

SENATE COMMITTEE ON JUDICIARY

March 13, 2003
8:00 A.M.

Hearing Room HR 343
Tapes 57 - 58

MEMBERS PRESENT: **Sen. John Minnis, Chair**
 Sen. Ginny Burdick, Vice-Chair
 Sen. Charlie Ringo
 Sen. Vicki Walker
 Sen. Peter Courtney, *ex officio*

MEMBER EXCUSED: **Sen. Charles Starr**
 Sen. Ted Ferrioli

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

MEASURE/ISSUES HEARD: **SB 397 Public Hearing**
 SB 466 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 57, A		
003	Chair Minnis	Calls the meeting to order at 8:15 a.m. and opens a public hearing on SB 397.
<u>SB 397 PUBLIC HEARING</u>		
010	Shawn Miller	Oregon Grocery Association. Submits testimony and testifies in support of SB 397 that establishes three-year statute of limitation for civil action based on shoplifting or taking of agricultural produce (EXHIBIT A).
032	Shannon Poe	Winco Foods. Submits testimony and testifies in support of SB 397 (EXHIBIT B). Talks about the length of time it takes to track some shoplifters down and collect on debts incurred.
060	Chair Minnis	Asks what statute applied in the example given.
063	Miller	Says it was ORS 12.130, a law that was created in the late 1800's.
115	Chair Minnis	Expresses concern about the retroactive portion of the bill.
122	Bill Joseph	Committee Counsel. Advises that getting rid of that portion would eliminate any potential problem. Asks if there is a problem with eliminating that part of the bill.
134	Miller	Says it is not a problem.
137	Sen. Ringo	Comments about the statute of limitation on conversion already being six years.
144	Chair Minnis	Considers the options.
155	Miller	Says he would be very supportive of a cross-reference in the statutes.

164	Joseph	Advises the need to look into the issue further.
172	Chair Minnis	Suggests getting rid of the retro section. Closes the public hearing on SB 397 and opens a public hearing on SB 466.
<u>SB 466 PUBLIC HEARING</u>		
181	Craig Prins	Committee Counsel. Explains that SB 466 creates crimes of unlawful use of theft detection shielding device and unlawful use of theft detection device deactivator or remover.
190	Julie Brandis	Associated Oregon Industries. Submits testimony and testifies in support of SB 466 (EXHIBIT C).
274	Sen. Walker	Asks about the manufacture of detection shielding devices.
287	Brandis	Replies that she is not sure if there is intentional manufacture of such a product.
321	Vice Chair Burdick	Wonders about creating a crime of intent instead of enhancing the penalty.
341	Brandis	Replies that this legislation is modeled after what other states have done.
376	Chair Minnis	Asks for clarification from committee counsel of intent to shoplift.
386	Prins	Explains what would be considered intent by a prosecutor.
416	Vice Chair Burdick	Explains that she would like to review other approaches used in last session's bills.
444	Sen. Courtney	Asks when SB 739, relating to a similar crime, will be heard.
448	Brandis	Says SB 739 will be heard on March 17 in the Business and Labor Committee.
452	Sen. Courtney	Asks for an understanding of "electronic" devices.
485	Shannon Poe	Winco Foods. Explains what electronic devices are.
TAPE 58, A		
035	Sen. Courtney	Asks if one can be screened from a video camera as well.
040	Poe	Replies that being invisible to a video camera is impossible.
043	Chair Minnis	Talks about making the electronic devices inoperable.
057	Poe	Says in 12 years, he has only seen that happen once.
069	Brandis	Talks about the increase in shoplifting in Oregon.
078	Chair Minnis	Asks if Winco's camera system is accessible through the internet.
089	Poe	Says, no.
092	Vice Chair Burdick	Asks if this law has been successful in the 20 other states having such a law.
093	Brandis	Explains it may be an overstatement.
111	Vice Chair Burdick	Asks if this version is the same as adopted by 20 other states.
113	Brandis	Explains that the model was modified by legislative counsel to fit Oregon statute.
125	Poe	Talks about a baby formula theft ring in Oregon.
143	Sen. Ringo	Asks counsel about other statutes that use the word "intent."
146	Prins	Clarifies that theft is a specific intent crime already. Suggests that the Oregon District Attorneys Association (ODAA) look at this bill.
179	Sen. Ringo	Asks if there is a crime of intending to commit theft.
182	Prins	Explains it is possible, but not likely.
207	Chair Minnis	Notes there is a crime of possessing equipment for the purpose of theft.
210	Prins	Clarifies this type of crime.
233	Sen. Ringo	Asks if conspiracy is prosecutable.
234	Prins	Explains that conspiracy is usually applied when the crime is not committed.

253	Sen. Ringo	Says he believes this bill does not get far enough into the problem.
262	Susan Russell	Oregon Criminal Defense Lawyers Association (OCDLA). Testifies as neutral on SB 466. Suggests modifications.
280	Chair Minnis	Talks about a personal experience with a “booster.” Asks Sen. Burdick and Sen. Ringo to work with Julie Brandis and Susan Russell on amendments to SB 466.
321	Chair Minnis	Closes the public hearing on SB 466 and adjourns the meeting at 9:10 a.m.

EXHIBIT SUMMARY

A – SB 397, written testimony submitted by Shawn Miller, 1 p
B – SB 397, written testimony submitted by Shannon Poe, 1 p
C – SB 466, written testimony submitted by Julie Brandis, 3 p