

SENATE COMMITTEE ON  
JUDICIARY

January 20, 1993 Hearing Room C  
1:00 p.m. Tapes 1-3

MEMBERS PRESENT: Sen. Dick Springer, Chair  
Sen. Neil Bryant  
Sen. Jeannette Hamby  
Sen. Grattan Kerans  
Sen. Bob Shoemaker  
Sen. Catherine Webber

MEMBERS EXCUSED: Sen. Grattan Kerans

STAFF PRESENT: Bill Taylor, Committee Counsel  
Karen Quigley, Committee Counsel  
Kate Wrightson, Committee Coordinator  
Kirk Bailey, Committee Clerk

ISSUES DISCUSSED: Informational Meeting

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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.

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TAPE 1, SIDE A

003 CHAIR SPRINGER: Opens the hearing at 1:00pm  
Refers members to rules in front of them (EXHIBIT A).

KATE WRIGHTSON, COMMITTEE COORDINATOR: Informs Chair taping system is  
not working.

005 CHAIR SPRINGER: Proposes to proceed with meeting because it is  
an  
informational meeting not a hearing. No objections.  
>Introduces Legislative Fiscal staff.  
>Informs guests to notify staff of time constraints.  
>Spoke with Sen. Lenn Hannon, Chair Public Safety sub committee Ways  
and  
Means, assured Ways and Means would be working closely with Judiciary  
as  
the issue of budgets comes before respective committees. Values  
Senator  
Hannon's offer and urges committee to develop relationship with his

committee and office as it relates to public safety funding.

INFORMATIONAL

WITNESSES:

SUE ACUFF, LEGISLATIVE FISCAL

ROBIN LAMONTE, LEGISLATIVE FISCAL

021 SUE ACUFF, LEGISLATIVE FISCAL: Submits and presents hearing materials

(EXHIBIT B). Governor's budgets same for all departments and agencies except corrections. In mandated plus budget, \$14.96 million of new beer/wine tax receipts. Replaces general fund money for current alcohol programs at \$6.7 million. Restores \$2.4 million in drug programs not continued in mandated budget. Drop in General fund support for corrections from mandated budget to mandated plus. Continues discussing

only the mandated plus budget.

>General fund provides main funding for these agencies. Refers to Exhibit 4.2. Of total \$6.3 billion General fund available, \$755.5 million allocated to these agencies; Corrections \$333.6 million, Judiciary \$259.4 million, Oregon State Police (OSP) \$120.5 million and \$39 million for 9 additional agencies.

>Refers to Exhibit 4.3. Perspective on current biennium and proposed for upcoming biennium. Largest increase for the Judiciary, \$28.2 million increase. Describes factors for increase which include salary increases for judges and indigent defense.

107 CHAIR SPRINGER: Interrupts for questions.

108 SEN. SHOEMAKER: No inflation adjustment, budget expressed in 1983 and 1993 dollars, is that correct?

110 ACUFF: Correct.

112 SEN. SHOEMAKER: What are the inflation factors for those eleven years?

ACUFF: Has information in office, not here. Includes actual appropriations and expenditures for that period of time.

115 ACUFF: Continues budget description. Increase in corrections of \$5.3 million. Corrections is short of maintaining 1991-1993 authorized programs. Continues discussion about Corrections budget. Focus of

budget shifts emphasis to community based programs, sanctions and transition programs. Describes closures of facilities. Prison capacity comes to 6088 beds. Discusses prison capacity information. Short term management actions have resulted in savings of estimated 400 beds. If actions are continued bed savings continue. However, still short by July 1993, 446 beds and by July 1995, 1245 beds.

164 >Some legislation is pending to address the problem. This includes SB

SB 138 and SB 140. Legislative Counsel draft from Criminal Justice Council suggesting guidelines reduction.

176 >Discusses community based programs and redirected funds. Community

side, SB 137 allows parole board to discharge parolees after "substantial compliance". SB 169 changes workload formula for community

of corrections money, allows targeting high risk offenders. Leaves rest of discussion to Department of Corrections representative.

194 >Refers to 4.3 again. Next largest budget is OSP. Reduction in funds recommended to them. Significant loss of sworn positions. In order to maintain level, certain steps must be taken in 93-95 budget, including closure of 5 stations and 7 outposts, closure of Coos Bay crime lab, refocus of criminal investigations division effort on crimes against kids, merge portland dispatch to salem facility. In addition, OSP activities merged with fire marshal, emergency management division, and

funding for the arrest and return of fugitives in state budget.

>Other structural change involves Criminal Justice Services Division merging activities with the Criminal Justice Council.

221 >Refers to Exhibit 4.3 finally. Balance of agencies with reduced general fund support. Department of Justice, D.A.'s and assistants, Board of Parole, and Military Department are budgeted at 80% of 1991 requirements. Describes details of reductions. Reductions shored up by Department of Corrections. Does not recognize population growth, judicial department, and two increases in judges salaries and indigent defense.

246 CHAIR SPRINGER: Attorney General is in General Government committee?

Which subcommittee?

ACUFF: Public Safety Subcommittee.

250 ROBIN LAMONTE, LEGISLATIVE FISCAL: Introduced process of fiscal impact statements. The goal is to provide accurate, timely thorough information on fiscal impacts, as provided in Oregon law.  
>Describes workload and responsibilities of Legislative Fiscal staff.  
  
>Describes process of fiscal impact formulation and review. Refers to sample fiscal impact statement (EXHIBIT C) concerning public safety agencies and judicial branch.

337 BILL TAYLOR, COMMITTEE COUNSEL: What are guidelines for Ways and Means referral for a bill creating a criminal penalty or enhancing a criminal penalty?

342 ACUFF: No answer. Leadership hasn't decided.

WITNESSES:

WALLACE CARSON, JR.; CHIEF JUSTICE  
BILL LINDEN, STATE COURT ADMINISTRATOR

358 CARSON: Submits and reviews written testimony (EXHIBIT D). Provides overview of budget and mission. Provides overview of what judicial branch does. Testimony comes from Governors Task Force facing a 25% cut in budget.

TAPE 2, SIDE A

003 LINDEN: Refers to written testimony and provides explanation. Document shows what we do, costs, and action to be taken to scale back workload. Budget request for Judicial Department is essentially a status quo budget with inflationary increases.  
  
>Indigent defense is most dramatic growth area. There are constitutional difficulties to limiting funding for indigent defense. Another option is to decriminalize violations, however this is not good public safety policy.

087 SEN. WEBBER: Multnomah v. Brown problem in indigent defense. Any bills to address?

093 CARSON: Not aware of any bill to correct issues involved.

103 LINDEN: Has not seen or heard anything.

110 SEN. WEBBER: What about charging guidelines?

114 LINDEN: Charging practices went to ad hoc committees.

117 TAYLOR: Issue was not taken up. Could never find it.

120 LINDEN: Judicial conference has addressed but has not issued a final report.

125 SEN. HAMBY: Refers to p.9 of Exhibit D, juvenile filings. Is there any movement towards a model of family court? Potential cost savings?

132 LINDEN: Issue has been extensively discussed. Family court a good idea on community level, if right for that area. Need resources. Not convinced model is a cost-saver. There seems to be a consensus for voluntary basis on circuit level.

CHAIR SPRINGER: What is the status of a separate administration commission for judiciary with responsibility for budgets?

155 CARSON: Bill will be introduced to establish commission in the executive branch to manage criminal indigent defense. Judiciary would like to move it out of their budget basically on the conflict issue.

172 CHAIR SPRINGER: Do any of Oregon Benchmarks apply to judiciary?

CARSON: Judiciary was not aware or involved in Oregon Benchmarks. >They have one item - case disposition. Judiciary is very concerned and addressing case disposition issues. Case disposition is down to 90% in less than a year in civil cases.

215 CHAIR SPRINGER: Identified concerns about cutbacks affecting a user-friendly judicial branch and cost shift to the public. Hope they are carefully considered. Are there friendly "do's and don't's" in contact with judicial branch?

234 CARSON: Encourages committee to speak to other judges in districts.

267 LINDEN: District, circuit and local judges have retained their own lobbyists.

WITNESSES:

TED KULONGOSKI, ATTORNEY GENERAL

TOM BALMER, DEPUTY ATTORNEY GENERAL,

ELIZABETH HARCHENKO, SPECIAL COUNSEL TO ATTORNEY GENERAL

304 KULONGOSKI: Submitted and reviewed written testimony (EXHIBIT E).

Referred to testimony which is a summary of bills.  
>Highlighted SB 88. Addressed support services concerns. Of 660 employees of Department of Justice, 260 in support services division. Federal government provides two-thirds of costs, one-third covered by general fund.  
>Major issue this Session - bill to consolidate all child support payments in Attorney General's office. Seems contrary to downsizing government trend. Consumer protection section of Department of Justice most affected by Measure 5 cuts.

KULONGOSKI: Balmer and Harchenko will be primary representatives of Attorney General.

TAPE 1, SIDE B

072 CHAIR SPRINGER: Reminded committee to notify staff if late or not attending.

WITNESSES:

FRANK HALL, DIRECTOR, DEPARTMENT OF CORRECTIONS  
ELISE CLAWSON, ASSISTANT DIRECTOR FOR COMMUNITY CORRECTIONS

097 HALL: Submits and reviews written testimony (EXHIBITS F & G).  
>Refers to 1988 Governors Task Force on Corrections report.  
>Describes mission, emphasis and goals of Department.

189 HALL: Expect significant increase in criminal population. Sentencing guidelines and serious offenders in the system longer are driving up population numbers. Without Measure 5 budget constraints Corrections will be over capacity by February 1994. Summarizes statistics.  
>18% of prison population are parole and probation violators.

Proposing statewide parole and probation intervention guidelines and alternative corrections strategies to address this problem.  
>The controversial issue for this Session - proposal to not supervise some of the 35,000 inmates in corrections system. Focus supervision on greatest risk offenders. Eliminate supervision after one year for low risk individuals.

TAPE 2, SIDE B

044 SEN. SHOEMAKER: Reason for drop and rise in population forecast?

056 HALL: Short term policy changes. People coming off parole spending less time in the system caused numbers to drop. Not in a position to predict effects.

068 SEN. SHOEMAKER: What if policy changes were long term?

069 HALL: Trend still continues to increase.

075 SEN. SHOEMAKER: Were changes harmful to state?

078 HALL: No, but has no scientific assessment to base that answer on.

083 SEN. HAMBY: Requests supplemental information on a&d efforts, specifically on methadone. Expresses concern for management of treatment referral methods and use of methadone by pregnant women.

105 HALL: Not a great believer in methadone. Comments on state methadone programs.

128 KAREN QUIGLEY, COMMITTEE COUNSEL: Is Oregon unique or have particular problems in corrections?

136 HALL: Unique in that Oregon has worked to balance what we do in communities with what is done in institutions. Oregon is willing to invest in the future and understand where we will be in several years.

221 CHAIR SPRINGER: Notes presence of Bible Temple Christian School in Portland. Responds to questions.

WITNESSES:

RON HOWLAND, DEPUTY SUPERINTENDENT, OREGON STATE POLICE

257 HOWLAND: Comments on Governors mandated budget for 93-95 biennium.

\$123 million is general fund, 80% is for salaries.

>Prior to Measure 5, OSP initiated effectiveness study of practices and resources. The study resulted in elimination of management positions, consolidation of services and other cost-saving measures. Realized a savings of over a \$1 million.

>Department proposed cuts in submitted budget. Governor restored positions and funding in mandated budget. Even with mandated budget Department faces cuts, closure of 5 patrol stations and 7 outposts and

146 positions. Coos Bay facility closed, resulting in delay in analysis

of evidence and response to crime scene. In addition there are

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reductions in Identifications Divisions. In addition, Governors budget closes Portland regional dispatch center, cuts 54 patrol positions and criminal detective positions. Despite reductions OSP will be able to participate in most major crime teams.  
>Budget also merges offices including Fire Marshall, Oregon Emergency Management Division, Law Enforcement Data System and OSP. Merger dependant on legislation: SB 156 and SB 157. Reductions equal \$15 million and 146 positions.

TAPE 3, SIDE A

034 SEN SPRINGER: Excuses members with other commitments. SEN. BRYANT excused.

035 SEN. WEBBER: What is the percentage of women and minorities as sworn officers?  
>What is the jurisdictional base for child abuse crimes? How many officers on child abuse cases and time spent on cases.

043 HOWLAND: Introduces Captain Dan Bisgaard.  
>Responds to child abuse questions. Department has 25 detectives assigned to child abuse issues interdisciplinary teams. They work 30-40% of time on child abuse.  
>Responds to first question, minority recruitment has left much to be desired. No numbers at this time but will be happy to provide.

063 SEN. HAMBY: Do 25 detectives work with medical professionals?

069 HOWLAND: Interdisciplinary teams work together with social workers on child abuse issues.

077 CHAIR SPRINGER: Are there any issues with OSP and BPST integration?

081 HOWLAND: Yes, HB 2067. Permits BPST to certify OSP officers.

088 CHAIR SPRINGER: Adjourns meeting at 2:55pm.

Submitted by:

Reviewed by:

Kirk Bailey  
Assistant

Bill Taylor  
Administrator



EXHIBIT LOG:

- A - Proposed Senate Judiciary Rules, 2 pages
- B - Informational testimony, Legislative Fiscal, Sue Acuff, 5 pages
- C - Fiscal analysis of proposed legislation form, Legislative Fiscal, Robin LaMonte, 1 page.
- D - Informational Testimony, William Carson, 84 pages.
- E - Informational Testimony, Ted Kulongoski, 2 pages.
- F - Informational Testimony, Frank Hall, 26 pages.
- G - Information Handbook, Dept. of Corrections, Frank Hall, 34 pages.