

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON CRIMINAL LAW

April 10, 2001
8:30 a.m.

Hearing Room 357
Tapes 61 - 62

MEMBERS PRESENT: **Rep. Max Williams, Chair**
 Rep. Robert Ackerman
 Rep. Jackie Dingfelder
 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 3669 Public Hearing and Work Session**
 HB 2942 Public Hearing and Work Session
 HB 3109 Public Hearing
 HB 3661 Public Hearing
 HB 2428 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 |
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| TAPE 61, A | | |
| 005 | Chair Williams | Opens the meeting at 8:39 a.m. and welcomes Rep. Dingfelder who is replacing Rep. JoAnn Bowman. Opens a public hearing on HB 3669. |
| <u>HB 3669 PUBLIC HEARING</u> | | |
| 017 | Counsel Taylor | Explains HB 3669 and -1 amendments relating to methamphetamine manufacture (EXHIBIT A). |
| 028 | Chair Williams | Explains his intentions for HB 3669. |
| 050 | Nancy Miller | Oregon Judicial Department Testifies in support of HB 3669. |
| 088 | Kathie Osborn | Juvenile Rights Project Testifies in support of HB 3669. |
| 137 | Chair Williams | Closes the public hearing on HB 3669 and opens a work session on HB 3669. |
| <u>HB 3669 WORK SESSION</u> | | |
| 140 | Rep. V. Walker | MOTION: Moves to ADOPT HB 3669-1 amendments dated 4/9/01. VOTE: 7-0-0 |
| 143 | Chair Williams | Hearing no objection, declares the motion CARRIED. |
| 144 | Rep. V. Walker | MOTION: Moves HB 3669 to the full committee with a DO PASS AS AMENDED recommendation. VOTE: 7-0-0 |

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| 150 | Chair Williams | Hearing no objection, declares the motion CARRIED. |
| 152 | Chair Williams | Closes the work session on HB 3669 and opens a public hearing on HB 2942. |
| <u>HB 2942 PUBLIC HEARING</u> | | |
| 154 | Counsel Taylor | Explains HB 2942 relating to community corrections and introduces the -1 (EXHIBIT B) and -2 amendments (EXHIBIT C). |
| 176 | Scott Taylor | Oregon Department of Corrections Submits and summarizes prepared testimony in support of HB 2942 (EXHIBIT D). |
| 196 | Russ Spencer | Oregon State Sheriffs Association Testifies in support of HB 2942. |
| 208 | Paul Snider | Association of Oregon Counties Testifies in support of HB 2942 and amendments. |
| 235 | David Koch | Oregon Association of Community Corrections Departments Testifies in support of HB 2942. |
| 259 | Chair Williams | Asks about agreement on adopting the -1 amendments. |
| 266 | Taylor | Answers that all parties are in support of the amendments. |
| 295 | Chair Williams | Asks what issues related to HB 2942 need to be addressed in the Senate committee. |
| 298 | Spencer | Explains the issues that need to be addressed. |
| 318 | Taylor | Discusses the drafting of the amendments with Legislative Counsel. |
| 340 | Chair Williams | Closes the public hearing on HB 2942 and opens a work session on HB 2942. |
| <u>HB 2942 WORK SESSION</u> | | |
| 342 | Rep. V. Walker | MOTION: Moves to ADOPT HB 2942-2 amendments dated 3/6/01. VOTE: 7-0-0 |
| 346 | Chair Williams | Hearing no objection, declares the motion CARRIED. |
| 347 | Rep. V. Walker | MOTION: Moves HB 2942 to the full committee with a DO PASS AS AMENDED recommendation. VOTE: 7-0-0 |
| 359 | Chair Williams | Hearing no objection, declares the motion CARRIED. |
| 361 | Chair Williams | Closes the work session on HB 2942 and opens a public hearing on HB 3109. |
| <u>HB 3109 PUBLIC HEARING</u> | | |
| 343 | Counsel Taylor | Explains HB 3109 relating to arson. |
| 400 | Ken Armstrong | Oregon Fire Chiefs Association Submits testimony and testifies in support of HB 3109 (EXHIBIT E). Speaks in favor of the -1 amendments (EXHIBIT F) rather than the -2 amendment (EXHIBIT G). |
| TAPE 62, A | | |
| 040 | Al Tindle | Oregon State Police Arson Division Testifies in support of HB 3109. Speaks about arson classification regarding motor vehicles. |
| 062 | Dale Penn | Oregon District Attorney's Association Testifies in support of HB 3109 and discusses the language of |

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| | | the conceptual amendments dealing with the term “serious injury”. |
| 121 | Rep. Shetterly | Asks for clarification about the language of amendments referring to the basis for classification of felony arson. |
| 135 | Penn | Clarifies the language and intent of the language in the amendments. |
| 152 | Rep. V. Walker | Asks about Ballot Measure 11 and felony arson classifications. |
| 161 | Penn | Answers that none of the amendments impact Measure 11. |
| 171 | Rep. V. Walker | Asks about the term “injury” as compared with “serious injury”. |
| 181 | Tindle | Responds that the district attorney has the discretion to charge First Degree Arson if it is appropriate. |
| 200 | Penn | Discusses the guidelines for serious injury versus life-threatening injury. |
| 230 | Rep. Krieger | Discusses –1 amendments and firefighters injury and arson insurance. |
| 236 | Armstrong | States that automobiles and tractors should be included as motor vehicles. |
| 260 | Rep. Ackerman | Asks about aggravators for First Degree Arson. Suggests that felony classification should be tied to property damage rather than property value. |
| 290 | Armstrong | Explains how to address the amendments to satisfy the concerns of Rep. Ackerman. |
| 300 | Rep. Shetterly | Supports the “damage threshold” as opposed to the “value threshold” and expresses concern about determination of “damage” and “aggregation of damage”. |
| 327 | Armstrong | Concurs that it is important to define terms and asserts that the amendments will be adequate. |
| 334 | Chair Williams | Explains that he would like to move HB 3109 to the full committee and await new amendments to address problems. |
| 358 | Kathie Osborn | Juvenile Rights Project Testifies in opposition to HB 3109 and explains Measure 11 implications. |
| TAPE 61, B | | |
| 028 | Rep. Shetterly | Discusses proportionality regarding the effects of arsons and classifications of felonies. |
| 066 | Penn | Clarifies arson as unique as fire is a weapon and addresses the threat of injury as First Degree Arson and is applicable under Measure 11. |
| 141 | Chair Williams | Closes the public hearing on HB 3109 and opens the public hearing on HB 3661. |
| <u>HB 3661 PUBLIC HEARING</u> | | |
| 148 | Counsel Taylor | Explains HB 3661 and –1 amendments (EXHIBIT F) and –2 amendments (EXHIBIT G) relating to precursor substances. |
| 167 | Sgt. Lee Thoming | Eugene Police Interagency Narcotics Enforcement Team Submits and summarizes prepared testimony in support of HB 3661 (EXHIBIT H). |
| 255 | Dale Penn | Oregon District Attorney’s Association Testifies in support of HB 3661. |
| 318 | Rob Bovett | Oregon Narcotics Enforcement Association Submits and summarizes prepared testimony in support of HB 3661 (EXHIBIT I). |
| 3798 | John Salle | Oregon State Police Department |

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| 440 | Jim Ferraris | Submits and summarizes prepared testimony in support of HB 3661 (EXHIBIT J). Portland Police |
| TAPE 62, B 058 | Lis Merton | Submits and summarizes prepared testimony in support of HB 3661 (EXHIBIT K). National Association of Chain Drug Stores |
| 089 | Nancy Bukar | Testifies in support of HB 3661 and exemption of pediatric products. Consumer Healthcare Products Association |
| 152 | Kathryn VanNatta | Testifies in support of HB 3661. Explains that exemptions ensure that those who are innocent are not unduly charged under HB 3661. Northwest Paper and Pulp Association |
| 182 | Julie Brandis | Testifies in support of HB 3661 and how it pertains to the paper and pulp industry. Association of Oregon Industries |
| 201 | Chair Williams | Testifies in support of HB 3661 and potential amendments. Asks if Ms. Bukar and Ms. Brandis have seen the memorandum from Legislative Counsel (EXHIBIT L). |
| 202 | Bukar | Answers yes. |
| 203 | Brandis | Answers yes and states that they will attempt to meet with Legislative Counsel to resolve the issues. |
| 212 | Chair Williams | Closes the public hearing on HB 3661 and opens work session on HB 2428. |
| <u>HB 2428 WORK SESSION</u> | | |
| 215 | Taylor | Explains HB 2428 relating to rewards for youthful offenders and the -1 amendments (EXHIBIT M). |
| 232 | Rep. Shetterly | MOTION: Moves to ADOPT HB 2428-1 amendments dated 4/6/01. VOTE: 7-0-0 |
| 235 | Chair Williams | Hearing no objection, declares the motion CARRIED. |
| 236 | Rep. Shetterly | MOTION: Moves HB 2428 to the full committee with a DO PASS AS AMENDED recommendation. VOTE: 7-0-0 |
| 240 | Chair Williams | Hearing no objection, declares the motion CARRIED. |
| 254 | Chair Williams | Closes the work session on HB 2428 and adjourns the meeting at 10:22 a.m. |

Submitted By,

Shannon Reed,
Committee Assistant

Reviewed By,

Bill Taylor,
Counsel

Transcribed by,

Mike Reilly

EXHIBIT SUMMARY

A – HB 3669, -1 amendments submitted by staff, dated 4/9/01, 1 pg.

B – HB 2942, -1 amendments submitted by staff, dated 3/6/01, 1 pg.

C – HB 2942, -2 amendments submitted by staff, dated 3/6/01, 1 pg.

D – HB 2942, testimony submitted by Scott Taylor, Department of Corrections, dated 4/10/01, 2 pgs.

E – HB 3109, testimony submitted by Ken Armstrong, Oregon Fire Chiefs Association, dated 4/10/01, 7 pgs.

F – HB 3661, -1 amendments submitted by staff, dated 3/26/01, 1 pg.

G – HB 3661, -2 amendments, submitted by staff, dated 4/9/01, 3 pgs.

H – HB 3661, testimony submitted by Sgt. Lee Thoming, Eugene Police Department, dated 4/10/01, 2 pgs.

I – HB 3661, testimony submitted by Rob Bovett, Oregon Narcotics Enforcement Association, dated 4/10/01, 4 pgs.

J – HB 3661, testimony submitted by John Salle, Oregon State Police, dated 4/10/01, 6 pgs.

K – HB 3661, testimony submitted by James Ferraris, Portland Police Department, dated 4/10/01, 3 pgs.

L – HB 3661, Legislative Counsel memorandum submitted by Virginia Vanderbilt, dated 4/9/01, 2 pgs.

M – HB 2428, -1 amendments, submitted by staff, dated 4/6/01, 3 pgs.

N – HB 3109, -3 amendments, submitted by staff, dated 4/9/01, 2 pgs.