

HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CRIME AND CORRECTIONS

March 3, 1993 Hearing Room 357 3:00 p.m. Tapes 39 MEMBERS
PRESENT: Rep. Bob Tiernan, Chair Rep. Kate Brown Rep. Peter Courtney
Rep. Veral Tarno STAFF PRESENT: Julie Nolta, Committee Clerk Holly
Robinson, Committee Counsel MEASURES CONSIDERED: HB 254S - Relating
to crime HB 2231 - Relating to corrections

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 39, SIDE A

001 CHAIR TIERNAN: Calls meeting to order at 3:40 p.m.

HB 2231 - PUBLIC HEARING Witnesses: Elyse Clawson, Department of Corrections

006 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2231 clarifies that parole officers have the same duties as probation officers. 020 ELYSE CLAWSON, ASSISTANT DIRECTOR, DEPT. OF CORRECTIONS: Submits and reviews written testimony in favor of HB 2231. (EXHIBIT A, B, C) 025 REP. TARNO: Traditionally hasn't there been a distinction between probation and parole in that parole is a state function whereas probation is a county function? 030 CLAWSON: No. Department of Corrections does both parole and probation. If the county chooses to do the supervision they take over both probation and parole. Some counties have a local county probation department separate from the Department of Corrections. Crime and Corrections Sub Committee March 3, 1993 - Page 2

REP. TARNO: This bill would not affect a county's ability to have their own local probation department?

042 CLAWSON: No. Gives synopsis of probation and parole system.

CHAIR TIERNAN: Can an inmate be released from prison and be on probation or is that always called parole?

CLAWSON: Explains how someone can be on both probation and parole.

CHAIR TIERNAN: Confirms that that would have to be two separate cases for the same person.

070 REP. BROWN: Judges in Multnomah County sentence to probation frequently. They see that the person won't spend much time in the penitentiary so they put them on probation so they can be supervised when they are released and pay restitution.

082 CLAWSON: Jail can be a condition of probation.

HB 2231- WORK SESSION

089 MOTION: REP. BROWN: Moves HB 2231 TO FULL COMMITTEE with a DO PASS recommendation. VOTE: 4-0 MOTION PASSES AYE: Brown, Courtney,

Tarno, Tiernan NO: None

HB 254S WORK SESSION

Witnesses: Eric Wassman, Oregon Department of Justice Fred Avera, Oregon District Attorneys Association Captain Richard Brooke, State Police

096 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2545 adds Sexual Abuse I to certain evidence, criminal procedure, and occupational qualification statutes. There is no fiscal impact at present. There are -1 hand-engrossed amendments to be adopted. 163 REP. TARNO: Does the bill include individuals who have been released? HOLLY ROBINSON, COMMITTEE COUNSEL: Yes, if they were found. Persons under supervision would be included and would be required to provide a blood sample. Cmne and Corrections Sub-Committee March 3, 1993 - P - e 3

184 ERIC WASSMAN, OREGON DEPARTMENT OF JUSTICE: Testifies in favor of amendments to HB 2545.

198 CHAIR TIERNAN: Why are these people being tested?

WASSMAN: Had been convicted of Sexual Abuse I. Blood samples have been taken but not tested yet because officials did not know that testing of Sexual Abuse I cases was exempt from statutes.

206 CHAIR TIERNAN: What is being looked for in the samples?

WASSMAN: State police develop a DNA profile and enter into a databank. Later when investigating a crime they can match evidence against the databank.

217 FRED AVERA, POLK CO. DISTRICT ATTORNEY; OREGON DISTRICT ATTORNEYS ASSOCIATION: Also wasn't aware the DNA Act doesn't cover Sex Abuse I and judges weren't aware, either.

230 CAPTAIN RICHARD BROOKE, STATE POLICE: Thirty percent of all DNA profiles are sex abuse offenders, 70% of which has been Sex Abuse I. May have a fiscal impact if retesting needs to be done.

WASSMAN: Would have fiscal impact if new samples had to be drawn instead of relying on samples already drawn.

245 CHAIR TIERNAN: How long can the blood be held?

BROOKE: May not be able to use samples obtained prior to passage if it is not retroactive. Each test costs \$100 per sample.

253 REP. BROWN: Refers to ex post facto concern. Asks for further explanation.

WASSMAN: Infrequent that a statute is declared an ex post facto violation.

292 MOTION: REP. TARNO: Moves to ADOPT -1 AMENDMENTS TO HB 2545 as hand-engrossed. (EXHIBIT D) VOTE: 4-0 MOTION PASSES N PASSES

AYE: Brown, Courtney, Tarno, Tiernan AYE: Brown, Courtney, Tarno, Tiernan NO: None 302 MOTION: REP. TARNO: Moves HB 2545 AS AMENDED TO FULL COMMITTEE with a DO PASS recommendation. VOTE: 4-0 MOTION PASSES AYE: Brown, Courtney, Tarno, Tiernan NO: None Crime and

. 315 CHAIR TIERNAN: Adjourns meeting at 4:00 p.m. Submitted
by: Reviewed by: Julie NoltaAnne May Committee ClerkCommittee
Coordinator

EXHIBIT LOG: A - Testimony on HB 2231 - Oregon Department of Corrections
- 1 page B - Testimony on HB 2231 - O.D.J. - 1 page C - Fiscal Impact
Estimate - O.D.J. - 1 page D - Proposed amendments to HB 2545 - 1 page

Theae rninuter cor~in rnateriab which paraphrase and/or surmanze
staternentr made during thir Yeunion Orly text enclosed in quotation
rnarh report · rpe ker'a exact worda For complete corderdr of the
proceedinge, please refer to the taper