

HOUSE JUDICIARY
SUBCOMMITTEE ON CRIME AND CORRECTIONS

Hearing Room
Tapes - 71

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 2492
Work session on HB 2704
Work session on HB 2695
Public hearing and work session on SB 59-A
Public hearing and work session on SB 140
Public hearing and work session on SB 191-A
Public hearing and work session on SB 228-A

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 WORK SESSION on HB 2492

006 ROBINSON: Discusses -5 amendments. [EXHIBIT A]

015 CHAIR TARNO: The language on the -5 is on page 3.

017 ROBINSON: Correct, and there is new language being added to the murder by abuse statutes.

020 MOTION: REP. PROZANSKI: Moves the -5 amendments to HB 2492.

022 CHAIR TARNO: The motion CARRIES.

025 MOTION: REP. PROZANSKI: Moves HB 2492 as amended with a do pass recommendation.

028 VOTE: In a roll call vote all members present vote AYE.

032 CHAIR TARNO: The motion CARRIES.

CLOSES the WORK SESSION on HB 2492

OPENS the WORK SESSION on HB 2704

033 ROBINSON: Brief overview of HB 2704. [EXHIBITS C & D]

050 REP. PROZANSKI: Where is the Governor's office on this bill?

052 ROBINSON: They are in full support of the bill, they wrote it.

052 MOTION: REP. COURTNEY: Moves the -2 amendments to HB 2704.

055 STEVE MARKS, GOVERNOR'S SENIOR POLICY ADVISOR: Discusses conceptual amendments to HB 2704. [EXHIBIT B]

073 CHAIR TARNO: Section 10 and 11 on page 7 would be erased?

074 MARKS: Yes.

076 ROBINSON: Let me discuss this with legislative council.

080 MARKS: On page 10, section 14, the same codification of rule making has already occurred.

096 CHAIR TARNO: Counsel will check with legislative council on sections 10, 11, and 14 as to their actual need to be in this bill.

098 ROBINSON: Do you want these ORS sections deleted from the statutes?

100 MARKS: Yes, we're not sure they are necessary.

103 REP. GRISHAM: It looks like it changes the intent to abolish the Oregon Criminal Justice Council.

104 ROBINSON: There will be a new entity created called the Oregon Criminal Justice Commission.

108 REP. GRISHAM: Do we have a fiscal impact?

110 CHAIR TARNO: As I understand it the fiscal is the same and possibly some savings involved.

119 MOTION: REP. PROZANSKI: Moves the -2 amendments as further amended to HB 2704.

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121 CHAIR TARNO: The motion CARRIES.

125 MOTION: REP. COURTNEY: Moves HB 2704 as amended to the full committee with a do pass recommendation.

127 VOTE: In a roll call vote all members are present and vote AYE.

129 CHAIR TARNO: The motion CARRIES.

CLOSES the WORK SESSION on HB 2704
OPENS the WORK SESSION on HB 2695

133 ROBINSON: Brief overview of HB 2695. [EXHIBIT D & F]

166 REP. GRISHAM: Can I ask a question of Rep. Courtney?

168 CHAIR TARNO: I know he has some concerns about the proponent of the bill and what his thoughts are on this bill.

170 REP. COURTNEY: I just want to know if he's signed off on the bill.

172 REP. GRISHAM: He has not that I know of.

173 REP. COURTNEY: Then I cannot support the bill.

175 REP. LEWIS: I also have concerns based on a letter that I received from Oregon Men's PAC. [EXHIBIT E].

CLOSES the WORK SESSION on HB 2695
OPENS the PUBLIC HEARING on SB 59

185 SALLY AVERA, STATE PUBLIC DEFENDER: Testimony on SB 59.

224 BRADD SWANK, STATE COURT ADMINISTRATORS OFFICE: Testimony on SB 59. [EXHIBIT G]

231 REP. PROZANSKI: It's my understanding that at the time of sentencing that the judge would determine at that stage of the proceedings, if the person was still indigent, correct?

236 SWANK: Currently the statute requires they do that in every case.

238 REP. PROZANSKI: At the stage of sentencing?

239 SWANK: After sentencing or on appeal.

240 AVERA: Currently the court does that at the trial level.

250 REP. PROZANSKI: The reason I wanted to clarify that for the record is in my practice at the time of sentencing, the defendant is usually asked what their current situation is before restitution.

263 AVERA: You are correct.

CLOSES the PUBLIC HEARING on SB 59
OPENS the WORK SESSION on SB 59

275 MOTION: REP. COURTNEY: Moves SB 59 to the full committee with a do pass recommendation.

278 VOTE: In a roll call vote all members are present and vote AYE.

280 CHAIR TARNO: The motion carries.

CLOSES the WORK SESSION on SB 59 A
OPENS the PUBLIC HEARING on SB 140

290 MARVA FABIEN, CHAIR-PERSON, PAROLE BOARD: Testimony on SB 140. [EXHIBIT H]

299 MOTION: REP. COURTNEY: Moves SB 140 to the full committee with a do pass recommendation.

302 VOTE: In a roll call vote all members are present and vote AYE.

306 CHAIR TARNO: The motion CARRIES.

CLOSES the PUBLIC HEARING and WORK SESSION on SB 140
OPENS the PUBLIC HEARING and POSSIBLE WORK SESSION on SB 191-A

315 JUDGE BILL RICHARDSON, CHIEF JUDGE, OREGON COURT of APPEALS : Testimony
on SB 191-A.

395 BRADD SWANK, STATE COURT ADMINISTRATOR'S OFFICE: Testimony on
SB 191-A [EXHIBIT I]

413 REP. PROZANSKI: You said they would still have some course of seeking
some type of judicial review, would that review occur in the county they
are lodged at or would it go back to the county where they were convicted?

418 SWANK: I believe it's the county they are lodged in.

425 MIKE REYNOLDS, DEPARTMENT OF JUSTICE: Testimony in support of SB 191.

446 REP. PROZANSKI: The reality of this is that it's going to save money
for the Department of Justice, but it's going to shift that burden and cost
to the counties, correct?

451 REYNOLDS: It should not shift any burden to counties in terms of
county councils or anyone else.

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030 REP. PROZANSKI: So the District Attorney's office here in Marion county
will not receive the bulk of the work load it will stay with the Department
of Justice, just a different department?

033 REYNOLDS: That's correct.

035 CHAIR TARNO: Is this designed to get rid of those frivolous lawsuits?

037 REYNOLDS: I'm not sure if it will effect frivolous law suits, inmates
can still file frivolous habeaus corpus cases, they do it all the time.

CLOSES the PUBLIC HEARING on SB 191-A
OPENS the WORK SESSION on SB 191-A

040 MOTION: REP. PROZANSKI: Moves SB 191-A to the full committee with
a do pass recommendation.

042 VOTE: In a roll call vote all members are present and vote AYE.

045 CHAIR TARNO: The motion CARRIES.

CLOSES the WORK SESSION on SB 191-A
OPENS the PUBLIC HEARING on SB 228-A

050 VIRGINIA LINDER, SOLICITOR GENERAL, DEPARTMENT of JUSTICE: Testimony
on SB 228. [EXHIBIT K]

CLOSES the PUBLIC HEARING on SB 228-A
OPENS the WORK SESSION on SB 228-A

088 CHAIR TARNO: They are going to support this bill, there is no one in
the audience that's
going to oppose it.

090 MOTION: REP. PROZANSKI: Moves SB 228-A to the full committee with a
do pass recommendation.

093 VOTE: In a roll call vote all members are present and vote AYE.

096 CHAIR TARNO: The motion CARRIES.

100 CHAIR TARNO: With nothing further the meeting is adjourned at 9:50
A.M.

Submitted by, Reviewed by,

Janet Ellingsworth Debra Johnson
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

A - Proposed amendments to HB 2492-Staff-3 pages
B - Testimony to HB 2492-Marks-4 pages
C - Proposed amendments to HB 2704-Staff-11 pages
D - Amendments to HB 2704-Staff-1 page
E - Proposed amendments to HB 2695-Staff-3 pages
F - Testimony to HB 2695-Barlow-3 pages
G - Changes to HB 2695-Staff-1 page
H - Testimony to SB 59-Swank-2 pages
I - Testimony to SB 140-Fabien-1 page
J - Testimony to SB 191-A-Swank-3 pages
K - Testimony to SB 191-A-Porter-Smith-10 pages
L - Testimony on HB 228-A-Linder-2 pages