

HOUSE COMMITTEE ON JUDICIARY FAMILY JUSTICE

February 18, 1991

Hearing Room 357 3:00 p.m.

Tapes 35- 36

MEMBERS PRESENT: Rep. Kelly Clark, Chair Rep. Judy Bauman Rep. Marie Bell Rep. Jim Edmunson Rep. Kevin Mannix Rep. Tom Mason Rep. Del Parks Rep. Ron Sunseri STAFF PRESENT: Holly Robinson, Committee Counsel Jeff Steve, Committee Assistant MEASURES HEARD: HB 2407 (PH/WS) HB 2413 (PH/WS)

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TAPE 35, SIDE A

004 CHAIR CLARK: Opens Subcommittee at 3:00 p.m.

FULL COMMITTEE

006 REP. MASON: The Chair moves the introduction of the following bills en bane: LC drafts 1192, 1255, 1585, 1773, 1867, 2178, 2315, 2731, 3020, 3028, 304 5, 3049, 3050, 3099, 3109, 3140, 3150, 3152, 3153, 3154, 3155, 3156, 315 7, 3159, 3571, 3401, 3160, 3161, 3162, 3164, 3244, 3277, 3287, 3402, 345 4, 3604, 3605, 3606, 3607, 3608, 3609, 3610, 3611, 3612, 3613. 3471, 357 0, 3550, 3338, 3549, 3572, 3450, 3334, 3335, 3336, 3478, 3482, 3375, and 337 6 from first sheet. On second sheet, LCs 3446, 3452, 3457, 3451, and 345 6.

023 REP. MASON: The Full Committee is adjourned.

FAMILY JUSTICE

026 CHAIR CLARK: Calls Family Justice Subcommittee to order at 3:10 p.m.

HB 2407 - REGISTRATION OF SEX OFFENDERS - WORK SESSION House Committee on Judiciary February 18, 1991 - Page 2

040 CHAIR CLARK: Asks that committee members co-sign letters of appreciation to two individuals who testified last week on HB 2407 and HB 241 3.

048 CHAIR CLARK: Refers members to Memo on HB 2407 that addresses committee's concerns about proportionality in terms of sentencing. Memo is authored by Linda Grimm from Research Office and addresses what other states do. Refers to table. 070 HOLLY ROBINSON: Summarizes HB 2407 and its fiscal impact statement. Current indications are that there is an unknown fiscal impact-too soon to tell. Refers to prison impact statement produced by the Criminal Justice Counsel. Mentions current sanctions available. 093 CHAIR CLARK: Refers to prison impact statement which indicates 2,200 sex offenders have been registered since the requirement was established last session, October 1989. If current requirements continue unchanged, it is projected that 8,500 sex offenders will be registered sex offenders by June 1997. This is just to remind the committee of the magnitude of the problem we're dealing with.

099 ROBINSON: This also says that if current requirements continue, HB 2407 doubles at least by number, the number of offenses. Don't think the numbers will increase significantly but the bill does propose to add to the list of crimes which would be registerable. 106 REP. MASON:

What would the penalty be if someone got their hands on this information and were to publish it? 108 CHAIR CLARK: Asks Major Renfrow what kinds of safeguards are put on this registry to make sure that anybody can't obtain it and use it for tabloids, or whatever. 114 MAJOR DEAN RENFROW, OREGON STATE POLICE, CRIMINAL INVESTIGATION DIVISION: This information would be in the law enforcement data system which is exclusively provided only to law enforcement agencies. To access that information, you'd have to be networked with the Law Enforcement Data System (LEDS) and be a criminal justice agency by definition. The general public would not have access to it. 123 REP. MASON: But what if somebody did get a printout of the list and did a television show on the sex offender in your neighborhood. What would be the penalty for that? 126 RENFROW: If the information was released unlawfully by a law enforcement agency, for example, there are provisions in the criminal statutes for that-misdemeanor violations. An agency having violated a LEDS agreement or contract, could be rejected from further access to the system. As far as release of that information by the public, let's say to a television show, that there could be, though not positive, some civil liability involved. You'll recall my conversation last week concerning access to public criminal offender information through legal disclosure can be accomplished. For example, if you want to get information regarding a specific person's record, you can write the Oregon State Police, Bureau of Criminal Identification, and obtain that record after a 14-day waiting period during which time the police contact the person to whom the record is requested and give them an opportunity to challenge what's on it-but it can be obtained. This is for individual cases and not a collective list per se. / 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 content. of the proceedings, please refer to the tapes P!F.4 1t House Committee on Judiciary ; ~ --1 February 18, 1991 - Page 3 !

151 ROBINSON: Refers to the gun bill the House Judiciary Committee dealt with last session and registry. The legislature created an additional penalty provision so that if the list, comparable to the list mentioned here is released, there are additional sanctions in statute. If there were a situation where a police officer unlawfully released them, there are provisions now that deal with the gun registry that address the issue you're raising. 160 RENFROW: That is a Class A misdemeanor if you do release the information regarding gun purchases. 162 ROBINSON: The next information is the Memo done by the House Research office on two issues. One issue was, are these registration statutes viewed as penal or not; the second one has to do with whether or not they were viewed as cruel and unusual punishment. Refers to samplings of 10 states and to question about what would happen if a person wanted to be relieved from the duty to register. Arkansas, Nevada, California, and now Washington, have those provisions. 192 REP. MANNIX: Mentions the fire arms legislation from last session that included a comprehensive restriction against criminals being allowed to possess firearms. But we also had an escape clause where the person could go into court and show they'd cleaned up their act and shouldn't have this disability imposed any further. This parallels to that idea.

209 CHAIR CLARK: Asks Vern Faatz and Mary Hoyt to testify. Do either of you have any immediate reactions to the proposal to give some individuals relief from the registration after a court hearing?

210 MARY HOYT, CHILDREN'S SERVICES DIVISION AND CHAIR OF GOVERNOR'S TASK FORCE ON SEX OFFENSES AGAINST CHILDREN: I don't. 211 VERN FAATZ, CHAIR, BOARD OF PAROLE: I don't, and I have looked at both Washington

and California. I know they do have this relief from duty to register and I think it's a perfectly reasonable addition to anything we have.

220 CHAIR CLARK: Do you have any strong feelings one way or the other about granting individuals relief after a court hearing?

223 REPRESENTATIVE PETER COURTNEY, DIST. 33: Don't, but of the opinion that they should have to register and relief not to register should come after a period of time in which they've been registered. As long as that's in there, feel comfortable. Like to have it demonstrated when they were under registration, that they can handle life on the outside. 234 REP. CLARK: Would be open to having a minimum period of time before which a person could not apply. 238 REP. COURTNEY: We

used five years last session as public policy. 257 ROBINSON: Refers to memo that lists other policy questions concerning decisions that will need to be made. Two primary issues are if the person is no longer on parole or probation, to

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whom should they report. The other issue is how to handle juvenile defenders.

269 REP. MANNIX: Wants to inquire to Major Renfrow the idea of letting the state police step in when the parole supervision is about to end and have the parole supervision serve as the registration mechanism. But then as parole is evaporating, have the state police pick up with the maintenance of that system.

277 RENFROW: This would be a perfect opportunity to enlarge upon this program in that a sex offender registration profile system could be developed. That would include specifics as to the nature of the crime, a vehicle that might be involved, witness profiling, etc. could be included in a computerized tracking system. For example, down in Jackson county, if they had a crime, they could contact whoever had the computer advising that they had a suspect that could be entered into a computerized system that could get back to the particular agency with a candidate list of persons living in a geographical area, let's say, 100 miles around where the crime occurred. It would aid proactively to capture sex offenders. Currently, the LEDS system is capable of this on a limited basis. This would increase that capability to add the profiling with specific details. Gives examples of someone loitering at a school. That information could be put into a computer which could develop a suspect list if that person was not identified from a suspect list from criteria provided by the law enforcement agency reporting that information. There are endless possibilities regarding a profiling system, a tracking system well beyond the parole and probation period.

321 REP. MANNIX: Would you find it necessary to pick up on the tracking system from the point of conviction or after someone has completed their period of parole or probation? In other words, allow parole and probation to take care of the registration and supervision but when someone is leaving their jurisdiction, they would then have you pick up on the system. Or would it be more efficient to have the registration system from point of conviction forward?

333 RENFROW: It would probably be easier from the point of conviction forward. The problem is after the parole period, there's a problem with

keeping track of changes of addresses which would have to be worked out. But the preliminary information at the origin of the conviction is the critical point where you have to receive the information for forwarding to the central computer. It'd be difficult to obtain that after a period of time when the person was on parole or probation.

344 CHAIR CLARK: What does this information get you from a legal standpoint? If you search your computer and come up with a set of data that says, we don't know for sure, but it looks like so and so, does that give you probable cause to go arrest that individual, or do you have to make some independent inquiry and establish outside of that system that it's so and so? 356 RENFROW: I believe the computer information would be another tool to assist law enforcement on focusing in a particular area or upon a list of candidates. It certainly would not be the probable cause to arrest someone but simply aid in steering the law enforcement agency in a particular direction or provide them with information that seems to match the suspect profile.

367 REP. CLARK: Nervous about massive data banks involving individuals.

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373 REP. MASON: What Major Renfrow talks about is extremely interesting and is good basic police work in the 1990s. But, how relevant is it to the bill, per se? Remembers while in the district attorney's office something called FER contacts which were marvelous. This involved writing down the name of everyone you contacted which included the license number on the computer. If you were good on the computer, you could come up with some great investigative leads. It did not give you probable cause.

396 ROBINSON: In part, what Major Renfrow is talking about is if there's been a report at a school of a certain individual with certain characteristics, then with the information retrieved, they can take photographs to the children who reported the information and say, do any of these people look like the person you're describing? Does this car look familiar? Don't think it gives the police probable cause to go knock on the door but it can provide information they might not otherwise have to help a victim or individuals who are observing a situation identify. It gives the police a sort of key to the bank but they have to get independent verification.

TAPE 36, SIDE A

007 RENFROW: It would just expand a system already in place in that it would obtain additional information that would be helpful in investigative leads. It would not establish probable cause. 015 REP. MANNIX: Would like to propose that the state police be in charge of the registration process and that they pick up from the point of conviction which could be used in conjunction with the LEDS system.

016 ROBINSON: There are really two parts to the bill. Section 2, Subsection 1, refers to discharge parole or probation. The language in line 23 says the official in charge of supervising the person shall obtain the address where the person shall reside and enter that into the LEDS system. That is the current system. The committee needs to decide

if they want to continue that. An issue raised by Major Renfrow is whether or not the description of the offense in line 25 is sufficient or whether or not he wants to expand on that. -The second issue raised is on page 1, line 29, says that when the person moves, at that point they have an obligation to notify the parole or probation officer, whichever is closest. The bill handles them separately.

029 REP. MANNIX: Response is to return to the simple concept. That would require further changes in the current law to say, at the point of conviction, this information is provided that's put into the law enforcement data system not when they're discharged, paroled or policed, but at the point of conviction.

031 ROBINSON: Understands that information is already input into the LEDS system, correct?

032 REP. MANNIX: Not the expanded registration information that Major Renfrow is talking about.

034 RENFROW: Basically, there is information on sex offenders in LEDS. I'm talking about expansion of the system in a separate computer data base.

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036 CHAIR CLARK: So, what do we need to do to get to going? 038 RENFROW: To do that, first establish a separate means for a computer data base which is basically computer equipment at about \$5,000. Perhaps add one person to staff, and that's the extent of it. 040 CHAIR CLARK: Is there a fiscal impact on this bill right now? 042 ROBINSON: Don't think so. The only fiscal is attached to creating a crime of failing to register. 044 CHAIR CLARK: If we were to do what Major Renfrow is suggesting in this bill, and it had a \$50,000 impact, at what point would it be sent to Ways and Means?

055 REP. MASON: With all due respect and compliment to Major Renfrow, what he's talking about is very appropriate but he's beyond the scope of the bill. There's no such thing as a \$5,000 computer anymore and there's no such thing as a \$25,000 warm body. His people run about \$100,000 a pop, the rule of thumb used in Ways and Means for every state policeman ran about \$100,000. Even though he's got some good ideas, would suggest to keep it a relatively clean bill. 065 CHAIR CLARK: Concerning Representative Mannix's suggestions, does it help you at all if in line 25 where it says, "description of the offense," if we just simply add some more language there in terms of what shall be in the LEDS-profile of the crime, etc. Does that help? 066 RENFROW: Yes, it would.

067 CHAIR CLARK: Suggest that you work with Representative Mannix in coming up with some language that would do that--short of creating this new computer system. Also suggest that you, Representative Mannix, and me work to put together a separate bill. Will approach the high Chair and the Speaker about having it introduced as a committee bill at some point, and see if we can revisit the issue of a separate computer system. 073 REP. MASON: One thing not mentioned here but was mentioned during interim that's relevant here vis a vis computer data bases is the DNA data base. 079 CHAIR CLARK: Want to make sure we're able to move this bill today. Afraid if it's loaded down with fiscal

impact, we won't have a chance to put the language together, and a dollar sign might be put on the front of it. Would rather tackle the issue of a computer system in a separate bill and make this bill ready to fly. 086 REP. SUNSERI: The provisions of this measure sunset after eight years. If this does, in fact, sunset and is not continued by the legislature at that time, what happens to those people who've been sentenced to lifetime registration in those eight years? 093 CHAIR CLARK: Because we don't know how to treat sex offenders yet, we don't know whether registration is going to work. Recalls the basic premise was, let's revisit this in eight

- House Committee on Judiciary February 18, 1991- Page 7

see if it's working. This is a kind of sociological, criminological experiment.

096 REP. SUNSERI: Then what happens to those people who've been sentenced between passage of this bill and the eight-year sunset? After the bill goes away, do they remain required to register, or are they released from that requirement?

098 CHAIR CLARK: No, they're off the hook at that point. 099 ROBINSON: Might want to destroy the registry, though. 100 CHAIR CLARK: Want to revisit Section 6, the sunset, along with the relief from the duty to register. 102 CHAIR CLARK: Let's begin to work on the bill, section by section. In Section 1, after reading the Memo from Ms. Grimm, it might be important under the Oregon Constitution that we make it clear that the legislative intent is to prevent future sex offenses against children and that the registry is not based on a notion of retribution but that it's an attempt to prevent future crimes against children.

112 ROBINSON: The legislative intent of the 1989 legislation indicates the intent was to prevent future activity. This expands that into not only crimes against adults but also crimes against children. 114 CHAIR CLARK: Do we need a statement of purpose in the front side of the statute? It's one thing to require people to register for five years, it is another thing to require them to register for life.

119 ROBINSON: In the Washington statute that requires registration for life if a Class A felony is committed, there is a purpose section, and one of the criteria for relief is that the purposes of the act are no longer satisfied. You no longer need to satisfy, then you are no longer a threat to society, kind of thing. Think that to ensure that's not why it's being done, it probably isn't a good idea.

126 CHAIR CLARK: Is there any objection to the idea of having a purpose section in this statute that would basically state, the purpose of the statute is to aid law enforcement in preventing future sex offenses against children and adults? Doesn't want to challenge the Oregon Constitutional provision that says the criminal justice system is based on rehabilitation and not on vindictive justice.

133 REP. EDMUNSON: That is an excellent suggestion. Would fully support it because that's the testimony of Mr. Faatz. Thinks it does meet the Eighth Amendment requirements that we're dealing with pretty serious offenses.

144 MOTION, REP. SUNSERI: Would like to add "compelling prostitution" to Section 10 (gist of sex crimes) after "paying for viewing a child sexually explicit conduct." 155 VOTE: No objection. Motion passes.

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180 REP. MASON: We need to reference some of these offenses back to the ability to get off the registration, and at least the court would look upon this as being overly onerous.

190 CHAIR CLARK: So you're saying to the extent that the bill would face any kind of challenge, that the relief from registration provision may be a safeguard. 197 REP. MANNIX: Think the saving grace is having a clause that allows anyone to apply to court for excuse from the registration provision. 204 REP. MASON: How does this relate vis a vis expungment? 205 ROBINSON: These are nonexpungable.

219 REP. BAUMAN: Refers to list.

HB 2413 - WORK SESSION 234 ROBINSON: As HB 2413, it read, "for five years or until the age of 21, whichever comes first," there was some discussion about whether or not the court had jurisdiction past the child's 18th birthday, which they do not. Refers to Representative Mannix's suggested language which would make the bill read that the informational disposition agreement shall be completed within a period not to exceed five years from the date that the agreement is signed by all necessary parties. The discussion was that if there were some individuals who were past 18 years and wanted to continue the treatment, that that would be an option. If there was a breach of the informal disposition contact, the juvenile court could take no action. But on the other hand, if the child and juvenile court wanted to continue this past the 18th birthday, that would be allowable. 263 CHAIR CLARK:

Acknowledges letter from Juvenile Rights Project concerning HB 2413 (EXHIBIT A). Commends the letter to the committee's review.

263 MOTION, REP. EDMUNSON: Moves the post amendments to HB 2413 dated 216 191, marked Dash 1. 264 CHAIR CLARK: No objection to the proposed amendment. It is so ordered. 276MOTION, REP. EDMUNSON: Moves HB 2413 as amended to the Full Committee with a "do pass" recommendation.

279 REP. MANNIX: Think it's important to give some extended flexibility to these programs, especially with all the testimony these juvenile sex offender programs normally require at least two years and sometimes more. 289 REP. BAUMAN: Looking at this letter, we get different perspectives. People who deal with offenders from the perspective of victims, and then from the people who deal with the court system. They don't always line up. Some of what we need to do is make them line up so they -

. . House Committee on Judiciary February 18, 1991 - Page 9

work toward policy. Want to make them line up so they work toward the policy that we're trying to achieve. The point in this letter is that, at least in Multnomah County, the district attorneys have a policy of charging and prosecuting to the maximum on sex offenses. So these aren't available for sex offenses anyway. So, what we're doing isn't going to hit the target but it may have a collateral impact that we haven't oriented toward. That side isn't represented here. We could be creating a great deal of jeopardy for a child in view of those conditions on

contacts such as attend school regularly and obey the rules of parents.

322 ROBINSON: Mentions another letter by the Juvenile Department Directors Association. They stated that the Juvenile Department is not likely to propose an informal disposition agreement for periods of time. . . The extension is solely discretionary as most are within the jurisdiction of the juvenile courts. Whether it's six months or five years, it's going to be a call made by the juvenile court director based on what's appropriate for the child.

340 VOTE: 7-0

Aye: Bell, Edmunson, Mannix, Mason, Parks, Sunseri, Clark No: Bauman

HB 2413 moves as amended to the Full Committee with a "do pass" recommendation. Representative Edmunson to carry.

HB 2407 - WORK SESSION

355 MOTION, REP. MANNIX: Moves to amend HB 2407 in the following: -On page 1, Subsection 2, lines 27-30, change the language of the statute to delete, "during their five-year period" and insert, "Following discharge, release on parole or other supervised release, the person shall annually provide the person's address in writing to the Oregon State Police." -On page 2, Subsection 1, lines 9-12, the language would read, "Following discharge from i probation, the person shall annually provide the person's address in writing to the Oregon State Police."

400 MANNIX: Explains the amendments. The point was there's a problem with requiring a new address every time it changes because that's a nonspecific event, and there may be some lack of follow through. The state police, without any fiscal impact, are willing to take on the task of having this information provided to them and they can enter it into LEDS. Major Renfrow's recommendation was to require an annual report. That's a follow up, it follows through with the concept of registration and it's easily verified by them as to whether or not that person has provided that annual verification of address. This give the police the ability to maintain a record and if someone hasn't verified their address, the computer can indicate to the police that this person might be slipping out of the registration system. The police can then take positive action to find out what's happening. The parole and probation people, under this format, still have the obligation to do the entry into LEDS, follow the person during probation or during parole.

TAPE 35, SIDE B

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DISCUSSION ON THE MOTION

009 REP. BELL: Opposes the amendment. The reason it is a nonspecific event is because we i haven't made it a specific event. In other state's legislation they say within 30 days of release, or give a time frame to make it a specific event. Likes the fact that these people need to reregister when they get a new address. An individual could get a new address and could be long gone in a year's time. Part of the purpose of this bill, which is to prevent additional offenses, would be watered

down if we only take that annual registration.

017 REP. MANNIX: Accepts Representative Bell's comments as a friendly amendment and suggests language be worked out to read, "shall provide the person's new address or a change of address, or annually."

022 CHAIR CLARK: The concept is that at least annually, or annually plus when the person moves. 024 REP. MASON: (Tape inaudible.)

039 CHAIR CLARK: Your point, Representative Mason, is the act of moving itself, perhaps ought to trigger the registration requirement-failure to do so would constitute an offense in and of itself. But the passing of a year without registering, is not the same kind of event from the standpoint of culpability. 044 REP. MANNIX: Think that is a significant point. Also think the key to enforcement is we want the registration to work. There are two options; one is to move down the offense to say a Class A misdemeanor if the offense someone didn't register for was felony and make it a Class B or Class C misdemeanor if there was a misdemeanor offense and the person didn't maintain his records. Then there's a less onerous impact on the system but the teeth to the registration remains.

057 REP. MASON: (Tape inaudible.)

064 REP. MANNIX: Thinks you could say failure to register when a person moves is a Class A felony; a Class A misdemeanor if they don't make their annual registration which is a standard requirement. Have that be a violation.

068 REP. EDMUNSON: What about other address changes such as driver's licenses, etc. If we're concerned about people skipping, a person might not want to register as a sex offender, but they might want to register to have their driver's license current. There might be other ways to ensure compliance which should be the goal.

073 REP. BAUMAN: Concerned that we're midway and not making the whole step. Thinks the ultimate question will be access to the registration information. ~ ' .

093 CHAIR CLARK: Think your point is a good one. We want the information on the registry for purposes of law enforcement and to protect against future crimes. We're not intending to use the approach of posting a sign that follows this person for the rest of their life. - I!~;t Th-i House Committee on Judiciary February 18, 1991 - Page 11

102 REP. SUNSERI: Have a concern that if we add or expand this too much, we may lose it. What we have here now is important for the people of the State of Oregon to receive this.

109 REP. MANNIX: Amendment is that a person would have to report their change of address within 30 days of the move, with the language about the Oregon State Police. If the person doesn't do that, the person gets a Class C felony, Class A misdemeanor as it is in the bill. Separately, the person should make an annual report of their address to the state police and if they fail to do that, that will be a violation which isn't even a misdemeanor.

117 CHAIR CLARK: Representative Mannix has made a conceptual proposal for a two-tiered system under which failure to register within 30 days after the person moves, gets them a Class C felony if the crime for

which they were required to register was a felony, and a Class A misdemeanor if the crime was a misdemeanor. That's in the bill now but we want to use that language for the failure to report their change of address within 30 days. If the person fails to report their address annually, it's a violation. ;

126 CHAIR CLARK: No objections to the proposed amendment. There being none, it is so ordered.

130 MOTION, REP. MANNIX: Moves to change the words on page 1, line 25, from "a description of the offense" to "a description of the methodology of the offense." Also, on page 2, line 7, change the words "description of the offense" to "description of the methodology of the offense." 140 CHAIR CLARK: No objections to the proposed amendment. There being none, it is so ordered. 141 MOTION, REP. MANNIX: Moves that on page 2, line 21, where it reads, "if committed by an adult" insert, "If the court so determines, the Juvenile Department shall enter into the Law Enforcement Data System the person's name and description, the description of the methodology of the offense, and the address where the person resides." 148 REP. MASON: Suspects the court system doesn't want to do that. Thinks the court would like for someone else to do that. 153 REP. MANNIX: This refers to juveniles who are actively involved with the Juvenile Department which has access to LEDS and can input the information. 167 CHAIR CLARK: No objection to the proposed amendment. There being none, it is so ordered. 172 MOTION, REP. MANNIX: Moves the inclusion of "promoting prostitution" into Section 1. 175 ROBINSON: Looking at the Statute of Limitations bill, and the nonexpungable offenses bill which for the adult section start at ORS 137.225, note that "compelling prostitution" was not included. Criminal mistreatment is on the Statute of Limitations list and is also on the nonexpungable offenses list.

House Committee on Judiciary February 18, 1991 - Page 12

183 CHAIR CLARK: What is the offense status of criminal mistreatment?

184 ROBINSON: It's a Class C felony. Endangering welfare of a minor is the only other offense that appears on the other two and not on this one. That is a Class A misdemeanor. 194 CHAIR CLARK: We need to be careful from a Constitutional perspective not to load this up with misdemeanors that are of an entirely different magnitude. Endangering welfare of a minor is something quite different than incest with a child victim. Want to use discretion. 200 REP. MANNIX: Still asking that "promoting prostitution. be added which is a Class C felony and is basically pimping. Thinks those people should be tracked. 215 REP. PARKS: Wants to see a 10-year minimum on the registration. 229 CHAIR CLARK: Representative Mannix moves to amend the bill to include "promoting prostitution" in Section 1.

230 CHAIR CLARK: There being no objection, it is so ordered.

232 MOTION, REP. EDMUNSON: Moves Section 6 of the staff measure summary titled, "Relief from Duty to Register" with the additional provision that this relief not be available until 10 years have elapsed from the time of conviction. 246 CHAIR CLARK: Representative Edmunson moves what has been marked as Section 6, lines 1-13, with the conceptual addition that the relief not be available until a person has been on the registration statute for 10 years from conviction. 250 REP. BAUMAN: Has concerns about lack of precision in record keeping in other places

to determine time. 264 REP. EDMUNSON: This is simply a request but would leave it up to the court as to appropriateness. 267 CHAIR CLARK: There being no objection, it is so ordered. 268 ROBINSON: Looking at other relief and duty to register statutes, there were two standards of proof used by other states. One was, clear and convincing, and the other was, preponderance of the evidence. The draft before you is, clear and convincing. Wants the committee to note that. The items that a juvenile court would look at in determining a registered juvenile are the same kinds of issues that the adult court would look at to determine whether or not the person should come off the list with the hope of having some symmetry in what judges are doing, and people being evaluated. 293 REP. BELL: Proposes a conceptual amendment that if initially requested, the victim or parents, or guardian of the victim, be not)ified when an offender returns to their community. 304 REP. BAUMAN: This is almost a victim registration law that this imposes. Victims would have House Committee on Judiciary February 18, 1991- Page 13

to register their changes of address in order for the state police to successfully notify them. 311 REP. CLARK: Asks Mr. Faatz what the parole board currently does when they're getting ready to release an offender. Do they notify the victim?

315 FAATZ: We're required to give notice to victims. They have to advise us, however, of their address, and they have to keep us current with respect to their address. I think the same would apply here. 319 CHAIR CLARK: Would you be required to do that under this statute anyway? 321 FAATZ: No. Once a person is out from under supervision, if that person changes their address, we are not required to notify the victim or the representative of that change--only when they're leaving the institution are we required to notify. 321 REP. MANNIX: Supports Representative Bell's concept, thinks it's more than she's suggesting. Wants to see a more comprehensive follow through with the local sheriff, local police, district attorney's office. Also sees a system wide impact that if we start requiring not)ification, we already require that in terms of release from state supervision, that one consideration as to where an inmate goes is the victim's location, another is potential revenge by the victim against the criminal. Supportive of suggestion but don't think it can be done in this bill without getting into a lot of other trip levers to make it work. May also have some fiscal impact. Therefore, can't support the amendment. 344 REP. EDMUNSON: Wonder if this isn't more a question of victim's rights and relief which bring into play a host of other concerns that are very valid. Respectfully resists the amendment. 362 REP. BAUMAN: Thinks this is a valuable addition to the bill. The bill addresses information we've heard about concerning victims. One way to empower a victim is to let them know that the offender is at a certain location.

377 CHAIR CLARK: Suggests Representative Bell work with counsel concerning language which the committee will look at next Wednesday. Thinks it's a good idea but not sure who would give the notice and the provision for making the request. 396 REP. BELL: Children are so afraid that these individuals will hurt their families, that they'd rather commit suicide than let that be known and if it comes out some other way, would think precaution should be taken. Parents would want to know if an offender were back in town so they could protect that child. TAPE 36, SIDE B 001 REP. MANNIX: Supports the concept and Representative Bauman's suggestion concerning neighB orhood not)ification. We should have something that's clear about this whole process. Registration is one thing--notification to people is another. Another consideration is

civil liability--who is liable if the notification is not made and the victim is victimized again? Or the neighborhood isn't advised, and someone in the neighborhood is victimized. There's a lot to it House Committee on Judiciary February 18, 1991- Page 14

that can't be countenanced in this bill. This bill had a narrower focus about cleaning up the registration, extending it, and perfecting the process. We've made progress there but can't see being able to develop the much broader concept of victim, or neighborhood notification in a short time. 015 CHAIR CLARK: Thinks Representative Bell's proposal has merit and wants to look at some language and come back to the bill in 48 hours. Wants to get testimony from Major Renfrow and others concerning whether it can be done, the potential fiscal impact, etc. Thinks if the bill is doable, it's a very good idea. Don't want to rush through this and force a vote before we have all the facts before us nor delay the bill indefinitely. Asks Major Renfrow to assist the committee and counsel concerning what would be involved in such a notification process.

042 ROBINSON: Refers to a current statute that applies to the Board of Parole which is ORS 144.120, Sub. 7. It says the Board of Parole must attempt to notify the victim, if the victim wishes to be notified, and the district attorney. It gives the district attorney some power to also notify the victim. Wants the committee to consider that given the fact that the district attorney is going to be a party in the relief procedures, do you want that issue addressed there as well, at least conceptually?

055 CHAIR CLARK: Initial reaction to that is no. 056 ROBINSON: If you consider Representative Edmunson's comment about 10 years, you may have some people who would have to be notified they were being discharged. If they're in for a minimum of 10 years, there'll be a situation where victims may or may not be notified at the same point in time. If someone is in for 10 years and then petitions for relief, under one process the victims would have to be notified. Under the other one, they wouldn't have to be notified. 062 CHAIR CLARK: Draft some language that would do that and then we can discuss it on Wednesday.

064 REP. BAUMAN: Maybe we should make it available and discretionary with the sentencing judge to allow victim notification through the duration of the registration period.

073 CHAIR CLARK: Advises committee to review a report just received from the Oregon Criminal Justice Counsel, entitled, "Sex Offenders in Oregon, Recommendations for Change and the Reality of Available Resources."

075 CHAIR CLARK: Adjourns Subcommittee on Family Justice at 4:52 p.m. Submitted by, Reviewed by, Holly Blanchard David Harrell

EXHIBIT LOG: A - Written testimony, Juvenile Rights Projects, Inc., 2 pages, (HB 2413) !

_ These minutes contain materials which paraphrase and/of summarize rtaternedr made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceeding', please refer to the taper..