

SENATE COMMITTEE ON JUDICIARY

May 15, 2003
8:00 a.m.

Hearing Room 343
Tapes 132-133

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
 Bill Taylor, Counsel
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2284 Work Session**
 HB 2873A Public Hearing and Work Session
 HB 2885 Public Hearing and Work Session
 HB 2114A Work Session
 HB 2821A Work Session
 HB 2803A Public Hearing
 HB 2866 Public Hearing and Work Session
 HB 3363A Public Hearing and Work Session
 HB 2811A 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.

TAPE/#	Speaker	Comments
TAPE 132, A 003	Chair Minnis	Calls the meeting to order at 8:12 a.m. and opens a work session on HB 2284.
<u>HB 2284 WORK SESSION</u> 006	Bill Joseph	Committee Counsel. Introduces HB 2284 that allows recommencement of civil action that is involuntarily dismissed without prejudice on any ground not adjudicating merits of action, or is involuntarily dismissed with prejudice because statute of limitations has expired, if action was filed within time allowed by statute and defendant had actual notice of filing of action not later than 60 days after action was filed.
018	Vice Chair Burdick	MOTION: Moves HB 2284 to the floor with a DO PASS recommendation.

VOTE: 5-0-1

EXCUSED: 1 - Sen. Ferrioli

Hearing no objection, declares the motion CARRIED.

SEN. RINGO will lead discussion on the floor.

022 Chair Minnis

023 Chair Minnis

Closes the work session on HB 2284 and opens a public hearing on HB 2873A.

HB 2873A PUBLIC HEARING

025 Bill Taylor

Committee Counsel. Introduces HB 2873A that accelerates transfer of responsibility for indigent defense services from State Court Administrator to Public Defense Services Commission.

035 Wallace P. Carson,
Jr.

Chief Justice of the Oregon Supreme Court. Testifies in support of HB 2873A.

056 Barnes H. Ellis

Public Defense Services Commission. Submits testimony and testifies in support of HB 2873A (**EXHIBIT A**).

194 Peter Ozanne

Executive Director, Public Defense Services Commission. Offers to answer any questions of the committee.

199 Chair Minnis

Closes the public hearing on HB 2873A and opens a work session.

HB 2873A WORK SESSION

200 Vice Chair Burdick

MOTION: Moves HB 2873A to the floor with a DO PASS recommendation.

VOTE: 5-0-1

EXCUSED: 1 - Sen. Walker

Hearing no objection, declares the motion CARRIED.

SEN. FERRIOLI will lead discussion on the floor.

204 Chair Minnis

210 Chair Minnis

Closes the work session on HB 2873A and opens a public hearing on HB 2885.

HB 2885 PUBLIC HEARING

210 Bill Taylor

Committee Counsel. Introduces HB 2885 that provides that person convicted of driving while under the influence of intoxicants for third time is subject to revocation of driving privileges, and the -1 amendments (**EXHIBIT B**).

233 Rep. Jeff Barker

House District 28. Testifies in support of HB 2885.

259 Sen. Ringo

Asks about reinstatement of a license after 10 years.

262 Rep. Barker

Replies that this legislation does not change that waiting period.

272 Anne Pratt

Mothers Against Drunk Driving (MADD). Submits testimony and testifies in support of HB 2885 (**EXHIBIT C**).

367 Sen. Ringo

Comments that he supports this legislation.

377 Bruce Pratt

Lane County, Oregon. Submits testimony and testifies in support of HB 2885 (**EXHIBIT D**).

446 Stephanie Tuttle

Oregon District Attorneys Association. Testifies in support of HB 2885.

483 Chair Minnis

Closes the public hearing on HB 2885 and opens a work session.

HB 2885 WORK SESSION

488 Vice Chair Burdick **MOTION: Moves to ADOPT HB 2885-1 amendments dated 5/14/03.**
VOTE: 5-0-1
EXCUSED: 1 – Sen. Ferrioli
500 Chair Minnis **Hearing no objection, declares the motion CARRIED.**
508 Vice Chair Burdick **MOTION: Moves HB 2885 to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 5-0-1
EXCUSED: 1 – Sen. Ferrioli
510 Chair Minnis **Hearing no objection, declares the motion CARRIED.**
SEN. C. STARR will lead discussion on the floor.

TAPE 133, A
038 Chair Minnis Closes the work session on HB 2885 and opens a work session on HB 2114A.

HB 2114A WORK SESSION

039 Bill Taylor Committee Counsel. Introduces HB 2114A that provides that single writ of garnishment may be issued for two or more judgments for past due support owed by same judgment debtor. Says the conflict amendments are the –A2 amendments **(EXHIBIT E).**

047 Vice Chair Burdick **MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 2114A.**
VOTE: 5-0-1
EXCUSED: 1 – Sen. Ferrioli
049 Chair Minnis **Hearing no objection, declares the motion CARRIED.**
051 Vice Chair Burdick **MOTION: Moves to ADOPT HB 2114A-A2 amendments dated 5/13/03.**
VOTE: 5-0-1
EXCUSED: 1 - Sen. Ferrioli
053 Chair Minnis **Hearing no objection, declares the motion CARRIED.**
055 Vice Chair Burdick **MOTION: Moves HB 2114A to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 5-0-1
EXCUSED: 1 - Sen. Ferrioli
057 Chair Minnis **Hearing no objection, declares the motion CARRIED.**
SEN. WALKER will lead discussion on the floor.
064 Chair Minnis Closes the work session on HB 2114A and opens a work session on HB 2821A.

HB 2821A WORK SESSION

065 Bill Taylor Committee Counsel. Introduces HB 2821 that clarifies authority of sheriff to use such force as is necessary to enter into building or enclosure and take personal property when court has ordered sheriff to take property into custody at specific premises, and the – A2 amendments **(EXHIBIT F).**

077 Vice Chair Burdick **MOTION: Moves to ADOPT HB 2821A-A2 amendments dated 5/2/03.**
VOTE: 5-0-1
EXCUSED: 1 - Sen. Ferrioli

080 Chair Minnis **Hearing no objection, declares the motion CARRIED.**

081 Vice Chair Burdick **MOTION: Moves HB 2821A to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 5-0-1
EXCUSED: 1 - Sen. Ferrioli
Hearing no objection, declares the motion CARRIED.
SEN. WALKER will lead discussion on the floor.

085 Chair Minnis

090 Chair Minnis Closes the work session on HB 2821A and opens a public hearing on HB 2803A.

HB 2803A PUBLIC HEARING

091 Bill Taylor Committee Counsel. Introduces HB 2803A that authorizes Department of Corrections to enter into contracts with public entity for provision of correctional services in facilities out of state.

098 Mitch Morrow Department of Corrections. Submits testimony and testifies in support of HB 2803A (**EXHIBIT G**).

122 Sen. Ringo Asks what Oregon does with regard to sending prisoners to other states.

125 Morrow Says there is an interstate compact program.

130 Sen. Ringo Asks if the rental bed program contemplates using private or public prisons.

132 Morrow Says that it would be using public prisons in other states.

135 Sen. Ringo Asks what the cost of a bed is.

137 Morrow Says approximately \$70 to \$80 per night.

146 Sen. Starr Asks what the problem was with considering private prisons.

148 Morrow Replies there was concern about some of the history the department had with private prisons.

155 Sen. Starr Asks for details of what the problems were with the private prison program.

158 Morrow Explains there were some escape problems as well as some sexual assault issues.

162 Vice Chair Burdick Asks what is being done about the high cost of care for elderly and disabled prisoners.

169 Morrow Says it is currently being reviewed.

176 Chair Minnis Expresses concern about the public safety issue.

187 Sen. Walker Addresses a number of problems with sending prisoners out of state.

207 Morrow Explains what the criteria is for sending prisoners out of state

232 Sen. Walker Asks about security risks from overcrowding.

236 Morrow Explains some of the risks.

253 Sen. Walker Asks how inmates sent out of state will be monitored.

263 Morrow Says there will be periodic review.

281 Sen. Walker Asks how long an inmate might be in an out-of-state prison.

289 Morrow Says he does not have that information.

326 Chair Minnis Says the instate beds are more cost effective.

361 Vice Chair Burdick Asks who pays medical costs for a prisoner sent out of state.

366 Morrow Says if it is serious, the prisoner would be brought back to Oregon.

379	Vice Chair Burdick	Asks for further understanding of medical costs in other states.
380	Morrow	Says there would be a review of medical costs if they seemed out of line.
403	Mary Botkin	American Federation of State, County and Municipal Employees. Testifies in support of HB 2803A.

TAPE 132, B

057	Sen. Walker	Asks about the requirement for inmates to work.
066	Morrow	Says that is one of the considerations when sending an inmate out of state.
069	Sen. Walker	Asks about inmates with families.
073	Morrow	Says this is an issue that has not been addressed.
078	Sen. Walker	Says she is voting no on this bill unless she can get this addressed.
083	Vice Chair Burdick	Asks if women are being sent out of state.
089	Morrow	Says they are not.
097	Vice Chair Burdick	Asks about the jail in Portland that is not being used.
101	Morrow	Says a number of counties have approached Corrections about available beds.
110	Chair Minnis	Closes the public hearing on HB 2803A and opens a public hearing on HB 2866.

HB 2866 PUBLIC HEARING

115	Stephanie Tuttle	Oregon District Attorneys Association. Testifies in support of HB 2866 that expands circumstances under which peace officer may present evidence, examine and cross-examine witnesses and make arguments in trials involving violations.
127	Chair Minnis	Asks what kinds of cases are included.
128	Tuttle	Says violation cases such as traffic violations and minors in possession are included in this legislation.
139	Chair Minnis	Asks if there are motions to suppress evidence in these cases.
140	Tuttle	Says, typically not.
151	Vice Chair Burdick	Asks for clarification of when a district attorney is barred from the hearing.
154	Tuttle	Says it is when a person is not represented by counsel.
167	Chair Minnis	Closes the public hearing on HB 2866 and opens a work session.

HB 2866 WORK SESSION

169	Vice Chair Burdick	MOTION: Moves HB 2866 to the floor with a DO PASS recommendation.
		VOTE: 4-0-2
		EXCUSED: 2 - Sen. Ringo, Sen. Ferrioli
173	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.
176	Chair Minnis	Closes the work session on HB 2866 and opens a public hearing on HB 3363A.

HB 3363A PUBLIC HEARING

177	Bill Taylor	Committee Counsel. Introduces HB 3363A that defines drug court program, and the –A4 amendments (EXHIBIT H).
193	Nancy Miller	State Court Administrator’s Office. Submits testimony and testifies in support of HB 3363A (EXHIBIT I).
231	Vice Chair Burdick	Asks what the –A4 amendments do.
232	Miller	Explains the two changes to the bill.
252	Sen. Walker	Says that she is pleased that the direct court has received a grant.
262	Chair Minnis	Asks about treatment providers setting fees.
265	Miller	Replies that it is something that they are already doing.
273	Chair Minnis	Closes the public hearing on HB 3363A and opens a work session.

HB 3363A WORK SESSION

274 Vice Chair Burdick

MOTION: Moves to ADOPT HB 3363A-A4 amendments dated 5/2/03.

VOTE: 4-0-2

EXCUSED: 2 - Sen. Ringo, Sen. Ferrioli

276 Chair Minnis

Hearing no objection, declares the motion CARRIED.

277 Vice Chair Burdick

MOTION: Moves HB 3363A to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 4-0-2

EXCUSED: 2 - Sen. Ringo, Sen. Ferrioli

281 Chair Minnis

Hearing no objection, declares the motion CARRIED.

SEN. WALKER will lead discussion on the floor.

285 Chair Minnis

Closes the work session on HB 3363A and calls a short recess at 9:05 a.m.

292 Chair Minnis

Reconvenes the meeting at 9:15 a.m. and opens a work session on HB 2811A.

HB 2811A WORK SESSION

298 Chuck Craig

Deputy Director, Department of Agriculture. Says they were not consulted about the -A2 amendments to HB 2811A which expands definition of minimum care with regard to non-ambulatory livestock animals for purposes of certain criminal statutes (**EXHIBIT J**).

341	Chair Minnis	Questions the testimony from the Department of Agriculture and says he does not like the divergence from a previous conversation. Asks that he not come back to his committee.
376	Chair Minnis	Closes the work session on HB 2811A and adjourns the meeting at 9:40 a.m.

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EXHIBIT SUMMARY

- A – HB 2873A, written testimony submitted by Barnes Ellis, 3 pp**
- B – HB 2885, -1 amendments submitted by staff, 3 pp**
- C – HB 2885, written testimony submitted by Anne Pratt, 2 pp**
- D – HB 2885, written testimony submitted by Bruce Pratt, 2 p**
- E – HB 2114A, -A2 amendments submitted by staff, 1 p**
- F – HB 2821A, -A2 amendments submitted by staff, 1 p**
- G – HB 2803, written testimony submitted by Mitch Morrow, 2 pp**
- H – HB 3363A, -A4 amendments submitted by staff, 2 pp**
- I – HB 3363A, written testimony submitted by Nancy Miller, 2 pp**
- J – HB 2811A, -A2 amendments submitted by staff, 2 pp**