

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.

HOUSE COMMITTEE ON JUDICIARY FAMILY JUSTICE

February 11, 1991 Hearing Room 357 3:00 p.m. Tapes 53 - 54

MEMBERS PRESENT: Rep. Kelly Clark, Chair Rep. Judy Bauman Rep. Marie Bell Rep. Jim Edmunson Rep. Kevin Mannix Rep. Del Parks Rep. Ron Sunseri

MEMBER EXCUSED: Rep. Tom Mason

STAFF PRESENT: Holly Robinson, Committee Counsel Kathy Neely, Committee Assistant

MEASURES CONSIDERED: HB 2407 PH (Sex Offender Registration)

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TAPE 53, SIDE A

004 REPRESENTATIVE CLARK, CHAIR: Calls the meeting to order at 3:15 p.m.

PUBLIC HEARING ON 2407 WITNESSES: Rep. Peter Courtney
Vern Faatz (Exhibit B) Mary Hoyt Linda Erickson Major Dean Renfrow
(Exhibit C)

006 HOLLY ROBINSON: Discusses HB 2407. This will extend the time for offenders to register and expands the crimes requiring registration and establishes fines for failure to register. It also allows Juvenile Judge to require a juvenile to register. Discusses memorandum in packet. (EXHIBIT A).

035 MARY HOYT, CHAIR OF TASK FORCE ON SEXUAL OFFENSE AGAINST CHILDREN: Offers testimony in favor of the bill. Discusses objective of Task Force.

054 CHAIR CLARK: Helpful to get the broad objective out front. How does registration address that problem? It is not registration plus treatment.

MARY HOYT: Registration is one tool available for the law enforcement communities. Also wanted that paired with supervision but the Task Force on Adult Corrections dealt with that. These should be heard at the end of February.

063 CHAIR CLARK: Washington statute has gotten a lot of attention and media coverage. Briefly compare this proposal is to that.

MARY HOYT: Cannot right now. The Task Force broke into subcommittees. Vern Faatz and Rep. Courtney were members of that subcommittee.

073 VERN FAATZ, BOARD OF PAROLE, TASK FORCE: Supports HB 2407. (EXHIBIT B). This proposal expands and strengthen the previous legislation. It increases the list of offenses requiring registration; provides for

registration of those from other states; provides for sanctions for failure to registration; registration of juvenile sex offenders; and for life time registration in Oregon including M.O. of the offender. This registration is through the parole officer and only for the time the offender is under supervision. Registration is not itself a deterrent. It is an important part of managing the offender in the community.

105 REP. BAUMAN: Curious on who has access to registration information.

VERN FAATZ: It is entered into the law enforcement data system.

REP. BAUMAN: Isn't their sex offense conviction entered into that anyway?

VERN FAATZ: It is. Believes there are statutes in effect that make information available to certain organizations like school districts. This is requiring a sex offender when he leaves the institution go to the parole officer, be registered: name address, description of the nature of the offense is entered into the system. Primarily for surveillance and detection for investigative work.

129 REP. PARKS: What is the recidivism rate?

VERN FAATZ: Don't know. Without supervision, without surveillance, it is going to be extremely high. There is some supervision in place now and about 1/3 of these people offend within 18 months of release or enter into a cycle to reoffend.

142 REP. PARKS: Is supervision a real factor?

VERN FAATZ: Believes supervision is effective.

146 REPRESENTATIVE PETER COURTNEY: This is probably the biggest bill before you with regards to a statement. The Task Force has reached a conclusion that we can successfully treat these people but know very little about life style. Maybe we can get some information to help in treating them. Because of the magnitude of what they can do to a child we felt we had to recommend this very dramatic and controversy step. Registration for life does not guarantee the desire will not rise again.

175 REP. BAUMAN: Is not offended by the scope of the bill. The Task Force is proposing an investigative tool that is really necessary.

189 REP. SUNSERI: Has anyone given any consideration on how this would stand Constitutionally?

REP. COURTNEY: Have not check with Oregon Supreme Court. Discussed that long and hard and felt we could make this recommendation.

203 VERN FAATZ: Washington State has implemented a registration program in which those convicted of an A Felony would be under registration for life. B Felony for 15 years and C Felony for 10 years. We don't understand this population very well but it seemed unfair to saddle them forever with life time registration when we might find the answer somewhere down the road. There is a sunset provision here.

222 CHAIR CLARK: What would happen to people who had been sentenced to life time registration in that 8 year window? Assuming the legislature said it was a bad idea and not to remove the sunset.

HOLLY ROBINSON: Believes the legislature would have to proactively cause the registration to cease.

230 REP. EDMUNSON: The intention is to treat all persons convicted of sex crimes listed the same. No option for expungement.

MARY HOYT: Correct.

REP. COURTNEY: Correct.

241 REP. EDMUNSON: Mere registration is indented to restrict a person who has been discharged from their sentence, to restrict of where they might move from community?

VERN FAATZ: No, a person would be free to move, just required to register at new location.

REP. COURTNEY: We are curious as to where they move to. Curious on the lifestyle.

262 REP. EDMUNSON: Does the registration in any way prohibited that person from association with other sex offenders, or children?

VERN FAATZ: No.

267 REP. EDMUNSON: Do you intend such registration to be an additional punishment beyond the sentence, and if so, would it apply to those already convicted?

VERN FAATZ: It is not an added punishment. There for protection of public.

381 MARY HOYT: Met with a group of sex offenders and the first response is this is garbage but as they discussed it they moved to the position that other people do need it. In Medford some adult offenders supported it. The issue is control which is very helpful to offenders.

297 CHAIR CLARK: Surprised to hear it is not an additional element of punishment. If it is not that, it is a restrain on liberty interests. The only way the state can do that is to label it as part of the penalty.

REP. COURTNEY: The intent was not to punish but for knowledge about these people. Technically this could be considered punishment but that was not the intent.

313 CHAIR CLARK: The objective is to get handle on this problem. The committee struggles with the constitutional aspect.

REP. COURTNEY: There are so many bills it can creates a problem for the Task Force to get points across.

328 REP. BAUMAN: Believes it is critical to define this as additional punishment. What is unusual is any convicted criminal, except for one who has the crime expunged, has an expectation of a certain life long registration, a criminal record. There are problems if it is not classified as an additional punishment or condition of release. There may be penalty problems for those who fail to register under the law. There is a problem with registering people who move here from other states. Does not believe Oregon can place a condition on the travel of any US citizen who has been sentenced under laws of another state and fulfil the extend of their sentence in that state and is now seeking to move to Oregon.

371 REP. COURTNEY: Did discuss whether they should have something on license plate or house. Then it is punishment.

393 REP. MANNIX: Would like to shift gears. Need to remember we are talking about registration in the law enforcement data system which is restrictive for access. It is an extension of criminal records

originally kept. Asking to keep records update. Why not have everyone who commits a felony in Oregon to keep us updated. Why focus on these guys.

TAPE 53, SIDE A

019 MARY HOYT: Did not look at all felons.

021 HOLLY ROBINSON: In anticipation of discussion, the House Research Dept. look at these very questions.

1) It does appear numerous states have enacted registries for sex offenders. California has a life time one, Washington has a graduated one. When challenged in court, found not to be cruel and unusual punishment because they do not "shock the conscience of the community".

2) All states have the ability in statutes to allow a person to petition the court to be relieved of the duty to register. Discussed gun registries. Suggests giving an option to petition the court if they feel registration is no longer necessary.

3) Looked at challenges made to Oregon habitual offenders statutes which were comparable. It can be done but needs some relief petition in it.

048 REP. BAUMAN: What is the burden of registration? Is this some sort of mandatory participation in a corrections sociological demographic pool or is it an additional punishment? Have to decide what it is. Believes the burden will be defined by scope of access to registration records.

071 REP. MANNIX: Using the word "register" creates impression it will be published. This says criminal records will simply have added requirement they have to update their address when move and when coming from out of state, have to sign up.

MARY HOYT: Yes.

REP. MANNIX: Why keep calling it "registration"? This is just simply updating records correct?

MARY HOYT: Correct. If want to use a different term

087 REP. COURTNEY: The word "registration" is important because it is a statement making the sex offender know the record was being kept and maintained. Felt that word gives more impact. It also places a burden on the offender to do something.

CHAIR CLARK: Remembers from previous testimony, that what little we know is they still have to know they are being watched very closely after release.

102 REP. MANNIX: Shouldn't we require they be given notice at time of release of registration requirement?

103 VERN FAATZ: They are, it becomes a condition of their parole supervision.

REP. MANNIX: Maybe under practice but not a law.

112 VERN FAATZ: It is not stated in that fashion. We are requiring additional information on this offender versus the other offender. Discusses comparison between sex offender and burglar. Want to know what to look for to identify the offender, how they find their victims.

121 REP. MANNIX: Not talking about a person who just arrives in Oregon.

Really talking about someone who has been paroled from another state to Oregon, which is a limited class of people.

127 VERN FAATZ: It is limited. Not limiting any ones right to travel, just saying if come here under parole supervision must register.

132 REP. BELL: The element of control in their lives is an element of treatment, guidance, and help. Corolates it to alcoholiSM in which an important element of the treatment is for the person to say "I am an acoholic" and be able to tell people that. Sex offense is very covert and serious. Sees it is mandatory treatment to require they establish for themselves they are sex offenders and remember it all their lives and fact the responsibilities to change.

149 CHAIR CLARK: Did you have a specific question?

REP. BELL: Just trying to dismiss this big worry about this being on going punishment.

CHAIR CLARK: Discusses work session.

152 HOLLY ROBINSON: The statute passed last session talks about a description of the offense. That seems limited to what you describe or are utilizing. Is that an accurate statement or should the registry be modified?

158 VERN FAATZ: Not sure understand. Have some concern over way it is written currently. It is important those implemented understand we want a brief description of the offender behavior. Your concern is that we have not allowed for that?

166 HOLLY ROBINSON: Not sure the statute is as specific or description enough.

REP. MANNIX: How about a description of the methodology of the offense?

HOLLY ROBINSON: This is a relatively narrow description. Don't believe description of the offense is broad enough to accomplish getting an accurate MO.

177 REP. BAUMAN: Appears the extent of the registration would only be in the duration of the parole or probation. Someone from out of state moving here who was a convicted offender who has completed term of parole would not register in Oregon.

VERN FAATZ: Yes.

188 REP. SUNSERI: Enthusiastic for bill. Concerned on how able to add on to a sentence from another jurisdiction. If they did not include registration at place of conviction, how can Oregon require it here without a constitutional problem?

197 REP. COURTNEY: It is being done in other states currently.

207 REP. EDMUNSON: Not attempting to extend that parole or probation or effect the terms. What if a parolee from another state is wanted by that state. Oregon has extradition agreements of that sort on how and what extent to honor the full faith and credit of their laws.

221 VERN FAATZ: There is an interstate compact agreement.

REP. EDMUNSON: Wouldn't this registration law assist Oregon in fulfilling that interstate agreement by knowing where they are and facilitate that cooperation.

VERN FAATZ: Can see it in that way.

REP. EDMUNSON: In that regard, it is very valid to allow Oregon to fulfill its obligation with interstate compact.

231 VERN FAATZ: Regarding the ability to add this additional condition. It is not unusual for them to have additional provisions added to parole conditions before other state will accept them.

241 CHAIR CLARK: What about someone not on parole, but finished the sentence?

VERN FAATZ: The bill would not apply.

CHAIR CLARK: Discusses information requested.

243 REP. MANNIX: Requests information on California's law from 1940s.

VERN FAATZ: What inform would you like to have?

REP. MANNIX: An outline on how California operates.

VERN FAATZ: Have nothing in writing, but can obtain.

260 MAJOR DEAN RENFROW, CRIMINAL DIVISION DIRECTOR OF THE OREGON STATE POLICE: (EXHIBIT C) Offers testimony in support of HB 2407. Reads directly from written testimony. Discusses Law Enforcement Data System. Discusses how a private citizen may get information out of LEDS. Registration will give criminal justice system ability to track movements of offenders, helps identify offenders, serves as a deterrent to committing sexual crimes, can be used for criminal profiling, demographic information, etc.

380 REP. PARKS: Curious about open records law, what is the chapter number? Can get the arrest record of someone?

MAJOR RENFROW: If request was in writing specifying that, yes.

390 REP. PARKS: Would have to have a date?

MAJOR RENFROW: Need a date of birth and name.

REP. PARKS: Would get police report or some other report?

392 MAJOR RENFROW: Get print out of criminal history.

398 REP. BAUMAN: Charge by page?

MAJOR RENFROW: Would be a \$10 charge?

409 LINDA ERICKSON, PRIVATE CITIZEN: Offers testimony in support of the bill. In support of any bill that empowers the victim.

TAPE 52, SIDE B

010 LINDA ERICKSON: Discusses personal experience concerning sexual abuse of daughter. Discusses how the abuse was revealed and what the courts did from there. Discusses sexual abuse of family and self. Comments on treatment by CSD and Douglas County

132 CHAIR CLARK: Adjourns for day at 4:20 p.m.

Submitted by: Reviewed by:

Kathy Neely David Harrell Assistant Office Manager

EXHIBIT LOG:

A - Memorandum on HB 2407 - Holly Robinson - 5 pages
B - Testimony on HB 2407 - Vern Faatz - 1 page C - Testimony
on HB 2407 - Major Dean Renfrow - 5 pages