

Conference Committee on January 20, 1991 - Page

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.

CONFERENCE COMMITTEE ON HB 2198

June 20, 1991Hearing Room 357 9:00 a.m.Tapes 1

SENATE MEMBERS PRESENT: Sen. Hamby Sen. Jim Hill

HOUSE MEMBERS PRESENT: Rep. Parks, Chair Rep. Brian

MEMBER EXCUSED: Sen. Springer Rep. Clark

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

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TAPE 1, SIDE A

SB 2198 - WORK SESSION

003 CHAIR PARKS: Opens Conference Committee on HB 2198.

009 SEN. HAMBY: HB 2198 seeks to severely restrict the Department's ability to intercept inmate mail. This was not the intent of the Senate Amendments. The testimony was that unless it is marked on the outside "legal mail" that the Department would be free to open the mail without the presence of the inmate.

043 INGRID SWENSON, SENATE JUDICIARY COUNSEL: The Committee in its discussions with the Department of Corrections inquired about what the savings would be if inmates were not allowed to participate personally in rules hearings. The impact would be about \$7000 for the biennium. Some inmates were illiterate and could not participate in the hearings process if it were confined to writing. Also, the Committee discussed those who speak only Spanish and the extent of their ability to participate.

054 CHAIR PARKS: Understands that based upon that that the Committee thought it was worth \$20,000 per biennium.

060 JOHN FOOTE, DEPARTMENT OF CORRECTIONS: EXHIBITS A and B Refers to Exhibit A.

097 SEN. JIM HILL: Referring to Exhibit B page 4 (16.08) Wants to know what the inspection process means.

102 FOOTE: Wanted to strengthen the rules.

117 VAN VALKENBURG, DEPARTMENT OF CORRECTIONS: The person who runs the hearing works for him. In his opinion the hearings are more often used as an opportunity for harassment. That is all they become.

149 VAN VALKENBURG: Would like the record to reflect that at the time that the testimony was given by the Department and others there was no survey that had been conducted in other states with respect to oral hearings within the institutions. None of the other states neigHB oring Oregon allow oral APA hearings to be conducted within correctional institutions. The reason for that is that the public cannot attend a hearing inside a maximum security institution. These are not really public hearings.

170 SEN. HAMBY: What is the difficulty opening and inspecting mail in front of an inmate?

180 FOOTE: Don't want the inmates to know that certain mail is being opened such as, letters to attorneys soliciting them to purchase stolen diamonds or other contraband. Concerned that the blanket rule in Senate A-Engrossed version does not provide for any other exception than contraband. This creates security problems.

191 SEN. HAMBY: Suggests additional language that Foote recommends.

192 FOOTE: Suggests including catch-all phrase on when you would not open mail in front of an inmate. This needs to be clearer.

207 ROSS SHEPARD, OREGON CRIMINAL DEFENSE LAWYERS ASSOCIATION: Confidentiality of correspondence between an attorney and the inmate should be codified. Concerned that the attorney client relationship will be compromised if prison officials have access to this information. Thinks this is a good idea.

220 CHAIR PARKS: Do they monitor phone calls at the prison?

224 FOOTE: Yes. Very closely.

252 SEN. JIM HILL: In terms of looking at the Department's mail policy now, if it were tightened up to allow inspection outside the inmate's presence, would that solve the concerns?

260 SHEPARD: Yes, if there were articulable facts.

264 FOOTE: The Department wants that in the rules, not in statutes.

315 REP. BRIAN: Concerned about mail coming in on official stationary such as from a judge.

323 VAN VALKENBURG: That is a problem.

328 REP. BRIAN: Can't overrule ingenuity.

330 SEN. HAMBY: We heard this same testimony back in 1983 about the Department wanting to put this in rules, not statutes. Nothing happened. Would like to see these rules in statutes.

377 CHAIR PARKS: Requests that Mr. Shepard and Mr. Van Valkenburg get together to formulate a set of rules.

392 CHAIR PARKS: Recesses Conference Meeting on HB 2198 at 12:45 p.m.

Submitted by:

Reviewed by:

J. Kennedy Steve, Assistant

Pat Zwick, Office Manager

EXHIBITS LOG:

A Testimony on HB 2198 - Foote - 3 pages
B Written Material on HB 2198 - Foote - 10 pages
C Amendments to HB 2198 - Robinson - 5 pages