

HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CRIME AND CORRECTIONS

June 8, 1993 Hearing Room 357 3:00 p.m. Tapes 124 - 125

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 458 - Relating to restitution by juveniles SB 1018 - Relating to attendance at victim impact panels

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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 124, SIDE A

001 CHAIR TIERNAN: Calls meeting to order at 3:10 p.m.

SB 458 - WORK SESSION

Witnesses: Charles Williamson, Oregon Trial Lawyers Association

006 HOLLY ROBINSON, COMMITTEE COUNSEL: SB 458 allows restitution orders arising from a juvenile court order to be docketed as a judgment as in a civil action in favor of the state, and enforceable only by the state.

016 CHAIR TIERNAN: Asks when the court might have a juvenile pay restitution.

HOLLY ROBINSON, COMMITTEE COUNSEL: Describes when restitution can be ordered and what it includes.

CHAIR TIERNAN: Why is it only enforceable by the state?

HOLLY ROBINSON, COMMITTEE COUNSEL: A victim cannot enforce a restitution order. The state is the one owed the restitution initially.

035 CHAIR TIERNAN: Why are the trial attorneys sponsoring this?

HOLLY ROBINSON, COMMITTEE COUNSEL: If the victim can do it directly, it makes it easier.

048 WILLIAMSON: Explains a restitution case in which judgment could not be enforced. Gives the juvenile court the option of saying that the restitution judgment will last.

062 HOLLY ROBINSON, COMMITTEE COUNSEL: Reviews a letter from the Oregon Juvenile Dept. Directors' Association. (EXHIBIT A)

REP. BROWN: Asks if parents of the child can be held liable for the restitution.

HOLLY ROBINSON, COMMITTEE COUNSEL: No. The restitution order is an obligation of the child's.

REP. BROWN: Because it is an intentional act?

HOLLY ROBINSON, COMMITTEE COUNSEL: If a victim wanted to sue, he could but could not use the juvenile court restitution mechanism.

075 MOTION: REP. COURTNEY: Moves SB 458 TO FULL COMMITTEE with a DO PASS recommendation.

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

SB 1018 - PUBLIC HEARING

Witnesses: Barbara Stoeffler, Lane County Victim Impact Panel
Laureen Oskochil, Mult. Co. Victim Impact Panel
Michael Lewton, Clackamas Co. Victim Impact Panel

083 HOLLY ROBINSON, COMMITTEE COUNSEL: SB 1018 authorizes a court to require a person convicted of driving while under the influence of intoxicants to attend a victim impact treatment session if the county has such a program.

104 BARBARA STOEFFLER, LANE COUNTY VICTIM IMPACT PANEL: Submits and reviews written testimony in favor of SB 1018. (EXHIBIT B)

178 CHAIR TIERNAN: What costs are involved in this bill?

STOEFFLER: Lists expenses of the victim panel. 201 LAUREEN OSKOCHIL, MULT. CO. VICTIM IMPACT PANEL: Submits and reviews

written testimony in favor of SB 1018. Discusses expenses of victim's panel. (EXHIBIT C)

235 CHAIR TIERNAN: Asks for amount of assessed fees.

OSKOCHIL: Hoping to raise it to \$10. Each county has different needs and that is why the range of \$5 to \$20 is listed in the bill.

247 CHAIR TIERNAN: Asks how victim's impact panel works.

OSKOCHIL: Explains how the panel works and who attends.

308 CHAIR TIERNAN: Asks if it has been done in high schools.

OSKOCHIL: Yes, but the presentation is different.

326 MICHAEL LEWTON, CLACKAMAS CO. DUII VICTIMS PANEL: Submits and reviews written testimony in favor of SB 1018. (EXHIBIT D)

448 OSKOCHIL: Discusses victim's panel steering committees.

472 STOEFFLER: Discusses expenses of Lane Co. victim's panel.

TAPE 125, SIDE A

042 CHAIR TIERNAN: Considering raising the fee to \$50.

OSKOCHIL: A steering committee member wanted to set a ceiling so the meeting would not be a hardship. We waive the fee for those on food stamps.

054 LEWTON: Hoping to be able to operate on the \$20 fee.

CHAIR TIERNAN: Depends on overhead.

070 STOEFFLER: Explains why they were looking at a limitation.

CHAIR TIERNAN: This is mandatory as part of the sentence.

STOEFFLER: There is a percentage of non-compliance.

082 LEWTON: The court can waive the fee. Explains Clackamas Co. fee procedure.

091 REP. TARNO: How do you track your funds?

STOEFFLER: The program is funded and run separately from any other county funds.

REP. TARNO: Confirms that those funds go into a victim's impact panel account. Asks about compliance with state budgeting laws.

LEWTON: Clackamas County is in compliance.

STOEFFLER: Explains how the Lane County account is run.

OSKOCHIL: Explains how Multnomah County account is run.

110 REP. TARNO: Should check on the budgeting issue in Lane County.

STOEFFLER: All reports go to legal counsel.

REP. TARNO: Asks for further information in the future on the fee amount.

123 CHAIR TIERNAN: Suggests limitation from \$5 - 50 to allow for expenses and cost increases.

SB 1018 - WORK SESSION

143 MOTION: REP. TARNO: Moves to CONCEPTUALLY AMEND SB 1018 by deleting "\$20" and inserting "\$50" on p. 2, lines 10 and 19 of the bill.

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

152 MOTION: REP. COURTNEY: Moves SB 1018 AS AMENDED TO FULL COMMITTEE with a DO PASS recommendation.

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

159 CHAIR TIERNAN: Adjourns meeting at 3:50 p.m.

Submitted by:

Reviewed by:

Julie Nolta
Committee Coordinator

Anne May Committee Clerk

EXHIBIT LOG:

A - Testimony on SB 458 - Oregon Juvenile Dept. Directors' Assoc. - 1 page
B - Testimony on SB 1018 - Lane Co. Victim Impact Panel Program - 4 pages
C - Testimony on SB 1018 - Mult. Co. Victim's Impact Panel - 1 page
D - Testimony on SB 1018 - Clackamas Co. Victim's Impact Panel - 17 pages