

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON CRIMINAL LAW

February 20, 2001
8:30 A.M.

Hearing Room 357
Tapes 21-22

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

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

MEASURE/ISSUES HEARD: **HB 2344 Work Session**
 HB 2385 Work Session
 HB 2409 Public Hearing
 HB 2348 Work Session
 HB 2351 Work Session
 HB 2379 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 21, A		
003	Chair Williams	Calls the meeting to order at 8:33 a.m. and opens a work session on HB 2344.
<u>HB 2344 WORK SESSION</u>		
030	Counsel Taylor	Explains HB 2344, which relates to crimes included in racketeering activities and the connection with RICO.
075	Terry Witt	Oregonians for Food and Shelter Testifies in support of HB 2344.
093	Rep. Shetterly	Discusses the Earth Liberation Front and it's national exposure and the -2 amendments (EXHIBIT A).
108	Rep. Shetterly	MOTION: Moves to ADOPT HB 2344-2 amendments dated 2/20/01. VOTE: 7-0
109	Chair Williams	Hearing no objection, declares the motion CARRIED.
115	Rep. Shetterly	MOTION: Moves HB 2344 to the full committee with a DO PASS AS AMENDED recommendation.
117	Chair Williams	Hearing no objection, declares the motion CARRIED. VOTE: 7-0

120	Chair Williams	Closes the work session for HB 2344 and opens a work session on HB 2385.
<u>HB 2385 WORK SESSION</u>		
125	Counsel Taylor	Explains HB 2385, which create crimes when interfering with agricultural research and –1, and –2 amendments that address intent (EXHIBITS B and C).
239	Rep. Shetterly	States that the focus is not about trespass or lawful protest and that the bill also covers hacking of computer records.
349	Rep. Bowman	Wonders about whistle-blowing activities of employee of research facility.
352	Chair Williams	Replies that whistle-blowers come under federal protection.
425	Rep. Ackerman	Expresses concerns about duplicating records and whistle blower activities.
471	Rep. Shetterly	Says that the whistle-blower activities must be lawful.
<u>TAPE 22, A</u>		
022	Rep. Lowe	Asks why treble damages should not apply.
064	Rep. Shetterly	Responds that treble and punitive damages may be redundant.
095	Rep. Ackerman	Expresses concern over -2 language “knowingly and recklessly”.
135	Bill Houser	Oregon Criminal Defense Lawyers Association
		Explains state of mind with intent.
215	Rep. Ackerman	Says that the bill is flawed, but will meet with counsel and Bill Houser to get comfortable.
235	Rep. Shetterly	MOTION: Moves to ADOPT HB 2385-1 amendments dated 2/22/01. VOTE: 7-0
237	Chair Williams	Hearing no objection, declares the motion CARRIED.
288	Rep. Shetterly	MOTION: Moves to ADOPT HB 2385-2 amendments dated 2/14/01. VOTE: 7-0
290	Chair Williams	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
301	Rep. Shetterly	MOTION: Moves HB 2385 to the full committee with a DO PASS AS AMENDED recommendation. VOTE: 7-0
304	Chair Williams	Hearing no objection, declares the motion CARRIED.
311	Chair Williams	Closes the work session on HB 2385 and opens a public hearing on HB 2409.
<u>HB 2409 PUBLIC HEARING</u>		
302	Kevin Campbell	Oregon Association of Chiefs of Police Testifies in support of HB 2409, which allows peace officers to carry firearms into court facilities.
440	Capt. Bob Smit	Oregon State Police Testifies in support of HB 2409.
450	Russ Spencer	Oregon State Sheriffs Association Testifies in support of HB 2409.
505	Kingsley Click	Oregon Judicial Department

Testifies in support of HB 2409.

TAPE 21, B

006	Rep. Bowman	Asks why a police officer should be treated differently from anyone who might carry a gun into a courtroom.
019	Campbell	Clarifies and discusses the language statewide.
036	Spencer	Explains officer's statutory duty.
064	Rep. V. Walker	Asks if we have exemptions, why do we need this bill.
075	Campbell	Clarifies that this is to standardize the practice and to allow the judge discretion.
151	Rep. Krieger	Comments that you want consistency yet the judges will be the determinant.
161	Campbell	Responds yes and no, saying it is the judge's discretion as it is his courtroom and his jurisdiction.
196	Rep. Lowe	Asks if the bill will consider other locations where judges preside as a court facility.
189	Click	Responds yes.
237	Chair Williams	Closes the public hearing on HB 2409 and open a works session HB 2348.

HB 2348 WORK SESSION

240	Chair Williams	Explains HB 2348 and the -1 amendments which relate to judicial review of final orders of the State Board of Parole and Post-Prison Supervision (EXHIBIT D).
377	Phil Schradle	Oregon Department of Justice Discusses costs in inmate litigation and effects of -1 amendment.
440	Rep. Bowman	Expresses concern over the cost to inmate to file an appeal.
441	Schradle	Explains that the bill only applies to non-meritorious appeal.

TAPE 22, B

007	Jess Barton	Public Defender's Office Testifies in support of HB 2348-1 amendment and clarifies oral hearings as relates to transcription of hearings.
042	Diane Rea	State Board of Parole Testifies in support of -1 amendment and presents fiscal for transcription.
140	Chair Williams	Proposes to hold bill until review of -1 and fiscal. Closes the public hearing on HB 2348 and opens a work session on HB 2351.

HB 2351 WORK SESSION

142	Counsel Taylor	Explains HB 2351 relating to appeal.
178	Rep. Shetterly	MOTION: Moves HB 2351 to the full committee with a DO PASS recommendation.
186	Rep. Bowman	Asks if we are limiting appeal to plea of guilty.
196	Rep. Ackerman	Clarifies and comments.
205		VOTE: 7-0
209	Chair Williams	Hearing no objection, declares the motion CARRIED.
213	Chair Williams	Closes the work session on HB 2351 and opens a work session on HB 2379.

HB 2379 WORK SESSION

217	Counsel Taylor	Explains HB 2379 and -2 amendments relating to unauthorized
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237	Rep. Williams	use of a motor vehicle (EXHIBIT E). MOTION: Moves to ADOPT HB 2379-2 amendments dated 2/16/01. VOTE: 7-0
239	Chair Williams	Hearing no objection, declares the motion CARRIED.
261	Rep. Williams	MOTION: Moves HB 2379 to the full committee with a DO PASS AS AMENDED recommendation. VOTE: 7-0
258	Chair Williams	Hearing no objection, declares the motion CARRIED.
263	Chair Williams	Closes the work session on HB 2379 and adjourns the meeting at 10:42 a.m.

Submitted By,

Reviewed By,

Shannon Reed,
Assistant

Bill Taylor,
Counsel

EXHIBIT SUMMARY

- A – HB 2344, testimony submitted by Rep. L. Shetterly, dated 2-20-01, 1 pg.**
- B – HB 2385-1 amendments, submitted by staff, dated 2-22-01, 5 pgs.**
- C – HB 2385-2 amendments, submitted by staff, dated 2/14/01, 3 pgs.**
- D – HB 2348-1 amendments, submitted by staff, dated 2-15-01, 3 pgs.**
- E – HB 2379-2 amendments, submitted by staff, dated 2-16-01, 3 pgs.**