

HOUSE JUDICIARY
SUBCOMMITTEE ON CRIME AND CORRECTIONS

Hearing Room
Tapes - 51

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 2160
 Work session on HB 3345
 Public hearing on HB 2984
Public hearing on HB 2975
Public hearing on HB 3254
Public hearing on HB 3096

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 , A

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

OPENS the PUBLIC HEARING on HB 3345

009 REPRESENTATIVE JANE LOKAN, DISTRICT 25: Testimony on HB 3345. Submits [EXHIBIT A].

031 SENATOR BILL KENNEMER, DISTRICT 12: Testimony on HB 3345.

037 JOE KRUMM, NORTH CLACKAMAS SCHOOL DISTRICT: Testimony on HB 3345.

058 CHAIR TARNO: Are there amendments to HB 3345 to your knowledge?

060 REP. LOKAN: We have none prepared to present at this time.

062 ROBINSON: Gives brief overview.

CLOSE the PUBLIC HEARING on HB 3345
OPENS the PUBLIC HEARING on HB 2160 HB 3345 HB 2984

089 REPRESENTATIVE CYNTHIA WOOTEN, DISTRICT 41: Testimony on HB 2984. [EXHIBIT B]

120 KELLY ISGRIG, LANE COUNTY CHILDREN FIRST FOR OREGON: Testimony on HB 2984. Submits [EXHIBIT C]

201 ROBINSON: Does that mean the -1 amendments are being withdrawn?

203 REP. PROZANSKI: Section 6 is the part your deleting.

208 ROBINSON: Gives brief overview of HB 2984. Discusses the -1 amendments. The -4 amendments of 2160 [EXHIBIT K], and the -5 amendments [EXHIBIT L].

346 REP. LEWIS: In deleting lines 8 to 11, and putting instead on the -4 amendments lines 6 and 7, we're just specifying burglary.

354 ROBINSON: "Burglary" when the underlying offense is a sex crime.

356 REP. LEWIS: Right, but the specific instance that Sergeant RamSB y brought us last time was the murder of a three year old who had also been sexually abused.

363 ROBINSON: These amendments were agreed to by Sergeant RamSB y.

396 REP. COURTNEY: Inaudible. Is there a subcommittee on this subcommittee set up to try and deal with all these players on this issue?

CLOSES the PUBLIC HEARING on HB 2160 HB 3345 HB 2984
OPENS the PUBLIC HEARING on HB 2975

CLOSES the PUBLIC HEARING on HB 2975
OPENS the PUBLIC HEARING on HB 3254

418 REPRESENTATIVE KATE BROWN, DISTRICT 13: Testimony on HB 3254.

TAPE 49, A

030 REP. BROWN: Many of the murders that occur in Oregon

052 CHAIR TARNO: Basically we're talking about two bills that we will be hearing testimony on. That will be HB 2975 and HB 3254.

058 REPRESENTATIVE JOHN SCHOON, DISTRICT 34: Testimony on HB 2975.

073 REP. PROZANSKI: Your bill, HB 3254, is actually section 2 of Rep. Schoon's bill HB 2975?

082 REP. BROWN: That is true except for lines 14 through 15 which adds an additional aggravating factor.

088 CHAIR TARNO: I think your both trying to get at the same direction. We will allow testimony on both HB 3254 and HB 2975.

095 RUSS SPENCER, OREGON STATE SHERIFFS ASSOCIATION: Testimony in support of HB 3254.

117 REPRESENTATIVE JANE LOKAN, DISTRICT 25: Testimony in support of HB 3254.

145 CHERYL MCDONALD, OREGON MEDICAL ASSOCIATION: Testimony on HB 2975 and HB 3254. [EXHIBIT D]

167 LAURIE WIMMER, COMMISSION FOR WOMEN, EXECUTIVE DIRECTOR: Testimony in support of HB 2975 and HB 3254. [EXHIBIT E]

200 REP. GRISHAM: What were trying to do is stop the violence. Do you think that as part of that sentencing they should under go anger management

or alternatives to violence?

212 WIMMER: It would not solve the problem, we need stronger interventions.

220 REP. GRISHAM: So you would not support directed counseling?

224 WIMMER: I did not say I would not support treatment, I think that anger control classes are not necessarily the treatment mode that is found to be as effective as we would

like.

225 CHAIR TARNO: The \$44 million dollars a year spent on medical treatment for victims, is that just in Oregon or nationwide?

227 WIMMER: That is nationwide.

231 REPRESENTATIVE MARGARET CARTER, DISTRICT 18: Testimony on HB 2975 and HB 3254.

296 REP. COURTNEY: In one of the bills the language is written, " the court will enter an order relieving the petitioner of the duty to register if the petitioner has successfully completed a court approved sex offender treatment program". I have serious questions in my mind as to whether there is a successful sex offender treatment program.

323 REP. CARTER: I don't believe any type of punishment without therapeutic means is going to help a person become a non victimizer.

341 REP. COURTNEY: In your opinion, we do have the body of knowledge sufficiently to provide that therapeutic help in the area of domestic violence?

345 REP. CARTER: I know there are people in this audience that have dealt with this issue over a long period of time.

365 VIETTA HELMLE, DIRECTOR, MID-VALLEY WOMEN'S CRISIS SERVICE: Testimony on HB 2975 and HB 3254. Submits [EXHIBIT E].

432 REP. LEWIS: Are you saying that people who are not these novice batterers that there is nothing we can do except incarcerate them?

443 HELMLE: If you continue to escalate the consequences for escalated violence that the guy will eventually hit a point where it just becomes ineffective cost wise to keep abusing people.

TAPE 48, B

027 REP. LEWIS: I'm just wondering whether there is any way we can help.

030 HELMLE: There is. Gives examples.

037 PAUL SNIDER, ASSOCIATION OF OREGON COUNTIES: Testimony on HB 2975 and HB 3254.

075 GREG PEDEN, GOVERNOR KITZHAUBER'S OFFICE: Testimony in support of HB 2975 and HB 3254.

090 THOMAS HART, DEPUTY DISTRICT ATTORNEY for MARION COUNTY, DISTRICT ATTORNEY ASSOCIATION: Testimony in support of HB 2975 and HB 3254.

106 JEAN KUNKLE, DEPUTY DISTRICT ATTORNEY for MARION COUNTY: Testimony on HB 2975 and HB 3254. Conceptual amendments.

129 CHAIR TARNO: Physical contact would not include assault?

130 KUNKLE: In general language I suppose you could assume that it does. There is some appellate case law that holds that harassment is not a lesser included offense of assault 4.

133 REP. LEWIS: You think we should take out the "intentionally" and "knowingly"?

135 HART: "Knowingly" and "recklessly", that would bring it in conformity with the way the harassment statute is today.

138 REP. PROZANSKI: That is for line 9 only.

141 REP. COURTNEY: Looking at HB 3254, the last couple of sentences, "the assault takes place in the presence of the person's or the victims child or step child". Is that in that bill only?

146 ROBINSON: That is correct. So is line 11, subsection a of HB 2354.

148 REP. COURTNEY: Since these bills are being brought together, what about Rep. Browns version of the presence of the person or the victims child or step child?

151 KUNKLE: From my experience I would say it happens a lot, children are present.

155 REP. COURTNEY: Does Rep. Browns version require that as an eliminate in the crime or not?

158 ROBINSON: If you look at line 13 there is an "or".

165 REP. COURTNEY: And your testimony on that is in terms of good, bad or different as to whether or not we should add it?

168 HART: I think it's a good addition.

181 JIM ARNESON, OREGON CRIMINAL DEFENSE LAWYERS ASSOCIATION: Testimony on HB 2975 and HB 3254. We would favor the language in HB 3254.

223 REP. COURTNEY: Let's look at line 12 in 23254, the word "assaults", does that mean to you convictions?

226 ARNESON: Line 11 is convictions, line 12 is not.

230 REP. COURTNEY: I was and you raised a very interesting point.

232 ARNESON: I'm almost certain it does not include conviction.

234 REP. PROZANSKI: Because we would be designating assaults in line 11, it will leave the other interpretation that's been brought by this witness for number 12, to be more inclusive beside convictions.

244 REP. BROWN: Referring to line 12, it does not require a conviction. It is based on our murder by abuse statutes.

259 REP. COURTNEY: The language is in that statute?

263 REP. BROWN: Yes, the language is taken from that statute.

265 REP. COURTNEY: What about the witness's testimony regarding menacing and harassing?

273 REP. BROWN: That would be the same, it would be the district attorney's ability to prove that the harassing and menacing has been a pattern of practice.

281 REP. LEWIS: Do you feel that adding the menacing and harassing makes this stronger or does it muddy the waters to the point where we should leave in "assaults"?

284 REP. BROWN: I believe it makes it stronger and broader, I would certainly look to the district attorney's and "certified smart" defense attorneys to respond to that.

CLOSES the PUBLIC HEARING on HB 2975 and HB 3254
OPENS the WORK SESSION on HB 2975 and HB 3254

297 CHAIR TARNO: Rep. Prozanski, do you have some opinions about these bills?

299 REP. PROZANSKI: I think we should use HB 2975 as our vehicle. Based on the testimony we've heard HB 3254 falls within section 2 of HB 2975 with

a couple of extra additions. I will be happy to explain to the committee why I think those are appropriate.

307 CHAIR TARNO: Do you feel we can do that in a short period of time?

315 REP. PROZANSKI: I think we can do that in less than 3 minutes. In section 1 of HB 2975, I think it would be important, and by law, would be the cleanest way to take out "knowingly" or "recklessly".

327 CHAIR TARNO: Are we comfortable with what Rep. Prozanski eluded to in subsection c, section 1?

330 REP. PROZANSKI: We should not take in the language in HB 3254, that we will be considering lines 11, as well as 14 through 15.

341 CHAIR TARNO: So it would pertain to section 1 of the bill?

343 REP. PROZANSKI: That is correct.

344 CHAIR TARNO: Are we OK with the suggested changes in section 1?

345 MOTION: REP. PROZANSKI: Moves conceptual amendment deleting "recklessly" and "knowingly".

349 CHAIR TARNO: The motion CARRIES.

352 REP. PROZANSKI: Under section 2, on line 23, the adding of a comma after the word "contact", inserting assault before the word "or", would be my recommendation. Also in line 11, subsection a, under the number 3, in HB 3254, as well as subsection c, which begins on line 14, I would also recommend that when you look at that line where it says " the assault takes place in the presence of the person or the victims child or step child, I think we should broaden that further.

373 ROBINSON: They would be in the place of step children.

376 REP. LEWIS: Why don't you say "in the presence of children" period?

383 REP. PROZANSKI: That's going to get us into a position that I don't think we want to get in to.

386 REP. COURTNEY: I think if you say " not married" , doesn't "victims child" take care of that?

392 ROBINSON: No, it would be the "persons child". If the male is the abuser and his children are living in the household, maybe we misread it.

400 REP. PROZANSKI: It depends on how we read this as to being the person's child or the victim's child or step child. What we're conceptually looking at is adding at the end after step child, the word "or" and then "child residing within the household of the person or victim".

405 REP. LEWIS: Yes, because it could be a foster child.

408 CHAIR TARNO: "Child living within the household" sounds good.

410 ROBINSON: If legislative council tells us we are misreading this, they can overrule us.

416 REP. BROWN: I spoke with Virginia about this piece, and it is our intent that the child belongs to either the person or victim.

430 CHAIR TARNO: Any child living within the household.

434 MOTION: REP. PROZANSKI: Moves conceptual amendment, section 2.

443 ROBINSON: If the committee wants to add those provisions in sections 2, 3 and 4 of the bill, I would suggest that you do it conceptually and I will work with legislative council to figure out how to structure it.

448 CHAIR TARNO: Would you please explain that to us again?

451 ROBINSON: Explains conceptual amendments.

TAPE 49, B

031 REP. BROWN: Line 11 says "has previously been convicted of assaulting the same victim". What we're including in sections 2, 3 and 4 are "harassment and menacing" so technically I believe line 11 should read "the person has previously been convicted of assaulting, harassing or menacing the same victim".

036 ROBINSON: That's what it will look like when it is done.

038 CHAIR TARNO: The motion CARRIES.

049 REP. COURTNEY: You might run a constitutional test on this at some point.

CLOSES the WORK SESSION on HB 2975 and HB 3254
OPENS the PUBLIC HEARING on HB 3096

065 SY KORN BRODT, SEX OFFENDER SUPERVISION NETWORK: Testimony in support of
HB 3096. [EXHIBIT G]

100 CHAIR TARNO: Are you a therapist?

101 KORN BRODT: No, I am a probation officer.

110 RICHARD KING, OREGON COUNSELING ASSOCIATION and CHILD/ADOLESCENT
INTERVENTION SERVICES (CAIS): Testimony in support of HB 3096. [EXHIBIT
H]

144 REP. COURTNEY: You would get a license as a sex offender therapist if
you received a graduate degree in behavioral science?

146 KING: That is correct.

148 REP. COURTNEY: You would get a license as an associate sex offender
therapist if you receive a bachelors degree in behavioral science?

150 KING: That's correct.

152 REP. COURTNEY: Is there any limitations on what they can do after
that?

155 KING: The associate is under the supervision of the licensed sex
offender therapist.

160 REP. COURTNEY: Where in here does it say they have to be under the
supervision? Is it implied or does it actually say it?

162 REP. LEWIS: In section 1, on line 22.

167 REP. PROZANSKI: How many therapists would be able to apply and receive
their license as a certified therapist?

170 KING: Somewhere in the neighborhood of 50 and 100 who qualified at
this time. Less than 200 statewide.

175 REP. LEWIS: How many people do you think are currently doing this kind
of therapy?

178 KING: We guess that out of the people who are qualified, maybe 50 to
100.

185 DR. KARL HUMISTON, OREGON COUNSELING ASSOCIATION DIVISION, DIRECTOR
CHILD ADOLESCENT INTERVENTION SERVICES: Testimony in
support of HB 3096.

242 JESSE L. WATSON, DIRECTOR of SEXUAL TRAUMA ASSESSMENT & TREATMENT:
Testimony on HB 3096. Submits [EXHIBIT I]

291 TOM HART, DEPUTY DISTRICT ATTORNEY for MARION COUNTY, OREGON DISTRICT
ATTORNEY'S ASSOCIATION: Testimony in support of HB 3096.

343 REP. COURTNEY: Discusses "sex offense task force" from the legislature
in 1991. Do you recall council if we dealt with this before?

366 ROBINSON: There were attempts to but there was not a consensus
proposal that could be brought forward at that point.

374 REP. COURTNEY: At least some members of this community are now coming
forward and saying we should do something.

381 HART: I'm appreciative of what you just said, I was with you in 1989
and have been in the interim sessions.

392 STEVEN JENSEN, DIRECTOR, The CENTER for BEHAVIORAL INTERVENTION:
Testimony on HB 3096.

430 REP. GRISHAM: How many other states are doing this?

434 JENSEN: Currently, Washington was the first state to have
certification. Iowa also has licensing at this time. Canada is currently
establishing standards and licensing all their therapists. There are a
number of states looking at this issue.

444 REP. GRISHAM: You are in the national association?

446 JENSEN: Yes.

450 REP. GRISHAM: Do you have any idea why other states are not following
in that direction?

442 JENSEN: Oregon and Washington used to have the distinction of having
more therapists than anywhere in the country.

TAPE 50, A

034 REP. GRISHAM: How are the fees that you charge paid, by the state or the offender?

036 JENSEN: By the offender.

038 REP. COURTNEY: It was Mr. Watson who gave some very revealing testimony. When I came here in the 1981-83 session, we did not talk much about sex offenders.

050 CHAIR TARNO:

053 JAMES P. KENNEY, PROFESSIONAL SPONSOR, PORTLAND OREGON CHAPTER of PARENTS UNITED INTERNATIONAL, INC.: Testimony in opposition to HB 3096. Submits [EXHIBIT J].

113 REP. PROZANSKI: Under the guidelines would you qualify for a license?

116 KENNEY: Yes.

118 REP. PROZANSKI: Do you or do you not believe that in this area it requires more than just having a basic license for CSW or for a bachelors degree?

121 KENNEY: In some ways it does and in some ways not because it allows license for people at the bachelors level or the associate level and none of the other professional disciplines allow licenses without a graduate degree.

124 REP. PROZANSKI: Refers to [EXHIBIT J]. Do you have any data as to substantiating the numbers and the recidivism rate that Parents United have encountered?

130 KENNEY: The data is published in several publications.

133 REP. PROZANSKI: There are no independent studies, this is based on their own study and their own reporting?

136 KENNEY: No independent study. It's based on follow up data with the clients they have served internationally over the last 25 years.

138 REP. PROZANSKI: Is it possible that you can give us the cites to those publications?

140 KENNY: I can get that information for you

143 REP. COURTNEY: You said the research has not been done, but you've done research through your group, correct?

145 KENNEY: Correct.

147 REP. COURTNEY: Is that good research?

149 KENNEY: It's as good as it gets. When people move from state to state it's very hard to get good re arrest statistics.

151 REP. COURTNEY: That research concludes that what your doing is successful, is that what your saying?

153 KENNEY: That is correct.

155 REP. COURTNEY: If it's the best there is, don't you agree that there should be some way out there, if someone's going to hang out their shingle, that they are for example, buying into your research proposal?

157 KENNEY: I think there should be quality control, but I think this defines very narrowly what constitutes treatment.

160 REP. COURTNEY: How do you become competent if that's the most reliable research available?

166 KENNEY: With all do respect, I think when we have a field as young as this one and we're acting as if we know enough about what we're doing that we can hand out a license to people and declare them competent, I think we're making a big mistake.

192 REP. COURTNEY: Discusses parole and probation officers. They have the minimum background that you have in making judgments about people who can provide this type of treatment?

199 KENNEY: In Washington, Clackamus, Marion, and Multnomah counties, to my knowledge we have sex offender specialists on the probation and parole team.

207 REP. GRISHAM: Are you a member of the Oregon Counseling Association?

209 KENNEY: Not at this time.

211 REP. GRISHAM: Do you know the requirements to be a member?

212 KENNEY: Yes I do.

216 REP. GRISHAM: Can you tell me what they are?

219 KENNEY: Explains requirements.

221 REP. GRISHAM: Do you know the fee for joining?

223 KENNEY: I think it's \$50 or \$75 per year at this time.

226 REP. GRISHAM: Is it limited to any particular type of counseling?

229 KENNEY: No.

230 KORN BRODT: I would like Bonnie Catrel to come up and explain some points.

236 BONNIE CATREL, CHAIR, COMMITTEE on LICENSING of SEX OFFENDER TREATMENT PROVIDERS: Testimony on HB 3096.

257 REP. PROZANSKI: Are we talking about the hours under section 3, page 2?

265 CATREL: Yes that is.

268 REP. GRISHAM: In previous testimony it states all the involved therapists belong to a discipline where they must hold an occupational license in order to practice, who issues that license?

272 KORN BRODT: Explains procedures.

290 BOB SEVERE, TEAM LEADER of the SEX OFFENDER UNIT, WASHINGTON COUNTY COMMUNITY CORRECTIONS : Testimony in support of HB 3096.

334 JOHN MCCULLEY, OREGON PSYCHIATRIC ASSOCIATION (OPA): Testimony on HB 3096.

363 ROBINSON: This would not restrict the ability of those members of the OPA, to practice in this area.

375 MCCULLEY: We could still help people who call us and say we've got someone who specializes in sex offender therapy and could refer them.

379 REP. PROZANSKI: I would be very cautious about saying "we've got someone who's specializing" because I think you are then giving maybe false tendencies to the individual that they are thinking they are actually getting someone who is licensed.

401 MCCULLEY: We have members of our association who are on our referral system who will tell us that they specialize in dealing with marital and family problems, substance abuse, who have a number of different areas that they may concentrate their practice in.

420 REP. PROZANSKI: One thing that you can potentially see being used is the word "Emphasize".

442 JAMES PARENT, SEX OFFENDER SPECIALIST, MULTNOMAH COUNTY: Testimony on HB 3096.

TAPE 51, A

032 CHAIR TARNO: Does that mean that you are supportive of HB 3096?

035 PARENT: Yes we are.

037 CINDY HANNERS: I would like to say is that I do support testimony that was offered earlier.

047 REP. GRISHAM: Do you believe that sex offender's can be cured?

050 PARENT: I've been specializing in sex crimes since 1985 and I believe that sex offenders can be given the tools to recognize when their back in cycle.

084 CHAIR TARNO: Are you a polygrapher?

087 PARENT: No I am not.

089 CHAIR TARNO: Do you contract out for polygrapher work to a local agency?

090 PARENT: Yes we do.

093 CHAIR TARNO: Are those polygraphers law enforcement?

098 PARENT: Some are some are not.

100 CHAIR TARNO: Do you know if they have a universal tracking system?

103 PARENT: We can give you additional information. On my own caseload, I

receive people out of the prison system on probation and they're convicted of a crime, we know per their LEDS and self report what they have done.

CLOSES the PUBLIC HEARING on HB 3096

118 ROBINSON: I would be happy to walk the committee through conceptually and then if there are questions we can bring it back to subcommittee or the full committee to see the final amendments.

OPENS the WORK SESSION on HB 2160

129 ROBINSON: Gives overview of HB 2160 and discusses amendments.

167 CHAIR TARNO: A person just gets out of prison and he has to register and your going to charge him \$25 to do that?

170 ROBINSON: There is a provision to allow it to be waived.

175 CHAIR TARNO: We can come back to that later because I have a problem with that fee.

200 ROBINSON: Continues discussion of amendments.

222 CHAIR TARNO: Those are substantial changes. I think once those things are drafted we can take another look at them.

224 ROBINSON: OK, do you want to resolve the issue about the \$25 fee?

227 CHAIR TARNO: I've got a problem with the \$25 fee, I have a hard time with section 9.

247 REP. GRISHAM: Is the object to register the individual, or is the object to collect the fee? I would rather register the individual.

252 REP. PROZANSKI: The provision does provide the fee can be waived.

254 CHAIR TARNO: If they can be waived, why charge it to them in the first place?

258 REP. LEWIS: We didn't hear HB 3304.

260 CHAIR TARNO: We set that over. With nothing further from the committee the meeting is adjourned at 11:25.

Submitted by, Reviewed by,

Janet Ellingsworth Debra Johnson
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

A - Testimony on HB 3345 - Lokan - 1 page
B - Proposed amendments to HB 2984 - Wooten - 1 page
C - Testimony on HB 2984 - Isgrig - 4 pages
D - Testimony on HB 2975 and HB 3254 - McDonald - 1 page
E - Testimony on HB 2975 and HB 3254 - Wimmer - 1 page
F - Testimony on HB 2975 and HB 3254 - Helmle - 22 pages
G - Testimony on HB 3096 - Kornbrodt - 2 pages
H - Testimony on HB 3096 - King - 1 page
I - Testimony on HB 3096 - Watson - 1 page
J - Testimony on HB 3096 - Kenney - 3 pages
K - Proposed amendments on HB 2160 - Staff - 2 pages
L - Proposed amendments on HB 2160 - Staff - 2 pages
M - Testimony on HB 2160, HB 2984, HB 3345 - Collins - 4 pages