

SENATE COMMITTEE ON JUDICIARY

February 12, 2003
8:00 A.M.

Hearing Room 343
Tapes 25-26

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

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

MEASURE/ISSUES HEARD: **SB 212 Public Hearing**
 SB 90 Public Hearing
 SB 189 Public Hearing

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.

| <u>TAPE/#</u> | <u>Speaker</u> | <u>Comments</u> |
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| TAPE 25, A | | |
| 003 | Chair Minnis | Calls the meeting to order at 8:10 a.m. and opens a public hearing on SB 212. |
| <u>SB 212 - PUBLIC HEARING</u> | | |
| 010 | David Yandell | Oregon State Police. Introduces Mary Campbell, Bill Buckley and Scott Tighe. |
| 017 | Bill Buckley | Oregon State Police. Submits testimony and testifies in support of SB 212 which provides express authorization for certain agencies to submit fingerprints to Federal Bureau of Investigation to conduct criminal records checks (EXHIBITS A & B). |
| 062 | Chair Minnis | Asks if all fingerprint checks are sent to the FBI national records system. |
| 064 | Buckley | Replies only for concealed handgun licensing. |
| 072 | Vice Chair Burdick | Asks for clarification of what would change on the concealed handgun licensing. |
| 074 | Buckley | Replies it would provide authority to the sheriff's office to conduct a national fingerprint check. |
| 089 | Chair Minnis | Asks why Oregon has to have a statute to conform to Federal requirements. |
| 097 | Buckley | Explains that states must meet certain requirements in order to access FBI records. |
| 107 | Sen. Walker | Asks if background checks are being done at this time. |
| 108 | Buckley | Says, yes. |

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| 114 | Sen. Walker | Asks the cost of a background check. |
| 116 | Buckley | Details the costs. |
| 132 | Sen. Ferrioli | Asks who makes the determination that a background check is needed. |
| 147 | Mary Campbell | Oregon State Police. Explains when a background check is needed and who authorizes it. |
| 160 | Chair Minnis | Wonders who develops rules governing when a national check would be necessary. |
| 162 | Buckley | Says the Sheriff's office is the authorizing agency by statute. |
| 190 | Chair Minnis | Asks for further clarification. |
| 221 | Campbell | Says the State Police does the fingerprint verification. |
| 229 | Sen. Ferrioli | Asks about the FBI records. |
| 232 | Campbell | Explains how the FBI records are used. |
| 244 | Chair Minnis | Asks for clarification of local and federal records. |
| 228 | Campbell | Explains that an FBI number would be assigned to anyone who applies for a concealed weapon license. |
| 265 | Andrea Meyer | American Civil Liberties Union (ACLU). Testifies in opposition to SB 212. Asks for amendments. |
| 324 | Chair Minnis | Closes the public hearing on SB 212 and opens a public hearing on SB 90 which increases penalty for speed racing. |

SB 90 – PUBLIC HEARING

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| 330 | Mark Landauer | City of Portland, Office of Government Relations. Testifies in support of SB 90 with amendments. |
| 379 | Mike Garvey | Commander, Portland Police Bureau, Traffic Division. Testifies in support of SB 90. |

TAPE 26, A

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| 020 | Rod Lucich | Sergeant, Portland Police Bureau. Testifies in support of SB 90. |
| 063 | Sen. Ferrioli | Asks about pick-up races and wonders if they are more prevalent than organized speed racing. |
| 068 | Lucich | Alleges that pick-up racing is not more prevalent. |
| 077 | Garvey | Discusses the occurrence of both. |
| 094 | Sen. Ferrioli | Wonders if the penalty attached is a deterrent. |
| 125 | Lucich | Discusses the remedies. |
| 171 | Sen. Ferrioli | Asks about the impoundment procedure in the City of Portland. |
| 172 | Garvey | Explains the impoundment approach. |
| 204 | Landauer | Says there are impound ordinances in other local jurisdictions. |

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| 215 | Lucich | Says there has been a drop in organized speed racing since Portland implemented its ordinance. |
| 233 | Vice Chair Burdick | Asks if the racers are insured. |
| 237 | Lucich | Says, yes. |
| 244 | Vice Chair Burdick | Asks if impoundment is similar to the impoundment for failure to have insurance. |
| 250 | Lucich | Discusses impoundment procedure. |
| 266 | Vice Chair Burdick | Asks about injuries and fatalities in recent years. |
| 270 | Lucich | Says there have been six fatalities in the past three months. |
| 290 | Craig Prins | Committee Counsel. Explains convictions of those who were responsible for fatalities. |
| 300 | Chair Minnis | Asks if there is a defect in impoundment procedures. |
| 308 | Landauer | Says he is not aware of any. |
| 330 | Chair Minnis | Asks committee counsel to research the issue. |
| 345 | Chair Minnis | Asks if there is a way to prove someone is organizing a speed racing event. |
| 359 | Garvey | Responds, yes. |
| 371 | Lucich | States examples of probable cause. |
| 430 | Vice Chair Burdick | Asks about the raceway in Portland. |
| 441 | Lucich | Explains the development of the raceway. |
| TAPE 25, B | | |
| 043 | Chair Minnis | Closes the public hearing on SB 90 and opens a public hearing on SB 189. |
| <u>SB 189 – PUBLIC HEARING</u> | | |
| 048 | Troy Costales | Oregon Department of Transportation (ODOT). Submits testimony and testifies in support of SB 189 that creates offense of organizing speed racing event (EXHIBIT C). |
| 081 | Chair Minnis | Closes the public hearing on SB 189 and adjourns the meeting at 9:10 a.m. |

EXHIBIT SUMMARY

A – SB 212, written testimony submitted by Bill Buckley, 2 pp

B – SB 212, written testimony submitted by Scott S. Tighe, 1 p

C – SB 189, written testimony submitted by Troy Costales, 1 p