

HOUSE JUDICIARY SUBCOMMITTEE

ON CRIMINAL LAW

April 14, 2005 Hearing Room 357

8:30 A.M. Tapes 40 - 41

MEMBERS PRESENT: Rep. Jeff Barker, Chair

Rep. Andy Olson

Rep. Kim Thatcher

MEMBER EXCUSED: Rep. Greg Macpherson

GUEST MEMBER: Rep. Wayne Krieger

STAFF PRESENT: Heidi Moawad, Counsel

Elizabeth Howe, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2050 – Public Hearing and Work Session

HB 2892 – Public Hearing and Work Session

HB 2902 – Public Hearing and Work Session

HB 2464 – Public Hearing and Work Session

HB 2142 – Work Session

HB 3025 – Public Hearing

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 40, A | | |
| 002 | Chair Barker | Calls the meeting to order at 8:35 a.m. Opens a public hearing on HB 2050, which requires as condition of probation, parole or post-prison supervision that certain persons not reside within three miles of victim of crime. |

HB 2050 – PUBLIC HEARING

| | | |
|-----|-------------------|---|
| 008 | Heidi Moawad | Counsel. Provides background on HB 2050. Describes -2 amendments (EXHIBIT A) and other details of the bill. |
| 049 | Michael Selvaggio | Office of Senator Ringo. Submits written testimony and copy of Iowa bill (EXHIBIT B) and testifies in support of HB 2050. Explains the purpose of the bill. Expresses support for the -2 amendments. |
| 101 | Jeff Ivey | Citizen of Portland. Submits written testimony (EXHIBIT C) and testifies in support of HB 2050. |
| 114 | Amy Ivey | Citizen of Portland. Submits written testimony (EXHIBIT D) and testifies in support of HB 2050. |
| 170 | J. Ivey | Explains how the three mile radius will make a difference. |
| 192 | Rep. Olson | Questions how the three mile radius was determined. |
| 196 | Selvaggio | Explains how he determined the three mile radius. |
| 230 | John Hummel | Oregon Criminal Defense Lawyers Association (OCDLA). Testifies in opposition to HB 2050. Expresses support for the -2 amendments. Expresses concerns about implementation, and offers solutions. |
| 269 | Moawad | Questions possibility that exception in the bill could solve the issue. |

- 282 Hummel Explains why the exception may not serve to solve this issue.
- 301 Pat Schreiner Oregon Association of Community Corrections Directors/Statewide Sex Offender Supervision Network. Submits written testimony **(EXHIBIT E)** and testifies in opposition to HB 2050. Expresses support for the -2 amendments. Addresses concerns.
- 365 Schreiner Continues explaining concerns with HB 2050.

TAPE 41, A

- 027 Rep. Olson Inquires about the percentage of sex offenders that have used mental intimidation or pressure with their victims.
- 033 Schreiner States that 95-100% of sex offenders use mental intimidation.
- 038 Chair Barker Closes public hearing and opens a work session on HB 2050.

HB 2050 – WORK SESSION

- 041 Rep. Olson MOTION: Moves to ADOPT HB 2050-2 amendments dated 4/13/05.**

VOTE: 3-0-1

EXCUSED: 1 - Macpherson

- 042 Chair Barker Hearing no objection, declares the motion CARRIED.**

- 043 Chair Barker Comments on the need for HB 2050.

- 054 Rep. Barker MOTION: Moves HB 2050 to the full committee with a DO PASS AS AMENDED recommendation.**

VOTE: 3-0-1

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

EXCUSED: 1 - Macpherson

- 056 Chair Barker The motion **CARRIES**.
REP. BARKER will lead discussion in the full committee.
- 060 Chair Barker Closes work session on HB 2050. Opens a public hearing on HB 2892, which expands authority of Port of Portland peace officers.

HB 2892 – PUBLIC HEARING

- 070 Pat Egan Port of Portland. Submits written testimony on behalf of Michael Shrunk, District Attorney for Multnomah County in support of HB 2892 (**EXHIBIT F**) and Bernie Giusto, Sheriff, Port of Portland (**EXHIBIT G**).
- 082 Phil Klahn Police Chief, Portland of Portland. Submits written testimony (**EXHIBIT H**) and testifies in support of HB 2892. Explains what Port of Portland officers do.
- 130 Klahn Provides history of the Port of Portland police department. Explains background of HB 2892.
- 190 Klahn Explains the need for HB 2892.
- 234 Chair Barker Mentions letter by Sheriff Giusto in support of the bill (**EXHIBIT G**).
- 239 Rep. Thatcher Questions whether the bill would change duties or only definitions.
- 242 Klahn States that HB 2892 would not nullify the current agreement, but would give the Port of Portland department authority without the agreement.
- 249 Barbara Jacobsen Legal Counsel, Port of Portland. Testifies in support of HB 2892.
- 277 Chair Barker Closes public hearing and opens a work session on HB 2892.

HB 2892 – WORK SESSION

- 279 Rep. Olson **MOTION: Moves HB 2892 to the full committee with a DO PASS recommendation.**

VOTE: 3-0-1

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

EXCUSED: 1 - Macpherson

284 Chair Barker The motion CARRIES.

REP. OLSON will lead discussion in the full committee.

288 Chair Barker Closes work session on HB 2892. Opens a work session on HB 2902, directs that three percent of fines collected as result of citations issued by parking enforcement volunteers be used to maintain volunteer parking enforcement program.

HB 2902 – PUBLIC HEARING

300 Kevin O'Reilly Oregon Paralyzed Veterans of American (OPVA). Submits written testimony of Jerry D. Ryan, President of the OPVA (**EXHIBIT I**) and testifies in support of HB 2902.

330 F. David Parker OPVA. Submits written testimony (**EXHIBIT J**) and testifies in support of HB 2902. Provides background for the bill.

TAPE 40, B

004 Parker Describes funding issues for the OPVA parking enforcement program (PEP).

034 Rep. Thatcher Inquires how the funds will be distributed.

037 Parker Describes how funds will be distributed.

039 Rep. Olson Expresses support for the PEP.

046 Chair Barker Comments on the good work of the OPVA members and veterans.

060 Chair Barker Closes public hearing and opens a work session on HB 2902.

HB 2902 – WORK SESSION

- 062 Rep. Thatcher **MOTION: Moves HB 2902 to the full committee with a DO PASS recommendation.**
- VOTE: 3-0-1**
- AYE: In a roll call vote, all members present vote Aye.**
- EXCUSED: 1 - Macpherson**
- 068 Chair Barker **The motion CARRIES.**
- REP. OLSON will lead discussion in the full committee.**
- 072 Chair Barker Closes work session on HB 2902. Opens a public hearing on HB 2464, which creates crimes of interfering with service of document.

HB 2464 – PUBLIC HEARING

- 075 Heidi Moawad Counsel. Provides background for HB 2464. Introduces -2 amendments (**EXHIBIT K**).
- 087 Lara Smith Dave Barrows and Associates. Introduces Aaron Crowe.
- 091 Aaron Crowe Oregon Association of Process Servers. Testifies in support of HB 2464. Provides background on the bill.
- 161 Smith Explains the -2 amendments.
- 170 Matt Markee Oregon Collectors Association (OCA). Testifies in support of HB 2464.
- 176 Rep. Thatcher Questions if violence can be successfully prosecuted under HB 2464.
- 185 Smith Believes prosecution on assault charges will be successful.
- 194 John Hummel Oregon Criminal Defense Lawyers Association (OCDLA). States that the OCDLA support HB 2464 with the -2 amendments.
- 198 Chair Barker Closes public hearing and opens a work session on HB 2464.

HB 2464 – WORK SESSION

199 Rep. Thatcher **MOTION: Moves to ADOPT HB 2464-2 amendments dated 3/14/05.**

VOTE: 3-0-1

EXCUSED: 1 - Macpherson

200 Chair Barker **Hearing no objection, declares the motion CARRIED.**

202 Rep. Thatcher **MOTION: Moves HB 2464 to the full committee with a DO PASS AS AMENDED recommendation.**

VOTE: 3-0-1

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

EXCUSED: 1 - Macpherson

204 Chair Barker **The motion CARRIES.**

REP. THATCHER will lead discussion in the full committee.

214 Chair Barker Closes work session on HB 2464. Opens a work session on HB 2142, which specifies circumstances under which corrections officer or other official employed by Department of Corrections may use deadly physical force.

HB 2142 – WORK SESSION

219 Heidi Moawad Counsel. Reviews testimony on HB 2142 and provides background. Introduces -1 amendments (**EXHIBIT L**).

246 Rep. Thatcher Questions changes made by the -1 amendments.

262 Moawad Describes the changes the -1 amendments make to the bill.

271 Rep. Olson **MOTION: Moves to ADOPT HB 2142-1 amendments dated 3/21/05.**

VOTE: 3-0-1

EXCUSED: 1 - Macpherson

274 Chair Barker Hearing no objection, declares the motion **CARRIED**.

275 Rep. Olson **MOTION: Moves HB 2142 to the full committee with a DO PASS AS AMENDED recommendation.**

VOTE: 3-0-1

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

EXCUSED: 1 - Macpherson

283 Chair Barker **The motion CARRIES.**

REP. BARKER will lead discussion in the full committee.

288 Chair Barker Closes work session on HB 2142. Opens a public hearing on HB 3025, which modifies crime of interfering with a police officer.

HB 3025 – PUBLIC HEARING

290 Brian DeLashmutt Oregon Council of Police Associations. Testifies in support of HB 3025. Provides background on the bill.

338 Daniel Swift Oregon State Police Officers Association (OSPOA). Testifies in support of HB 3025. Believes with the parallel Senate bill the OSPOA's goal will be accomplished.

354 Rep. Krieger Questions if HB 3025 is relating to the free speech issue.

359 Swift Describes the intent of the statute and the proposed bill.

375 DeLashmutt Comments on the intent of the bill.

380 Heidi Moawad Counsel. Explains the issue with the current statute and the intent of HB 3025.

402 Rep. Krieger Wonders whether the courts will apply the statute to themselves.

- 408 Moawad Suggests waiting to see what happens to the Senate bill.
- 412 Chair Barker Closes public hearing on HB 3025. Adjourns the meeting at 9:55 a.m.

EXHIBIT SUMMARY

- A. **HB 2050, -2 amendments, staff, 2 pp**
- B. **HB 2050, written testimony, Michael Selvaggio, 2 pp**
- C. **HB 2050, written testimony, Jeff Ivey, 2 pp**
- D. **HB 2050, written testimony, Amy Ivey, 2 pp**
- E. **HB 2050, written testimony, Pat Schreiner, 3 pp**
- F. **HB 2892, written testimony of Michael Schrunk, Pat Egan, 2 pp**
- G. **HB 2892, written testimony of Bernie Giusto, Pat Egan, 1 p**
- H. **HB 2892, written testimony, Phil Klahn, 2 pp**
 - I. **HB 2902, written testimony of Jerry D. Ryan, Kevin O'Reilly, 2 pp**
 - J. **HB 2902, written testimony, F. David Parker, 8 pp**
- K. **HB 2464, -2 amendments, staff, 1 p**
- L. **HB 2142, -1 amendments, staff, 2 pp**