

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

February 06, 2001  
8:30 a.m.

Hearing Room 357  
Tapes 11&12

**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 2420 Public Hearing**  
                                 **HB 2419 Public Hearing**  
                                 **HB 2413 Public Hearing and Work Session**  
                                 **HB 2376 Work Session**  
                                 **HB 2377 Work Session**

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 11, A</b> 006	Chair Williams	Calls the meeting to order at 8:34 a.m. and opens a public hearing on HB 2420 and HB 2419 which amend rules to prohibit optional probation sentences for persons convicted of certain drug offenses.
<b><u>HB 2420 HB 2419 PUBLIC HEARING</u></b>		
022	<b>Dale Penn</b>	<b>Oregon District Attorneys Association</b> Testifies in support of HB 2419 and HB 2420. Says that Oregon is rated high intensity in drug traffic by the federal government based on the growth of methamphetamine (meth) and ease of meth manufacturing. States that now lower category convictions could have optional probation sentencing and that it is not sufficient deterrent for meth and meth manufacturing. Asks for presumptive prison sentence, not mandatory. Says HB 2420 broadens list of isomers and salts as the precursor chemicals for formulas for meth, which change almost monthly.
184	<b>Rep. Bob Jenson</b>	<b>House District 57</b> Testifies in support of HB 2419 and HB 2420. States that he fully

		supports Mr. Penn's testimony.
200	<b>Bill Houser</b>	<b>Oregon Criminal Defense Lawyers Association</b> Testifies against HB 2419 and HB 2420. States that the defense lawyers need probation as a tool for defense and to work toward rehabilitation.
235	Chair Williams	Asks if manufactures are usually users.
242	Penn	Responds that there are manufacturers who use, but that this bill is strictly to get the manufacturers.
258	Houser	Responds that his experience is limited to those in the system, but most manufacturers are also users.
262	Chair Williams	Wonders about probation because it is harder to rehabilitate a meth user.
277	Houser	Replies that community exposure usually means falling back into drug use.
289	<b>Rep. Jackie Winters</b>	<b>House District 31</b> Testifies in support of HB 2419. Expresses concerns about the rise in child abuse in connection with use of meth and rise of violence in general.
371	Rep. V. Walker	Asks about user caught in web of manufacturing rather than actually manufacturing.
412	Penn	Replies that a delivery is Category 6 offense and is presumptive probation but proof of manufacture is a Category 8, which should be presumptive prison term.
438	Rep. Bowman	Recalls bill last session and has fiscal impact questions. Wonders how often would we use this bill.
<b>TAPE 12, A</b>		
014	Penn	Answers that it is not a large number and that federal guidelines are more severe. States that large labs are processed through the federal system while smaller ones go to the state's sentencing guidelines.
028	Rep. Bowman	Questions about fiscal impact's adequacies in this bill.
037	Chair Williams	Notes that both bills have a Ways and Means referral.
089	Chair Williams	Closes the public hearing on HB 2419 and HB 2420 and opens a public hearing on HB 2413.

**HB 2413 PUBLIC HEARING**

110	<b>Rep. Lane Shetterly</b>	<b>House District 34</b> Submits testimony and testifies in support of HB 2413 which relates to obscene material furnished to minors ( <b>EXHIBIT A</b> ). States that the bill will re-instate the affirmative defense where the material is part of a non-offending whole. Says the measure makes a narrow definition "sale" versus "furnish".
223	Rep. V. Walker	Asks if the American Civil Liberties Union (ACLU) has an opinion about this.
229	Rep. Shetterly	Speculates that the ACLU will bring the case that may challenge the bill.
231	<b>Andrea Meyer</b>	<b>American Civil Liberties Union</b> Testifies in opposition to HB 2413 saying that it is not the answer to the obscene materials issue and that it goes to the content of expression.
271	Chair Williams	Closes the public hearing on HB 2413 and opens a work session on HB 2413.

**HB 2413 WORK SESSION**

271 Rep. Bowman MOTION: Moves HB 2413 to the full committee with a DO  
PASS recommendation.  
VOTE: 7-0

277 Chair Williams Hearing no objection, declares the motion CARRIED.

308 Chair Williams Closes the work session on HB 2413 and opens a work session  
for HB 2376 and HB 2377.

**HB 2376 WORK SESSION**

320 Counsel Taylor Explains HB 2376 relating to county payment requirements.  
350 Steven Dye **Oregon Juvenile Department Directors Association**

348 Kathy Ledesma Testifies in support of HB 2376.  
**State Services to Children and Families**

378 Carl Myers Submits testimony and testifies in opposition to HB 2376  
**(EXHIBIT B).**  
**Oregon Juvenile Department Directors Association**

406 Chair Williams Testifies in support of HB 2376 and HB 2377.  
Asks if they have any policy issues with the court having the  
discretion to assign payment schedules.

414 Ledesma Responds yes, mainly because the governor's budget has made  
no allowances for the costs in this bill, and the juvenile  
departments are responsible for costs.

446 Myers States that without changes counties would pay all the costs.  
Asks that the judge decide who pays.

**TAPE 11, B**

009 Rep. V. Walker Asks if judges want this responsibility.  
011 Myers Says that they haven't asked the judges, but currently the statute  
requires the county to participate as the judge determines.

020 Nancy Miller **State Court Administrators Office**  
Judges say it is a policy issue for the legislature to decide.

029 Rep. Bowman MOTION: Moves HB 2376 to the full committee with a BE  
ADOPTED recommendation.

VOTE: 7-0

031 Chair Williams Hearing no objection, declares the motion CARRIED.

042 Chair Williams Closes the work session on HB 2376 and open a work session on  
HB 2377 relating to payment of county witness fees.

**HB 2377 WORK SESSION**

054 Rep. Bowman MOTION: Moves HB 2377 to the full committee with a DO  
PASS recommendation.

055 VOTE: 7-0

061 Chair Williams Hearing no objection, declares the motion CARRIED.

**REP. BOWMAN will lead discussion to the full committee.**

064 Chair Williams Closes the work session and adjourns the meeting at 9:37 a.m.

Submitted By,

Reviewed By,

Shannon Reed,  
Committee Assistant

Bill Taylor,  
Counsel

**EXHIBIT SUMMARY**

**A-HB 2413, testimony submitted by Rep. Shetterly, dated 2/06/01, 3 pgs.**

**B- HB 2376 and HB 2377, testimony submitted by Kathy Ledesma, State Offices for Services to Children and Families, dated 2/06/01, 3 pgs.**