

SENATE COMMITTEE ON JUDICIARY

March 03, 2003
8:00 a.m.

Hearing Room 343
Tapes 45 - 46

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 115 Public Hearing**
 SB 245 Public Hearing and Work Session
 SB 348 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 45, A		
004	Vice Chair Burdick	Lacking a quorum, calls the meeting to order at 8:15 a.m. as a sub-committee for the purpose of hearing public testimony on SB 115.
<u>SB 115 PUBLIC HEARING</u>		
010	Michael Livingston	Department of Justice. Submits testimony and testifies in support of SB 115 that provides that rules of evidence do not apply at shelter hearing (EXHIBIT A).
124	Vice Chair Burdick	Having a quorum, convenes as a full committee.
127	Craig Prins	Committee Counsel. Provides an update on SB 115 for those committee members just arriving.
137	Sen. Ringo	Wonders about the use of the word "competency" in this statute.
145	Livingston	Says it is standard in juvenile code.
152	Sen. Ringo	Asks if there is a definition for "competency" in the code.
159	Livingston	Says, no.
161	Sen. Ringo	Expresses a desire to change the wording in SB 115.
183	Timothy Travis	Says the language appears in other places in the juvenile code and believes a change would cause confusion.

215	Vice Chair Burdick	Asks if the language in the juvenile code should be changed.
245	Livingston	Explains why this legislation is needed.
267	Sen. Ringo	States concern that words are being used that are not defined.
278	Vice Chair Burdick	Closes the public hearing on SB 155.
288	Chair Minnis	Opens a public hearing on SB 245 that breaks long statute dealing with suspension and revocation of driving privileges into several parts.

SB 245 PUBLIC HEARING

292	Kelly Taylor	Department of Transportation. Submits testimony and testifies in support of SB 245 (EXHIBIT B).
322	Chair Minnis	Asks if this is a housekeeping bill.
305	Taylor	Says, yes.
340	Chair Minnis	Closes the public hearing on SB 245 and opens a work session.

SB 245 WORK SESSION

347	Vice Chair Burdick	MOTION: Moves SB 245 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.
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VOTE: 5-0-1

EXCUSED: 1 - Sen. Walker

353	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.
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360	Chair Minnis	Closes the work session on SB 245. Recesses the meeting at 8:40 a.m.
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361	Chair Minnis	Reconvenes the meeting at 9:00 a.m. and opens a public hearing on SB 348.
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SB 348 PUBLIC HEARING

365	Sen. Rick Metsger	Senate District 26. Submits testimony and testifies in support of SB 348 that expands crime of recklessly endangering another person to include driving motor vehicle while under influence of intoxicants when child is passenger in vehicle (EXHIBIT C).
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422	Vice Chair Burdick	Asks if the incident mentioned would have been affected by this bill.
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400	Sen. Metsger	Replies that it would have depended on the actual dates of birth.
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441	Vice Chair Burdick	Asks how the 12-month age gap was decided on.
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445	Sen. Metsger	Explains some of the research involved in determining the age gap.
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470	Chair Minnis	Ask if the objective is to prevent persons under 18 being in cars with intoxicated individuals.
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476	Sen. Metsger	Responds, yes.
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TAPE 46, A

020	Craig Prins	Committee Counsel. Clarifies his understanding of the “state of mind” aspect of this legislation.
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034	Chair Minnis	Wonders about flexibility of fines.
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043	Sen. Ringo	Expresses support for the bill, but states concern about a certain age group that is not addressed by this bill.
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061	Kelly Skye	Oregon Criminal Defense Lawyers Association. Submits testimony and testifies in opposition to SB 348 (EXHIBIT D).
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165	Chair Minnis	Says he does not see the original statute being changed or diminished by this bill.
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170	Skye	Explains that it provides another way of proving recklessly endangering.
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175	Chair Minnis	Agrees that it might need to be included in the DUII statutes.
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186	Skye	Says there is no requirement in this bill that the driver be over the age of 18.
211	Chair Minnis	Closes the public hearing on SB 348 and adjourns the meeting at 9:20 a.m.

EXHIBIT SUMMARY

A – SB 115 written testimony submitted by Michael Livingston, 2 pp

B – SB 245 written testimony submitted by Kelly Taylor, 1 p

C – SB 348, written testimony submitted for Sandra Nelson by Sen. Rick Metsger, 2 pp

D – SB 348, written testimony submitted by Kelly Skye, 1 p

E – SB 348, written testimony of Jerome Cooper submitted by staff, 1 p