

SENATE COMMITTEE ON JUDICIARY

May 16, 2005
1:00 P.M.

Hearing Room 343
Tapes 137 - 138

MEMBERS PRESENT: **Sen. Ginny Burdick, Chair**
 Sen. Charles Starr, Vice-Chair
 Sen. Floyd Prozanski
 Sen. Vicki Walker
 Sen. Doug Whitsett

MEMBER EXCUSED: **Sen. Roger Beyer**
 Sen. Charlie Ringo

STAFF PRESENT: **William E. Taylor, Counsel**
 Joe O'Leary, Counsel
 Dale Penn, Committee Assistant

MEASURES/ISSUES HEARD:
 SB 306 – Work Session
 SB 948 – Work Session
 HB 2230A – Public Hearing
 SB 199 – 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 137, A		
003	Chair Burdick	Calls the meeting to order at 1:25 p.m. and opens a work session on SB 306.
<u>SB 306 – WORK SESSION</u>		
006	William E. Taylor	Counsel. Describes SB 306 relating to increasing the criminal penalties for selling, giving, or otherwise providing alcoholic beverages to persons less than 21 years of age. Introduces and discusses the -2, -3, & the -4 amendments (EXHIBITS A – C).
030	Sen. Starr	MOTION: Moves to RECONSIDER the vote by which the committee moved to ADOPT SB 306-3 amendments dated 5/11/05. VOTE: 4-0-3 EXCUSED: 3 - Beyer, Ringo, Walker
035	Chair Burdick	Hearing no objection, declares the motion CARRIED.
037	Sen. Starr	MOTION: Moves SB 306 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 5-0-2 EXCUSED: 2 - Beyer, Ringo
040	Chair Burdick	Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.
042	Chair Burdick	Closes the work session on SB 306 and opens a work session on SB 948.

SB 948 – WORK SESSION

043	William E. Taylor	Counsel. Describes SB 948 relating to directing the court to suspend the driving privileges and the right to apply for driving privileges for a period not to exceed one year if a person provides alcoholic liquor to a person under the age of 21 years in violation of the law. Introduces and describes the -4 amendment (EXHIBIT D).
080	Taylor	Discusses subsection 7 & 8 of the -4 amendment.
104	Sen. Walker	Asks about the -4 amendment.
107	Taylor	States that the -2 and -3 amendments are incorporated into the -4 amendment.
120	Sen. Walker	Stresses that taking someone’s driving privileges away from them has no connection to the violation of providing alcohol to a minor.
131	Sen. Prozanski	Clarifies the importance of this bill; describes the effects of the -4 amendment. Describes the programs that benefit from this bill (fines, etc.). Talks about the legal nexus between the violation of providing alcohol to a minor and the repercussion of the removal of driving privileges.
186	Sen. Prozanski	Stresses that the driving privileges removal would not go into effect until the second violation at the least.
190	Chair Burdick	Commends the individuals who worked on this bill.
200	Sen. Starr	MOTION: Moves to ADOPT SB 948-4 amendments dated 5/16/05. VOTE: 4-1-2 AYE: 4 - Prozanski, Starr C., Whitsett, Burdick NAY: 1 - Walker EXCUSED: 2 - Beyer, Ringo The motion CARRIES.
208	Chair Burdick	MOTION: Moves SB 948 to the floor with a DO PASS AS
209	Sen. Starr	AMENDED recommendation. VOTE: 4-1-2 AYE: 4 - Prozanski, Starr C., Whitsett, Burdick NAY: 1 - Walker EXCUSED: 2 - Beyer, Ringo The motion CARRIES. SEN. PROZANSKI will lead discussion on the floor.
217	Chair Burdick	Closes the work session on SB 948 and opens a public hearing on HB2230A.
220	Chair Burdick	

HB 2230A – PUBLIC HEARING

222	Joe O’Leary	Counsel. Describes HB 2230A relating to defining “economic damages” for purposes of restitution.
258	Connie Gallagher	Director, Crime Victims’ Assistance, Department of Justice. Submits testimony from herself and Michael D. Schruck, Multnomah County District Attorney, and testifies in support of HB 2230A (EXHIBITS E & F).
290	Gallagher	Continues reading testimony in support of HB 2230A (Exhibit E).
328	Fred Boss	Assistant Attorney General. Submits testimony and testifies in support of HB 2230A (EXHIBIT G). Defines pecuniary and economic damages.
380	Boss	Talks about the payment order when there are multiple victims in a crime.
392	Chair Burdick	Asks if this bill conflicts with HB 2222A.

401	O'Leary	Discusses the differences between HB 2222A and HB 2230A.
428	Boss	Stresses that the two bills address different sections of the law (restitution as compared to third party judgments in civil lawsuits).
443	Walt Beglau	Marion County District Attorney. Testifies in support of HB 2230A.
TAPE 138, A		
020	Kelly Skye	Oregon Criminal Defense Lawyers Association. Submits testimony and testifies in opposition to HB 2230A (EXHIBIT H).
028	O'Leary	Details the vote in the House Judiciary Committee and on the floor of the House for HB 2230A.
035	Skye	Discusses the differences between the pecuniary and economic damages.
080	Skye	Addresses legislation they are supporting that expands restitution rights to the victim.
091	Chair Burdick	Inquires about the correlation between these bills and the <i>Blakely</i> case.
097	Skye	Stresses that this bill relates to different sections of the law than <i>Blakely</i> .
148	Chair Burdick	Closes the public hearing on HB 2230A and opens a work session on SB 199.
<u>SB 199 – WORK SESSION</u>		
152	Joe O'Leary	Counsel. Describes SB 199 relating to requiring the court, upon request by a district attorney, to enter a protective order prohibiting the copying or disseminating of evidence of sexually explicit nature in cases involving a sexual offense involving a visual recording of a child engaged in sexual conduct. Introduces the -2 amendment and a hand-engrossed version including the -2 amendment (EXHIBITS I & J).
200	Sen. Starr	MOTION: Moves to ADOPT SB 199-2 amendments dated 5/9/05. VOTE: 5-0-2 EXCUSED: 2 - Beyer, Ringo
202	Chair Burdick	Hearing no objection, declares the motion CARRIED.
203	Sen. Starr	MOTION: Moves SB 199 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 5-0-2 EXCUSED: 2 - Beyer, Ringo
208	Chair Burdick	Hearing no objection, declares the motion CARRIED. SEN. WALKER will lead discussion on the floor.
228	Chair Burdick	Closes the work session on SB 199 and adjourns the meeting at 2:10 p.m.

EXHIBIT SUMMARY

- A. **SB 306, -2 amendment, staff, 2 pp**
- B. **SB 306, -3 amendment, staff, 1 p**
- C. **SB 306, -4 amendment, staff, 2 pp**
- D. **SB 948, -4 amendment, staff, 17 pp**
- E. **HB 2230A, written testimony, Connie Gallagher, 1 p**

- F. **HB 2230A, written testimony, Connie Gallagher, 1 p**
- G. **HB 2230A, written testimony, Fred Boss, 2 pp**
- H. **HB 2230A, written testimony, Kelly Skye, 1 p**
- I. **SB 199, -2 amendment, staff, 2 pp**
- J. **SB 199, Hand-engrossed version, staff, 3 pp**