



hospital?

095 BUCKLEY: Roughly over \$5,000.

110 HARRIS S. MATARAZZO, ATTORNEY: Testimony opposing HB 2167.

158 MATARAZZO: The savings which HB 2167 might create in a biennium would  
be lost if only  
one conditional release were delayed because of the change this bill  
proposes.

174 REP. COURTNEY: Is it correct they can apply for a discharge or a  
conditional  
release every six months?

178 MATARAZZO: Yes.

243 REP. COURTNEY: You say we are a national model. Does that speak to  
how well  
we treat people, or just how good the process is in evaluating people?

240 MATARAZZO: Do you mean treatment offered at the state hospital?

247 REP. LEWIS: Could you tell me what the average length of stay is for  
one of these patients?

252 MATARAZZO: I don't have that information. PSRB has done extensive  
studies on average length of stays.

252 REP. LEWIS: Do you have any statistics as to how many of these people  
reoffend once they  
are released?

255 MATARAZZA: The PSRB keeps those statistics, they are required to by  
statute.

266 BUCKLEY: We have an extremely low rate of recidivism.

280 REP. LEWIS: Do you know the average length of stay for your patients?

283 BUCKLEY: I do not have the exact figures in front of me.

300 CHAIR TARNO: In your opinion, is six months adequate?

303 BUCKLEY: Very few people get out at six months.

312 CHAIR TARNO: What is the average stay for patients at the hospital?

314 BUCKLEY: Eleven out of twelve months for a misdemeanor. A class C  
felon is probably doing 46 or 48 out of 60 months.

334 REP. PROZANSKI: Have you seen in your practice where the hospital has  
intentionally  
not discharged someone?

338 MATARAZZO: There are some cases that are contested.

352 REP. PROZANSKI: You mentioned earlier that appeals may increase. How  
frequently are  
appeals filed today?

356 MATARAZZO: Twelve to fourteen appeals filed per year.

371 REP. PROZANSKI: It seems to me the goal is to discharge these individuals once they are ready to do so. Do you believe that would not continue to happen if it were increased to eight months?

381 BUCKLEY: We believed the hospital requested hearing was the back up for this.

428 REP. COURTNEY: Requests from Ms. Buckley a breakdown of the number of people under their jurisdiction and the things that they have done.

444 REP. LEWIS: Could you include in that what the sentence would have been had they not been mentally ill?

455 BUCKLEY: Absolutely.

460 REP. GRISHAM: If no one is released at the first hearing in six months, wouldn't it make sense to set that one off to eight months?

470 BUCKLEY: The first hearing is in 90 days, at that point very few are released.

TAPE 4, A

039 REP. GRISHAM: The 90 days is required and mandatory, and what you are saying is that no one is released at the 90 day hearing?

041 BUCKLEY: That's accurate.

045 CLOSED the PUBLIC HEARING on HB 2167  
WORK SESSION

050 REP. COURTNEY: I'm not prepared to work it. I have to think about this.

058 CHAIR TARNO: Close work session on HB 2167.

063 OPENS the PUBLIC HEARING on HB 2168.

066 MARY CLAIR BUCKLEY, EXECUTIVE DIRECTOR of the PSYCHIATRIC SECURITY REVIEW BOARD: Testimony in favor of HB 2168. Discusses Oregon Criminal Justice Council.

083 CHAIR TARNO: What is the downside to this?

087 BUCKLEY: Whether, in fact, the executive director would carry the same clout as the chair- person of the board.

094 CHAIR TARNO: Who would fill the role of the chief administrative employee?

096 BUCKLEY: The executive director, and that would be myself.

100 REP. COURTNEY: The Justice Council does what?

111 BUCKLEY: They are responsible for coming up with policies and procedures.

114 REP. COURTNEY: In terms of attendance at the meetings, you will do the job?

116 BUCKLEY: That's the proposal.

129 DAVID FACTOR, EXECUTIVE DIRECTOR of the CRIMINAL JUSTICE COUNCIL: Testimony. Discusses Psychiatric Security Review Board and its members.

182 CHAIR TARNO: Do you like this bill or not?

187 FACTOR: The bill is so narrow. I think it's appropriate that the member be the chairperson rather than the administrative officer.

193 CHAIR TARNO: If we pass this bill, will it hurt anybody?

195 FACTOR: I don't think so.

198 REP. COURTNEY: Referring to lines 19 through 22 and 23 of the bill, discusses language about state legislators being on the Criminal Justice Council. Are they given per diem?

200 ROBINSON: Yes.

206 REP. LEWIS: Asks Ms. Buckley to explain the PSRB.

214 BUCKLEY: Explains the PSRB. Will provide board with information packets at their request.

226 REP. LEWIS: What is your approximate budget for the biennium?

231 BUCKLEY: About \$650.

232 REP. COURTNEY: What is the salary of the chair person of the PSRB?

235 BUCKLEY: The board members are paid per diem, \$256.89 for each day they appear at a hearing or perform those official functions.

246 ROBINSON: The parole board members are full time salaried employees.

248 BUCKLEY: When they established the PSRB, that was equal to a days pay of the parole board.

255 REP. COURTNEY: The pay of the chair person of the PSRB, that is becoming more of the focal point.

266 CHAIR TARNO: Good point. We need to get a better understanding of the salary in this issue.

272 ROBINSON: How many days per year do the members of the PSRB get paid?

279 BUCKELY: This biennium we were budgeted for 102 hearing days. Each hearing day requires three out of the five members to attend.

311 CHAIR TARNO: Do the Attorney General, Department of Corrections, and the Chair of Parole and Probation all get per diem? They are salaried, correct?

313 BUCKLEY: Yes.

316 REP. COURTNEY: This board is not very consistent in the terms of membership.

327 BUCKLEY: The chairperson of the PSRB does not get a salary.

337 REP. COURTNEY: How often does the Criminal Justice Council meet?

340 BUCKLEY: I believe council meetings are quarterly and there are subcommittee meetings.

343 CLOSES the PUBLIC HEARING on HB 2168  
WORK SESSION

350 MOTION: CHAIR TARNO: Moves that HB 2186 be sent to Full Committee with a DO PASS recommendation.

363 REP. PROZANSKI: In favor of this bill, I don't see any reason why we should not have the chief administrative employee attending the hearings and the meetings.

381 REP. COURTNEY: Refers to Mr. Factor.

403 CHAIR TARNO: I did not hear any request for an extension of time on this to reconsider.

434 VOTE: In a roll call vote, REP. GRISHAM, LEWIS, PROZANSKI and CHAIR TARNO vote AYE. REP. COURTNEY votes NAY.

450 MOTION CARRIES. Closes HB 2168.

TAPE 3, B

019 OPENS the PUBLIC HEARING on HB 2163

020 CAPTAIN TOM DIXON, DIRECTOR of FORENSICS SERVICES DIVISION, OREGON STATE POLICE: Submits [EXHIBIT A], [EXHIBIT C]: Testimony in favor of HB 2163.

045 CHAIR TARNO: How long does it take to process one person's request for

expungement?

050 DIXON: That varies depending upon the process.

052 LIEUTENANT CLIFF DAIMLER, IDENTIFICATION SECTION, OREGON STATE POLICE:

Explains expungement process.

062 REP. PROZANSKI: At this point there is no user fee?

066 DIXON: No, there is no fee.

068 CHAIR TARNO: You have proposed an amendment to HB 2163.

069 DIXON: Yes. [EXHIBIT B]. Explains amendments.

082 DAIMLER: We are requesting the concept of a user fee for conviction set aside only.

084 REP COURTNEY: Where do you get the \$80 fee from?

085 DIXON: That is the cost of one full time employee (FTE) for the biennium. That is roughly 500 expungements.

089 REP. COURTNEY: That pays the salary?

090 DIXON: Yes. It pays the salary of one FTE.

092 REP. COURTNEY: Has fiscal analyzed this bill?

095 ROBINSON: Yes. It supports what the state police representatives are saying.

109 REP. LEWIS: I'm concerned about the concept of expungement. An employer has the right to find out if someone has had a previous felony conviction.

116 CHAIR TARNO: Unfortunately, that is not the bill before us today.

118 REP. COURTNEY: Is this bill going to Ways and Means?

120 ROBINSON: Responds.

121 REP. COURTNEY: I would like to see the analysis of the \$80 fee in terms of the reliability of it. I would like to see a budget analysis of this bill.

128 CHAIR TARNO: I think that would be more appropriate than shipping it to Ways and Means.

130 REP. COURTNEY: I'm more than happy to ship it to the floor.

137 ROBINSON: If this bill is moved to the full committee, we will have that fiscal impact statement when the full committee meets next.

146 REP. COURTNEY: If we are willing to work a bill, when can this bill be brought before the committee?

148 ROBINSON: Next Tuesday. The full committee meets on Monday.

162 REP. COURTNEY: Lets keep it in the subcommittee.

180 CLOSED the PUBLIC HEARING on 2163  
WORK SESSION

190 MOTION: REP. COURTNEY: Moves the amendment on HB 2163  
to Full Committee with DO PASS recommendation PENDING a financial  
analysis from legislative fiscal.

195 REP. GRISHAM: Discussion of user fees. User fees are something I don't  
believe in.

200 REP. LEWIS: I oppose the concept of fees.

203 REP. COURTNEY: Discusses user fees and general fund.

210 VOTE: CHAIR TARNO: In a roll call vote, REPS.  
COURTNEY, GRISHAM,  
LEWIS, PROZANSKI and CHAIR TARNO vote AYE.  
MOTION CARRIES. Closes HB 2163.

244 OPENS the PUBLIC HEARING on HB 2079

256 LUCINDA J. POTTER, EXECUTIVE DIRECTOR of the OREGON STATE MORTUARY and  
CEMETERY BOARD: Testimony in favor of HB 2079. Submits [EXHIBIT D].

320 CHAIR TARNO: Is there a law that says that a family who has a deceased  
member has to  
use a cemetery or a mortuary in this state?

326 POTTER: No.

328 CHAIR TARNO: Is there a law that says you may have your own private  
family burial plot?

332 POTTER: Yes, you may do that in Oregon.

337 CHAIR TARNO: The only thing of record would then be the document of the  
deceased. A  
document that goes through the clerks office.

340 POTTER: That would be the death certificate.

345 POTTER: What the board is asking for in HB 2079 is that a definition  
for offensive treatment of  
a dead human body be put in the statute.

369 REP. PROZANSKI: Has there been any discussion as to religious beliefs?

375 POTTER: That is not the intent, to interfere with anyone's religious  
beliefs.

381 REP. PROZANSKI: Once this bill goes into place, would it not potentially have that effect?

385 POTTER: I am not aware that this would interfere with anyone's religious freedom rights.

396 REP. PROZANSKI: The impact of what this bill is going to do, in my opinion, will limit religious freedom and beliefs.

413 REP. COURTNEY: What is the Attorney General's opinion on this bill?

419 POTTER: It was our two assigned attorneys, our regularly assigned attorney, and our court assigned attorney general who drafted this piece of legislation.

424 REP. LEWIS: Discusses language in section 3 of [EXHIBIT E].

440 POTTER: Oregon statute is very open with regard to an individual's rights to determine the disposition of their loved ones. Refers to section 3 of [EXHIBIT E].

464 REP. LEWIS: Would a family be doing something wrong by putting a loved one in a freezer until they had time to bury the loved one?

TAPE 4, B

033 POTTER: The board would evaluate every situation on a case by case basis.

040 REP. COURTNEY: I'm confused. I can bury someone in my backyard if I want to?

043 POTTER: You would have to comply with certain local zoning requirements.

054 CHAIR TARNO: Does the same thing hold true for a child?

057 POTTER: That is the question that has not been tested in a court of law.

063 Close PUBLIC HEARING on HB 2079  
WORK SESSION

073 REP. PROZANSKI: This allows a board to intervene and say we don't believe what they want to do is appropriate.

090 ROBINSON: I think there is some misunderstanding about what is intended.

104 REP. PROZANSKI: My concern is, if this should go forward, that there is a clear legislative history as to what is going to be reflected in the record.

117 REP. GRISHAM: Aren't there actually deeper issues?



124 REP. QUTUB: Isn't it just allowing this board to have something to say about it?

133 CHAIR TARNO: Even if it is someone's religious practice I think its fairly macabre.

134 ROBINSON: Where legislative statutes have hit up against religious beliefs in death situations, the legislature has prevailed.

147 REP. COURTNEY: Regardless of ones religious or cultural beliefs, do we want to endorse that concept?

170 REP. LEWIS: My understanding is that today a person could potentially try to have a loved one stuffed, but this change in the law would allow the board to intervene and stop this from going on. Is that currently illegal?

177 ROBINSON: To the best of my knowledge, yes.

179 POTTER: I'm sorry if I confused you with my testimony. I clearly want to establish that the board would want to prevent that type of behavior.

194 REP. COURTNEY: Could you have a person embalmed, placed in a casket with a clear plastic top over it and maintain that in your living room?

197 POTTER: I believe that is a possibility. That is what we are trying to address with this statute.

200 REP. COURTNEY: The statute would then say you would ban that?

204 POTTER: What the board could do if we had a clear distinction of what the boards authority was in a situation like that, then the board could say we don't feel that is appropriate we will take this to a higher jurisdiction.

214 REP. COURTNEY: Who is the higher authority?

216 POTTER: The courts. Discusses abuse of corpse law.

227 REP. LEWIS: Addresses mummification.

260 REP. COURTNEY: I would like to talk to the attorney general. I want to know what you can or cannot do with a human body.

265 REP. GRISHAM: I share Rep. Courtney's concern and desire more information.

268 CHAIR TARNO: From a private setting into a state mandated setting, you have the option of having an old fashioned burial in the rural parts of the state that does not take into account

your agency.

271 POTTER: I can contact Wendy Paris who helped us with this particular case. She could address the committee if you like?

276 CHAIR TARNO: Stay in contact with Holly Robinson. With no further questions from the committee, the meeting is adjourned at 10:41 A.M.

Submitted by, Reviewed by,

Janet Ellingsworth	Debby Johnson
Committee Assistant	Committee Assistant

EXHIBIT SUMMARY:

A -Testimony State Police HB 2163 - Tom Dixon - 5 pages

B - Amendments to HB 2163 OSP - Tom Dixon - 4 pages

C - House Bill 2163 (Why is this bill needed?) - Tom Dixon - 1 page

D - Testimony HB 2079 - Lucinda Potter - 2 pages

E - Vital Statistics ORS HB 2079 - Staff - 8 pages

F - Written Testimony HB 2167 - Arlene Wood - 1 page

G - Written Testimony HB 2167 - Bob Joondeph - 1 page

H - Written Testimony HB 2167 - Laurie Shipley - 1 page

I - Written Testimony HB 2167 - William D. Rector- 1 page