

SENATE COMMITTEE ON
JUDICIARY
SUBCOMMITTEE ON JUVENILE JUSTICE

Hearing Room
Tapes - 24

MEMBERS PRESENT:

SEN. JEANNETTE HAMBY, Chair
SEN. NEIL BRYANT, Visiting Member
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 , A

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

Opens WORK SESSION on SB 1

WITNESSES:
Justice

Mike Livingston, Assistant Attorney General, Department of
Dennis Maloney, Director, Department of Community Corrections, Deschutes

County

Craig Campbell, Juvenile Justice Task Force Coordinator
Larry OgleSB y, Oregon Juvenile Director's Association
Timothy Travis, Juvenile Rights Project
Rick Hill, Assistant Administrator, Office of Juvenile Corrections
Mark McDonald, District Attorney, Multnomah County
Robert Kouns, Legislative Liaison, Crime Victims United
Dee Dee Kouns, President, Crime Victims United

002 CHAIR HAMBY: We will begin with Section 55, the issue of Measure 11
list of crimes.

005 BILL TAYLOR, Committee Counsel: Explains changes in SB 1-5 amendment
[EXHIBIT A]; deletes on page 18, lines 9 to end page, deletes page 19,
deletes top line on page 20 and inserts crimes listed in Measure 11.

037 - this issue is what crimes would be in the bill for purpose of
penalties

040 SEN. BRYANT: Discusses measure now in the House.

050 MOTION: CHAIR HAMBY: Moves to ADOPT SB 1-5 AMENDMENTS.

VOTE: CHAIR HAMBY: Hearing no objections, the amendment are ADOPTED. All
members present vote AYE.

100 SEN. SPRINGER: What is the trigger point to get into the adult system?

103 TAYLOR: That will come up today or Friday.

119 DENNIS MALONEY, Director Department of Community Corrections, Deschutes
County:

- State's interests will be served best by counties operation of juvenile
justice system

- counties role should be proactive

- let counties decide when they are ready to contact for the services

136 MIKE LIVINGSTON, Assistant Attorney General, Department of Justice:
Identifies core change in language occurring in Section 2, subsection 4.
[EXHIBIT B]

160 SEN. SPRINGER: Will this shift responsibility of probation or parole
officers and will they be county or state employees?

170 LIVINGSTON: I am not prepared to answer that question at a program
level.

173 SEN. SPRINGER: Requests future clarification on the issue of who works

for whom, whether pre-detention, probation, or post-detention parole.

195 TAYLOR: Could we adopt the amendment without Section 80 today?
200 LIVINGSTON: Yes. Section 80 is on page 6. We can adopt the others
today.
230 - Section 64 is exactly the language of SB 1
247 TAYLOR: Could you identify the changes from 63.
250 LIVINGSTON: "Second look" is gone from Section 55, page 1, and other
technical amendment is effect of that.
260 - Section 72, subsection 1, page 3, provision authorizes appeals from
final orders of juvenile court
310 - continues with changes
350 TAYLOR: Are there any changes in Section 78, page 5?
351 LIVINGSTON: Not from SB 1 as submitted.
370 TAYLOR: Section 84, page 9 any changes?
372 LIVINGSTON: There is a technical change with the deletion of
subsection 5.
390 TAYLOR: Any changes to Section 85, page 10?
393 LIVINGSTON: It is new language but basically says same thing.
410 TAYLOR: Any changes in Section 87?
415 LIVINGSTON: One change is the requirement for written findings.

470 SEN. SPRINGER: Questions if circumstances under which state can bring an
appeal is expanded.

TAPE 23, A

040 LIVINGSTON: Distributes copies of statutes [EXHIBIT C]. Statute 419 b
is the dependency section. Subsection 2d includes rights of parties to
appeal.
075 - discusses cases of double jeopardy
120 - amendments reflected in Section 72 shows state is
an identified party to proceedings both in the delinquency and
dependency
128 TAYLOR: The next change is Section 82, page 8, is that correct?
131 LIVINGSTON: Yes, and the debate is what is the extent of limitation on
informal disposition agreements.
136 TAYLOR: Next is Section 74 and labeled technical.

138 LIVINGSTON: That changes the authorization phrase.
141 TAYLOR: Section 85 also.
145 LIVINGSTON: That is a clarification. There is a policy debate on
whether this group of individuals should be remanded.
149 TAYLOR: On page 11, Section 87, are the proposed amendments technical?
152 LIVINGSTON: They do change substance of SB 1.
- deletes requirement that juvenile court make written findings on those
factors
- eliminates those that are redundant or too general
- there was debate on language of "shall"
165 TAYLOR: Going to page 12, Section 89 is technical, is that correct?

167 LIVINGSTON: Yes. It is the result of subcommittee's vote on transfer,
and bounce back cycle.
174 MOTION: SEN. STULL: Moves to ADOPT SB 1 technical AMENDMENTS as
follows: Section 63 as reflected in AG's amendments dated 2-22-95. Section
64 is OK with no change. Section 72 accept technical changes. No changes
to Section 78
until accept as it stands. Section 79 accept as it stands. Section 80 hold off
further debate. Section 81 accept as it stands. Sections 80 and 82
hold off further discussion. Section 83 accept as it stands. Section 84

accept with change. Section 85 accept with changes. Section 87 hold off
subject to discussion of "shall" and "may". Section 88 accept as it
stands. Section 89 accept as it stands.

220 VOTE: CHAIR HAMBY: Hearing no objections, the amendments are ADOPTED.

All members present vote AYE.

225 TAYLOR: Craig Campbell has technical amendments.

230 CRAIG CAMPBELL, Juvenile Justice Task Force Coordinator: Testifies and
submits proposed amendments to SB 1 [EXHIBIT D]. Explains proposed
changes to Section 96, subsection 1, page 49, line 12, trying to limit
it to actual crimes, misdemeanors and felonies in amendments.

277 - Explains changes to Section 96, page 49, line 41, refers to age
limitation based on Department of Youth Authority
299 - Sections 109 and 116 deals with Hillcrest and MacLaren and attempts
to make them consistent with each other and Section 80
319 - Section 119 increases age of juveniles placed in institutions for
mentally ill to 25
350 - Section 97 sets cap at level of facilities capacity. Change on line
10 deletes term "not included". Ballot measure 11 youth will be
included in the cap.

380 TIM TRAVIS, Juvenile Rights Project: Defines cap at MacLaren which
means actual physical design capacity.

416 SEN. STULL: How can this hinder emergency situations?

430 TRAVIS: MacLaren is chronically over its artificial cap. If you push
physical limits you would be physically overcrowding rather than
artificially overcrowding.

456 LARRY OGLESB Y, Oregon Juvenile Director's Association:
Removing cap would allow additional numbers. There is a statutory cap and
a budgetary cap.

TAPE 22, B

040 RICK HILL, Assistant Administrator, Office of Juvenile Corrections: We

want to maintain a cap of some level as a contract tool that is used in
diversion contracts with counties.

072 MARK McDONALD, Deputy District Attorney Multnomah County: Design capacity

is defined in Section 95, sub 2. My concern is there are different codes
and standards out there.

081 HILL: We have standards in an administrative rule that says "no more than

25 youths in a living unit". We now have cottages that can hold more.

- use guidelines for accreditation of juvenile training schools
- Hillcrest and MacLaren are not accredited institutions

099 McDONALD: This is usually the central issue in litigation on whether or

not these facilities meet legal standards. Arguments occur in what
standards to apply.

111 CHAIR HAMBY: Expresses concern over differences in standards.

139 TRAVIS: What you put in statute doesn't matter as if it goes to
litigation the judge will make a decision on constitutional grounds.

150 TAYLOR: Does this section pertain to Department of Youth Authority?

158 CAMPBELL: Yes. Definition of Youth Corrections Facility in bill
pertains to Section 420; it refers only to Department of Youth Authorities
Facilities.

185 SEN. SPRINGER: Do we have a definition of "closed custody"? Who does
this apply to?

198 CAMPBELL: I don't think there is one.

204 HILL: How we use "closed custody" is to define those beds used at the
state training school but including work study camps.

240 TAYLOR: Do you define that in your regulations?

212 HILL: I believe it is internal usage. We don't have a classification
in juvenile system as they do for adults, we just call it closed custody.

275 - work study camps are closed custody

323 SEN. STULL: Regarding the design capacity issues, we might consider
amending the definition of
the number of the youths the facility is able to detain based upon
constitutionally required safety codes and standards.

340 SPRINGER: When capacity is designated they look at physical facility,
staffing, and who they are talking about.

353 HILL: Staffing patterns are illusive. In the future we may need less staff with the use of mechanical aids, but if youths are suicidal then staff must be increased

400 TAYLOR: If we are going to change the definition of design capacity it needs to occur in Section 95, sub. 2.

411 LIVINGSTON: Page 49, line 1, referring to intent of definition of design capacity is to incorporate standards.

442 CAMPBELL: Designation of closed custody intent was to change current cap to a design capacity which would allow facilities under Department of Youth Authority to come into new cap number.

472 CHAIR HAMBY: It is not the total system capacity but institutional capacity.

380 CAMPBELL: Yes, that is correct.

TAPE 23, A

034 CAMPBELL: There are some changes; where it says "Juvenile Training Schools" it should be "Youth Correctional Facility" and later it says "school" and it should be "facility".

038 MOTION: CHAIR HAMBY: Moves to ADOPT LC 2322 (SB 1) AMENDMENTS submitted 2/22/95 by Craig Campbell.

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

050 BOB KOUNS, Legislative Liaison, Crime Victims United: Testifies and submits proposed amendments to SB 1 [EXHIBIT E]. Believes the mission statement is most important aspect of bill.

110 - people want system to protect them and reduce juvenile crime
155 - people want better use of audits to evaluate juvenile crime program

175 DEE DEE KOUNS, President, Crime Victims United: Mission statement must express wish of citizens as public safety is a concern to citizens.

225 - believe concept of "restore the victims" is a cruel hoax as certain things can't be restored

270 SEN. STULL: Questions if we can get sense of what a performance audit may cost.

310 TAYLOR: Section 73, sub. 2 is the issues of who pays for photographs and fingerprinting.

332 McDONALD: Submits and explains proposed amendment on photographing and fingerprinting of youths. [EXHIBIT G] .

387 SEN. SPRINGER: Expresses concern with idea of doing this before they are convicted of anything and doing so if they are convicted of shop lifting.

405 McDONALD: It is an attempt to get accurate records of youths arrested with ability to track them in situations that result in informal deposition.

445 SEN. SPRINGER: If youth if mugged, can those photos be used as part of a throw down?

448 McDONALD: Yes, that is correct.

TAPE 24, A

043 PAUL SNIDER, Association of Oregon Counties: This is a mandate that didn't exist before and may not be a funded one.

047 TRAVIS: Questions need for photographing youths.

075 SEN. STULL: Do you mean to eliminate the word photograph in last two references to fingerprint?

082 McDONALD: That was intentional. I was copying the language from ORS to make language consistent with procedure in adult court.

100 MOTION: SEN. STULL: Moves to ADOPT SB 1 AMENDMENTS dated 2-22-95, amendments to page 36, deleting lines 5-7 and substituting sub 2 as read into record.

ODAA

VOTE: Hearing no objections, the amendments are ADOPTED. All members present vote AYE. SEN. SPRINGER is EXCUSED.

129 LIVINGSTON: Explains proposed changes to Subsection 7 of ORS 49a200 on language referring to state's appeal.

140 - delete proposed sub section e from Section 7 as language is no longer necessary

154 NANCY MILLER, State Court Administrator's Office: We support that.

170 LIVINGSTON: These changes are in AG's proposed amendments of 2-22-95.
- page 3 "or" is deleted in subsection 7 c
- page 4 delete " or" and subsection e, A and B

183 MOTION: SEN. STULL: Moves to ADOPT SB 1 AMENDMENTS from AG dated
2-22-95 deleting "or" from subsection 7c, page 3; and deleting "or" and
subsection e, A and B, page 4.

VOTE: Hearing no objection, the amendments are ADOPTED. All members
present vote AYE. SEN. SPRINGER is EXCUSED.

214 MOTION: SEN. STULL: Moves to ADOPT SB 1 AMENDMENTS to Section 81,
subsection 4 (d).

VOTE: Hearing no objections, the amendments are ADOPTED. All members
present vote AYE. SEN. SPRINGER is EXCUSED.

203 TAYLOR: Next is the jurisdiction of juvenile courts over 25 year olds.

208 LIVINGSTON: This arose from taking out "second look" and extending
juvenile court jurisdiction from 21 to 25.

240 TRAVIS: Extending the age up to 25 gives you 4 more years of supervision.
- it can be parole supervision

260 LIVINGSTON: Parents can be required to participate in supervision of
youths. Juvenile court can terminate jurisdiction at any time

303 HILL: Our bed projections were based on existing practices as Measure
11 passed. Fiscal bed impact for adding 14 year olds qualifying under 5
offenses, is small but they stay a long time.

360 McDONALD: What security issues do you have with housing 25 years old with
younger youths?

370 HILL: Majority are transitioned out before age 21.

414 SEN. STULL: Doesn't consider 25 year olds are youths and is concerned
with holding parents responsible.

Submitted for the record testimony from Judith Rinkin [EXHIBIT F].

Closes WORK SESSION on SB 1

430 CHAIR HAMBY: Adjourn meeting at 5:30 p.m.

Submitted by.

Reviewed by,

DIANE DUSSLER
Committee Assistant

BILL TAYLOR
Committee Counsel

EXHIBIT SUMMARY:

A - Proposed Amendments to SB 1 - Staff - 2 pages
B - Proposed Amendments to SB 1 - Mike Livingston - 12 pages
C - Proposed Amendments to SB 1 - Mike Livingston - 3 pages
D - Proposed Amendments to SB 1 - Craig Campbell - 4 pages
E - Proposed Amendments to SB 1 - Bob Kouns - 1 page
F - Testimony on SB 1 - Judith Rinkin - 2 pages
G - Proposed Amendments to SB 1 - Mark McDonald - 1 page