

SENATE COMMITTEE ON
JUDICIARY

Hearing Room
Tapes - 88

MEMBERS PRESENT:

SEN. NEIL BRYANT, Chair
SEN. KEN BAKER
SEN. JEANNETTE HAMBY
SEN. PETER SORENSON
SEN. DICK SPRINGER
SEN. SHIRLEY STULL

MEMBER EXCUSED:

SEN. RANDY MILLER, Vice-Chair

STAFF PRESENT:

BILL TAYLOR, Committee Counsel
DIANE DUSSLER, Committee Assistant

MEASURES HEARD:

SB 60 - PUBLIC HEARING
SB 504 - PUBLIC HEARING
SB 641 - PUBLIC HEARING
HB 2388 - PUBLIC HEARING
SB 60 - WORK SESSION
SB 107 - WORK SESSION
SB 429 - WORK SESSION
HB 2388 - WORK SESSION

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

003 CHAIR BRYANT: Calls the meeting to order at 3:00 p.m.

Opens PUBLIC HEARING on SB 60

WITNESSES: Jo Ann Langford, CCP, Owner and General Manager, Rams Specialized

Security Inc.

Terri Dill-Simpson, Safety and Security Manager, Washington Park Zoo
Josh Harris, Vice President and General Manager, Word Security Services
Gary Gross, Vice President and Corporate Director, Northwest Protective

Services

John Velke III, Vice President, Corporate Director of Loss Prevention, Fred

Meyer

Ken Wright, Chief of Police, Woodburn, Second Vice President of Oregon
of Chiefs of Police

Association

Steve Bennett, Executive Director, Board on Public Safety, Standards, and

Training

010 JO ANN LANGFORD, CCP, Owner and General Manager, Rams Specialized

Security Inc.:

Testifies and submits written testimony in favor of SB 60. [EXHIBIT A]

073 CHAIR BRYANT: Which states have similar statutes now?

077 LANGFORD: California and Washington do have statutes. Currently less than ten states do not have the statute.

105 TERRI DILL-SIMPSON, Safety and Security Manger, Washington Park Zoo:
Testifies and submits written testimony in favor of SB 60. [EXHIBIT B]

152 SEN. SORENSON: What would the fees be?

170 SIMPSON: A rough estimate is \$35 for a personal license.

180 JOSH HARRIS, CCP, Vice President and General Manager, World Security
Services: Testifies and submits written testimony in favor of SB 60
[EXHIBIT F].

225 GARY GROSS, Vice President, Northwest Protective Service: Testifies and
submits written testimony in favor of SB 60 [EXHIBIT C].

238 JOHN VELKE, Vice President and Corporate Director of Loss Prevention,
Fred Meyer: Testifies and submits written testimony in favor of SB 60
[EXHIBIT D].

290 KEN WRIGHT, Chief of Police, Woodburn, Oregon, Second Vice President of
Oregon Association Chiefs of Police: Testifies and submits written

testimony in favor of SB 60 [EXHIBIT E].

360 CHAIR BRYANT: How many agencies are there in Oregon?

364 GROSS: Probably between 300 to 500.

382 SEN. SORENSON: How may local jurisdictions have requirements for licensing of private security forms?

386 WRIGHT: There are quite a few.

400 SEN. SORENSON: Can we have an academic requirement before they get specialized training?

414 WRIGHT: It wasn't the intent of this bill to raise the private security to a public law enforcement standard.

477 SEN. BAKER: In Section 3, page 2, line 40, why is 90 days there?

TAPE 86, A

043 WRIGHT: Ninety days was felt to be a reasonable time.

065 SEN. HAMBY: Chief Wright, do you allow police offices to serve as private security in their off hours?

070 WRIGHT: No, I do not.

081 STEVE BENNETT, Executive Director, Board on Public Safety, Standards and Training (BPSST): Testifies and submits written testimony in favor of SB 60. [EXHIBIT F].

131 SEN. SORENSON: Compared to other states, if we enact these requirements would we be at the high end or low end?

142 BENNETT: We would be average.

Closes PUBLIC HEARING on SB 60

Opens PUBLIC HEARING on HB 2388

WITNESS: Rep. Lonnie Roberts, District 21

210 REP. LONNIE ROBERTS, District 21: Testifies in favor of HB 2388.

245 SEN. SORENSON: Where would this fall in the sentencing guidelines and does a civil private right of action exist for this under Rico?

253 ROBERT: I don't know the answer to either one.

250 SEN. BAKER: Why is this a Class A felony?

255: ROBERTS: It was written into the law as it is a serious offense.
275 - need strong penalty to be a strong deterrent

320 CHAIR BRYANT: Paul Snider had to leave. He isn't taking a position on the bill but wants the committee to be aware of the effects enhanced penalties may have on the criminal justice system.

Closes PUBLIC HEARING on SB 2388

Opens WORK SESSION on HB 2388

329 SEN. BAKER: Would you consider an amendment to reduce it from a Class A to a Class C misdemeanor?

330 CHAIR BRYANT: Yes.

MOTION: SEN. BAKER: Moves to ADOPT amendments to HB 2388 by replacing "A" with "C" in Section 2, page 2, line 2, and line 30.

345 SEN. BAKER: My rationale is a Class E felony is up to 5 years, so a Class A seems excessive for this and it has a direct impact on more violent crimes.

373 VOTE: 5-1 MOTION PASSES
AYE: Baker, Hamby, Springer, Stull, Bryant

NAY: Sorenson

380 MOTION: SEN. BAKER: Moves that HB 2388 AS AMENDED be sent to the Floor with a DO PASS recommendation. SEN. SORENSON will carry the bill to the Floor.

VOTE: Hearing no objections, the motion CARRIES. All members present vote
AYE.

SEN. MILLER is EXCUSED.

Closes WORK SESSION on HB 2388

Re-Opens PUBLIC HEARING on SB 60

395 CHAIR BRYANT: Is age 18 your recommendation for the blanks that need to

be filled in on page 3, line 4?

408 BENNETT: That is correct.
413 - Section 5b, page 4 and recommendation is for 3 reputable citizen
references

419 CHAIR BRYANT: On page 6, Section 13, what is the standard civil penalty
that you propose?

425 BENNETT: 1500

430 CHAIR BRYANT: The board can go up to \$1,500?

435 BENNETT: Currently, we don't a civil penalty.

460 CHAIR BRYANT: I suggest 97, 98, 99 for Section 16.

466 BENNETT: That's fine.

TAPE 85, B

050 CHAIR BRYANT: Why did you select 2 members?

053 BENNETT: That was the recommendation of the work group.

100 SEN. SORENSON: Page 4, Section 6, what happens when the alleged
investigation is over?

110 BENNETT: If at the completion of the investigation it was determined
that a violation did occur then the individual loses his license.

121 GARY GROSS: Rational for Section 13 is that when we find someone in
violation we need a civil penalty to enforce the act.

143 CHAIR BRYANT: Was it your intent to have this penalty apply to the
company?

144 GROSS: Yes

168 SEN. STULL: Are the advisory committees compensated by state
government?

177 BENNETT: Official members have not had a history of being compensated.

This advisory board could legally be compensated.

Closes PUBLIC HEARING on SB 60

Opens WORK SESSION on SB 107

207 CHAIR BRYANT: This is to standardize procedural process for challenging
court actions of state and local governments.

237 EDWIN PETERSON, former Chief Justice, Chair of the Judicial Review
Committee of the Judicial Department: Testifies in support of SB 107 and
submits proposed amendments. [EXHIBIT H & I]

251 ROY PULVERS, Counsel to Supreme Court: Testifies in support of SB 107.

The insertion of notice of appeal prior to the petition for
judicial review caused changed.

262 - procedural attempt to facilitate early resolution of case

291 - in Section 26 the number 25 has been inserted in the blank space

314 MIKE REYNOLDS, Attorney General's Office: Testifies in support of SB
107. This will expedite early resolution of meritless appeals.
- forces petition to identify issues early

350 CHAIR BRYANT: We will take the opportunity to review the amendments.

Closes WORK SESSION ON SB 107

Re-opens PUBLIC HEARING on SB 60

348 BENNETT: There is a provision for the Advisory Committee Members to get
a per diem and reimbursement for travel and other expenses. There is no
compensation for their time.

379 SEN. SORENSON: What is your view on including a civil right of action
to enforce the provisions of the requirements?

389 CHAIR BRYANT: With response to the relating clause, I don't think we
can amend this to include a civil clause of action.

412 BENNETT: That wasn't a legal concern brought out in the discussion.

402 LANGFORD: Committee would refer that to Rick Whitlock who assisted us
with the bill.

Closes PUBLIC HEARING on SB 60

Opens WORK SESSION on SB 60

440 MOTION: CHAIR BRYANT: Moves to ADOPT amendments to SB 60 by inserting
18 in blank on page 3, line 4; insert 3 in the blank on page 4, line 4;
insert \$1,500 in the blank on page 6, line 17; on page 7 insert 97 in line
17, insert 98 in line 18 and insert 99 in line 19.

VOTE: Hearing no objections, the amendment is ADOPTED. All members
presents vote AYE. SEN. SPRINGER is EXCUSED.

468 CHAIR BRYANT: I'm concerned with Section 13. I would not have the
civil penalty here.

480 SEN. BAKER: Would you remove Section 13 entirely?

481 CHAIR BRYANT: Yes.

TAPE 86, B

050 SEN. SORENSON: I think alleged police misconduct has been minimized by
existence of civil right of action and I would like to get that in an
amendment.

080 CHAIR BRYANT: Way and Means would need to approve the advisory board's
budget.

090 SEN. STULL: Recommends advisory board not have per diem subsidized by
state government.

100 - suggests change to Section 15 dealing with advisory board

117 CHAIR BRYANT: Asks Sen. Stull to work on the issue of the make up of
the advisory board.

Closes WORK SESSION on SB 60

Opens WORK SESSION on 429

WITNESSES: Bradd Swank, State Court Administrator's Office
Ingrid Swenson, Oregon Criminal Defense Lawyer's Association
David Carlile, District Attorney, Linn County
Tracy Cordes, Program Manager for Sentence Guidelines

135 BILL TAYLOR: Outstanding issue is what factors can be used on enhanced
penalties.

We have proposed language from Court Administrator's Office on Section 7,
page 2 line 19.

160 BRADD SWANK, State Court Administrator's Office: Testifies and
proposes language changes to SB 429. Insert a period after word offense on

page 2, line 19. Delete the language "or requested by" and insert "the
sentencing court may order a pre-sentence report at the request of".

190 INGRID SWENSON, Oregon Criminal Defense Lawyer's Association:
Testifies and submits proposed amendments on aggravating factor on SB 429
[EXHIBIT J].

203 TAYLOR: We need to request the Criminal Justice Council to amend their
Sentencing Guidelines by adopting this rule.

255 SWENSON: A combination of the Criminal Justice Council's proposal and
the proposal on page 2 of the memo will eliminate double counting factor.

260 DAVID CARLILE, District Attorney, Linn County: We oppose the
aggravating language amendment which was discussed last time.

271 - get repeat property offenders which sentencing guidelines do not reach

275 - this is only tool we have to reach them.

290 MOTION: CHAIR BRYANT: Moves to ADOPT amendments to SB 429 by inserting
a period after word offense on page 2, line 19 and insert language
"sentencing court may order a pre-sentencing report at the request of the
district attorney or the defendant".

298 VOTE: Hearing no objections, the amendment are ADOPTED. All members
present vote AYE. SEN. SPRINGER is EXCUSED.

310 CHAIR BRYANT: On the proposed amendment on the council, is it correct
that if we do nothing the rule will go into effect.

319 TAYLOR: If we do nothing the rule on line 7 will go into effect.

335 SEN. STULL: Asks Mr. Carlile to explain his issue.

340 CARLILE: Explains how to use the grid block.

353 - departure provision allows judge to issue lessor or harsher sentences
when lines intersect

366 - aggravating factor can be that the person has committed many offenses

370 - in proposed amendment bolded areas are addition to current law and
would make it more difficult for judge to depart upward

391 SEN. SORENSON: One of reasons for grid system is if we allow judges to

depart you have disparate sentences. Is prior criminal behavior already a
factor?

411 CARLILE: I would agree to a limited extent.

412 SEN. SORENSON: Doesn't it mean that people who have committed more
serious crimes will be more likely to be released earlier if circuit judges

depart on UUMV and other crimes?

421 CARLILE: Your analysis is correct.

430 SEN. SORENSON: If we don't prioritize sentencing will differ from county to county.

450 MOTION: SEN. SORENSON: Moves to ADOPT amendment to SB 429 by requesting Criminal Justice Council preclude trial courts from using mediating factors

H in sentencing offenders.

TAPE 87, A

065 TRACY CORDES, Program Manager for Sentencing Guidelines on Criminal Justice Council: Testifies on SB 429. Believes bill language targets e and

a on criminal history scale.

105 - discusses use of mitigating factor

122 VOTE: 4-1 MOTION PASSES
AYE: Baker, Bryant, Hamby, Sorenson,
NAY: Stull
SEN. SPRINGER is EXCUSED.

126 MOTION: SEN. HAMBY: Moves SB 429 AS AMENDED to the Floor with a DO recommendation.

PASS

VOTE: Hearing no objections, the motion CARRIES. All members present vote
AYE. SEN. SPRINGER is EXCUSED.

Closes WORK SESSION on SB 429

Opens PUBLIC HEARING on SB 504

WITNESSES: Melinda Grier, Department of Higher Education
Rick DeMars, Director of Public Safety and Personnel, Western Oregon State
College
Carey Drayton, Director, Office of Public Safety, University of Oregon
Jason Kropf, University of Oregon student
David Fidanque, Executive Director, American Civil Liberties Union
Jane Lesser, Oregon Student Lobby
Keith Kutler, Counsel, Department of Justice

140 MELINDA GRIER, High Education: Testifies and submits written testimony in favor of SB 504 [EXHIBIT K & L].

206 RICK DeMARS, Director of Public Safety and Personnel, Western Oregon State College: Testifies in favor of SB 504. Explains differences in training for officers.

222 - major difference is officers would not be armed

230 SEN. BAKER: Why are we setting up special categories?

237 GRIER: Legislature wanted to limit authority.

280 CHAIR BRYANT: How many officers do you intent to hire?

283 GRIER: We don't intend to hire as we are at full strength.

317 CAREY DRAYTON, Director, Office of Public Safety, University of Oregon:

Testifies on SB 504. Explains that campus contracts with city for police officers.

390 DeMARS: We are first responder at incident on campus.

435 - we have capability of arresting on probable cause

TAPE 88, A

030 JASON KROPP, University of Oregon student: Testifies on SB 504. Expresses concern.

065 - fears lack of training of security officers will lead to abuse

084 - believes better use of funds would be to increase campus lighting

118 - believes stop and frisk powers for security officers is a bad idea

124 JANE LESSER, Oregon Student Lobby: Testifies on SB 504. Expresses concerns with bill: - believes enhanced training will increase powers for officers

147 - questions how thorough training is for officers

183 DAVID FIDANQUE, Executive Director, American Civil Liberties Union: Testifies on SB 504 neither in support or opposition.

- traditionally opposes expansion of police authority to agencies that are not law enforcement agencies

200 - agrees that legislative oversight is appropriate

233 KEITH KUTLER, Counsel for Board of Higher Education, Department of Justice: Introduces self.

236 SEN. SORENSON: Questions use of City of Eugene police officers on campus.

245 KUTLER: It is not cost effective to have security officers do same thing as police officers.

294 SEN. STULL: In LEDS access, will you be setting up your own system?

303 DRAYTON: That is part of our contract. We have a separate access number.

Closes PUBLIC HEARING on SB 504

Opens PUBLIC HEARING on SB 641

WITNESSES: William Curtin, Director of Campus Safety, Lewis and Clark College
Craig Smith, Chief Financial Officer of Chemeketa Community College
Jeff Brown, student, Willamette University
David Fidanque, Executive Director, American Civil Liberties Union

334 WILLIAM CURTIN, Director of Campus Safety, Lewis and Clark College:
Testifies in support of SB 641.
385 - having law enforcement authority would provide immediate
accountability especially in drug and alcohol use
419 - campus has sanctuary type of appeal for minors and public
460 - bill would give law enforcement authority to private corporations

TAPE 87, B

062 CRAIG SMITH, Chief Financial Office at Chemeketa College, Oregon
Community College
Association: Testifies in favor of SB 641.
079 - have neighborhood spill over offenses as some come to campus seeking
assistance
116 - we want our officers subject to our policies and procedures not
sheriff's department

135 JEFF BROWN, Willamette University Law Student: Testifies in opposition
to SB 641.
Has some public policy and constitutional concerns:
160 - extension of state wide arrest jurisdiction to officers who have less
training than police officers
190 - believes bill may violate First Amendment

217 DAVID FIDANQUE, Executive Director, American Civil Liberties Union:
Testifies in
opposition to SB 641.
230 - believes peace officers should have limited authority
242 - let local police officers deal with criminal matters

260 SEN. BAKER: Would you be neutral if we extended SB 504 to community
colleges?

265 FIDANQUE: Yes. There are some jurisdictional problems with community
colleges.

290 SEN. SORENSON: Does anyone have state wide arrest jurisdiction besides
police officers?

295 FIDANQUE: I'm not aware of any.

303 CURTIN: As far as I know there is no one except for municipal and
sheriff personnel. We do not want state wide authority. Our intent was
to limit our authority to the campus.

Submitted for the record testimony from Kevin Campbell [EXHIBIT M]

Closes PUBLIC HEARING on SB 641

340 CHAIR BRYANT: Adjourns meeting at 6:20 p.m.

Submitted by, Reviewed by,

DIANE DUSSLER BILL TAYLOR
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - Testimony on SB 60 - Jo Ann Langford - 2 pages
B - Testimony on SB 60 - Terri Dill-Sampan - 2 pages
C - Testimony on SB 60 - Garry Gross - 1 page
D - Testimony on SB 60 - John Velke III - 1 page
E - Testimony on SB 60 - Ken Wright - 2 pages
F - Testimony on SB 60 - Josh Harris - 1 page
G - Testimony on SB 60 - Steve Bennett - 1 page
H - Testimony on SB 107 - Ed Peterson - 1 page
I - Proposed Amendments to SB 107 - 7 pages
J - Proposed Amendments to SB 429 - 2 pages
K - Testimony on SB 504 - Melinda Grier - 1 page
L - Testimony on SB 504 - Melinda Grier - 1 page
M - Testimony on SB 641 - Kevin Campbell - 1 page