

SENATE COMMITTEE ON  
JUDICIARY  
SUBCOMMITTEE ON JUVENILE JUSTICE

Hearing Room  
Tapes 7 - 8

MEMBERS PRESENT:  
SEN. JEANNETTE HAMBY, CHAIR  
SEN. DICK SPRINGER  
SEN. SHIRLEY STULL

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

MEASURES HEARD:  
WORK SESSION - SB 1

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 7, A

003 CHAIR HAMBY: Calls the meeting to order at 3:00

- Discussion of possible hearing on February 25, 1995

Opens WORK SESSION on SB 1

WITNESS: Stephen B. Herrell, Judge, Multnomah County Family Court  
Clifford Daimler, Oregon State Police, Director of the Identification Services Section  
Mike Livingston, Assistant Attorney General, Department of Justice  
Timothy M. Travis, Juvenile Rights Project, Inc.  
Ingrid Swenson, Oregon Defense Lawyer's Association  
Mark McDonald, Deputy District Attorney, Juvenile Unit, Multnomah County  
District Attorney's Office  
Rick Hill, Acting Assistant Administrator for Juvenile Corrections, Children's Services Division  
Craig Campbell, Coordinator, Juvenile Justice Task Force, Department of Justice  
Muriel Goldman, Legislative Chair, Children First for Oregon

060 STEPHEN B. HERRELL, Circuit Court Judge, Multnomah County Family Court. Vice President, National Council of Juvenile and Family Court Judges: Testifies and submits written testimony in favor of SB 1 [EXHIBIT B - personal testimony].

101 - discusses "second look " concept on how to deal with serious young offenders  
139 - believes youth offender review panel as mini parole board isn't necessary  
150 - against lowering age to 12 or 14 youths in transferring to adult jurisdiction  
181 - discusses issue of where to house young offenders  
220 - section 54, subsection 3a: ballot Measure 11 youths be detained in adult jail, would suggest change "shall" to "may" [EXHIBIT D - proposed amendment].

244 SEN. SPRINGER: Asks Judge Herrell to comment on increase of juvenile offenders.

260 HERRELL: We are expecting 200 Measure 11 offenders per year.

270 TAYLOR: Does 200 mean tried or convicted?

274 HERRELL: 200 cases coming into system and remaining there through adjudication. There will be some plea bargaining and some bargaining to reduce offense to non-Measure 11 offense.

288 SEN. HAMBY: What percentage of the 200 would fall by wayside?

290 HERRELL: Begin with 230 arrests, 195 go through entire process, so approximately 10%.

298 SEN. SPRINGER: Informal disposition agreements have been used, will this bill affect that?

307 HERRELL: This seldom has been used for serious offenses. That has been tightened up.

337 SEN. HAMBY: Raises issue of lowering age restrictions and availability of physical space to house offender.

367 HERRELL: Some kids don't need to be in secure facilities, but we don't

have anything else for them. There isn't an immediate space problem. Need more options besides 8 days of local detention and commitment to state training school or adult prison.

378 SEN. HAMBY: Would it be your recommendation to find other secure facilities for this population?

379 HERRELL: Yes. We have very little resources for adjudicated delinquents or probation violators.

411 SEN. HAMBY: Should we let local youth authorities decided how to spend money to develop lesser holding facilities, or alternative sanctions?

414 HERRELL: I think that needs to be done.

450 CLIFFORD DAIMLER, Oregon State Police, Director of Identification Services Section. Testifies and submits written testimony in favor of SB 1 [EXHIBIT C - personal testimony, with proposed amendment].

TAPE 8, A

060 SEN. HAMBY: I note there is a Fiscal Impact Statement Form with your testimony.

084 TAYLOR: Explains technical changes in bill.

100 MIKE LIVINGSTON: Assistant Attorney General, Department of Justice: Testifies and submits written testimony. [EXHIBIT A - proposed amendments]

Section 2, subsection 1d, line 3, proposal is to amend ORS 137 to ORS 157.

- 1 h is deleted  
- subsection 3 of 6 change "may" to "shall" and retain "to exercise"  
- subsection 16, subsection 3, change "jurisdiction" to "authority"  
150 department's - section 23, subsection 1, moves the phrase "a person under the supervision or control" nearer to the front of subsection.  
reverse" - section 25, subsection 4, changes "review" to "authorize, modify, or  
ballot - changes to 55 and sections that follows: "second look" is taken out of  
Measure Measure 11 amendments, with exception of crimes that are added to  
Measure 11 for 15 -17 years olds.

186 HAMBY: Any problems with technical amendments?

MOTION: SEN. STULL: Moves to ADOPT the amendments

VOTE: CHAIR HAMBY: Hearing no objections, the amendments are ADOPTED.  
All members are present.

219 LIVINGSTON: Section 55, subsection 2, "second look" amendments on page

16, puts back in what was taken out from Measure 11.  
- subsections 3, and 4 are deleted  
- section 57, 58, and 59 have changes to provision outlining "second look"  
procedure that refer to ballot Measure 11 juveniles  
- section 58, ballot Measure 11 juveniles are deleted, what remains covered

by "second look" are 14 year olds  
- section 59, those sentenced under section 56, 14 year old and younger,  
are waived from juvenile courts

251 SEN. SPRINGER: Why are we backing out portions pertaining to "second look"?

266 SEN. HAMBY: Current political reality is that there is still controversy regarding the panel. I am confident we can't get a 2/3 vote if we shorten sentence for Measure 11 youths.

288 SEN. STULL: Task force process started before Measure 11.

300 SEN. SPRINGER: What is constitutionally permitted in terms of Measure 11? A 2/3 vote in both chambers before reduction of any sentence?

328 LIVINGSTON: Yes. Impact of 2/3 vote hasn't been resolved.  
378 - position of task force and Attorney General is that "second look" is still good policy, and makes good budget sense. Politically it isn't viewed that way.

433 SEN. SPRINGER: We are making 14 year olds waivable.

437 LIVINGSTON: Provisions for 14 year olds in SB 1 apply only to aggregated murder, rape in the first degree, sodomy in the first degree, and unlawful sexual penetration in the first degree. Provision that allow 14 year olds to be waived to adult courts apply only in specific crimes.

480 SEN. SPRINGER: Are we going to numbers for the fiscal impact?

485 SEN. HAMBY: Yes. As chair of the budget committee I am aware funds may not be there.

TAPE 7, B

050 LIVINGSTON: The task force wanted to give the legislature a blue print to work from.

060 SEN. HAMBY: I hope counsel can put together testimony on a review

panel.

072 TAYLOR: I thought "second look" would be done by the courts.

081 LIVINGSTON: "Second look" is done by the court. The Youth Offender Review Panel is a shift in legal custody between various facilities.

090 SEN. HAMBY: We will take no action today on "second look".

110 TIM TRAVIS, Staff Attorney, Juvenile Rights Project: Testifies on SB 1.

Section 54 of LC draft, sub 3a, discusses where pretrial detention should occur. Placing juveniles with adults reduces amenability to treatment.

160 - opposes lowering age 14 to 12  
179 - rehabilitation is a certain method of public safety  
- we favor the concept of expungment

211 INGRID SWENSON: Oregon Criminal Defense Lawyers Association: We will prepare substantive amendments.

246 SEN. SPRINGER: Questions why "second look" is being dropped. Questions whether Attorney General or others are making judgement politically.

265 TRAVIS: If people of Oregon voted on Measure 11, it is within the power of this body to put "second look" on the ballot.

287 SWENSON: I would like to address mental health and treatment components which are lacking.

300 TAYLOR: Perhaps we can continue tomorrow with Sections 1-52 amendments from other sources that we haven't heard today. First amendments would be technical.

333 SEN. SPRINGER: Have we seen a schematic, showing regional youth authority camps, what three tiers are, with numbers? Why do we have to do super citing?

355 SEN. HAMBY: I don't believe support for super citing is there in either chamber.

367 TAYLOR: Usually have a conflict amendment attached to one bill or the other.

385 RICK HILL, Acting Assistant Administrator for Juvenile Corrections, Children Services Division: HB 2136 ask for counties to apply to be sites for regional secure facilities. Provides explanation of super citing.

430 SEN. HAMBY: Working from governor's budget, money isn't there.

474 MARK McDONALD, Deputy District Attorney, Juvenile Unit, Multnomah County, District Attorney's Office: Explains composition of juvenile review board.

TAPE 8, B

056 - doesn't believe 2/3 vote of both houses is required to remove something from ballot Measure 11 list as it applies to juvenile offenders

080 SEN. SPRINGER: Is the Youth Offender Panel viable?

090 SEN. HAMBY: Yes, I only caution you that it would cost one million dollars.

100 CRAIG CAMPBELL, Coordinator, Juvenile Justice Task Force, Department of Justice: Task Force felt someone should look at juveniles conduct and make decision as to where they move in system.

107 SEN. STULL: What is the point, if everyone should be in high security facility and there isn't a place for them to go?

111 CRAIG: Task Force was looking at what you need to do to fix secure custody system. Task force envisioned 320 secure beds in addition to eight

50 bed youth accountability camps, and four 100 bed regional residential academies.

140 MURIEL GOLDMAN, Children First for Oregon: My understanding of Measure 10 is any changes in length of sentences and type of crimes would require 2/3 vote.

164 SEN. SPRINGER: Would like fuller discussion to get better idea of issues and how they affect our consideration of language in bill.

180 SEN. STULL: Does staff have ability to give us an opinion?

187 TAYLOR: I can discuss that with Mr. Livingston. An amendment deleting "second look" in second part of bill, will allow bill to go forward while only receiving a majority vote.

Closes WORK SESSION on SB 1

196 SEN. Hamby: Adjourns meeting at 4:48 p.m.

Submitted by,

Reviewed by

Diane Dussler  
Committee Assistant

Bill Taylor  
Committee Counsel

EXHIBIT LOG:

A - Proposed amendments on SB 1 - Staff - 25 pages  
B - Testimony on SB 1 - Stephen B. Herrell - 3 pages  
C - Testimony on SB 1 - Clifford Daimler - 9 pages  
D - Proposed amendments on SB 1 - Stephen B. Herrell - 4 pages

20, a

2-21-95

003 CHAIR HAMBY: Calls the meeting to order at

OPENS WORK SESSION ON SB 1

004 CHAIR HAMBY: Requests Craig furnish

012 JOHN BALL, Commission of Lane County: Discussion of expansion in Lane County by raising bonds and operation leveys to develop Lane County facilites.

050 BALL: Continues Looks at juvenile population has preventive component what are most appropriate roles for commission

100 BALL: Tries to make state and local programs equal partners.

121 CHAIR HAMBY: How many commissions are prepared to function Do we need to mandate something?

139 BALL: Counties have experience in juvenile services.

190 BALL: Allowing leading counties to continue their operations. Let state give these counties along leash in functioning.

210 CHAIR HAMBY: Could regional counties form a coalition?

211 BALL: Yes.

232 CHAIR HAMBY: Does care team approach.

250 BALL: System should be a support system. Partnership needs to be there. Technical assistance rather than regulatory assistance is needed.

275 SEN. SPRINGER: Some counties don't have juvenile facilities. How can we be sure locals develop authorityi propoerly.

300 BALL: Need to set up system that encourages local counties to develop. Technical assistance and are ways to do this.

355 BALL: Give locals the resources and Decision making  
should not be closed to locals.

375 CHAIR HAMBY: Ask for thoughts on taking charge of 12-14 year olds.

387 BALL: Majority kids in beds are awaiting treatment

TAPE 31, A

030 TAYLOR: Continuation of discussion from 2-20

040 CRAIG CAMPBELL: Coordinator of  
you shall be photographed and

065 SEN. SPRINGER: How about

068 CAMPBELL: Who needs to inform state police, subsection 9  
person filing petition has knowledge of which is appropriate petition  
retain with juvenile court little c strike second the

100 CAMPBELL: Section 75

120 NANCY MILLER, State Court Administrator's Office: Want to add  
District Attorneys  
Strike 7 a, b, c, add DA to section 6

150 MIKE LIVINGSTON, Department of Justice:

160 TAYLOR: Page 36, line 5 amendment suggestion made by Mark McDonald.

180 MARK McDONALD:

198 SEN. STULL: Would that preclude local law authorities.

208 TAYLOR: Line 35 doesn't state who is to do fingerprinting and  
photographing.  
Bill makes it mandatory, where it was discretionary before.

230 Springer leaves

240 SEN. STULL: I believe it should be done by attending agency.

266 PAUL SYNDER: What is custody?

269 McDONALD: Explains custody. And protective custody.

288 SYNDER: Questions custody

300 McDONALD: Only peace officers can take photographs or fingerprints.

Store security could not require peace officers to do this.

333 SYNDER: custody

340 TAYLOR: police officer takes person to police station

350 LIVINGSTON: Intent of custody includes requirement that peace officers  
keep record of youths taken into custody and notice juvenile authorities.  
Custody is defined in juvenile code.

TAPE 20, B

005 McDONALD: Has problem with language, courts can't expunge unless

032 CHAIR HAMBY: Can you insert expungement on ...

055 TAYLOR: What crimes are we allowing to be expunged?

060 CAMPBELL: Sex crimes have not been expunged page 41, line

085 T what are you adding

088 CAMPBELL:

085 LIVINGSTON: Registration requirement is new.

114 CHAIR HAMBY: Motion adopted Mr. Campbell proposed amendment dated  
2-21-95  
will revisit issue of who pays photo graph and fingerprints

VOTE: yes, SEN. SPRINGER is excused. 73, 75, 77

150 TAYLOR:

175 INGRID SWENSON: Section 75 permits expung of rape 1, sexual pent  
in first degree unless committed with physical compulsion when basis for  
offense is age of victim when act involves incestuous relationship.

200 LIVINGSTON: Rape in first deg is expung if under age of  
Disagree with that. Focuses on victim not offender.

238 SWENSON: First option allows expung children 14 and younger.

259 CHAIR HAMBY: Don't believe we have votes to move this.

270 SEN. STULL: Discusses need for valid tracking system of youthful  
offenders.

294 CAMPBELL: Section 66, 67, 68 violates single subject rule. Exchanging

person with youthful offender doesn't work as it changes adult factor.

350 CAMPBELL: Continues section 66

TAPE 21, B

001 CAMPBELL: Continues with Section 67.

025 SEN. STULL: MOTION  
SSB section 68 adding line work prior

Hearing no objections