

## HOUSE COMMITTEE ON JUDICIARY

June 12, 2003 Hearing Room 357

1:00 pm Tapes 221 - 222

**MEMBERS PRESENT:**       Rep. Max Williams, Chair  
                                  Rep. Robert Ackerman, Vice-Chair  
                                  Rep. Jeff Barker  
                                  Rep. Greg Macpherson  
                                  Rep. Floyd Prozanski  
                                  Rep. Lane Shetterly

**MEMBER EXCUSED:**       Rep. Gordon Anderson, Vice-Chair  
                                  Rep. Bob Jenson  
                                  Rep. Jerry Krummel

**STAFF PRESENT:**         Craig Prins, Counsel  
                                  Nancy Masee, Committee Assistant

**MEASURE/ISSUES HEARD:**       **SB 24A Public Hearing**  
                                          **SB 308A 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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| <b>TAPE/#</b>                        | <b>Speaker</b>  | <b>Comments</b>                                                                                                                                                                                                                                                           |
|--------------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>TAPE 221, A</b>                   |                 |                                                                                                                                                                                                                                                                           |
| 005                                  | Chair Williams  | Opens meeting at 1:35 pm. Opens public hearing on SB 24A.                                                                                                                                                                                                                 |
| <b><u>SB 24A PUBLIC HEARING</u></b>  |                 |                                                                                                                                                                                                                                                                           |
| 012                                  | Katy King       | Health Services, Department of Human Services (DHS), testifying for Dr. Grant Higginson. Testifies in support of SB 24A which creates crime of unlawful development, manufacture, delivery, possession or use of harmful substance, toxin or delivery system.             |
| 031                                  | Rep. Macpherson | Says the language in the bill is very broad. Asks what is there that is criminally vital in the bill related to chemical toxins as opposed to what most people keep in their homes.                                                                                       |
| 048                                  | Craig Prins     | Committee Counsel. Refers to page 2, line 2. Describes the anthrax scare at the Capitol after the September 11 disaster in New York. Describes hoaxes that threaten populations.                                                                                          |
| 065                                  | Rep. Macpherson | Asks if the thrust is to expand the scope of destructive devices and include biological substances.                                                                                                                                                                       |
| 068                                  | Prins           | Explains purpose is not to expand destructive device but to allow for prosecution of possession, delivery or development of these types of substances or delivery systems, if the conscious objective is to harm a person or animal. It does allow prosecution of a hoax. |
| 081                                  | Chair Williams  | Closes public hearing on SB 24A. Opens public hearing on SB 308A.                                                                                                                                                                                                         |
| <b><u>SB 308A PUBLIC HEARING</u></b> |                 |                                                                                                                                                                                                                                                                           |
| 120                                  | Mike Dugan      | District Attorney, Deschutes County. Oregon District Attorneys                                                                                                                                                                                                            |

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|                    |                 | Association (ODAA). Testifies in support of SB 308A which prohibits disclosure of personal financial information of victims and witnesses to defendants in criminal cases. Explains the -2 amendments submitted by staff ( <b>EXHIBIT A</b> ).   |
| 135                | Rep. Prozanski  | Asks about preparing a defense.                                                                                                                                                                                                                  |
| 140                | Dugan           | Answers about financial information being presented in defense.                                                                                                                                                                                  |
| 164                | Prins           | Explains “identity theft” and personal identification, ORS 165.800(4b).                                                                                                                                                                          |
| 170                | Rep. Shetterly  | States this bill discusses personal financial information.                                                                                                                                                                                       |
| 175                | Kelley Skye     | Oregon Criminal Defense Lawyers Association (OCDLA). Testifies in opposition to SB 308A because of the potential financial impact. Disagrees with the “minimal” fiscal impact.                                                                   |
| 195                | Rep. Shetterly  | Refers to subsection 2(a). Asks where restriction falls, is it if they do not have a lawyer.                                                                                                                                                     |
| 200                | Prins           | Refers to page 2, line 10.                                                                                                                                                                                                                       |
| 212                | Ann Christian   | Director, Indigent Defense Services Division. Testifies as neutral on SB 308A. Discusses the fiscal impact. Discusses additional legal assistants would be needed.                                                                               |
| 254                | Chair Williams  | Asks what the relationship is between the length of the list of information and the fiscal impact, and suggests the list could be limited.                                                                                                       |
| <b>TAPE 222, A</b> |                 |                                                                                                                                                                                                                                                  |
| 003                | Rep. Barker     | Asks what kinds of costs are there in one identity theft case.                                                                                                                                                                                   |
| 005                | Dugan           | Responds about losses and credit rating destruction.                                                                                                                                                                                             |
| 012                | Chair Williams  | Asks about definition of personal financial information.                                                                                                                                                                                         |
| 020                | Dugan           | Answers that all that information is not included in every report. Suggests consistency with identity theft statutes.                                                                                                                            |
| 030                | Chair Williams  | Suggests leaving out “financial” and just having “personal.”                                                                                                                                                                                     |
| 049                | Rep. Barker     | So you are saying just say “personal information.”                                                                                                                                                                                               |
| 053                | Chair Williams  | Answers that would be less confusing, yes.                                                                                                                                                                                                       |
| 056                | Christian       | Refers to the social impact of the bill. The bottom line effort is to prevent personal information from being abused by those individuals who should not have it. Discusses future of electronic information that would take less time.          |
| 079                | Dugan           | States the ODAA does not want shifting costs. Agrees that electronic communication is coming.                                                                                                                                                    |
| 087                | Chair Williams  | Comments that some DA’s offices do redacting now.                                                                                                                                                                                                |
| 100                | Skye            | Suggests two copies being made; one with the full information and one with redacting.                                                                                                                                                            |
| 119                | Rep. Prozanski  | Says this is not cost shifting because it is a new procedure.                                                                                                                                                                                    |
| 134                | Chair Williams  | Says ultimately the responsibility is placed on whoever has the final obligation.                                                                                                                                                                |
| 149                | Dugan           | Explains the prosecutor’s duty to supply a complete copy to defense. Comments on liability.                                                                                                                                                      |
| 174                | Chair Williams  | Refers to the amendments.                                                                                                                                                                                                                        |
| 179                | Prins           | Explains the –A2 amendments which deal with statute of limitations of 8 years for specific crimes.                                                                                                                                               |
| 200                | Rep. Macpherson | Refers to Racketeer Influenced and Corrupt Organization (RICO) statutes.                                                                                                                                                                         |
| 205                | Rep. Shetterly  | Says these crimes are already in the RICO statutes.                                                                                                                                                                                              |
| 220                | Rep. Prozanski  | Discusses whether special statutes of limitations should be set up for these types of crimes. Suggests the Oregon Law Commission or an interim group look at the Statute of Limitations and Criminal Code which has not been updated since 1971. |

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| 227                                | Rep. Barker    | Discusses rationale of this bill compared to RICO cases.                                                                                                                                                                                                                                                   |
| 242                                | Chair Williams | Asks if the committee is supportive of the bill and amendments.<br>Suggests conceptual amendment.                                                                                                                                                                                                          |
| 244                                | Committee      | Discusses amending SB 308A.                                                                                                                                                                                                                                                                                |
| <b>TAPE 221, B</b>                 |                |                                                                                                                                                                                                                                                                                                            |
| 018                                | Chair Williams | Closes public hearing on SB 308A, and opens work session.                                                                                                                                                                                                                                                  |
| <b><u>SB 308A WORK SESSION</u></b> |                |                                                                                                                                                                                                                                                                                                            |
| 019                                | Rep. Shetterly | <b>MOTION: Moves to ADOPT SB 308A-2 amendments dated 6/9/03.</b>                                                                                                                                                                                                                                           |
|                                    |                | <b>VOTE: 6-0-3</b>                                                                                                                                                                                                                                                                                         |
|                                    |                | <b>EXCUSED: 3 - Anderson, Jenson, Krummel</b>                                                                                                                                                                                                                                                              |
| 020                                | Chair Williams | <b>Hearing no objection, declares the motion CARRIED.</b>                                                                                                                                                                                                                                                  |
| 021                                | Rep. Shetterly | <b>MOTION: Moves to conceptually AMEND SB 308A on page 1, in line 27, strike "financial"; the same on page 2, line 2; on page 2, line 4; page 2, line 12; page 2, line 22; and following the word "includes" strike the comma, and the words "but is not limited to,"; and line 23 strike "financial."</b> |
|                                    |                | <b>VOTE: 6-0-3</b>                                                                                                                                                                                                                                                                                         |
|                                    |                | <b>EXCUSED: 3 - Anderson, Jenson, Krummel</b>                                                                                                                                                                                                                                                              |
| 025                                | Chair Williams | <b>Hearing no objection, declares the motion CARRIED.</b>                                                                                                                                                                                                                                                  |
| 026                                | Rep. Shetterly | <b>MOTION: Moves SB 308A to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.</b>                                                                                                                                                                     |
|                                    |                | <b>VOTE: 6-0-3</b>                                                                                                                                                                                                                                                                                         |
|                                    |                | <b>EXCUSED: 3 - Anderson, Jenson, Krummel</b>                                                                                                                                                                                                                                                              |
| 030                                | Chair Williams | <b>Hearing no objection, declares the motion CARRIED.</b>                                                                                                                                                                                                                                                  |
| 035                                | Chair Williams | Closes work session on SB 308A and adjourns meeting at 2:34 pm.                                                                                                                                                                                                                                            |

**EXHIBIT SUMMARY**

**A – SB 308A-2 amendments, staff, 4 pp**