

HOUSE JUDICIARY SUBCOMMITTEE

ON CRIMINAL LAW

April 05, 2005 Hearing Room 357

8:30 A.M. Tapes 37 - 39

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 2969 – Public Hearing and Work Session

HB 2457 – Work Session

HB 2784 – Public Hearing

HB 3419 – Public Hearing

HB 2792 – Public Hearing

HB 3020 – Public Hearing

HB 2803 – 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 37, A

003 Chair Barker Calls the meeting to order at 8:36 a.m. Opens a public hearing on HB 2969.

HB 2969 – PUBLIC HEARING

010 Heidi Moawad Counsel. Introduces HB 2969, which modifies provisions relating to mandatory sentencing for crimes involving use or threatened use of firearm.

024 Rod Underhill Deputy District Attorney, Multnomah County. Testifies in support of HB 2969. Provides background on the bill.

078 Underhill Describes why the current statute is unclear and how HB 2969 rectifies the issue.

106 Chair Barker Closes public hearing and opens a work session on HB 2969.

HB 2969 – WORK SESSION

109 Rep. Olson **MOTION: Moves HB 2969 to the full committee with a DO PASS recommendation.**

VOTE: 4-0-0

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

114 Chair Barker **The motion CARRIES.**

REP. BARKER will lead discussion in the full committee.

124 Chair Barker Closes a work session on HB 2969. Opens a work session on HB 2457, which increases punishment for crime of invasion of personal

privacy to maximum of five years' imprisonment, \$125,000 fine, or both.

HB 2457 – WORK SESSION

126 Heidi Moawad Counsel. Provides review of HB 2457 testimony and -1 amendments **(EXHIBIT A)**.

149 Rep. Thatcher **MOTION: Moves to ADOPT HB 2457-1 amendments dated 3/28/05.**

VOTE: 4-0-0

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

153 Rep. Thatcher **MOTION: Moves HB 2457 to the full committee with a DO PASS AS AMENDED recommendation.**

VOTE: 4-0-0

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

169 Chair Barker **The motion CARRIES.**

REP. THATCHER will lead discussion in the full committee.

169 Chair Barker Closes work session on HB 2457. Opens a public hearing on HB 2784, which requires as special condition of probation, post-prison supervision and parole that certain sex offenders not live within 1,000 feet of school.

HB 2784 – PUBLIC HEARING

180 Pat Schreiner Oregon Association of Community Corrections Directors/Statewide Sex Offender Supervision Network. Submits written testimony **(EXHIBIT B)** and testifies in opposition to HB 2784.

244 Schreiner Continues testimony addressing the issue of sex offenders near schools.

269 Rep. Thatcher Questions the effect if this were limited to predatory sex offenders.

- 278 Schreiner Relates that Marion County looks at each individual case. Discusses the issues with finding housing and funding transitional housing.
- 309 Rep. Olson Inquires about policy regarding predatory sex offenders.
- 316 Schreiner Describes the policy for supervising sex offenders, particularly predatory sex offenders.
- 364 Rep. Macpherson Questions whether there is evidence to show the propensity to commit a sex offense near the home.
- 376 Schreiner Relates that he believes sex offenders move around and commit many different crimes in different places. States that on a case-by-case basis probation can be specified for those who offend in their neighborhood.

TAPE 38, A

- 012 Rep. Thatcher Comments on the proponents' need for the bill. Questions whether community notification is consistent throughout the state.
- 020 Schreiner States that there will always be disputes about placing sex offenders.
- 044 Kelly Skye Oregon Criminal Defense Lawyers Association (OCDLA). Testifies in opposition to HB 2784.
- 062 Rep. Olson Clarifies suggestion that local jurisdictions determine who should register as a sex offender.
- 067 Andrea Meyer American Civil Liberties Union (ACLU). Testifies in opposition to HB 2784.
- 085 Marsha Smith President, Parent Teacher Organization, North Baker School, Baker City. Submits letter from North Baker School parents and petition signatures (**EXHIBIT C**) and testifies in support of HB 2784.
- 126 Rep. Macpherson Questions whether community corrections officials were contacted.
- 134 Smith States that Lori Rowland contacted community corrections.

139	Rep. Olson	Refers to letter (EXHIBIT C) and asks what crime the subject committed, and when it occurred.
148	Smith	Describes the offense, and other information she collected about the offender.
175	Rep. Olson	Questions whether the offender is considered predatory, and inquires if she knows laws regarding probation for predatory sex offenders.
180	Smith	States that she believes he is predatory, and she does not know probationary laws. Reads section of the bill regarding predatory offender requirement.
192	Heidi Moawad	Counsel. Describes requirements within the bill.
205	Lori Rowland	Baker City. Testifies in support of HB 2784.
232	Rep. Macpherson	Questions whether community corrections officials were contacted to discuss supervision plan for the offender.
239	Rowland	Describes her contact with the offender's parole officer. States that the parole officer could do nothing because the offender was not predatory.
259	Rep. Olson	Inquires about the offense committed by the offender, and when the offense occurred.
270	Rowland	Describes the offense, and states that the offense was committed ten years ago. Provides other information about the offender.
306	Chair Barker	Closes public hearing on HB 2784. Opens public hearing on HB 3419, which provides that sex offender on probation, parole or post-prison supervision may not reside in dwelling where another sex offender resides.

HB 3419 – PUBLIC HEARING

324	Rep. Derek Kitts	House District 30.
328	Joe Keizer	Hillsboro City Counselor.

329	Rep. Chuck Riley	House District 29.
330	Rep. Kitts	Briefly introduces HB 3419.
355	Keizer	Testifies in support of HB 3419. Provides background on the bill.
417	Chair Barker	Questions whether the city would approve if the inmates were supervised.
422	Keizer	Believes that with supervision and treatment there would be no issue, but this facility was unmonitored.

TAPE 37, B

003	Rep. Thatcher	Seeks clarification that living arrangements increase recidivism.
005	Keizer	Admits that he has no research in support, but believes it might.
010	Rep. Macpherson	Suggests that HB 3419 might be broader than is necessary, and proposes narrowing the bill.
020	Keizer	Believes this is a statewide issue, though their situation is unique.
025	Rep. Kitts	States that poor decision such as this should be regulated by the law.
032	Rep. Riley	Submits written testimony (EXHIBIT D) and testifies in support of HB 3419.
041	Rep. Kitts	Speaks to opponents issues with HB 3419.
055	Chair Barker	Questions how HB 3419 might overextend its intended purpose.
060	Kitts	States that he would accept amendments to exclude certain situations.
066	Rep. Macpherson	Mentions case of widespread sex offense issues with parents and children.
071	Keizer	Suggests that the situation is normally going to be negative.

090	Christine Dwyer	Washington County. Submits written testimony (EXHIBIT E) and testifies in support of HB 3419.
137	Chair Barker	Questions what the home owner does for a living.
140	Dwyer	States that he houses convicts for a living.
150	Pat Schreiner	Oregon Association of Community Corrections Directors/Statewide Sex Offender Supervision Network. Submits written testimony (EXHIBIT F) and testifies in opposition to HB 3419.
223	Rep. Thatcher	Questions how many offenders cohabitating is acceptable.
228	Schreiner	Explains that the shared community of three to four criminal offenders, not necessarily sex offenders, is often beneficial.
245	Rep. Thatcher	Suggests that supervision be paid for if they can afford \$1000 rent.
256	Schreiner	States that offenders normally need subsidizing for \$300 housing.
267	Kelly Skye	Oregon Criminal Defense Lawyers Association (OCDLA). Testifies in opposition to HB 3419.
285	Andrea Meyer	American Civil Liberties Union (ACLU). Testifies in opposition to HB 3419. Addresses difficulties with finding housing for offenders.
319	Rep. Olson	Relates personal experience investigating sex crimes and questions whether this housing situation could stimulate criminal activity.
335	Schreiner	Reiterates that sex offenders do not like to share their criminal activities with each other because sex crimes are committed in secret.
365	Rep. Olson	Seeks comments on the Hillsboro situation.
376	Schreiner	Suggests that Hillsboro community corrections needs to discuss the wisdom of allowing eight offenders to cohabitate.

- 009 Rep. Macpherson Comments on the cycle for housing sex offenders, and suggests a limit of three or four sex offenders cohabitating.
- 019 Schreiner Suggests that Oregon look at the Colorado model of housing three to four offenders together. Offers to work to find middle ground.
- 034 Meyer Addresses need to keep issue at the local level.
- 046 Chair Barker Asks that proponents and opponents work together. Closes public hearing on HB 3419. Opens a public hearing on HB 2792, which provides that court security improvement plans include justice court facilities, and HB 3020, which requires Advisory Committee on State Court Security and Emergency Preparedness to submit to presiding judge of judicial district plan for state court security improvement, emergency preparedness and business continuity.

HB 2792, HB 3020 – PUBLIC HEARING

- 081 Judge Paul Lipscomb Circuit Court Judge. Submits written testimony on HB 3020 **(EXHIBIT G)** and testifies in support of HB 3020.
- 130 Lipscomb Continues testimony regarding threatening situations for judges, and his personal experiences.
- 210 Lipscomb Discusses security systems in the courts.
- 274 Lipscomb Discusses funding for security in the court system. Suggests joining HB 2792 and HB 3020 and finding funding.
- 314 Scott Crampton State Court Administrator’s Office. Testifies in support of HB 2792 and HB 3020.
- 350 Heidi Moawad Counsel. Summarizes testimony for Judge Pratt.
- 361 Judge John Pratt Malheur County Circuit Judge. States that he does not oppose consolidating HB 2792 and HB 3020. Testifies in support of HB 2792. Provides background for the bill.

003	Moawad	Mentions the counties' concerns with funding and reports.
011	Lipscomb	Discusses funding, accountability, and reporting.
038	Chair Barker	States that Paul Snyder from Association of Oregon Counties will be involved in the work group.
042	Chair Barker	Closes public hearing on HBs 3020 and 2792. Opens a public hearing on HB 2803.

HB 2803 – PUBLIC HEARING

051	Heidi Moawad	Counsel. Introduces HB 2803, which defines “unloaded” for purposes of offense of operating snowmobile or all-terrain vehicle while carrying a firearm or bow.
062	Jerud Broadfoot	Oregon Gun Owners. Testifies in support of HB 2803. Provides background on the need to define “unloaded.”
096	Chair Barker	Mentions concerns about hunting off an ATV or snowmobile.
098	Broadfoot	Reiterates that it is illegal to shoot from an ATV or snowmobile.
105	Rod Harder	National Rifle Association. Testifies in support of HB 2803. Suggests an amendment.
127	Kevin Starrett	Oregon Firearms. Testifies in support of HB 2803. Agrees with amendment to have empty chamber behind the hammer.
141	Chair Barker	Agrees to have amendment drafted. Closes public hearing on HB 2803. Adjourns at 10:40 a.m.

EXHIBIT SUMMARY

- A. **HB 2457, -1 amendments, staff, 2 pp**
- B. **HB 2784, written testimony, Pat Schreiner, 2 pp**

- C. **HB 2784, letter, Marsha Smith, 9 pp**
- D. **HB 3419, written testimony, Rep. Chuck Riley, 1 p**
- E. **HB 3419, written testimony, Christine Dwyer, 5 pp**
- F. **HB 3419, written testimony, Pat Schreiner, 2 pp**
- G. **HB 3020, written testimony, Judge Lipscomb, 15 pp**