

HOUSE JUDICIARY SUBCOMMITTEE

ON CRIMINAL LAW

May 19, 2005 Hearing Room 357

8:30 A.M. Tapes 64 - 65

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 2766 – Work Session

HB 2768 – 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 64, A

003 Chair Barker Calls the meeting to order at 8:50 a.m. Opens a work session on HB 2766.

HB 2766 – WORK SESSION

007 Bill Taylor Counsel. Provides background on HB 2766, which extends period of time certain inmates are required to participate in functional literacy program. Introduces the -3 amendments (**EXHIBIT A**). Mentions that Legislative Fiscal recommends referring HB 2766 to the committee on Budget.

039 Paul Snyder Association of Oregon Counties. Comments on the capitated rate that is already being used in counties. Testifies in support of HB 2766 with the -3 amendments.

070 Craig Campbell Governor's Senior Policy Advisor. Testifies in support of HB 2766 with the -3 amendments.

078 Ginger Martin Assistant Director, Community Corrections, Department of Corrections. Testifies in support of HB 2766 with the -3 amendments. Comments on forecasting.

091 Rep. Thatcher **MOTION: Moves to ADOPT HB 2766-3 amendments dated 5/18/05.**

VOTE: 4-0-0

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

093 Rep. Thatcher **MOTION: Moves HB 2766 to the full committee with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Budget.**

VOTE: 4-0-0

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

095 Chair Barker **The motion CARRIES.**

REP. THATCHER will lead discussion in the full committee.

131 Chair Barker Closes work session on HB 2766. Opens public hearing on HB 2768.

HB 2768 – PUBLIC HEARING

144 Heidi Moawad Counsel. Provides background on HB 2768, which allows person with concealed handgun license to purchase firearm without undergoing criminal history record check. Introduces the -3 amendments **(EXHIBIT B)**. Describes additional proposed amendments **(EXHIBIT C)**.

198 Rep. Olson Comments on work done to section dealing with denial of revocation.

220 Justin Steiner Citizen, National Guard. Relates a personal experience having his handgun license revoked.

280 Steiner Continues testimony on how he lost his license.

357 Kevin Starret National Firearms Federation. Testifies in opposition to HB 2768. Expresses concerns with the amendments.

TAPE 65, A

027 Starret Expresses concerns with possible interpretation.

061 Rod Harder National Rifle Association. Testifies in opposition to HB 2768. Expresses concerns with language about being a threat or having patterns of behavior.

085 Sheriff Dennis Dotson Lincoln County. Testifies in support of HB 2768. Comments on language in the -3 amendments.

117 Sheriff Robert Wolfe President, Oregon Sheriff's Association. Testifies in support of HB 2768 with the -3 amendments.

166 Rep. Olson Inquires what is considered an official law enforcement report.

176 Wolfe Explains what he considers an official law enforcement report.

184 Dotson Concurs with definition, and mentions other documentation that is considered an official report.

191	Rep. Olson	Inquires about incidences that do not have official reports.
203	Wolfe	Believes citations are considered official reports entered into record management systems.
210	Rep. Olson	Inquires if law enforcement officer needs to witness use of controlled substance.
216	Dotson	Responds negatively. Describes interviews and investigative process.
226	Rep. Olson	Inquires about probable cause.
232	Dotson	States that a sheriff would rarely go in front of a court without proof that there was probable cause.
247	Rep. Olson	Asks for thoughts on hearsay.
251	Wolfe	States that the sheriff has an obligation to discover the truth and investigate hearsay evidence.
266	Rep. Krieger	Inquires about training at Department of Police Safety Standards and Training (DPSST).
274	Dotson	States that there is no training directly related to this issue, but plans to advocate for training on Concealed Handgun License (CHL) laws.
289	Rep. Krieger	Comments on the disconnect that training may eliminate.
299	Dotson	Agrees that officers would benefit from additional training in CHL law.
307	Rep. Macpherson	Questions the need for sheriffs to pay for successful appeal of revocation. Inquires where that is in statute.
320	Dotson	Defers to his chief information officer.
329	Rep. Macpherson	Comments on good policy.

356 Wolfe Notes Section 3 of ORS 166.293 regarding filing fees being paid.
373 Rep. Macpherson Explains provision that indicates when the government must pay.
382 Dotson States that Lincoln County is providing for attorney fees in court order, and perhaps it is not in statute.
412 Chair Barker Closes public hearing and opens a work session on HB 2768.

HB 2768 – WORK SESSION

418 Rep. Olson **MOTION: Moves HB 2768 to the full committee with a DO PASS recommendation PENDING approval of amendments.**

VOTE: 4-0-0

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

438 Chair Barker **The motion CARRIES.**

REP. OLSON will lead discussion on the floor.

440 Chair Barker Closes work session on HB 2768. Adjourns the meeting at 9:50 p.m.

EXHIBIT SUMMARY

- A. HB 2766, -3 amendments, staff, 2 pp
- B. HB 2768, -3 amendments, staff, 10 pp
- C. HB 2768, proposed amendments, staff, 7 pp