

HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL
ADMINISTRATION

May 10, 1993 Hearing Room 357 3:00 p.m. Tapes 104 - 105

MEMBERS PRESENT: Rep. Tom Brian, Chair Rep. Ken Baker Rep. Jim Edmunson
Rep. Tom Mason

STAFF PRESENT: Holly Robinson, Committee Counsel Sarah May,
Committee Clerk

MEASURES CONSIDERED: HB 2564 - Relating to Sentencing HB 2686 -
Relating to Crime

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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. [--- Unable To Translate
Graphic ---]

TAPE 104, SIDE A

004 CHAIR BRIAN: Calls the meeting to order at 2:35 P.M.

PUBLIC HEARING ON HB 2564 & 2686

(HB 2564 Relating to sentencing - Establishes mandatory minimum sentence
for certain drug offenders previously convicted of any felony. [EXHIBIT
A])

(HB 2686 Relating to crime - Classifies crimes involving
delivery or manufacture of controlled substances as person crimes
for purposes of sentencing guidelines.[EXHIBIT B])

017 ROSANNA CREIGHTON, CITIZENS FOR A DRUG FREE OREGON:
Testifies and submits written testimony by Sen. Phillips, in support of
HB 2686 and HB 2564. (EXHIBIT C)

057 FRED AVERA, OREGON DISTRICT ATTORNEY ASSOCIATION: Testifies in
support of HB 2686 and HB 2564. Continues with explanation.

141 REP. BAKER: You could have a number of these Class 4 offenses
and not get to the more serious jail time. What if we said that on the
second

felony on control or delivery of the manufactured drugs, that we would
treat it as a person felony?

148 AVERA: On a category 4 crime, you have to get over to a B crime

to get into presumptive prison, and that would require two felony person

offenses. Continues with explanation. 175 CHAIR BRIAN: Under 4B, a third felony conviction for sales would be 8-9 months?

177 AVERA: Correct. Currently a third felony convictions would be a maximum of 60 days, a 4E.

181 REP. BAKER: If someone was sent to prison for eight months, how long would they be there?

184 AVERA: Guidelines are supposed to be determinant, but they are eligible for 10-20 % reduction.

189 REP. BAKER: As of today, if sentenced eight months, you are out in three or four months?

190 AVERA: They would be out in six and a half, or seven months.

192 CHAIR BRIAN: What is on the guidelines is what you serve up to a possible 20% reduction? 195 AVERA: Correct.

210 ROSANNA CREIGHTON, CITIZENS FOR A DRUG FREE OREGON: Testifies in support of HB 2564 and HB 2686. Continues with explanation.

328 REP. EDMUNSON: Couldn't we make a distinction that the addict is a victim and that the delivery person is the criminal? By getting at the

middle person, their customers are as much victims of the drug trade as if their possessions were stolen. I hope we address the delivery and manufacture of drugs as a person crime. We needed to deal with those users under a different public policy to rehabilitate them. The sellers and manufactures are different category, they are hurting people.

367 CREIGHTON: Agree's. Doesn't want to deal with possession in these bills.

386 REP. MASON: The figures were released that 800,000 people in prison in U.S., a third of which are there for drug offenses.

397 CREIGHTON: The federal government needs to look at the dollar amounts, and length of sentences, and have mandatory sentences if the degree of

drug activity warrants it. We shouldn't have system where the cost of doing business is worth it, because the cost of getting caught is worth it.

431 REP. MASON: The bills are good, but when you look at the \$100,000 million, it doesn't matter. Until we get real revenue, there isn't even a chance of survival for these bills.

TAPE 105, SIDE A

020 CREIGHTON: Public safety has to be number one on priorities for spending. That is how everything else is dealt with in our lives.

There has to be a balance.

032 CHAIR BRIAN: In HB 2686, if a crime becomes a person crime on the second or third offense, it might take on a whole different fiscal

outlook.

037 REP. MASON: If we drive the numbers down to a minimal fiscal impact, what have we done? 041 CHAIR BRIAN: You move up sentencing and get the repeat offender out of the 60 day cycle.

044 REP. MASON: How many people does it move? If it's a significant number, then it's significant money.

052 REP. MANNIX, DISTRICT 32: Testifies in support of HB 2564 and HB 268 6. Suggests the Judiciary Committee refers it to Appropriations.

102 REP. MASON: Who gets out then, the murderers, rapists, and burglars? We have to weigh rapist versus drug dealer.

115 REP. MANNIX: Right now we don't get a chance to weigh the rapist versus the drug dealer, because the drug dealer is in a different section of

the system.

118 REP. MASON: Didn't we do that when we put together the sentencing process. Wasn't that the weighing process?

120 REP. MANNIX: The drug dealers should be in the pool of "applicants" for slots in the prisons. Appropriations is going to have to decide what to do with the whole corrections system and how we finance it.

135 CHAIR BRIAN: Adjourns the meeting at 3:15 P.M.

Submitted by:

Reviewed by:

Sarah May
Committee Coordinator

Anne May Committee Clerk

EXHIBIT LOG:

A - Testimony on HB 2564 - Committee Counsel - 1 page B - Testimony on HB 2564 - Committee Counsel - 1 page C - Testimony on HB 2564 - Sen. Paul Phillips - 1 page D - Testimony on HB 2686 - Legislative Fiscal - 1 page

