

HOUSE COMMITTEE ON JUDICIARY

May 09, 2003 Hearing Room 357

1:00 p.m. Tapes 184 - 185

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: **HB 3426 Work Session**
 HB 3329A Work Session
 HB 2900 Public Hearing and Work Session
 HB 2901 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 184, A		
004	Chair Williams	Calls the meeting to order at 1:20 p.m. Opens a work session on HB 3426.
<u>HB 3426 WORK SESSION</u>		
008	Craig Prins	Committee Counsel. Introduces HB 3426 which restricts circumstances under which peace officer may use deadly physical force. Discusses the -4 amendments (EXHIBIT A).
036	Rep. Prozanski	MOTION: Moves to ADOPT HB 3426-4 amendments dated 05/09/03.
		VOTE: 7-0-2
		EXCUSED: 2 - Anderson, Krummel
037	Chair Williams	Hearing no objection, declares the motion CARRIED.
038	Rep. Barker	MOTION: Moves HB 3426 to the floor with a DO PASS AS AMENDED recommendation.
044	Vice Chair Ackerman	Asks about the -4 amendments. Asks if this bill addresses security from a local jail.
057	Prins	Answers that the bill does not address local institution officers.
061	Chair Williams	Emphasizes that the bill addresses the issue of the use of deadly force by people under the custody of the Department of Corrections.
075		VOTE: 7-0-2
		EXCUSED: 2 - Anderson, Krummel
076	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. BARKER will lead discussion on the floor.

080	Chair Williams	Closes the work session on HB 3426 and opens a work session on HB 3329A.
<u>HB 3329A WORK SESSION</u>		
084	Chair Williams	Introduces HB 3329A which authorizes Department of Justice to initiate and participate in efforts to prepare for, and to assist in, delivery of services to individuals traumatized by act of mass violence. Discusses the –A5 amendments (EXHIBIT B).
104	Rep. Prozanski	MOTION: Moves to ADOPT HB 3329-A5 amendments dated 05/09/03.
		VOTE: 8-0-1
		EXCUSED: 1 - Krummel
106	Chair Williams	Hearing no objection, declares the motion CARRIED.
112	Rep. Prozanski	MOTION: Moves HB 3329A to the floor with a DO PASS AS AMENDED recommendation.
114	Vice Chair Anderson	Says that he has problems with the bill and will vote no.
121		VOTE: 6-2-1
		AYE: 6 - Ackerman, Barker, Macpherson, Prozanski, Shetterly, Williams
		NAY: 2 - Anderson, Jenson
		EXCUSED: 1 - Krummel
138	Chair Williams	The motion CARRIES.
		REP. PROZANSKI will lead discussion on the floor.
140	Chair Williams	Closes the work session on HB 3329A and opens a public hearing on HB 2900.
<u>HB 2900 PUBLIC HEARING</u>		
144	Craig Prins	Committee Counsel. Introduces HB 2900 which requires Department of Transportation to impose civil penalty of a least \$500 and not more than \$1,000 on person who refuses to take breath test. Discusses the -2 amendments (EXHIBIT C).
170	Ann Pratt	Springfield. Testifies in support of HB 2900.
194	Bruce Pratt	Springfield. Submits testimony and testifies in support of HB 2900 (EXHIBIT D).
201	Dawn Phillips	Legislative Assistant, Rep. Randy Miller. Testifies in support of HB 2900.
237	Rep. Prozanski	Asks Ms. Phillips if there has been discussion with the State Police of how this money will be accounted for in the DUII program.
260	Prins	Discusses Section 2, page 1 and Section 3, page 1 and 2 of the bill.
287	David Vill	Assistant District Attorney, Lane County. Testifies in support of HB 2900.
317	Susan Russell	Oregon Criminal Defense Lawyers Association. Testifies in opposition to HB 2900.
345	Chair Williams	Closes the public hearing on HB 2900 and opens a work session.
<u>HB 2900 WORK SESSION</u>		
350	Rep. Prozanski	MOTION: Moves to ADOPT HB 2900-2 amendments dated 03/26/03.
		VOTE: 9-0
352	Chair Williams	Hearing no objection, declares the motion CARRIED.
354	Rep. Prozanski	MOTION: Moves HB 2900 to the floor with a DO PASS AS AMENDED recommendation.
364	Chair Williams	Hearing no objection, declares the motion CARRIED.
		VOTE: 9-0

365	Chair Williams	REP. WILLIAMS will lead discussion on the floor. Closes the work session on HB 2900 and opens a public hearing on HB 2901.
<u>HB 2901 PUBLIC HEARING</u>		
367	Craig Prins	Committee Counsel. Introduces HB 2901 which requires person to sign certain acknowledgment and agreement as part of application for driver license or permit or vehicle registration. Discusses the -1 amendments (EXHIBIT E).
380	Ann Pratt	Springfield. Testifies in support of HB 2901.
403	Dawn Phillips	Legislative Assistant, Rep. Miller. Submits testimony and testifies in support of HB 2901 (EXHIBIT F).
459	Rep. Prozanski	Asks if other states use this approach.
465	Bruce Pratt	Answers no.
TAPE 185, A		
037	Chair Williams	Says that there is a fiscal statement on the bill that says the cost of the bill could be absorbed with existing resources.
047	Kelly Taylor	Department of Transportation. Testifies on HB 2901.
085	Chair Williams	Closes the public hearing on HB 2901 and opens a work session.
<u>HB 2901 WORK SESSION</u>		
090	Rep. Prozanski	MOTION: Moves to ADOPT HB 2901-1 amendments dated 04/14/03. VOTE: 9-0
095	Chair Williams	Hearing no objection, declares the motion CARRIED.
097	Rep. Prozanski	MOTION: Moves HB 2901 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 9-0
102	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. ANDERSON will lead discussion on the floor.
112	Chair Williams	Closes the work session on HB 2901. Adjourns the meeting at 1:55 p.m.

EXHIBIT SUMMARY

- A – HB 3426, -4 amendments, submitted by staff, dated 5/9/03, 3 pgs.**
- B – HB 3329, -A5 amendments, submitted by staff, dated 5/9/03, 1 pg.**
- C – HB 2900, -2 amendments, submitted by staff, dated 3/26/03, 6 pgs.**
- D – HB 2900, written testimony, submitted by Bruce Pratt, 1 pg.**
- E – HB 2901, -1 amendments, submitted by staff, dated 4/14/03, 1 pg.**
- F – HB 2901, Driver License/Identification Card Applications, submitted by Dawn Phillips, 5 pgs.**