

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON CRIMINAL LAW

April 12, 2001
8:30 a.m.

Hearing Room 357
Tapes 63 - 64

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

MEASURES HEARD: **HB 3594 Public Hearing**
 HB 2008 Work Session
 HB 2404 Work Session
 HB 2930 Work Session
 HB 2951 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 63, A		
003	Chair Williams	Calls the meeting to order at 8:30 a.m. and opens the public hearing on HB 3594.
<u>HB 3594 PUBLIC HEARING</u>		
005	Speaker Mark Simmons	Speaker of the House Testifies in support of HB 3594 relating to criminal driving. Says that sentencing guidelines need to be strengthened.
060	Dixie Smith	Private Citizen Testifies in support of HB 3594 and presents personal experience.
123	Rep. Lowe	Expresses concern and asks about current law covering this behavior.
136	Smith	Says she would like to see no tolerance for recurrent offenders.
182	Speaker Simmons	Comments on the numbers of people who disregard the law.
192	Chair Williams	Closes the public hearing on HB 3594 and opens the work session on HB 2008
<u>HB 2008 WORK SESSION</u>		
183	Counsel Taylor	Explains HB 2008 and the -2 amendments relating to littering on beaches (EXHIBIT A).
217	Chair Williams	Discusses the prior history of the bill.

235	Dingfelder	Asks if the fishing industry is in support of the measure.
236	Chair Williams	Indicates yes.
244	Rep. Wilson	MOTION: Moves to ADOPT HB 2008-2 amendments dated 3/14/01.
		VOTE: 7-0-0
314	Chair Williams	Hearing no objection, declares the motion CARRIED.
318	Rep. Wilson	MOTION: Moves HB 2008 to the full committee with a DO PASS AS AMENDED recommendation.
326	Rep. Shetterly	Expresses concern about the enforceability of statute.
362	Chair Williams	Comments on the positives to those who disregard the laws.
		VOTE: 7-0-0
400	Chair Williams	Hearing no objection, declares the motion CARRIED.
407	Chair Williams	Closes the work session on HB 2008 and opens a work session on HB 2404.
<u>HB 2404 WORK SESSION</u>		
412	Counsel Taylor	Explains HB 2404 and the -1 amendments (EXHIBIT B) and referral to Ways and Means
TAPE 64, A		
003	Phil Lemman	Criminal Justice Commission Testifies in support HB 2402 and the -1 amendments relating to creating a Criminal Justice Council.
049	Chair Williams	Comments that this is a short term group.
052	Rep. Ackerman	Comments about the Council membership and duplication of services.
071	Chair Williams	Explains the make-up and diversity of the Council.
135	Lemman	Responds that the commission is not a constituency based council and that the chair of the Council will appoint members.
153	Rep. Dingfelder	Asks about group's interactions.
161	Lemman	Responds that the bill creates a separate body with overlapping members.
186	Kathie Osborn	Juvenile Rights Project Testifies on HB 2404 and says they would like the addition of juvenile specialists to council.
217	Lemman	Responds in agreement and says that sub-committees expand the membership.
247	Rep. Williams	MOTION: Moves to ADOPT HB 2404-1 amendments dated 3/8/01.
		VOTE: 6-0-1
		EXCUSED: 1 - Wilson
251	Chair Williams	Hearing no objection, declares the motion CARRIED.
253	Chair Williams	MOTION: Moves HB 2404 to the full committee with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0-1
		EXCUSED: 1 - Wilson
256	Chair Williams	Hearing no objection, declares the motion CARRIED.
258	Chair Williams	Closes the work session on HB 2404 and opens a work session on HB 3594.

HB 3594 WORK SESSION

266 Rep. Williams **MOTION: Moves HB 3594 to the full committee with a DO PASS recommendation.**
VOTE: 6-0-1
EXCUSED: 1 - Wilson
286 Chair Williams **Hearing no objection, declares the motion CARRIED.**
288 Chair Williams Closes the work session on HB 3594 and opens the work session on HB 2930.

HB 2930 WORK SESSION

291 Counsel Taylor Explains HB 2930 and -1 and -2 amendments (**EXHIBIT C and EXHIBIT D**) relating to cockfighting.
380 Rep. Lowe Expresses concerns about the ambiguity of the language.
389 Chair Williams Discusses the -3 amendments (**EXHIBIT E**).
TAPE 63, B
010 Rep. Ackerman Expresses concerns about "supply" and "delivery".
030 Rep. Krieger Asks about the ownership of antiques or family heirlooms being in violation of the statues.
039 Rep. Shetterly Responds that it does, but that intent should be included as a prerequisite.
046 Rep. Shetterly Comments that "intent" could be the qualifier for a conceptual amendment and using the same language throughout with regards to "rearing" versus "breeding".
136 Rep. Williams **MOTION: Moves to ADOPT HB 2930-1 amendments dated 3/29/01.**
VOTE: 6-0-1
EXCUSED: 1 - Wilson
137 Chair Williams **Hearing no objection, declares the motion CARRIED.**
140 Rep. Williams **MOTION: Moves to ADOPT HB 2930-3 amendments dated 3/29/01.**
141 Rep. Williams **MOTION: Moves to CONCEPTUALLY AMEND HB 2930 in line 3, insert "rearing".**
VOTE: 6-0-1
EXCUSED: 1 - Wilson
144 Chair Williams **Hearing no objection, declares the motion CARRIED.**
164 Rep. Williams **MOTION: Moves HB 2930 to the full committee with a BE ADOPTED AS AMENDED recommendation.**
VOTE: 6-0
EXCUSED: 1 - Wilson
179 Chair Williams **Hearing no objection, declares the motion CARRIED.**
183 Chair Williams Closes the work session on HB 2930 and opens a work session on HB 2951.

HB 2951 WORK SESSION

199 Counsel Taylor Explains HB 2951 and the -3 amendments relating to grooming a child for unlawful sexual activity (**EXHIBIT F**).
221 Chair Williams Asks Rep. Shetterly his opinion of the bill and the amendments.
224 Rep. Shetterly Says that he is unsure.
248 David Fidanque **American Civil Liberties Union (ACLU)**
Testifies in support of HB 2951 and the -2 and -3 amendments and that the bill is constitutional.
256 Bill Houser **Oregon Criminal Defense Lawyers Association**

267	Rep. Shetterly	Testifies as neutral to HB 2951 and the amendments. Responds that the original bill could be moved in it's original form that would fix the statute.
265	Chair Williams	Struggles with concept of "predisposing a child to engage in unlawful sexual activity".
296	Fidanque	Says that circumstantial evidence may be enough to file charges and that it is intended to prevent expression.
322	Chair Williams	Comments in disagreement
337	Fidanque	Responds that current statute is built on language that is not constitutional and this fix would highlight the vagueness problem.
353	Chair Williams	Discusses the ACLU position.
373	Fidanque	Clarifies the ACLU's position on both state and federal obscenity issues.
400	Chair Williams	Asks if, as a legislature, they can pass a bill that makes it illegal to supply sexually explicit material to a minor.
422	Fidanque	Responds no and says that a statute without exceptions would be subject to over-broadness problems and that defining exceptions would be another serious problem.
TAPE 64, B		
008	Rep. Shetterly	Comments that sometimes the legislature should test the constitution and that challenges may or may not be overturned.
047	Chair Williams	Asks if it is unconstitutional to keep a thirteen year-old out of a porn shop.
080	Fidanque	Responds no. Says a legislature can prohibit activities that do damage but not communication.
091	Chair Williams	Discusses the history of the issue and constitutionality.
096	Fidanque	Responds that you cannot prohibit expression.
129	Counsel Taylor	Asks if material showing sexual penetration, with exceptions, would be unconstitutional.
138	Fidanque	Responds that he is unclear about it.
143	Counsel Taylor	Expresses concerns about art.
151	Fidanque	Responds that overbreadth and vagueness are the two conflicting issues of obscenity law.
164	Counsel Taylor	Asks about material of sado-masochistic activities.
174	Fidanque	Says that this issue is better discussed at greater length.
185	Rep. Shetterly	MOTION: Moves to ADOPT HB 2951-3 amendments dated 4/9/01.
187	Rep. Lowe	Discusses cultural aspects of nudity in ancient art. VOTE: 6-0-0 EXCUSED: 1-Wilson
231	Chair Williams	Hearing no objection, declares the motion CARRIED.
232	Rep. Shetterly	MOTION: Moves HB 2951 to the full committee with a DO PASS AS AMENDED recommendation. VOTE: 6-0-1 EXCUSED: 1 - Wilson
246	Chair Williams	Hearing no objection, declares the motion CARRIED.
249	Chair Williams	Closes the work session on HB 2957 and adjourns the meeting at 10:03 a.m.

Submitted By,

Reviewed By,

Shannon Reed,
Committee Assistant

Bill Taylor,
Counsel

EXHIBIT SUMMARY

- A - HB 2008, -2 amendments, submitted by staff, dated 3/14/01, 1 pg.**
- B - HB 2404, -1 amendments, submitted by staff, dated 3/8/01, 2 pgs.**
- C - HB 2930, -1 amendments, submitted by staff, dated 3/29/01, 2 pgs.**
- D - HB 2930, -2 amendments, submitted by staff, dated 4/11/01, 1 pg.**
- E - HB 2930, -3 amendments, submitted by staff, dated 4/11/01, 1 pg.**
- F - HB 2951, -3 amendments, submitted by staff, dated 3/14/01, 1 pg.**