

HOUSE COMMITTEE ON JUDICIARY

May 12, 2003 Hearing Room 357

1:00 p.m. Tapes 186 - 187

MEMBERS PRESENT:

Rep. Max Williams, Chair
Rep. Gordon Anderson, Vice-Chair
Rep. Robert Ackerman, Vice-Chair
Rep. Jeff Barker
Rep. Bob Jenson
Rep. Jerry Krummel
Rep. Greg Macpherson
Rep. Floyd Prozanski
Rep. Lane Shetterly

STAFF PRESENT:

Craig Prins, Counsel
Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: SB 618A Public Hearing and Work Session

SB 59 Public Hearing
SB 764A Public Hearing and Work Session
SB 104A Public Hearing and Work Session
SB 105 Public Hearing and Work Session
SB 106 Public Hearing and Work Session
SB 108 Public Hearing
SB 111 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 186, A		
004	Chair Williams	Calls the meeting to order at 1:10 p.m. Opens a public hearing on SB 618A.
<u>SB 618A PUBLIC HEARING</u>		
025	Astrid M. Newell	M.D., medical consultant for Office of Family Health, Department of Human Services and co-chair of the State Advisory Committee on Genetic Privacy and Research. Submits testimony and testifies in support of SB 618A which modifies laws relating to genetic privacy (EXHIBITS A – D).
101	Rep. Krummel	Asks Dr. Newell if there is anything in the bill in regards to genetic information being released to a third party.
110	Dr. Newell	Answers that the bill does not change the current law in regards to obtaining, retaining and disclosing genetic information. Says that Ted Falk is the other co-chair of the State Advisory Committee on Genetic Privacy and Research.
120	Chair Williams	Closes the public hearing on SB 618A and opens a work session.
<u>SB 618A WORK SESSION</u>		
121	Rep. Shetterly	MOTION: Moves SB 618A to the floor with a DO PASS recommendation.
124	Rep. Shetterly	Thanks the work group for their efforts.
130		VOTE: 9-0

135	Chair Williams	Hearing no objection, declares the motion CARRIED.
144	Chair Williams	REP. SHETTERLY will lead discussion on the floor. Closes the work session on SB 618A and opens a public hearing on SB 59.
<u>SB 59 PUBLIC HEARING</u>		
147	Craig Prins	Committee Counsel. Introduces SB 59 which extends period during which forfeiture counsel must file criminal information or indictment for criminal forfeiture.
172	Daina Vitolins	Assistant Attorney General. Submits testimony and testifies in support of SB 59 (EXHIBIT E) .
194	Craig Durbin	Sergeant, Oregon State Police, Manager of Drug Enforcement Section. Submits testimony and testifies in support of SB 59 (EXHIBIT F) .
234	Rep. Prozanski	Asks if the -1 amendments are going to fix a void that is currently in the statute (EXHIBIT G) .
247	Vitolins	Says yes, and explains the -1 amendments.
261	Prins	Talks about definition of “dangerous weapons”.
271	Rep. Prozanski	Asks if it needs to be pleaded in the proceeding.
274	Vitolins	Says that it is not pleaded.
279	Rep. Krummel	Asks why the statute is redundant.
297	Vitolins	Explains that the statute will be located in two places.
302	Prins	Explains why Sections 3 and 4, pages 1-2, of the -1 amendments are redundant.
317	Chair Williams	Recesses SB 59 and opens a public hearing on SB 764A.
<u>SB 764A PUBLIC HEARING</u>		
324	Sen. Bruce Starr	Senate District 13. Testifies in support of SB 764A which increases number of intersections at which photo red light cameras may operate.
<u>TAPE 187, A</u>		
011	Linda Adlard	City of Beaverton. Testifies in support of 764A. Says that they are the first city in the state to use the photo red light cameras.
038	Officer Dean Meisner	Police, City of Beaverton. Testifies in support of 764A.
061	Vice Chair Anderson	Wonders why the law is limited to cities of populations of more than 30,000.
065	Chair Williams	Believes that eventually all cities will be able to have this.
078	Rep. Jenson	States that he will oppose the bill because this technology is not available to the entire state.
092	Chair Williams	Closes the public hearing on SB 764A and opens a work session.
<u>SB 764A WORK SESSION</u>		
095	Rep. Prozanski	MOTION: Moves SB 764A to the floor with a DO PASS recommendation. VOTE: 7-1-1 AYE: 7 - Ackerman, Anderson, Barker, Krummel, Macpherson, Prozanski, Williams NAY: 1 - Jenson EXCUSED: 1 - Shetterly
100	Chair Williams	The motion CARRIES. REP. BARKER will lead discussion on the floor.
121	Chair Williams	Closes the work session on SB 764A and re-opens a public hearing on SB 59.
<u>SB 59 PUBLIC HEARING RE-OPENED</u>		
126	Kelly Skye	Oregon Criminal Defense Lawyers Association (OCDLA). Testifies as neutral on SB 59. Says they have reservations on the

-1 amendments to SB 59 and expansion of the definition of “dangerous weapons” (**Exhibit G**).

161 Daina Vitolins Says that ORS 166.280 talks about “dangerous weapons” not deadly weapons.

178 Rep. Prozanski Asks if the OCDLA would be comfortable with using the words “firearms” instead of dangerous weapons.

180 Skye Says, yes.

181 Rep. Prozanski Says that they are expanding the statute to be broader than what was before us before and broader than the criminal forfeiture law.

186 Vitolins Says that she believes it covered dangerous weapons. Discusses statutes and language.

209 Chair Williams Asks Ms. Skye if a “dangerous weapon” includes an automobile.

211 Skye Answers, yes.

212 Chair Williams Says that if an automobile is used as a weapon it would then be forfeited. Asks how the OCDLA wants to define this.

231 Skye Says that one idea is to allow judicial discretion. Discusses circumstance of a client.

265 Chair Williams Asks Ms. Vitolins if they could allow judicial discretion to determine when it would be appropriate to forfeit.

273 Vitolins Answers that they would rather have the broad definition of “dangerous weapon” and leave it to the court’s discretion.

285 Vice Chair Ackerman Wonders if the issue of whether it’s a dangerous weapon is a jury question and if we should leave it to the jury to make this decision.

296 Skye Says he may be correct, but this statute directs the court to forfeit the dangerous weapon.

372 Chair Williams Closes the public hearing on SB 59 and opens a public hearing on SB 104A.

SB 104A PUBLIC HEARING

376 Craig Prins Committee Counsel. Introduces SB 104A which adds defined term youth in provisions dealing with appeals in juvenile court cases.

395 Michael Livingston Department of Justice. Submits testimony and testifies in support of SB 104A (**EXHIBIT H**).

434 Vice Chair Ackerman Closes the public hearing on SB 104A and opens a work session.

SB 104A WORK SESSION

439 Rep. Macpherson **MOTION: Moves SB 104A to the floor with a DO PASS recommendation.**

VOTE: 7-0-2

EXCUSED: 2 - Barker, Williams

445 Vice Chair Ackerman **Hearing no objection, declares the motion CARRIED.**

REP. KRUMMEL will lead discussion on the floor.

463 Vice Chair Ackerman Closes the work session and opens a public hearing on SB 105.

SB 105 PUBLIC HEARING

471 Craig Prins Committee Counsel. Introduces SB 105 which modifies provision relating to crime victims’ assistance.

490 Connie Gallagher Administrator, Crime Victims Assistance Section, Department of Justice. Submits testimony and testifies in support of SB 105 (**EXHIBIT I**).

TAPE 186, B

040 Gallagher Continues her testimony in support of SB 105.

071	Georgia Griffin	Victim Coordinator, FBI, Oregon. Submits testimony and testifies in support of SB 105 (EXHIBIT J).
107	Rep. Krummel	Asks if this bill would have any effect on members of the armed services that are held as POW's or MIA's.
114	Gallagher	Answers, no this bill would not have any effect on that.
118	Rep. Jenson	Asks about the role of state mental health in this issue.
124	Gallagher	Discusses costs of counseling services.
148	Rep. Jenson	Questions the issues of state counseling services.
173	Rep. Krummel	Asks if there is a definition for international terrorism.
175	Gallagher	Says it is not defined in the bill.
201	Craig Prins	Committee Counsel. Says that international terrorism is defined in ORS 147.005.
211	Vice Chair Ackerman	Closes the public hearing on SB 105 and opens a work session.

SB 105 WORK SESSION

215	Rep. Jenson	MOTION: Moves SB 105 to the floor with a DO PASS recommendation.
216	Rep. Krummel	Asks about the punitive damage award.
228	Prins	Explains punitive damage award.
236	Vice Chair Ackerman	Says that it is viewed as a civil fine or civil penalty.
252		VOTE: 8-0-1
		EXCUSED: 1 - Williams
254	Vice Chair Ackerman	Hearing no objection, declares the motion CARRIED. REP. JENSON will lead discussion on the floor.
255	Vice Chair Ackerman	Closes the work session on SB 105 and opens a public hearing on SB 106.

SB 106 PUBLIC HEARING

257	Craig Prins	Committee Counsel. Introduces SB 106 which expands definition of survivor for purposes of crime victims' compensation program.
276	Connie Gallagher	Administrator, Crime Victims Assistance Section, Department of Justice. Submits testimony and testifies in support of SB 106 (EXHIBIT K).
316	Rep. Krummel	Asks if the victim's "significant other" would qualify.
320	Gallagher	Says that there is a possibility of that, but it needs to be further defined through administrative rule.
330	Rep. Jenson	Asks if a stepchild qualifies.
335	Gallagher	Answers, yes.
339	Vice Chair Ackerman	Closes the public hearing on SB 106 and opens a work session.

SB 106 WORK SESSION

342	Rep. Macpherson	MOTION: Moves SB 106 to the floor with a DO PASS recommendation.
		VOTE: 7-0-2
		EXCUSED: 2 - Shetterly, Williams
345	Vice Chair Ackerman	Hearing no objection, declares the motion CARRIED. REP. MACPHERSON will lead discussion on the floor.
362	Vice Chair Ackerman	Closes the work session on SB 106 and opens a public hearing on SB 108.

SB 108 PUBLIC HEARING

377	Jonathan Fussner	Assistant Attorney General, Oregon Department of Justice. Submits testimony and testifies in support of SB 108 which authorizes fine of up to \$300,000 upon conviction of murder or
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		aggravated murder (EXHIBIT L).
406	Rep. Jenson	Asks about increasing the fine to one million.
413	Fussner	Says that would be too much.
432	Rep. Krummel	Asks if the fine would be taken out of the money a prisoner earns in a work program.
445	Fussner	Answers that he doesn't know what can be done with the money the inmates earn.
TAPE 187, B		
013	Vice Chair Ackerman	Closes the public hearing on SB 108 and opens a public hearing on SB 111.
<u>SB 111 PUBLIC HEARING</u>		
016	Craig Prins	Committee Counsel. Introduces SB 111 which provides for payment of counseling expenses of friend or acquaintance of deceased crime victim if friend of acquaintance was person who discovered victim's corpse.
020	Jason Barber	Assistant Director, Crime Victims Assistance Section, Department of Justice. Submits testimony and testifies in support of SB 111 (EXHIBIT M).
045	Vice Chair Ackerman	Closes the public hearing on SB 111 and opens a work session.
<u>SB 111 WORK SESSION</u>		
047	Rep. Prozanski	MOTION: Moves SB 111 to the floor with a DO PASS recommendation.
		VOTE: 7-0-2
		EXCUSED: 2 - Shetterly, Williams
055	Vice Chair Ackerman	Hearing no objection, declares the motion CARRIED.
		REP. PROZANSKI will lead discussion on the floor.
059	Vice Chair Ackerman	Closes the work session on SB 111. Adjourns the meeting at 3:00 p.m.

EXHIBIT SUMMARY

- A – SB 618A, oversized exhibit, book, archive copy only, Report to the 2003 Legislature, submitted by the Advisory Committee on Genetic Privacy and Research, 107 pgs.**
- B – SB 618A, Advisory Committee Recommendations, submitted by Astrid Newell, MD, 1 pg.**
- C – SB 618A, Powerpoint Presentation of Ted Falk, JD, PhD and Astrid Newell, MD, submitted by Astrid Newell, 5 pgs.**
- D – SB 618A, written testimony, submitted by Astrid Newell, MD, 2 pgs.**
- E – SB 59, written testimony, submitted by Daina Vitolins, 1 pg.**
- F – SB 59, written testimony, submitted by Craig Durbin, 1 pg.**
- G – SB 59, -1 amendments, submitted by staff, 8 pgs.**
- H – SB 104A, written testimony, submitted by Michael Livingston, 1 pg.**
- I – SB 105, written testimony, submitted by Connie Gallagher, 1 pg.**
- J – SB 105, written testimony, submitted by Georgia Griffin, 1 pg.**
- K – SB 106, written testimony, submitted by Connie Gallagher, 1 pg.**
- L – SB 108, written testimony, submitted by Jonathan Fussner, 1 pg.**
- M – SB 111, written testimony, submitted by Jason Barber, 2 pgs.**