

SENATE COMMITTEE ON JUDICIARY

March 12, 2003
8:00 a.m.

Hearing Room HR 343
Tapes 55-56

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 315 Public Hearing and Work Session**
 SB 421 Public Hearing
 SB 342 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.

TAPE/#	Speaker	Comments
TAPE 55, A		
004	Chair Minnis	Calls the meeting to order at 8:14 a.m. and opens a public hearing on SB 315 that revises laws regarding driver duties to certain pedestrians.
<u>SB 315 PUBLIC HEARING</u>		
012	Sen. Ginny Burdick	Senate District 18. Submits testimony and testifies in support of SB 315 (EXHIBIT A). Introduces Commander Mike Garvey and Ellen Vanderslice. Presents written testimony of John Moffat (EXHIBIT B), and Patrick Hess (EXHIBIT C).
044	Cmdr. Mike Garvey	Portland Police Department, Traffic Division. Testifies in support of SB 315.
067	Sen. Ferrioli	Asks for clarification of the language in SB 315.
075	Cmdr. Garvey	Explains the language referring to adjacent lanes of traffic.
102	Sen. Ferrioli	Talks about the location of the pedestrian in relation to adjacent lanes.
109	Cmdr. Garvey	Clarifies his interpretation of the bill.
143	Ellen Vanderslice	President, Willamette Pedestrian Coalition. Submits testimony and testifies in support of SB 315 (EXHIBIT D).
184	Chair Minnis	Talks about pedestrians who violate traffic control devices.
204	Vanderslice	Provides some historical background.
259	Sen. Ferrioli	Discusses the urban traffic problems and wonders if education of traffic laws might be better than changing the law.
284	Cmdr. Garvey	Says that as times change, the need for additional regulation is a fact of life.
347	Sen. Walker	Relates her personal experience being hit in a crosswalk.

374 Chair Minnis Suggests adding an additional assessment for a pedestrian violation, giving the assessment to the city to be used for enforcement.

380 Cmdr. Garvey Thinks the idea of funds going to the city is excellent. Expresses his support of SB 315.

424 Sen. Ringo Expresses his approval of SB 315 as written.

432 Chair Minnis Closes the public hearing on SB 315 and opens a work session.

SB 315 WORK SESSION

443 Vice Chair Burdick MOTION: Moves SB 315 to the floor with a DO PASS recommendation.

VOTE: 6-0

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

460 Chair Minnis Closes the work session on SB 315 and opens a public hearing on SB 421 which directs Oregon Criminal Justice Commission to classify manslaughter in second degree and criminally negligent homicide as crime category 9.

SB 421 PUBLIC HEARING

TAPE 56, A

010 Anne Pratt Lane County, Oregon. Submits testimony and testifies in support of SB 421 (**EXHIBIT E**). Reads a statement from Mothers Against Drunk Drivers (MADD).

122 Bruce Pratt Lane County, Oregon. Submits testimony and testifies in support of SB 421 (**EXHIBIT F**).

209 Janet Lovelace Crime Victims United. Submits testimony and testifies in support of SB 421 (**EXHIBIT G**).

284 Marie Armstrong MADD. Submits testimony and testifies in support of SB 421. (**EXHIBIT H**).

423 Chair Minnis Thanks the panel for their testimony.

428 Sen. Ferrioli Thanks the testifiers for bringing the reality of this issue to the committee.

435 Sen. Walker Thanks the panel for their testimony and expresses her admiration for their strength to share their messages.

459 Carrie Rasmussen Oregon District Attorneys Association (ODAA), Marion County. Testifies in support of SB 421. Says this crime deserves a harsher punishment.

TAPE 55, B

076 Sen. Walker Asks for clarification of a measure 11 crime of assault in the first degree.

076 Rasmussen Explains the sentencing. Continues her testimony in support of SB 421.

116 Sen. Ringo Asks for the difference between criminally negligent homicide and manslaughter in the first degree.

115 Rasmussen Explains the differences.

124 Sen. Ringo Expresses his concern for the unintended consequences of this legislation.

156 Rasmussen Responds to his concern.

169 Sen. Ringo Asks if there is a way to focus this legislation on drunk driving.

172 Rasmussen Believes many other conducts rise to the level of a category 9.

176 Sen. Ringo Describes a tragedy with which he is personally familiar. Asserts that drunk driving needs to be singled out.

209 Vice Chair Burdick Asks if there should be an enhancement for crimes committed under the influence.

218	Rasmussen	Replies that it might be possible.
234	Vice Chair Burdick	Wonders if it might lower the fiscal impact of this legislation.
243	Rasmussen	Discusses aggravated and mitigating factors.
263	Sen. Ferrioli	Wonders how to get people's attention regarding drunk driving besides by increasing the penalty.
322	Rasmussen	Responds to his comments.
345	Chair Minnis	Says he believes this bill can be amended to focus on the drunk driver.
379	Lovelace	Explains further the condition of her daughter's death, expresses her feeling that the bill should not be tied solely to drunk driving.
419	Steve Doell	Crime Victims United. Talks about gross negligence.
TAPE 56, B		
005	Chair Minnis	Explains the need to make sure the bill has a reasonable fiscal impact for it to go anywhere.
011	Doell	Wonders about vehicular negligent homicide being made a part of this bill.
018	Sen. Ringo	Clarifies the need to look at the broad scope of behavior.
059	Kelly Skye	Oregon Criminal Defense Lawyers Association. Testifies in opposition to SB 421. Proposes a possible way to focus specifically on drunk driving crimes.
166	Chair Minnis	Closes the public Hearing on SB 421 and opens a public hearing on SB 342.

SB 342 PUBLIC HEARING

174	Laird Funk	Josephine County, Oregon. Testifies in opposition to 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.
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EXHIBIT SUMMARY

- A – SB 315, written testimony submitted by Sen. Ginny Burdick, 1 p**
- B – SB 315, written testimony submitted for John Moffat by Sen. Ginny Burdick, 1 p**
- C – SB 315, written testimony submitted for Patrick Hess by Sen. Ginny Burdick, 2 pp**
- D – SB315, written testimony submitted by Ellen Vanderslice, 1 p**
- E – SB 421, written testimony submitted by Anne Pratt, 12 pp**
- F – SB 421, written testimony submitted by Bruce Pratt, 11 pp**
- G – SB 421, written testimony submitted by Janet Lovelace, 1 p**
- H – SB 421, written testimony submitted by Marie Armstrong, 2 pp**
- I – SB 421, written testimony submitted for Phillip Lemman by staff, 1 p**