

SENATE COMMITTEE ON
JUDICIARY
SUBCOMMITTEE ON JUVENILE JUSTICE

Hearing Room
Tapes -11

MEMBERS PRESENT:

SEN. JEANNETTE HAMBY, Chair
SEN. DICK SPRINGER
SEN. SHIRLEY STULL

VISITING MEMBER: SEN. NEIL BRYANT

STAFF PRESENT:

BILL TAYLOR, Committee Counsel
JULIE CLEMENTE, 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 , SIDE A

7 CHAIR HAMBY: Calls committee to order at 3:00 p.m.

OPENS WORK SESSION ON SB 1

15 BILL TAYLOR, COUNSEL: States there are no technical amendments.

23 Invited Testimony: Timothy Travis, Juvenile Rights Project
Ingrid Swenson, Oregon Criminal Defense Attorneys' Association
Mike Livingston, Department of Justice
Craig Campbell, Juvenile Justice Task Force Coordinator
Marc McDonnell, Deputy District Attorney in charge of Juvenile Unit,
Multnomah County District Attorney's Office
Rick Hill, Juvenile Corrections, Children's Services Division
Dennis Maloney, Director Deschutes Community Corrections
Nancy Miller, Citizen Review Board Administrator, State Court
Administrator's Office
Pam Patton, Morrison Center Family Services on behalf of Children First for
Oregon

38 BILL TAYLOR: Asks that witnesses direct their comments to Part 1 (sections 23, 27, 28, 29, 30 & 31)

50 TIMOTHY TRAVIS, Juvenile Rights Project, Portland: Proceeds to explain amendments prepared to section 26.
- First line - The Department of Youth Authority shall establish intake assessment centers.
- Section 5 - All assessments shall be conducted by qualified and competent professionals.
- New subsection 7

68 INGRID SWENSEN, Oregon Criminal Defense Attorneys' Association: Explains proposed amendments on SB 1, sections 23, 27, 28, 29, 30 and 31. [EXHIBIT B]

119 RICK HILL, Juvenile Corrections, Children's Services Division: Presents concern that much contained in SB 1 is not in the Governor's proposed budget.

134 SEN. SPRINGER: What happens now and where would you like to go?

143 HILL: When youth first arrive, have testing and medical examinations done to determine where the child will be placed in the system. Very important as it sets the tone of what the treatment plan will be. Under new system, this becomes more critical .

175 CHAIR HAMBY: Would like to address the amendment that would make the Department of Youth Authority a division of the Department of Corrections.

186 DENNIS MALONEY, Director Deschutes Community Corrections: Was asked by Chair to convene a work group of people having differing opinions about how to get the most resource, and where could the resource be best protected for strong service for juvenile corrections. [EXHIBIT D]

206 Believes that a Department of Youth Authority should be established and would not function well within the Department of Corrections.

235 Continues his testimony as to proposed changes in language.
263 RICK HILL, Juvenile Corrections, Children's Services Division: Concur.

Never intention of SB 1 to take resources from the local level, just the opposite is true.

322 HILL: Continues testimony. Ideas include visions of a small tough department with high standards.

338 MALONEY: Best solution would be where counties and providers are working together. Gives an example of Lane County.

410 CHAIR HAMBY: Refers to amendment that eliminates the Youth Offender Review Panel

425 BILL TAYLOR: Hands out engrossed version of SB 1 [EXHIBIT A] with corrections to panel
Page 5.

460 CHAIR HAMBY: Issue driving this amendment is one of cost. Open and honest to any alternatives to lower cost. Asks for speakers in opposition or in support.

462 HILL: Work group didn't address the Juvenile Offender Review Panel in a specific manner. Continues by explaining concept of the Juvenile Offender Review Panel.

TAPE 10, SIDE A

41 HILL: Continues his explanation. Offender Review Panel would not be a Parole Board rather a state funded Board which operates in the community.

83 CHAIR HAMBY: Maybe million dollars could be used for one of those lesser facilities.

97 Calls for opposition witnesses.

103 BILL TAYLOR: Calls attention to [EXHIBIT A], page 5, section 14 relating to Youth Offender Review Panel continuing on through section 21.

MOTION: SEN. STULL: Moves to conceptually ADOPT the amendment deleting sections 14 through 21 relating to the Youth Offender Review Panel.

VOTE: CHAIR HAMBY: Hearing no objection the amendment is ADOPTED. All members present vote AYE.

120 BILL TAYLOR: Addresses that portion of the proposed amendment from the Oregon Criminal Defense Lawyer's Association - Sections 23 through 31. Most are technical. Requests recess to talk with Department of Justice and Ms. Swenson. Would like to verify.

129 CHAIR HAMBY: 3:45 p.m. Stand in recess until 4:00 p.m.
Reconvenes at 4:05 p.m.

130 CHAIR HAMBY: Announced that Ron Wyden's amendment to the Crime Bill passed the House. Sen. Hatfield is on board to work it on the Senate side. Means providing we have these various levels in place in our SB 1, and providing we have some strong local problems, Oregon can be one of the first states to accept 79 million dollars in federal funds over next five years to be used in any manner in building, putting together boot camps, and other lesser criteria.

149 BILL TAYLOR: Suggests that Chair bring up Rick Hill, Ingrid Swenson and Craig Campbell. - Disagreement on issue of mental health between Swenson and Hill.

157 RICK HILL, Juvenile Corrections, Children's Services Division: Presents testimony in opposition to the issue of an appropriate mental health treatment phrase being added.
- Not affordable, don't have funding.
- Don't want to attract youth with mental illness who may have committed a crime to be directed towards the correctional system instead of toward the mental health system.

184 INGRID SWENSEN, Oregon Criminal Defense Lawyer's Association: Presents testimony in favor of an appropriate mental health treatment phrase being added. States that program outlined in SB 1 appears to be a comprehensive way to deal with youthful offenders. It is impossible to alter some behavior patterns without dealing with those problems. Without psychiatric care all other treatments are meaningless.

207 CRAIG CAMPBELL, Juvenile Justice Task Force Coordinator: Prefers experts give input on either side of issue.

210 BILL TAYLOR: Refers to [EXHIBIT B] Page 7, line 29 - deletes the word probation

217 HILL: After further consultation, don't think that is the case. Do have ability to detain a probationer without a warrant with probable cause.

He opposes amendment.

225 BILL TAYLOR: Continuing [EXHIBIT B] Next amendment , page 7 would be
delete lines 34 to 39. Reads actual verbiage from bill.

234 SWENSON: Propose the deletion of that language because subject is not a
violation of probation or condition of release.

262 BILL TAYLOR: Would normally be done in a civil commitment proceeding?

301 Suggests that this particular issue be put over as it involves potential
constitutional rides. Also could involve expenses no one anticipated such
as right to counsel.

314 Continues with overview of [EXHIBIT B] covering sections 28, 29 & 30

350 CHAIR HAMBY: Anyone wishing to speak in opposition to deleting within
section 30, page 9, line 34. Referencing [EXHIBIT B]

MOTION: SEN. STULL moves to ADOPT the proposed amendment in Section 30,
page 9, line 34, after "program", insert "or whether the program can be
modified to accommodate a youth offender's physical or mental limitations"

VOTE: CHAIR HAMBY: Hearing no objection the amendment is ADOPTED. All
members present vote AYE.

361 NANCY MILLER, Citizen Review Board Administrator, State Court
Administrator's Office: [EXHIBIT E] Offers testimony on a proposed
amendment as it relates to the Supersiting issue. Recommends going through
regular channels rather than Supreme Court.

PAM PATTON, Morrison Center Family Services - working for Children First
for Oregon: Offers testimony in favor of amendment on mental health.

TAPE 9, SIDE B

54 CHAIR HAMBY: Issue has not been acted upon, it is still on the table.
Cost implications due Monday from Fiscal Office.

75 BILL TAYLOR: Met with Nancy Miller and Mike Livingston regarding
technical language for siting , back Monday to give their comments

88 MIKE LIVINGSTON, Department of Justice: Begins testimony on amendments
concerning second look ballot measure 11 provisions. [EXHIBIT F] Will put
Marc McDonnell's proposed amendments in as alternative language to the
sections to which they apply.

140 Continues with testimony on proposed amendments [EXHIBIT F]

165 McDONNELL: Are some ambiguities here. Hopes that committee will
clarify.

180 LIVINGSTON: More explanation to clarify proposed amendments. Under
the current law the juvenile court has exclusive original jurisdiction of
persons under the age of 18. Can be waived by the court and person can be
tried and sentenced as an adult. Exclusive original jurisdiction is
affected by the changes in law by ballot measure 11.

199 Begins with Section 53 [EXHIBIT F]

235 Continues explanation [EXHIBIT F]

277 Makes reference to McDonnell Amendments to Section 54 [EXHIBIT F]

289 MARC McDONNELL, Deputy District Attorney in charge of Juvenile Unit,
Multnomah County District Attorney's Office: Offers explanation of
amendments [EXHIBIT F]. Establishes original jurisdiction in adult court
once they are charged.

314 SEN. SPRINGER: Petition doesn't apply in adult court.

316 McDONNELL: It is a term used in juvenile court proceedings to charge
persons under 18 years of age.

343 LIVINGSTON/McDONNELL: Continue explanation of amendments [EXHIBIT F]

400 McDONNELL: Section 53 differences.

450 LIVINGSTON/McDONNELL: Continue their testimony [EXHIBIT F]

464 BILL TAYLOR: Language here [EXHIBIT F] just relates to juveniles?

LIVINGSTON: Yes.

TAPE 10, SIDE B

11 McDONNELL/LIVINGSTON: Continues explanation of amendments [EXHIBIT F] on
Section 55, operative language of SB 1 implementing measure 11. Calls
attention to bold print - technical amendment . Taking out second look.

45 BILL TAYLOR: Isn't that the issue that Judge Herrell raised yesterday,
page 17 of bill. Is that language we are talking about?

59 LIVINGSTON: That is correct. What's in the bill now reflects existing law.

80 CRAIG CAMPBELL, Juvenile Justice Task Force Coordinator: Questions whether Committee wants to get into the issue of why it was changed from "may" to "shall"?

SEN HAMBY: Let's do, Craig.

121 SEN: STULL There would be some fiscal impact issues that we are talking about.

179 LIVINGSTON/McDONNELL: Continue with testimony regarding amendments [EXHIBIT F]

253 McDONNELL: Continues with explanation. States that more offenses were added than was recommended by task force and also removed more than task force requested.

299 McDONNELL: Adding dangerous weapon language back in is important.

336 LIVINGSTON: Consistent to what task force had in mind. Limit second degree offenses to those cases where there was a threat of force.

346 McDONNELL: Major deletion proposed was removing non-forcible sex offenses. In the vast majority of cases there is no evidence. Also is difficult for a child to describe situations.

TAPE 11, SIDE A

40 McDONNELL: Continues relating the difficulty children have in testifying. Many cases are inter-family. Wants to remove non-enforceable cases from the list.

80 SEN. STULL: Serious reservations regarding accommodating ability to properly prosecute cases.

108 McDONNELL: Gives examples of sentencing differences .

176 McDONNELL: Strongly recommends funding continue for programs available to children who are victims of sex crimes. Continues testimony regarding experiences with victims of sex crimes.

CLOSES WORK SESSION ON SB 1

257 CHAIR HAMBY: Adjourns Committee at 5:35 p.m.

Submitted by:

Reviewed by:

Julie Clemente
Committee Assistant

Bill Taylor
Administrator/Counsel

EXHIBIT LOG:

A -- Engrossed SB 1 -- Staff -- 58 pages
B -- Proposed Amendments SB 1 -- Ingrid Swenson-- 2 pages
C -- Proposed Amendments SB 1 -- Timothy Travis -- 5 pages
D -- Workgroup Charge - SB 1 -- Staff -- 4 pages
E -- Letter to Representative Parks from Kingsly W. Click -- Nancy Miller -- 3 pages
F -- Proposed Amendments/Changes SB 1 -- Mike Livingston -- 21 pages