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SENATE COMMITTEE ON CRIME & CORRECTIONS

April 7, 1997 Hearing Room 50

1:00 P.M.

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: Joint Meeting with House Judiciary Subcommittee on Crime

Public Hearing: SB 636

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
Senate Committee on Crime & Corrections met jointly with the House Judiciary Subcommittee on Crime for a Public Hearing covering HB 3643 and SB 636. Both bills enhance the penalty for possession of less than one ounce of marijuana. Refer to April 7, 1997 meeting of the House Judiciary Subcommittee on Crime .		

Submitted By, Reviewed By,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

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SENATE COMMITTEE ON CRIME & CORRECTIONS

April 7, 1997 Hearing Room B

5:15 P.M. Tapes 60 - 61

MEMBERS PRESENT:

Sen. Shirley Stull, Chair

Sen. Jeannette Hamby, Vice-Chair

Sen. Avel Gordly

Sen. Veral Tarno

Sen. Cliff Trow

MEMBER EXCUSED: Sen. Eileen Qutub

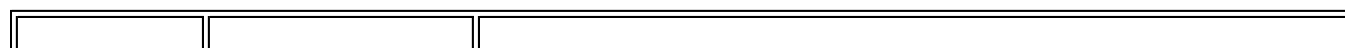
STAFF PRESENT:

Nikola Jones, Counsel

Julie Clemente, Administrative Support

MEASURE/ISSUES HEARD: Work Session: SB 155, SB 156, SB 157, SR 553

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Tape/#	Speaker	Comments
Tape 60, A		
004	Chair Stull	Opens meeting at 5:30 p.m.
<u>OPENS WORK SESSION ON SB 155</u>		
007	Dianne L. Middle	Chair, Board of Parole and Post-Prison Supervision. Reviews SB 155 for the Committee. >only most dangerous offenders Speaks to the -1 amendments [Exhibit A] and explains how they affect the bill.
054	Middle	Continues: Low person crime.
056	Sen. Hamby	Suggesting we add "person" after felony on line 4 - felony person crime
	Middle	Continues: page 6, line 9 >many of them are making choices as to their behavior >page 7, line 4
100	Sen. Trow	Seldom used. What is your estimate?
	Middle	Replies. Approximately 56 people currently. Continues.
	Sen. Trow	Continues questioning witness for clarification.
169	Sen. Trow	Some way to involve the judge?
	Middle	Replies. A process the board has been doing for a long time. Explains.
182	Sen. Trow	Discusses criticism of the Parole Board. Comments.
	Middle	Replies: We actually built in some of your concerns. Explains.
	Sen. Trow	Continues questioning the witness. >there could be a miscarriage of justice in this process. How do you keep that from happening?
	Middle	Subject to appeal. Explains.
226	Sen. Hamby	Comments to Sen. Trow's line of questioning.
	Middle	Happened on more than one occasion. Continues.
239	Sen. Gordly	Did this measure originate from the Board?
	Middle	Yes.
	Sen. Gordly	Continues questioning for clarification regarding Parole Board.

	Middle	Replies.
268	Sen. Gordly	Questions regarding victim notification.
	Middle	Replies. We would continue the same form of notification that is done currently.
	Sen. Gordly	Continues for clarification on victim notification.
	Middle	Explains notification process. >different from a sex offender notification
	Sen. Gordly	Continues
	Middle	Replies. Once on the list, will continue to get notifications until taken from the list. - victims choose. Continues.
317	Sen. Trow	Are inmates represented by counsel?
	Middle	Replies. Same process use for the matrix people. Most often make use of the inmate legal assistance.
	Sen. Trow	Continues questioning for clarification. - How can we be satisfied that this process is fair?
	Middle	Replies. Prior to a hearing, inmate is provided with a packet containing information pertaining to the hearing. Continues.
<u>CLOSES WORK SESSION ON SB 155</u>		
<u>OPENS WORK SESSION ON SB 156</u>		
378	Dianne L. Middle	Chair, Board of Parole and Post-Prison Supervision.
	Nikola Jones	Committee Counsel. Explains that there is an engrossed version of the bill in the Committee's packet.
		Reviews SB 156 and explains what it does. >Requires Board to adopt rules establishing sanctions for violations of conditions of post-prison supervision and grants Board jurisdiction over imposition of those conditions for offenders convicted of felonies committed on or after November 1, 1997, if the offender was sentenced to more than 12 months, sentenced to a Measure 11 crime, a crime with sub-category of 8, 9, 10, or 11, or sentenced as a dangerous offender or sex offender. >Limits the imprisonment as sanction to 24 months without subsequent hearing

393	Middle	<p>>Establishes local supervisory authority jurisdiction over imposition of conditions of post-prison supervision and violations of those conditions for offenders sentenced 12 months or less.</p> <p>>Provides that the offender may not be confined more than 15 days in a restitution center, work release or jail for violation of conditions of supervision unless some authority imposes local sanction or Board initiates hearing to impose sanction</p> <p>>Requires parole revocation sanctions to be consistent with sanctions for violations of post-prison supervision conditions to a reasonable extent</p> <p>>Repeals ORS 144.341</p> <p>>Declares emergency, effective on passage.</p> <p>Discusses SB 156 amendments - [Exhibits B & C]</p>
TAPE 61, A		
031	Middle	Continues reviewing amendments
050	Sen. Tarno	Questions Section 4 - gives example.
	Middle	Replies. Exactly what we attempted to fix. Continues.
<u>CLOSES WORK SESSION ON SB 156</u>		
<u>OPENS WORK SESSION ON SB 157</u>		
079	Nikola Jones	<p>Committee Counsel. SB 157-4 amendments [Exhibit D] are included in the engrossed copy of the bill in packet. The SB 157-2 amendments [Exhibit E] are not included in the engrossed version.</p> <p>Continues: The 157-1 are no longer viable and should be recycled.</p>
113	Jones	Explains origination of the amendments.
126	Sen. Gordly	Refers to letter from the Oregon Criminal Defense Lawyers Association to Dianne Middle from Ingrid Swenson.
	Jones	I do not believe they do. Continues.
		<p>Chair, Board of Parole and Post-Prison Supervision. Reviews SB 157 for the Committee.</p> <p>>Bill allows State Board of Parole and Post-Prison Supervision to require payment of restitution that was imposed upon conviction of one crime as a condition of post-prison supervision for a</p>

145	Dianne L. Middle	subsequent crime. >Allow court to amend the judgment relating to restitution under certain circumstance. >Declares an emergency, effective upon passage.
164	Sen. Gordly	Refers to the issue of double jeopardy discussed in letter
	Middle	Replies: The letter was discussed with the attorney general's office. Not a double jeopardy situation. Explains.
191	Sen. Gordly	Questions for clarification regarding attorney general's opinion.
	Middle	Restitution comes as a form of money judgment. Continues.
207	Sen. Tarno	Is restitution stipulated as part of the parole process?
	Middle	Not a stipulation. Court orders at the time of sentencing. Continues.
219	Chair Stull	Questions for clarification.
	Middle	Replies. Makes reference to when the exact amount of the restitution isn't known at the time of sentencing. Continues.
250	Chair Stull	Questions for further clarification.
	Middle	Replies: The fact that it went back to court made it clear in my mind.
257	Sen. Trow	Why so many different amendments?
	Middle	Replies: We realized we needed just to tie in some other relating statutes. Explains.
302	Sen. Gordly	Asks for Ingrid Swenson's comments.
	Chair Stull	Replies. Are you going to speak to -2?
313	Middle	All SB -2 did was relate back to changes.
328	Sen. Trow	Questions regarding inmate restitution and their ability to pay.
	Middle	Replies.
363	Sen. Trow	Continues to question for clarification regarding lack of payment of restitution and returning inmate back to prison.
411	Ingrid Swenson	Oregon Criminal Defense Lawyers Association. Responds/comments on letter. Amendments do help in one way. Continues. >continuation of the obligation of restitution from one case to another - continue to believe that creates a constitutional issue. Continues.
TAPE 60, B		
039	Swenson	Resurrecting that obligation in a later post-prison supervision would seem to be double jeopardy. Continues.
052	Chair Stull	Comments for clarification. Why should the victim pay?

	Swenson	System has adequate teeth if the defendant has the ability to pay. Explains.
076	Chair Stull	Refers to Swenson's letter and questions for clarification about restitution from inmate.
	Swenson	Continues to respond.
123	Sen. Tarno	How often in one year, is a person revoked for non-payment?
	Swenson	I do not know.
<u>CLOSES WORK SESSION ON SB 157</u>		
<u>OPENS WORK SESSION ON SB 553</u>		
142	Sen. Kate Brown	Representing Senate District 7. SB 553 increases the penalty when there is a pattern or practice of domestic violence when a child has been present. Walks Committee through SB 553-1 amendments. [Exhibit F] SB 553-1 amendments add on to the bill the crime of harassment and elevates the penalty. Fiscal impact on the -1 amendments is \$2 million. 553-2 Amendments [Exhibit G] eliminates the upgrade for harassment and leaves in the upgrade for assault. No fiscal impact received. Those involved love the -1 amendments; are willing to live with the -2 amendments
211	Sen. Trow	MOTION: Moves to ADOPT SB 553-2 amendments dated 04/07/97.
	Sen. Brown	Continues to comment on fiscal report for amendments.
	Chair Stull	Continues comments for clarification regarding amendments and the fiscal impact accuracy.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Sen. Qutub
	Chair Stull	The motion CARRIES.
226	Sen. Hamby	Questions Sen. Brown regarding Section 3.
	Brown	Replies. Afraid it would simply add to the fiscal
	Committee continues discussion	

	regarding fiscal impacts and the referral to Ways & Means.	
265	Sen. Trow	MOTION: Moves SB 553 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways & Means.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Sen. Qutub
	Chair Stull	The motion CARRIES.
<u>CLOSES WORK SESSION ON SB 553</u>		
270	Sen. Gordly	Refers to SB 155 and states for the record she has received an amendment from Mr. Arneson along with a statement for possible alternatives for protecting the public from dangerous inmates. [Exhibit H]
	Chair Stull	Declares meeting adjourned at 6:48 p.m.

Submitted by, Reviewed by,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

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EXHIBIT SUMMARY

A - Proposed SB 155-1 Amendments - Staff - 13 pgs

B - Proposed SB 156-1 Amendments - Staff - 1 pg

C - Proposed SB 156-2 Amendments - Staff - 1 pg

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

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

F - Proposed SB 553 -1 Amendments - Kate Brown - 4 pgs

G - Proposed SB 553-2 Amendments - Kate Brown - 1 pg

H - Proposed Amendments to SB 155 and Possible Alternatives for Protecting the Public from Dangerous Inmates - Jim Arneson - 3 pgs
