

SENATE COMMITTEE ON JUDICIARY

March 24, 2003
8:00 a.m.

Hearing Room HR 343
Tape 66 - 68

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 742 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 66, A		
004	Chair Minnis	Calls the meeting to order at 8:20 a.m. and opens a work session on SB 742 that creates a crime of terrorism.
<u>SB 742 WORK SESSION</u>		
034	Craig Prins	Committee Counsel. Introduces -1 amendments to SB 742 (EXHIBIT A) .
066	Vice Chair Burdick	Explains that she is moving the -1 amendments to SB 742 for purposes of discussion only.
073	Sen. Burdick	MOTION: Moves to ADOPT SB 742-1 amendments dated 03/04/03.
		VOTE: 6-0
075	Chair Minnis	Hearing no objection, declares the motion CARRIED.
082	Chair Minnis	Closes the work session on SB 742 and opens a public hearing.
<u>SB 742 PUBLIC HEARING</u>		
091	Setsy LaRouche	Retired U.S. Army Major and President, Japanese American Citizens League (JACL). Testifies in opposition to SB 742.
143	Dr. George Hara	Retired OB/GYN, Portland, Oregon. Testifies in opposition to SB 742.
412	Sen. Ferrioli	Asks Ms. LaRouche how she would suggest strengthening our ability to track and apprehend those who would destroy us.
435	LaRouche	Responds that she believes Section 2 of the bill weakens ORS 181.575 and 181.850.
474	Chair Minnis	Asks Dr. Hara if he has read the bill.
476	Dr. Hara	Says he read testimony of Portland Police Chief Kroeker, but not the whole bill.
TAPE 67, A		

023	Ramon Ramirez	President, Northwest Tree Planters and Farm Workers United. Submits testimony and testifies in opposition to SB 742 (EXHIBIT B) .
095	Chair Minnis	Asks what part of Section 2 he believes is flawed.
096	Ramirez	Reads the first sentence of Section 2.
104	Chair Minnis	Asks when local government should not cooperate with the federal government as it relates to an investigation of a crime of terrorism.
119	Ramirez	Responds again that Section 2 repeals ORS 181.575.
140	Chair Minnis	Maintains the language does not repeal 181.575.
147	Sen. Ferrioli	Reads 181.575 and interprets it for the committee and audience.
185	Chair Minnis	Says it is important that the intent of Section 2 is completely clear.
191	Michael Dale	Attorney. Testifies in opposition to SB 742.
312	Chair Minnis	Contends that the bill does not target one segment of a group.
315	Dale	Argues that it could be read that way.
334	Sen. Ringo	Asks if planning is covered by conspiracy.
337	Prins	Committee Counsel. Says, yes.
339	Sen. Ringo	Asks if we add anything by adding the word “plan” that wouldn’t already be contained in our conspiracy statute.
342	Prins	Says he will read the definition of conspiracy for the committee.
348	Sen. Ringo	Wonders what the words “disrupt” and “destroy” refer to.
342	Chair Minnis	Reads the remainder of the sentence that clarifies what they refer to.
360	Dale	Says something that disrupts or destroys commerce is a strike.
368	Chair Minnis	Contends that the bill refers to when someone is seriously injured or killed.
269	Dale	Explains that his concern is that only one person intending violence would incriminate the group.
415	Patty Caldwell	Welches, Oregon. Submits testimony and testifies in opposition to SB 742 (EXHIBIT C) .
TAPE 66, B		
076	Chair Minnis	Asks how people might peacefully assemble and commit a terrorist act as described in the bill.
080	Caldwell	Explains how this might happen.
106	Sen. Ferrioli	Asks the difference between civil disobedience and criminal action.
109	Caldwell	Explains her understanding of the difference.

121	Sen. Ferrioli	Talks about the assembly in Portland. Believes criminal intent would have to be proven.
151	Sen. Walker	Talks about the Portland demonstrations and believes that the protesters did not have intent to commit criminal acts.
162	Sen. Ferrioli	Discusses the inability to prove criminal intent within a peaceful demonstration.
179	Caldwell	Talks about her participation in the demonstration.
210	Rep. Floyd	House District 8. Discusses the language in the bill. Wonders if Section 2 is necessary.
256	Sen. Ringo	Poses a question about throwing a rock and wonders if it could be considered a violent act.
262	Rep. Prozanski	Replies, yes, throwing a rock could be considered a violent act.
294	Sen. Ferrioli	Comments about the pre-disposition of an act.
305	Rep. Prozanski	Clarifies wording in the bill that addresses participating in an act of violence. Believes the definitions used need to capture the individuals who actually carry out the acts of criminality.
324	Sen. Walker	Asks if rioting is covered under statute, and asks what the difference is between rioting and violent acts.
338	Rep. Prozanski	Says potentially individuals could be charged with both.
344	Sen. Ferrioli	Asks if he believes there are people in our community that are planning violent actions.
353	Rep. Prozanski	Maintains that it is definitely happening.
371	Chair Minnis	Asks for an interpretation of line 7, page 1 in the hand-engrossed bill.
377	Rep. Prozanski	Says it needs to be more clearly set forth.
400	Chair Minnis	Explains his purpose in drafting this bill.
415	Rep. Prozanski	Responds that he understands the intent.
429	Chair Minnis	Asks about the 25-year sentence.
431	Rep. Prozanski	Says it depends on how it is set up, and on the judge.
466	Sen. Ferrioli	Believes that citizens are confused about civil disobedience and criminal activity.
477	Rep. Prozanski	Believes this is true.
TAPE 67, B		
032	Vice Chair Burdick	Explains that civil disobedience does not speak to the nature of the crime, it is an action knowing there are consequences.
039	David Fidanque	American Civil Liberties Union. Submits testimony and testifies in opposition to SB 742 (EXHIBIT D).
143	Sen. Walker	Asks about files being kept by the Portland Police Department.
147	Fidanque	Explains how those files became public.
202	Chair Minnis	Asks about how oversight is accomplished.
204	Fidanque	Explains how it is done in Portland.
231	Chair Minnis	Believes that police agencies should not keep records that are no longer relevant to a criminal investigation. Asks which agency promulgates these rules.
242	Fidanque	Says it is the Secretary of State's office.
248	Chair Minnis	Asks if control of those rules is lost by connecting with the federal government.
252	Fidanque	Says the loss of control has already occurred.
279	Susan Russell	Oregon Criminal Defense Lawyers Association. Submits testimony and testifies in opposition to SB 742 (EXHIBIT E). Limits her comments to the -1 amendments.
421	Lynn-Marie Crider	Research Director, Oregon AFL-CIO. Testifies in opposition to

SB 742.

TAPE 68, A		
055	Crider	Discusses Section 2 of the amendments. Provides written material provided by the AFL-CIO (EXHIBIT F).
073	Sen. Ringo	Thanks those who have come to the committee today and believes they have made their voices loud and clear. Believes that the bill is over-broad and there is much work to be done on it.
081	Chair Minnis	Agrees with Sen. Ringo. Closes the public hearing on SB 742 and adjourns the meeting at 10:18 a.m.

EXHIBIT SUMMARY

A – SB 742, -1 amendments submitted by staff, 10 pp
B – SB 742, written testimony submitted by Ramon Ramires, 6 pp
C – SB 742, written testimony submitted by Patty Caldwell, 2 pp
D – SB 742, written testimony submitted by David Fidanque, 5 pp
E – SB 742, written testimony submitted by Susan Russell, 2 pp
F – SB 742, written testimony of AFL-CIO submitted by Lynn-Marie Crider, 3 pp
G – SB 742, written testimony submitted by Andrea Meyer, 1 p
H – SB 742, written testimony of Chief Mark Kroeker submitted by Andrea Meyer, 2 pp
I – SB 742, written testimony of Richard Ginsburg submitted by Andrea Meyer, 2 pp
J – SB 742, written testimony submitted by David Craven, 1 p
K – SB 742, written testimony submitted by Jaime Baird, 1 p
L – SB 742, written testimony submitted by Jill Davidson, 2 pp
M – SB 742, written testimony submitted by Dr. Oleg Kripkov, 1 p
N – SB 742, written testimony submitted by Peter Chabarek, 1 p
O – SB 742, written testimony submitted by Lawrence Birch, 1 pp
P – SB 742, written testimony submitted by Charles Fisher, 2 pp
Q – SB 742, written testimony submitted by Thad Buchanan, 1 p
R – SB 742, written testimony submitted by Dr. Munir Katul, 3 pp
S – SB 742, written testimony submitted by John Bergland, 2 pp
T – SB 742, written testimony submitted by S. Rowan Wolf, 1 p
U – SB 742, written testimony submitted by Michael Slocum, 1 p
V – SB 742, written testimony submitted by Maria Alvarez, 1 p
W – SB 742, written testimony submitted by Zochitl Esparza, 1 p
X – SB 742, written testimony submitted by Sally Sincic, 1 p
Y – SB 742, written testimony submitted by Sharon Scott, 1 p
Z – SB 742, written testimony submitted by Jerry Scott, 1 p
AA – SB 742, written testimony submitted by Lisa Melyan, 1 p
BB – SB 742, written testimony submitted by Jeanne Raymond, 1 p
CC – SB 742, written testimony submitted by Hope Marston, 1 p
DD – SB 742, written testimony submitted by Jules Bankoff, 1 p
EE – SB 742, written testimony submitted by Meg Blanchet, 1 p
FF – SB 742, written testimony submitted by Mel Bankoff, 1 p
GG – SB 742, written testimony submitted by Jerry Russell, 1 p
HH – SB 742, written testimony submitted by April Brenden-Locke, 1 p
II – SB 742, written testimony submitted by Mary Addams, 1 p
JJ – SB 742, written testimony submitted by James Keesey, 1 p
KK – SB 742, written testimony submitted by Jenny Schrader, 1 p

LL – SB 742, written testimony submitted by Robyn Steely, 1 p
MM – SB 742, written testimony submitted by Portia Foster, 1 p
NN – SB 742, written testimony submitted by Gerry Shapiro, 1 p
OO – SB 742, written testimony submitted by Patricia Gayle Foster, 1 p
PP – SB 742, written testimony submitted by Michael McIlrath, 2 pp
QQ – SB 742, written testimony submitted by Janet Brown, 1 p
RR – SB 742, written testimony submitted by Susan Skinner, 2 pp
SS – SB 742, written testimony submitted by William Blair, 1 p
TT – SB 742, written testimony submitted by Dennis Specht, 1 p
UU – SB 742, written testimony submitted by Charles & Barbara McLaughlin, 1 p
VV – SB 742, written testimony submitted by Rand Dawson, 1 p
WW – SB 742, written testimony submitted by John Edstrom, 1 p
XX – SB 742, written testimony submitted by Dr. Dorothy Mack, 1 p
YY – SB 742, written testimony submitted by James Patterson, 1 p
ZZ – SB 742, written testimony of ACLU – Oregon submitted by staff, 2 pp
AAA – SB 742, written testimony submitted by Claudia King, 1 p
BBB – SB 742, written testimony submitted by Donna Grady, 1 p