

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

March 22, 2001  
8:30 a.m.

Hearing Room 357  
Tapes 44-45

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

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

**MEASURE/ISSUES HEARD:**     **HB 2429 Public Hearing and 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 44, A</b>		
004	Chair Williams	Calls the meeting to order at 8:40 a.m. and opens a public hearing on HB 2429.
<b>HB 2429 PUBLIC HEARING</b>		
010	Counsel Odell	Explains HB 2429 and amendments relating to civil forfeiture.
047	<b>Dave Fidanque</b>	<b>American Civil Liberties Union (ACLU)</b> Testifies in support of HB 2429 and clarifies forfeiture in Ballot Measure 3. Discusses the –3 amendments ( <b>EXHIBIT A</b> ).
166	Rep. Lowe	Asks about the bail enhancement challenge.
172	Fidanque	Responds that it was never intended to effect standards of property seizure.
220	<b>Daina Vitolins</b>	<b>Department of Justice</b> Testifies in support of HB 2429 and the –3 amendments. Discusses fugitive rights with regard to forfeiture.
248	Rep. Krieger	Asks about time of claims for forfeiture.
254	Vitolins	Says that current law is 21 days and further responds that they have a responsibility to serve notice for anyone with interest in the property.
264	Rep. Ackerman	Comments that judgment can be entered without conviction of a crime.
266	Vitolins	Answers yes and clarifies notice statements.
289	<b>Michelle Burrows</b>	<b>Oregon Criminal Defense Lawyers Association (OCDLA)</b> Testifies in support of HB 2429 and says that this is a consensus bill.
327	<b>Bill Houser</b>	<b>Oregon Criminal Defense Lawyers Association</b> Testifies as neutral to HB 2429.
339	<b>Floyd Prozanski</b>	<b>Work Group Member</b>

Testifies in support of HB 2429 and says that voters want safeguards with claims and with any potential conflicts of interest.

**TAPE 45, A**

007 Rep. Lowe Asks about forfeiture as a coercive tool.  
014 Prozanski Responds with details of forfeiture and how it works in the courts and says that a person is informed about forfeiture.

037 **Phil Lemman** **Oregon Criminal Justice Commission**  
Submits testimony (**EXHIBIT B**) and testifies as neutral to HB 2429. Discusses the -3 amendments and the -4 amendments (**EXHIBIT C**).  
**City of Portland**

067 **Madelyn Wessel**  
Testifies as neutral to HB 2429 and -4 amendments.

088 Rep. V. Walker Asks about the difference between the -3 and -4 amendments.  
090 Lemman Explains that the scope of the funding for the oversight committee is the only difference.

099 Chair Williams Comments on the -4 amendments and asks Mr. Fidanque about their reaction to the amendments.

101 **David Fidanque** **American Civil Liberties Union**  
Responds that local governments were not in agreement to the funding issue.

128 Chair Williams Comments on the expansion of the oversight committee and expresses concerns about the Senate debate.

161 Rep. V. Walker Asks if this law would encourage law enforcement to go back to forfeiture.

181 Fidanque Responds that it is difficult to tell based on Ballot Measure 3 and legal challenges.

211 **Dave Heynderickx** **Legislative Counsel**  
Discusses the -3 and -4 amendments.

233 Rep. Lowe Asks for examples of forfeiture.  
239 Heynderickx Relates cases and procedures for prostitution and other areas.  
263 Chair Williams Asks about sunset clause and the conceptual amendments.  
265 Heynderickx Responds that the -4 amendments and sunset clause are clean-up issues.

290 Chair Williams Asks if a repealer would need to be put in every part of the bill.  
292 Heynderickx Responds that the amendments will need to be amended and that the sunset date makes it easier to understand.

353 Chair Williams Closes the public hearing on HB 2429 and opens a work session on HB 2429.

**HB 2429 WORK SESSION**

379 Chair Williams Discusses the amendments.  
401 Rep. V. Walker Expresses concern about the fiscal impact.  
438 **Rep. Williams** **MOTION: Moves to AMEND HB 2429 inserting "July 31, 2005 sunset date".**  
**VOTE: 6-0-0**

441 **Rep. Williams** **MOTION: Moves to ADOPT HB 2429-4 amendments dated 3/21/01.**  
**VOTE: 5-1-0**  
**AYE: 5 - Ackerman, Krieger, Shetterly, Wilson, Williams**

455	Chair Williams	<b>NAY: 1 - Walker V</b> <b>The motion CARRIES.</b>
456	Rep. Williams	<b>MOTION: Moves HB 2429 to the full committee with a DO PASS AS AMENDED recommendation.</b>
476	Chair Williams	<b>VOTE: 6-0</b> <b>Hearing no objection, declares the motion CARRIED.</b>
479	Chair Williams	Closes the work session on HB 2429 and adjourns the meeting at 10:00 a.m.

Submitted By,

Reviewed By,

Shannon Reed,  
Committee Assistant

Bill Taylor,  
Counsel

**EXHIBIT SUMMARY**

**A - HB 2429 -3 amendments, submitted by staff, dated 3/21/01, 51 pgs.**

**B - HB 2429, testimony submitted by Phil Lemman, Oregon Criminal Justice Commission, dated 3/6/01, 1 pg.**

**C - HB 2429 -4 amendments, submitted by staff, dated 3/21/01, 51 pgs.**

**D - HB 2429, written testimony, submitted by Mark McDonnell, Multnomah County District Attorney's Office, 2 pgs.**