

## HOUSE COMMITTEE ON JUDICIARY

May 13, 2003 Hearing Room 357  
1:00 pm Tapes 188 - 189

**MEMBERS PRESENT:**        Rep. Max Williams, Chair  
                                 Rep. Robert Ackerman, Vice-Chair  
                                 Rep. Gordon Anderson, 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  
                                 Nancy Masee, Committee Assistant

**MEASURE/ISSUES HEARD:**    HB 2156 Work Session  
                                 SB 112A Public Hearing and Work Session  
                                 SB 115A Public Hearing and Work Session  
                                 SB 117 Public Hearing and Work Session  
                                 SB 122 Public Hearing and Work Session  
                                 SB 123 Public Hearing and Work Session

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 188, A</b>		
004	Chair Williams	Opens meeting at 1:10 pm. Opens work session on HB 2156.
<b><u>HB 2156 WORK SESSION</u></b>		
020	Chair Williams	Recalls HB 2156 brought forward earlier by Department of Human Services (DHS) which authorizes DHS to present for recordation request for notice of transaction in deed and mortgage records of county in which public assistance recipient holds interest in real property. Presents the HB 2156-2 amendments ( <b>EXHIBIT A</b> ).
035	Rick Mills	DHS. Discusses fiscal impact. Says they have no precise numbers as yet on savings.
037	Rep. Prozanski	<b>MOTION: Moves to ADOPT HB 2156-2 amendments dated 3/25/03.</b> <b>VOTE: 7-0-2</b> <b>EXCUSED: 2 - Krummel, Shetterly</b>
038	Chair Williams	<b>Hearing no objection, declares the motion CARRIED.</b>
039	Rep. Prozanski	<b>MOTION: Moves HB 2156 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the Committee on Ways and Means BY PRIOR REFERENCE.</b> <b>VOTE: 7-0-2</b> <b>EXCUSED: 2 - Krummel, Macpherson</b>
040	Chair Williams	<b>Hearing no objection, declares the motion CARRIED.</b>
041	Chair Williams	Closes work session on HB 2156. Opens public hearing on SB 112A.

**SB 112A PUBLIC HEARING**

060	Craig Prins	Committee Counsel. Explains SB 112A which modifies requirements for submitting child abuse multidisciplinary intervention plan.
130	Connie Gallagher	Department of Justice. Testifies in support of SB 112A and submits written testimony ( <b>EXHIBIT B</b> ).
168	Walt Beglau	Deputy District Attorney, Marion County. Testifies in support of SB 112A.
182	Rep. Prozanski	Asks if Multi-Disciplinary Intervention (MDI) teams were contacted.
185	Beglau	Responds that these were minor changes and the teams were not approached.
190	Rep. Krummel	Asks about fiscal impact in section 3.
202	Gallagher	Responds that the only costs would be less than \$500 for travel for a few council members.
204	Rep. Krummel	Asks if costs can be absorbed by the council.
208	Gallagher	Replies the administrative costs were provided for.
210	Chair Williams	Closes public hearing on SB 112A. Opens work session on SB 112A.

**SB 112A WORK SESSION**

212	Rep. Prozanski	<b>MOTION: Moves SB 112A to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 9-0</b>
213	Chair Williams	<b>Hearing no objection, declares the motion CARRIED. REP. PROZANSKI will lead discussion on the floor.</b>
214	Chair Williams	Closes work session on SB112A. Opens public hearing on SB 115A.

**SB 115A PUBLIC HEARING**

216	Craig Prins	Committee Counsel. Explains SB 115A provides that rules of evidence do not apply at shelter hearing.
220	Michael Livingston	Department of Justice. Testifies in support of SB 115A and submits written testimony ( <b>EXHIBIT C</b> ).
310	Livingston	Continues presentation.
320	Rep. Krummel	States the language is broad.
370	Livingston	Explains the hearing is not to decide whether court has jurisdiction. The hearing is to decide whether child needs protection before the hearing.

**TAPE 189, A**

017	Chair Williams	Refers to ORS 40.150 and relative evidence.
028	Livingston	Explains this shelter care hearing is not the only hearing on shelter care before the jurisdictional petition hearing.
036	Chair Williams	Asks about the juvenile work group's decisions on level of evidence by the Oregon Law Commission.
038	Livingston	Answers he was not a member of that work group.
044	Chair Williams	Closes public hearing on SB 115A. Opens work session on SB 115A.

**SB 115A WORK SESSION**

060	Rep. Prozanski	<b>MOTION: Moves SB 115A to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 6-0-3</b>
		<b>EXCUSED: 3 - Jenson, Macpherson, Shetterly</b>
062	Chair Williams	<b>Hearing no objection, declares the motion CARRIED. REP. WILLIAMS will lead discussion on the floor.</b>

080	Chair Williams	Closes work session on SB 115A. Opens public hearing on SB 117.
<b><u>SB 117 PUBLIC HEARING</u></b>		
084	Craig Prins	Committee Counsel. Explains SB 117 which expands Department of Justice Client Trust Account to include all moneys Department of Justice receives on behalf of persons and agencies.
087	Jim Lamka	Department of Justice (DOJ). Testifies in support of SB 117 and submits testimony ( <b>EXHIBIT D</b> ).
112	Chair Williams	Closes public hearing on SB 117. Opens work session on SB 117.
<b><u>SB 117 WORK SESSION</u></b>		
114	Rep. Prozanski	<b>MOTION: Moves SB 117 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 7-0-2</b>
		<b>EXCUSED: 2 - Barker, Macpherson</b>
116	Chair Williams	<b>Hearing no objection, declares the motion CARRIED. REP. ANDERSON will lead discussion on the floor.</b>
117	Chair Williams	Closes work session on SB 117. Opens public hearing on SB 122.
<b><u>SB 122 PUBLIC HEARING</u></b>		
120	Craig Prins	Committee Counsel. Explains SB 122 which expands crime of robbery in third degree to include activities relating to unauthorized use of vehicle.
132	Erik Wasmann	Department of Justice (DOJ). Testifies in support of SB 122 and submits testimony ( <b>EXHIBIT E</b> ).
167	Rep. Prozanski	Asks if property is taken by force, for instance shoplifting, and then abandoned, is that an issue.
200	Wasmann	Answers it is not, because vehicles are different.
205	Chair Williams	Refers to ORS 164.135 "vehicle" is defined.
210	Chair Williams	Closes public hearing on SB 122. Opens work session on SB 122.
<b><u>SB 122 WORK SESSION</u></b>		
215	Rep. Prozanski	<b>MOTION: Moves SB 122 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 9-0</b>
216	Chair Williams	<b>Hearing no objection, declares the motion CARRIED. REP. BARKER will lead discussion on the floor.</b>
217	Chair Williams	Closes work session on SB 122, and opens public hearing on SB 123.
<b><u>SB 123 PUBLIC HEARING</u></b>		
220	Craig Prins	Committee Counsel. Explains SB 123 which allows court to impanel alternate jurors in misdemeanor case.
222	Jonathan Fussner	Department of Justice (DOJ). Testifies in support of SB 123 and submits testimony ( <b>EXHIBIT F</b> ).
260	Susan Russell	Oregon Criminal Defense Lawyers Association (OCDLA). Testifies in support of SB 123.
275	Ann Christian	Oregon Judicial Department. Explains there is no fiscal impact.
290	Chair Williams	Closes public hearing on SB 123. Opens work session on SB 123.
<b><u>SB 123 WORK SESSION</u></b>		
365	Rep. Macpherson	<b>MOTION: Moves SB 123 to the floor with a DO PASS recommendation.</b>

366	Chair Williams	<b>VOTE: 9-0</b> <b>Hearing no objection, declares the motion CARRIED.</b> <b>REP. MACPHERSON will lead discussion on the floor.</b>
367	Chair Williams	Closes work session on SB 123. Adjourns meeting at 2:05 pm.

**EXHIBIT SUMMARY**

- A – HB 2156-2 amendments, staff, 2 pp**
- B – SB 112A, written testimony, Connie Gallagher, 1 p**
- C – SB 115A, written testimony, Michael Livingston, 2 pp**
- D – SB 117, written testimony, Jim Lamka, 1 p**
- E – SB 122, written testimony, Erik Wasmann, 4 pp**
- F – SB 123, written testimony, Jonathan Fussner, 1 p**