

SENATE COMMITTEE ON CRIME & CORRECTIONS

April 16, 1997 Hearing Room B

1:00 P.M. Tapes 72 -74

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 1078

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 72, A		

004	Chair Stull	Calls meeting to order at 1:07 p.m.
<u>OPENS PUBLIC HEARING ON SB 1078</u>		
035	James Ragon	Detective, Department of State Police, Criminal Investigation Services Division. Manager, Sex Offender Registration Program. Submits written testimony and exhibit forms in support of SB 1078. [Exhibit A]
089	Ragon	Continues testimony.
142	Ragon	Calls attention to the form contained with testimony: "LEDS" hit (Law Enforcement Data System). Explains.
184	Ragon	Continues testimony
189	Sen. Tarno	Define the term `predatory'
	Ragon	Replies. Refers to "risk assessment tool".
201	Chair Stull	Comments for clarification. That information is in your packet.
213	Sen. Hamby	Questions regarding the accuracy of the risk assessment scale.
	Ragon	Cannot answer.
220	Chair Stull	Numbers listed with the state police as predatory.
	Ragon	Two.
227	Ragon	Continues testimony. Reason we are asking for that information is that we want to have all the information available to us when we investigate these sex crimes. Continues.
256	Sen. Trow	There are a number of things that bother me about this legislation: >really can't fund any programs for sex offenders >doesn't make a lot of distinction between first-time offenders and others >punishment doesn't fit the crime
294	Sen. Tarno	Is it possible for a first-time offender charged with a sex offense - expungement after 5 years?
	Ragon	Not for a sex crime at this time.
306	Erik Wasmann	Oregon Department of Justice, Criminal Justice Division. Testifies in support of SB 1078. Discusses the fact that compliance with the Jacob Wetterling Crimes Against Children Act is mandated by the federal government. >penalty for non-compliance is loss of Burn Grant funding >if the state doesn't attempt to comply, the FBI will step in and run this type of system

	Sen. Trow	As restrictive as this is?
	Wasmann	Replies. Essentially what we have presented to you today. Continues: Research on offenders would indicate that their first conviction is almost never their first offense.
336	Ragon	Our goal is compliance. Continues. > tie registration to birth dates - person has every benefit to know when to come in and register > asking that the officer be given some discretion - more efficient system > up to the court to assess the penalty
372	Wasmann	Responds to concerns of Senators Trow and Tarno. Continues.
401	Sen. Hamby	Questions for clarification regarding Section 13.
414	Wasmann	Replies. I don't believe Section 13 is federally required.
	Sen. Hamby	What might happen if we don't include the liability question?
	Wasmann	Don't know. The federal act does require an immunity provision.
433	Chair Stull	Calls for good faith performance. Continues to comment.
TAPE 73, A		
019	Ragon	Continues testimony. Several provisions in the act do not cover the federal requirements. Continues.
047	Sen. Trow	Additional staffing needed?
	Ragon	Replies. Two additional staff persons.
061	Sen. Tarno	Is that part of the proposed bill?
	Ragon	No. Continues.
	Sen. Trow	If we don't live up to the full federal expectation, will we be penalized for loss of funds?
068	Greg Peden	Director, Criminal Justice Services Division, Oregon State Police. Replies. Oregon is one of many states that have informed the federal government of the complications of implementation. We have a window to apply for a two-year extension. Deadline moved back to September of 1999. Continues.
	Sen. Trow	Questions requirements for the extension.
	Peden	We must show a good faith effort.
	Sen. Trow	What happens if we don't comply?
	Peden	We lose 10% of our grant fund - \$630,000 a year.
087	Sen. Tarno	Questions for clarification. Ninety days refers to predators?
	Ragon	Yes. Continues.
098	Sen. Tarno	Continues questioning for clarification. Can the local stations do that check for you?

	Ragon	Currently do that now. Explains.
113	Sen. Tarno	Continues for clarification regarding notification.
	Ragon	Replies. No. Explains.
130	Wasmann	Comments for clarification. That is not the sum in total as determined by the Department of Corrections.
136	Ragon	Continues testimony. >young adults engaging in consensual acts - continues >problems with information open to the public >funding
201	Sen. Trow	Comments for clarification regarding the amount of information from various sources.
	Ragon	Replies: Law enforcement only. Continues.
213	Wasmann	Discusses some background issues. >amended into the Act at a later point >recommends study in the interim
232	Chair Stull	Questions for clarification regarding House bill.
	Ragon	HB 3187. Not sure it opens up the entire registration system to the public. Continues.
250	Chair Stull	Comments regarding her concern about inappropriate releases of information. >crime already committed in secrecy - multiple offenses >crisis in state with this kind of crime and is growing
266	Sen. Trow	Comments on the need of a study showing the total demography of sex offenders.
	Wasmann	I was going to testify of a study in 1987. Explains.
	Sen. Trow	Continues questioning for clarification.
	Wasmann	Replies. Always going to have to be a population that is tagged somehow.
306	Sen. Gordly	Is the 1987 study the most recent study?
	Wasmann	Replies. Will see if a more recent study can be found.
	Sen. Gordly	That information is very important to me.
333	Sen. Trow	Questions the urgency of passing this legislation.
	Peden	Replies. Good faith effort - don't think we will jeopardize any loss of funding.
350	Sen. Gordly	Questions Counsel regarding fiscal impact.

	Jones	Received the printed amendments about 30 seconds before the start of the meeting. Will have statement next hearing.
365	Sen. Tarno	Have these folks had a chance to review the -1 amendments?
	Wasmann	Haven't seen LC's final version.
	Jones	Asks that one of the witnesses review the -1 amendments for the Committee.
383	Ragon	Reviews amendments [Exhibit B]
440	Wasmann	Changes on page 2, line 6 and 7.
TAPE 72, B		
029	Chair Stull	Comments. Won't be voting this bill out today.
035	Wasmann	Continues: Recommending to not include kidnapping as a sex offense. Explains.
048	Ragon	Comments: Make it work for both groups.
055	Chair Stull	Comments regarding working together to make a better law.
061	Sen. Qutub	Questions for clarification.
	Wasmann	Original bill was drafted to include kidnapping, custodial interference when committed with the intent to commit a sex crime. Continues.
070	Sen. Hamby	Asks that the witness come forward next hearing with an engrossed version
	Sen. Trow	Wants to hear from those who opposed to the bill.
087	Jeff Collins	Probation Parole Officer, Lane County Community Corrections. Representing Lane County Community Corrections and Statewide Sex Offender Supervision Network. Testifies in support of SB 1078. Discusses things the Network would like eliminated: >Board of Experts >don't need a Board to tell me that one of my people is a predatory offender
109	Sen. Tarno	Comments for clarification.
	Collins	It can impact the way I supervise that person. Continues. >county community correction agencies would like to continue the practice in place now
141	Chair Stull	Questions for clarification the length of time on supervision.
	Collins	Replies. Each offender is in the LEDS computer. Continues.
153	Chair Stull	Continues questioning for clarification.
219	Chair Stull	Continues questioning regarding type of individual.
	Collins	Replies. His file material does not go there. Continues with examples.
240	Chair Stull	If you compel a person to do that, probably the information couldn't be acted on. Continues comments regarding polygraphs.

	Collins	Replies: Under the proposed statute any law enforcement official can have access to this information. Continues.
301	Chair Stull	Continues questioning for clarification
	Collins	Replies: He is registered and agencies are aware >ship en-masse all of our file material, you are shipping information about the victims, etc.
329	Chair Stull	Questions for clarification regarding case load.
	Collins	Seventy.
	Chair Stull	How many by the established matrix are predatory?
	Collins	Ten percent.
373	Chair Stull	Continues to question for clarification.
	Collins	Replies: A lot of things can trigger "cycle behavior". Continues.
414	Collins	There is a lot of inconsistency from counties regarding reporting. Continues
432	Bill Hempeck	Acting Director, Clackamas County Community Corrections. In addition also actively supervises the sex offender unit within that agency. Addresses the continuing need for access to the files for information. >high volume of cases in urban areas >files - sensitive issue - gives example
TAPE 73,B		
039	Hempeck	Continues his testimony. It is difficult to reconstruct a file.
055	Chair Stull	Questions for clarification regarding a state file.
	Hempeck	Can only speak from personal experience. The older the case, the more difficult to retrieve the information. Continues. >network has helped
080	Chair Stull	Continues questioning on the subject of files.
	Collins	Destroy most of our files after one year in Lane County. <dangerous people, will hoard files away >sharing appropriate, but not that simple >problems connected - victims, logistics, polygraphs >concerned about federal laws
111	Sen. Trow	What kind direction do we need to give to you?
	Collins	Replies: Those designated as predatory should go.

	Sen. Trow	Continues questioning for clarification regarding predatory.
	Collins	Replies.
147	Sen. Trow	Important to create this Board of Experts?
	Collins	Replies: No. An unworkable idea.
157	Vice Chair Hamby	Questions accuracy of the risk assessment scale.
	Hempeck	No study done to validate the assessment tool. Continues
172	Collins	Concurs. Explains. >relates history
199	Barbara McGuire	Deputy Administrator, Community Corrections Division, Department of Corrections. Submits written testimony [Exhibit C]
232	Sen. Trow	There are a lot of offenders who don't re-offend that much.
	McGuire	Replies.
246	McGuire	Continues testimony. Three areas of concern.
301	Vice Chair Hamby	Questions for clarification.
	McGuire	Replies.
313	McGuire	Continues testimony.
386	Sen. Trow	Does the federal law mandate all of that information go to the state police?
	McGuire	Not aware that is in the Jacob Wetterling Act.
397	Sen. Trow	Questions for clarification regarding sex offender treatment
	McGuire	Replies: At this point in time a county-by-county decision. Continues.
414	Faye Fagel	South Valley Area Coordinator, Oregon Youth Authority. Submits written testimony. [Exhibits D]
TAPE 74, A		
035	Fagel	Continues testimony.
044	Vice Chair Hamby	Asks that state police sit down with concerned parties and come to some consensus before the next hearing. Also those concerned with SB 1010; meet with opposition before it comes before the committee again.
	Vice Chair Hamby	Declares meeting adjourned at 3:10 p.m.

Submitted by, Reviewed by,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

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EXHIBIT SUMMARY

A - Testimony and Exhibits in Support of SB 1078 - James Ragon - 25 pgs

B - Proposed SB 1078-1 Amendments - Staff - 6 pgs

C - Testimony Regarding SB 1078 - Barbara McGuire - 6 pgs

D - Testimony Regarding SB 1078 - Faye Fagel - 2 pgs
