

HOUSE COMMITTEE ON JUDICIARY

June 26, 2003 Hearing Room 357
1:00 p.m. Tapes 226 - 228

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
Bill Taylor, Counsel
Nancy Masee, Committee Assistant

MEASURE/ISSUES HEARD: SB 613A Public Hearing
SB 617A Work Session
SB 752A Work Session
SB 820B Work Session
SB 610A Public Hearing and Work Session
SB 59A 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.

TAPE/#	Speaker	Comments
226, A		
004	Chair Williams	Call the meeting to order at 1:00 p.m. Opens public hearing on SB 613A.
SB 613A PUBLIC HEARING		
012	Senator Peter Courtney	Senate District 11. Submits testimony and testifies in support of SB 613A which authorizes sports official to order coach, team player or spectator to leave sports event (EXHIBIT A).
078	Alan Moberg	Coordinator of Officials. Testifies in support of SB 613A.
106	Tom Welter	Executive Director, Oregon School Activities Association (OSAA). Submits testimony and testifies in support of SB 613A (EXHIBIT B).
149	Mark Caudel	Mayor of Sherwood. Testifies in support of SB 613A.
187	Rep. Shetterly	Asks about spectators and suggests that the word "attends" should replace "observes."
204	Sen. Courtney	Agrees that "attends" is a better choice of words.
225	Rep. Shetterly	Asks what degree of misdemeanor this is.
236	Rep. Prozanski	Says that it is probably a Class C because it's a criminal trespass in the second degree.
241	Rep. Krummel	Asks Mayor Caudel about Sherwood's ordinance.
246	Caudel	Says they have not passed an ordinance yet. Adds they are looking for a statewide policy to follow.
256	Rep. Krummel	Asks if local government would need additional ordinances.
265	Caudel	Hopes that they set up a framework for cities to follow.
275	Rep. Prozanski	Comments that the word "attends" is a better choice than "observes." Refers to line 23 of the bill and the term "inappropriate behavior."
307	Caudel	States that inappropriate behavior is defined in the bill.
329	Sen. Courtney	Explains how the language was decided on.
338	Rep. Prozanski	States that this is something that they should be doing, but the statute needs to be very specific.
373	Craig Prins	Committee Counsel. Explains that criminal trespass in the second degree is a "C" misdemeanor and this would be up to 6 months in jail.
394	Rep. Krummel	Discusses "disorderly conduct" and "inappropriate behavior."
411	Chair Williams	Refers to Rules of Conduct and discusses free speech issues.
TAPE 227, A		
018	Rep. Shetterly	Comments that they could incorporate the crime of harassment in the bill.
051	Welter	Responds about conduct at school athletic events. Says that they are seeing a lot of fans combating with other fans. Testifies that SB 613A will give officials authority to remove abusive spectators.
066	Rep. Krummel	Says that he sees this bill as necessary when an official has no other option.
102	Welter	Discusses situations when problems occur. Discusses codes of conduct. Says that this bill will give them some legal backing to deal with these incidents.
138	Rep. Jenson	Comments on the problem of kids modeling behavior of the professional athletes.
174	Sen. Courtney	Says this legislation would be statewide and would apply to professional sports teams as well.
186	Vice Chair Ackerman	Expresses concerns about technical aspects of bill.
210	Chair Williams	Expresses the committee's interest in the bill and suggests further work on it. Closes public hearing on SB 613A and opens a work session on SB 617A.
SB 617A WORK SESSION		
224	Craig Prins	Committee Counsel. Introduces SB 617A which requires restitution in all cases in which victim suffers injury, loss or damage. Explains the A4 and A5 amendments (EXHIBITS C - E).
307	Hardy Myers	Attorney General. Testifies in support of SB 617A with the A5 amendments. Clarifies the A5 amendments. Discusses the differences

394 Rep. Shetterly between the A4 and A5 amendments.
 460 Rep. Barker Testifies in support of the A4 amendments.
TAPE 226, B Testifies in support of the A5 amendments.
 031 Rep. Shetterly Discusses judicial discretion.
 059 Rep. Macpherson Testifies that judicial discretion has its place, but restitution is apart from that. Testifies in support of the A5 amendments.
 072 Vice Chair Testifies in support of the A4 amendments.
 Ackerman
 080 Vice Chair Anderson Thinks that the criminal should carry out the full sentence. Says the A5's are the preferred amendments.
 114 Rep. Prozanski Agrees with parts of both amendments. Discusses restitution as a part of criminal justice to enable the victim to not have to go through the civil process.
 189 Myers Reiterates that full accountability should be carried out on the perpetrator.
 235 Rep. Shetterly **MOTION: Moves to ADOPT SB 617A-4 amendments dated 06/17/03.**
VOTE: 3-6
AYE: 3 - Ackerman, Jenson, Shetterly
NAY: 6 - Anderson, Barker, Krummel, Macpherson, Prozanski, Williams
The motion FAILS.
 239 Chair Williams **MOTION: Moves to ADOPT SB 617A-5 amendments dated 06/18/03.**
 240 Rep. Barker **VOTE: 8-1**
AYE: 8 - Ackerman, Anderson, Barker, Jenson, Krummel, Macpherson, Prozanski, Williams
NAY: 1 - Shetterly
The motion CARRIES.
 245 Chair Williams **MOTION: Moves SB 617A to the floor with a DO PASS AS AMENDED recommendation.**
 247 Rep. Williams
 249 Rep. Krummel Supports bill with A5 amendments.
 266 Rep. Jenson Says he will support the bill.
 273 Rep. Prozanski States he supports the bill.
 293 Rep. Shetterly Says he will support the bill, but has grave concerns.
 324 **VOTE: 9-0**
 326 Chair Williams **Hearing no objection, declares the motion CARRIED.**
REP. BARKER will lead discussion on the floor.
 329 Chair Williams Closes work session on SB 617A and opens a work session on SB 752A.

SB 752A WORK SESSION

332 Craig Prins Committee Counsel. Explains SB 752A which creates Sexual Assault Victims' Emergency Medical Response Fund.
 386 Hardy Myers Attorney General. Testifies in support of SB 752A with the A5 amendments (**EXHIBIT F**).
 396 David Fiskum Providence Health System. Testifies in support of SB 752A with the A5 amendments. Concurs with the Attorney General. Supports SB 752A relative to hospital billing practices and health insurance claims practices.
 439 Rep. Barker Says he is appalled that there is a section taken out of the bill that protects rape victims and adds that he has proposed amendments that he is not bringing forward today. States he will vote no on the amendments and the bill.
 467 Chair Williams **MOTION: Moves to ADOPT SB 752A-5 amendments dated 06/25/03.**
VOTE: 7-2
AYE: 7 - Ackerman, Jenson, Krummel, Macpherson, Prozanski, Shetterly, Williams
NAY: 2 - Anderson, Barker
The motion CARRIES.
 471 Chair Williams **MOTION: Moves SB 752A to the floor with a DO PASS AS AMENDED recommendation.**
 491 Chair Williams
 499 Chair Williams **VOTE: 6-1-2**
AYE: 6 - Ackerman, Anderson, Jenson, Prozanski, Shetterly, Williams
NAY: 1 - Barker
EXCUSED: 2 - Krummel, Macpherson
Hearing no objection, declares the motion CARRIED.
REP. WILLIAMS will lead discussion on the floor.

TAPE 227, B

040 Chair Williams Closes the work session on SB 752A. Opens a work session on SB 820B.

SB 820B WORK SESSION

046 Bill Taylor Committee Counsel. Introduces SB 820B which specifies that Legislative Assembly reserves 250,000 acre-feet of Upper Columbia River mainstem water for future economic development. Discusses B12 amendments (**EXHIBIT G**).
 070 Rep. Jenson Explains SB 820B. Discusses other water bills HB 3215 and HB 3217.
 120 Doug Riggs Central Oregon Cities Organization. Submits testimony and testifies in support of SB 820B (**EXHIBIT H**).
 163 Adam Sussman Water Resources Department. Describes water rights in the Columbia River Basin.
 199 Rep. Jenson **MOTION: Moves to ADOPT SB 820B-12 amendments dated 06/25/03.**
VOTE: 7-0-2
EXCUSED: 2 - Krummel, Macpherson

200 Chair Williams Hearing no objection, declares the motion CARRIED.
202 Rep. Jenson MOTION: Moves SB 820B to the floor with a DO PASS AS AMENDED recommendation.
VOTE: 7-0-2
EXCUSED: 2 - Krummel Macpherson

210 Chair Williams Hearing no objection, declares the motion CARRIED.
213 Chair Williams REP. JENSON will lead discussion on the floor.
Closes the work session on SB 820B and opens a work session on SB 610A.

SB 610A PUBLIC HEARING

218 Senator Kate Brown Senate District 21. Submits testimony and testifies in support of SB 610A which requires certain employers to allow employees who are victims of certain crimes to take leave from employment to attend criminal or juvenile proceedings or other proceedings at which crime victims have right to be present (EXHIBIT I). Discusses the A5 and A6 amendments (EXHIBITS J & K).

262 Rebecca Gandy Oregon Coalition Against Domestic and Sexual Violence. Submits testimony and testifies in support of SB 610A (EXHIBIT L).

272 Anne Pratt Reads testimony of Marie Armstrong, a parent of a murdered child and member of Crime Victims United (EXHIBIT M).

360 Craig Plunkett Crime Victims United. Submits testimony and testifies in support of SB 610A. Relates how his son was murdered in Washington, D.C. as a college student (EXHIBIT N).

TAPE 228, A

002 Plunkett Continues describing how his employer treated him during his grief over his son's murder.

041 Steve Doell Crime Victims United. Testifies on murder cases in Portland area and how parents lost their jobs.

078 Chair Williams Closes the public hearing on SB 610A and opens a work session.

SB 610A WORK SESSION

083 Craig Prins Committee Counsel. Discusses the A5 and A6 amendments. Comments on the testimony submitted by Phil Lemman (EXHIBIT O).

096 Chair Williams Talks about bill and amendments.

123 Rep. Prozanski MOTION: Moves to ADOPT SB 610A-6 amendments dated 06/26/03.
VOTE: 7-0-2
EXCUSED: 2 - Krummel, Shetterly

125 Chair Williams Hearing no objection, declares the motion CARRIED.
126 Rep. Prozanski MOTION: Moves SB 610A to the floor with a DO PASS AS AMENDED recommendation.
VOTE: 7-0-2
EXCUSED: 2 - Krummel, Shetterly

131 Chair Williams Hearing no objection, declares the motion CARRIED.
REP. PROZANSKI will lead discussion on the floor.

135 Chair Williams Closes the work session on SB 610A and opens a work session on SB 59A.

SB 59A WORK SESSION

135 Craig Prins Committee Counsel. Introduces SB 59A which extends period during which forfeiture counsel must file criminal information or indictment for criminal forfeiture. Discusses the A5 amendments (EXHIBIT P).

165 Rep. Jenson MOTION: Moves to ADOPT SB 59A-5 amendments dated 06/26/03.

178 Rep. Prozanski Wonders why they have the A5 amendments.
227 Rep. Jenson Says he thinks the A5 amendments are necessary.
239 Chair Williams Says according to Rep. Prozanski there is another forfeiture process if they want to sell a weapon and Rep. Jenson says there is another process.

268 Prozanski This expedites the ability for the guns to be forfeited.
300 Daina Vitolins Assistant Attorney General, Department of Justice. Mentions this is not an expedited forfeiture process. Expresses the need for SB 59A.

328 Rep. Prozanski Asks for further explanation on forfeiture.
346 Vitolins Describes the change in the statute.
378 David Fidanque American Civil Liberties Union. Testifies on SB 59A and talks about how the proceeds are used.

379 VOTE: 5-1-3
AYE: 5 - Ackerman, Anderson, Barker, Jenson, Williams
NAY: 1 - Prozanski
EXCUSED: 3 - Krummel, Macpherson, Shetterly

380 Chair Williams The motion CARRIES.
448 Rep. Jenson MOTION: Moves SB 59A to the floor with a DO PASS AS AMENDED recommendation.

452 Rep. Prozanski Says that he will be voting no on the bill because he sees it in direct conflict with Measure 3.
477 VOTE: 5-1-3
AYE: 5 - Ackerman, Anderson, Barker, Jenson, Williams
NAY: 1 - Prozanski
EXCUSED: 3 - Krummel, Macpherson, Shetterly

478 Chair Williams The motion CARRIES.
REP. JENSON will lead discussion on the floor.

491 Chair Williams Closes the work session on SB 59A. Adjourns the meeting at 3:22 p.m.

EXHIBIT SUMMARY

A – SB 613A, written testimony, submitted by Senator Peter Courtney, 2 pgs.

B – SB 613A, written testimony, submitted by Tom Welter, 1 pg.

C – SB 617A, -A4 amendments, submitted by staff, dated 6/17/03, 2 pgs.
D – SB 617A, -A5 amendments, submitted by staff, dated 6/18/03, 2 pgs.
E – SB 617A, hand-engrossed bill, submitted by staff, 7 pgs.
F – SB 752A, -A5 amendments, submitted by staff, dated 6/25/03, 7 pgs.
G – SB 820B, -B12 amendments, submitted by staff, dated 6/26/03, 16 pgs.
H – SB 820B, written testimony, submitted by Doug Riggs, 3 pgs.
I – SB 610A, written testimony, submitted by Senator Brown, 1 pg.
J – SB 610A, -A6 amendments, submitted by staff, dated 6/26/03, 1 pg.
K – SB 610A, -A5 amendments, submitted by staff, dated 6/26/03, 1 pg.
L – SB 610A, written testimony, submitted by Rebecca Gandy, 1 pg.
M – SB 610A, written testimony of Marie Armstrong, submitted by Anne Pratt, 2 pgs.
N – SB 610A, written testimony, submitted by Craig Plunkett, 3 pgs.
O – SB 610A, letter and list, submitted by Phil Lemman, 2 pgs.
P – SB 59A, -A5 amendments, submitted by staff, dated 6/26/03, 3 pgs.