

House Committee on Judiciary Subcommittee on Crime and Corrections

January 19, 1993
357 3:00 p.m.
and 4

Hearing Room
tapes 3

MEMBERS PRESENT: Rep. Tiernan, Chair Rep. Brown Rep. Courtney Rep.
Tarno

STAFF PRESENT: Holly Robinson, Counsel Carole Souvenir, Counsel
Katy Yetter, Clerk

MEASURES CONSIDERED: HB 2227 PPW HB 2228 PPW

WITNESSES: Denis Dowd, Assistant Director Department
of Corrections Dave Schumacher, Rules Coordinator,
Department of Corrections Jeff Van Valkenburgh, Department of
Corrections

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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
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TAPE 3, SIDE A

CHAIR TIERNAN: Opens hearings

PUBLIC HEARING ON HB 2227

HOLLY ROBINSON, LEGAL COUNSEL: Summarizes HB 2227. Excludes prisoners
for individual notice of proposed rules by Department of Corrections.

CHAIR TIERNAN: Calls witness Dave Schumacher

DAVE SCHUMACHER, DEPARTMENT OF CORRECTIONS: Gives testimony in support
of HB 2227 and indicates that there may be a potential fiscal impact.

(EXHIBITS A, B, AND C).

REP. TARNO: Asks if there is an inmate library

DAVE SCHUMACHER, DEPARTMENT OF CORRECTIONS: Replies that there is one
available to the prisoners.

REP. TARNO: Asks if there are also bulletin boards.

DAVE SCHUMACHER, DEPARTMENT OF CORRECTIONS: Replies that there are.

REP. TARNO: Asks if other agencies are charged for copies of similar literature.

DAVE SCHUMACHER, DEPARTMENT OF CORRECTIONS: Replies that none are charged at this point.

REP. BROWN: State agencies are required to send materials to those who request them? What about copies of Corrections rules?

DAVE SCHUMACHER, DEPARTMENT OF CORRECTIONS: Understands that they may have copies sent.

REP. BROWN: Department of Corrections does not want to send copies to each prisoner who requests them due to foreseeable high costs?

DAVE SCHUMACHER, DEPARTMENT OF CORRECTIONS: Replies that this is the concern of the Department.

CHAIR TIERNAN: How many are on the mailing list?

DAVE SCHUMACHER, DEPARTMENT OF CORRECTIONS: Gives details of the list.

REP. TARNO: Asks if there is a potential for saving money.

DAVE SCHUMACHER, DEPARTMENT OF CORRECTIONS: Replies that there is.

CHAIR TIERNAN: If someone else requested information, would the Department of Corrections charge them?

DAVE SCHUMACHER, DEPARTMENT OF CORRECTIONS: Replies that they would not, unless the request is abnormally large.

CHAIR TIERNAN: Asks if Schumacher's testimony covers the cost of production.

DAVE SCHUMACHER, DEPARTMENT OF CORRECTIONS: Indicates that it does not.

HOLLY ROBINSON, LEGAL COUNSEL: The testimony indicates that up to 6500 notices are sent per month. Asks if this number represents the actual prison population.

DAVE SCHUMACHER, DEPARTMENT OF CORRECTIONS: Responds that this is the population of the prison.

JEFF VAN VALKENBURGH, DEPARTMENT OF CORRECTIONS: States that

information is indeed available to the inmates in other modes than the items that must be copied and mailed. CHAIR TIERNAN: Asks Schumacher if he suspects that the number of requests will likely rise.

JEFF VAN VALKENBURGH, DEPARTMENT OF CORRECTIONS: Believes that they will.

REP. BROWN: If they have money in their accounts, may they make requests?

DAVE SCHUMACHER, DEPARTMENT OF CORRECTIONS: Yes.

JEFF VAN VALKENBURGH, DEPARTMENT OF CORRECTIONS: We have the ability to have an inmate purchase a copy card.

REP. TARNO: Do the inmates have rules readily available for review?

DAVE SCHUMACHER, DEPARTMENT OF CORRECTIONS: Gives an example of an inmate newsletter to indicate their ability to receive such information.

CHAIR TIERNAN: If an inmate could testify at this hearing, how would they feel about this bill?

DAVE SCHUMACHER, DEPARTMENT OF CORRECTIONS: Replies that if the Department started to charge all on the mailing list in order to recover costs, when those who did not have money in their accounts would most likely suffer.

REP. BROWN: Asks why the inmates should have different access privileges to information than ordinary citizens.

DAVE SCHUMACHER, DEPARTMENT OF CORRECTIONS: We provide a process of notification in addition to regular bulletins. Also, the majority of inmates are indigent, and costs would probably not be recovered.

CHAIR TIERNAN: Closes Public Hearing on HB 2227.

WORK SESSION ON HB 2227

REP. TARNO: Is aware of games played by inmates out of boredom. Would like to see the committee cut down the paperwork and triviality of the Department of Correction's staff.

REP. BROWN: Has had calls from inmates who use the system.

MOTION: Rep. Tarno moves that the bill pass with do pass

recommendation.

VOTE: Aye 4, No 0

Brown, Courtney, Tarno, and Tiernan present for vote,

Parks is absent from voting.

PUBLIC HEARING ON HB 2228

HOLLY ROBINSON, LEGAL COUNSEL: Gives Staff Measure Summary. CHAIR
TIERNAN: Calls Denis Dowd as a witness.

DENIS DOWD, DEPARTMENT OF CORRECTIONS: Gives recommendation for the bill
to pass. Also quotes some figures on the proposal's impact (EXHIBITS D
AND E).

CHAIR TIERNAN: Does there need to be victim notification?

DENIS DOWD, DEPARTMENT OF CORRECTIONS: Yes.

CHAIR TIERNAN: Victim must now request this notification?

DENIS DOWD, DEPARTMENT OF CORRECTIONS: Yes.

CHAIR TIERNAN: Have you had any police officers or sheriffs comment on
this bill?

DENIS DOWD, DEPARTMENT OF CORRECTIONS: Only one--did not support the
bill.

CHAIR TIERNAN: Have any judges made comment?

DENIS DOWD, DEPARTMENT OF CORRECTIONS: No.

DENIS DOWD, DEPARTMENT OF CORRECTIONS: Under new sentencing guidelines,
there is more public awareness about the release date of a prisoner.

REP. COURTNEY: Why should the burden fall on the victim to request
notification?

DENIS DOWD, DEPARTMENT OF CORRECTIONS: Replies that other input can be
solicited in this matter. -Gives other cost savings while defending
philosophy of protection.

REP. COURTNEY: Wants to insure air-tight law in this matter for future
cases.

CHAIR TIERNAN: Would expect victim to get automatic notification.

REP. BROWN: Agrees that it does make sense for the victim to get

automatic notice. What about defense attorneys obtaining notification as well?

DENIS DOWD, DEPARTMENT OF CORRECTIONS: Understands it is sometimes difficult to track victims, and may be easier to track attorneys.

REP. TARNO: Speaks of victim/witness programs

TAPE 4, SIDE A

CHAIR TIERNAN: Closes Public Hearing on HB 2228.

WORK SESSION ON HB 2228

REP. TARNO: Gives comments on victim's rights, and wonders if the district attorney should be the vehicle for notification.

CHAIR TIERNAN: Believes that it is worth \$11,000 to notify a victim.

REP. COURTNEY: Gives story of a person in his area of residence who was released from prison. -Believes notification is important from a public safety standpoint.

CHAIR TIERNAN: Agrees with critical nature of notification.

REP. BROWN: Believes that not only should the victim be automatically notified. -The district attorney may be able to provide this notification if they were also notified of a prisoner's release.

CHAIR TIERNAN: Asks Rep. Brown to explore this area of notification, Requests Holly Robinson to ask for the District Attorneys Association to comment on bill, and appoints Rep. Courtney as vice-chair of committee.

CHAIR TIERNAN CLOSES PUBLIC HEARING ON HB 2228 AND ADJOURNS MEETING AT 4:15

Submitted by:

Reviewed by:

Katy Yetter
Coordinator

Betina Rothauser Clerk

EXHIBIT LOG:

A - Testimony on HB 2227 - Jeff Van Valkenburgh - 1 page B - Testimony on HB 2227 - Dave Schumacher - 2 pages C - Testimony on HB 2227 - Dave Schumacher - 1 page D - Testimony on HB 2228 - Denis Dowd - 3 pages E - Testimony on HB 2020 - Denis Dowd - 1 page