

## HOUSE COMMITTEE ON JUDICIARY

June 05, 2003 Hearing Room 357

1:00 pm Tapes 216 - 217

**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:**        **Bill Taylor, Counsel**  
                                  **Nancy Masee, Committee Assistant**

**MEASURE/ISSUES HEARD:**  
                                  **SB 385A Public Hearing**  
                                  **HB 2089 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 216, A</b>		
004	Vice Chair Ackerman	Opens meeting at 1:14 pm. Opens public hearing on SB 385A.
<b><u>SB 385 A PUBLIC HEARING</u></b>		
010	Bill Taylor	Committee Counsel. Explains SB 385A which provides that prosecution for crime that constitutes ecosabotage may be commenced within five years after expiration of period of limitation otherwise applicable.
025	Sen. Ted Ferrioli	Senate District 30. Testifies in support of SB 385A which helps define eco-sabotage. Explains Oregon's position as a victim of eco-sabotage. Gives example of an eco-sabotage act in Oregon. Asks the committee to support this bill. Testimony submitted from Oregon State University Department of Forest Science, Prof. Steve Strauss ( <b>EXHIBIT A</b> ).
112	Rep. Barker	Asks about the firebombing in Eugene.
126	Rep. Prozanski	Asks under what conditions it would be prosecutable.
130	Sen. Ferrioli	Describes prosecutable situations.
150	Pete Shepherd	Deputy Attorney General, Department of Justice (DOJ). Testifies in support of SB 385A and amendments. States this bill would not extend to ordinary retail car dealership sales or farm equipment sales.
162	Rep. Macpherson	Asks about statute of limitations to cut off prosecution and asks if this is consistent with other Racketeer Influenced and Corrupt Organization Act (RICO) statutes.
228	Shepherd	Explains the racketeering statutes of limitations pertaining to prosecution. Explains the bill allows action to be brought within a specified number of years of the most recent criminal offense.

264	Rep. Jenson	Asks what are the distinctions between SB 385A and the eco-terrorism bill brought forth by the Legislature in 2001.
270	Rep. Shetterly	Comments on bills heard during the 2001 legislative session that related to crime of animal operation and agricultural research crimes would be subsumed within definition of eco-sabotage.
299	Rep. Prozanski	Asks if we are looking at expanding the statute of limitations for eco-sabotage crimes.
315	Shepherd	States that there is a dual nature in the racketeering statute both civil and criminal.
380	Sen. Ferrioli	States that in racketeering prosecutions the discovery of an action may lead to prior actions linked to the racketeering statute so far back it would not be prosecutable.
420	Rep. Prozanski	Discusses certain crimes looking at ten years.
444	Sen. Ferrioli	Replies the intent was to add five years perspective and the RICO statute would cover conspiratorial crimes wherever back in time.
450	Taylor	States if the statute of limitations has not run, the bill gives an extension. If it has run, there is no extension.

**TAPE 217, A**

033	Shepherd	Agrees with Mr. Taylor.
057	Rep. Macpherson	Discusses how the bill would work under the RICO statutes.
072	Sen. Ferrioli	Comments that in RICO a pattern has to be established.
082	Bill Kluting	Western Council of Industrial Workers. Testifies in support of SB 385A. Describes eco-terrorist acts and how they affect loggers.
120	Jim Geisinger	Associated Oregon Loggers. Testifies in support of SB 385A. Describes attempts to protect themselves from eco-terrorists.
168	Darrell Fuller	Oregon Auto Dealers. Testifies in support of 385A. Relates to Eugene auto dealership.
178	Rep. Prozanski	States SB 385A is only a statute of limitation bill; it does not purport harsher penalties.
188	Geisinger	Explains harsher penalty and how perpetrators often escape due to distance from law enforcement. A longer statute of limitations gives more time to find the terrorists.
200	Fuller	Discusses appropriate protection to those people subject to being victims of these acts of violence against the environment and animals.
220	Rep. Prozanski	Discusses rural acts with urban eco-violent conduct.
251	Kelly Stoner	Director, Stop Eco-Violence. Submits testimony and testifies in support of SB 385A ( <b>EXHIBIT B</b> ). Describes acts of violence by eco-terrorists. Describes Earth Liberation Front beliefs and threats.

**TAPE 216, B**

014	Stoner	Emphasizes that Oregon is an epi-center for eco-terrorism. Describes actors of eco-terror as sophisticated criminals.
041	Martin Taylor	Sierra Club. Testifies in support of SB 385A. Questions how the RICO statutes could be enforced. Discusses political expression through violent acts.
183	Rep. Shetterly	Comments on language in the bill that refers to eco-terrorism. Some acts are not covered as felonies by SB 385A.
200	Chair Williams	Refers to page 3, Section 1, subsection 9 of the bill.
231	Rep. Ackerman	Comments on underlying felony and underlying products, or

285	Rep. Prozanski	culpable mental state, or classification as a felony or misdemeanor. Refers to line 41, on page 2. Refers to page 3, lines 3 through 10. Discusses possible situations of eco-sabotage and classes of misdemeanors or felonies
294	Committee	Discusses how to adjust the language of SB 385A to an acceptable level.
318	Dave Fidanque	Executive Director, American Civil Liberties Union (ACLU). Testifies as neutral on SB 385A. Suggests simplifying the bill.
398	Greg Addington	Oregon Farm Bureau. Testifies in support of SB 385A. Says eco-sabotage is a growing problem in the natural resource industries.

**TAPE 217, B**

010	Terry Witt	Director, Oregonians for Food and Shelter. Supports SB 385A. Agrees that there are issues in the bill that need to be addressed.
041	Rep. Jenson	Comments on the brick thrown through a greenhouse or a home, under the RICO statute, there would have to be a pattern of behavior that we need to keep in sight.
045	Chair Williams	Closes public hearing on SB 385A. Opens work session on HB 2089.

**HB 2089 WORK SESSION**

049	Bill Taylor	Committee Counsel. Explains HB 2089 which requires restitution in all cases in which victim suffers pecuniary loss, and the -2 amendments. Explains a work group has been meeting on this bill for several months.
013	Pete Shepherd	Deputy Attorney General, Department of Justice (DOJ). Testifies in support of HB 2089 with the -2 amendments and submits testimony <b>(EXHIBITS C and D)</b> .
050	David Fidanque	Executive Director, American Civil Liberties Union (ACLU) and Coalition to Save the Oregon 181 laws. Testifies in support of HB 2089 with the -2 amendments. Further explains that originally this statute was to prevent state and local police from profiling persons of another race who look different and speak differently from white residents.
100	Rep. Prozanski	Asks if the City of Eugene was with the group working with the Coalition.
142	Rep. Barker	Asks if the Patriot Act would prevent talking with Muslims.
150	Fidanque	Answers there have been different interpretations of the effect of this statute on those interviews. This law permits state and local law enforcement to follow any lead in a criminal case.
170	Shepherd	Agrees the amendment will not make any changes in the legal parameters in which interviews can take place.
<b>250</b>	<b>Rep. Prozanski</b>	<b>MOTION: Moves to ADOPT HB 2089-2 amendments dated 5/2/03.</b>
		<b>VOTE: 8-0-1</b>
		<b>EXCUSED: 1 – Krummel</b>
<b>251</b>	<b>Chair Williams</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>253</b>	<b>Rep. Prozanski</b>	<b>MOTION: Moves HB 2089 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 7-1-1</b>
		<b>AYE: 7 - Ackerman, Anderson, Jenson, Macpherson, Prozanski, Shetterly, Williams</b>
		<b>NAY: 1 - Barker</b>
		<b>EXCUSED: 1 – Krummel</b>

254	Chair Williams	<b>The motion CARRIES.</b>
		<b>REP. WILLIAMS will lead discussion on the floor.</b>
312	Chair Williams	Closes work session on HB 2089. Adjourns meeting at 2:55 p.m.

**EXHIBIT SUMMARY**

**A – SB 385A, written testimony, submitted by staff for Prof. Steve Strauss, OSU, 18 pp**  
**B – SB 385A, written testimony, Kelly Stoner, 4 pp**  
**C – HB 2089, written testimony, Peter Shepherd, 5 pp**  
**D – HB 2089-2 amendments, staff, 2 pp**