

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

April 1, 1991Hearing Room 357 3:00 p.m.Tapes 74 - 75

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

MEMBER EXCUSED: Rep. Jim Edmunson

STAFF PRESENT: Holly Robinson, Committee Counsel Jeff Steve, Committee Assistant

MEASURES HEARD:HB 2996 - Independent Adoption Proceedings HB 2673 - Adoption Proceedings

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TAPE 74, SIDE A

004 CHAIR CLARK: Opens subcommittee meeting on Family Justice at 3:45 p.m.

HB 2996 - INDEPENDENT ADOPTION PROCEEDINGS - PUBLIC HEARINGS

017 HOLLY ROBINSON: Summarizes HB 2996. Allows the attorney representing the adoptive parents to file the preplacement or postplacement report. Clarifies that the person signing the certificate of irrevocability and waiver has been provided with an explanation by an attorney who represents that individual only and not the adoptive family.

036 JOHN CHALLY, ATTORNEY: The attorney representing the birth mother should be different than the attorney representing the adoptive mother. There should be independent counsel for the birth mother. HB 2996 is perfectly set up to provide the opportunity for the birth mother to get that independent counsel.

095 CHAIR CLARK: All things that are listed under Section 2(a) of HB 2996 under current law have to happen before the certificate of irrevocability can happen. Under current law CSD has to file a

preplacement report within 3 days after request. What is the event that takes the longest?

098 CHALLY: The filing of the preplacement report. Currently judges are refusing to sign appointment of the adoptive family as a guardian until the judge has in his or her hand a copy of the preplacement report. Often the preplacement report is not filed for a period of days or weeks. That is the problem.

132 ROBINSON: It seems ambiguous in that the attorney could in fact file the social worker report.

136 CHALLY: No. They are not filing a social worker report. They are filing their own report.

140 TONI PETERSON, CHILDREN'S SERVICES DIVISION: Reads from (EXHIBIT A).

156 REP. BELL: Where is the attorney for the birth mother supposed to come from?

158 ROBINSON: There are 3 options: 1) by an attorney, 2) by CSD, 3) licensed adoption agency.

164 CHAIR CLARK: There is nothing in HB 2996 that would prevent the parties treating representation the way they treat medical expenses so therefore the birth mother could say, "I need a lawyer" and the adoptive family could agree to pay for that lawyer's services. Is that right?

170 CHALLY: They could and they do so almost universally.

179 REP. BELL: Doesn't that cause a conflict of interest if the adoptive parents are arranging for the other lawyer?

182 CHALLY: No. Attorneys are used to that situation.

189 REP. PARKS: Why is it so hard for the agency to get the preplacement report in in 3 days?

196 CHALLY: Usually it is because they don't have the report done to begin with.

201 REP. PARKS: Is CSD required to complete the home study for placement purposes?

202 CHALLY: It is actually a modified report. It is a preplacement report that concentrates necessarily on this adoption but on the adoptive family.

208 REP. PARKS: It is a preliminary assessment of the fitness of the family. What would you do that would eliminate that first step?

214 CHALLY: Would obtain a copy of their preplacement report directly from the agency.

217 REP. SUNSERI: In his experience, the birth mother has representation at the last minute. Often the attorney will suggest that the birth mother pay for the cost of a drug rehabilitation program before she agrees to sign any papers.

227 CHALLY: It is a significant problem. CSD has informed him that the payments that are appropriate are those that are related to the pregnancy, birth, and recovery.

HB 2996 - WORK SESSION

257 CHALLY: Proposes amendments on line 25, page 1 of HB 2996 after the words "representing the adoptive parents has filed either" insert "a Children's Services Division or a licensed adoption agency report".

265 MOTION: REP. MANNIX: Moves Mr. Chally's suggestion.

270 VOTE: No objection, amendment adopted.

272 MOTION: REP. MANNIX: Moves HB 2996 as amended to Full Committee with a do pass recommendation.

283 VOTE: 7 - 0. Motion passes. Rep. Clark to carry.

AYE: Bauman, Bell, Mannix, Mason, Parks, Sunseri, Clark NO: 0 EXCUSED: Edmunson

HB 2673 - OPEN ADOPTIONS - PUBLIC HEARING

292 HOLLY ROBINSON: Summarizes HB 2673. Allows adoption decrees to provide for "open adoptions" with consent of all parties.

306 CHAIR CLARK: Open adoptions can be anything from one letter every 5 years to a weekly visit. Anything that the parties agree on.

307 ROBINSON: Yes.

314 CHAIR CLARK: How many other states have enacted legislation like this?

317 ROBINSON: About a dozen perhaps.

320 CHAIR CLARK: There are not witnesses signed up from ALARM or from the American Adoption Congress. They are the requestors of HB 2673. Why?

324 ROBINSON: This is not a legislative priority to them whereas HB 2996 was.

336 REP. MASON: Wants to delete any reference to the Indian Child Welfare Act. Thinks that is unconstitutional.

342 CHAIR CLARK: What happens if a state does not follow the requirements of the Indian Child Welfare Act?

349 JOHN CHALLY, ADOPTION ATTORNEY: Does not know.

353 KAREN PEARSON, CHILDREN'S SERVICES: The Act must be followed. Federal law supersedes state law. In this case the Act is not considered domestic relations law but rights of tribes.

372 REP. BELL: Are you saying that in Oregon this is practice but open adoption is not written into law?

378 CHALLY: Open adoptions are very common. The question here is

whether open adoption agreements are enforceable? Cases from the Court of Appeals and the Supreme Court hold that open adoptions are not enforceable.

TAPE 75, SIDE A

018 CHALLY: Has spent much of his time supporting open adoption. Does not like this legislation. It is a great idea to have these types of agreements enforceable, yet out of the hundreds that he has done, even though they may not be enforceable, they are almost always honored. Does not want to see laws controlling the relationships.

050 CHAIR CLARK: Do you think that your experience would change if in 20 years you noticed that these relationships may work for the first 5 years, but then become disruptive after that time?

059 CHALLY: If visits are a hassle you should suspend them.

075 REP. SUNSERI: We have a tendency to see the bright side of this. Has a concern that the parents may make an agreement. Can see some situations where there may be sufficient interference from the birth mother to warrant restrictions on visitation. Has problems supporting HB 2673 if there is no means of terminating the relationship with the adoptive parent and the birth mother.

092 CHALLY: Agrees.

121 TONI PETERSON, DEPARTMENT OF HUMAN RESOURCES: Has neutral position on HB 2673. Reads from (EXHIBIT B).

138 CHALLY: Two more points. On lines 7 and 8, page 1 where it says, "the decree contains any other provisions listed in ORS 109.350," without that language the statute provides for clarity in relations between the adoptive parents and the child. It provides basically that any mistakes which the lawyers may have made in putting together the adoption, including fraud and duress, after a year the adoption is going to be supported. This is to ensure that the adoptive family could have confidence that the adoption would be secure. The difficulty here is why this is contained in legislation providing for open adoption. Secondly, on line 36 with respect to inheritance from the birth family. Does not understand this. This should be taken care of by way of wills rather than legislation.

HB 2673 - WORK SESSION

167 MOTION: CHAIR CLARK: Moves to delete the entire contents of HB 2673 and insert "No person shall charge, accept pay, or offer to charge, accept or pay a fee for relinquishing a minor child for adoption."

Discusses the motion which outlaws baby selling.

217 CHAIR CLARK: Would it be wise to add a provision for CSD to adopt some rules defining what expenses are inside and what are outside that provision?

223 PETERSON: Yes, that would be good.

228 CHALLY: It is appropriate to pay for expenses reasonably related to the pregnancy, birth, and recovery of the birth mother.

248 REP. PARKS: Likes the idea of leaving CSD out of it and charging reasonable expenses.

256 CHALLY: Suggests adoption of conceptual amendment. "It is appropriate to pay expenses reasonably related to the birth, pregnancy, and recovery of the birth mother and the adoption process itself."

263 REP. PARKS: There must be a provision for failure to obey this.

271 REP. SUNSERI: What about the minister who does this kind of counselling and has received compensation for his services?

284 CHAIR CLARK: Adds Parks' motion as a friendly amendment.

294 VOTE: No objection. Amendment is adopted.

299 MOTION: REP. MASON: Suggests a conceptual amendment which says, "In administering any of its adoption programs, CSD shall not show any preference toward nor prejudice against any adoptee or adoptive parent based upon race, creed, or national origin."

Discusses amendment.

326 PETERSON: CSD's policy is to seek to place children with relatives first and if that is not possible, then to place them in an adoptive home of the adoptee's same race or same culture. If that is not possible, then CSD will seek to place them in an appropriate adoptive home.

355 CHAIR CLARK: Would the proposed amendment end this current practice?

338 PETERSON: Yes.

339 REP. MASON: There have been parents waiting for adoption, but CSD has held up the process or adoption because the potential adoptive parents were not the right race.

348 PETERSON: Not aware of any cases like that.

354 REP. SUNSERI: Reads from letter he received from white constituents who are foster care parents caring for a black child. They would like to adopt the child, but CSD will not let them because CSD is still looking for an appropriate black family. The foster parents have had the child for 1 1/2 years.

382 VOTE: No objection, amendment is adopted.

394 CHAIR CLARK: Adjourns Family Justice Subcommittee at 4:40 p.m.

Submitted by:

Reviewed by,

J. Kennedy Steve, Pat Zwick, Assistant Office Manager

EXHIBIT LOG:

A: HB 2996 Testimony - Toni Peterson - 1 page B: HB 2673 Testimony - Toni Peterson - 1 page

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HOUSE COMMITTEE ON JUDICIARY FAMILY JUSTICE

April 1, 1991Hearing Room 357 6:00 p.m. (Evening Meeting)Tapes 75 - 77

MEMBERS PRESENT:Rep. Kelly Clark, Chair Rep. Marie Bell Rep. Kevin Mannix Rep. Tom Mason Rep. Del Parks Rep. Ron Sunseri

MEMBER EXCUSED: Rep. Judy Bauman Rep. Jim Edmunson

STAFF PRESENT: Holly Robinson, Committee Counsel Jeff Steve, Committee Assistant

MEASURES HEARD:HB 3051 - Exemptions From Civil Compromises (PH/WS) HB 2993 - Statistical Reporting of Incidents of Domestic Violence (WS) HB 2994 - Domestic Disturbances (WS)

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TAPE 75, SIDE A

398 CHAIR CLARK: Opens subcommittee meeting on Family Justice at 6:05 p.m.

HB 3051 - EXEMPTIONS FROM CIVIL COMPROMISES - PUBLIC HEARING
Witnesses:Judge Stephen Herrell, Multnomah County Circuit Court David Kenney, Marion County DA's Victim Assistance Program Holly Pruit, Oregon Coalition Against Domestic and Sexual Violence Ramon Herrera

406 HOLLY ROBINSON: Summarizes HB 3051. Prohibits crimes punishable as misdemeanors by family or household members for which a civil compromise exists from being civilly compromised.

TAPE 76, SIDE A

009 JUDGE STEPHEN HERRELL, MULTNOMAH COUNTY CIRCUIT COURT: Submits (EXHIBIT A), (EXHIBIT B).

HB 3051 adds a new section to ORS 135.703 which is the section that limits the use of civil compromise in domestic violence cases.

Refers to proposed amendments (EXHIBIT A).

Civil compromise is a method of resolving conflict outside the criminal justice system. It only applies by statute to misdemeanors and instead of punitive sanctions, it authorizes the court to proceed civilly and make restitution to the victim. Civil restitution primarily applies to property crimes and the key is restitution. This does not work in domestic violence cases, but rather works against the victims in domestic violence cases. Restitution is never seen, because it is not enforced. All it does is coerce the victim into dropping criminal charges against the person.

Refers to Report on Family Violence (EXHIBIT B). This is a fault of the judiciary.

095 REP. MANNIX: What do you think about the limitations suggested in HB 305 1-1?

099 HERRELL: If some new crime is added, someone will have to come back and amend the statute. Does not have a particular problem.

111 REP. MANNIX: What if we said that a person could have a civil compromise only if the victim personally appeared in front of the judge and was questioned and agreed to the civil compromise in the presence of the judge?

114 HERRELL: Some judges require that, but the abuse does not end. There is still the same coercion to get the victim there.

121 REP. PARKS: Understands Judge to say that we are getting the judge to do the job that is supposed to be done but is not being done. If we mandate this we are going to make it more difficult for these people to adjust these family problems. What would be wrong with what Rep. Mannix suggested plus detail in the statute about specific findings the judge would have to make before he could dismiss the criminal charges?

147 HERRELL: If the victim wants to drop the conviction she can do that. Domestic violence is not just a domestic affair. It is also a crime against the state. Once the civil compromise is done, it is done. The victim cannot undo it.

169 REP. MANNIX: The District Attorney cannot stop the civil compromise from happening. The DA can't exercise independent discretion to stop it. If we say you can't compromise, you can still go to the DA and have the charges dropped. The DA as an independent entity can then move to dismiss.

223 DAVID KENNEY, MARION COUNTY DA'S VICTIM ASSISTANCE PROGRAM:
Summarizes (EXHIBIT C).

272 HOLLY PRUIT, OREGON COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE:
Reads from (EXHIBIT D).

308 CHAIR CLARK: Recognizing and having seen the cycle of abuse, are you saying that counselling never works?

313 PRUIT: Absolutely not. Does not believe that long term jail sentence will help. Continues to summarize (EXHIBIT D).

330 REP. PARKS: Struggling with this bill. Does not agree that this is

true in all cases. Does not want to completely do away with civil compromise. Suggests civil compromise only with the consent of the DA. Would that work?

359 PRUIT: Concerned that the DA might be basing the determination on whether or not to sign off by having the two parties there in front of the judge and one party could still be subject to the coercion. There is still no means for checks and balances.

TAPE 75, SIDE B

012 REP. BELL: Do you have a solution to Rep. Parks' concerns?

019 PRUIT: Goes back to the simple premise why civil compromise is not appropriate in domestic violence cases. These situations should be dealt with as a crime. Taking these situations out of the criminal arena waters down the penalties and sends a message that the justice department is soft on domestic violence. We don't want to do that.

028 REP. BELL: If a similar incident happened on the street the victim may still choose to ignore it. Are we taking away that option by taking away civil compromise?

031 PRUIT: No. The victim can always choose to drop charges. Doing away with the civil compromise would keep the case within the criminal court system and there would be no pressure on the victim to settle for a compromise which is the situation.

039 REP. MANNIX: The DA has no discretion to force prosecution?

044 PRUIT: Understands that the DA can force prosecution, but without a good witness what kind of case is the DA going to have?

046 REP. MANNIX: With the civil compromise, even if you have a victim who is not refusing to talk, but is intimidated, at least the prosecutor can proceed.

052 RAMON HERRERA: Submits and summarizes (EXHIBIT E). Opposes HB 3051. Important to recognize that civil compromise is allowed only for first time offenders.

070 CHAIR CLARK: Is it no prior criminal conviction?

072 ROBINSON: Not aware of any statutory restriction on civil compromise.

075 HERRERA: In Multnomah County it is the practice that civil compromise cannot be used if the person has a prior criminal conviction.

104 REP. MANNIX: Can send these people to rehabilitation programs after conviction, can't we?

106 HERRERA: There are situations where civil compromise does work such as when property damage occurs.

HB 3051 - WORK SESSION

121 MOTION: REP. MANNIX: Moves HB 3051-1 amendments (EXHIBIT A).

123 VOTE: Without objection, amendment is adopted.

124 MOTION: REP. MANNIX: Moves HB 3051 as amended to the Full Committee with a do pass recommendation.

Discussion of the motion.

129 REP. BELL: Speaks in support of HB 3051.

153 VOTE: 5 - 0 Motion passes. Rep. Bauman to carry.

AYE: Bell, Mannix, Parks, Sunseri, Clark NO: 0 EXCUSED: Bauman, Edmunson, Mason

HB 3055 - RESTRAINING ORDERS - PUBLIC HEARING Witnesses: Judith Armatta, Oregon Coalition Against Domestic and Sexual Violence

173 HOLLY ROBINSON: Summarizes provisions of HB 3055.

177 JUDITH ARMATTA, OREGON COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE: Reads (EXHIBIT F).

HB 3055 - RESTRAINING ORDERS - WORK SESSION

194 MOTION: REP. MANNIX: Moves HB 3055 to Full Committee with a do pass recommendation.

207 VOTE: Motion passes. Rep. Bell to carry.

AYE: Bell, Mannix, Parks, Sunseri, Clark NO: 0 EXCUSED: Bauman, Edmunson, Mason

HB 2993 - STATISTICAL REPORTING OF INCIDENTS OF DOMESTIC VIOLENCE - PUBLIC HEARING Witnesses: Lou Boller, Roseburg Police Department David Nebel, Oregon Legal Services Lloyd Smith, Law Enforcement Data Systems

222 HOLLY ROBINSON: Summarizes provisions of HB 2993. 229 LOU BOLLER, ROSEBURG POLICE DEPARTMENT: The Roseburg Police Department has been trying for years to accumulate data on domestic violence to better deal with the problem of domestic violence in the County. This statistical data on domestic violence is not kept anywhere in the state.

285 CHAIR CLARK: HB 2993 has two purposes: 1) Develop data, and 2) develop case history.

298 DAVID NEBEL, OREGON LEGAL SERVICES: Submits and reads (EXHIBIT G), proposed amendments. HB 2993 as filed had as its intent to establish a record of incidents of domestic violence for police investigation.

The proposed amendments (EXHIBIT G) would take out that portion of HB 293 and reduce HB 293 to a data collection mechanism.

370 REP. PARKS: Where does the data come from?

374 NEBEL: From the local police. The data would not be person specific, but statistical data on the number of domestic disturbance calls and the number of arrests made.

401 LLOYD SMITH, LAW ENFORCEMENT DATA SYSTEMS: Domestic violence crimes would be collected in the same fashion that current statistics are for other disturbances.

TAPE 76, SIDE B

004 REP. MANNIX: Will there be a fiscal impact this next biennium if HB 299 3 is amended as suggested in Exhibit G?

006 SMITH: No, because we will fold this program into the existing system.

HB 2993 - REPORTING OF INCIDENTS OF DOMESTIC VIOLENCE - WORK SESSION

012 MOTION: REP. MANNIX: Moves HB 2993-1 conceptually. See Exhibit G.

016 VOTE: Without objection, amendment is adopted.

017 MOTION: REP. MANNIX: Moves HB 2993 as amended to the Full Committee with a do pass recommendation.

023 VOTE: Motion passes. Rep. Mannix to carry.

AYE: Bell, Mannix, Parks, Sunseri, Clark NO: 0 EXCUSED: Bauman, Edmunson, Mason

HB 2994 - DOMESTIC DISTURBANCES - PUBLIC HEARING Witnesses: David Nebel, Oregon Coalition Against Sexual and Domestic Violence Judith Armatta, Oregon Coalition Against Sexual and Domestic Violence Stan Robinson Lou Boller, Jane MacClellan

032 HOLLY ROBINSON: Summarizes provisions of HB 2994.

052 DAVID NEBEL, OREGON COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE: Reads (EXHIBIT H).

078 CHAIR CLARK: HB 2994 would not prohibit a person who is one day a respondent to another day becoming a petitioner?

080 NEBEL: Correct.

122 CHAIR CLARK: Directs Nebel to the changes to be made.

128 NEBEL: On page 2, lines 37 and 38 delete the authority of the court. On page 6, delete lines 5 and 6. On page 9, line 19 delete "municipal police officer: and insert "sheriff".

212 CHAIR CLARK: You would like the judge to be able to deal with the matter when it is in front of him if it is appropriate at that point?

219 NEBEL: What this is intended to do is prevent something surprising from coming up in open court. Usually this is a proceeding where the two parties are before the court.

232 CHAIR CLARK: Speaks to Section 1. Worried about requiring a police officer to be a judge at the same time. Is this workable?

245 NEBEL: Refers to Exhibits I and J.

273 REP. PARKS: Assume that we took out all the language about primary physical aggressor in Section 1 (Lines 14-19), what are we left with?

279 NEBEL: It would keep the law the same as it is now.

280 REP. PARKS: The intent of the law is to protect victims of domestic violence from continuing abuse. Why is that in HB 2994?

287 NEBEL: In determining which party to arrest, the peace officer should keep that in mind.

294 JUDITH ARMATTA, OREGON COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE: The purpose of that statement on lines 14-16, page 1 of HB 2994 is that this mandatory arrest law is a unique law. When the legislature passed it it passed it because of a particular societal problem - that the perpetrators of domestic violence were not being arrested at all. The legislature wanted it to be known that these situations are not to be treated as domestic spats but as criminal offenses.

306 REP. PARKS: Has a lot of problems with HB 2994. Is concerned that we have a response that leads to the arrest of the "man" for "a night". Does not think that is the right way to deal with the situation.

325 ARMATTA: With domestic violence there is the tendency to side step the tragedy that most domestic violence is perpetrated mostly by men on women.

340 REP. PARKS: If you follow that logic, almost everyone that is charged with a crime is guilty.

351 ARMATTA: This Section directs the police officer to do an investigation and make an arrest. It does not preclude the District Attorney from filing charges against the other party at a later date.

358 REP. PARKS: If a person does not want another person to bother them and the person goes to court to enact some sort of restraining order what is the concern that it is a mutual event?

365 NEBEL: It is not his intent that the other person is allowed to harass or call the other person. It is certainly not the intent to protect the petitioner if there are grounds for a restraining order to be issued against the petitioner.

372 CHAIR CLARK: There is nothing that precludes the respondent from going back to the court to ask for a restraining order against the petitioner.

374 NEBEL: That is correct.

375 REP. PARKS: What is the point? If you want to keep the people apart, if you don't want them harassing each other, why should either of the parties contact the judge and why should there even be an issue?

381 NEBEL: The problem is that people are allowed to have notice before action is taken against them. Notice and an opportunity to present the story is basic due process. Also, the problem that people have when there is a mutual order is that they are less likely to seek the protection of the system when they actually need it.

400 REP. SUNSERI: We are mandating an officer to go in and make an arrest. Does not think that it is all that easy to make an arrest in this type of situation. Often there is a great deal that transpires out in the field. Requiring an officer to make a determination on the spot

is probably taking it too far. How is the officer going to get unbiased information at the scene?

TAPE 77, SIDE A

022 STAN ROBINSON: Your concerns are valid. Whenever a police officer goes into a domestic situation he has to make an investigation and a judgement call. HB 2994 does no more than clarify the responsibility of the law enforcement person when he gets to a domestic violence situation. There will be some situations when it is too difficult to determine who the primary aggressor is and the police officer will have to make an arrest of both parties.

061 REP. SUNSERI: If all this does is "do your job" then why do we need it?

062 STAN ROBINSON: Because it is not being done.

066 CHAIR CLARK: Refers to Washington statute (PAGE 5, EXHIBIT F). Suggests cleaning up the statute by using that language.

072 STAN ROBINSON: Open to changing the language as long as the "primary aggressor" emphasis remains.

074 REP. PARKS: Why do you think that this will make the officers do their job better than they have in the past?

080 STAN ROBINSON: Domestic violence is a different situation. It is more complicated and can be more dangerous.

090 REP. PARKS: What is it about HB 2994 that will help the police officers do their job better?

092 LOU BOLLER: The law now says you must make an arrest. HB 2994 sets out guidelines to carry out a better investigation before an arrest is made.

095 CHAIR CLARK: The law now says that the officer will arrest the assailant. Are we not just switching "assailant" for "primary physical aggressor"?

098 BOLLER: When multiple arrests are made at the scene of domestic violence it is a sloppy investigation because there is not time to carry out a thorough investigation. HB 2994 directs the police officer to carry out the arrest more carefully.

127 CHAIR CLARK: Asks Armatta about leaving the statute as it is and prohibiting mutual arrests. Would that get at 95% of the problem?

136 ARMATTA: Is concerned about the situation that Stan Robinson described where the woman may use force in self defense that is greater than the aggressor used.

150 REP. BELL: In regard to wording on lines 21-28, page 1: with reference to assailant, if you took out all references to "domestic violence" in the statute would that not leave you with the situation that a police officer is faced with in a normal investigation of a crime that happens on the street?

160 STAN ROBINSON: Yes.

164 REP. BELL: Understands that the police officers carry out the kind of investigation mandated by HB 2994 all the time. Does not understand why this mandate needs to be in statute.

167 STAN ROBINSON: An arrest does not negate the possibility that the second person could be charged as well.

178 ARMATTA: Another possibility is to adopt the language in the Washington statute (see page 5, Exhibit F).

183 CHAIR CLARK: Agrees. This appears to be more workable.

192 JANE MacCLELLAN: Filed a charge against her huSB and in 1986. His record was expunged later. Her huSB and subsequently tried to kill her. When the police came to the home, she was the one arrested, not her huSB and. No one should have to beg for protection.

268 REP. SUNSERI: How could this bill have helped this lady?

273 STAN ROBINSON: HB 2994 would have addressed the situation of her arrest.

293 CHAIR CLARK: If the Subcommittee is going to take this seriously, we need the support of the Sheriffs Association.

310 REP. BELL: Suggests that there be an addition limiting expungement of prior criminal records so the person can be tracked.

327 REP. MASON: We have done our best to protect the expungeable statutes. Is reluctant to do away with it.

330 Letter dated 4/1/91 from Ross M. Shepard, Oregon Criminal Defense Lawyers Association is submitted for the record (EXHIBIT K).

367 CHAIR CLARK: Adjourns Subcommittee on Family Justice at 7:56 p.m.

Submitted by,

Reviewed by,

J. Kennedy Steve, Pat Zwick, Assistant

Office Manager

EXHIBIT LOG: A:HB 3051 Proposed Amendments - Judge Herrell - 1 page B:HB 3051 "Family Violence: Improving Court Practices" - Judge Herrell - 7 pages C:HB 3051 Testimony - David Kenney - 2 pages D:HB 3051 Testimony - Holly Pruitt - 6 pages E:HB 3051 Testimony - Ramon Herrera - 22 pages F:HB 3055 Testimony - Judith Armatta - 2 pages G:HB 2993 Proposed Amendment - David Nebel - 3 pages H:HB 2994 Testimony - David Nebel - 6 pages I:HB 2994 Material - David Nebel - 8 pages J:HB 2994 Testimony - David Nebel - 5 pages K:HB 3051 Testimony - Ross Shepard - 1 page