

SENATE COMMITTEE ON  
JUDICIARY  
SUBCOMMITTEE ON JUVENILE JUSTICE

Hearing Room  
Tapes

MEMBERS PRESENT:  
SEN. JEANNETTE HAMBY, Chair  
SEN. DICK SPRINGER

SEN. SHIRLEY STULL

STAFF PRESENT:  
BILL TAYLOR, Committee Counsel  
DIANE DUSSLER, Committee Assistant

MEASURES HEARD:

SB 607 - PUBLIC HEARING

SB 609 - PUBLIC HEARING  
SB 992 - PUBLIC HEARING  
SB 609 - WORK SESSION  
SB 992 - 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 HAMBY: Calls the meeting to order at 3:00 p.m.

Opens PUBLIC HEARING on SB 607

WITNESSES: Marva Fabien, Chairperson Parole Board  
David Factor, Criminal Justice Council

012 MARVA FABIEN, Chairperson Board of Parole: Testifies and submits  
written testimony in support of SB 607 [EXHIBIT A].

034 DAVID FACTOR, Criminal Justice Council: Testifies on the drafting of  
SB 607.

071 - will direct board to amend their rules to fit time frame of bill

117 BILL TAYLOR, Committee Counsel: Do you have specific language to  
propose?

119 FACTOR: No, but I can draft language to the intent.

143 SEN. SPRINGER: Should there be a limit on the time they serve?

159 FABIEN: We just want the ability to make that determination. Sex  
offenders frequent abscond.

198 SEN. SPRINGER: What do you do with the people who don't comply with  
terms of probation?

200 FABIEN: We haven't had those people before us and I don't think we will  
for a few years.

Closes PUBLIC HEARING on SB 992

Opens WORK SESSION on SB 992

WITNESSES: Jim Hill, Legislative Assistant to Senator Hamby  
Tom Wrosch, Legislative Coordinator, Corporation Division, Secretary of  
State's Office  
Pam Mattson, Interim Executive Director, ECOMM Northwest

242 JIM HILL, Legislative Assistant to Senator Hamby: Testifies and submits

written testimony with proposed amendments in favor of SB 992 which deals with digital signatures as a mechanism to sign electronic documents [EXHIBITS B & C].

300 - continues

350 - continues

364 PAM MATTSON, Interim Executive Director, ECOMM Northwest: Testifies and

submits written testimony in favor of SB 992 [EXHIBIT D].

400 - explains electronic commerce

450 - continues

TAPE 48, A

062 HILL: Proposed amendments have an implementation date of December 31, 1996.

083 SEN. SPRINGER: Do we have a uniform law in this area?

090 HILL: Utah is the first. This is the most widely accepted form of digital signature.

100 TOM WROSCHE, Legislative Coordinator, Secretary of State Corporation Division:

Testifies and submits written testimony in favor of SB 992 [EXHIBIT E].

130 - discusses issue of attesting certificate

151 - discusses CPA amendment

159 - discusses recognized repository amendment

168 - discusses implementation date

179 TAYLOR: Do you have a copy of the model act?

185 WROSCHE: I have a draft copy.

204 HILL: Frank Brawner indicated his support of this bill.

266 SEN. STULL: Will this be compatible with state agencies technological efforts?

276 HILL: This is the most widely accepted public encryption system.

295 SEN. SPRINGER: Don't state agencies have a need for this kind of certification?

300 HILL: Only in sense they will accept these mechanism with digital signatures.

359 MOTION: SEN. SPRINGER: Moves to ADOPT SB 992 amendments.

360 VOTE: Hearing no objections, the amendments are ADOPTED. All members present vote AYE.

365 MOTION: SEN. SPRINGER: Moves SB 992 AS AMENDED be sent to the FULL COMMITTEE with a DO PASS recommendation .

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

Closes WORK SESSION on SB 992

Opens PUBLIC HEARING on SB 609

WITNESSES: Nancy Miller, State Court Administrator's Office  
Bradd Swank, State Court Administrator's Office  
Timothy Travis, Juvenile Rights Project  
Bob Kouns, Crime Victims United

400 TAYLOR: The proposed amendments SB 609-1 concern an issue which Judge Yraguen encountered with non-custodial parents. [EXHIBIT F].

460 SEN. SPRINGER: How many times can a court order restitution, is that per crime, per victim?

474 TAYLOR: I think we can look for guidance in the restitution statute.

TAPE 47, B

040 NANCY MILLER, State Court Administrator's Office: Testifies on SB 609.

Expresses concern that requiring \$7,500 restitution could create a jury

trial issue.

050 BRADD SWANK, State Court Administrator's Office: Testifies on SB 609. Oregon's constitution requires people be allowed a jury trial if damages exceed \$200 for civil actions.

075 TIMOTHY TRAVIS, Juvenile Rights Project: Testifies on SB 609. This creates an indigent defense issue as when parents can't afford a lawyer one

will be appointed.

086 - expresses concern that you are changing purpose of restitution  
100 - fears child may be physically abused by parents if they are hauled  
into court

156 SEN. STULL: When was the \$200 amount enacted in our constitution?

160 SWANK: It did not come up in the restitution context before. Issue has been raised in the parental responsibility statutes.

183 CHAIR HAMBY: Let's proceed to SB 609-3 [EXHIBIT H].

192 TRAVIS: Section 4 has some problems. I disagree with its philosophy.

215 SWANK: Under the constitution if there is a possibility that you will go to jail you have a right to counsel.

227 - discusses power of contempt law

285 TRAVIS: Expresses concern with Subsection 5.

320 TAYLOR: Discusses SB 609-1 new language.

385 TRAVIS: The restitution statutes talk about the DA preparing the case for restitution.

426 SWANK: There are instances where damages are stipulated as part of the agreement.

450 SEN. STULL: How much of the burden are the victims supposed to be carrying?

466 SWANK: My concern is your may be putting victims in a no win situation.

TAPE 48, B

045 TRAVIS: Mechanism exists in law today to hold parents financially responsible up to \$7,500.

075 TAYLOR: If you consider amending ORS30.765 where the custodial parent is liable, but non-custodial parent isn't, that would be a policy issue.

125 SWANK: When you bring a separate civil action the state doesn't pay for indigent counsel.

160 BOB KOUNS, Crime Victims United: Testifies neither in support or opposition to SB 609. Shares results of conversations with victims.

170 - victims want juvenile to be held responsible for what they did  
195 - need way for system to provide restitution to victim  
220 - victims don't know how to collect restitution

260 TAYLOR: In Section 1 you will remove the last sentence from ORS30.765.

Refers to new bold language in Section 5 of Judge Yraguen's memo.

290 SEN. SPRINGER: Does the juvenile court now become a civil court to litigate damage claims?

300 TAYLOR: By looking at the restitution statute it seems they are doing that already.

323 SWANK: There are incentives for people to stipulate to amounts of damages they will pay. If parents stipulate they won't get sued.

356 TAYLOR: What we are talking about is cooperation and Judge Yraguen refers to a case where the parents didn't cooperate.

380 SWANK: I don't know how you can get around having a second proceeding.

400 TAYLOR: If you have a criminal action and it has been proved you don't have to go into civil court and retry the facts.

443 SEN. SPRINGER: I am supportive of the concept.

462 SWANK: I am not sure the contract bill solves the problem.

Closes PUBLIC HEARING on SB 609

Opens WORK SESSION on SB 609

TAPE 49, A

043 MOTION: CHAIR HAMBY: Moves to ADOPT SB 609-1 amendments dated  
4/13/95.

045 VOTE: Hearing no objections, the amendments are ADOPTED. All members  
present vote AYE.

085 MOTION: CHAIR HAMBY: Moves SB 609 AS AMENDED be sent to the  
FULL COMMITTEE with a DO PASS recommendation.

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

Submitted for the record proposed amendments to SB 609-2 [EXHIBIT G]

Closes WORK SESSION on SB 609

090 CHAIR HAMBY: Adjourns meeting at 5:10 p.m.

Submitted by,

Reviewed by,

DIANE DUSSLER  
Committee Assistant

BILL TAYLOR  
Committee Counsel

EXHIBIT SUMMARY:

A - Testimony on SB 607 - Marva Fabien - 4 pages  
B - Proposed Amendments to SB 992 - Jim Hill - 3 pages  
C - Testimony on SB 992 - Jim Hill - 6 pages  
D - Testimony on SB 992 - Pam Mattson - 7 pages  
E - Testimony on SB 992 - Tom Wrosch - 2 pages  
F - Proposed Amendments to SB 607 - Staff - 3 pages  
G - Proposed Amendments to SB 609-2 - Staff - 6 pages  
H - Proposed Amendments to SB 609-3 - Staff - 3 pages