

HOUSE JUDICIARY
SUBCOMMITTEE ON CRIME AND CORRECTIONS

Hearing Room
Tapes - 12

MEMBERS PRESENT:

Rep. Veral Tarno, Chair
Rep. Floyd Prozanski, Vice-Chair
Rep. Peter Courtney
Rep. Jerry Grisham
Rep. Leslie Lewis

STAFF PRESENT:

Holly Robinson, Committee Counsel
Sarah May, Committee Assistant

MEASURES HEARD:

HB 2160 - Relating to sex offender registration
HB 2161 - Relating to crime; and appropriating money
HB 2162 - Relating to the unitary assessment; and appropriating money

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , SIDE A

004 CHAIR TARNO: Calls the meeting to order at 9:03 a.m.

PUBLIC HEARING ON HB 2161 & 2162

(HB 2161 - Increases unitary assessment. HB 2162 - Increases amount of unitary assessment imposed on persons convicted of crimes. [EXHIBIT A, B])

Witnesses: Tom Dixon, Oregon State Police
Jef Faw, State Court Administrator

016 TOM DIXSON, OREGON STATE POLICE - FORENSIC SERVICES DIVISION: Testifies and submits written testimony in support of HB 2161 & 2162. (EXHIBIT C)

079 CHAIR TARNO: Why not use the regular budgetary process opposed to assessing additional fees to the unitary assessment tax?

081 DIXSON: In our budget process we know that general fund dollars are tight and that they are not available.

084 CHAIR TARNO: Was this submission for increase in unitary assessment fees requested by your superiors?

089 DIXSON: This bill was a concept that started in forensics, explains.

092 CHAIR TARNO: What percentage of uses in the lab are used by state police, county, and city law enforcement?

095 DIXSON: Explains pie chart in testimony. (EXHIBIT C)

100 REP. LEWIS: Asks about the unitary assessment fees increase being put on people who do not use the forensic lab.

111 DIXSON: Yes, we've moved into unitary assessment for ease of collecting as opposed to only certain crime actions, explains.

123 PROZANSKI: There is a mandatory fee for the people who are convicted of DUII. There is some concern that there should be a unitary assessment directly for those areas that the impact has been the greatest. Have you had an opportunity to look at what amount would need to be generated, if the portion regarding the \$6 fee for fine offenses was not included, from other areas?

138 DIXSON: Yes, we have worked with the state court administrator on that.

By eliminating the infraction there is a significant increase to the other areas.

148 JEFF FAW, STATE COURT ADMINISTRATOR: Testifies in support of HB 2161 & 21621.

175 REP. COURTNEY: Asks where "unitary assessment" language comes from.

177 FAW: Explains that during 1987 legislation, the unitary assessment concept was borrowed from other states. Discusses Criminal Fine and Assessment Account (CFAA). The unitary assessment is only about 15 percent of CFAA money.

198 REP. COURTNEY: Is this a fine or a fee?

204 FAW: It is a user fee for being convicted of a wrong doing.

206 REP. COURTNEY: It is not a fine?

207 FAW: No, explains.

209 REP. COURTNEY: The money is used to pay for the expenses of something?

210 FAW: Yes, it is meant to offset some of the costs from judicial services and other state agencies and commissions.

217 ROBINSON: Cites and explains. (EXHIBIT B)

227 PROZANSKI: Have you looked at what the necessary numbers would be to make up the amount being requested by shifting out the violation only, or placing a special unitary assessment on people convicted of drug or alcohol offenses?

237 FAW: We have done it by shifting out the violation only, cites. (EXHIBIT C) The second scenario we could do, but have no analysis done on that.

246 PROZANSKI: How much is projected to be received by the additional \$6 fee?

252 FAW: We would be raising the \$2.1 million that was identified as necessary to support this program, by raising the present unitary assessment.

257 PROZANSKI: Do we have a dollar amount of how much out of the \$2.1 million would be captured by violations only.

262 FAW: No, but we could do that. It would be a very substantial part.

267 REP. GRISHAM: Asks if language says 'under certain circumstances, the assessment can be waived'.

269 FAW: Yes.

270 REP. GRISHAM: What would an example of that be?

271 FAW: Explains and gives situation.

PUBLIC HEARING ON HB 2160

Witnesses: Michael RamSB y, Oregon State Police
Ingrid Swenson, Oregon Criminal Defense Lawyer Association

301 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2160 - Modifies sex offender registration law.

316 MICHAEL RAMSB Y, OREGON STATE POLICE VIOLENT OFFENDER SECTION: Testifies and submits written testimony in support of HB 2160. (EXHIBIT D)

436 CHAIR TARNO: Asks where language is at in the legislation.

444 RAMSB Y: Page 2, section 4, lines 41-44.

TAPE 12, SIDE A

012 CHAIR TARNO: Was there an Oregon administrative rule you cited?

014 RAMSB Y: The Oregon State Police produced an Oregon Administrative Rule,

explains. Continues with testimony.

033 CHAIR TARNO: Is that part of the first draft amendments?

034 RAMSB Y: No, it is not. It was just recently brought to us, it is not a formal written amendment yet. Continues with testimony.

137 PROZANSKI: Asks about expungment statute. What was the crime that was expunged?

143 RAMSB Y: Sex offense in the first degree, not committed against a child. Expungements are setting aside of an adult record. Usually they refer juvenile records.

150 PROZANSKI: Cites current expungment statute, subsection 5 CB. I was always led to believe that that type of conduct would never be expunged.

163 RAMSB Y: This case happened in Multnomah county, explains circumstances.

173 HOLLY ROBINSON, COMMITTEE COUNSEL: In the proposed amendments contained in 2160. Are the state police asking a policy question to change the structure of the statute so that the non-expungable offenses being sex offenses against children would now be all class C sex offenses?

180 RAMSB Y: Yes, explains.

184 REP. COURTNEY: In the case that you described, was that person on parole?

186 RAMSB Y: No.

187 REP. COURTNEY: Is the language definition on lines 8-11, page 1, from Legislative Counsel?

193 RAMSB Y: This was suggestive language that was given to Legislative Counsel and they drafted it.

210 INGRID SWENSON, OREGON CRIMINAL DEFENSE LAWYER ASSOCIATION: Testifies in opposition to HB 2160.

292 CHAIR TARNO: Do you have any suggestive changes to section 16?

295 SWENSON: No.

WORK SESSION ON HB 2160

306 HOLLY ROBINSON, COMMITTEE COUNSEL: Cites concern about section 16 of proposed HB 2160. There needs to be further discussion about language, explains. Concerned that state police may inadvertently notification on client that Department of Corrections wasn't ready to release, or where the state police is unaware or unprepared for the community response, gives example.

359 REP. COURTNEY: Section 16 is a complete rewrite of what we did last session. Gives example of how part of the bill could be taken as unconstitutional.

409 CHAIR TARNO: Give his explanation of page 1, lines 8-11.

422 REP. COURTNEY: If the conviction is homicide and not rape, can they be registered as a sex offender?

441 REP. LEWIS: Is it possible to put into the statute that a person can not plea bargain away a sex offense?

TAPE 11, SIDE B

011 REP. COURTNEY: Last session we discussed this bill and if a person is charged with a sex offense, they cannot plea bargain, but we did not end up including it in the bill.

017 HOLLY ROBINSON, COMMITTEE COUNSEL: Plea bargaining management control is a concern, explains. Cites how Ballot Measure 11 effects this issue. Cites sex offender bill language for new members.

052 CHAIR TARNO: Suggests not working bill and giving counsel some time to reword bill to satisfy committee.

WORK SESSION ON HB 2161 & 2162

067 HOLLY ROBINSON, COMMITTEE COUNSEL: Discusses bills and their subsequent referral to Ways and Means.

096 REP. LEWIS: Do any of the moneys that are currently collected through the unitary assessment go to the forensic lab?

099 HOLLY ROBINSON, COMMITTEE COUNSEL: Fifty percent of the unitary assessment goes into the general fund.

115 REP. COURTNEY: This bill needs to move out of this committee. Cites (EXHIBIT C), from the state police. They didn't break down the differences

in labs between the different counties. We can send it to Ways and Means without a recommendation so that we don't lose this bill.

135 REP. LEWIS: Cites (EXHIBIT C) testimony. Disagree with placing an assessment on someone who has been convicted of something that has nothing to do with the forensic lab.

149 MOTION: REP. COURTNEY: Moves HB 2161 & 2162 to the FULL COMMITTEE to be passed to WAYS AND MEANS with NO RECOMMENDATION.

be

VOTE: Hearing no objection HB 2161 & 2162 have been sent to FULL COMMITTEE. All members are present.

157 CHAIR. TARNO: Adjourns the hearing at 10:10 am.

Submitted by, Reviewed by,

Sarah May Debra Johnson
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

- A. Proposed Amendments to HB 2160 - Staff - 3 pages
- B. Testimony on HB 2161 - Staff - 6 pages
- C. Testimony on HB 2161 & 2162 - Tom Dixson - 6 pages
- D. Testimony on HB 2160 - Michael RamSB y - 16 pages