

HOUSE JUDICIARY
SUBCOMMITTEE ON CRIME AND CORRECTIONS

Hearing Room
Tapes - 47

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
Janet Ellingsworth, Committee Assistant

MEASURES HEARD: Work Session on HB 2809
 Public Hearing on HB 2704
 Public Hearing on HB 2705

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 46, A

004 CHAIR TARNO: Convenes meeting at 8:33 A.M.

OPENS the WORK SESSION on HB 2809

006 ROBINSON: Gives brief overview of HB 2809. [EXHIBIT A]

020 CHAIR TARNO: Are there any concerns with the committee on the proposed amendments?

023 REP. PROZANSKI: I believe the intent is to allow the district attorney through the approval of the court, to allow an individual who would be there only for the purpose of monitoring or attending to the electronic equipment.

030 MOTION: REP. PROZANSKI: Moves the HB 2809 as amended by the -3 amendments to the full committee with a do pass recommendation.

035 VOTE: In a roll call vote all members vote AYE. REP. COURTNEY is EXCUSED.

038 CHAIR TARNO: The motion CARRIES.

CLOSES the WORK SESSION on HB 2809
OPENS the PUBLIC HEARING on HB 2704 and HB 2705

055 REPRESENTATIVE BOB TIERNAN, DISTRICT 24: Testimony on HB 2704 and HB 2705.

125 REP. COURTNEY: Are you aware of a document that was distributed to the subcommittee on Public Safety last week involving the Criminal Justice Council? [EXHIBIT B]

128 REP. TIERNAN: No.

129 REP. COURTNEY: The document would transfer the prison population forecast and those responsibilities to the Administrative Services Division. There is a group out of Virginia that has been hired to come up with a five year forecast.

140 REP. TIERNAN: At the time the bill was drafted I had a variety of folks who wanted to consume some of the functions.

154 SENATOR RANDY MILLER, DISTRICT 13: Testimony in support of HB 2704 and HB 2705.

214 CHAIR TARNO: We are going to separate these two bills and deal with HB 2704.

220 DAVID FACTOR, EXECUTIVE DIRECTOR of the CRIMINAL JUSTICE COUNCIL: Testimony in opposition to HB 2704. [EXHIBIT'S C, D, E & L]

300 JUDGE JAMES ELLIS, MULTNOMAH CIRCUIT COURT JUDGE, CHAIR of the CRIMINAL JUSTICE COUNCIL : Testimony in opposition to HB 2704.

400 JUDGE ELLIS: As you know, the Sentencing Guidelines Board is the Criminal Justice Council without the legislators and judges.

415 REP. COURTNEY: The thing I am confused about, going back to the document that you presented to Public Safety last week [EXHIBIT B], the one that says in effect, the forecasting ability and all that it encompasses should be moved to the Administrative Services Department.

443 FACTOR: That document was prepared by Administrative Services. We've seen the forecast functions bounce around from the Department of Corrections.

TAPE 47, A

045 REP. COURTNEY: The council's been doing the forecast since 1985?

048 FACTOR: The council received the forecast function in the 1993 legislature.

050 REP. COURTNEY: The 1991 forecast figures were not done by you?

051 FACTOR: That is correct, they were done in the Department of Corrections.

053 REP. COURTNEY: The 1991 forecast figures were good until November.

056 FACTOR: They have tracked accurately since that time with the adjustments that have been made based on policy changes this body has made over time.

067 REP. COURTNEY: You've been doing those?

069 FACTOR: We've been doing those assessments on the adjustments.

070 REP. COURTNEY: This document that I referred to shows you running in to a \$37,000 contract with Virginia, is that because of the credibility perception?

073 FACTOR: That issue was raised following the press conference, in early February the Department of Corrections came to the council and said "were currently having a population crisis in the Department".

075 REP. COURTNEY: Where should you be?

078 JUDGE ELLIS: Testimony on HB 2704.

080 REP. COURTNEY: Mr. Factor, where do you want to spend the rest of your life?

084 FACTOR: In the perfect world I think the independence of the council and the participation of all three branches of government will lead to there effective coordination of the system.

088 JUDGE ELLIS: Part of the problem in forecasting is collecting data, and we've got a lot of players. Gives example.

112 REP. GRISHAM: How many members belong to the council now?

114 FACTOR: There are 24 members.

129 REP. GRISHAM: How often do you meet?

131 FACTOR: By statue we meet quarterly.

155 JIM ARNESON, OREGON CRIMINAL DEFENSE LAWYERS ASSOCIATION: Testimony in opposition to HB 2704.

188 JACK MORRIS, PRESIDENT, CRIMINAL DEFENSE LAWYERS ASSOCIATION: Testimony in opposition to HB 2704.

237 REP. COURTNEY: The figures that came in for criticiSMare not the Criminal Justice Council figures?

245 MORRIS: The figures that I have seen are very accurate.

249 REP. COURTNEY: Mr. Factor's represented they did not make the 1991 projections.

259 MORRIS: I think the Criminal Justice Council and the Parole Board and the Legislature

all have the same thing in common, you are easy targets.

263 REP. COURTNEY: Who's responsible for the November figures?

265 MORRIS: My understanding is the same as Mr. Factors.

267 STEVE MARKS, GOVERNOR'S OFFICE: Testimony on 2704. [EXHIBIT F]

347 REP. COURTNEY: I assume that one of the changes will be something you've already recommended?

351 MARKS: I would assume that that will be our recommendation.

364 REPRESENTATIVE KATE BROWN, DISTRICT 13: Testimony in opposition to HB 2704.

411 PAUL SNIDER, ASSOCIATION OF OREGON COUNTIES: Testimony in opposition to

HB 2704.

TAPE 46, B

030 SNIDER: It was our sense at the time that neither the legislature or the court's or the executive branch controlled the policy of corrections in this state, it was controlled by federal judges.

075 KEITH RAINES, OREGON STATE BAR JUDICIAL ADMINISTRATION COMMITTEE: Testimony in opposition to HB 2704. [EXHIBIT H]

CLOSES the PUBLIC HEARING on HB 2704

OPENS the PUBLIC HEARING on HB 2705

097 REP. GRISHAM: I'd like to request that we come back and work HB 2704.

099 ROBINSON: That is not possible today.

110 MARI ANNE GEST, POLITICAL DIRECTOR, OREGON PUBLIC EMPLOYEES UNION: Testimony in opposition to HB 2705. [EXHIBIT G]

169 RAYMOND DECKER, CORRECTIONS OFFICER, OREGON STATE CORRECTIONAL INSTITUTION: Testimony in opposition to HB 2705.

232 BOB BOTHWELL, CORRECTIONS OFFICER, OREGON STATE CORRECTIONAL INSTITUTION: Testimony in opposition to HB 2705.

266 REP. PROZANSKI: Is it true we have people who are classified at a higher level that would require a maximum or medium facility who are actually at a lower level facility because we don't have the space?

274 BOTHWELL: Yes, that is correct. We have several maximum security inmates who were just sentenced that are high risks of escape at our institution.

291 REP. PROZANSKI: I would assume that all of the officer's there have gone through the same training?

296 BOTHWELL: Yes, that is correct.

297 CHAIR TARNO: Do you have to be certified in order to be a state corrections officer?

300 BOTHWELL: Yes.

304 CHAIR TARNO: That is done through BPSST. In order to be a corrections officer do you have to hold a certificate?

308 BOTHWELL: I believe so.

310 CHAIR TARNO: How would that dovetail into a private contractor?

312 BOTHWELL: If private industry came in and was not certified, the liability to the state would be immense.

322 CHAIR TARNO: Do you have a mutual aid agreement with the national guard, or other state or federal agencies?

335 BOTHWELL: Yes. We have an agreement with Oregon State Police and Marion County Sheriffs office.

337 CHAIR TARNO: How would a private institution would dovetail into a mutual agreement with other public entities? Would it be a contract?

344 GEST: I don't know, I'm sure it could be worked out in the same manner as it is now.

367 CHAIR TARNO: In a private setting, if they needed additional support would they be compelled to pay for that additional support?

370 GEST: I don't know.

378 CHAIR TARNO: We have five minutes until another subcommittee comes in, so we need to limit testimony.

381 BRIAN BRANSTETTER, EASTERN OREGON CORRECTIONAL INSTITUTION: Testimony on HB 2705. [EXHIBIT I]

TAPE 47 B

031 JOE WRIGHT, EASTERN OREGON CORRECTIONAL INSTITUTION: Testimony in opposition to HB 2705.

045 JEFF BLAKE, POWDER RIVER CORRECTIONS FACILITY: Testimony in opposition to HB 2705.

060 JAMES TAYLOR, SNAKE RIVER CORRECTIONAL INSTITUTION: Testimony in opposition to HB 2705.

072 BOB MATHENIE, SHADOW CREEK CORRECTIONAL INSTITUTION: Testimony on HB 2705.

120 TINA TURNER-MORFITT, OREGON CORRECTION INTAKE CENTER: Testimony in opposition to HB 2705.

124 JAMES SIMPSON, POWDER RIVER CORRECTIONS FACILITY: Testimony in opposition to HB 2705.

145 CHAIR TARNO: With nothing further from the committee the meeting is adjourned at 10:10 A.M.

Submitted by, Reviewed by,

Janet Ellingsworth
Committee Assistant

Debra Johnson
Committee Coordinator

EXHIBIT SUMMARY:

- A - Proposed amendments to HB 2809 - Staff - 1 page
- B - Prison population forecast - HB 2704 - Courtney - 2 pages
- C - Criminal Justice Council Profile - HB 2704 - Factor - 4 pages
- D - Testimony to HB 2704 - Factor - 2 pages
- E - Criminal Justice Council Handbook - Factor - 20 pages
- F - Testimony to HB 2704 - Marks for Governor Kitzhaber - 2 pages
- G - Testimony to HB 2705 - Gest - 7 pages
- H -Memorandum to HB 2704 - Raines - 2 pages
- I - Testimony to HB 2705 - Branstetter - 6 pages
- J - Testimony to HB 2705 - Botkin - 2 pages
- K - Testimony to HB 2705 - Foote - 22 pages
- L - Testimony to HB 2704 - Factor - 19 pages