

HOUSE COMMITTEE ON JUDICIARY

June 14, 1993 Hearing Room 357 1:43 p.m. Tapes 41-43

MEMBERS PRESENT: Rep. Del Parks, Chair Rep. Tom Mason, Vice-Chair Rep. Ken Baker Rep. Kate Brown Rep. Peter Courtney Rep. Jim Edmunson Rep. Veral Tarno Rep. Bob Tiernan

MEMBER EXCUSED: Rep. Tom Brian

STAFF PRESENT: Holly Robinson, Legislative Counsel Carole Souvenir, Legislative Counsel Karen Edwards, Committee Assistant

MEASURES CONSIDERED: SB - 209 Out-Of -State Lawyers SB - 211
Modification of Trusts by Written Agreement SB - 214 Injured Claims
against Decedent's Estate SB - 232 County Clerk Lien Record SB - 234
Statute of Limitation for Child Abuse Issues SB - 244 County Clerks SB
- 461 Trustee's Entering into Partnership
Agreements SB - 458 Juvenile Restitution Off SB - 539 Marriage License
Applications SB - 574 Resignation of Trustees SB - 780 Law
Enforcement Agencies for Community Colleges SB - 966
Delegation of Parental Powers SB - 1018 Victim Impact Panels SB - 204
Notice Requirements for Temporary Custody SB - 139 Community
Corrections

WITNESSES: Frank Hall, Department of Corrections Judge Jim Ellis, Criminal Justice Council Judge Wallace P. Carson, Jr., Oregon Judicial Department Tony Meyer, Federation of Parole & Probation Officers David Nettles, Parolee Shana Kirkpatrick, Parolee Fred Lefever, Parolee Melinda Rauch, Federation of Oregon Parole & Probation Officers Doug Farris, Federation of Oregon Parole & Probation Officers

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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 40, SIDE A

009 CHAIR PARKS: Calls meeting to order at 1:43 p.m.

SB 209 - WORK SESSION

009 CAROLE SOUVENIR, COMMITTEE COUNSEL: Discusses bill.

MOTION: REP. EDMUNSON: Moves SB 209 to the Floor with a DO PASS recommendation.

VOTE: CHAIR PARKS: Hearing no objection the motion CARRIES. REP.
BRIAN is EXCUSED.

REP. MASON will lead discussion on the Floor.

SB 211- WORK SESSION

056 SOUVENIR: Discusses bill.

MOTION: REP. BAKER: Moves SB 211 to the Floor with a DO PASS
recommendation.

VOTE: CHAIR PARKS: Hearing no objection the motion CARRIES. REP.
BRIAN is EXCUSED.

REP. BAKER will lead discussion on the Floor.

SB 214 - WORK SESSION

074 SOUVENIR: Discusses bill.

MOTION: REP. BAKER: Moves SB 214 to the Floor with a DO PASS
recommendation.

VOTE: CHAIR PARKS: Hearing no objection the motion CARRIES. REP.
BRIAN is EXCUSED.

REP. EDMUNSON will lead discussion on the Floor.

SB 232 - WORK SESSION

090 SOUVENIR: Discusses bill.

MOTION: REP. EDMUNSON: Moves SB 232 to the Floor with a DO PASS
recommendation.

VOTE: CHAIR PARKS: Hearing no objection the motion CARRIES. REP.
BRIAN is EXCUSED.

REP. EDMUNSON will lead discussion on the Floor.

SB 234 - WORK SESSION

MOTION: REP. BROWN: Moves SB 234 to the Floor with a DO PASS
recommendation.

DISCUSSION TO THE MOTION

111 SOUVENIR: Discusses bill.

119 REP. BOB TIERNAN: Wants examples of what the bill will do and

how it will effect current law.

122 REP. KATE BROWN: Gives an example.

150 REP. KEN BAKER: The unique nature of the offense is that there is a great deal of repression. Many times, individuals may not start

discovering those issues until they become adults later in life.

VOTE: CHAIR PARKS: Hearing no objection the motion CARRIES. REP.

BRIAN is EXCUSED.

REP. BROWN will lead discussion on the Floor.

Testimony submitted on SB 234 (EXHIBIT A).

SB 244 - WORK SESSION

169 SOUVENIR: Discusses bill and amendments from (EXHIBIT B).

MOTION: REP. EDMUNSON: Moves to ADOPT the SB 244-A2 amendments dated 6/11/93 to SB 244.

VOTE: CHAIR PARKS: Hearing no objection the amendments are ADOPTED.

REP. BRIAN is EXCUSED.

MOTION: REP. EDMUNSON: Moves SB 244, AS AMENDED, to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all member present vote AYE. REP. BRIAN is excused.

CHAIR PARKS: The motion CARRIES. REP. TARNO will lead discussion on the Floor.

SB 461 - WORK SESSION

195 HOLLY ROBINSON, COMMITTEE COUNSEL: Discusses bill.

MOTION: REP. BAKER: Moves SB 461 to the Floor with a DO PASS recommendation.

VOTE: CHAIR PARKS: Hearing no objection the motion CARRIES. REP.

BRIAN is EXCUSED.

REP. COURTNEY will lead discussion on the Floor.

SB 458 - WORK SESSION

212 ROBINSON: Discusses bill and amendments from (EXHIBIT C).

MOTION: REP. EDMUNSON: Moves to ADOPT the SB 458-A2 amendments

dated 6/11/93 to SB 458.

VOTE: CHAIR PARKS: Hearing no objection the amendments are ADOPTED.

REP. BRIAN is EXCUSED.

MOTION: REP. EDMUNSON: Moves SB 458, AS AMENDED, to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. REP. BRIAN is EXCUSED.

REP. COURTNEY will lead discussion on the Floor.

SB 539 - WORK SESSION

234 SOUVENIR: Discusses bill and amendments from (EXHIBIT D).

MOTION: REP. EDMUNSON: Moves to ADOPT the SB 539-A2 amendments dated 6/10/93 to SB 539.

VOTE: CHAIR PARKS: Hearing no objection the amendments are ADOPTED.

REP. BRIAN is EXCUSED.

MOTION: REP. EDMUNSON: Moves SB 539, AS AMENDED, to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. REP. BRIAN is EXCUSED.

REP. MASON will lead discussion on the Floor.

SB 574 - WORK SESSION

251 ROBINSON: Discusses bill.

MOTION: REP. EDMUNSON: Moves SB 574 to the Floor with a DO PASS recommendation.

DISCUSSION TO THE MOTION

267 CHAIR PARKS: Reads a letter from Attorney Warren Derris of the Oregon State Bar. Wants deletion on page three, line 16 of SB 574 to be

restored.

279 REP. BAKER: Responds to the letter. Feels that the bill should pass in its present form.

317 REP. BROWN: Was this issue addressed on the Senate side?

319 ROBINSON: Yes.

VOTE: CHAIR PARKS: Hearing no objection the motion CARRIES. REP.

BRIAN is excused.

REP. BAKER will lead discussion on the Floor.

SB 780 - WORK SESSION

332 ROBINSON: Discusses bill.

MOTION: REP. TIERNAN: Moves SB 780 to the Floor with a DO PASS recommendation.

VOTE: CHAIR PARKS: Hearing no objection the motion CARRIES. REP.

BRIAN is EXCUSED.

REP. TIERNAN will lead discussion on the Floor.

SB 966 - WORK SESSION

353 ROBINSON: Discusses bill.

MOTION: REP. BAKER: Moves SB 966 to the Floor with a DO PASS

recommendation. VOTE: CHAIR PARKS: Hearing no objection the motion CARRIES. REP.

BRIAN is EXCUSED.

REP. BROWN will lead discussion on the Floor.

SB 1018 - WORK SESSION

378 ROBINSON: Discusses bill and amendments from (EXHIBIT E).

MOTION: REP. TIERNAN: Moves SB 1018, AS AMENDED, to the Floor with a DO PASS recommendation.

DISCUSSION TO THE MOTION

410 REP. BAKER: Are individuals in diversion still required to attend these panels?

412 ROBINSON: This does not affect diversion.

VOTE: CHAIR PARKS: Hearing no objection the motion CARRIES. REP.

BRIAN is EXCUSED.

REP. TIERNAN will lead discussion on the Floor.

SB 204 - WORK SESSION

MOTION: REP. EDMUNSON: Moves to suspend the rules for the purpose or reconsidering the vote on SB 204.

VOTE: CHAIR PARKS: Hearing no objection the motion CARRIES.

MOTION: REP. EDMUNSON: Moves that the vote by which SB 204 was passed be RECONSIDERED.

VOTE: CHAIR PARKS: Hearing no objection the motion CARRIES.

MOTION: REP. EDMUNSON: Moves to ADOPT the SB 204-A2 amendments dated 6/8/93 to SB 204.

TAPE 42, SIDE A

DISCUSSION TO THE MOTION

022 REP. TIERNAN: Would like REP. EDMUNSON to explain the amendments (EXHIBIT F).

023 REP. EDMUNSON: They resolve conflicts to A engrossed SB 204. Explains changes.

029 ROBINSON: Discusses bill.

VOTE: CHAIR PARKS: Hearing no objection the amendments are ADOPTED.

REP. BRIAN is EXCUSED.

MOTION: REP. BAKER: Moves SB 204, AS AMENDED, to the Floor with a DO PASS recommendation. VOTE: In a roll call vote, all members present vote AYE. REP. BRIAN

is EXCUSED.

REP. COURTNEY will lead discussion on the Floor.

SB 139 - PUBLIC HEARING

062 FRANK HALL, DEPARTMENT OF CORRECTIONS: Testifies in support of the bill from (EXHIBIT G). >Wants to create a more balanced corrections system in the state. >Will provide for a more structured sanctioning process for inmates who are on probation.

098 REP. TIERNAN: How many prison beds do we have now? Will any of those beds go empty because of this bill?

103 HALL: There are presently 6,557 prison beds in the state. With the amendments made on SB 139 to the legislation, there will be 30 beds less than what we currently have.

121 REP. VERAL TARNO: Understands that the Clackamas County intake center houses prisoners at a cost of \$72 dollars per day per prisoner. The

information given by Clackamas County is \$52.00 a day. Would like to

know where the discrepancy lies.

130 HALL: Has an analysis put together on that issue and will gladly share it but believes that the state cost is the accurate cost.

137 REP. TIERNAN: Why is the intake center, which is fairly new, being closed?

140 HALL: Feels that others uses can be found for the intake center which would be more cost-effective.

155 REP. TIERNAN: Has a problem with individuals who need to spend more time in prison and the intake center is closing.

162 HALL: Feels this is a positive policy direction and the use of resources and funds are limited.

176 REP. BAKER: To what extent is policy decision-making affected in relation to closing the Clackamas County facility?.

183 HALL: To perform the intake function, it should be done as effectively and efficiently as possible and that can be done more effectively in

other state facilities.

199 REP. BAKER: What about transportation costs?

202 HALL: Does not see any additional costs involved.

221 REP. BROWN: Why is the cost so high at the Clackamas center?

223 HALL: It was designed as a jail facility not, a state corrections facility. Jail costs seem to be higher than state corrections costs. 238 REP. TIERNAN: Could you realistically consider contracting out those responsibilities to keep the facility open?

243 HALL: That has not been considered.

249 REP. BAKER: Have you explored with Clackamas County what it would cost to run that facility?

246 HALL: No. Continues testimony. >This bill will make sure that everyone who leaves the system will be

supervised for at least six months. Sex offenders and persons arrested for aggravated murder or murder will stay under longer supervision.

315 REP. BROWN: Is concerned about the reduction of parole officers.

325 HALL: This is an issue for us as well. We are faced with a dilemma, there has been a large increase of individuals on parole. Supervision

is not enough. Community services and programs are also needed to have some impact. The Senate approved a budget that would provide services

for individuals undergoing parole or probation.

358 JUDGE JIM ELLIS, CRIMINAL JUSTICE COUNCIL: Testifies in support of SB 139. >Gives brief history of bill.

TAPE 41, SIDE B

001 ELLIS: Continues testimony. >Administrative hearings will not be provided unless requested by the

parolee or probationer. Sanctions will be used instead.

100 REP. BROWN: Will that be uniformed guidelines in terms of sanctions?

101 ELLIS: Yes. A proposed system has been developed.

151 REP. TIERNAN: Is concerned with the amounts of money that will determine what is a felony or a misdemeanor.

166 ELLIS: Some misdemeanors will be changed to felonies and some felonies will be changed to misdemeanors.

196 REP. BAKER: When have you ever given anyone a maximum fine?

203 ELLIS: Does not recall but has had individuals pay over \$20,000 in restitution. The reason fines are not popular with Judges is because

there is no mechanism for enforcing fines.

292 JUDGE WALLACE P. CARSON, JR., OREGON JUDICIAL DEPARTMENT: Testifies in support of SB 139.

354 TONY MEYER, FEDERATION OF PAROLE & PROBATION OFFICERS: Testifies on SB 139. >The role of parole and probation officers is to have access to

community resources and to insure success of parolees and probationers after release from prison.

TAPE 42, SIDE B

001 MEYER: Continues testimony.

009 REP. BAKER: Is service information shared with other probation officers?

110 MEYER: Only with the officers in the office in which we work. It is not done on a statewide basis.

019 CHAIR PARKS: What does this information have to do with SB 139?

020 ELLIS: Wanted the Legislature to be aware of the type of caseload a probation or parole officer has. Continues testimony.

134 REP. TIERNAN: Would swift and immediate sanctions be more effective, on a short term basis, than paying for parole and probation

officers to

supervise individuals over a period of time?

149 MEYER: Feels that the system needs balance.

170 REP. BROWN: Would like to hear from the witnesses.

190 DAVID NETTLES, PAROLEE: Gives testimony about his drug treatment.

200 CHAIR PARKS: What do you think is more important, prison or drug treatment.

203 NETTLES: Feels that drug treatment is important.

217 REP. BROWN: You were not in the prison system long enough to receive treatment?

218 NETTLES: Would have had to have been in prison two or three years before treatment could have been given.

228 REP. BROWN: What types of assistance has Mr. Meyer given you?

229 NETTLES: Support.

278 SHANA KIRKPATRICK, PAROLEE: Gives testimony about her drug treatment.

326 REP. BROWN: Wants to know if treatment has been successful?

329 KIRKPATRICK: Has been in three in-patient treatment centers and a couple of out-patient centers. Was not ready to let go of the drugs and alcohol until Tony Meyer put me into a program in Klamath Falls. 420 CHAIR PARKS: The success for individuals seems to be up to them, not to the system.

434 MEYER: That is not so. These individuals went with a little help.

TAPE 43, SIDE A

018 FRED LEFEVER, PAROLEE: Gives testimony about his drug treatment.

102 REP. BROWN: How long were you in the successful drug treatment program?

103 LEFEVER: About 120 days.

105 REP. BROWN: How long were you in aftercare?

106 LEFEVER: Had a year of aftercare.

109 MEYER: Feels that a year and a half would be enough time to work with offenders, not six months.

117 MELINDA RAUCH, FEDERATION OF OREGON PAROLE & PROBATION OFFICERS: Testifies and submits written testimony (EXHIBIT H) in support of SB

139.

131 CHAIR PARKS: How many parole officers would the state no longer need if that is an issue?

192 RAUCH: Believes it is about 66.

133 CHAIR PARKS: 66 out of how many total?

134 RAUCH: There are about 814 parole and probation officers statewide.

140 DOUG FARRIS, FEDERATION OF OREGON PAROLE & PROBATION OFFICERS Testifies on SB 139. Gives concerns as to why more money should not be put into

the system. 213 CHAIR PARKS : Adjourns at 4:06 p.m.

Submitted by:

Reviewed by:

Karen Edwards
Coordinator

Anne May Assistant

EXHIBIT LOG:

A - Testimony on SB 234 - Staff - 1 page B - Amendments to SB 244 - Staff - 1 page C - Amendments to SB 458 - Staff - 2 pages D - Amendments to SB 539 - Staff - 1 page E - Amendments to SB 1018 - Staff - 6 pages F - Amendments to SB 204 - Staff - 2 pages G - Testimony on SB 139 - Frank Hall - 5 pages H - Testimony on SB 139 - Melinda Rauch - 11 pages