

SENATE COMMITTEE ON JUDICIARY

May 14, 2003
8:00 a.m.

Hearing Room 343
Tapes 130-131

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 2069 Public Hearing and Work Session**
 HB 2729A Public Hearing and Work Session
 HB 2732 Public Hearing and Work Session
 HB 2725A Public Hearing
 HB 2727 Public Hearing
 HB 2733A Public Hearing
 HB 2736 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 130, A		
003	Chair Minnis	Calls the meeting to order at 8:15 a.m. and opens a public hearing on HB 2069.
<u>HB 2069 PUBLIC HEARING</u>		
004	Craig Prins	Committee Counsel. Introduces HB 2069 that modifies provisions relating to motions in arrest of judgment and for new trials in criminal cases.
017	Kelly Skye	Oregon Criminal Defense Lawyers Association. Testifies in support of HB 2069.
031	Sen. Walker	Asks how long this system has been in operation.
036	Skye	Replies that it has been in operation as long as she has been practicing.
038	Prins	Explains that there is a very limited basis for asking for a new trial.
043	Chair Minnis	Closes the public hearing on HB 2069 and opens a work session.

HB 2069 WORK SESSION

045 Vice Chair Burdick

MOTION: Moves HB 2069 to the floor with a DO PASS recommendation.

VOTE: 4-0-2

EXCUSED: 2 - Sen. Ringo, Sen. Ferrioli

Hearing no objection, declares the motion CARRIED.

SEN. C. STARR will lead discussion on the floor.

048 Chair Minnis

050 Chair Minnis

Closes the work session on HB 2069 and opens a public hearing on HB 2729A.

HB 2729A PUBLIC HEARING

052 Bill Taylor

Committee Counsel. Introduces HB 2729A that removes requirement that name and address of person to whom court should disburse payments appear in money judgment in criminal action.

056 Rep. Floyd
Prozanski

House District 8. Testifies in support of HB 2729A. Says it is a victim's rights bill.

072 Vice Chair Burdick

Asks how a victim might know to make a request.

076 Rep. Prozanski

Replies that there is appropriate notice for such paperwork to be filed.

087 Chair Minnis

Closes the public hearing on HB 2729A and opens a work session.

HB 2729A WORK SESSION

091 Vice Chair Burdick

MOTION: Moves HB 2729A to the floor with a DO PASS recommendation.

VOTE: 4-0-2

EXCUSED: 2 - Sen. Ringo, Sen. Ferrioli

Hearing no objection, declares the motion CARRIED.

SEN. BURDICK will lead discussion on the floor.

094 Chair Minnis

096 Chair Minnis

Closes the work session on HB 2729A and opens a public hearing on HB 2732.

HB 2732 PUBLIC HEARING

096 Bill Taylor

Committee Counsel. Introduces HB 2732 that modifies distribution scheme for fines imposed for traffic offenses for which prosecution was initiated by city police officers.

103 Rep. Floyd
Prozanski

House District 8. Submits testimony and testifies in support of HB 2732 (**EXHIBIT A**).

171 Vice Chair Burdick

Asks if the ticket provided in Exhibit A is a photo radar ticket.

176 Rep. Prozanski

Explains that it is a copy of the one presented to the violator.

194 Sen. Walker

Asks which agency should be issuing tickets on Interstate 5.

197 Rep. Prozanski

Explains there are two: the State Police and the Lane County Sheriff's office.

218 Taylor

Asks about the revenue intake.

220 Rep. Prozanski

Says it is ten times the amount originally collected.

247	Sgt. Hubbard	Coburg Police Department. Testifies in support of HB 2732. Says the police department does not get any revenue from these citations. Believes that the color of the uniform should not matter when stopping a traffic violator.
289	Chair Minnis	Asks about the size of Coburg.
290	Sgt. Hubbard	Explains that it is just under 1,000 people.
294	Chair Minnis	Asks how many police officers the city employs.
295	Sgt. Hubbard	Says there are 9 sworn officers.
305	Rep. Prozanski	Asks how many reserve officers are available.
307	Sgt. Hubbard	Says there is a total staff of 10.
320	Chair Minnis	Closes the public hearing on HB 2732 and opens a work session.

HB 2732 WORK SESSION

325 Vice Chair Burdick MOTION: Moves HB 2732 to the floor with a DO PASS recommendation.

VOTE: 5-0-1

EXCUSED: 1 - Sen. Ringo

347 Chair Minnis Hearing no objection, declares the motion CARRIED. SEN. WALKER will lead discussion on the floor.

350 Chair Minnis Closes the work session on HB 2732 and opens a public hearing on HB 2725A.

HB 2725A PUBLIC HEARING

352	Bill Taylor	Committee Counsel. Introduces HB 2725A that modifies crime of giving false information to police officer to include service of arrest warrants.
357	Rep. Floyd Prozanski	House District 8. Testifies in support of HB 2725A.
383	Vice Chair Burdick	Asks for further understanding of what this legislation does.
386	Rep. Prozanski	Explains the issue addresses an active outstanding arrest warrant.
437	Sen. Walker	Asks for clarification of when giving false information is declared a crime.
445	Rep. Prozanski	Explains the difference between how it applies to an arrest warrant and that of a traffic citation.
458	Sen. Walker	Asks if a person is required to give an officer his name when it is a mere conversation.
462	Rep. Prozanski	Says, no.
468	Kelly Skye	Oregon Criminal Defense Lawyers Association. Testifies in opposition to HB 2725A. Says that a citizen has the right not to answer any question from an officer.

TAPE 131, A

060	Chair Minnis	Discusses the difference between a mere conversation with a police officer versus giving false information at a potential arrest.
074	Skye	Explains how an officer obtains information.
085	Chair Minnis	Asks about a mobile vehicle exception that the State Supreme Court has endorsed.
099	Skye	Says that it generally applies to searches.
129	Chair Minnis	Believes this issue is all about the abuse of police power.
136	Skye	Contends that it is not only the police, but the district attorney's office as well.
158	Chair Minnis	Talks about possible clarification language.
162	Skye	Explains what needs to be added to the language of the bill.
170	Chair Minnis	Discusses a case scenario.
188	Skye	Explains how the Oregon District Attorneys Association views

		this legislation.
206	Sen. Ferrioli	Discusses providing false information with or without the intent to deceive or defraud.
227	Skye	Contends that the identity theft statute has been misused in Multnomah County for some time.
259	Sen. Ferrioli	Says he is looking for the intent that creates the crime.
272	Chair Minnis	Says the statute does not provide for that.
280	Rep. Prozanski	Says there is room for clarification in this legislation.
310	Vice Chair Burdick	Asks when a passenger would be required to give information under this legislation.
321	Rep. Prozanski	Says they are never required to give information, it is the driver that is required because of the violation for which he was stopped.
418	Vice Chair Burdick	Discusses when a person does not give correct information.
443	Skye	Believes that it is not clear if it is a crime to give a false name.
TAPE 130, B		
032	Rep. Prozanski	Says he would like to work on an amendment of clarification.
034	Chair Minnis	Closes the public hearing on HB 2725A and opens a public hearing on HB 2727.

HB 2727 PUBLIC HEARING

038	Bill Taylor	Committee Counsel. Introduces HB 2727 that requires property owner to give notice to law enforcement agency before entering contaminated property.
042	Rep. Floyd	House District 8. Testifies in support of HB 2727.
	Prozanski	
078	Vice Chair Burdick	Asks if a liability is created if the owner goes into a property and gets injured by toxic materials.
085	Rep. Prozanski	Says this is not a liability issue.
097	Vice Chair Burdick	Says the bill does not state when an owner should make notification.
102	Rep. Prozanski	Says that was done on purpose because it would unnecessarily hinder the owner.
129	Chair Minnis	Asks about criminal trespass.
131	Rep. Prozanski	Explains the exclusion of the owner has been made.
150	Sen. Walker	Talks about the lawful removal of items from a home.
160	Rep. Prozanski	Clarifies the language in the bill that refers to lawful removal of items.
182	Chair Minnis	Closes the public hearing on HB 2727 and opens a public hearing on HB 2733A.

HB 2733A PUBLIC HEARING

184	Bill Taylor	Committee Counsel. Introduces HB 2733A that reorganizes provisions relating to venue in violation cases.
190	Rep. Floyd	Testifies in support of HB 2733A. Says it closes a current loophole in the law.
	Prozanski	
249	Vice Chair Burdick	Asks for clarification of where a court hearing would be held.
257	Rep. Prozanski	Explains that this legislation does not keep any officer in the state from citing someone, and that the court hearing would be determined by the location of the citation.
300	Chair Minnis	Closes the public hearing on HB 2733A and opens a public hearing on HB 2736.

HB 2736 PUBLIC HEARING

303	Bill Taylor	Committee Counsel. Introduces HB 2736 that creates crime of interfering with firefighter or emergency medical technician.
307	Rep. Floyd	House District 8. Testifies in support of HB 2736. Gives examples of interference with firefighters.
	Prozanski	

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Chair Minnis

Closes the public hearing on HB 2736 and adjourns the meeting at 9:30 a.m.

EXHIBIT SUMMARY

A – HB 2732, written testimony submitted by Rep. Floyd Prozanski, 1 p