

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:

SB 1 - 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 7, A

Opens WORK SESSION on SB 1

003 CHAIR HAMBY: Calls the meeting to order at 3:45 p.m.

WITNESSES:

140 HERREL: Doesn't support

181 HERREL: Intent of Measure 11 is to handle violent juvenile offenders as adults. Need to let juvenile justice institution work..

207 HERREL: Continues. Would change shall to may.

244 SPRINGER: 1986 increased %

260 HERREL: Expecting a year.

270 TAYLOR: Does 200 mean

274 HERRELL: 200 cases coming into system. Will be some plea barganing.

288 HAMBY: What percentage would fall by plea barganing.

290 HERRELL:

298 SPRINGER:

307 HERRELL:

337 HAMBY: Questions lowing age of restrictions and availability of physical space to house inmates.

367 HERRELL: Some kids don't need to be in secure facilities, but we don't have any place for them. There isn't an immediate space problem. Need more option besides 8 days holding system and adult system.

TAPE 8, A

010 CLIFFORD DAIMLER, Oregon State Police, Director of Identification  
Services Section

Presents written testimony in favor of SB 1.

066 HAMBY: Will meet with Governor next week, please relate figures at  
that time.

084 TAYLOR: Explains technical changes in bill.

100 MIKE LIVINGSTON: Subsection 1d of 2 amend to outline authority. 137  
instead of

1 h is deleted, subsecto\ion 3 of 6 changes reflect how department gets  
authority. Section 16, sub section 3,

150 LIVINGSTON: Continues explaining changes. Second look is taken out of  
ballot Measure 11, with exception of crimes and I Second Look

doesn't apply to 15-17 year olds,

186 HAMBY: Any problems with technical amendments?

Hearing no objections SEN. STULL moves to adopt. No objections adopted  
all present

240 LIVINGSTON: Continues. Age 14 and under are waived from juvenile  
courts

251 SPRINGER: Why are we backing out portions pertaing to Second Look?

266 SEN. HAMBY: Current panel may conduct. Manadate for 2/3 vote.  
Confident couldn't get 2/3 vote in leg.

288 SEN. STULL: Task force

300 SPRINGER: When was bill drafted. What is constitutionally permitted in  
terms of Measure 11? 2/3 vote in both chambers before consideration of  
Second Look.

328 LIVINGSTON: Impact of 2/3 hasn't been resolved. Measure 11 requires  
sentence : term of incarceration. Term impopsed doesn't need 2/3. Position  
of task force and Attorney General is still good policy, makes good budget  
sense. Politically isn't view that way.  
TAPE 7, B

010 LIVINGSTON:

032 SPRINGER: Are we going to have figures

040 HAMBY: As chair of budge committee I am aware funds may not be there.

060 HAMBY: I hope counsel can put together testimony utilizing panel for  
sentencing guidelines.

072 TAYLOR: I thought Second Look would be done by the courts. How is it  
done in adult system when they are moved within tiers.

081 LIVINGSTON: The shift is done administratively in house.

090 HAMBY: Will take no action today on Second Look.

097 HAMBY: Invites audience to speak.

110 TRAVIS: Section 54 of LC draft pretrial detention where adults are held.

We believe they should be held with juveniles as placement with adults  
reduces amenabililty to treatment.  
Opposed to lowering age 14 to 12.

160 TRAVIS: Continues. Certain method of public safety is rehabilitation.

Expungation

211 INGRID swenson: We will prepared substantive amendments.

246 SPRINGER: Questions why Second Look is being dropped. Questions  
whether Attorney General making judgement on Second Look is constitutional.

265 TRAVIS: It is with your power to put Second Look on the ballot.

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

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

333 SPRINGER: Have we seen a schematic, showing regional youth authority,  
tiers, numbers, super citing.

355 HAMBY: I don't believe support for super citing is there.

367 TAYLOR: Usually have a conflict amendment attached.

385 RICK HILL: Provides explanation of super citing.  
2136

TAPE 8, B

010 HAMBY: Working from political reality, money isn't there.

025 MARK McDONALD:..... Explains I don't believe 2/3 vote of both  
house is required to remove someone from juvenile sentences. Inmates age  
15 are only eligible for limited remand???

080 SPRINGER: Youth Offender Panel is that viable?

100 CRAIG: Task Force felt someone should look at juvenils conduct.

107 STULL: What is point if everyone should be in high risk facillity?

111 CRAIG: Task Force looking at what you need to fix system. Envisioning  
secure beds, ... camps.

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

164 SPRINGER: Would like fuller discussion to get better idea of reasonable  
action.

180 STULL: Does staff have

187 TAYLOR: Will amendment to Second Look go forward if receives majority.

196 HAMBY Adjourns meeting at 4:48 p.m.

TAPE 20, A

OPENS WORK SESSION ON SB 1

003 CHAIR HAMBY: Calls the meeting to order at 3:45.

WITNESSES: John Ball, Commission on Children and Families in Lane County  
Craig Campbell  
Nancy Miller,  
Mark McDonald  
Paul Synder  
Ingrid Swenson

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: Gi ve 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: Majoirty kids in beds are awaiting treatment

TAPE 21, 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 define in juvenile code.

TAPE 20, B

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

032 CHAIR HAMBY: Can you insert expungment 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 graphand fingerprints

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

150 TAYLOR:

175 INGRID SWENSON: Section 75 permmits expung of rape 1, sexual pent  
in first degree unless comitted with physical compulsion when basis for  
offense is age of victim when act involves incestous 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: Sction 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