

SENATE COMMITTEE ON JUDICIARY

April 23, 2003
8:00 a.m.

Hearing Room 343
Tape 106-107

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 Taylor, Counsel
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2784 Public Hearing and Work Session**
 HB 2115A Public Hearing and Work Session
 HB 2132A Public Hearing and Work Session
 HB 2119 Public Hearing and Work Session
 HB 2177A 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 106, A		
004	Chair Minnis	Calls the meeting to order at 8:15 a.m. and opens a public hearing on HB 2784.
<u>HB 2784 PUBLIC HEARING</u>		
006	Rep. John Mabrey	House district 59. Testifies in support of HB 2784 that authorizes service district that previously provided enhanced law enforcement services by contract with sheriff of county to provide law enforcement services.
043	Chair Minnis	Closes the public hearing on HB 2784 and opens a work session.
<u>HB 2784 WORK SESSION</u>		
046	Sen. Ferrioli	MOTION: Moves HB 2784 to the floor with a DO PASS recommendation.
		VOTE: 6-0
048	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. FERRIOLI will lead discussion on the floor.
054	Chair Minnis	Closes the work session on HB 2784 and opens a public hearing on HB 2115A.
<u>HB 2115A PUBLIC HEARING</u>		
055	Bill Taylor	Committee Counsel. Introduces HB 2115A that allows state to have licensed psychologist examine defendant who is charged with murder and asserts defense of extreme emotional disturbance.
072	Jonathan Fussner	Department of Justice. Submits testimony and testifies in support

of HB 2115A (**EXHIBIT A**).

099 Chair Minnis Asks how many other states allow psychologists to examine a defendant.

101 Fussner Says he does not know.

103 Sen. Walker Wonders about relying on the testimony of a psychologist in a murder trial.

110 Fussner Responds that psychologists and psychiatrists are viewed as equivalent in a murder context.

156 Chair Minnis Asks about the credentials of a psychologist.

159 Fussner Explains that they are required to be licensed by the state and that the requirements for licensing include college and post-college training.

164 Chair Minnis Asks if experience isn't an important requirement.

168 Fussner Says that it is the real test of whether a psychiatrist or a psychologist is more capable.

180 Sen. Walker Wonders about indigent defense cases that cannot afford to hire experts.

187 Fussner Disagrees, saying that a defendant who is indigent and charged with murder has always been able to hire experts at public expense.

203 Vice Chair Burdick Believes that while each has his own specialty, a psychologist has the same level of skill in evaluation as does a psychiatrist.

216 Chair Minnis Closes the public hearing on HB 2115A and opens a work session.

HB 2115A WORK SESSION

219 Vice Chair Burdick **MOTION: Moves HB 2115A to the floor with a DO PASS recommendation.**

VOTE: 5-0-1

EXCUSED: 1 - Sen. Ringo

226 Chair Minnis **Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.**

256 Chair Minnis Closes the work session on HB 2115A and opens a public hearing on HB 2132A.

HB 2132A PUBLIC HEARING

259 Inga Deckert Oregon State Treasury. Testifies in support of HB 2132A that authorizes State Treasurer to request Department of State Police to provide criminal offender information about subject individuals.

277 Jeannette Holman Division of State Lands. Testifies in support of HB 2132A and the -A2 amendments (**EXHIBIT B**).

313 Chair Minnis Closes the public hearing on HB 2132A and opens a work session.

HB 2132A WORK SESSION

- 313 Vice Chair Burdick Asks if the audit uncovered any actual events where someone has taken property.
- 318 Holman Explains there have been instances in the past where people have taken from the program.
- 322 Vice Chair Burdick **MOTION: Moves to ADOPT HB 2132A-A2 amendments dated 3/21/03.**
VOTE: 5-0-1
EXCUSED: 1 - Sen. Ringo
Hearing no objection, declares the motion CARRIED.
- 326 Chair Minnis
335 Vice Chair Burdick **MOTION: Moves HB 2132A to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 5-0-1
EXCUSED: 1 - Sen. Ringo
Hearing no objection, declares the motion CARRIED.
SEN. STARR will lead discussion on the floor.
- 343 Chair Minnis Closes the work session on HB 2132A and opens a public hearing on HB 2119.
- 352 Chair Minnis

HB 2119 PUBLIC HEARING

- 355 Craig Prins Committee Counsel. Introduces HB 2119 that adds identity theft to definition of racketeering activity for purposes of Oregon Racketeer Influenced and Corrupt Organization Act.
- 376 Cheryl Pellegrini Department of Justice. Submits testimony and testifies in support of HB 2119 (**EXHIBIT C**).

TAPE 107, A

- 022 Sen. Walker Asks why Oregon has become #7 on the list of victims.
- 026 Pellegrini Says it is because Oregon drivers' licenses are fairly easy to reproduce.
- 033 Sen. Walker Asks if there is anything being done about it.
- 035 Pellegrini Says she believes that the Department of Motor Vehicles (DMV) is looking at the use of additional biometrics.
- 040 Prins Says the DMV has an identity theft task force.
- 046 Vice Chair Burdick Asks about criminals being involved in some way with DMV activities.
- 050 Prins Explains that they do not have access to any of the personal information of drivers.
- 058 Sen. Ferrioli Asks if the DMV has sold lists of Oregon drivers.
- 062 Pellegrini Explains that the DMV is much more restricted in disseminating information since 1997.
- 125 Chair Minnis Closes the public hearing on HB 2119 and opens a work session.

HB 2119 WORK SESSION

- 127 Vice Chair Burdick **MOTION: Moves HB 2119 to the floor with a DO PASS recommendation.**

VOTE: 5-0-1

EXCUSED: 1 - Sen. Ringo

Hearing no objection, declares the motion CARRIED.

SEN. WALKER will lead discussion on the floor.

130 Chair Minnis

137 Chair Minnis

Closes the work session on HB 2119 and opens a public hearing on HB 2177A.

HB 2177A PUBLIC HEARING

142 Craig Prins

Committee Counsel. Introduces HB 2177A that provides that inmates and others may not bring criminal or civil stalking action against parole and probation officer or officer, employee or agent of Department of Corrections, law enforcement unit or Oregon Youth Authority for official conduct of officer, employee or agent.

184 Chair Minnis

Recesses the meeting at 8:50 a.m.

188 Chair Minnis

Reconvenes the meeting at 9:05 a.m. and continues the public hearing on HB 2177A.

193 Prins

Introduces the –A7 amendments (**EXHIBIT D**).

202 Mitch Morrow

Department of Corrections. Submits testimony and testifies in support of HB 2177A (**EXHIBIT E**).

244 Prins

Clarifies the definition of *law enforcement unit* in the bill.

378 Kelly Skye

Reviews the bill section-by-section.

Oregon Criminal Defense Lawyers Association. Submits testimony and testifies in support of HB 2177A (**EXHIBIT F**).

TAPE 106, B

067 Sen. Walker

Asks for clarification of the limits on stalking orders.

072 Skye

Explains conditions for determining the time element of a stalking order. Continues testimony on HB 2177A.

156 Paul Snider

Association of Oregon Counties. Testifies in support of the –A7 amendments to HB 2177A.

173 Mary Botkin

American Federation of State, County and Municipal Employees. Testifies in opposition to the –A7 amendments. Says this housekeeping bill has become a major policy issue.

218 Sen. Walker

Asks if the amendments proposed by Mr. Snider have been drafted yet.

222 Snider

Says, no.

226 David Nebel

Oregon Law Center. Testifies in support of HB 2177A, but is in opposition to the –A7 amendments.

321 Sen. Ringo

Discusses his experience in his law practice.

336 Chair Minnis

Closes the public hearing on HB 2177A and adjourns the meeting at 9:40 a.m.

EXHIBIT SUMMARY

A – HB 2115, written testimony submitted by Jonathan Fussner, 2 pp

B – HB 2132A, -A2 amendments submitted by staff, 2 pp

C – HB 2119, written testimony submitted by Cheryl Pellegrini, 3 pp

D – HB 2177A, -A7 amendments submitted by staff, 33 pp

E – HB 2177A, written testimony submitted by Mitch Morrow, 2pp

F – HB 2177A, written testimony submitted by Kelly Skye, 1 pp

G – HB 2119, written testimony of Steve Dixon submitted by staff, 2 pp