

HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CRIME AND CORRECTIONS

May 11, 1993 Hearing Room 357 3:00 p.m. Tapes 101 - 102

MEMBERS PRESENT: Rep. Bob Tiernan, Chair Rep. Kate Brown Rep. Peter Courtney Rep. Veral Tarno

STAFF PRESENT: Holly Robinson, Committee Counsel Julie Nolta, Committee Clerk

MEASURES CONSIDERED: HB 2082 - Relating to monetary obligations arising out of offenses HB 3427 - Relating to alternative dispute resolution HB 2248 - Relating to tort claims HB 2759 - Relating to release of offenders

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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 101, SIDE A

CHAIR TIERNAN: Calls meeting to order at 3:05

HB 2759 - WORK SESSION

Witnesses: Joanne Fuller, Dept. of Corrections

003 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2759 requires that the agency responsible for supervising sex offenders who have a prior sex offense

criminal history and a history of predatory behavior notify the local community that the offender is residing in the community. Rep. Courtney is submitting proposed amendments to -4 amendments. (EXHIBIT A) Summarizes changes to the bill.

057 MOTION: REP. COURTNEY: Moves to ADOPT HB 2759-4 AMENDMENTS.

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

061 REP. TARNO: Is there a fiscal impact with the -4 amendments?

063 HOLLY ROBINSON, COMMITTEE COUNSEL: Yes.

066 MOTION: REP. COURTNEY: Moves to ADOPT PROPOSED AMENDMENTS dated May

11, 1993 to HB 2759-4 amendments.

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

078 REP. COURTNEY: Drafted amendments for sake of reducing cost and the geographic area.

083 JOANNE FULLER, DEPARTMENT OF CORRECTIONS: Explains how narrowing by the proposed amendments would reduce cost of notification to \$165,000 per biennium.

100 MOTION: REP. COURTNEY: Moves HB 2759 AS AMENDED TO FULL COMMITTEE with a DO PASS recommendation.

104 FULLER: Parole and probation officers feel it is appropriate to have notification on this classification of offenders.

REP. TARNO: Asks for feedback and results of notifications.

FULLER: Is willing to have Representatives attend meetings of Sex Offender Network of Parole and Probation Officers. Intends to report back to the legislature.

122 CHAIR TIERNAN: Asks Ms. Fuller if it is her opinion that notification is beneficial.

FULLER: Parole and probation officers feel notification is a deterrence tool and appropriate for predatory offenders and those not involved in treatment.

139 REP. TARNO: Asks if the 250 figure includes out of state offenders moving into Oregon.

148 VOTE: 4-0 MOTION PASSES AYE: Brown, Courtney, Tarno,
Tiernan NO: None

HB 2248 - WORK SESSION

(HB 2248 amends provisions of the Oregon Tort Claims Act concerning the notice of claim submitted to the public body, and makes the Department of General Services solely responsible for administering claims against the state.)

Witnesses: Charles Williamson, Oregon Trial Lawyers Association
Dave White, Risk Management Division

167 HOLLY ROBINSON, COMMITTEE COUNSEL: There are amendments (EXHIBIT B) and a hand-engrossed version of the bill. (EXHIBIT C)

169 CHARLES WILLIAMSON, OREGON TRIAL LAWYERS ASSOCIATION: Submits

and reviews written testimony to HB 2248.

211 DAVE WHITE, RISK MANAGEMENT DIVISION: Testifies in favor of HB 2248.

213 CHAIR TIERNAN: Asks how the bill in its amended form will change the

current law regarding notification.

WHITE: Describes how it clarifies the law, not changes it.

249 CHAIR TIERNAN: Would you have introduced this bill knowing what it does now?

WHITE: Yes. Not our intent to be as restrictive.

CHAIR TIERNAN: Section 3 clarifies for other agencies that you are going to be the clearinghouse for these types of claims.

261 REP. TARNO: Where in the bill is the onus is placed on division heads that they must notify Division of General Services?

WHITE: It is implied in Section 3. We have policy manuals that specify that.

REP. TARNO: Has the policy been effective?

WHITE: Yes.

291 MOTION: REP. TARNO: Moves to ADOPT HB 2248-1 AMENDMENTS.

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

294 MOTION: REP. TARNO: Moves HB 2248 AS AMENDED TO FULL COMMITTEE with a DO PASS recommendation.

VOTE: 4-0 MOTION PASSES AYE: Brown, Courtney, Tarno, Tiernan NO: None

HB 2082 - PUBLIC HEARING

Witnesses: Bill Linden, State Court Administrator Steve Little, Oregon Department of Revenue

306 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2082 allows state to assign collection of criminal judgments that impose monetary obligations to a

public agency charged with collection of monetary judgment or to a private collection agency. There are -1 amendments requested by Chair Parks. (EXHIBIT D)

334 BILL LINDEN, STATE COURT ADMINISTRATOR: Submits and reviews written testimony in favor of HB 2082. (EXHIBIT E)

394 HOLLY ROBINSON, COMMITTEE COUNSEL: Refers to line 22 of the bill. Is there any reason it can't say only "for any court imposed monetary obligation?"

LINDEN: Wanted to identify restitution as an obligation for which credit cards would be accepted.

HOLLY ROBINSON, COMMITTEE COUNSEL: Are there any court imposed monetary obligations that you couldn't use a credit card for?

LINDEN: Can't think of any. Wants to keep restitution language. Could be miscellaneous assessments that would be picked up with the extra language.

426 REP. TARNO: Would the court want to get involved with attachments?

LINDEN: No. If a collection issue goes that far, we will turn it over to the Attorney General's office for enforcement.

436 CHAIR TIERNAN: How would you pay a private collection agency?

LINDEN: We would identify a group of cases and ask for a proposal for collection. They would keep a percentage of what they collect.

CHAIR TIERNAN: They are your last resort.

LINDEN: Yes. Believes it should be tried so we will know if it will work or not.

473 CHAIR TIERNAN: What percentage goes uncollected?

LINDEN: We collect 65% of assessed fines of non-criminal cases. On misdemeanors it is 30-40% and for felonies it is 20%.

TAPE 102, SIDE A

031 REP. TARNO: Asks about efficiency of collection process.

LINDEN: Describes background of the collection system and current record keeping.

REP. TARNO: Do you have staff budgeted for this purpose?

LINDEN: No. In the pilot county we shifted people and responsibilities. Courts who are interested will have to provide some resources in addition to what we can provide.

REP. TARNO: Your collection has been limited to letters?

LINDEN: Correct. We do make referrals to the Department of Revenue.

068 STEVE LITTLE, SENIOR PROGRAM TECHNICIAN, COLLECTIONS DIVISION, OREGON

DEPARTMENT OF REVENUE: Submits and reviews written testimony in favor of HB 2082. (EXHIBIT F)

107 CHAIR TIERNAN: Who is collecting right now?

LITTLE: We collect only bills due the state.

CHAIR TIERNAN: How many accounts do you have now? Are you attempting to collect in house?

LINDEN: Yes. Do not refer most cases to the Dept. of Revenue.

118 CHAIR TIERNAN: Why do you need the Revenue Department at all if you are going to refer your hardest cases to a private agency?

LINDEN: Revenue is a step in the process because of the tax and refund intercept program. Expects more work will be farmed out to the private sector.

125 CHAIR TIERNAN: Asks about full time employees being added.

LITTLE: The fiscal impact statement was based on our estimates in 199 1 considering that Revenue would be used considerably as a resource.

135 LINDEN: It is not our intent to increase number of cases assigned to

Revenue.

CHAIR TIERNAN: Sees a problem with the number of employees added.

LINDEN: Will not increase number of cases sent to Revenue in the terms of HB 2082. Looking for authority to go with private agencies.

152 REP. TARNO: Asks for clarification of collection process.

LINDEN: Describes collection process. Private agencies often have other resources for finding people.

179 REP. TARNO: Then the full time employees in the fiscal impact don't exist. State Court Administrator will go directly to private agencies

for collections?

LINDEN: HB 2082 will give us authority to do that directly.

REP. TARNO: And you will do that through the local court administrator's offices?

LINDEN: We would sign the contracts but they would coordinate it.

193 CHAIR TIERNAN: Requests a revised fiscal impact statement before the

bill gets to full committee.

HB 2082 - WORK SESSION

204 MOTION: REP. COURTNEY: Moves to ADOPT HB 2082-1 AMENDMENTS.

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

208 MOTION: REP. COURTNEY: Moves HB 2082 AS AMENDED TO FULL COMMITTEE with a DO PASS recommendation.

VOTE: 4-0 MOTION PASSES AYE: Brown, Courtney, Tarno, Tiernan NO: None

HB 3427 - PUBLIC HEARING

(HB 3427 encourages administrative agencies to use alternative means of dispute resolution in a rulemaking proceeding, contested case proceeding, civil action, or other decision-making process.)

Witnesses: Lynn Rosik, Department of Justice Alice Phalan, Dispute Resolution Commission Dick Briggs, Management Consultant

227 LYNN ROSIK, DEPARTMENT OF JUSTICE: Testifies in favor of HB 3427. Refers to proposed -1 amendments. (EXHIBIT G)

295 REP. TARNO: Could add suggested language to -1 amendments. 305 ALICE PHALAN, EXECUTIVE DIRECTOR, DISPUTE RESOLUTION COMMISSION: Submits and reviews written testimony to HB 3427. (EXHIBIT H)

377 CHAIR TIERNAN: What does this bill do for you?

PHALAN: Answers questions about authority of ordering or engaging in mediation. It clarifies and provides an education process.

414 DICK BRIGGS, MANAGEMENT CONSULTANT: Testifies in favor of HB 3427.

453 CHAIR TIERNAN: Adjourns the meeting at 4:05 p.m.

Submitted by:

Reviewed by:

Julie Nolta
Committee Coordinator

Anne May Committee Clerk

EXHIBIT LOG:

A - Proposed amendments to HB 2759 - 1 page B - Proposed amendments to HB 2248 - Dept. of Justice - 1 page C - Hand engrossed amendments to HB 2248 - Oregon Trial Lawyers Assoc. - 4

pages D - Proposed amendments to HB 2082 - 1 page E - Testimony on HB
2082 - State Court Administrator - 3 pages F - Testimony on HB 2082 -
Dept. of Revenue - 1 page G - Proposed amendments to HB 3427 - 2 pages
H - Testimony on HB 3427 - Dispute Resolution Commission - 2 pages I -
Testimony on HB 3427 - Diane Thurlow - 2 pages