

SENATE COMMITTEE ON JUDICIARY

March 18, 2003
8:00 a.m.

Hearing Room HR 343
Tapes 60 - 61

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

MEMBER EXCUSED: **Sen. Charles Starr**

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

MEASURE/ISSUES HEARD: **SB 564 Public Hearing**
 SB 505 Public Hearing
 SB 731 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 60, A		
004	Chair Minnis	Calls the meeting to order at 8:15 a.m. and opens a public hearing on SB 564.
<u>SB 564 PUBLIC HEARING</u>		
010	Sen. Jason Atkinson	Senate District 2. Testifies in support of SB 564 that creates crime of assaulting law enforcement animal, and introduces Cpl. Jeff Geddings.
018	Cpl. Jeff Geddings	Grants Pass Department of Public Safety. Submits testimony and testifies in support of SB 564 (EXHIBIT A). Discusses -1 amendments (EXHIBIT B).
075	Vice Chair Burdick	Asks for clarification of the penalty for this crime.
080	Cpl. Geddings	Says he is asking that the penalty be a Class C, level six offense.
093	Vice Chair Burdick	Asks if he would be satisfied with the penalty of criminal mischief if the burden of proof is changed.
099	Cpl. Geddings	Explains that he would like a separate statute pertaining to law-enforcement animals.
105	Chair Minnis	Wonders how one would distinguish between a law-enforcement animal and any other.
112	Cpl. Geddings	Says all law-enforcement animals wear some kind of identifying mark.
132	Sen. Ferrioli	Wonders how often a police or law-enforcement animal is injured.
136	Cpl. Geddings	Says he does not have specific statistics.
145	Sen. Ferrioli	Asks if dogs are allowed to bite a suspect after they have been subdued and wonders what controls are used.

160	Cpl. Geddings	Says that dogs are used for search and apprehending and that biting a suspect is not an appropriate use of a canine.
182	Sen. Ringo	Asks why the statute changes “intentional” to “reckless.”
188	Cpl. Geddings	Explains that sometimes it is hard to determine intent.
206	Craig Prins	Committee Counsel. Clarifies the bill’s difficult language.
244	Sen. Ringo	Expresses concern about reducing the level of intent required because it is hard to get the evidence.
262	Prins	Explains the difficulty in proving intent.
294	Chair Minnis	Asks how serious physical injury would be proved over physical injury.
298	Prins	Explains what is considered serious physical injury.
329	Vice Chair Burdick	Asks how “intentionally”, “recklessly”, and “knowingly” would be proven.
332	Prins	Explains how these terms would be used in a trial situation.
388	Sen. Ringo	Asks if the language should include “knowingly” instead of “recklessly.”
392	Prins	Contends it is a policy decision that the committee must make.
379	Cpl. Geddings	Explains how a firearm can be accidentally triggered.
412	Chair Minnis	Questions how the intentional act of injuring an animal is determined.
433	Cpl. Geddings	Explains situations where intent is not witnessed.
TAPE 61, A 022	Susan Russell	Oregon Criminal Defense Lawyers Association (OCDLA). Submits testimony and testifies in opposition to SB 564 (EXHIBIT C) .
095	Vice Chair Burdick	Questions the example of giving a dog a bar of chocolate as reaching the standard of recklessness.
099	Russell	Says it is an example of both knowingly and recklessly. Says that the penalty for assault or death of a dog under this bill would be harsher than that of a police officer.
217	Chair Minnis	Asks for a definition of “in the course of duty” for a law-enforcement animal.
220	Russell	Explains her understanding of the term.
240	Sen. Walker	Expresses concern that an off-duty animal could possibly be injured.
254	Chair Minnis	Wonders if the -1 amendments help resolve the objection.
263	Russell	Says the amendments are not useful.
280	Sen. Ferrioli	Questions the purpose of the bill.
294	Cpl. Geddings	Explains his purpose in proposing SB 564.
321	Sen. Walker	Asks if “in the performance of duty” should be criteria for the penalty.
329	Cpl. Geddings	Says it should not necessarily be the only criteria.
334	Chair Minnis	Expresses his desire to see the bill rewritten and offers some new language, including the -1 amendments.
409	Chair Minnis	Closes the public hearing on SB 564 and opens a public hearing on SB 505.

SB 505 PUBLIC HEARING

416	Ken McDermott	Leg. Asst. to Sen. Charles Starr. Testifies in support of SB 505 that requires Board on Public Safety Standards and Training to accept documentation that applicant met home school requirements as equivalent to high school diploma, graduation or transcript for purposes of certification, accreditation and training of public safety personnel and instructors.
-----	---------------	---

TAPE 60, B

032	Dianne Middle	Director, Department of Public Safety Standards and Training (DPSST). Submits testimony and testifies as neutral on SB 505 (EXHIBIT D) .
055	Sen. Walker	Asks what the standards are for home schooling.
064	McDermott	Explains the standards for home schooling accreditation.
078	Sen. Walker	Asks who gives the tests.
085	McDermott	Explains the testing is administered by neutral persons qualified by rule.
103	Bob Siewert	Oregon Department of Education. Discusses consistent criteria required in home schooling.
115	Chair Minnis	Asks if the same standards apply to graduates from public high schools.
119	Siewert	Says, no.
127	Vice Chair Burdick	Believes that grades are the standard for public high schools.
133	Chair Minnis	Asks about the "No Child Left Behind Act."
136	Siewert	Discusses the requirements of the "No Child Left Behind Act."
146	Chair Minnis	Closes the public hearing on SB 505 and recesses the meeting at 9:22 a.m.
151	Chair Minnis	Re-convenes the meeting at 9:35 a.m. and opens a public hearing on SB 731.

SB 731 PUBLIC HEARING

145	Chair Minnis	Explains that SB 731, that creates cause of action against state for injuries from actions by police officer under certain circumstances, is a bill he has sponsored.
194	Dianne Middle	Director, Department of Public Safety Standards and Training (DPSST). Testifies as neutral on SB 731. Discusses the inadequacy of police training provided at DPSST and the need to extend training time. Says the national average is 20 to 24 weeks.
350	Chair Minnis	Asks where training is headed in the future.
359	Middle	Says there will be a delay due to budgetary restraints, but a 16-week training program is the goal. Discusses plans for regional training sites for continuing education.
416	Chair Minnis	Asks how much training police officers get on statutory and constitutional law.
420	Middle	Says she will provide a breakdown of how much time is spent on each element of their training.
460	Sen. Walker	Asks if a college education is needed to enter the police academy.
466	Middle	Says current minimum standard is a high school education.
480	Sen. Walker	Expresses grave concern about the minimum requirement.
488	Chair Minnis	Asks if work is being done at a federal level on national standards.
500	Middle	Says there is no formal group setting a national standard.
TAPE 61, B		
026	Chair Minnis	Asks how DPSST is funded.
029	Middle	Explains how they are funded.
033	Vice Chair Burdick	Asks how recruits are selected and what happens if they prove to be unsuited.
040	Middle	Details the processes.
044	Vice Chair Burdick	Asks how aggressive behaviors are handled.
050	Middle	Explains that aggressive behavior is found during training and handled accordingly.
061	Vice Chair Burdick	Asks if there is a follow-up procedure to see how officers are doing in their first year of duty.

061	Middle	Explains the procedure which includes a survey sent to the employing agency.
069	Chair Minnis	Asks about the follow-up with regard to disciplinary action needed.
079	Middle	Says DPSST is obligated to take action on any report of improper action.
104	Sen. Walker	Asks if there currently is continuing education and training.
107	Middle	Says most agencies have some continuing training.
111	Sen. Walker	Expresses concern about the short period of training.
158	Chair Minnis	Discusses the fiscal impact. States his disappointment that several agencies, including the Governor's office did not appear to discuss SB 731. Closes the public hearing on SB 731 and adjourns the meeting at 10:06 a.m.

EXHIBIT SUMMARY

A – SB 564, written testimony submitted by Cpl. Jeff Geddings, 5 pp

B – SB 564, -1 amendments dated 3/17/03 submitted by staff, 1 p

C – SB 564, written testimony submitted by Susan Russell, 2 pp

D – SB 505, written testimony submitted by Dianne Middle, 2 pp