

## HOUSE COMMITTEE ON JUDICIARY

May 08, 2003 Hearing Room 357  
1:00 pm Tapes 182 – 183  
(Tape 181 blank)

**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:**       SB 487 Public Hearing and Work Session  
                                  SB 315 Public Hearing and Work Session  
                                  HB 3385 Work Session  
                                  SB 303 Public Hearing and Work Session  
                                  SB 306 Public Hearing and Work Session  
                                  SB 641 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.

---

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 182, A</b>		
004	Chair Williams	Opens meeting at 2:10 pm. Opens public hearing on SB 487.
<b><u>SB 487 PUBLIC HEARING</u></b>		
004	Sen. Rick Metsger	Senate District 26. Testifies in support of SB 487, and explains how SB 487 adds animal control officer to crime of assaulting public safety officer.
031	Deputy Becky Hoffman	Hood River County Animal Control. Testifies in support of SB 487 and submits testimony ( <b>EXHIBIT A</b> ). Describes animal control officers' duties. Describes personal experience of violence against her during an animal control investigation.
099	Lt. Randy Covey	Oregon Humane Society. Testifies in support of SB 487.
100	Rep. Prozanski	Asks if animal control officers are sworn officers through Department of Public Safety Standards and Training (DPSST).
102	Lt. Covey	Answers some are and some are not; it varies by city and county.
132	Susan Russell	Oregon Criminal Defense Lawyers Association (OCDLA). Testifies in opposition to SB 487 because the statute is adequate and needs no expansion.
144	Rep. Barker	Asks if animal control officers should qualify for higher classification when they are assaulted on the job.
146	Russell	Answers the circumstances may be unclear.
148	Staff	Submits testimony of Jim Dohr in support of SB 487 ( <b>EXHIBIT B</b> ).

150 Chair Williams Closes public hearing on SB 487. Opens work session on SB 487.

**SB 487 WORK SESSION**

150 Rep. Barker **MOTION: Moves SB 487 to the floor with a DO PASS recommendation.**

**VOTE: 7-0-2**

**EXCUSED: 2 - Krummel, Shetterly**

151 Chair Williams **Hearing no objection, declares the motion CARRIED. REP. BARKER will lead discussion on the floor.**

153 Chair Williams Closes work session on SB 487. Opens public hearing on SB 315.

**SB 315 PUBLIC HEARING**

165 Sen. Ginny Burdick Senate District 18. Testifies in support of SB 315 which revises laws regarding driver duties to certain pedestrians. Tells why this bill is necessary and submits testimony (**EXHIBIT C**).

200 Rick Waring Oregon Department of Transportation (ODOT). Testifies in support of SB 315 and submits written testimony (**EXHIBIT D**). Gives personal experience with pedestrian accidents. Explains why walkers need more protection.

264 Rep. Prozanski Asks about section 1, a.

270 Sen. Burdick Explains how one lane needs to separate the car and pedestrian.

299 Rep. Jenson Asks how many people have been killed in crosswalks.

312 Waring Replies about half of the 50 killed were in crosswalks.

316 Rep. Jenson Asks about injuries to pedestrians in crosswalks.

318 Craig Prins Committee Counsel. Refers to section 4.

344 Waring Presents statistics in different years on pedestrian-auto accidents.

359 Rep. Shetterly States he would be concerned about a requirement that the automobile had to stop while the pedestrian was on the curb.

365 Rep. Barker Gives example of making a left turn on a red light, and asks if the automobile must wait until the pedestrian crosses until he turns.

368 Sen. Burdick Says the two-lane buffer applies on turns.

370 Staff Submits testimony in support of SB 315 of Patrick Hess (**EXHIBIT E**), Ellen Vanderslice (**EXHIBIT F**), Mark Landauer (**EXHIBIT G**), and John Moffat (**EXHIBIT H**).

371 Chair Williams Closes public hearing on SB 315. Opens work session on SB 315.

**SB 315 WORK SESSION**

373 Rep. Macpherson **MOTION: Moves SB 315 to the floor with a DO PASS recommendation.**

**VOTE: 8-0-1**

**EXCUSED: 1 – Krummel**

374 Chair Williams **Hearing no objection, declares the motion CARRIED. REP. MACPHERSON will lead discussion on the floor.**

375 Chair Williams Closes work session on SB 315. Opens work session on HB 3385.

**HB 3385 WORK SESSION**

376 Chair Williams Explains HB 3385 is the condominium and planned communities' bill that has been heard previously. Says the -5 amendments are a compromise (**EXHIBIT I**).

390 Rep. Prozanski **MOTION: Moves to ADOPT HB 3385-5 amendments dated 5/8/03.**

**VOTE: 8-0-1**

**EXCUSED: 1 – Krummel**

392 Chair Williams Hearing no objection, declares the motion CARRIED.  
394 Rep. Prozanski MOTION: Moves HB 3385 to the floor with a DO PASS AS  
AMENDED recommendation.  
395 Chair Williams Hearing no objection, declares the motion CARRIED.  
REP. ACKERMAN will lead discussion on the floor.

VOTE: 8-0-1

EXCUSED: 1 – Krummel

396 Chair Williams Closes work session on HB 3385. Opens public hearing on SB 303.

**SB 303 PUBLIC HEARING**

397 Jena Kunkal Deputy District Attorney, Marion County. Testifies in support of SB 303 which allows domestic violence to be pleaded and proved as element of crime involving domestic violence. Explains why SB 303 is needed.  
400 Kamala Shugar Deputy District Attorney, Lane County. Testifies in support of SB 303.

**TAPE 183, A**

050 Rep. Prozanski Comments that the bill will help identify these crimes and are used for enhancement purposes in the future.  
090 Ann Christian Indigent Defense, Oregon Judicial Department. Explains why the department has not taken a position on this bill.  
099 Chair Williams Closes public hearing on SB 303. Opens work session on SB 303.

**SB 303 WORK SESSION**

100 Rep. Prozanski MOTION: Moves SB 303 to the floor with a DO PASS recommendation.

VOTE: 7-0-2

EXCUSED: 2 - Krummel, Macpherson

101 Chair Williams Hearing no objection, declares the motion CARRIED.  
REP. PROZANSKI will lead discussion on the floor.  
102 Chair Williams Closes work session on SB 303. Opens public hearing on SB 306.

**SB 306 PUBLIC HEARING**

140 Alfred French Deputy District Attorney, Clackamas County. Testifies in support of SB 306 which changes mental state for crime of failure to appear from intentional to knowing.  
170 Kamala Shugar Deputy District Attorney, Lane County. Testifies in support of SB 306 and explains why it is needed. Failing to appear for court is a huge problem and results in a warrant for arrest.  
213 Rep. Barker Gives personal experience of being in court and failures to appear.  
216 Rep. Jenson Asks if there is a guarantee.  
218 Shugar Says SB 306 gives more opportunity to prosecute failures to appear.  
220 Susan Russell Oregon Criminal Defense Lawyers Association. Testifies in opposition to SB 306. Explains problems that could arise. Says on lower level charges there can be numerous appearances required.  
245 Chair Williams Comments on cases of failure to appear where somebody was in jail. Emphasizes accountability. Closes public hearing on SB 306. Opens work session on SB 306.

**SB 306 WORK SESSION**

259	Rep. Prozanski	<b>MOTION: Moves SB 306 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 7-0-2</b>
200	Chair Williams	<b>EXCUSED: 2 – Krummel, Macpherson</b>
		<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>REP. WILLIAMS will lead discussion on the floor.</b>
205	Chair Williams	Closes work session on SB 306. Opens public hearing on SB 641.
<b><u>SB 641 PUBLIC HEARING</u></b>		
291	Ann Christian	Judicial Department. Testifies in support of SB 641 which authorizes post conviction court to order petitioner to repay costs related to provision of appointed counsel.
462	Rep. Prozanski	Asks about “all costs”.
470	Christian	Answers not costs associated with a trial or other than indigent defense related.
<b>TAPE 182, B</b>		
040	Chair Williams	Asks about fiscal impact.
049	Christian	Estimates an increase in revenue and SB 641 will be referred to the fiscal office.
060	Laura Aviani	Citizen, Drain, Oregon. Testifies that indigent defense needs to be clarified. Gives example of personal experience.
080	Rep. Prozanski	Responds on the rule of possibility of going to jail if there was a crime committed.
085	Chair Williams	Refers Ms Aviani to Ann Christian. Closes public hearing on HB 641. Opens work session on SB 641.
<b><u>SB 641 WORK SESSION</u></b>		
085	Rep. Prozanski	<b>MOTION: Moves SB 641 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 6-0-3</b>
		<b>EXCUSED: 3 - Anderson, Barker, Macpherson</b>
099	Chair Williams	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>REP. JENSON will lead discussion on the floor.</b>
100	Chair Williams	Closes work session on SB 641. Adjourns meeting at 3:16 pm.

## **EXHIBIT SUMMARY**

- A – SB 487, written testimony, Becky Hoffman, 3 pp**
- B – SB 487, written testimony, Jim Dohr, 2 pp**
- C – SB 315, written testimony, Sen. Ginny Burdick, 1 p**
- D – SB 315, written testimony, Rick Waring, 1 p**
- E – SB 315, written testimony, Patrick Hess, 2 pp**
- F – SB 315, written testimony. Ellen Vanderslice, 1 p**
- G – SB 315, written testimony, Mark Landauer, 1 p**
- H – SB 315, written testimony, John Moffat, 1 p**
- I - HB 3385-5 amendments, Barbara Kanz, 10 pp**
- J – HB 3385, written testimony, Barbara Kanz, 105 pp**