

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON CRIMINAL LAW

April 24, 2001
8:30 a.m.

Hearing Room 357
Tapes 71 - 72

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 3446 Public Hearing**
 HB 3680 Public Hearing
 HB 3035 Public Hearing
 HB 3059 Public Hearing & Work Session
 HB 3680 Public Hearing
 HB 3920 Public Hearing
 HB 3967 Public Hearing
 HB 3446 Public Hearing
 HB 3661 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 71, A		
003	Rep. Krieger	Calls the meeting to order at 8:30 a.m. and opens the public hearing on HB 3446.
<u>HB 3446 PUBLIC HEARING</u>		
009	Rep. Richard Devlin	House District 24 Submits testimony and testifies in support of HB 3446 which directs Department of Corrections and Oregon State Hospital to establish sex offender treatment pilot program (EXHIBIT A). States that the -1 amendments, (EXHIBIT B) reflect the intent of this bill.
052	Rep. Devlin	Discusses why this bill is needed.
086	Rep. Dingfelder	Questions why the original programs were eliminated.
095	Rep. Devlin	Responds that the choice was to provide programs or incarcerate more offenders, the programs were cut.
108	Rep. Krieger	Questions when would the treatment be done relative to the sentence.
110	Rep. Devlin	Responds that in discussions with the superintendent of Oregon State Hospital this is something the study would address.
139	Rep. Krieger	Closes the public hearing on HB 3446 and opens the public hearing on HB 3680.

HB 3680 PUBLIC HEARING

135 Rep. Dan Doyle

House District 30

Testifies in support of HB 3680 which, allows introduction of evidence that defendant has committed other acts of domestic violence if defendant is charged with commission of offense involving domestic violence. Provides examples from public record that illustrate why this bill is needed.

174 Rep. Krieger

Closes the public hearing on HB 3680 and opens a public hearing on HB 3035 and HB 3059.

HB 3035/HB 3059 PUBLIC HEARING

179 Rep. Rob Patridge

House District 50

Testifies in support of HB 3035 which, creates crime of unlawful administration of controlled substance and HB 3059 which, requires law enforcement agency to enter information about missing child into databases of National Crime Information Center no later than 24 hours after receiving report that child is missing. Explains the sentencing guidelines under current law.

316 Victoria Kelly

Citizen from Jackson County

Submits testimony and testifies in support of HB 3035 and HB 3059 (EXHIBIT C).

443 Rep. Patridge

Presents HB 3059-1 amendments (EXHIBIT D).

486 Rep. Lowe

Questions what led to the conclusion that there is no fiscal.

489 Rep. Patridge

Clarifies he was referring to the training.

TAPE 72, A

044 Rep. Shetterly

Questions delivery of a controlled substance to a minor.

047 Rep. Patridge

Explains that it is a crime category 8 offense.

095 Chair Williams

Closes the public hearing on HB 3035 and HB 3059 and opens the work session on HB 3059.

HB 3059 WORK SESSION

110 Rep. V. Walker

MOTION: Moves to ADOPT HB 3059-1 amendments dated 4/16/01.

112 Chair Williams

VOTE: 7-0-0

Hearing no objection, declares the motion CARRIED.

113 Rep. V. Walker

MOTION: Moves HB 3059 to the full committee with a DO PASS AS AMENDED recommendation.

116 Chair Williams

VOTE: 7-0-0

Hearing no objection, declares the motion CARRIED.

130 Chair Williams

Closes the work session on HB 3059 and re-opens the public hearing on HB 3680.

HB 3680 PUBLIC HEARING

148 Gina Skinner

Deputy District Attorney, Marion County

Testifies in support of HB 3680 and explains how this bill will help prosecute cases of domestic violence.

208 Kathleen Orr

Citizen

Testifies in support of HB 3680.

296 Bill Houser

Oregon Criminal Defense Lawyers Association

Testifies in support of HB 3680 and explains propensity evidence and material evidence.

386 Rep. Shetterly Concurr with Mr. Houser's testimony, comments on due process.
426 Rep. Lowe Concurr and questions if domestic violence could be defined as a pattern of abuse, would patterns of behavior be appropriate as evidence.

TAPE 71, B

027 Houser Responds that it would get around the issue of relevance but notes that in Anglo-Saxon jurisprudence it has not been done.
040 Rep. Lowe Comments on the effects of the pattern of behavior over time.
050 Houser Responds that this is a social issue that is not addressed through the criminal justice system.
067 Rep. Krieger Notes that a pattern develops in the children of domestic violence families.
077 Houser Responds that it goes from generation to generation. Discusses pursuing the case without the defendant.
112 Chair Williams Discusses the probative impact of patterns of behavior.
148 Rep. Ackerman States that HB 3680 as drafted is too broad. Expresses concern about over zealous lawyers. States the testimony does not show that this bill is needed to secure a conviction.
189 **Layne Barlow** **Oregonians for Family Law Reform**
Submits testimony and testifies in opposition to HB 3680 (**EXHIBIT E**). Discusses the lack of available services for male victims, and notes the consequence of false accusation.
267 Chair Williams Closes the public hearing on HB 3680 and re-opens the public hearing on HB 3035.

HB 3035 PUBLIC HEARING

308 Chair Williams Recesses the public hearing on HB 3035 and opens the public hearing on HB 3920.

HB 3920 PUBLIC HEARING

315 Chair Williams Closes the public hearing on HB 3920 and opens the public hearing on HB 3967.

HB 3967 PUBLIC HEARING

318 Chair Williams Closes the public hearing on HB 3967 and opens the public hearing on HB 3446.

HB 3446 PUBLIC HEARING

330 **Gary Field** **Administrator of Counseling and Treatment Services, Oregon Department of Corrections**
Submits testimony and testifies in opposition of HB 3446 and notes support for the proposed amendments (**EXHIBIT F**).
388 Chair Williams Closes the public hearing on HB 3446 and re-opens the public hearing on HB 3035.

HB 3035 PUBLIC HEARING

397 **Bill Houser** **Oregon Criminal Defense Lawyers Association.**
Submits testimony and testifies in opposition to HB 3035 but provides suggestions to ORS 475.995 (**EXHIBIT G**).
450 Chair Williams Questions Rep. Patridge about the relationship between the general concept of HB 3035 and the proposed changes to ORS 475.995.
458 Rep. Patridge Responds this change makes delivery a separate and distinct crime, rather than changing the definition of delivery.

TAPE 72, B

022 Rep. Shetterly Questions if second hand marijuana smoke is included.
033 Rep. Patridge Responds that it would not rise to the level of intentional application to another body.

045	Chair Williams	Closes the public hearing on HB 3035 and opens the work session on HB 3661.
<u>HB 3661 WORK SESSION</u>		
050	Counsel Taylor	Summarizes HB 3661 which, adds additional chemicals to list of controlled substance precursors. Explains the changes in HB 3661-6 amendments (EXHIBIT H).
100 104	Chair Williams John Salle	Asks if the work group is satisfied with the -6 amendments. Lieutenant, Oregon State Police (OSP) – Commander of the Drug Enforcement Section
107	Larry Welty	Testifies that his concerns have been addressed. OSP, President, Oregon Narcotics Enforcement Association
112	Terry Witt	Testifies that what they wanted is in the -6 amendments. Executive Director, Oregonians for Food and Shelter
121	Chair Williams	Testifies that the -6 amendments address the concerns of anhydrous ammonia and phosphorus. MOTION: Moves to ADOPT HB 3661-6 amendments dated 04/23/01. VOTE: 6-0-1 EXCUSED:
123	Chair Williams	Hearing no objection, declares the motion CARRIED.
125	Chair Williams	MOTION: Moves HB 3661 to the full committee with a DO PASS AS AMENDED recommendation. VOTE: 6-0-1 EXCUSED: V. Walker
127	Chair Williams	Hearing no objection, declares the motion CARRIED.
137	Chair Williams	Closes the work session on HB 3661 and adjourns the meeting at 10:10 a.m.

Submitted By,

Reviewed By,

Shannon Reed,
Committee Assistant

Bill Taylor,
Counsel

Transcribed By,

Linda K. Gatto,
Committee Assistant

-
-

EXHIBIT SUMMARY

- A - HB 3446, testimony submitted by Rep. Richard Devlin, House District 24, dated 4/24/01 2 pp.**
- B - HB 3446, -1 amendment, submitted by staff, dated 4/19/01, 1 p.**
- C - HB 3035/3059, testimony submitted by Victoria Kelly, dated 4/24/01, 3 pp.**
- D - HB 3059, -1 amendments, submitted by staff, dated 4/16/01, 1 pp.**
- E - HB 3680 testimony submitted by Layne Barlow, Oregonians for Family Law Reform, dated 4/24/01, 2 pp.**
- F - HB 3446, testimony submitted by Gary Field, Department of Corrections, dated 4/24/01, 1p.**
- G - HB 3035, testimony submitted by Bill Houser, Oregon Criminal Defense Lawyers Association, dated 4/24/01, 3 pgs.**
- H - HB 3446, -6 amendments, submitted by staff, dated 4/23/01, 4 pgs.**
- I - HB 3446, written testimony submitted by Barry S. Kast, dated 4/24/01, 1 p.**