

SENATE COMMITTEE ON JUDICIARY

January 28, 2003
8:00 a.m.

Hearing Room 343
Tape 8

MEMBERS PRESENT: **Sen. John Minnis, Chair**
 Sen. Ginny Burdick, Vice-Chair
 Sen. Ted Ferrioli
 Sen. Charles Starr
 Sen. Vicki Walker

MEMBER EXCUSED: **Sen. Charlie Ringo**

STAFF PRESENT: **Craig Prins, Counsel**
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **LC's 1534, 1535, 1536, 1537, 1538, 1539,**
 1540, 1649, 1194, 1680, 989, 992, 1456, 1875.
 SB 108 Public Hearing and Work Session
 SB 110 Public Hearing and Work Session
 SB 117 Public Hearing and Work Session
 SB 123 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.

TAPE/#	Speaker	Comments
TAPE 8, A		
003	Chair Minnis	Calls the meeting to order at 8:12 a.m.
007	Craig Prins	Introduces LC 1534, LC 1535, LC 1536, LC 1537, LC 1538, LC 1539, LC 1540, LC 1649, LC 1194, LC 1680, LC 989, LC 992, LC 1456, and LC 1875 (EXHIBITS A – N).
029	Sen. Starr	MOTION: Moves LC's: 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1649, 1194, 1680, 992, 989, 1456, 1875 BE INTRODUCED as committee bills. VOTE: 4-0-2 EXCUSED: 2 – Sen. Ringo, Sen. Burdick
036	Chair Minnis	Hearing no objection, declares the motion CARRIED.
042	Chair Minnis	Opens a public hearing on SB 108.
<u>SB 108 – PUBLIC HEARING</u>		
046	Jon Fussner	Department of Justice, Marion County. Testifies in support of SB 108 that authorizes fine of up to \$300,000 upon conviction of murder or aggravated murder.
064	Chair Minnis	Asks about the maximum fine.
068	Fussner	Explains the fine.
076	Sen. Walker	Referring to subsection 5, asks how the court determines a fine.

085 Fussner Explains the provision that defines the court's determination.
107 Sen. Walker Asks for clarification of fines.
110 Fussner Says fines are adjustable depending on ability to pay.
118 Chair Minnis Closes the public hearing on SB 108 and opens a work session.

SB 108 – WORK SESSION

118 Vice Chair Burdick **MOTION: Moves SB 108 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.**

VOTE: 5-0-1

EXCUSED: 1 - Sen. Ringo

122 Chair Minnis **Hearing no objection, declares the motion CARRIED. BURDICK will lead discussion on the floor.**

131 Chair Minnis Closes the work session on SB 108 and opens a public hearing on SB 110.

SB 110 - PUBLIC HEARING

133 Philip Schradle Department of Justice. Submits testimony and testifies in support of SB 110 that allows single judge of Court of Appeals, in review of order of State Board of Parole and Post-Prison Supervision, to deny or, under certain circumstances, grant board's motion for summary affirmation. **(EXHIBITS O and P).**

185 Chair Minnis Closes the public hearing on SB 110 and opens a work session.

SB 110 – WORK SESSION

188 Vice Chair Burdick **MOTION: Moves SB 110 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.**

VOTE: 5-0-1

EXCUSED: 1 – Sen. Ringo

190 Chair Minnis **Hearing no objection, declares the motion CARRIED. SEN. WALKER will lead discussion on the floor.**

233 Chair Minnis Closes the work session on SB 110 and opens a public hearing on SB 117.

SB 117 – PUBLIC HEARING

238 Jim Lamka Department of Justice. Submits testimony and testifies in support of SB 117 that expands Department of Justice Client Trust Account to include all moneys DOJ receives on behalf of persons and agencies **(EXHIBIT Q).**

275 Craig Prins Committee Counsel. Asks where funds will come from.

279 Lamka Replies that there are many areas from which funds come.

290 Sen. Walker Wonders why this bill is coming at this time.

293 Lamka Says the situation had not arisen before.

310 Chair Minnis Closes the public hearing on SB 117 and opens a work session.

SB 117 – WORK SESSION

- 311 Vice Chair Burdick **MOTION: Moves SB 117 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.**
VOTE: 5-0-1
EXCUSED: 1 – Sen. Ringo
- 316 Chair Minnis **Hearing no objection, declares the motion CARRIED.**
SEN. BURDICK will lead discussion on the floor.
- 321 Chair Minnis Closes the work session on SB 117 and opens a public hearing on SB 123.

SB 123 – PUBLIC HEARING

- 325 Jon Fussner Department of Justice. Testifies in support of SB 123 that allows court to impanel alternate jurors in misdemeanor case.
- 389 Susan Russell Oregon Criminal Defense Lawyers Association. Testifies in support of SB 123.
- 416 Chair Minnis Closes the public hearing on SB 123 and opens a work session.

SB 123 – WORK SESSION

- 418 Vice Chair Burdick **MOTION: Moves SB 123 be placed on the CONSENT CALENDAR.**
VOTE: 5-0-1
EXCUSED: 1 - Sen. Ringo
- 420 Chair Minnis **Hearing no objection, declares the motion CARRIED.**
SEN. BURDICK will lead discussion on the floor.
- 438 Chair Minnis Closes the work Session on SB 123. Announces upcoming meetings.
- 440 Chair Minnis Adjourns the meeting at 8:35 a.m.

EXHIBIT SUMMARY

- A – LC 1534, submitted by staff, 4 pp**
B – LC 1535, submitted by staff, 2 pp
C – LC 1536, submitted by staff, 2 pp
D – LC 1537, submitted by staff, 9 pp
E - LC 1538, submitted by staff, 2 pp
F – LC 1539, submitted by staff, 1 p
G – LC 1540, submitted by staff, 7 pp
H – LC 1649, submitted by staff, 1 p
I – LC 1194, submitted by staff, 33 pp
J – LC 1680, submitted by staff, 1 p
K – LC 989, submitted by staff, 5 pp
L – LC 992, submitted by staff, 2 pp
M – LC 1456, submitted by staff, 3 pp

O – SB 110, written testimony submitted by Philip Schradle, 2 pp

P – SB 110, written testimony submitted by James Nass, 1 p

Q – SB 117, written testimony submitted by Jim Lamka, 1 p