

SENATE COMMITTEE ON
JUDICIARY

Hearing Room
Tapes 110 -113

MEMBERS PRESENT:

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

MEMBER EXCUSED:

STAFF PRESENT:

BILL TAYLOR, Committee Counsel
DIANE DUSSLER, Committee Assistant

MEASURES HEARD:

SB 282 - PUBLIC HEARING
SB 653 - PUBLIC HEARING
SB 787 - PUBLIC HEARING

SB 1145 - PUBLIC HEARING
SB 787 - WORK SESSION
SB 1145 - 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

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

Opens PUBLIC HEARING on SB 1145

WITNESSES:

John Kitzhaber, Governor, State of Oregon
Don Lindly, Vice President of Association of Oregon Counties, Lincoln
County Commission
Dave Cook, Benton County Sheriff
Bill Carey, Department of Corrections
Barbara McGuire, Department of Corrections
Paul Snyder, Association for Oregon Counties
David Factor, Executive Director, Sentencing Guideline Board

007 JOHN KITZHABER, Governor, State of Oregon: Testifies on SB 1145, the
proposed partnership in community corrections which allows Measure 11
sanctioned offenders to be locked up. Discusses the community corrections
proposal:

067 - voters want to get tough on crime
099 - this will be a true partnership
104 - forecasts need to construct 1,200 prison beds beyond 3,000 in planning

stage

123 - crime affects all levels of government

132 DON LINDLY, Vice President of Association of Oregon Counties, Lincoln
County Commissioner: Testifies in support of SB 1145 [EXHIBIT D].

182 DAVE COOK, Benton County Sheriff: Testifies in support of SB 1145.
Partnership is an important aspect of this bill.

240 BILL CAREY, Department of Corrections: Testifies and submits written
testimony in support of SB 1145 [EXHIBIT C].
300 - will have RFP's for counties to apply to build or renovate jails

368 BARBARA MCGUIRE, Department of Corrections: Testifies in support of SB
1145.
Explains proposed changes in addition to the proposed amendments SB 1145-1
[EXHIBIT B]

- Section 4, sub 5, page 3, line 3 add "local" before sanctions
400 - Section 9, sub 2 e, page 6, lines 10-11 add language
"imposed by board of parole and post prison supervision"
450 - Section 19 adds new language to sub 3
- suggests addition of emergency clause

TAPE 111, A

054 PAUL SNYDER, Association for Oregon Counties: Testifies in support

of SB 1145.

070 - proposes new sub section under 1 creating new 1 a for new language

090 CHAIR BRYANT: What happens if counties decide to bow out?

095 CAREY: If it was a new facility the state would have some claim on the building.

134 CHAIR BRYANT: Are you going to need super siting authority?

135 CAREY: Yes, we will.

146 SEN. SORENSON: What happens to people currently in county jails?

151 SNYDER: It would depend on several factors and what resources are available.

200 SEN. SORENSON: Can you identify what would be changed with this bill on the grid blocks?

212 DAVID FACTOR, Executive Director, Sentencing Guideline Board: The grid wouldn't change in structure [EXHIBIT A]. They would be sentenced to 12 months at the local level.

275 SEN. MILLER: Why is super siting necessary?

280 SNYDER: Some counties don't have capacity to handle additional offenders and will need to build new jail space.

313 SEN. SPRINGER: What counties will receive less money?

318 CAREY: Eleven counties. It is a hold harmless feature so they don't receive less money.

350 SEN. SPRINGER: Section 4, sub 5 refers to community corrections plans, and questions how that is going to work.

375 McGUIRE: Section 4, page 2, lines 41- 45 deals with what we hope will produce a data base.

404 SEN. SPRINGER: Were any judges asked for input, as if judges don't trust this it won't work?

410 SYNDER: Several judges had input.

440 SEN. HAMBY: Will the state have beds when counties don't have room?

465 CAREY: Department of Corrections will probably be buying beds outside of the state.

TAPE 110, B

Closes PUBLIC HEARING on SB 1145

Opens WORK SESSION on SB 1145

076 MOTION: CHAIR BRYANT: Moves to ADOPT SB 1145-1 amendments.

112 VOTE: Hearing no objections, the amendments are ADOPTED. All members present vote AYE. SEN. MILLER IS EXCUSED.

114 MOTION: CHAIR BRYANT: Moves to ADOPT amendments to SB 1145 as follows: page 3, line 3, add word "local" between and sanctions; page 6, line 11, add between the word sanction and for "imposed by the board of parole and post prison supervision"; page 8, lines 28-29 deleting "or the

director of the department of Corrections, which ever is appropriate, or the designees thereof"; page 10, Section 19 add new sub paragraph 3, which was read into record; Section 21 add emergency clause; and a direction to adopt Sentencing Guidelines with rules Mr. Carey will provide.

136 VOTE: Hearing no objections, the amendments are ADOPTED. All members present vote AYE. SEN. MILLER IS EXCUSED.

140 CAREY: There is one more change. Sub b on line 1 moves to d and d becomes e and f. becomes a new D then change subsection d and e to e and f

145 MOTION: CHAIR BRYANT: Moves to ADOPT amendments to SB 1145 by moving line 1, sub 2 will move to line 9, page 6 becomes new d, current d becomes e and f.

148 VOTE: Hearing no objections, the amendments are ADOPTED. All members present vote AYE. SEN. MILLER IS EXCUSED.

149 MOTION: CHAIR BRYANT: Moves to ADOPT Mr. Sender's amendment to move lines 5-18 on page 1 to new Section under Section 1.

150 VOTE: Hearing no objections, the amendment is ADOPTED. All

members present vote AYE. SEN. MILLER IS EXCUSED.

158 MOTION: CHAIR BRYANT: Moves to conceptually ADOPT amendments to
SB 1145 by adding language "Director of Corrections will report to
emergency board on a regular basis concerning the progress of appointing
the committee that will review and determine the standards, receive the
RFP's and report the selection process of what groups receive the funding
for construction or renovation".

170 VOTE: Hearing no objections, the amendment is ADOPTED. All members
present vote AYE. SEN. MILLER IS EXCUSED.

180 SEN. SORENSON: Proposes to add a new Section 23.

240 MOTION: CHAIR BRYANT: Moves to conceptually ADOPT Sen. Sorenson's
amendment: Director shall hold public hearing and then complete and submit

report before 1997 Legislative Assembly convenes on the progress,
and problems posed by this act and making suggestions for
opportunities,
new legislation.

243 VOTE: Hearing no objections, the amendment is ADOPTED. All members
present vote AYE. SEN. MILLER IS EXCUSED.

250 MOTION: SEN. BAKER: Moves SB 1145 AS AMENDED to Way and Means with a DO
PASS recommendation.

260 SEN. SPRINGER: Objects to Section 16; possible lay off of state parole
and probation officers.

280 CAREY: Governor is concerned with this. We are trying to resolve this
issue.

311 VOTE: 4-2 MOTION CARRIES
AYE: Baker, Bryant, Hamby, Stull
NAY: Springer, Sorenson
SEN. MILLER is EXCUSED

Closes WORK SESSION on SB 1145

Opens PUBLIC HEARING on SB 282

WITNESSES: Senator Bill Dwyer, District 21
Representative Kitty Piercy, District 39

370 SEN. BILL DWYER, District 21: Testifies in favor of SB 282 which is an
attempt to aid constituents runaway children. Submits written testimony
from Mayor Bill Morrisette [EXHIBIT F].

390 REP. KITTY PIERCY, District 39: Testifies and submits written
testimony in favor of SB 282 [EXHIBIT E].

428 SEN. SPRINGER: What is the definition of a runaway?

430 SEN. DWYER: An incorrigible child who refuses to abide by household
rules.

462 REP. PIERCY: Intent is triage so child is not preyed upon by
inappropriate people.

TAPE 111, B

042 SEN. BAKER: How do we distinguish between good kid who leave home and
others?

063 SEN. PIERCY: A runaway is one whose parents have informed the
authorities that they are a runaway. Authorities should work with people
in Social Services to determine motive for the act.

085 SEN. SORENSON: Do you have any problem with filling out a form saying
your child is a runaway?

087 SEN. DWYER: No.

Recesses PUBLIC HEARING on SB 282

Opens PUBLIC HEARING on SB 787

WITNESSES: Gary Conkling, McCaw Cellular Communications, Inc.
Richard Bear, Director of Finance, AT&T Wireless Services
Ron Peters, U.S. Secret Service, Portland Resident Office

160 GARY CONKLING, McCaw Cellular Communications, Inc.: Testifies and
submits written testimony in support of SB 787 [EXHIBIT H].

200 RICHARD BEAR, Director of Finance, AT&T Wireless Services: Demonstrates
how a thief can steal cellular phone numbers.

250 RON PETERS, U.S. Secret Service, Portland Resident Office: Testifies
and submits written testimony in favor of SB 787 [EXHIBIT J].

269 SEN. STULL: Is the device you used to access the cellular number
restricted?

274 BEAR: This information appeared in a hacker magazine and it is very
easy to get.

320 CONKLING: Explains amendments to SB 787 [EXHIBIT G].
370 - continues

384 SEN. BAKER: Does this bill allow you to confiscate equipment?

397 CONKLING: It is anticipated that this would happen.

450 PETERS: On the federal law it is illegal to possess the equipment with
the intent to defraud.

Opens WORK SESSION on SB 787

TAPE 112, A

065 MOTION: SEN. HAMBY: Moves to ADOPT SB 787-1 amendments.

067 VOTE: Hearing no objections, the amendments are ADOPTED. All members
present vote AYE. SEN. MILLER IS EXCUSED.

069 MOTION: SEN. HAMBY: Moves to conceptually ADOPT amendment to
confiscate the cloning paraphernalia.

080 VOTE: Hearing no objections, the amendment is ADOPTED. All members
present vote AYE. SEN. MILLER IS EXCUSED.

091 MOTION: CHAIR BRYANT: Moves SB 787 AS AMENDED to the Floor with
a DO PASS recommendation.

093 VOTE: Hearing no objections, the motion CARRIES. All members present
vote AYE. CHAIR BRYANT will carry the bill to the Floor.

Closes WORK SESSION on SB 787

Opens PUBLIC HEARING on SB 653

WITNESSES: Robert Bovett, Assistant County Counsel, Lincoln County
David Dune, Lincoln County
Sharon Harmon, Operations Director, Oregon Human Society

100 ROBERT BOVETT, Assistant County Counsel, Lincoln County: Testifies and
submits written testimony in support of SB 653 [EXHIBIT K].

125 DAVID DUNE, Lincoln County: Testifies in favor of SB 653. Relates
costs of housing animals in recent case.

135 SHARON HARMON, Operations Director, Oregon Human Society: Testifies and
submits written testimony in favor of SB 653 [EXHIBIT L].

150 - suggests change to "good cause shown" rather than probable cause
- suggests adding language "municipal shelter" or "other facility as
authorized by state" in Section 2, line 1

185 SEN. SPRINGER: Questions time limit on line 18.

242 SEN. SPRINGER: What happens if a relatives wants temporary custody?

250 BOVETT: This bill does not preclude that from occurring. We can't do
that under the current law.

300 SEN. SORENSON: Does the owner forfeit the animal if found guilty?

310 BOVETT: Yes.

350 SEN. STULL: Questions forfeiture before being found guilty.

400 MOTION: SEN. HAMBY: Moves to ADOPT amendment to SB 653 to change 24
hours to 72 hours on line 18 and add "municipal shelter " to Section 2.

425 VOTE: Hearing no objections, the amendment is ADOPTED. All members
present vote AYE. SEN. MILLER IS EXCUSED.

436 MOTION: SEN. SPRINGER: Moves conceptually to ADOPT amendment to SB 653
by adding language to allow custody by friends or relatives of the animal.

460 VOTE: Hearing no objections, the amendment is ADOPTED. All members
present vote AYE. SEN. MILLER IS EXCUSED.

475 MOTION: SEN. HAMBY: Moves to SB 653 AS AMENDED be sent to the Floor
with a DO PASS recommendation.

477 VOTE: Hearing no objections, the motion CARRIES. All members present
vote AYE.
SEN. MILLER IS EXCUSED.

Submitted for the record testimony from Cheryl Brittain [EXHIBIT X].

Closes WORK SESSION on SB 653

TAPE 113, A

Re-Opens PUBLIC HEARING on SB 282

WITNESSES: Christine McKinnon, United Parents for Runaways
Nancy Kidney, United Parents for Runaways
Zachery Zater, United Patents for Runaways
Elizabeth Mares
Timothy Travis, Juvenile Rights Project
Pat Patton, Legislative Chair, Equal Access for Woman
Barbara Perrin, Parents for Runaways
B. J. Peyalo, Tough Love Trainer

065 CHRISTINE MCKINNON, United Parents for Runaways: Testifies and submits written testimony in favor of SB 282 [EXHIBIT M].

097 NANCY KIDNEY, United Parents for Runaways: Testifies and submits written testimony in favor of SB 282 [EXHIBIT N]. Reads and submits written testimony into record from Joshua Kidney [EXHIBIT O].

136 ZACHARY ZATER, United Parents for Runaways: Testifies and submits written testimony on SB 282 [EXHIBIT P].

200 ELIZABETH MARES: Testifies and submits written testimony in opposition to SB 282 [EXHIBIT S].

307 TIMOTHY TRAVIS, Juvenile Rights Project: Testifies and submits written testimony in opposition to SB 282 [EXHIBIT T].

347 PAM PATTON, Legislative Chair, Equal Access for Women: Testifies and submits written testimony on SB 282 [EXHIBIT U].

400 - continues

450 - sees need for mediation

TAPE 112, B

050 BARBARA PERRIN, Parents for Runaways: Testifies and submits written testimony in favor of SB 282 [EXHIBIT V].

076 B. J. PELAYO, Tough Love Trainer: Testifies and submits written testimony in support of SB 282 [EXHIBIT W].

Closes PUBLIC HEARING on SB 282

079 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 1145 - Staff - 1 page
B - Proposed Amendments to SB 1145 - 2 pages
C - Testimony on SB 1145 - Bill Carey - 2 pages
D - Testimony on SB 1145 - Don Lindly - 1 page
E - Testimony on SB 282 - Kitty Piercy - 1 page
F - Testimony on SB 282 - Bill Dwyer - 1 page
G - Proposed Amendments on SB 787 - Staff - 4 pages
H - Testimony on SB 787 - Gary Conkling - 2 pages
I - Testimony on SB 787 - Richard Bear - 1 page
J - Testimony on SB 787 - Ronald Peters - 2 pages
K - Testimony on SB 653 - Robert Bovett - 1 page
L - Testimony on SB 653 - Sharon Harmon - 1 page
M - Testimony on SB 282 - Christine McKinnon - 1 page
N - Testimony on SB 282 - Nancy Kidney - 1 page
O - Testimony on SB 282 - Joshua Kidney - 1 page
P - Testimony on SB 282 - Zachery Zater - 1 page
Q - Testimony on SB 282 - Shelia Rozelle - 2 pages
R - Testimony on SB 282 - Donna Payne - 2 pages
S - Testimony on SB 282 - Elizabeth Mares - 4 pages
T - Testimony on SB 282 - Tim Travis - 7 pages

U - Testimony on SB 282 - Pam Patton - 2 pages
V - Testimony on SB 282 - Barbara Perrin - 3 pages
W - Testimony on SB 282 - B. J. Pelayo - 1 page
X - Testimony on SB 653 - Cheryl Brittain - 3 pages