

SENATE COMMITTEE ON
JUDICIARY

SUBCOMMITTEE ON JUVENILE JUSTICE

February 13, 1995

Hearing Room

Tapes

MEMBERS PRESENT:

SEN. JEANNETTE HAMBY
SEN. SHIRLEY STULL

MEMBER EXCUSED:

SEN. DICK SPRINGER

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 12, A

Opens WORK SESSION on SB 1

WITNESSES:

Nancy Miller
Ingrid Swenson
Mike Livingston
Judge Harold
Craig Campbell
Larry OgleSB y
Mark McDonald

006 CHAIR HAMBY: Calls meeting to order at 3:00 p.m.

008 NANCY MILLER, State Court Administrator's Office: Presents testimony [EXHIBIT A]

51 MILLER: Line 15, 16

MOTION: SEN. STULL : Moves to accept proposed amendments with one further amendment page 12 line 1 sub court to dept.

VOTE: Amend carries Springer absent

093 INGRID SWENSON: Presents testimony

119 MIKE LIVINGSTON: Presents testimony. Overlap in language. Supervision continues under supervised release.

134 SWENSON:

148 JUDGE HAROLD: 3A Reads suggests shall be changed to may. (BILL TAYLOR

165 CRAIG CAMPBELL:

185 SEN. BRYANT:

195 SEN. STULL: May be a way to build language in.

200 CAMPBELL: Legal wording to do same.

214 SEN. BRYANT: Matter of driving

225 CHAIR HAMBY: What matter shall we pursue.

235 LIVINGSTON: Suggest we take the time to change time to shall.

245 CHAIR HAMBY: Mark McDonald on way

249 CHAIR HAMBY: Anyone with problem

252 LARRY OGLESB Y : Multnomah County: Not enough beds If kids are to be held accountable needs to have the beds. Issue is economics and size 75 miles issue doesn't address question as facilities aren't available.

287 CHAIR HAMBY Do you have recommendation of language change?

292 OGLESB Y:

297 TAYLOR:

300 OGLESB Y: That would do it

315 SWENSON: Am prepared to discuss Tim Travis amendment with you
Would require all juveniles be held in juvenile facilities, decisions
should be may rather than shall.

376 SWENSON: Continues. On following page Mr. Travis deletes language

397 LIVINGSTON: Waiver provisions are tied to age at time crime is committed.

TAPE 13, A

010 CHAIR HAMBY: Have you spoken to

015 TAYLOR: Would this change require a 2/3 vote?

035 TAYLOR:

050 MARK McDonald: District Attorney, Multmonah.: Removes offenses off the
list.
State cannot intentionally delay to fall within jurisdiction of adult
court.

083 CHAIR HAMBY: Anyone in audience opposed to language proposed?

089 BRYANT:

111 HAMBY: I've had a request to delay this until Tim Travis can be here.

137 TAYLOR: Mr. Travis would like to take 14 years old out of this bill.

145 HAMBY:

155 SWENSON: We would like to maintain original language on Second Look.

185 SWENSON: Circumstance exists in prison system. Remand cases changes
occur to vulnerable young people, brutalization of youthful offenders.
Second look appropriate mechanism for those offenders to prove they have
made life changes, are no longer a danger. Heart of SB 1

220 HAMBY: Political reality is it is doubtful to get it through. No
opportunity to have youthful offender in next
18 months.

261 SWENSON: I am not sure if you delete Second Look .

275 McDONALD: Young offenders are more difficult to supervise. Problem of
housing younger offenders with older ones. Ballot 11 changes that.

294 BRYANT: AG saying pull out Second Look. What about 14 year olds who
commit Measure 11 crimes.

310 LIVINGSTON: Mechanisms in place with commitment to Youth Authority. 2
groups remain in bill.

341 McDONALD: Not proponent of Second Look. I believe if you leave
mechanism in
place

360 BRYANT: Don't think it is politically possible for 95th session.

373 STULL: I believe once bill is a blueprint

TAPE 12, B

005 McDONALD: Work group is working weekly. Connects is in favor of

025 TAYLOR

030 LIVINGSTON: Those identified in bill

050 McDONALD: Those amendments

060 STULL: Idea of additional language for consideration.

070 LIVINGSTON: Language of sex offenses haven't had change to discuss.

080 TAYLOR: Have you had change to work out alternative language.

089 LIVINGSTON: We have some areas of agreement [EXHIBIT B]
Existing language in 54 should apply.

138 LIVINGSTON: Only substantive is agree language should be
in 54.

140 BRYANT: Are you in agreement

150 McDonald: My amendment can be stricken.

159 BRYANT: Next

160 McDONALD: Subsection 3 needs to be in there somewhere. Third sentencing

189 B

190 LIVINGSTON: second sentence expressed provision with
aggregvate

199 B Page 3 amendment proposed by mc d second sent being with
2nd offense is appropriate

MOTION: SEN BRYANT: moves

VOTE: CHAIR HAMBY: hearing no objection
Springer excused.

232 McDonald: Explains why language doesn't make sense.

241 L SB adds to Draft: dangerous language

251 McD See no with regarding to robbery
in second degree believe my language is favorable.

284 B Under your language, if squirt gun looked like a deadly weapon they
would be entitled to use deadly force.

300 McD Robbery in second degree is a subsection.

315 B We do need 2/3 vote by deleting certain language and adding others.

321 LIVINGSTON: Yes.

333 McDONALD: I have talked to bill originator. He has concerns over tying
implementation measures 2/3 vote it may get bogged down.

355 B Was he going to add the 7 offenses?

363 McDONALD: Yes.

394 McDONALD: I have added burglary page 7, arson in first degree

TAPE 12, B

008 B

018 McDONALD: Work group supports changes I have mentioned.

025 BRYANT: Are you in agreement on language?

037 HAMBY: We will set these aside until our meeting tomorrow.

048 LIVINGSTON: Look bottom page 7 subsection 5 involves joinder of

MOTION: HAMBY: hearing no objections

VOTE: Pass

087 LIVINGSTON: Difference under both proposals are subject to remand.

105 McDONALD: Under my proposal if found guilty
Some may be acquitted of Measure 11 offense.

125 NANCY MILLER: State Court Administrator More comfortable with Mr.
McDonalds as it keeps it in first court.

MOTION: SEN. BRYANT move amendment

VOTE:

169 LIVINGSTON: May burden adult court, retain jurisdictional that exists
now.

180 SWENSON: Remain trials take place in juvenile court.

245 LIVINGSTON: Option used in bill is to remand

250 BRYANT: Cost involved in remand issue.

263 STULL: If cases stay in adult system, rather than going to juvenile,

287 SWENSON: These kids have been found to be juveniles and we w

295 B How big a change is this?

300 McDONALD: Situation where offenses are Ballot 11 and remandable
offenses

315 LIVINGSTON: Juvenile court has jurisdiction that is spelled out, unless
remained or waived to adult court. Bootstrap out of juvenile court.
Change in original jurisdiction.

380 STULL: I favor it.

TAPE 14, A

MOTION: SEN BRYANT: Adopt Mr. McDonald amend page 8

VOTE:

Closes WORK SESSION on SB 1

045 CHAIR HAMBY: Adjourns meeting at 5:10

