

SENATE COMMITTEE ON JUDICIARY

April 07, 2003
8:00 a.m.

Hearing Room 343
Tapes 87-88

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 599 Public Hearing**
 SJR 2 Public Hearing
 SB 782 Public Hearing
 SB 21 Public Hearing
 SB 544 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 87, A		
004	Chair Minnis	Calls the meeting to order at 8:20 a.m. and explains that the House bills scheduled for hearing are being held over until Tuesday, April 8. Opens a public hearing on SB 599.
<u>SB 599 PUBLIC HEARING</u>		
028	Sen. Rick Metsger	Senate District 26. Testifies in support of SB 599 that creates statutory cause of action against person who negligently stores, transmits or disposes of personal identification when negligent storage, transmission or disposal allows commission of crime of identity theft.
074	Jim Austin	American Express. Testifies in support of SB 599. Offers to work with Sen. Metsger to refine the concerns in SB 599.
087	Vice Chair Burdick	Asks if disposal of records is the primary problem.
092	Sen. Metsger	Responds that disposal is definitely a problem, but mentions others as well.
118	Sen. Ferrioli	Wonders if negligence might include criminal behavior.
133	Sen. Metsger	Agrees that it is a very important point.
139	Sen. Ferrioli	Talks about the \$50 limit on losses occurred by an account holder, and wonders if credit unions have the same.
158	Sen. Metsger	Says, no.
171	Chair Minnis	Asks about the term <i>suffers damage</i> referred to in the bill.
176	Bill Joseph	Committee Counsel. Clarifies that any minimal economic damage would apply.

189	Chair Minnis	Asks if civil action against a person would include a corporation.
194	Joseph	Replies that because the bill refers to "person" it may be ambiguous.
202	Sen. Metsger	Explains that in statute the definition of "person" does define a corporation as persons.
214	Julie Brandis	Associated Oregon Industries. Testifies in opposition to SB 599. Says the bill seems overly broad.
255	Chair Minnis	Closes the public hearing on SB 599 and opens a public hearing on SJR 2.

SJR 2 PUBLIC HEARING

257	Bill Joseph	Committee Counsel. Introduces SJR 2 that proposes amendment to Oregon Constitution to allow Legislative Assembly to impose limitations on civil damages.
288	Chair Minnis	Closes the public hearing on SJR 2 and opens a public hearing on SB 782.

SB 782 PUBLIC HEARING

292	Craig Prins	Committee Counsel. Introduces SB 782 that changes mandatory minimum sentences for certain youthful offenders to presumptive sentences.
310	Vice Chair Burdick	Says that she sponsored SB 782, and because of budget shortages, believes it is worth discussing the value of Measure 11.
320	Chair Minnis	Asks if the bill is limited to Measure 11.
322	Prins	Says, yes.
330	Chair Minnis	Closes the public hearing on SB 782 and opens a public hearing on SB 21.

SB 21 PUBLIC HEARING

340	Craig Prins	Committee Counsel. Introduces SB 21 that allows court to commit defendant who lacks capacity to stand trial to treatment facility other than state mental hospital.
375	Bob Joondeph	Oregon Advocacy Center. Submits testimony and testifies in support of SB 21 (EXHIBIT A) Introduces the -1 amendments (EXHIBIT B).
463	Sen. Walker	Asks if there is a fiscal impact.
467	Joondeph	Says, yes.
470	Sen. Walker	Asks what the fiscal would be if the -1 amendments are not passed.
474	Joondeph	Says he does not know.
485	Kelly Skye	Oregon Criminal Defense Lawyers Association. Testifies in support of SB 21.

TAPE 88, A

054	Stan Mazur-Hart	Superintendent, Oregon State Hospital. Submits testimony and testifies in opposition to SB 21 (EXHIBIT C). Says there are no resources to establish other treatment facilities.
081	Chair Minnis	Asks about the status of persons currently in the hospital.
077	Mazur-Hart	Discloses that the hospital is 31 patients over budgeted capacity in the forensic programs.
080	Chair Minnis	Asks if there is a backlog.
089	Mazur-Hart	Says they are barely keeping up.
104	Sen. Ferrioli	Asks where people would go if authority were granted to refer them to other facilities.
108	Mazur-Hart	Says he does not know where they would go.
118	Chair Minnis	Asks if the Department of Human Services can designate a facility, and asks if there are facilities other than the Oregon State

119	Mazur-Hart	Hospital. Explains that there are none that he knows of with the same security. Says there is no ability to release because of overcrowding.
138	Chair Minnis	Asks the capacity of the hospital for the forensic program.
144	Mazur-Hart	Says the budgeted capacity is 374 beds.
169	Chair Minnis	Says there is a subsequent referral of this bill to Ways and Means.
180	Prins	Asks for clarification on establishing other treatment facilities.
185	Mazur-Hart	Explains the need.
203	Sen. Walker	Asks if people can be reclassified.
208	Mazur-Hart	Says they cannot, and explains that the court makes the designation.
220	Sen. Walker	Asks about potential for lawsuits.
224	Mazur-Hart	Says there have not been complaints.
230	Vice Chair Burdick	Asks about cost of care and wonders why there is so much more expense for community care.
235	Mazur-Hart	Replies that he does not know all the costs involved in community care.
241	Chair Minnis	Asks if Medicaid is available.
244	Mazur-Hart	Explains which programs receive Medicaid.
251	Vice Chair Burdick	Thinks there needs to be more clarification of what "other treatment facilities" includes.
284	Chair Minnis	Closes the public hearing on SB 21 and calls a recess at 9:08 a.m.
292	Chair Minnis	Reconvenes the meeting at 9:15 a.m. and opens a public hearing on SB 544.

SB 544 PUBLIC HEARING

297	Sen. Ringo	Introduces SB 544 that creates crime of hindering assistance animal in second degree.
341	Patricia Kepler	Guide Dog Users of Oregon. Submits testimony and testifies in support of SB 544 (EXHIBIT D).
393	Chair Minnis	Asks about the training of a guide dog.
399	Kepler	Further explains the training process.
420	Chair Minnis	Asks how long a guide dog is retained for service.
423	Kepler	Says 8 to 10 years.
437	Sen. Walker	Asks if there is any current law against assaulting a guide dog.
457	Kepler	Replies that there is not.
470	Craig Prins	Committee Counsel. Explains current law.
509	Sen. Ferrioli	Asks if "negligent" should be included in the bill.

TAPE 87, B

040	Prins	Explains how the wording would have to be written.
068	Sen. Ferrioli	Asks if Guide Dog Users of Oregon would be able to educate the general public if this bill is passed.
080	Kepler	Says, yes.
083	Sen. Ferrioli	Wonders if raising the penalty will take care of the offense.
096	Sen. Ringo	Discusses the -1 amendments he has proposed, but are not yet available to the committee.
122	Deb Marinos	American Council of the Blind. Testifies in support of SB 544.
170	Chair Minnis	Asks what happens to dogs that are retired.
172	Marinos	Explains the various choices available.
188	Sen. Walker	Relates a letter from a woman in Medford. Asks how dogs get along with one another after retired.
200	Marinos	Explains that generally they adapt very well.
238	Chair Minnis	Closes the public hearing on SB 544 and adjourns the meeting at

9:40 a.m.

EXHIBIT SUMMARY

- A – SB 21, written testimony submitted by Bob Joondeph, 1 p**
- B – SB 21, -1 amendments submitted by staff, 1 p**
- C – SB 21, written testimony submitted by Stan Mazur-Hart, 2 pp**
- D – SB 544, written testimony submitted by Patricia Kepler, 2 pp**
- E – SB 544, written testimony of Marlana Lytehaause submitted by staff, 1 p**
- F – SB 544, written testimony of Dr. John Boice, submitted by staff, 1 p**
- G – SB 544, written testimony of Robert Matti submitted by staff, 1 p**
- H – SB 544, written testimony of Lynn Hobbs submitted by staff, 2 pp**
- I – SB 544, written testimony of Kevin Chinn submitted by staff, 1 p**
- J – SB 544, written testimony of Kae Madera submitted by staff, 1 p**
- K – SB 544, written testimony of Mary E. Wells submitted by staff, 1 p**