

—

SENATE COMMITTEE ON CRIME & CORRECTIONS

April 4, 1997 Hearing Room B

1:00 P.M. Tapes 57 - 59

MEMBERS PRESENT:

Sen. Shirley Stull, Chair

Sen. Jeannette Hamby, Vice-Chair

Sen. Eileen Qutub

Sen. Veral Tarno

Sen. Cliff Trow

MEMBER EXCUSED: Sen. Avel Gordly

STAFF PRESENT:

Nikola Jones, Counsel

Julie Clemente, Administrative Support

MEASURE/ISSUES HEARD:

Public Hearing & Work Session: SCR 12, SB 1049

Public Hearing: SB 773, SB 818

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 57, A		
003	Chair Stull	Opens meeting at 1:08 p.m.
<u>OPENS PUBLIC HEARING ON SCR 12</u>		
028	Al Chandler	Assistant Director of Institutions, Oregon Department of Corrections. Introduces Dan Duren, Program Director, Oregon Department of Corrections. Submits written testimony in support of SCR 12. [Exhibit A]
044	Sen. Tarno	Comments for clarification: Under impression that Congress had passed a bill that would allow for the states to house illegal aliens in their country of origin but allocated no funding.
	Chandler	Replies. This is a separate issue. Federal government realizes this is a significant drain on state resources. Explains.
059	Sen. Trow	Would it make any difference in the kind of crime that has been committed?
	Chandler	Replies. Aware of felonies. Explains.
071	Sen. Tarno	Comments: Also a drain on our county jails. Requests impact on our jail systems.
	Chandler	The 567 inmates all came to us through the county jail system. Explains.
082	Sen. Hamby	Supports measure with one significant concern. Explains. >Mexico will not incarcerate for drug related crimes
099	Chair Stull	Valid point. Continues
104	Sen. Trow	Comments on subject of illegal aliens: >complex situation
	Chair Stull	Continues her comments: This bill speaks only to those who are offenders.
	Sen. Trow	Continues his comments on subject.
121	Sen. Qutub	Follows up on original question regarding trespassing.
	Chandler	For clarification: ones referenced are in the adult corrections systems.
	Chair Stull	Asks for figures within the federal system.

	Chandler	No. Just Oregon. Continues.
140	Chair Stull	Questions average length of stay.
	Chandler	No, can get.
	Chair Stull	Would be helpful. Continues her comments.
152	Dan Duren	Department of Corrections. Please restate your question.
	Chair Stull	Restates question.
	Duren	Never seen it that high. Continues.
175	Celia Nunez-Brewster	Executive Director, Oregon Commission on Hispanic Affairs. Organization opposes SCR-12.
186	Emma Montelingo	<p>Resident of Salem. Testifies in opposition to SCR-12. Shares her personal story.</p> <p>>1950 moved family of four from Mexico to Texas to work in the fields where they lived in migrant labor camps.</p> <p>>1959 with four additional children born in Texas, moved to Oregon traveling to other states following the crops.</p> <p>>1963 purchased their home in Dayton</p> <p>>two brothers drafted and served in armed services - citizenship was never questioned</p> <p>Discusses one brother's emotional problems following tour in Viet Nam. Has been in and out of correctional institutions for past 5 years. Currently institutionalization and faces deportation to Mexico upon release.</p> <p>>father never took children back to Mexico - no relatives there</p> <p>>family members have always worked and contributed to the community</p>
243	Sen. Tarno	<p>Questions Ms. Montelingo for clarification of facts.</p> <p>>bill goes to a different problem</p>
259	Sen. Trow	Comments that the term "alien offenders" is very broad. Continues.
264	Chair Stull	Remarks that this about a permissive law. Not about a mandatory law. Explains.
274	David J. Fidanque	Executive Director, American Civil Liberties Union of Oregon. Testifies in opposition to SCR-12. Encourages committee to talk about illegal aliens as opposed to aliens.
296	Chair Stull	Questions Fidanque for clarification regarding visa and permit conditions.

		>conduct within the laws of our country
	Fidanque	Assumes that as well. Explains.
334	Chair Stull	Permissive only. Continues.
	Fidanque	Replies. Glad that is your intent. Didn't hear that intent in the language of the bill. Continues.
352	Chair Stull	For clarification, reads from the bill - lines 16 through 18
361	Sen. Hamby	Perhaps tighten the language - "deportation of illegal alien felons"
369	Sen. Trow	Agrees with language addition. Continues.
390	Chair Stull	Continues to explain for clarification.
403	Sen. Trow	Cannot support with language as it stands.
<u>CLOSES PUBLIC HEARING ON SCR 12</u>		
<u>OPENS WORK SESSION ON SCR 12</u>		
413	Sen. QUTUB:	MOTION: Moves SCR 12 be sent to the floor with a DO PASS recommendation.
		VOTE: 4-1 AYE: 4 - Hamby, Qutub, Tarno, Stull NAY: 1 - Trow EXCUSED: 1 - Gordly
	Chair Stull	The motion CARRIES. CHAIR STULL will lead discussion on the floor.
<u>CLOSES WORK SESSION ON SCR 12</u>		
<u>OPENS PUBLIC HEARING ON SB 818</u>		
433	Al Chandler	Assistant Director of Institutions, Oregon Department of Corrections. Presents written testimony in support of SB 818. [Exhibit B]

TAPE 58, A		
030	Chandler	Continues testimony.
034	Sen. Hamby	Comments on additional language. >Oregonions expected to see inmates at work
052	Chair Stull	Questions for clarification regarding inmates' dress.
	Chandler	Replies. All dressed alike. Continues.
063	Chair Stull	Continues questioning witness for clarification regarding inmate work crews.
092	Sen. Tarno	Questions for clarification regarding Section 1.
	Chandler	Replies. Construction in our view - inmate labor can do a wide variety of things. Explains.
108	Sen. Trow	Expresses concerns regarding "to the greatest extent possible."
	Chandler	Replies to Sen. Trow's comments. Continues.
133	Sen. Trow	Continues for clarification.
	Chandler	Replies: Within the ability of the department to provide inmate labor. Explains.
145	Chair Stull	Comments as sponsor of bill. > need flexibility
150	Sen. Qutub	Comments on her understanding of the bill. >language questioned is pretty liberal
163	Chair Stull	Asks Chandler to work with Committee Counsel regarding language.
166	Bob R. Shiprack	Secretary, Oregon State Building and Construction Trades Council. Testifies in opposition of SB 818. States that this bill singles out his industry for inmate work programs exclusively by statute. Industry is very angry, never expecting that the state would set up a man camp at Umatilla taking jobs away. Requests debate in the legislature regarding inmate labor. States there is no evidence that programs of this nature save money. He is convinced there are other things inmates can do than take away construction jobs.
238	Shipwreck	Continues testimony. >work with forestry service >questions health issues of the prison population
247	Chair Stull	Comments on prison industries work program. Questions witness for clarification regarding who should pay? Continues.
	Shiprack	Replies. General fund through the Department of Corrections. Money is set aside for inmate work programs. Questions where that money is going.

315	Chair Stull	Comments. These inmates are Orgonions, too. Continues.
353	Shiprack	Replies. Hard to explain. Continues.
362	Sen. Tarno	Comments on his concern of using inmate labor for an overall construction program.
380	Chandler	Addresses statements regarding inmate health issues.
410	Chair Stull	Questions for clarification regarding numbers of inmates working in construction programs.
	Chandler	Replies. In terms of displacement, historically we have not used inmates in great numbers for skilled labor. Explains.
TAPE 57, B		
030	Sen. Qutub	Comments that the legislators also have the best interests of Orgonions at heart when inmate labor is used to save money. Continues. >inmates should contribute to their own upkeep
051	Irv Fletcher	President, Oregon AFL - CIO. Testifies in opposition to SB 818. [Exhibit C] Opposed to bill as presently written. Explains.
093	Chair Stull	Questions witness for clarification. >just warehouse people
	Fletcher	No. Continues.
116	Sen. Hamby	Asks witnesses to come up with some innovative ideas. Continues.
130	Chair Stull	Comments: As a citizen, you don't have to be on any committee.
	Sen. Tarno	Questions witness for clarification.
156	Fletcher	Replies.
	Sen. Tarno	Comments on his concern on inmate's motivation to do a good job.
163	Sen. Hamby	Shares an idea regarding assisting an Oregon based small business.
184	Chair Stull	Comments on the Department of Corrections pursuing more options. >alleviate concerns of the citizens
193	Shiprack	Replies to Sen. Tarno's question regarding production productivity.
<u>CLOSES PUBLIC HEARING ON SB 818</u>		
<u>OPENS PUBLIC HEARING ON SB 773</u>		
213	Chair Stull	Comments on her intent when drafting the bill. >problems with wording and an amendment requested
238	Al Chandler	Assistant Director for Institutions, Oregon Department of Corrections.

		Presents written testimony in support with amendment. [Exhibit D]
262	Chair Stull	Questions witness for clarification regarding additional actual notification to victims
	Chandler	Department is not aware of all victims. Continues.
	Chair Stull	Continues questioning.
327	Sen. Tarno	Do you mix sex offenders with other inmates?
	Chandler	Yes.
	Sen. Tarno	Continues questioning the witness regarding housing and work programs for sex offenders.
	Chandler	Responds.
367	Sen. Hamby	Comments: Electronic monitoring could be the answer.
	Chair Stull	Asks Chandler to work with Committee Counsel for additional language.
378	Sen. Trow	Questions for clarification regarding victims.
	Chair Stull	Replies. Specific victim of that offender. Continues.
406	Sen. Trow	Not letting those people out of custody when outside the institution.
	Chandler	Replies. Under the control and supervision of the Department.
418	Sen. Tarno	Questions for clarification the practicality of saying no sex offenders will be put into a work environment.
	Chandler	One third of the inmate population has a sex offensive conviction and that is growing. Continues. >sex offenders are some of the most compliant inmates to supervise
TAPE 58, B		
032	Chair Stull	Comments that a vast number of people who commit sex offenses are otherwise pillars of the community. Continues.
	Chandler	Replies: Would not allow a sex offender to work in an environment close to children. Sex offenders come to us with crimes that are very upsetting to the public at large. Explains.
069	Paul R. Synder	Association of Oregon Counties. Organization has no position on SB 773. >raises concern with respect to line 8 - "best" meet the goals of alerting persons. Reference to "best" is a absolute. Continues.
086	Chair Stull	For clarification - will be fixed. Explains.
098	James Parent	Sex Offender Specialist Parole & Probation Officer, Multnomah County. Chair, Legislative Committee, Statewide Sex Offender Network. Has no objection with suggested amendments. Continues. Shares his experience regarding victims. Most victims are children. Suggests age limitation.

123	Chair Stull	Questions reasons for release if it would be so traumatic to the victim.
	Parent	Replies: Work release sanctions. Explains.
	Chair Stull	Continues questioning for clarification.
	Parent	Cannot answer.
142	Sen. Trow	Questions rate of re-offending while in custody on work release.
	Parent	Don't know of any data gathered.
154	Chair Stull	Questions for clarification regarding technical definition of "incestual." >family member of some kind
<u>CLOSES PUBLIC HEARING ON SB 773</u>		
<u>OPENS PUBLIC HEARING ON SB 1049</u>		
172	Michael Cahill	Chief of Police, Junction City presents written testimony in support of SB 1049 [Exhibit E] and original 1987 Oregon Law [Exhibit F] Introduces Thomas Thetford, City Prosecutor, Junction City and Fred Avera, District Attorney, Polk County. Discusses that purpose of the bill is to repair a system glitch. Continues.
	Sen. Trow	Why?
240	Thomas Thetford	City Prosecutor, Junction City. Replies. Attempt to reduce the cost for Public Defenders in many misdemeanor cases by treating misdemeanors as violations.
250	Sen. Trow	Continues for clarification.
	Thetford	Unless the prosecutor affirmatively declares on the record this misdemeanor will be treated as a misdemeanor, it automatically reverts to a violation.
	Sen. Trow	Which do you like?
265	Cahill	As a prosecutor I prefer to prosecute crimes as crimes.
	Sen. Trow	Use your discretion?
216	Thetford	Proposed change will preserve the discretion. Explains.
	Sen. Trow	Continues for clarification
286	Sen. Hamby	Questions for clarification.
	Thetford	Replies.
314	Chair Stull	Essentially you are doing that already. Continues for clarification
	Thetford	Replies. Explains procedure in Junction City.
368	Chair Stull	Continues questioning for clarification.
	Thetford	Substantially reduce the administrative burden

	Sen. Trow	Level of penalty change?
	Thetford	Yes it does. Explains.
389	Sen. Trow	Continues questioning for clarification.
	Thetford	Replies.
408	Fred Avera	District Attorney, Polk County; President, Oregon District Attorney's Association. Testifies in support of SB 1049. Addresses the issues. Affects only municipal courts, no impact on the state's system. Philosophy behind the statute is a good one as it allows the local prosecutor the option. Explains. Presents 1049-1 amendments [Exhibit G]
TAPE 59, A		
032	Avera	Continues. I don't know if what I have been putting on the bottom is sufficient. Continues. >-1 amendment creates the presumption crimes are going to be treated as crimes >fiscal impact
067	Sen. Hamby	We shouldn't see any impact.
	Avera	It would have a positive fiscal impact. Explains
076	Chair Stull	Comments for clarification. Makes everything more efficient.
	Avera	Calls attention to Section 5 added by the amendments.
087	Chair Stull	Requester in favor of amendment?
	Cahill	In favor of -1 amendments.
<u>CLOSES PUBLIC HEARING ON SB 1049</u>		
<u>OPENS WORK SESSION ON SB 1049</u>		
093	Sen. Hamby	MOTION: Moves to ADOPT SB 1049-1 amendments dated 04/04/97.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Sen. Gordly
	Chair Stull	The motion CARRIES.
		MOTION: Moves be sent to the floor with a DO PASS AS

		AMENDED recommendation.
103		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Sen. Gordly
	Chair Stull	The motion CARRIES. SEN. KINTIGH will lead discussion on the floor.
	Chair Stull	Declares meeting adjourned at 3:10 p.m.

Submitted by, Reviewed by,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

-

EXHIBIT SUMMARY

A - Testimony in Support of SCR 12 - Al Chandler - 1 pg

B - Testimony in Support of SB 818 - Al Chandler - 1 pg

C - Testimony in Opposition to SB 818 - Irv Fletcher - 1 pg

D - Testimony in Support of SB 773 - Al Chandler - 1 pg

E - Testimony in Support of SB 1049 - Michael Cahill and Thomas Thetford - 1 pg

F - Original 1987 Oregon Law (SB 1049) - Michael Cahill - 4 pgs

G - Proposed SB 1049-1 Amendments - Staff - 1
