

# SENATE COMMITTEE ON JUDICIARY

March 31, 2003  
8:00 a.m.

Hearing Room HR 343  
Tapes 77 - 78

**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**  
                                  **Bill Joseph, Counsel**  
                                  **Jane Bodenweiser, Committee Assistant**

**MEASURE/ISSUES HEARD:**     **SB 641 Public Hearing and Work Session**  
                                  **SB 729 Public Hearing**  
                                  **SB 610 Public Hearing**  
                                  **SB 732 Public Hearing**

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 77, A</b>		
004	Chair Minnis	Calls the meeting to order at 8:15 a.m. and opens a public hearing on SB 641.
<b><u>SB 641 PUBLIC HEARING</u></b>		
007	Ann Christian	Testifies in support of SB 641 that authorizes post-conviction court to order petitioner to repay costs related to provision of appointed counsel.
017	Chair Minnis	Closes the public hearing on SB 641 and opens a work session.
<b><u>SB 641 WORK SESSION</u></b>		
018	Vice Chair Burdick	<b>MOTION: Moves SB 641 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 6-0</b>
020	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED. SEN. FERRIOLI will lead discussion on the floor.</b>
024	Chair Minnis	Closes the work session on SB 641 and opens a public hearing on SB 729.

## **SB 729 PUBLIC HEARING**

042	David Schmierbach	Oregon State Police. Submits testimony and testifies as neutral on SB 729 that requires person convicted of Class A misdemeanor to provide blood or buccal sample ( <b>EXHIBIT A</b> ). Says they are in favor of the policy, but funding at 1.98 million dollars is a problem.
120	Chair Minnis	Introduces the -1 amendments and asks if Mr. Schmierbach has seen them ( <b>EXHIBIT B</b> ).
128	Schmierbach	Replies that he has not.
141	Chair Minnis	Asks if there is a pattern of crime within the same kind of criminal activity.
152	Schmierbach	Responds that there is no pattern in criminal activity.
149	Kevin Campbell	Oregon Association of Chiefs of Police. Testifies in support of SB 729.
211	Chair Minnis	Asks what type of person is hired as a forensic scientist.
216	Schmierbach	Explains the background of a potential hire. Explains that the -1 amendments would take care of the concerns of the Chiefs of Police.
246	Chair Minnis	Asks how forensic science fits into priorities.
249	Schmierbach	Says that would be a question for the superintendent of the Oregon State Police.
259	Chair Minnis	States his belief in forensic science.
288	Vice Chair Burdick	Asks if DNA is as definitive as originally thought.
309	Schmierbach	Says the science is improving constantly. Says it is close to providing an absolute identify.
333	Sen. Walker	Asks what a Class A misdemeanor would include.
335	Craig Prins	Committee Counsel. Lists a number of Class A misdemeanors.
359	Vice Chair Burdick	Expresses concern about the broad scope of this bill.
419	Chris Stringer	Deputy District Attorney, Benton County, Oregon. Testifies in support of SB 729.
439	Chair Minnis	Closes the public hearing on SB 729 and opens a public hearing on SB 610.

## **SB 610 PUBLIC HEARING**

442	Craig Prins	Committee Counsel. Introduces SB 610 that requires certain employers to allow employees who are crime victims to take leave from employment to attend criminal or juvenile proceedings or other proceedings at which crime victims have right to be present.
463	Sen. Kate Brown	Senate District 21. Testifies in support of SB 610 and introduces the -1 amendments ( <b>EXHIBIT C</b> ).

## **TAPE 78, A**

031	Vice Chair Burdick	Asks what impact there would be on business.
047	Sen. Brown	Responds that this bill would apply only to violent crimes.
056	Prins	Says delay is a part of any criminal system.
083	Sen. Brown	Says in Multnomah County people get a 24-hour notice.
088	Vice Chair Burdick	Asks if immediate family should be narrowed some to keep the disruption to employers down.
101	Sen. Brown	Explains that the bill would apply to employers with 25 or more employees only. Believes there is some flexibility in the bill, but would be glad to look at the definition of immediate family.
109	Sen. Walker	Asks if leave would be paid or unpaid.
113	Sen. Brown	Explains that it could be both.

123	Prins	Explains how a case proceeds in a criminal matter.
147	Chris Stringer	Oregon District Attorneys Association. Testifies in support of SB 610.
159	Vice Chair Burdick	Asks if it would be harmful to narrow the definition of immediate family.
161	Stringer	Explains there are a limited number of homicide cases, and in sex abuse cases, believes that narrowing the definition would be inappropriate.
198	Jason Barber	Crime Victims Assistance Section, Department of Justice. Submits testimony and testifies in support of SB 610 and the -1 amendment ( <b>EXHIBIT D</b> ).
228	Craig Plunkett	Crime Victims United. Submits testimony and testifies in support of SB 610 ( <b>EXHIBIT E</b> ). Relates his story of the murder of his son.
314	Steve Doell	Crime Victims United. Testifies in support of SB 610. Suggests that defining the crime and immediate family would be important.
348	Chair Minnis	Wonders if designating an employer of 25 or more is too high.
365	Rebecca Gandy	Oregon Coalition Against Domestic and Sexual violence. Testifies in support of SB 610.
388	Vice Chair Burdick	Asks what kind of family support people want in a hearing.
392	Gandy	Replies that the entire family is not needed but at least someone for moral support is very important.
412	Chair Minnis	Closes the public hearing on SB 610 and opens a public hearing on SB 732.

**SB 732 PUBLIC HEARING**

427	Craig Prins	Committee Counsel. Introduces SB 732 that mandates impoundment of vehicle upon conviction of driving while suspended or revoked.
480	Ann Pratt	Springfield, OR. Submits testimony and testifies in support of SB 732 ( <b>EXHIBIT F</b> ).

**TAPE 77, B**

090	Susan Lombard	Portland, OR. Submits testimony and testifies in support of SB 732 ( <b>EXHIBIT G</b> ).
142	Marie Armstrong	Mothers Against Drunk Driving. Submits testimony and testifies in support of SB 732 ( <b>EXHIBIT H</b> ).
164	Sen. Ringo	Expresses his support of the testimony heard, and explains his concern about the constitutionality of a forfeiture law.
187	Sen. Walker	Wonders why, after having a license revoked 15 times, it wouldn't be permanently removed.
200	Prins	Explains there are several kinds of suspensions and revocations.
218	Sen. Ringo	Asks what the maximum penalty is for driving while suspended.
221	Prins	Says it is treated in different ways depending on the reason for suspension.
244	Sen. Ringo	Asks if there is a penalty for repeated violations.
251	Prins	Says, technically, no.
258	Sen. Ringo	Believes there should be an increase in punishment for repeated driving while suspended citations.
268	Vice Chair Burdick	Asks about forfeiture as opposed to impoundment.
272	Prins	Says he will research that possibility.
283	Vice Chair Burdick	Says she would like to see forfeiture available as a penalty.
299	Rep. Jeff Barker	House District 28. Testifies in support of SB 732. Says there are bills in the House that would institute severe a civil penalty for refusing to take a breath test.

345	Vice Chair Burdick	Asks if impoundment is enough.
350	Rep. Barker	Says forfeiture is probably better, but a problem to implement.
359	Sen. Ringo	Asks about the mechanics of the bill as it relates to the impoundment.
368	Prins	Says payment for storage is the responsibility of the person charged.
372	Rep. Barker	Explains how it is handled in Portland.
380	Prins	Advises that page 2, lines 21-24 of the bill addresses liens on a car impounded.
390	Vice Chair Burdick	Asks what happens to the potential revenue if a car is abandoned.
368	Sen. Ringo	Says any remainder after fines and liens is supposed to go to the owner.
410	Chris Stringer	Oregon District Attorneys Association. Testifies in support of SB 732.
<b>TAPE 78, B</b>		
018	Sen. Walker	Asks about the profile of a typical drunk driver.
023	Stringer	Says they are typically middle class people.
033	Bruce Pratt	Crime Victims United. Submits testimony and testifies in support of SB 732 ( <b>EXHIBIT I</b> ).
099	Dennis Richards	Springfield, Oregon, former California State Highway Patrolman. Testifies in support of SB 732. Talks about how Santa Rosa County handled similar impoundments.
154	Sen. Walker	Asks how fees were handled in California.
152	Richards	Says city and county agencies recoup their administrative costs at the time a vehicle is released.
201	Lt. Ed Stallard	Oregon State Sheriff's Association. Submits testimony and testifies in opposition to SB 732 ( <b>EXHIBIT J</b> ).
256	Sen. Ringo	Asks how many vehicles impounded are abandoned.
262	Lt. Stallard	Says about 25% are not recovered.
268	Sen. Ringo	Asks if they can be sold for scrap.
272	Lt. Stallard	Says, no, they actually have to pay to have them removed. Suggests some possible remedies.
331	Prins	Clarifies the bill with regard to impounds.
343	Vice Chair Burdick	Asks about the impact of forfeiture.
347	Lt. Stallard	Explains Lincoln County's civil forfeiture procedures.
357	Chair Minnis	Closes the public hearing in SB 732 and adjourns the meeting at 10:04 a.m.

## **EXHIBIT SUMMARY**

- A – SB 729, written testimony submitted by David Schmierbach, 3 pp**
- B – SB 729, -1 amendments dated 3/19/03 submitted by staff, 1 p**
- C – SB 610, -1 amendments dated 3/28/03 submitted by staff, 1 p**
- D – SB 610, written testimony submitted by Jason Barber, 1 p**
- E – SB 610, written testimony submitted by Craig Plunkett, 2 pp**
- F – SB 732, written testimony submitted by Ann Pratt, 11 pp**
- G – SB 732, written testimony submitted by Susan Lombard, 1 p**
- H – SB 732, written testimony submitted by Marie Armstrong, 3 pp**
- I – SB 732, written testimony submitted by Bruce Pratt, 11 pp**
- J – SB 732, written testimony submitted by Lt. Ed Stallard, 1 p**
- K – SB 732, written testimony of Janet Lovelace submitted by staff, 1 p**

