

HOUSE COMMITTEE ON JUDICIARY

July 02, 2003 Hearing Room 357

1:00 p.m. Tapes 232 - 233

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

MEMBER EXCUSED: Rep. Jerry Krummel

STAFF PRESENT: Craig Prins, Counsel
 Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: SB 108 Work Session
 SB 342 Work Session
 SB 609A Work Session
 SB 613A 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
TAPE 232, A		
004	Chair Williams	Calls the meeting to order at 1:10 p.m. Opens a work session on SB 108.
<u>SB 108 WORK SESSION</u>		
010	Craig Prins	Committee Counsel. Introduces SB 108 which authorizes fine of up to \$300,000 upon conviction of murder or aggravated murder. Talks about the -1 and -3 amendments (EXHIBITS A & B).
043	Chair Williams	Discusses the -3 amendments that were at the request of the Governor's Office.
081	Rep. Shetterly	Wonders if they have to refer the bill to Ways and Means.
086	Rep. Prozanski	Comments on bills needing to be referred to Ways and Means.
093	Rep. Jenson	Explains his -1 amendments.
115	Rep. Prozanski	Questions the -1 amendments and the proposed \$1,000,000 fine.
124	Prins	Talks about high profile case in Multnomah County.
136	Rep. Jenson	Recognizes that they would be setting precedence with the -1 amendments. States that he knows there have been many cases in the last several years in which the defendants were wealthy and could pay a \$1,000,000 fine.
151	Rep. Shetterly	Asks if the court wanted to impose more than a \$300,000 fine in the Multnomah County case.
155	Prins	Says that he doesn't know.
166	Kelly Skye	Oregon Criminal Defense Lawyers Association. Says that they object to the -1 amendments.

171 Rep. Shetterly Says that a fine is appropriate for murder and aggravated murder. Asks Rep. Jenson if he would compromise for \$500,000 in his amendments instead of \$1,000,000.

193 Rep. Jenson Answers that he would accept that.

210 Rep. Shetterly **MOTION: Moves to CONCEPTUAL AMEND SB 108-1 amendments dated 05/13/03 by deleting \$1,000,000 on line 2, page 1 and inserting \$500,000.**

211 Rep. Barker Says that he is satisfied with \$1,000,000, but will not vote against this amendment.

212 **VOTE: 8-0-1**
EXCUSED: 1 - Krummel

213 Chair Williams **Hearing no objection, declares the motion CARRIED.**

215 Rep. Shetterly **MOTION: Moves to ADOPT SB 108-1 amendments dated 05/13/03 AS CONCEPTUALLY AMENDED.**
VOTE: 8-0-1
EXCUSED: 1 - Krummel

218 Chair Williams **Hearing no objection, declares the motion CARRIED.**

223 Rep. Shetterly **MOTION: Moves SB 108 to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 8-0-1
EXCUSED: 1 - Krummel

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

244 Chair Williams Closes the work session on SB 108 and opens a work session on SB 342.

SB 342 WORK SESSION

246 Craig Prins Committee Counsel. Introduces SB 342 which provides that for purposes of crime of possession of controlled substance person possesses controlled substance if person intentionally consumes controlled substance and certain other circumstances are present. Discusses the -1, -2 and -3 amendments (**EXHIBITS C-E**). Talks about *State vs. Slovik Case* (**EXHIBIT F**).

396 Brian DeLashmutt Oregon Council of Police Associations. Testifies in support of SB 342 and the -2 amendments.

TAPE 233, A

016 Officer Craig Durbin Oregon State Police. Testifies in support of SB 342.

035 Rep. Prozanski Discusses the -1 amendments.

081 Chair Williams Asks Mr. DeLashmutt and Officer Durbin about the -1 amendments.

090 DeLashmutt Discusses their concerns with the -1 amendments. Says that punishing them by taking away their license is not enough.

108 Chair Williams Comments on the -1 amendments.

119 Rep. Shetterly Discusses bill.

132 Officer Durbin Talks about his concerns with methamphetamine and feels that treatment is very important for these juveniles.

159 Chair Williams Points out the challenges of the bill.

183 Nancy Miller Director of the Court Programs and Services Division, State Court Administrator's Office. Testifies on the -2 amendments to SB 342. Talks about her concerns.

208 Ann Christian Public Defense Services Commission. Testifies on bill.

223 Kelly Skye Oregon Criminal Defense Lawyers Association (OCDLA). Testifies and says they oppose the bill in its original form.

295 Rep. Prozanski Says that the -2 amendments will put a burden on the court

system.
 310 Miller Agrees that it will have an impact on the juvenile departments.
 328 Carl Myers Oregon Juvenile Department Directors Association. Testifies on SB 342. Discusses Minor In Possession (MIP).
 385 Jonathan Fussner Attorney in charge of Criminal Appeals, Justice Department. Testifies on SB 342 and the -3 amendments (**Exhibit E**).

TAPE 232, B

016 Rep. Prozanski Asks about requirement of something beyond the precursor.
 022 Fussner Says that the mixture or substance language deals with the completed drug.
 037 Chair Williams Discusses the bill and the *Slovic* Case (**Exhibit F**).
 076 Skye Cautions committee about the legislative fix. Talks about the -3 amendments.
 134 Chair Williams Closes the work session on SB 342 and opens a work session on SB 609A.

SB 609A WORK SESSION

154 Kate Richardson Chief of Staff, State Treasury. Testifies in support of SB 609A which specifies that person who offers security or offers to purchase security in violation of securities laws or by means of untrue statement or omission may be liable for damages in action brought under securities laws.
 178 Rep. Macpherson Explains the bill and the effect of the –A4 amendments.
 194 Richardson Comments on the –A4 amendments (**EXHIBIT G**).
 206 Rep. Shetterly **MOTION: Moves to ADOPT SB 609A-4 amendments dated 05/16/03.**
VOTE: 8-0-1
EXCUSED: 1 - Krummel
 208 Chair Williams **Hearing no objection, declares the motion CARRIED.**
 209 Rep. Shetterly **MOTION: Moves SB 609A to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 8-0-1
EXCUSED: 1 - Krummel
 217 Chair Williams **Hearing no objection, declares the motion CARRIED.**
REP. MACPHERSON will lead discussion on the floor.
 219 Chair Williams Closes the work session on SB 609A and opens a work session on SB 613A.

SB 613A WORK SESSION

221 Craig Prins Committee Counsel. Introduces SB 613A which authorizes sports official to order coach, team players or spectator to leave sports event. Discusses the –A6 amendments and the hand-engrossed bill (**EXHIBITS H & I**).
 336 Rep. Prozanski States that he is pleased with the bill.
 360 Vice Chair Says that the –A6 amendments met his objectives.
 Ackerman
 363 Rep. Jenson Asks what the penalty is for a Class C misdemeanor.
 364 Rep. Prozanski Answers 30 days or a \$1,000 fine. Explains.
 407 Rep. Shetterly Discusses his concerns with the bill.
TAPE 233, B
 004 Prins Explains that the bill applies to a team player, spectator or coach. Says that he tried to make the bill as broad as possible.
 020 Chair Williams Comments on bill.
 049 Rep. Macpherson Agrees with the Chair's comments.

055	Rep. Shetterly	Shares his concerns.
086	Rep. Jenson	Asks Counsel Prins about language of “intended to provoke” in the –A6 amendments.
096	Prins	Says that this has been a very difficult bill to draft. Discusses the <i>Robertson</i> Case.
149	Chair Williams	Points out “intended to provoke” comes from the case <i>State vs. Robertson</i> .
172	Rep. Prozanski	MOTION: Moves to ADOPT SB 613A-6 amendments dated 07/02/03.
		VOTE: 8-0-1
		EXCUSED: 1 - Krummel
173	Chair Williams	Hearing no objection, declares the motion CARRIED.
177	Rep. Prozanski	MOTION: Moves SB 613A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 8-0-1
		EXCUSED: 1 - Krummel
182	Chair Williams	Hearing no objection, declares the motion CARRIED.
		REP. PROZANSKI will lead discussion on the floor.
198	Chair Williams	Closes the work session on SB 613A. Adjourns the meeting at 2:47 p.m.

EXHIBIT SUMMARY

- A – SB 108, -1 amendments, submitted by staff, dated 5/13/03, 1 pg.
- B – SB 108, -3 amendments, submitted by staff, dated 6/30/03, 3 pgs.
- C – SB 342, -1 amendments, submitted by Rep. Prozanski, dated 5/22/03, 2 pgs.
- D – SB 342, -2 amendments, submitted by staff, dated 6/27/03, 22 pgs.
- E – SB 342, -3 amendments, submitted by staff, dated 7/2/03, 5 pgs.
- F – SB 342, *State vs. Slovik*, submitted by staff, 7 pgs.
- G – SB 609A, -A4 amendments, submitted by staff, dated 5/16/03, 2 pgs.
- H – SB 613A, -A6 amendments, submitted by staff, dated 7/2/03, 1 pg.
- I – SB 613A, hand-engrossed bill with the –A6 amendments, submitted by staff, 2 pgs.