

HOUSE JUDICIARY
SUBCOMMITTEE ON CRIME AND CORRECTIONS

Hearing Room
Tapes - 67

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 2681
 Work session on HB 3096
 Public hearing on HB 2676
 Public hearing on HB 2903

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 8:38 A.M.

OPENS the WORK SESSION on HB 2681

006 ROBINSON: Gives brief overview of HB 2681. Submits and discusses the -2 amendments. [EXHIBIT A]

036 MOTION: REP. PROZANSKI: Moves to adopt the -2 amendments.

038 CHAIR TARNO: The motion CARRIES.

040 MOTION: REP. PROZANSKI: Moves HB 2681 to the full committee as amended
with a do pass recommendation.

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

044 CHAIR TARNO: The motion CARRIES.

CLOSES the WORK SESSION on HB 2681
OPENS the WORK SESSION on HB 3096

047 ROBINSON: Gives brief overview of HB 3096.

053 CHAIR TARNO: On page 4, line 41 of the bill, section 9, I am wondering how the committee feels about subsection 3, suggests additional language.

055 ROBINSON: The purpose of section 9 is to take these statements about prior or current acts outside the disclosure statute.

075 REP . PROZANSKI: Another thing we need to consider is regarding disclosure as to therapy.

082 CHAIR TARNO: If that client is trying to clean up his act and he makes an admission or confession of an unreported crime to the therapist, the therapist should have the ability to go to law enforcement with that.

087 REP. PROZANSKI: I think it's very valid.

091 SY KORN BRODT, SEX OFFENDER SUPERVISION NETWORK: The only conversation I have heard on this issue was at the Associated Treatment for Sexual Abusers conference last year.

112 REP. PROZANSKI: I am just expressing concerns that have been raised in the past.

113 CHAIR TARNO: Is there some way we can add some language?

116 ROBINSON: We could do as you suggested or for a certain percentage of the population we can make them mandatory child abuse reporters.

127 REP. PROZANSKI: It would be a cleaner process.

130 CHAIR TARNO: If you can suggest how we can add that to the bill.

132 ROBINSON: I would move the amendment conceptually, and I will work with legislative counsel.

134 KORN BRODT: I think those were added to the list, on the last page of the bill.

137 MOTION: REP. PROZANSKI: Moves 3096 to the full committee with a do recommendation. pass

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

141 CHAIR TARNO: The motion CARRIES.

CLOSES the WORK SESSION on HB 3096
RE OPENS the WORK SESSION on HB 2681

150 CHAIR TARNO: Opens HB 2681 to allow Rep. Lewis to cast a vote.

152 VOTE: In a roll call vote REP. LEWIS votes AYE.

CLOSES the WORK SESSION on HB 2681
OPENS the PUBLIC HEARING on HB 2903

155 REPRESENTATIVE KEVIN MANNIX, DISTRICT 32: Testimony on HB 2903.
[EXHIBIT B]

177 CHAIR TARNO: This is the first time the committee has seen the -1 amendments. [EXHIBIT B]

179 REP. MANNIX: We're talking about straight forward implementation language.

185 STEVE MARKS, GOVERNOR'S OFFICE: The Governor urges the committee to adopt the -1 amendments to HB 2903.

216 DENIS O'DONNELL, DIRECTOR, DEPARTMENT OF CORRECTIONS: Testimony to HB 2903.

229 BRIAN BEMUS, DEPARTMENT OF CORRECTIONS: Testimony on HB 2903.
Discusses amendments.

284 REP. PROZANSKI: Is it the intent of the Department of Corrections to actually pay inmates who are doing work within the facility?

290 BEMUS: Yes. We currently pay inmates anywhere from a few cents an hour up to .35 cents per hour for what we call institution support positions.

301 CHAIR TARNO: We can obtain that objective in section 27 by renumbering 421.408?

305 BEAMUS: That is correct. Discusses forest camp.

316 CHAIR TARNO: What will the new tab be?

318 BEAMUS: We would like to negotiate that with the forestry department since they fully fund that portion of compensation.

366 REP. LEWIS: If a private employer employs an inmate, are they required to cover that person under their workers comp policy?

369 BEAMUS: No, the ballot measure says that a private employer would not be required to provide workman's comp, however, if a private employer is benefiting from that inmate, that inmate would more than likely be able to receive the same benefits from private workman's compensation.

409 JEF VAN VALKENBERG, DEPARTMENT OF JUSTICE: Discusses intent.

420 REP. GRISHAM: On page 2, section 2, could you explain subsection 1?

436 VAN VALKENBERG: That was a provision that the board wanted drafted. They wanted to have an executive assistant to help the board implement and oversee these prison work programs under the ballot measure.

442 REP. GRISHAM: Would they actually assist the Prison Industries Board or the Advisory Board to the Prison Industries Board?

TAPE 67, A

020 VAN VALKENBERG: It would actually assist the Board itself.

024 REP. GRISHAM: The Prison Industries Board is made of up whom?

026 VAN VALKENBERG: The Secretary of State, the Governor, and the Treasurer.

028 REP. GRISHAM: So this executive would assist that Board?

029 VAN VALKENBERG: Correct.

031 REP. GRISHAM: And we're talking about creating a new Advisory Board to that Board and denying members from various occupations and departments, would they serve only as an Advisory Board?

033 VAN VALKENBERG: Correct. The Advisory Board would not have any function other than to recommend policy.

035 CHAIR TARNO: You have a copy of the letter from legislative council. [EXHIBIT C] Can you comment on that please?

029 VAN VALKENBERG: We've had little time to review this, we can speak to a couple of the issues raised by legislative council.

038 CHAIR TARNO: You can touch base with Ms. Vanderbuilt and look at the suggestions she has made for further amendments?

039 VAN VALKENBERG: Absolutely.

CLOSES the PUBLIC HEARING on HB 2903
OPENS the PUBLIC HEARING on HB 2676

065 DENIS O'DONNELL, DEPARTMENT OF CORRECTIONS: Testimony to HB 2676.

090 BRIAN BEMUS, PROGRAM DIRECTOR, DEPARTMENT OF CORRECTIONS: Testimony on HB 2676.

135 REP. COURTNEY: Is this going to require a 2/3 vote on the House Floor?

139 BEMUS: That is correct, this requires a 2/3 vote in Houses.

141 CHAIR TARNO: Is it your opinion that when measure 11 was drafted that the issue of earned time was overlooked?

143 O'DONNELL: I have discussed this with Rep. Mannix and I don't know the exact answer to your question. I know that he was comfortable enough to move forward with the debate on this issue.

147 CHAIR TARNO: I think we may have to have an opinion from Rep. Mannix, I think he was the primary drafter of measure 11.

160 REP. PROZANSKI: You believe this is essential to have so you can manage the facility and have the ability to deal with the population increases that you are going to have?

163 O'DONNELL: We feel it's a very important tool that we can utilize in light of the growth today. We are in the process of implementing ballet measure 17.

171 CHAIR TARNO: What would happen if all of your inmates lost their earned time?

173 FRANK THOMPSON, DEPARTMENT OF CORRECTIONS: As the population increases frustrations are manifested in so many unpredictable ways.

196 CHAIR TARNO: Oregon is one of the few states with a low ratio of employees to inmates.

204 THOMPSON: It is an excellent tool among others that would be a part of an effective incentives program.

208 REP. PROZANSKI: In the drafting of ballet measure 11 and 17, was the department of corrections asked for advise for what would or would not work within the confines of that ballet measure in controlling a prison population?

213 O'DONNELL: I can tell you we were not there at corrections when this occurred, Mr. Beamus was.

217 BEMUS: To my knowledge none of us were consulted in the drafting of ballet measure 11 or 17.

240 REP. GRISHAM: As I go over the list of offenses on page 2, line 23, it talks about murder, so I would assume your talking about good time earned by people who murder, convince me that anyone who's been convicted of murder should have any attempt to earn good time.

260 O'DONNELL: I think what we're trying to do here is look for some balance and look at bringing the information to the table as to what this means to the institutions and a safe, secure management of the institution.

276 REP. GRISHAM: How many individuals are we talking about if we were to strike people who have been convicted of murder?

283 BEMUS: The percentage of people we have in prison for murder today is small, I can provide that information to the committee.

287 REP. PROZANSKI: Mr. Thompson, since you have come from another system from Arkansas

and you've had some other experience, from your experience is there a potential of having that two tier system by separating certain offenses by raising the potential of violence of that group that is being treated differently?

300 THOMPSON: My experience in Arkansas is that there were certain inmates according to their crimes and sentences, would not be as eligible to the same degree as some other inmates for participation in the incentives program to include parole eligibility or the reduction in their time. I can provide you with more information for you.

314 REP. PROZANSKI: That would be very helpful.

320 ROBINSON: Let me remind the committee that this bill as drafted initially was done at the committee's request after the initial hearings about the implementation of ballot measure 11.

338 ERIK WASMANN, DEPARTMENT OF JUSTICE: Testimony to HB 2676

357 CHAIR TARNO: You are speaking to the original bill?

360 WASMANN: Yes I am. Continues testimony.

394 CHAIR TARNO: On page 3 of the bill, lines 13 through 16?

398 WASMANN: Yes.

397 REP. PROZANSKI: Is it possible that that section was intended to be with the aggravated murder?

403 WASMANN: We're talking about 4c?

404 REP. PROZANSKI: Yes.

406 WASMANN: In drafting the changes, who ever drafted them was simply looking at the 10 and didn't notice section 4c and did not intend for it to be anywhere.

416 ROBINSON: I'm confused. The murder statutes are in a different part of the ORS.

CLOSES the PUBLIC HEARING on HB 2676

420 CHAIR TARNO: With nothing further the meeting is adjourned at 9:35 A.M.

Submitted by, Reviewed by,

Janet Ellingsworth Debra Johnson
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

A - Proposed amendments to HB 2681 - Staff - 3 pages
B - Proposed amendments to HB 2903 - Staff - 17 pages
C - Testimony to HB 2903 - Staff - 2 pages