

HOUSE JUDICIARY SUBCOMMITTEE

ON CRIMINAL LAW

May 17, 2005 Hearing Room 357

8:30 A.M. Tapes 62 - 63

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 3083 – Public Hearing and Work Session

HB 3341 – Public Hearing

HB 2316 – Work Session

HB 2510 – Work Session

HB 2792 – Work Session

HB 2335 – 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 62, A		
003	Chair Barker	Calls the meeting to order at 8:39 a.m. Opens a public hearing on HB 3083.

HB 3083 – PUBLIC HEARING

007	Rep. Brad Avakian	House District 34. Provides background on HB 3083, which specifies that person working for news organization does not commit offense refusing to assist in firefighting operations if person disobeys lawful order of firefighter or peace officer in order to report on fire. Introduces the -1 amendment (EXHIBIT A).
027	Eric Nordquist	News Stringer, Portland. Testifies in support of HB 3083.
040	Gino Corridori	KATU News. Testifies in support of HB 3083.
062	Nordquist	Comments that the language in HB 3083 is similar to that which other states use to clarify the roles of media and authorities.
075	Rep. Avakian	Reiterates that firefighters have the ability to keep the media from a scene if they are in the way.
090	Mike Dykzeul	Oregon Forest Industries Council. Submits written testimony (EXHIBIT B). Notes that testimony is unaware of the -1 amendments. Believes most concerns have been addressed by the -1 amendments.
140	Charlie Stone	Oregon Department of Forestry. Submits written testimony (EXHIBIT C) and testifies on the safety hazards near fires. States no opposition to HB 3083.
168	Dave Fiskum	Oregon Association of Broadcasters. Testifies in support of HB 3083 with the -1 amendments.
183	Chair Barker	Closes public hearing and opens a work session on HB 3083.

HB 3083 – WORK SESSION

186 Rep. Macpherson **MOTION: Moves to ADOPT HB 3083-1 amendments dated 5/6/05.**

VOTE: 4-0-0

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

188 Rep. Macpherson **MOTION: Moves HB 3083 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.

192 Chair Barker **The motion CARRIES.**

REP. MACPHERSON will lead discussion in the full committee.

195 Chair Barker Closes work session on HB 3083. Opens a public hearing on HB 3341.

HB 3341 – PUBLIC HEARING

200 Steve Doell Crime Victims United. Submits written testimony (**EXHIBIT D**) and testifies in support of HB 3341.

241 Mary Ann Schwab Portland. Submits written testimony (**EXHIBIT E**) and testifies in support of HB 3341.

313 Doell Mentions that Pete Shepherd from the Attorney General's Office has technical amendments to the bill.

323 Dave Fiskum Oregon Association of Broadcasters (OAB). Testifies in opposition to HB 3341. Proposes that managers of radio and television stations can monitor themselves sufficiently under current public records laws.

376 Fiskum Offers suggestion for amendments.

TAPE 63, A

007	Chair Barker	Asks for clarification about suggested amendment.
012	Fiskum	Responds that amendment sets a reasonable period to withhold records.
018	Rep. Thatcher	States that the issue is with the broadcast of the voices, not with the broadcasters having access to the information.
032	Schwab	Responds that the calls can be monitored, so access is not hindered. Reiterates that the caller's voice should not be broadcast.
045	Fiskum	States that OAB is in opposition to changes in public records laws. Relates his experience that broadcasters use good judgment. Comments on the helicopter issues in Portland.
070	Chair Barker	Inquires if 911 centers must create a transcript.
073	Fiskum	Believes transcripts are public record under Oregon law.
079	Rep. Macpherson	Questions whether the industry has established written standards.
082	Fiskum	Believes there are no established standards.
088	Schwab	Relates illustrations when the media has used poor judgment.
102	Chair Barker	Comments on the effect on families of those whose voices are broadcast. Asks OAB to talk with Crime Victims United. Closes public hearing on HB 3341. Opens a work session on HB 2316.

HB 2316 – WORK SESSION

111	Heidi Moawad	Counsel. Provides background and review of testimony on HB 3341, which expands definition of "sex crime" for certain purposes by including public or private indecency regardless of whether person has prior conviction for another sex crime. Introduces the -2 amendments (EXHIBIT F).
134	Pat Schreiner	

Marion County Sheriff. Parole and Probation. Oregon Association of Community Corrections Directors (OACCD)/ Sex Offender Supervision Network. Relates conversations by OACCD on sex offender notification standards.

- 167 Moawad Inquires if Lincoln County or Rep. Krummel's office has been contacted about Section 2.
- 172 Schreiner Relates that they were not. Expresses continued opposition to Section 2. Mentions a study on community notification.
- 193 Rep. Macpherson **MOTION: Moves to ADOPT HB 2316-1 amendments dated 5/11/05.**
- VOTE: 4-0-0**
- 194 Chair Barker **Hearing no objection, declares the motion CARRIED.**
- 195 Rep. Macpherson **MOTION: Moves HB 2316 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.**
- 200 Chair Barker **The motion CARRIES.**
- REP. BARKER will lead discussion in the full committee.**
- 203 Chair Barker Closes work session on HB 2316. Opens a work session on HB 2510.

HB 2510 – WORK SESSION

- 205 Heidi Moawad Counsel. Provides background and review of testimony on HB 2510, which expands types of written instruments to which crime of forgery in first degree applies and types of forged instruments to which crime of criminal possession of forged instrument in first degree applies to include retail sales receipts, Universal Product Code label and EAC-8 and EAN-13 labels. Introduces -1 amendments (**EXHIBIT G**).
- 229 Rep. Olson

MOTION: Moves to ADOPT HB 2510-1 amendments dated 5/12/05.

VOTE: 4-0-0

330 Chair Barker Hearing no objection, declares the motion CARRIED.

331 Rep. Olson MOTION: Moves HB 2510 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.

**235 Chair Barker The motion CARRIES.
REP. OLSON will lead discussion in the full committee.**

236 Chair Barker Closes work session on HB 2510. Opens a work session on HB 2792.

HB 2792 – WORK SESSION

240 Heidi Moawad Counsel. Provides background on review of testimony on HB 2792, which provides that court security improvement plans include justice court facilities. Introduces the -2 amendments (EXHIBIT H).

257 Rep. Macpherson MOTION: Moves to ADOPT HB 2792-2 amendments dated 5/13/05.

VOTE: 4-0-0

258 Chair Barker Hearing no objection, declares the motion CARRIED.

259 Rep. Macpherson MOTION: Moves HB 2792 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.

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

264 Chair Barker Closes work session on HB 2792. Stands at ease at 9:25 a.m.
Reconvenes the meeting at 9:40 a.m. Opens a work session on HB 2335.

HB 2335 – WORK SESSION

266 Heidi Moawad Counsel. Provides background on the -5 amendments (**EXHIBIT I**) to HB 2335, which requires law enforcement agencies to complete investigations of certain cases of alleged child sexual abuse no later than 45 days after commencing investigation.

273 Rep. Olson **MOTION: Moves to ADOPT HB 2335-5 amendments dated 5/16/05.**

VOTE: 4-0-0

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

275 Rep. Olson **MOTION: Moves HB 2335 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.

279 Chair Barker The motion CARRIES.
REP. THATCHER will lead discussion on the floor.

282 Chair Barker Closes work session on HB 2335. Adjourns the meeting at 9:42 a.m.

EXHIBIT SUMMARY

- A. HB 3083, -1 amendment, Rep. Brad Avakian, 1 p
- B. HB 3083, written testimony, Mike Dykzeul, 1 p

- C. **HB 3083, written testimony, Charlie Stone, 3 pp**
- D. **HB 3341, written testimony, Steve Doell, 1 p**
- E. **HB 3341, written testimony, Mary Ann Schwab, 6 pp**
- F. **HB 2316, -2 amendments, staff, 1 p**
- G. **HB 2510, -1 amendments, staff, 2 pp**
- H. **HB 2792, -2 amendments, staff, 12 pp**
- I. **HB 2335, -5 amendments, staff, 2 pp**