

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

March 29, 2001  
8:30 a.m.

Hearing Room 357  
Tapes 50-53

**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 2611 Work Session**  
                                  **HB 2950 Work Session**  
                                  **HB 2336 Work Session**  
                                  **HB 2600 Public Hearing**  
                                  **HB 2560 Work Session**  
                                  **HB 2930 Public Hearing**  
                                  **HB 2947 Public Hearing & Work Session**  
                                  **HB 2404 Public Hearing**

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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 50, A</b><br>003   | Chair Williams              | Calls the meeting to order at 8:30 a.m. and opens a concurrent work session on HB 2611 relating to procedures in juvenile dependency cases.; HB 2950, relating to increasing time within which juvenile court must conduct preliminary hearing on emancipation; and HB 2336, relating to delayed appeal from juvenile court. |
| <b><u>HB 2611; HB 2950; HB 2336 CONCURRENT WORK SESSIONS</u></b> |                             |  |
| 015  | <b>Sen. Kate Brown</b>      | <b>Senate District 7</b><br>Testifies in support of HB 2611.   |
| 060  | <b>Judge Deanna Darling</b> | <b>Juvenile Court</b><br>Testifies, via speakerphone, in support of HB 2611.   |
| 083  | Rep. Shetterly              | Thanks Sen. Brown and the commission for a job well done.  |
| 087  | Chair Williams              | Asks for clarification on the -2 amendments ( <b>EXHIBIT A</b> ).  |
| 090  | Sen. Brown                  | Responds they are working on the -2 amendments now.  |
| 098  | Chair Williams              | Closes concurrent work sessions on HB 2611, HB 2950 and HB 2336 and opens a public hearing on HB 2600.   |
| <b><u>HB 2600 PUBLIC HEARING</u></b>                             |                             |  |
| 103  | <b>Rep. Rob Patridge</b>    | <b>House District 50</b><br>Testifies in support of HB 2600 relating to falsifying drug test   |

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|                                    |                    | results. Shows video to the committee as well as a web site<br><b>(EXHIBIT B).</b>   |
| 275                                | Rep. V. Walker     | Says this bill should be amended to be less inclusive.   |
| 295                                | Rep. Patridge      | Responds he is willing to discuss amendments.  |
| 315                                | Rep. V. Walker     | Comments about the penalties.  |
| 323                                | Chair Williams     | Comments that he feels there needs to be some sort of penalty<br>involved to deter the use of these devices.   |
| 337                                | Lisa Trussell      | <b>Associated Oregon Industries</b>  |
|                                    |                    | Testifies in support of HB 2600.   |
| 362                                | Chair Williams     | Closes public hearing on HB 2600 and re-opens work session on<br>HB 2611.  |
| <b><u>HB 2611 WORK SESSION</u></b> |                    |  |
| 373                                | Rep. Shetterly     | <b>MOTION: Moves to ADOPT HB 2611-2 amendments dated<br/>3/16/01.</b>  |
| 375                                | Chair Williams     | <b>Hearing no objections, declares the motion CARRIED.</b>   |
| 377                                | Rep. Shetterly     | <b>MOTION: Moves HB 2611 to the full committee with a DO<br/>PASS AS AMENDED recommendation.</b>   |
|                                    |                    | <b>VOTE: 6-0-0</b>   |
| 379                                | Chair Williams     | <b>Hearing no objections, declares the motion CARRIED.</b>   |
| 384                                | Chair Williams     | Closes work session on HB 2611 and re-opens a work session on<br>HB 2336, relating to delaying appeal from juvenile court.                                 |
| <b><u>HB 2336 WORK SESSION</u></b> |                    |  |
| 386                                | Rep. Shetterly     | <b>MOTION: Moves to ADOPT HB 2336-1 amendments<br/>dated 3-6-01 (EXHIBIT C).</b>   |
| 390                                | Chair Williams     | <b>Hearing no objections, declares the motion CARRIED.</b>   |
| 394                                | Rep. Shetterly     | <b>MOTION: Moves HB 2336 to the full committee with a DO<br/>PASS AS AMENDED recommendation.</b>   |
|                                    |                    | <b>VOTE: 6-0-0</b>   |
| 405                                | Chair Williams     | <b>Hearing no objections, declares the motion CARRIED.</b>   |
| 440                                | Chair Williams     | Closes work session on HB 2336 and opens a work session on<br>HB 2560.   |
| <b><u>HB 2560 WORK SESSION</u></b> |                    |  |
| 441                                | Counsel Taylor     | Explains HB 2560 -1 & -2 amendments relating to suspension of<br>driving privileges of minors in possession of alcohol ( <b>EXHIBIT<br/>D-1 and D-2</b> ). |
| <b>TAPE 51, A</b>                  |                    |  |
| 045                                | Chair Williams     | Clarifies the difference between the -1 and -2 amendments.   |
| 064                                | Rep. Ackerman      | Asks what the penalty is for a Class B violation.  |
| 067                                | <b>Bill Houser</b> | <b>Oregon Criminal Defense Lawyers Association</b>   |
|                                    |                    | Responds he believes it is \$300.  |
| 070                                | Rep. Ackerman      | Asks what the consequences are for suspending a driving<br>privilege.  |
| 080                                | Houser             | Responds the sanctions are more proportional than being cited<br>for a Class B misdemeanor.  |
| 088                                | Rep. Ackerman      | Asks about failure to appear.  |
| 098                                | Houser             | Responds he does not know the answer.  |
| 100                                | Rep. Lowe          | Comments about the -2 amendments.  |

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| 112                                  | <b>Kathie Osborn</b>   | <b>Juvenile Rights Project</b>  |
|                                      |                        | Comments on the fines and what the court could require.   |
| 120                                  | Chair Williams         | Closes the work session on HB 2560 and opens a public hearing on HB 2930.   |
| <b><u>HB 2930 PUBLIC HEARING</u></b> |                        |   |
| 143                                  | <b>Rep. Mark Hass</b>  | <b>House District 8</b>   |
|                                      |                        | Submits testimony and testifies in support of HB 2930 relating to cock fighting ( <b>EXHIBIT E</b> ).   |
| 173                                  | <b>Kelly Peterson</b>  | <b>Humane Society of the United State</b>   |
|                                      |                        | Testifies in support of HB 2930.  |
| 179                                  | <b>Eric Sakach</b>     | <b>Humane Society of the United States</b>  |
|                                      |                        | Submits testimony and testifies in support of HB 2930 ( <b>EXHIBIT F</b> ).   |
| 343                                  | <b>Rep. Jeff Kropf</b> | <b>House District 37</b>  |
|                                      |                        | Testifies in support of HB 2930 –1 amendments ( <b>EXHIBIT G</b> ).   |
| 434                                  | Rep. Wilson            | Asks if there is any difference between cock fighting and dog fighting.   |
| 440                                  | Rep. Kropf             | Responds he does not think so.  |
| 453                                  | Rep. Lowe              | States if they allow people to raise the birds for show, they will end up in the marketplace for cock fighting. Asks how he feels they could stop that.   |
| <b>TAPE 50, B</b>                    |                        |   |
| 042                                  | Rep. Kropf             | Responds there are laws that allow dog breeding to continue for show dogs, they could do the same with birds. They are after intent with the legislation. |
| 077                                  | Rep. Shetterly         | Has some concerns with certain words in the bill, the implication.  |
| 103                                  | Rep. Kropf             | Responds he understands his concerns and hopes the language would be crafted to avoid that.   |
| 113                                  | Rep. Wilson            | Asks if there is a law enforcement problem in this state with cock fighting.  |
| 122                                  | Rep. Kropf             | Responds he does not have the actual statistics but assumes they do not have a large problem.   |
| 135                                  | Peterson               | Comments about the loophole in the current law.   |
| 200                                  | Rep. Wilson            | Asks about the blood doping, trimming and where is it being done.   |
| 210                                  | Sakach                 | Responds that those type of things occur all over the country.  |
| 220                                  | Rep. Shetterly         | Asks if the intention of this bill is to stop the breeding.   |
| 265                                  | Sakach                 | Responds this bill gets rid of the loophole of being able to raise them and ship them out of Oregon.  |
| 325                                  | Rep. Shetterly         | Comments he is not in favor of cock fighting but is concerned how far they extend criminal liability.   |
| 333                                  | Peterson               | Comments the language is similar to the dog fighting statutes.  |
| 366                                  | <b>Dr. Kim Longley</b> | <b>Lane County</b>  |
|                                      |                        | Submits testimony and testifies in support of HB 2930 ( <b>EXHIBIT H</b> ).   |
| 418                                  | <b>Dr. Larry Peetz</b> | <b>Marion County</b>  |
|                                      |                        | Submits testimony and testifies in support of HB 2930 ( <b>EXHIBIT I</b> ).   |
| <b>TAPE 51, B</b>                    |                        |   |
| 034                                  | <b>Meg Miller</b>      | <b>Animal Legal Defense Fund</b>  |
|                                      |                        | Submits testimony and testifies in support of HB 2930   |

078                    **Larry Welty**                    **(EXHIBIT J).**  
**Oregon State Police**  
Submits testimony and testifies in support of HB 2930  
**(EXHIBIT K).**

**TAPE 51B malfunctions and ends at 080**  
**TAPE 52, A**

005                    Rep. Shetterly                    Comments he is not satisfied with the intent of this bill.  
019                    Rep. V. Walker                    Asks if any breed can be used for fighting.  
029                    Sakach                                Responds there are currently 27 different game fowl that can be  
used for fighting.  
047                    Rep. V. Walker                    Asks about the baby chicks, how would they know they were  
being bred for fighting.  
050                    Sakach                                Responds they would not know why it was being raised.  
078                    **Ross Day**                            **Oregon Game Fowl Breeders Association**  
Testifies in opposition to HB 2930.  
142                    **Larry Matthews**                    **Oregon Game Fowl Breeders Association and Packers**  
Testifies in opposition to HB 2930.  
234                    **Dr. James Hermes**                    **Oregon State University Poultry Specialist**  
Submits testimony and testifies in opposition to HB 2930  
**(EXHIBIT L).** Comments that all chickens fight, it is part of  
their genetic makeup. Says underground breeding would cause  
wide-spread poultry disease.  
333                    Rep. Krieger                        Asks how they destroy the birds.  
336                    Dr. Hermes                         Responds their necks are broken or they are decapitated.  
338                    Rep. Lowe                            Asks about spurs on hens and if they fight too.  
350                    Dr. Hermes                         Responds yes, they have spurs and they do fight but they  
normally are not used.  
378                    Chair Williams                    Recess meeting until 3:30 p.m.  
381                    Chair Williams                    Calls the meeting to order and resumes the public hearing on HB  
2930.

**HB 2930 RECONVENES PUBLIC HEARING**

398                    **Jonathan Schlueter**                    **Poultry Counsel**  
Submits testimony and testifies in opposition to HB 2930 relating  
to cockfighting **(EXHIBIT M).** Speaks on behalf of bird  
breeders and others in legitimate practices.

**TAPE 53, A**

044                    Chair Williams                    Asks about the over-reach of the bill and would they support the  
bill if amendments were drafted to satisfy the concerns of  
producers of birds not used for cock fighting.  
063                    Schlueter                            Responds they would review anything they want to put before  
them but can't commit until they see the amendments.  
077                    Chair Williams                    Asks about the disease outbreak in states that have banned cock  
fighting.  
082                    Dr. Hermes                         Responds the Department of Agriculture needs to work with  
producers within the industry to handle the problem.  
136                    **Pete Test**                            **Oregon Farm Bureau**  
Submits testimony and testifies in support of HB 2930  
**(EXHIBIT N).** Speaks to disease and intent of produces.  
185                    Rep. Shetterly                    Asks what equipment is involved in regards to a fighting bird.  
218                    Test                                      Responds he is concerned with how broad this bill is written and  
worries innocent folks will get caught in the middle.  
227                    **Leslie Melvill**                    **Oregon Poultry Farmers Association**

|                   |                        |   |
|-------------------|------------------------|---|
|                   |                        | Submits testimony and testifies in opposition to HB 2930<br><b>(EXHIBIT O)</b> . Explains how hobby breeders are concerned with their rights. Says that there is already good law on the subject. |
| 335               | Rep. Wilson            | Accepts written testimony of Stanley Wardell for the record<br><b>(EXHIBIT P)</b> .   |
| 340               | <b>Yia Cha</b>         | <b>Private Citizen, Game Fowl Breeder</b><br>Submits testimony and testifies in opposition to HB 2930<br><b>(EXHIBIT Q)</b> . Comments that it discriminates against cultures.                    |
| <b>TAPE 52, B</b> |                        |   |
| 017               | <b>Javier Patino</b>   | <b>Private Citizen</b><br>Testifies in opposition to HB 2930. Reads from the American Poultry Historical Society book.  |
| 049               | <b>Ralph Rayevich</b>  | <b>Poultry Breeder</b><br>Submits testimony and testifies in opposition to HB 2930<br><b>(EXHIBIT R)</b> . Explains how the ordinary breeder would go out of business.                            |
| 098               | <b>Sharon Harmon</b>   | <b>Oregon Humane Society</b><br>Submits testimony and testifies in support of HB 2930<br><b>(EXHIBIT S)</b>   |
| 136               | Rep. Wilson            | Asks what they will suggest to the family who make a business of selling game fowl.   |
| 140               | Harmon                 | Responds she can't tell him what to do but this loophole has to be closed.  |
| 155               | Rep. Wilson            | Asks if their policy puts dogs and chickens on the same level.  |
| 162               | Harmon                 | Responds they do not differentiate between species, all animals must be treated humanely.   |
| 174               | Counsel Taylor         | Asks if they don't have a problem with raising pit bulls.   |
| 185               | Harmon                 | Responds it is ok as long as it is not for fighting.  |
| 190               | Counsel Taylor         | Asks where they draw the line.  |
| 192               | Harmon                 | Analogizes cockfighting with drugs and asks where you draw the line. Says there has to be intent shown.   |
| 208               | <b>Lt. Randy Covey</b> | <b>Oregon Humane Society</b><br>Testifies in support of HB 2930. Discusses points of lawful raising and breeding of birds.  |
| 300               | Harmon                 | Comments that this bill helps to prepare and prosecute the cases.   |
| 317               | <b>Russ Spencer</b>    | <b>Oregon Sheriffs Association</b><br>Testifies in support of the -1 amendments.  |
| 359               | <b>Richard Farmer</b>  | <b>Private Citizen</b><br>Testifies in opposition to HB 2930.   |
| 408               | Rep. Wilson            | Asks if he has had an opportunity to read the bill.   |
| 412               | Farmer                 | Responds he has not, but from what he has heard, he is raising game fowl.   |
| 426               | Rep. Wilson            | Closes public hearing on HB 2930. Takes a short recess.   |
| <b>TAPE 53, B</b> |                        |   |
| 049               | Rep. Wilson            | Reconvenes the meeting and opens the public hearing on HB 2950.   |

**HB 2950 PUBLIC HEARING**

|     |                       |                                   |
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| 053 | <b>Timothy Travis</b> | <b>Oregon Judicial Department</b> |
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|-----|----------------------|---|
|     |                      | Testifies on the –1 amendments to HB 2950 relating to emancipation applications. <b>(EXHIBIT T)</b> . |
| 105 | Rep. Shetterly       | Asks about the –1 amendments.   |
| 115 | Travis               | Responds that it has been signed off by all in the work group and Senator Brown.                      |
| 124 | Rep. Krieger         | Asks about legal grandparents in general, were they a part of the discussion.                         |
| 130 | Travis               | Responds they were not. Discusses former statutes and what they allowed.                              |
| 149 | Rep. Krieger         | Comments that he is concerned about grandparents having rights.                                       |
| 158 | <b>Kathie Osborn</b> | <b>Juvenile Rights Project</b>  |
|     |                      | Testifies in support of HB 2950.  |
| 167 | Rep. Krieger`        | Closes public hearing on HB 2950 and opens a work session on HB 2950.                                 |

**HB 2950 WORK SESSION**

|     |              |  |
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| 170 | Rep. Wilson  | <b>MOTION: Moves to ADOPT HB 2950-1 amendments, dated 3-28-01.</b>                           |
| 172 | Rep. Krieger | <b>Hearing no objections, declares the motion CARRIED.</b>                                   |
| 174 | Rep. Wilson  | <b>MOTION: Moves HB 2950 to the full committee with a DO PASS AS AMENDED recommendation.</b> |
|     |              | <b>VOTE: 6-0-0</b>   |
| 176 | Rep. Krieger | <b>Hearing no objections, declares the motion CARRIED.</b>                                   |
| 183 | Rep. Krieger | Closes the work session on HB 2950 and opens a public hearing on HB 2947.                    |

**HB 2947 PUBLIC HEARING**

|     |                    |  |
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| 185 | Counsel Taylor     | Explains HB 2947-2 amendments relating to interfering with research <b>(EXHIBIT U)</b> . |
| 222 | <b>Bill Houser</b> | <b>Oregon Criminal Defense Lawyers Association</b>                                       |
|     |                    | Testifies in support of HB 2947 and the amendments.                                      |
| 243 | Counsel Taylor     | Comments on the difference between the –1 and –2 amendments.                             |
| 262 | Rep. Krieger       | Closes the public hearing on HB 2947 and opens a work session on HB 2947.                |

**HB 2947 WORK SESSION**

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| 264 | Rep. Shetterly | <b>MOTION: Moves to ADOPT HB 2947-2 amendments, dated 3-22-01.</b>                           |
|     |                | <b>VOTE: 6-0-0</b>   |
| 266 | Rep. Krieger   | <b>Hearing no objections, declares the motion CARRIED.</b>                                   |
| 268 | Rep. Shetterly | <b>MOTION: Moves HB 2947 to the full committee with a DO PASS AS AMENDED recommendation.</b> |
|     |                | <b>VOTE; 6-0-0</b>   |
| 270 | Rep. Krieger   | <b>Hearing no objections, declares the motion CARRIED.</b>                                   |
| 288 | Rep. Krieger   | Closes the work session on HB 2947 and opens a public hearing on HB 2404.                    |

**HB 2404 PUBLIC HEARING**

|     |                       |   |
|-----|-----------------------|---|
| 298 | <b>Doug Harclerod</b> | <b>Lane County District Attorney</b>  |
|     |                       | Testifies in support of HB 2404 relating to creation of the Criminal Justice Council. |

Transcribed by,

Ruth Stellmacher

Submitted By,

Reviewed By,

Shannon Reed,  
Committee Assistant

Bill Taylor,  
Counsel

### **EXHIBIT SUMMARY**

- A – HB 2611-2 amendments, submitted by staff, dated 3-16-01, 57 pgs.**
- B – HB 2600, web pages submitted by Rep. Patridge, House District 50, 28 pgs.**
- C – HB 2336-1 amendments, submitted by staff, dated 3-6-01, 22 pgs.**
- D – HB 2560-1 & -2 amendments, submitted by staff, dated 3-13-01, 9 pgs.**
- E – HB 2930, testimony submitted by Rep. Mark Hass, House District 8, 1 pg.**
- F – HB 2930, testimony submitted by Eric Sakach, Humane Society of the United States, 6 pgs.**
- G – HB 2930-1 amendments, submitted by staff, dated 3-29-01, 2 pgs.**
- H – HB 2930, testimony submitted by Dr. Kim Longley, Oregon Veterinary Medical Association, 1 pg.**
- I – HB 2930, testimony submitted by Dr. Larry Peetz, Veterinarian, 3 pgs.**
- J – HB 2930, testimony submitted by Meg Miller, Animal Legal Defense Fund, 4 pgs.**
- K – HB 2930, testimony submitted by Larry Welty, Oregon State Police, 1 pg.**
- L – HB 2930, testimony submitted by Dr. James Hermes, Oregon State University, 2 pgs.**
- M – HB 2930, testimony submitted by Jonathan Schlueter, Oregon Poultry Council, 16 pgs.**
- N – HB 2930, testimony submitted by Pete Test, Oregon Farm Bureau, 1 pg.**
- O – HB 2930, testimony submitted by Leslie Melvill, Oregon Poultry Farmers Association, 5 pgs.**
- P – HB 2930, testimony submitted by Stanley Wardell, Game Fowl Breeder, 1 pg.**
- Q – HB 2930, testimony submitted by Yia Cha, Game Fowl Breeder, 1 pg.**
- R – HB 2930, testimony submitted by Ralph Rayevich, Game Fowl Breeder, 1 pg.**
- S – HB 2930, testimony submitted by Sharon Harmon, Oregon Humane Society, 1 pg.**
- T – HB 2950-1 amendments, submitted by staff, dated 3-28-01, 5 pgs.**
- U – HB 2947-2 amendments, submitted by staff, dated 3-22-01, 3 pgs.**