

SENATE COMMITTEE ON JUDICIARY

February 04, 2003
8:00 a.m.

Hearing Room 343
Tapes 15 - 16

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 59 Public Hearing and Work Session**
 SB 52 Public Hearing
 SB 65 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 15, A		
003	Chair Minnis	Calls the meeting to order at 8:10 a.m. Opens a public hearing on SB 59.
<u>SB 59 – PUBLIC HEARING</u>		
010	Erin Olson	Multnomah County District Attorneys Office. Testifies in support of SB 59 that extends period during which forfeiture counsel must file criminal information or indictment for criminal forfeiture.
022	Chair Minnis	Closes the public hearing on SB 59 and opens a work session.
<u>SB 59 – WORK SESSION</u>		
023	Vice Chair Burdick	MOTION: Moves SB 59 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.
		VOTE: 6-0
028	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. WALKER will lead discussion on the floor.
035	Chair Minnis	Closes the work session on SB 59 and opens a public hearing on SB 52.

SB 52 – PUBLIC HEARING

050	Pat Callahan	Multnomah County District Attorney. Testifies in support of SB 52 which creates crime of aggravated identity theft. Explains the purpose for the task force.
160	Sen. Ringo	Asks for example of identity theft.
163	Callahan	Explains how identity theft takes place.
170	Sen. Ringo	Asks difference between mail theft and identity theft.
173	Callahan	Talks about when mail theft becomes identity theft.
181	Sen. Ringo	Discusses the degree of theft involved.
195	Callahan	Offers further clarification.
200	Sen. Ringo	Asks definition of a class B felony.
230	Callahan	Explains crime seriousness.
260	Sen. Ferrioli	Wonders how the 180-day time period was chosen.
279	Callahan	Discusses the time period.
296	Sen. Ferrioli	Asks about first offense prosecution.
305	Callahan	Explains first offense.
325	Vice Chair Burdick	Asks about crime classification.
338	Callahan	Explains an aggravated theft.
386	Chair Minnis	Asks for comparable offense definition.
398	Callahan	Says it is defined case by case.

TAPE 16 A

024	Susan Russell	Oregon Criminal Defense Lawyers Association. Submits testimony and testifies in opposition to SB 52. Says it is based on pre-existing identity theft statute (EXHIBIT A).
064	Sen. Ringo	Asks for clarification of a particular act of identify theft.
066	Russell	Explains the intent to deceive.
068	Sen. Ferrioli	Asks about criminal intent.
075	Russell	Agrees that there is a burden of proof.
085	Sen. Ferrioli	Asks about using an alias without criminal intent.
089	Russell	Gives examples of intent to deceive.
100	Sen. Ferrioli	Wonders about telephone solicitation when someone uses a name not their own, and if this could be criminalized under this statute.
114	Russell	Replies that it depends on certain circumstances.
147	Craig Prins	Committee Counsel. Says telemarketing cannot be prosecuted under current law.
164	Sen. Ferrioli	Asks about other bills being presented during this session.
172	Vice Chair Burdick	Wonders if there are opportunities to consider the other bills.
186	Sen. Ringo	Expresses some concern about SB 52 as written.
205	Chair Minnis	Asks how “intent” is defined.
210	Russell	Provides a definition.
258	Sen. Ferrioli	Asks about giving false information.
264	Prins	Explains attempt to allude.
280	Sen. Ferrioli	Asks under what statute the example given would be prosecuted.
288	Prins	Talks about his experience in prosecuting these kinds of cases.
340	Tim Martinez	Oregon Bankers Association. Talks about how identity theft has become such a large issue. Expresses a desire to be involved in a task force.
380	Vice Chair Burdick	Inquires about the other bills being considered.
388	Martinez	Says they are currently in the House for consideration.
423	Chair Minnis	Closes the public hearing on SB 52 and opens a public hearing on SB 65.

SB 65 – PUBLIC HEARING

006	Deena Clark	Portland Police Bureau. Submits testimony and testifies in support of SB 65 that modifies crime of sexual assault of animals (EXHIBIT B).
041	Chair Minnis	Closes the public hearing on SB 65 and opens a work session.
<u>SB 65 – WORK SESSION</u>		
042	Vice Chair Burdick	MOTION: Moves SB 65 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.
050		VOTE: 6-0
051	Chair Minnis	Hearing no objection, declares the motion CARRIED. RINGO will lead discussion on the floor.
056	Chair Minnis	Closes the work session on SB 65.
058	Prins	Introduces LC 2051 (EXHIBIT C).
066	Vice Chair Burdick	MOTION: Moves LC 2051 BE INTRODUCED as a committee bill.
		VOTE: 6-0
069	Chair Minnis	Hearing no objection, declares the motion CARRIED.
070	Chair Minnis	Closes the work session on SB 65 and adjourns the meeting at 9:10 a.m.

EXHIBIT SUMMARY

A – SB 52, written testimony submitted by Susan Russell, 2 pp

B – SB 65, written testimony submitted by Deena Clark, 7 pp

C – LC 2051, submitted by staff, 3 pp

SENATE COMMITTEE ON JUDICIARY

February 04, 2003
1:00 PM

Hearing Room 343
NONE

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 Sen. Ted Ferrioli
 Sen. Charlie Ringo
 Sen. Charles Starr
 Sen. Vicki Walker

MEASURE/ISSUES HEARD: **Informational Meeting - Public Safety Mapping**

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
NONE		

NOTE: THE COMMITTEE MEETS WITH THE JOINT WAYS AND MEANS AND HOUSE JUDICIARY COMMITTEES. PLEASE SEE THE TAPE LOG OF THE JOINT WAYS AND MEANS COMMITTEE FOR THIS DATE.

EXHIBIT SUMMARY

NONE