

SENATE COMMITTEE ON JUDICIARY

February 24, 2003
8:00 a.m.

Hearing Room 343
Tape 37-38

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 303 Public Hearing**
 SB 300 Public Hearing
 SB 49 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>
TAPE 37, A		
003	Chair Minnis	Calls the meeting to order at 8:12 a.m. and opens a public hearing on SB 303.
<u>SB 303 PUBLIC HEARING</u>		
012	Gina Skinner	Deputy District Attorney, Washington County. Testifies in support of SB 303 that allows domestic violence to be pleaded and proved as element of crime involving domestic violence.
066	Sen. Ferrioli	Asks how the change would affect presumption of innocence.
077	Skinner	Explains the process.
089	Sen. Ferrioli	Asks if, under current statute, referral to a previous case can be introduced.
097	Skinner	Clarifies how referral to a previous case can be used as evidence.
131	Sen. Ferrioli	Wonders if the constitutional rights of a defendant can be upheld.
148	Skinner	Expresses uncertainty about the change.
177	Sen. Ferrioli	Is unclear how prejudice of the jury could be avoided.
183	Skinner	Says that prejudice is discussed with the jury.
200	Ann Christian	Oregon Judicial Department. Submits testimony and testifies as neutral on SB 303 (EXHIBIT A).
260	Debbe Stein	Private Attorney, Polk County. Testifies in opposition to SB 303.
313	Chair Minnis	Asks what should be changed in this bill.
320	Stein	Explains why it's not a good bill.
337	Chair Minnis	Closes the public hearing on SB 303 and opens a public hearing on SB 300.
<u>SB 300 PUBLIC HEARING</u>		
348	Sybil Hebb	Oregon Law Center. Submits testimony and testifies in support of SB 300 that requires court to include certificate of compliance

		relating to possession and use of firearms and ammunition when parties to petition for restraining order to prevent abuse are intimate partners (EXHIBIT B) .
480	Vice Chair Burdick	Asks if this bill would broaden the number of people who could invoke the federal statute.
488	Hebb	Says it would not.
495	Sen. Ringo	Asks the length of time a restraining order is in effect.
498	Hebb	Says one year, with the ability to renew.
TAPE 38, A		
033	Sen. Walker	Asks for clarification on public officials carrying a weapon.
036	Hebb	Explains federal statute.
046	Craig Prins	Committee counsel. Asks how SB 300 would change subsection 9 of ORS 107-718.
053	Hebb	Explains that it would enforce ORS 107-718.
063	Prins	Asks if due process is satisfied by this statute.
066	Hebb	Says it satisfies federal regulation and that due process is already satisfied.
071	Chair Minnis	Closes the public hearing on SB 300 and opens a public hearing on SB 49.
<u>SB 49 PUBLIC HEARING</u>		
073	Lisa Naito	Multnomah County Commissioner. Submits testimony and testifies in support of SB 49 that prohibits person from possessing firearm if person is subject to restraining order under Family Abuse Prevention Act or if person has been convicted of assault in fourth degree that involves domestic violence (EXHIBIT C) . Points out the -2 amendments (EXHIBIT D) .
142	Lonnie Feather	Portland, Oregon. Submits testimony and testifies in support of SB 49. Conveys her personal experience with domestic violence (EXHIBIT E) .
183	Sen. Walker	Asks if a report of domestic violence had been made against this person prior to the shooting.
187	Feather	Says, no.
202	Vice Chair Burdick	Asks if she also supports SB 300.
207	Feather	Says, yes.

211	Steve Doell	Crime Victims United of Oregon. Submits testimony and testifies in support of SB 49 (EXHIBIT F).
254	Sen. Ringo	Expresses concern that this bill would not make a dent in gun deaths, and wonders what will make the difference.
266	Doell	States that he believes support and enforcement of all gun laws is necessary.
295	Naito	Believes these bills give uniformity to enforcement. Notes that testimony from Mike Shrunck, District Attorney, Portland, has been submitted on his behalf (EXHIBIT G).
345	Kamala Shugar	Assistant District Attorney, Lane County. Testifies in support of SB 49.
381	Vice Chair Burdick	Asks for clarification of the difference between SB 49 and SB 300 with regard to federal law.
355	Shugar	Explains why the federal law applies to SB 300 and not SB 49.
414	Vice Chair Burdick	States she is unclear about restriction of police officers under SB 49.
418	Shugar	Explains SB 49 does not have the exception under Oregon Law.
457	Sen. Ringo	Discusses gun deaths in America. Wonders if enforcing gun laws will make a difference.
468	Shugar	States she is unaware of gun laws that are not being enforced in her County.

TAPE 37, B

052	Shugar	Discusses firearm laws and their enforcement throughout history.
073	Chair Minnis	Opens a joint public hearing on SB 300 and SB 49.

SB 49 AND SB 300 PUBLIC HEARING

075	Mark Adams	Oregon Association of Chiefs of Police. Testifies in support of SB 300.
092	Sen. Ringo	Asks what should be done about firearm enforcement.
099	Adams	Replies there should be severe consequences.
125	David Nebel	Oregon Alliance to End Violence against Women. Submits testimony and testifies in support SB 49 (EXHIBIT H).
142	Dale Penn	Oregon District Attorneys Association. Testifies in support of SB 49. Clarifies the effect of both SB 300 and SB 49.
190	Sen. Walker	Asks about a bill that she is proposing.
210	Penn	Says its enforcement is a practical difficulty.
222	Vice Chair Burdick	Asks for an opinion on extension of firearms ban in Oregon.
212	Penn	Believes that SB 49 would assist in extension on the assault side.
259	Maureen McKnight	Circuit Court Judge, Multnomah County. Testifies in support of SB 300; notes that the court is split on this bill.
374	Chair Minnis	Asks how evidence would be presented in a contested case.
376	Judge McKnight	Explains it is subject to Oregon Code of Evidence.
409	Chair Minnis	Asks if additional powers would be granted to law enforcement to conduct searches.
413	Judge McKnight	Explains it would not.
429	Sen. Walker	Asks if respondents are manipulating the restraining order process.
446	Judge McKnight	Replies, yes, in some cases.
429	Sen. Walker	Asks if there is an alternative if this bill is not implemented.
435	Judge McKnight	Says, no.

TAPE 38, B

012	Brian DeLeshmutt	Oregon Council of Police Associations (OCPA). Introduces Liz Cruthers.
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017	Liz Cruthers	OCPA. Testifies in opposition to SB 49, and as neutral on SB 300. States concern about the federal exemption.
041	Vice Chair Burdick	Asks if there isn't already protection.
046	Cruthers	Says, no.
068	DeLashmutt	Gives further clarification.
089	Sen. Walker	Asks if there is support of SB 49 if the provision for protection of police officers is included.
098	DeLashmutt	Says, yes.
116	Sen. Walker	Asks if the federal exemption is working.
123	DeLashmutt	States he does not know.
141	Lee Anderson	Portland Firearms Training Team. Testifies in opposition to SB 49.
198	Chair Minnis	Asks for clarification of methodology.
201	Anderson	Says firearms training and education, along with a change in attitude, is needed.
234	Roy Sutton	Private citizen, Linn County. Testifies in opposition to SB 49.
334	Chair Minnis	Asks for additional information on his hearing.
342	Sutton	Gives date and place of hearing. Continues his testimony in opposition to SB 49.
448	Chair Minnis	Closes the joint public hearing on SB 49 and SB 300 and adjourns the meeting at 10:05 a.m.

EXHIBIT SUMMARY

A – SB 303, written testimony submitted by Ann Christian, 2 pp

B – SB 300, written testimony submitted by Sybil Hebb, 3 pp

C – SB 49, written testimony submitted by Lisa Naito, 11 pp

D – SB 49, -2 amendments submitted by staff, 1 p

E – SB 49, written testimony submitted by Lonnie Feather, 1 p

F – SB 49, written testimony submitted by Steve Doell, 1 p
G – SB 49, written testimony submitted for Michael Schrunk by Lisa Naito, 2 pp
H – SB 300, written testimony submitted by David Nebel, 2 pp
I – SB 49, written testimony submitted by Dan Saltzman 1 p