

**HOUSE COMMITTEE ON JUDICIARY**  
**SUBCOMMITTEE ON CRIMINAL LAW**

February 01, 2001  
8:30 a.m.

Hearing Room 357  
Tapes 9-10

**MEMBERS PRESENT:**      **Rep. Max Williams, Chair**  
                                 **Rep. Robert Ackerman**  
                                 **Rep. Jo Ann Bowman**  
                                 **Rep. Wayne Krieger**  
                                 **Rep. Lane Shetterly**  
                                 **Rep. Vicki Walker**  
                                 **Rep. Carl Wilson**

**STAFF PRESENT:**        **Bill Taylor, Counsel**  
                                 **Shannon Reed, Assistant**

**MEASURE/ISSUES HEARD:**      **HB 2430 Public Hearing**  
                                 **HB 2428 Public Hearing**  
                                 **HB 2353 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.

---

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 9, A</b>		
003	Chair Williams	Calls the meeting to order and opens public hearing on HB 2430
<b><u>HB 2430 PUBLIC HEARING</u></b>		
023	<b>Jim Harper</b>	<b>Oregon Association Chiefs of Police</b> Testifies in support of HB 2430 concerning giving false information to a peace officer during official duty. Explains the additional burden of investigation required when given the wrong information.
074	<b>Glen Chastain</b>	<b>Sergeant, Oregon State Police</b> Testifies in support of HB 2430. Explains the importance of aiding investigation with truthful information.
084	Rep. Wilson	Wonders about distinguishing from mistakes and purposeful mis-information.
089	Harper	Answers that there are ways you can tell during the questioning if it is intentional or not.
096	Rep V. Walker	Asks if this is already a crime.
099	Harper	Answers yes, except for citations.
105	Rep. V. Walker	Asks about when a person chooses not to give their name.
116	Harper	Answers that it is not about unwillingness, but falseness.
131	Vice Chair Krieger	Wonders if false information could cause you to jeopardize an innocent person.
137	Harper	Replies no, that this is name, address and date of birth for citations, not more serious crimes.

200	Vice Chair Bowman	Questions when a casual conversation or other interaction with a person becomes a crime.
213	Harper	Replies in agreement and understanding, and restates that this is not about casual contact.
222	Chair Williams	Asks if we are creating a Class B misdemeanor with this law. Expresses concerns about enforcement and budget concerns and wonders if we should tailor this to minor in possession charges.
284	Harper	Concurs with a narrowing of the language.
315	<b>Bill Houser</b>	<b>Oregon Criminal Defense Lawyers Association</b> Testifies in opposition of HB 2340 and wonders about the definition of official duty. States that probable cause and an official duty tie-in must be firmly established.
376	<b>Kathie Osborn</b>	<b>Juvenile Rights Project</b> Testifies in opposition to HB 2430. States that answering ‘no’ is not an option with a juvenile. Says if they don’t consent to give information then there is trouble. Agrees that probable cause is important.
<b>Tape 10, A</b>		
005	Chair Williams	Asks how do we help the peace officers in this problem and what kind of bill would do that.
014	Osborn	Responds that suspicion needs to be tied in somehow for good public policy.
062	Chair Williams	Closes public hearing on HB2340 opens a public hearing on HB 2428.

**PUBLIC HEARING HB 2428**

066	<b>Dale Penn</b>	<b>Oregon District Attorneys Association</b> Testifies in support of HB 2428 concerning rewards for the apprehension of youthful offenders. States that this is mostly due to vandalism on farms and ranches by juveniles and that it takes present adult law and adds it to juvenile law.
109	Rep. V. Walker	Expresses concern over possible bounty hunting of juveniles.
113	Penn	Responds that it is the same language as in adult law and that it would not authorize bounty hunting, or expand arrest powers, but would authorize rewards.
122	Rep. V. Walker	Expresses concern that the term “capture” would make it hard for a juvenile to come forward and not run.
141	Penn	Answers that he would support changing the language.
146	Vice Chair Bowman	Questions the adult and juvenile language.
165	Chair Williams	Clarifies that the language creates an adult and juvenile category.
178	Penn	Concurs with Williams and says that Legislative Counsel suggested amending it to the two categories.
226	Vice Chair Bowman	Asks if the court is unable to get damages and restitution for damages.
192	Penn	Responds that since the statutes don’t include youthful offenders, judges prefer to not put juvenile into adult law, by inference.
200	Vice Chair Bowman	Wonders if we already have laws for restitution, why we need more.
213	Penn	Responds that adults have this already, but not juveniles, and that rewards need to specifically addressed in restitution statutes.
237	Rep. Wilson	Asks about relationship of reward amounts and restitution.

244 Penn Responds that the judge must assess ability to pay and specify restitution requirements.

291 Rep. Shetterly Wonders if the requirement to repay the reward should be incorporated into measure.

302 Rep. Lowe Expresses concern about equal protection for economic status of youthful offender.

415 Penn States that the court's discretion in determining the ability to pay should cover those concerns.

**TAPE 9, B**

003 **Kathie Osborn** **Juvenile Rights Project**  
 Testifies in opposition to HB 2428. States that the bill should be redrafted because this policy includes too broad a definition of youthful offender as well as inserting adult language in the youth code. Expresses concerns about the potential for exploitation of youth in an abusive situation.

104 Rep. Shetterly Wonders if the reward would serve as an incentive to turn themselves in.

117 Osborn Replies that kids are not generally going to do that kind of thinking.

144 Rep. Ackerman Asks Penn about how successful the reward system is, in his experience.

155 Penn Responds that it doesn't happened too frequently, except in the rural areas where the rewards have been effective.

164 Rep. Ackerman Asks if it is effective and about impeachment of the reward recipient.

170 Penn Responds that it is rare that the person getting the reward is a crucial witness.

179 Chair Williams Closes the public hearing on HB 2428 and opens a public hearing on HB 2353.

**HB 2353 PUBLIC HEARING**

206 **Tom Lininger** **Commissioner, Oregon Criminal Justice Commission**  
 Submits testimony and testifies in support of HB 2353 which relates to precursor substances (**EXHIBIT A**). Wants to narrow the bill to create an offense of causing involuntary intoxication with a controlled substance. Says that this will be very effective as a deterrent.

398 **Keith Morse** **Sergeant, Portland Police Bureau Sex Crimes**  
 Testifies in support of HB 2353. States that it is very difficult to prosecute sex crimes because of the issue of consent and that the criminal act will be the act of causing intoxication.

420 **Caitlin Siegal** **Oregon Legislative Alliance**  
 Testifies in support of HB 2353. Says they want to broaden the measure to include intoxicating drugs, and apply it to kidnapping and assault.

469 **Dale Penn** **Oregon District Attorneys Association**  
 Testifies in support of HB 2353 saying that an offense for drugging someone is important to have.

**TAPE 10, B**

033 Rep. Walker Asks about residual effects and how you know if an intoxicating substance was used.

044 Siegal Replies that things don't make sense about actions and one can

		infer from symptoms or condition later.
066	Chair Williams	Asks about the ability to test for drugs in the system shortly after the incident.
071	Sgt. Morse	Responds that since these drugs are water-soluble, they leave the system within 12-24 hours. Says that often the victim is so hazy for days about what may have happened that it is then impossible to find any of the drug in the system.
083	Rep. Walker	Considers that the nature of drugs should determine that these drugs are used for injury.
098	Rep. Ackerman	Wonders about medical dispensing of drugs.
115	Lininger	Agrees that it needs to be clarified.
177	Rep. Shetterly	Asks about the differences in the drug categories.
209	Lininger	Discusses the various drugs and how they are scheduled.
219	Chair Williams	Indicates that he will not move the bill today because of needed amendments. Closes the public hearing on HB 2353 and adjourns the meeting at 10:37 a.m.

Submitted By,

Reviewed By,

Shannon Reed,  
Assistant

Bill Taylor,  
Counsel

**EXHIBIT SUMMARY**

**A – HB 2353, testimony submitted by Tom Lininger, Oregon Criminal Justice Commission, dated 2-1-01, 8 pgs.**