

HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CRIME AND CORRECTIONS

May 18, 1993           Hearing Room 357 3:00 p.m.   Tapes 107 - 108

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: SB 249 - Relating to local criminal justice advisory councils SB 227 - Relating to local juvenile justice advisory councils HB 2246 - 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 107, SIDE A

005 CHAIR TIERNAN: Calls meeting to order at 3:05 p.m.

HB 2246 - WORK SESSION

007 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2246 authorizes the Attorney General to issue subpoenas in criminal investigations conducted by the

Department of Justice.

030 REP. TARNO: Does Section 3 exclude disclosure to the defense?

HOLLY ROBINSON, COMMITTEE COUNSEL: Yes in this context, but not in the context of whatever investigation subsequently ensues. The concern was if information was obtained in the course of a criminal investigation that would give rise to a civil investigation, could the criminal investigation create new evidence? There was concern about potential abuses.

REP. TARNO: Would it be the intent of the committee that any criminal prosecution as a result of a grand jury indictment would not preclude disclosure to a criminal defense attorney?

048 HOLLY ROBINSON, COMMITTEE COUNSEL: All laws of criminal evidence and

procedure will apply. The scope of the bill is limited. Once the subpoena is issued and information is obtained, all other rules apply.

061 MOTION: REP. TARNO: Moves HB 2246 TO FULL COMMITTEE with a DO PASS recommendation.

VOTE: 3-0 MOTION PASSES AYE: Brown, Tarno, Tiernan NO: None  
EXCUSED: Courtney

SB 249 AND SB 227 - PUBLIC HEARING

Witnesses: Bill Linden, State Court Administrator Lee Erickson,  
Oregon State Police

080 HOLLY ROBINSON, COMMITTEE COUNSEL: SB 249 establishes local criminal

justice councils in each judicial district to address methods of coordinating court, indigent defense and related services and resources.

SB 227 modifies county juvenile advisory councils.

095 BILL LINDEN, STATE COURT ADMINISTRATOR: Submits and reviews written testimony in favor of SB 249 and SB 247. (EXHIBIT D and E)

138 CHAIR TIERNAN: Shouldn't need to pass a law to have government agencies talk to each other.

LINDEN: This kind of group brings clout to issues. Not mandating cooperation but councils haven't been formed in as many places as they should. Not asking for additional resources.

174 CHAIR TIERNAN: In what counties has this been tried?

LINDEN: Lists counties.

CHAIR TIERNAN: Asks why in SB 249 there are no members from the public and there are in SB 227.

LINDEN: No conscious reason.

210 CHAIR TIERNAN: Do you have a problem with mandating three public members in either of the bills?

LINDEN: No. Could add language to include public members or could set up councils with permissive language.

217 REP. TARNO: This is a result of a budget note issued when?

LINDEN: The 1989 Legislative Session.

REP. TARNO: Asks why the issue wasn't raised in the 1991 session.

LINDEN: Did not come up in our ways and means process except to report

back on how many had set up the councils. We wanted to give it a couple more years to see if it caught on more.

227 REP. TARNO: What is the ultimate objective of the information they will collect?

LINDEN: It will be used for making policy and budgetary decisions at local and state level. Having general knowledge of what the other situations are will help in understanding limitations and constraints.

REP. TARNO: Seems that the local court administrator should be a member of the council.

LINDEN: Didn't include them because they are involved in everything anyway. Discusses how the trial court administrator is involved.

278 REP. TARNO: This is a mandatory commission and the information gathered may or may not be used. Who will collect the information and where does it go?

LINDEN: Describes what the commission will do.

323 CHAIR TIERNAN: Are there other groups who provide the same service?

LINDEN: Discusses local correctional advisory committees and youth and family commissions.

CHAIR TIERNAN: Confirms they will be separate and distinct from these two bills.

LINDEN: If there is an overlap, lines will be drawn about what council will do.

355 CHAIR TIERNAN: Will this commission help coordinate the indigent defense money?

LINDEN: Local involvement in solving indigent defense issues is very important.

419 REP. TARNO: Wants to know how the local judges feel about the issue.

449 REP. TARNO: Asks why there are no police listed in SB 227.

LINDEN: Not intentional. Can amend in law enforcement participation or exercise permissive language to bring it in. 482 LEE ERICKSON, OREGON STATE POLICE: Submits and reviews written testimony in favor of SB 249. (EXHIBIT F)

TAPE 108, SIDE A

024 ERICKSON: Continues testimony.

039 CHAIR TIERNAN: Asks about representation on the commissions.

ERICKSON: Already participate in juvenile councils.

047 REP. TARNO: Asks Mr. Erickson how he sees the information getting back to his administrator.

ERICKSON: Gives examples.

066 REP. TARNO: By mandating a law, are you going to get better cooperation from local law enforcement?

ERICKSON: Believes that the pieces want to work together and this is a problem solving approach to managing the criminal justice system at the local level.

080 REP. TARNO: The ones that don't cooperate will be pushed together by

this vehicle?

ERICKSON: Yes. It will encourage that exchange of information by mandate.

REP. TARNO: Refers to p. 1, line 18 "shall meet regularly." Asks why it doesn't say "encouraged" instead of "shall?"

118 CHAIR TIERNAN: Are these bills necessary?

REP. COURTNEY: Discusses problems of turf and jurisdiction.

REP. TARNO: Agrees that some agencies don't communicate and maybe this is the vehicle that will start that process. Curious about what the information is used for.

REP. COURTNEY: Agrees there should be public participants on the commissions.

150 MOTION: REP. TARNO: Moves to SUSPEND THE RULES to allow Rep. Courtney to vote on HB 2246.

VOTE: Hearing no objections, the rules are suspended.

REP. COURTNEY: Votes "aye" to move HB 2246 to the full committee with a "do pass" recommendation.

156 CHAIR TIERNAN: Adjourns the meeting at 3:45 p.m.

Submitted by:

Reviewed by:

Julie Nolta  
Committee Coordinator

Anne May Committee Clerk

EXHIBIT LOG:

A - Statutes relevant to HB 2246 - Committee Counsel - 3 pages B -  
Testimony on HB 2246 - Asst. Attorney General Peter Shepherd - 2 pages C  
- Statutes relevant to SB 227 - Committee Counsel - 1 page D -  
Testimony on SB 249 - State Court Administrator - 3 pages E - Testimony  
on SB 227 - State Court Administrator - 2 pages F - Testimony on SB 249  
- Oregon State Police - 1 page