

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.

Measures Heard HB 2559 (WRK) SB 566 (WRK) SB 75 (PUB) SB 191 (PUB) SB 506 (PUB) SB 194 (PUB) SB 516 (PUB) SB 990 (WRK) SB 480 (PUB) SB 757 (PUB)

SENATE COMMITTEE ON JUDICIARY

April 24, 1991Hearing Room C 12:42 p.m.Tapes 126 - 129

MEMBERS PRESENT:Sen. Joyce Cohen, Chair Sen. Jim Hill, Vice-Chair Sen. Peter Brockman Sen. Jim Bunn Sen. Jeannette Hamby Sen. Bob Shoemaker Sen. Dick Springer

STAFF PRESENT: Ingrid Swenson, Committee Counsel Bill Taylor, Committee Counsel Mark Thorburn, Committee Assistant

WITNESSES: The Honorable Jeannette Hamby, State Senator The Honorable Bob Kintigh, State Senator The Honorable James Ellis, Circuit Court Judge The Honorable Michael Marcus, District Court Judge Nan Heim, City of Gresham Connie Ryba, City of Gresham Gerald Johnson, Gresham Police Department Douglas Bray, Multnomah County Court Administrator Bill Linden, State Court Administrator Karl Krueger, Motor Vehicle Division Glen Rader, Oregon State Police Everett Cutter, Oregon Railroad Association Ross Shepard, Oregon Criminal Defense Attorneys Association Scott Taylor, Department of Corrections Dennis Dowd, Department of Corrections Paul Snider, Association of Oregon Counties David Fidanque, ACLU of Oregon Shayla Waldram, Citizen Bill Becker, Private Behavior Management Consultant

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TAPE 126, SIDE A

003 CHAIR COHEN: Calls meeting to order at 12:42 p.m.

HB 2559

005 CHAIR COHEN: Let's move to HB 2559. Summarizes the bill. Mentions Sen. Duff's concern about the bill.

013 INGRID SWENSON, COMMITTEE COUNSEL: Sen. Duff had indicated that he would be proposing amendments; he has changed his mind; explains why. There is written testimony from Dennis Dowd (Exhibit A) concerning Correction's contract with Pendleton (Exhibit B).

022 CHAIR COHEN: So we have no amendments on this bill.

023 SEN. SPRINGER: Have we had a hearing on it?

024 CHAIR COHEN: Yes.

025 SEN. SPRINGER: Did we hear what specific treatment the development independent living skills?

028 SWENSON: Representative Burton testified in favor of the measure; summarizes prior testimony as to purpose of the bill.

036 CHAIR COHEN: This applies only to those who are already on work release. Describes what the bill will do for those on work release.

051 SEN. SPRINGER: Question for the Vice Chair.

052 SEN. HILL: Yes?

052 SEN. SPRINGER: We have an agreement between Pendleton and Corrections; has Corrections ever considered a similar agreement with Salem?

054 SEN. HILL: Not sure.

056 CHAIR COHEN: Dennis Dowd is here if you want to talk to him.

057 SEN. SPRINGER: I don't want to hold this up.

059 SEN. HILL: If he could

059 CHAIR COHEN: Invites Dennis Dowd to testify.

- Were you here during testimony for this?

060 SEN. HILL: No.

061 SEN. SPRINGER: What is good for the goose is good for the gander.

062 CHAIR COHEN: You can do it for any work release program wherever.

063 SEN. SPRINGER: Don't know how many contracts we have with host communities.

068 DENNIS DOWD, OREGON DEPARTMENT OF CORRECTIONS: There was a great deal of community opposition to the conversion of the mental health facility in Pendleton to a correctional facility. The agreement (Exhibit B) was part of those negotiations. That is the only agreement like this that the Department has. There are other agreements with two other communities.

083 CHAIR COHEN: Which facilities operate work release problems?

088 DOWD: Only two have work release programs; names and describes

them.

094 CHAIR COHEN: So this applies only to 18 people.

096 DOWD: At the moment. The maximum it would ever apply to is 331.

102 SEN. HILL: Has there been any discussions about such an agreement with Salem?

103 DOWD: No.

106 CHAIR COHEN: We have no amendments.

109 MOTION: The Chair moves HB 2559 to the floor with a "do pass" recommendation.

111 VOTE: Motion passes; 6 aye votes to 1 no vote; Sen. Bunn voting no and Sen. Brockman excused.

SB 566

116 CHAIR COHEN: Let's move to 566.

121 SWENSON: There are dash four amendments (Exhibit C) and a hand engrossed copy of the bill (Exhibit D). Explains the amendments.

129 CHAIR COHEN: Invites Sen. Kintigh to testify.

133 THE HONORABLE BOB KINTIGH, STATE SENATOR: Supports the amendments.

139 CHAIR COHEN: Invites Bill Becker to testify.

142 BILL BECKER, PRIVATE BEHAVIOR MANAGEMENT CONSULTANT: Would prefer to let Ingrid Swenson explain the amendments in more detail.

145 CHAIR COHEN: O.K. And if you have any further comments, let us know.

- Asks Ingrid Swenson to go through the hand engrossed bill.

149 SWENSON: Goes through the changes between the hand engrossed bill and the dash one amendments (Exhibit E).

185 CHAIR COHEN: And the dash four amendments include the amendments that Ms. Swenson just noted for us plus the original hand engrossed amendments, correct?

189 SWENSON: Correct.

190 CHAIR COHEN: And the dash four encompasses everything that's needed?

192 SWENSON: There are a couple of additional issues that the committee needs to consider.

- One relates to language on page three, line 4, of the bill. Discusses the language there.

209 CHAIR COHEN: Does the judge have information as to the kind of person who might be amendable, capable, or whatever to be eligible?

214 BECKER: I agree that "a" and "c" depends on what the judge thinks about the thing or the defendant rather than the facts. David Fidanque suggests that we look at the grids to determine who would not be eligible.

227 CHAIR COHEN: So you're saying the following classifications would not be eligible for

228 BECKER: Yes.

230 CHAIR COHEN: How would you like us to proceed?

234 SWENSON: Someone could examine the grid blocks and determine which inmates are suitable for participation.

240 CHAIR COHEN: Asks sponsors and committee whether we ought to take extra time.

246 SEN. SPRINGER: Did we get a fiscal impact on this?

247 SWENSON: We have not yet received one; it's being prepared.

249 SEN. SPRINGER: Concerned about section 5; reads the section. Concerned what the impact this is going to have on the sentencing process.

275 BECKER: During my research, was told that there wouldn't be much difference from what's going on now.

288 CHAIR COHEN: Let's hear from a district attorney.

289 SEN. SPRINGER: We've got Mr. Shepard and Judge Ellis.

290 CHAIR COHEN: Invites Judge Ellis to testify.

294 SEN. HILL: We're not talking about implementing this immediately; there would be some time to allow for some adjustment and training.

299 CHAIR COHEN: Invites Ross Shepard to testify.

- The question is how you pick the best suited.

307 SEN. SPRINGER: Not sure I understand the mechanism. Lists a lot of questions.

318 CHAIR COHEN: Invites Ingrid Swenson to comment.

319 SWENSON: The bill does provide a mechanism for people who do not successfully complete the program.

321 CHAIR COHEN: What section?

323 ROSS SHEPARD, OREGON CRIMINAL DEFENSE ATTORNEYS ASSOCIATION: Section 5, subsection 4.

326 SEN. SPRINGER: So there's a regular sentence imposed, but that is just held out there if the person begins this other program?

330 SWENSON: That's correct. Explains what would happen at sentencing.

333 SEN. SPRINGER: The judge is going to explain that in court?

333 SWENSON: Yes. Discusses further what happens at sentencing.

338 SHEPARD: The other concern is the court's docket; that shouldn't be a concern. Explains why.

350 SEN. SHOEMAKER: The question has been raised whether you should cleanup the bill here or have it brought back to us after the sponsors have thought it through; inclined to do the latter. Not sure we can put all the pieces in place today; cites example.

367 DAVID FIDANQUE, ACLU OF OREGON: Discusses the concern that they're trying to address and the concept behind the bill. Willing to leave it to the committee to make policy judgment as to which option is more workable.

405 SEN. HILL: The best connection is to use sentencing guidelines; I'd be most comfortable with that in terms of direction.

415 SEN. BUNN: Agrees that we should use the sentencing guidelines.

- If the dropout reverts back to the sentencing guidelines sentence, is the estimate from the sentencing hearing a sentence? Or do you bring the individual back to the judge for a sentence?

436 CHAIR COHEN: We have to clarify this. Would expect a firm date and a real sentence and then the estimate comes in when you cannot account for how much good time they might have earned.

448 SEN. BUNN: Not aware of any other point in the bill that calls for a judge to sentence under both criteria.

455 CHAIR COHEN: Invites comment.

459 FIDANQUE: Explains intent.

470 SEN. BUNN: If you have a time period, at what point do you decide that a person can drop out without penalty?

479 SHEPARD: The court would have fixed the time period at sentencing.

480 SEN. BUNN: Do we need to say in the bill that the court will do that?

488 SHEPARD: That's a good idea.

493 CHAIR COHEN: That's another amendment that we'll get Ms. Swenson to keep an ear open for.

TAPE 127, SIDE A

041 BECKER: The intention was to give the sentence first and then say here's an option.

046 CHAIR COHEN: The option is to work it off and get out sooner. The people who utilize this will not be short-timers. Comments on effect of using long-term prisoners in this project.

075 BECKER: Would take the opposite tack; would choose the business to fit the population rather than the population to fit the business.

079 CHAIR COHEN: You may not have that luxury.

080 BECKER: Gives example of what he's talking about.

093 SEN. HILL: Any business that's going to make a decision to participate in this program would have a pretty good idea of what they would some businesses would select themselves out of this program if they did not understand the type of population they would be dealing with.

109 SHAYLA WALDRAM, CITIZEN: Had endorsement from a fly-tieing company which has their flies tied by inmates in Wyoming. That company is successful because they have a stable workforce. There are other businesses that would reflect this also.

124 SEN. HILL: And so we have the issue of the guidelines and the issue of clarifying the concern about the sentence; before we're going to do this work, I'm concerned about the fiscal impact statement. Maybe it would be good to hear from the Department of Corrections.

134 CHAIR COHEN: Are there any other issues that need to be flushed out?

137 SWENSON: There is a technical issue having to do with the amount of restitution; explains problem.

144 CHAIR COHEN: So have everyone agreed that we specifically direct that that happens?

149 FIDANQUE: Yes.

150 BECKER: As concern about the dash four amendments. Explains the problem.

171 SWENSON: Our understanding was that the sentence was to lengthened; it might be possible for the court, when imposing the sentence, to reduce it by 25% and indicate that it could go up to the full 100% if there were a violation.

177 FIDANQUE: Part of the confusion is that the person's sentence is not necessarily being shortened by 25%. Explains statement.

204 CHAIR COHEN: What happens if they drop out of the program?

206 FIDANQUE: Then they go back to the straight guidelines.

207 SEN. BUNN: If someone has paid off 99% of their amount and then drop out of the program, do they do 100% of the time under sentencing guidelines?

212 BECKER: No; they would get credit for time served.

214 SEN. KINTIGH: Refers committee to page two, line 37.

215 BECKER: That could be converted to a dollar amount and go back and forth.

219 CHAIR COHEN: (Inaudible) sort of like sanction units.

220 SEN. BUNN: So you're talking about a year plus the good time you've earned which could be 5% more than you'd earn under the current plan. So if someone is ill or injured, they would not have the chance under the plan to earn good time, correct?

229 BECKER: If you take the sentence under the guidelines, the least you're going to do is that time minus 20%. Under alternative sentencing, the most you'll get is 25%.

236 SEN. BUNN: The most time you're going to do is 75% of the sentence?

237 BECKER: Yes.

237 SEN. BUNN: If you work twice as long or twice as much, you could have 50% of your sentence worked off? We have no limit of how much could be worked off?

243 BECKER: As long as the monetary amount is paid off through work efforts, that's true. As a practical matter, it's not going to be that large of a difference.

248 SEN. BUNN: But we don't set any limit on what the industry could pay the individual?

249 BECKER: No.

250 SEN. BUNN: Don't we set up the option ?

251 BECKER: When the sentence is first imposed, it's imposed with the entry level salary in mind. It has to be the prevailing wage in the normal industry in the private sector.

266 SEN. BUNN: So, in essence, we're creating a scheme where the employer has the ability to release an inmate by setting an hour rate of compensation for that inmate.

276 FIDANQUE: Some of those problems could be dealt with in the contract between the business and Corrections.

280 CHAIR COHEN: Where do you see that in the bill?

282 FIDANQUE: The broad authority is in section two. If the committee believes that other specific criteria is needed, can add language to that effect.

- Don't expect the fiscal impact on Corrections is going to be very large.

315 SEN. BUNN: Was looking for the worst case scenario. Discusses past problem with drugs in prison. If we've got that problem now and haven't dealt with it effectively, do we not have the potential here? We ought to have some maximum on what they'll earn.

335 BECKER: Wonders about the probability of the worst case scenario compared to the benefits you might lose by putting in limitations.

343 SEN. BUNN: Will vote for the bill, but we can improve it by setting a cap.

350 FIDANQUE: We can come up with some language.

353 CHAIR COHEN: If you cut it too tight, then you're going to defeat the purposes of the bill.

- Cites disadvantages of requiring the inmates to serve a certain percentage of their sentence.

373 SEN. SPRINGER: Can we design a system so that the white collar criminal aren't going to benefit and walk?

384 SEN. KINTIGH: Most businesses would have their permanent personnel act in their higher paid supervisory roles. On determining eligibility, would support use of certain portion of the guidelines grid and have the people in this portion are those eligible.

399 CHAIR COHEN: Anything further? Invites the Department of Corrections to testify.

413 DOWD: Paraphrases and expands upon Exhibit F.

TAPE 126, SIDE B

001 DOWD: Continues to paraphrase and expand upon Exhibit F.

062 CHAIR COHEN: So you're saying that if you take the first opportunity to take the cost of care out of there, there won't be any money left for the victims.

067 FIDANQUE: Aware of the issue; that's why inmate cost-of-care was defined as it is in the bill. Refers to the hand engrossed version; that figure would be closer to \$15 to \$17 a day. It was not intended that the cost include the cost of providing security; those would be paid from other funds under section seven.

081 SEN. SHOEMAKER: The hand engrossed version has made a change to limit it to costs and consumables. Mr. Dowd does not have that before him.

084 DOWD: The cost of care as defined less utilities, etc., would be \$7.40 a day. That would be \$22 a month. Not sure how you'd calculate utilities.

091 CHAIR COHEN: I think you will calculate a reasonable definition that would work in some way.

094 DOWD: Another issue is that we do have a process for the recovery of partial costs of care from those inmates who are involved in certified prevailing wage programs. Describes the process.

- Continues to paraphrase Exhibit F.

118 CHAIR COHEN: But you can't extend the sanctions beyond the sentence and that's what the issue is in terms of fines.

121 DOWD: Our only concern is that I'm not sure what we would have in terms of an inmate population and some inmates might see this as a license for violent behavior.

126 CHAIR COHEN: Sanction would be that you're kicked out of the program and be back in where you can get them anyway. This is not a separate track and they still have to comply with the rules of the general population.

137 DOWD: That's not the way that it's written. Reads portion of the bill.

142 FIDANQUE: That's not the intent and this is another thing that we need to clarify some more. Describes the intent.

151 CHAIR COHEN: Need to reread it to make sure it's clear.

154 FIDANQUE: In terms of the checking account, we can deal with it in further conversions with Corrections. Describes the original intent.

168 WALDRAM: The most important part of the bill is the idea of consequences and accountability; if you take these choices away from the inmate, then you're not building a real life scenario and not giving them an incentive to work for themselves.

- Explains why this project might get businesses community support and what would happen if the business does not succeed.

193 CHAIR COHEN: Thanks witnesses.

194 SEN. HAMBY: Shares suggestion on the checking account issue.

200 CHAIR COHEN: That's not what Corrections is concerned about.

- Anything further?

203 DOWD: Won't argue about the checking account. Estimate initial start-up costs of \$1.5 million and costs of \$775,000 every biennium thereafter.

- Explains why committee doesn't have fiscal impact statement yet.

222 CHAIR COHEN: Wants proponents to talk to Corrections.

237 SEN. HILL: Confirms the Mr. Dowd will be getting some idea about the fiscal impact.

SB 75

243 CHAIR COHEN: Let's take SB 75. Invites Karl Krueger to testify.

254 KARL KRUEGER, MOTOR VEHICLES DIVISION: Paraphrases Exhibit G.

298 CHAIR COHEN: Are these mandatory suspensions?

301 KRUEGER: For adults, yes.

303 CHAIR COHEN: Lists numerous duties; these are all that you're intending to

313 KRUEGER: If those are committed by a juvenile and determined to be guilty by juvenile court, we would be taking action on those. The ones at issue are the criminal ones.

319 CHAIR COHEN: But the ones at issue include all of these things; you have to make a decision whether you really want these 28 items (Exhibit H) or whether you want to restrict it to the ones you think you want to have included.

327 KRUEGER: As far as traffic offenses go, we want equivalent treatment for juveniles as for adults.

332 CHAIR COHEN: So you are, essentially, going to remand the entire juvenile population.

335 KRUEGER: Don't believe so. Have an Attorney General that we would be happy to provide which might explain it better.

340 CHAIR COHEN: We'll take a look at it.

343 SWENSON: That's the one dated January 11, 1988 (Exhibit I)?

346 KRUEGER: Yes.

347 SWENSON: Summarizes Exhibit I as it relates to Mr. Krueger's testimony.

367 KRUEGER: The offenses regarding the filling out of documents are part of the motor vehicle code and ORS 809.370 allows the division to consider those the same as a conviction.

377 SWENSON: So we're looking at sections one through nine; any other sections that require convictions of ORS 809.410?

389 KRUEGER: No. ORS 809.370 takes care of most of the convictions or determinations that we get and the only ones excluded are ORS 809.410 and two subchapters.

416 CHAIR COHEN: We'll take a little time with this and you can figure out what needs to be included so we're precise about what we're doing.

421 KRUEGER: When working with Legislative Counsel, we intentionally did not want to make it specific; explains why.

432 CHAIR COHEN: O.K. Thanks witness.

SB 191

443 CHAIR COHEN: Let's take SB 191.

- Invites Lt. Rader to testify.

461 GLEN RADER, OREGON STATE POLICE: Paraphrases Exhibit J.

TAPE 127, SIDE B

021 RADER: Continues paraphrasing Exhibit J.

066 CHAIR COHEN: Not inclined to support the aircraft side of this; the railroads are in order. Explains why.

071 SEN. BROCKMAN: We didn't have any problem with that in the Transportation Committee. I have no problem with it.

076 SEN. SHOEMAKER: Notice that, as the bill went to the Transportation Committee, it wasn't limited to receiving that information, but just general. Why was it limited to airplanes and trains?

082 SEN. BROCKMAN: Our feeling was that we didn't want someone ratting on someone else for personal reasons. Cites why it's important for police observations from airplanes and trains.

091 RADER: The original bill was designed to permit police officers to issue citations in all infraction cases; cites example. The Transportation Committee did not want to go that broad.

106 EVERETT CUTTER, OREGON RAILROAD ASSOCIATION: Supports the bill; explains why. Have provided committee with some statistics (Exhibit K) success against crossing accidents in Oregon. Discusses the statistics and the benefits of the bill.

144 SHEPARD: (Inaudible)

144 CHAIR COHEN: Thank you.

- Anyone else?

SB 194

151 CHAIR COHEN: Let's do 194.

SB 506

154 SEN. HAMBY: I'm the only one signed up on 506.

156 CHAIR COHEN: We have 506; we can get that one out.

157 SEN. HAMBY: It's a quicky.

SB 194

158 CHAIR COHEN: Invites Lt. Rader to testify.

161 RADER: Paraphrases Exhibit L.

212 SEN. SPRINGER: What's the policy of the state police as to what kind of chase they're going to get involved with if the vehicle takes off?

218 RADER: There is no typical elude situation. Discusses policy and factors involved; cites examples.

246 SEN. SPRINGER: It appears that you have given this a lot of thought; glad to hear that it's not an uncontrolled pursuit.

254 SEN. SHOEMAKER: Would the fact that fleeing is a felony, rather than a misdemeanor, change the way you would pursue the person?

257 RADER: No.

259 CHAIR COHEN: Have asked Ingrid Swenson to prepare some amendments (Exhibit N) that include a two mandatory jail sentence in lieu of a felony. What do you think about that?

269 RADER: Have spoken with members of the law enforcement legislative committee; this is a top-priority bill for them, but if this is caught up in Ways and Means, then we will support the two day mandatory sentence.

280 CHAIR COHEN: That might simplify things.

284 RADER: You've done that by putting in a mandatory jail sentence.

286 CHAIR COHEN: Any further questions?

287 SEN. HAMBY: Discusses the influx of Spanish-speaking workers into Oregon and why many of them run when they see a uniformed officer.

301 RADER: We pro-actively deal with the different cultures to achieve understanding.

316 CHAIR COHEN: Anyone else want to speak to the bill?

- There is a letter (Exhibit M) from the Juvenile Rights Project who wants to amend the bill.

SB 506

331 CHAIR COHEN: Let's move to 506.

336 THE HONORABLE JEANNETTE HAMBY, STATE SENATOR: Supports the bill. Boom box legislation is working well elsewhere. Explains why the offense is being added to the list of "habitual offenses" under Oregon Motor Vehicle law.

- There is an oversight on line 12; explains.

393 SEN. SPRINGER: I assume we're talking about ambulance, police, and fire?

394 SEN. HAMBY: Right.

394 SEN. SPRINGER: I don't know if animal control uses

395 SEN. SHOEMAKER: We should not try to list them.

395 CHAIR COHEN: There must be a little check for general

- We can bring this back on Friday to let Ingrid Swenson work on this.

404 SEN. BROCKMAN: Comments about conceptual amendments.

405 SWENSON: The definition of "emergency vehicles" appears in ORS 801.260; discusses definition.

412 SEN. BUNN: Is a vehicle's horn an amplifying device?

421 SWENSON: The bill does include an exception for when a system is being operated to request assistance or to warn of a hazardous situation.

427 SEN. SHOEMAKER: How about a burglar alarm?

431 CHAIR COHEN: I don't think so.

435 SEN. SHOEMAKER: I mean an automobile burglar alarm.

438 SWENSON: I guess it would come under the same exemptions.

442 SEN. BROCKMAN: I'm seeing conceptual amendments.

444 SEN. HAMBY: Wouldn't you call an alarm a request for assistance?

449 SEN. SHOEMAKER: I think it's to chase away the burglar.

454 CHAIR COHEN: I don't know what the pleasure of the committee is; we do need to add 801.260.

462 SEN. HAMBY: Of all the laws that we reviewed, there was nothing on the alarms. I've just assumed that it was a request for assistance.

466 CHAIR COHEN: We'll think about that.

469 SEN. SHOEMAKER: I think it's a legitimate question.

SB 990

476 CHAIR COHEN: Let us move to SB 990. Summarizes the bill and invites Judge Marcus to testify. Paul Snider also has an amendment for us to consider.

TAPE 128, SIDE A

034 THE HONORABLE MICHAEL MARCUS, DISTRICT COURT JUDGE: Paraphrases and expands upon Exhibit O.

067 CHAIR COHEN: So you're really asking for more than a listing, but a beginning of work on the evaluation of programs?

070 MARCUS: The precise change is reflected in the amendment that I proposed in 1989; discusses those amendments. Discusses problems of comfortable measures of effectiveness. Need to focus on what works and on who; cites example.

113 CHAIR COHEN: We're trying to do that with the misdemeanor guidelines. Discusses those guidelines.

117 MARCUS: Everything we do ought to be treatment oriented; cites examples.

131 SEN. HAMBY: I've just assumed that it was in the court's discretion to send a person to acupuncture.

134 MARCUS: Explains why it's not.

- No AA meeting will ever meet state approval.

143 CHAIR COHEN: Because it doesn't cost that much?

144 MARCUS: Because they're not structured to go through the steps a state bureaucracy is going to put them through.

- Discusses frustration of current system when determining sentencing.

162 CHAIR COHEN: Thanks witness for his amendments.

165 MARCUS: Thank you.

166 CHAIR COHEN: Invites Paul Snider and Scott Taylor to testify.

171 PAUL SNIDER, ASSOCIATION OF OREGON COUNTIES: Have Exhibit P which includes amendments and a position paper. Explains reasoning behind the amendments.

248 SEN. HILL: How much would it cost them to do this?

250 SNIDER: The Criminal Justice Council's budget has been cut. Don't know how much additional work this will impose on them.

256 CHAIR COHEN: Whatever it is, this will go on to Ways and Means.

263 SEN. HILL: What was their response?

264 SNIDER: The Council staff said that they'd be willing to do it.

268 CHAIR COHEN: Invites Scott Taylor to testify.

272 SCOTT TAYLOR, DEPARTMENT OF CORRECTIONS: Opposes the amendments. Already have a process in place in ORS 423.545; explains that statute and how the current process works.

310 CHAIR COHEN: We'll invite you back next session.

SB 480

313 CHAIR COHEN: Let's move to SB 480.

320 NAN HEIM, CITY OF GRESHAM: Introduces other witnesses and submits Exhibit Q.

330 GERALD JOHNSON, GRESHAM POLICE DEPARTMENT: Highlights Exhibit Q.

391 CONNIE RYBA, CITY OF GRESHAM: Can't add anything; happy to respond to questions.

403 THE HONORABLE JAMES ELLIS, CIRCUIT COURT JUDGE: Suggests that issue should be decided just not on whether Gresham should have another judge, but should Oregon have branch courthouses.

- If the bill passes, it needs to be cleaned up; cites specific examples.

TAPE 129, SIDE A

001 ELLIS: Continues citing examples. Concerned about substantial financial implications and lack of workload to keep judges busy.

063 DOUGLAS BRAY, MULTNOMAH COUNTY TRIAL COURT ADMINISTRATOR: Have tremendous concerns regarding the cost of the bill; cites figures.

- The bill addresses only criminal cases.

- There already is a District Court that serves Gresham.

- The bill significantly revises the allocation formula of how cases are channeled to Gresham or downtown.

- The bill has statewide implications.

098 BILL LINDEN, STATE COURT ADMINISTRATOR: If we didn't already have a District Court in Gresham, there would be stronger argument for this bill. No way we'd keep a full-time judge busy in Gresham. The costs would be significant. Need state-wide analysis to see who else might qualify for satellite courts.

129 CHAIR COHEN: We'll get into this in a serious way when it comes to space during the next two bienniums.

132 LINDEN: Court facilities, as a whole, we could spend the rest of the afternoon on.

SB 757

135 CHAIR COHEN: Calls attention to interested parties and committee members that we've asked for dash one amendments (Exhibit R) to be drawn for your comments at some other point.

145 LINDEN: They have my attention.

146 CHAIR COHEN: Adjourns meeting at 3:12 p.m.

Submitted by:

Reviewed by:

Mark Thorburn

Committee Counsel

Ingrid Swenson Committee Assistant

EXHIBIT LOG:

A - Testimony on HB 2559 - Dennis Dowd - 1 page
B - Intergovernmental Agreement (HB 2559) - Dennis Dowd - 6 pages
C - Amendments to SB 566 - Committee Staff - 3 pages
D - Hand Engrossed Version of SB 566 - Committee Staff - 6 pages
E - Amendments to SB 566 - Committee Staff - 2 pages
F - Testimony on SB 566 - Dennis Dowd - 3 pages
G - Testimony on SB 75 - Karl Krueger - 1 page H - ORS
809.410 (SB 75) - Committee Staff - 6 pages I - Attorney General's
Memorandum re: 75 - Karl Krueger - 3 pages J - Testimony on SB 191
- Glen Rader - 3 pages K- Statistics and News Articles (SB 191) -
Everett Cutter - 9 pages L - Testimony on SB 194 - Glen Rader - 3
pages M - Letter on SB 194 - Juvenile Rights Project - 1 page
N - Amendments on SB 194 - Committee Staff - 1 page
O - Testimony on SB 990 - Michael Marcus - 2 pages
P - Amendments to SB 990 and Position Paper - Paul Snider - 2
pages Q - Testimony on SB 480 - Nan Heim and Gerald Johnson - 3
pages R - Amendments to SB 757 - Committee Staff - 1 page

EXHIBITS DISTRIBUTED TO COMMITTEE BUT NOT REFERRED TO DURING HEARING

S - Letter on SB 75 - Mothers Against Drunk Driving - 1 page
T - Amendments on SB 191 - Committee Staff - 1 page U - ORS
810.410 et. seq. (SB 191) - Committee Staff - 2 pages V - ORS
801.305 (SB 506) - Committee Staff - 1 page W - Multnomah County
Review of SB 480 - Douglas Bray - 4 pages