues.
TAPE 49, A		
041	Sen. Qutub	Comments on study by Dr. Williams that talks about forcing cooperation - later becomes actual cooperation.
	Lipetzky	Replies. Not read the study. Comments on his 10 years of experience in domestic relations. >parents who want to jointly parent, will >those who are adversarial, will continue to be so
073	Sen. Tarno	Comments on the lives of men who are put in this position and want to parent. Asks Lipetzky to put himself in their place.
	Lipetzky	Replies. Have been a very vocal proponent in saying to committees to help with visitation rights. Continues.
093	Chair Stull	Comments for the record. Have found Mr. Lipetzky to have an open mind and extremely sensitive to fathers who are having difficulty in finding equity in the system. Continues.
104	Sen. Gordly	Questions why was this bill placed with this Committee.
<u>CLOSES</u> <u>PUBLIC</u> <u>HEARING ON</u> <u>SB 573</u>		

	Chair Stull	Declares meeting adjourned at 3:07 p.m.

Submitted by, Reviewed by,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

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EXHIBIT SUMMARY

A - Proposed SB 423-2 Amendments - Staff - 1 pg

B - Testimony in Support of SB 689 - Victor Congleton - 2 pgs

C - Proposed SB 689-1 Amendments - Staff - 6 pgs

D - Testimony in Support of SB 573 by N. Gregory Hamilton, M.D. - Sen. Qutub - 3 pgs

E - Testimony in Support of SB 573 by Jeff Fossum - Sen. Qutub - 2 pgs

F - Testimony in Support of SB 573 by Linda McClelland - Sen. Qutub - 2 pgs

G - Testimony in Support of SB 573 - Kevin C. Schaumleffle - 5 pgs

H - Testimony in Opposition of SB 573 - Russell Lipetzky - 8 pgs
