

## SENATE COMMITTEE ON JUDICIARY

March 06, 2003  
8:00 a.m.

Hearing Room 343  
Tapes 51 – 52

**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 308 Public Hearing**  
  **SB 307 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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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 51, A</b>		
003	Chair Minnis	Calls the meeting to order at 8:14 a.m. and opens a public hearing on SB 308.
<b><u>SB 308 PUBLIC HEARING</u></b>		
012	Alfred French	Oregon District Attorneys Association. Submits testimony of Mark Huddleston and testifies in support of SB 308 that prohibits disclosure of personal financial information of victims and witnesses to defendants in criminal cases ( <b>EXHIBIT A</b> ). Makes a suggestion for a language change in section 2, page 2.
081	Susan Russell	Oregon Criminal Defense Lawyers Association (OCDLA). Testifies in opposition to SB 308. Suggests there will be increased financial costs to the defendants.
121	Chair Minnis	Wonders about a person's date of birth being germane to the witnesses.
125	Russell	Believes it may be relevant under certain circumstances.
149	Sen. Ringo	Asks if there is opposition to the suggested language change in section 2, page 2.
153	Russell	Says there are concerns about the piece-mill approach to identity theft.
183	Chair Minnis	Says it is his intent to bring all aspects of identity theft together.
191	Craig Prins	Committee Counsel. Asks for clarification of a defendant's representation by a lawyer.
204	Russell	Explains her understanding of the bill regarding representation.
219	Chair Minnis	Asks what the penalty for violating this law would be.
225	French	Says it would be a penalty of contempt.
230	Ann Christian	Department of Justice. Testifies as neutral on SB 308. Discusses

290	Chair Minnis	the potential fiscal impact. Questions why a defense attorney would need a legal assistant to review a report.
300	Christian	Agrees that it should be done by the defense attorney.
324	Chair Minnis	Closes the public hearing on SB 308, and opens a public hearing on SB 307.

**SB 307 PUBLIC HEARING**

328	Alfred French	Oregon District Attorneys Association. Testifies in support of SB 307 that prohibits voluntary use of drugs or controlled substances, dependence on drugs or controlled substances or voluntary intoxication as defense.
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**TAPE 52, A**

020	Vice Chair Burdick	Asks if there is a lesser charge if proof of intent is not found.
028	French	Explains circumstances of a lesser charge.
065	Sen. Ringo	Talks about the level of intent being fundamental to sentencing.
076	French	Agrees that it does in homicide and assault cases.
080	Sen. Ringo	Asks if the jury decides if a person is intoxicated enough not to have the appropriate level of intent.
084	French	Says, yes.
098	Sen. Ringo	States his belief in the importance of trusting juries, and that the level of intent is critical.
112	Chair Minnis	Discusses his experience as a sex crimes investigator.
144	Susan Russell	Oregon Criminal Defense Lawyers Association. Submits testimony and testifies in opposition to SB 307 ( <b>EXHIBIT B</b> ).
200	Chair Minnis	Asks if cases are not already being litigated.
202	Russell	Says some cases are.
220	Chair Minnis	Asks about pre-trial motions using an example.
212	Russell	Says some of these dual diagnoses issues are medical issues.
250	Chair Minnis	Talks about intent in a crime, gives an example.
311	Russell	Continues testimony giving examples of cases in which alcohol and other drugs are used.
342	Sen. Ringo	Wonders why a jury wouldn't decide in the case described.
361	Russell	Continues giving examples of cases.

**TAPE 51, B**

029	Chair Minnis	Asks about the voluntary versus involuntary use of drugs.
032	Russell	Explains her interpretation of the two.
048	Chair Minnis	Discusses a possible change of wording in the bill.
063	Russell	Agrees it would be preferable over the current writing. Finalizes testimony by discussing incarceration of mentally ill persons.
096	French	Responds to the proposed changes to the bill.
121	Sen. Ringo	Asks how the courts look at a defense of this type.
131	French	Says they are not well received by a jury.
145	Chair Minnis	Wonders if this legislation should deal with felony cases only.
147	French	Does not agree.
126	Chair Minnis	Closes the public hearing on SB 307 and adjourns the meeting at 9:20 a.m.

**EXHIBIT SUMMARY**

**A – SB 308, written testimony submitted for Mark Huddleston by Alfred French, 1 p**

**B – SB 307, written testimony submitted by Susan Russell, 2 pp**