

**HOUSE JUDICIARY SUBCOMMITTEE**

**ON CRIMINAL LAW**

**March 15, 2005 Hearing Room 357**

**8:30 A.M. Tapes 29 - 30**

**Corrected 3/22/05**

**MEMBERS PRESENT: Rep. Jeff Barker, Chair**

**Rep. Greg Macpherson**

**Rep. Andy Olson**

**Rep. Kim Thatcher**

**GUEST MEMBER: Rep. Wayne Krieger**

**STAFF PRESENT: Heidi Moawad, Counsel**

**Elizabeth Howe, Committee Assistant**

**MEASURES/ISSUES HEARD:**

**HB 2666 – Public Hearing and Work Session**

**HB 2667 – Public Hearing and Work Session**

**HB 2723 – Public Hearing and Work Session**

**HB 2724 – Public Hearing and Work Session**

**These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.**

**TAPE/# Speaker Comments**

**TAPE 29, A**

003 Chair Barker Calls the meeting to order at 8:40 a.m. Opens a public hearing on HB 2666.

**HB 2666 – PUBLIC HEARING**

007 Heidi Moawad Counsel. Introduces HB 2666, which allows law enforcement agencies to make records in cases relating to child abuse and neglect available to sex offender treatment providers.

116 Pat Schreiner Oregon Association of Community Corrections Directors/Sex Offender Supervision Network. Submits written testimony (**EXHIBIT A**) and testifies in support of HB 2666.

040 Rep. Thatcher Asks about privacy of victim's information. Expresses concern about victim information being seen by the offender.

044 Schreiner Emphasizes that victim information would not be blocked from the treatment provider, but would be strictly confidential from the offender.

060 Chair Barker Closes public hearing and opens a work session on HB 2666.

**HB 2666 – WORK SESSION**

061 Rep. Thatcher **MOTION: Moves HB 2666 to the full committee with a DO PASS recommendation.**

**VOTE: 4-0-0**

**AYE: In a roll call vote, all members present vote Aye.**

066 Chair Barker **The motion CARRIES.**

**REP. THATCHER will lead discussion in the full committee.**

067 Chair Barker Announces that HB 2233 will not be heard today.

072 Chair Barker

Closes work session on HB 2666. Opens a public hearing on HB 2667, which expands definition of “sex crime” to include public or private indecency, if person convicted has prior conviction for public or private indecency.

### **HB 2667 – PUBLIC HEARING**

- |     |                  |  |
|-----|------------------|--|
| 082 | Pat Schreiner    | Oregon Association of Community Corrections Directors/Sex Offender Supervision Network. Submits written testimony <b>(EXHIBIT B)</b> and testifies in support of HB 2667. Offers statistics on number of public indecency offenders in Oregon. |
| 123 | Gina Skinner     | Oregon District Attorneys Association (ODAA). Testifies in support of HB 2667. Contrasts HB 2667 and the ODAA bill, HB 2316.   |
| 181 | Rep. Macpherson  | Requests clarification about registering after first or second offense.  |
| 183 | Skinner          | Explains that HB 2667 would change the law to require a previous conviction for public indecency, and that HB 2316 would not.  |
| 215 | Chair Barker     | Expresses concern about first time public indecency offenders being required to register.  |
| 220 | Skinner          | Expresses willingness to amend which specific convictions would require registration.  |
| 246 | Stephanie Tuttle | ODAA. Testifies in support of HB 2667. Suggests a merge with HB 2316 to allow the first offense to require sex offender registration.  |
| 314 | Chair Barker     | Closes the public hearing and opens a work session on HB 2667. Explains the plan for moving HB 2667.   |

### **HB 2667 – WORK SESSION**

- |     |                 |   |
|-----|-----------------|---|
| 323 | Rep. Macpherson | <b>MOTION: Moves HB 2667 to the full committee with a DO PASS recommendation.</b> |
|-----|-----------------|---|

**VOTE: 4-0-0**

**AYE: In a roll call vote, all members present vote Aye.**

329 Chair Barker The motion CARRIES.  
**REP. MACPHERSON will lead discussion in the full committee.**

333 Chair Barker Closes work session on HB 2667. Opens a public hearing on HB 2723, which requires employer to grant leaves of absence to public safety officer who is on Board on Public Safety Standards and Training (BPSST) or on committee established by board to allow officer to attend meetings and perform duties of board or committee.

**HB 2723 – PUBLIC HEARING**

340 Brian DeLashmutt Oregon Council of Police Associations. Testifies in support of HB 2723.

**TAPE 30, A**

002 Glenn Scruggs Tigard. Testifies in support of HB 2723. Offers his personal experience that led him to seek this bill.

019 DeLashmutt Emphasizes that HB 2723 is not a labor-management bill, but an attempt to allow qualified professionals to serve on boards.

023 Rep. Thatcher Questions how much time is required to attend meetings, and which employees are usually affected. Asks if there is a limit within jurisdictions so as not to tax a particular jurisdiction.

025 DeLashmutt Explains that boards and committees pull from many jurisdictions, and clarifies that one jurisdiction will not be taxed.

028 Scruggs Adds that only four hours, four times a year is required while on duty.

056 Rep. Macpherson Inquires if any other time is required aside from meeting attendance.

058 Scruggs Explains that paperwork is done outside of office hours.

060 DeLashmutt Mentions the workload given to board members that they do at home.

066 Rep. Olson Inquires about the manpower left at his place of work when he is gone. Questions whether other agencies have similar problems. Asks if his issue has been resolved.

073	Scruggs	States that more employees than the minimum requirement were left on duty. Relates that he knows of no other issue, and his has been resolved.
086	DeLashmutt	Explains that this bill is to prevent future conflicts in light of the difficulties Mr. Scruggs faced.
093	Rep. Olson	Inquires about a relationship situation at Mr. Scruggs' place of work.
095	Scruggs	Expresses that he had a good working relationship, and the issue was that BPSST was not representing his place of work.
099	Chair Barker	Asks about the makeup of BPSST membership, and if chiefs take vacation time to fulfill their obligation.
101	DeLashmutt	Lists the different non-management members, and believes no members were appearing on their own time.
112	Chair Barker	Closes public hearing and opens a work session on HB 2723.

**HB 2723 – WORK SESSION**

114	Rep. Olson	Expresses concerns with revoking management's decision-making authority in these instances.
-----	------------	---

124	Rep. Olson	<b>MOTION: Moves HB 2723 to the full committee with a DO PASS recommendation.</b>
-----	------------	---

**VOTE: 4-0-0**

**AYE: In a roll call vote, all members present vote Aye.**

128	Chair Barker	<b>The motion CARRIES.</b> <b>REP. BARKER will lead discussion in the full committee.</b>
-----	--------------	--

132	Chair Barker	Closes work session on HB 2723. Opens a public hearing on HB 2724, which provides that home address, home telephone number, and electronic mail address of public safety officer are exempt from disclosure.
-----	--------------	--

## **HB 2724 – PUBLIC HEARING**

- 136 Heidi Moawad Counsel. Mentions that there is no fiscal impact for HB 2724.
- 143 Brian DeLashmutt Oregon Council of Police Associations (OCPA). Testifies in support of HB 2724.
- 169 Dave Frisendahl President, OCPA. Testifies in support of HB 2724. Describes need for protection of public safety officers' personal information.
- 190 Daniel Cardinal Deputy, Washington County. Testifies in support of HB 2724. Relates an incident of an offender who obtained his personal information.
- 242 Rep. Olson Questions how the offender retrieved his personal information.
- 244 Cardinal States that the tax department gave the offender the information.
- 259 DeLashmutt Reiterates that the ease of obtaining the information is the problem.
- 261 Gary Wayt Police Officer, Tigard. Testifies in support of HB 2724. Offers his personal story about a stalker who obtained his personal information.
- 312 Rep. Olson Questions how the offender obtained his personal information.
- 315 Wayt Explains that the offender obtained a background check and colleagues had also seen him searching public records and the internet.
- 327 Rep. Olson Expresses concern with ease of finding personal records on the internet.
- 332 DeLashmutt Explains that HB 2724 only aims at a few easy ways to obtain personal information, not at all the loopholes.
- 345 Chair Barker Illustrates the problem with information on the internet.
- 359 Mary Botkin American Federation of State, County, and Municipal Employees. Testifies in support of HB 2724. Discusses leaks in public records

that put public safety officials at risk. Urges committee to pass HB 2724.

412 Botkin Requests clarifying language that collective bargaining agents may still obtain personal information, as it is never available to the public.

**TAPE 29, B**

002 Botkin Offers an illustration of public officials being contacted at home.

018 Chair Barker Closes public hearing and opens a work session on HB 2723.

**HB 2724 – WORK SESSION**

026 Rep. Olson **MOTION: Moves HB 2724 to the full committee with a DO PASS recommendation.**

**VOTE: 4-0-0**

**AYE: In a roll call vote, all members present vote Aye.**

031 Chair Barker **The motion CARRIES.**

**REP. OLSON will lead discussion in the full committee.**

035 Chair Barker Closes work session on HB 2724. Adjourns the meeting at 9:40 a.m.

**EXHIBIT SUMMARY**

- A. HB 2666, written testimony, Pat Schreiner, 1 p
- B. HB 2667, written testimony, Pat Schreiner, 2 pp