

SENATE COMMITTEE ON JUDICIARY

April 17, 2003
8:00 a.m.

Hearing Room 343
Tapes 100-101

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 47 Work Session**
 SB 69 Work Session
 SB 308 Work Session
 SB 348 Work Session
 SB 426 Work Session
 SB 564 Work Session
 SB 332 Work Session
 SB 356 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 100, A		
005	Chair Minnis	Calls the meeting to order at 8:20 a.m. and opens a work session on SB 47.
<u>SB 47 WORK SESSION</u>		
012	Craig Prins	Committee Counsel. Introduces SB 47 that delays imposition of interest on criminal judgments until July 1, 2007.
023	Vice Chair Burdick	MOTION: Moves SB 47 to the floor with a DO PASS recommendation.
		VOTE: 5-0-1
		EXCUSED: 1 - Sen. Starr
024	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.
025	Chair Minnis	Closes the work session on SB 47 and opens a work session on SB 69.
<u>SB 69 WORK SESSION</u>		
033	Craig Prins	Committee Counsel. Introduces SB 69 that modifies references to child, youth and youth offender in general provisions relating to juvenile court, and the -1 amendments (EXHIBIT A).
037	Sen. Walker	Asks why the word change is necessary.
043	Prins	Explains why the word change is needed.

065	Vice Chair Burdick	MOTION: Moves to ADOPT SB 69-1 amendments dated 3/14/03. VOTE: 5-0-1 EXCUSED: 1 - Sen. Starr
068	Chair Minnis	Hearing no objection, declares the motion CARRIED.
070	Vice Chair Burdick	MOTION: Moves SB 69 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 5-0-1 EXCUSED: 1 - Sen. Starr
074	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. WALKER will lead discussion on the floor.
076	Chair Minnis	Closes the work session on SB 69 and opens a work session on SB 308.
<u>SB 308 WORK SESSION</u>		
078	Craig Prins	Committee Counsel. Introduces SB 308 that prohibits disclosure of personal financial information of victims and witnesses to defendants in criminal cases, and the -1 amendments (EXHIBIT B).
112	Vice Chair Burdick	Reviews the fiscal and asks about the range of costs.
120	Prins	Explains why there is a range of costs.
163	Chair Minnis	Calls for a recess of the meeting at 8:30 a.m.
164	Chair Minnis	Re-convenes the meeting at 8:45 a.m.
171	Vice Chair Burdick	MOTION: Moves to ADOPT SB 308-1 amendments dated 03/24/03. VOTE: 6-0
174	Chair Minnis	Hearing no objection, declares the motion CARRIED.
175	Vice Chair Burdick	MOTION: Moves SB 308 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 6-0
177	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. FERRIOLI will lead discussion on the floor.
178	Chair Minnis	Closes the work session on SB 308 and opens a work session on SB 348.
<u>SB 348 WORK SESSION</u>		
188	Craig Prins	Committee Counsel. Introduces 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, and the -1 amendments (EXHIBIT C).
273	Vice Chair Burdick	MOTION: Moves to ADOPT SB 348-1 amendments dated 03/12/03. VOTE: 5-0-1 EXCUSED: 1 - Sen. Ferrioli
279	Chair Minnis	Hearing no objection, declares the motion CARRIED.
278	Vice Chair Burdick	MOTION: Moves SB 348 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 5-0-1 EXCUSED: 1 - Sen. Ferrioli
279	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. METSGER will lead discussion on the floor.
280	Chair Minnis	Closes the work session on SB 348 and opens a work session on SB 426.

SB 426 WORK SESSION

294	Craig Prins	Committee Counsel. Introduces SB 426 that expands crime of assault in the third degree.
322	Nolan Mackrill	City of Portland, Office of Transportation. Testifies in support of SB 426 (EXHIBIT D).
377	Sen. Walker	Asks about the frequency of these assaults.
392	Mackrill	Explains there has been an increase in the past year.
422	Vice Chair Burdick	MOTION: Moves SB 426 to the floor with a DO PASS recommendation.
		VOTE: 6-0
424	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.
430	Chair Minnis	Closes the work session on SB 426 and opens a work session on SB 564.

SB 564 WORK SESSION

TAPE 101, A

014	Craig Prins	Committee Counsel. Introduces SB 564 that creates crime of assaulting law enforcement animal, and the -3 amendments (EXHIBIT E).
041	Chair Minnis	Asks about the fiscal on this bill.
044	Prins	Explains that it is minimal.
051	Sen. Ringo	Says he is not convinced that increasing the penalty will reduce the crime.
076	Chair Minnis	Discusses the need to take a look at our criminal statutes.
084	Vice Chair Burdick	Says she likes the bill.
121	Vice Chair Burdick	MOTION: Moves to ADOPT SB 564-3 amendments dated 03/31/03.
		VOTE: 6-0
123	Chair Minnis	Hearing no objection, declares the motion CARRIED.
125	Vice Chair Burdick	MOTION: Moves SB 564 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0
127	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. ATKINSON will lead discussion on the floor.
143	Chair Minnis	Closes the work session on SB 564 and opens a work session on SB 332.

SB 332 WORK SESSION

144	Bill Joseph	Committee Counsel. Introduces SB 332 that allows employer to collect \$1 processing fee for each week or part of week for which payment is made under writ of garnishment, and the -3 amendments (EXHIBIT F).
171	Steve Mitchell	Medford, Oregon. Suggests that the \$1 fee is not enough.
260	Bill Perry	Oregon Restaurant Association. Says that everyone is in agreement with the -3 amendments.
271	Sen. Walker	Asks how the amount was determined.
273	Perry	Says that it was a negotiated amount.
297	Sen. Ringo	Says he supports the bill.
339	Vice Chair Burdick	MOTION: Moves to ADOPT SB 332-3 amendments dated 04/07/03.
		VOTE: 6-0
341	Chair Minnis	Hearing no objection, declares the motion CARRIED.
344	Vice Chair Burdick	MOTION: Moves SB 332 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0

348	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. RINGO will lead discussion on the floor.
350	Chair Minnis	Closes the work session on SB 332 and opens a work session on SB 356.
<u>SB 356 WORK SESSION</u>		
355	Bill Joseph	Committee Counsel. Introduces SB 356 that creates truth verification examiner licensing process, and the -1 amendments (EXHIBIT G)
380	Chair Minnis	Calls for a recess at 9:20 a.m.
383	Chair Minnis	Reconvenes the meeting at 9:35 a.m.
386	Bill Joseph	Provides additional clarification of the -1 amendments.
448	Chair Minnis	Identifies letters from the Oregon Association of Chiefs of Police (EXHIBIT H) .
TAPE 100, B		
012	John Powell	Oregon State Sheriff's Association. Discusses sub-section 6, page 1 of the -1 amendments relating to polygraph examiner.
033	Vice Chair Burdick	Asks about the need for this bill.
035	Powell	Explains that it allows the administration of the polygraph exam and allows the voice stress analyzer to be used in investigative work under Oregon law.
052	Vice Chair Burdick	Asks under what circumstances the two methods are used.
055	Powell	Explains the use of these investigative tools.
067	Vice Chair Burdick	MOTION: Moves to ADOPT SB 356-1 amendments dated 03/04/03.
		VOTE: 6-0
069	Chair Minnis	Hearing no objection, declares the motion CARRIED.
072	Vice Chair Burdick	MOTION: Moves SB 356 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0
077	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. CORCORAN will lead discussion on the floor.
085	Chair Minnis	Closes the work session on SB 356 and adjourns the meeting at 9:45 a.m.

EXHIBIT SUMMARY

- A – SB 69, -1 amendments submitted by staff, 118 pp**
- B – SB 308, -1 amendments submitted by staff, 1 p**
- C – SB 348, -1 amendments submitted by staff, 4 pp**
- D – SB 426, written testimony submitted by Nolan Mackrill, 2pp**
- E – SB 564, -3 amendments submitted by staff, 3 pp**
- F – SB 332, -3 amendments submitted by staff, 3 pp**
- G – SB 356, -1 amendments submitted by staff, 3 pp**
- H – SB 356, written testimony of H. M. Adams submitted by staff, 5 pp**