

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

April 05, 2001  
8:30 a.m.

Hearing Room 357  
Tapes 58 - 60

**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 2600 Work Session**  
                                  **HB 2972 Work Session**  
                                  **HB 2560 Work Session**  
                                  **HB 2944 Public Hearing & Work Session**  
                                  **HB 2951 Public Hearing**  
                                  **HB 3037 Public Hearing & 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 58, A</b>		
003	Chair Williams	Calls the meeting to order at 8:39 a.m. and opens the work session on HB 2600.
<b><u>HB 2600 WORK SESSION</u></b>		
010	Bill Taylor	Explains HB 2600 which creates crime of falsifying drug test.
024	Rep. Wilson	Expresses overall support for HB 2600. Notes concern about the application in simple employment urine screens.
036	Rep. V. Walker	States opposition to HB 2600, expressing that the bill goes too far.
<b>038</b>	<b>Rep. Shetterly</b>	<b>MOTION: Moves HB 2600 to the full committee with a DO PASS recommendation.</b>
<b>038</b>		<b>VOTE: 5-1-0</b>
		<b>AYE:           5 – Ackerman, Krieger, Shetterly, Wilson, Williams</b>
		<b>NAY:           1 – Walker V</b>
<b>041</b>	<b>Chair Williams</b>	<b>The motion CARRIES.</b>
048	Chair Williams	Closes the work session on HB 2600 and opens the work session on HB 2972.
<b><u>HB 2972 WORK SESSION</u></b>		
050	Counsel Taylor	Explains HB 2972, which expands crime of making false claim for health care payment to include claims made to casualty insurers.
064	Chair Williams	States support of HB 2972 as an additional tool against misuse of the process.

070	Rep. Shetterly	Questions if other crimes that fall under this definition are Class C felonies.
074	Chair Williams	Responds affirmatively.
071	Rep. V. Walker	Notes there is no testimony in opposition.
<b>083</b>	<b>Chair Williams</b>	<b>MOTION: Moves HB 2972 to the full committee with a DO PASS recommendation.</b>
		<b>VOTE: 6-0-0</b>
<b>084</b>	<b>Chair Williams</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
088	Chair Williams	Closes the work session on HB 2972 and opens the work session on HB 2560.

**HB 2560 WORK SESSION**

088	Counselor Taylor	Explains HB 2560 which requires court to order suspension of driving privileges of person who fails to appear on charge of minor in possession of alcohol. Explains the -2 amendments <b>(EXHIBIT A)</b> .
<b>103</b>	<b>Bill Houser</b>	<b>Oregon Criminal Defense Lawyers Association</b>
		Explains the intent of HB 2560-2 amendments.
128	Rep. V. Walker	Questions if Mr. Houser is in support of the bill.
130	Houser	Responds he is supportive of the -2 amendments.
131	Rep. Ackerman	States the amended language subjects a person to a suspension, noting that there is no notice on the citation that failure to appear results in suspension.
153	Bill Houser	Responds that on the back of a uniform citation there is a notice. Explains the difference with juvenile procedure.
159	Rep. Shetterly	Refers to page two and questions if that addresses this issue.
170	Houser	Responds that addresses the concern but does not cover the 18 – 20 year-old minor-in-possession.
<b>171</b>	<b>Bradd Swank</b>	<b>State Court Administrator’s Office</b>
		Clarifies that uniform citations have a provision for traffic offenses but juvenile petitions are done separately.
214	Rep. Lowe	Questions what the fiscal consequences are if the citations have to be changed.
220	Swank	Responds that citations are reviewed at the end of session for changes. Notes that the League of Oregon Cities and the police organizations have them reprinted.
<b>253</b>	<b>Rep. Shetterly</b>	<b>MOTION: Moves to ADOPT HB 2560-2 amendments dated 3/13/01.</b>
<b>256</b>		<b>VOTE: 6-0-0</b>
	<b>Chair Williams</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>257</b>	<b>Rep. Shetterly</b>	<b>MOTION: Moves HB 2560 to the full committee with a DO PASS AS AMENDED recommendation.</b>
<b>263</b>		<b>VOTE: 6-0-0</b>
<b>264</b>	<b>Chair Williams</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
268	Chair Williams	Closes the work session on HB 2560 and opens a public hearing on HB 2944.

**HB 2944 PUBLIC HEARING**

<b>275</b>	<b>Kevin Campbell</b>	<b>Oregon Association Chiefs of Police</b>
		Submits testimony and testifies in support of HB 2944 which directs Board on Public Safety Standards and Training to

		establish four policy committees for specific disciplines governed by board <b>(EXHIBIT B)</b> .
369	Campbell	Explains the HB 2944-1 amendments <b>(EXHIBIT C)</b> and the HB 2944-2 amendments <b>(EXHIBIT D)</b> .
<b>391</b>	<b>Rob Carnahan</b>	<b>Assistant Fire Chief, Clackamas County Fire District #1</b> Submits testimony and testifies in support of HB 2944 <b>(EXHIBIT E)</b> .
<b>TAPE 59, A</b>		
101	Rep. Lowe	Questions if the members that are in the brotherhood of firefighters skew the membership of the board.
022	Carnahan	Responds the objective is to get as broad a training as possible.
048	Rep. Krieger	Asks how does this relate to the State Fire Marshall.
052	Carnahan	Responds that the State Fire Marshall provides the fire codes.
089	<b>Rick Lewis</b>	<b>Chief of Police, Silverton, Oregon</b> Submits prepared testimony and testifies in support of HB 2944 <b>(EXHIBIT F)</b> .
<b>139</b>	<b>Dianne Middle</b>	<b>Department of Public Safety, Standards and Training</b> Submits prepared testimony in support of HB 2944 <b>(EXHIBIT G)</b> . Submits prepared testimony in support of HB 2944 on behalf of Larry Hatch <b>(EXHIBIT H)</b> .
<b>159</b>	<b>Kris Kautz</b>	<b>Assistant Director of Human Resources, Oregon Department of Corrections</b> Submits prepared testimony in support of HB 2944 <b>(EXHIBIT I)</b> .
<b>168</b>	<b>Steve Marks</b>	<b>Governor's Senior Policy Advisor</b> Testifies in support of HB 2944.
<b>201</b>	<b>Mary Botkin</b>	<b>American Federation of State, County and Municipal Employees</b> Submits prepared testimony in support of HB 2944 <b>(EXHIBIT J)</b> . Proposes conceptual amendments.
<b>213</b>	<b>Brian DeLashmutt</b>	<b>Oregon Council of Police Associations, and Association of Oregon Corrections Employees</b> Testifies in support of HB 2944-1 and -2 amendments.
<b>222</b>	<b>Bob Livingston</b>	<b>Oregon State Fire Fighters Council</b> Testifies in support of HB 2944. Explains concerns that he hopes this bill will correct.
283	Chair Williams	Closes the public hearing on HB 2944 and opens the work session on HB 2944.
<b><u>HB 2944 WORK SESSION</u></b>		
287	Chair Williams	Proposes the inclusion of the three positions of non-management persons to the advisory committees be presented to the full committee.
297	<b>Chair Williams</b>	<b>MOTION: Moves to ADOPT HB 2944-1 amendments dated 3/28/01.</b>
300	<b>Chair Williams</b>	<b>VOTE: 6-0-0</b> <b>Hearing no objection, declares the motion CARRIED.</b>
301	<b>Chair Williams</b>	<b>MOTION: Moves HB 2944 to the full committee with a DO PASS AS AMENDED recommendation.</b>
320		<b>VOTE: 6-0-0</b>

**Chair Williams**

**Hearing no objection, declares the motion CARRIED.**

329 Chair Williams

Closes the work session on HB 2944 and opens the public hearing on HB 2951.

**HB 2951 PUBLIC HEARING**

335 Counselor Taylor

Explains that HB 2951 as originally drafted, increases penalty for crime of riot. Further explains the relating clause relates to crime and refers to testimony on HB 2413. Notes that the HB 2951-2 amendments add a section to ORS 163.670 to 163.695 which relates to the crime of grooming a child for unlawful sexual activity, **(EXHIBIT K)**.

372 **David Fidanque**

**American Civil Liberties Union of Oregon**

Provides background on the HB 2951-2 amendments and explains the focus of the amendments.

**TAPE 58, B**

038 **Bill Houser**

**Oregon Criminal Defense Lawyers Association**

Testifies as neutral to the HB 2951-2 amendments and addresses technical concerns.

071 **Kathie Osborn**

**Senior Attorney, Juvenile Rights Project**

Testifies as neutral to the HB 2951-2 amendments. Discusses the importance of the age defense.

108 Rep. Shetterly

Questions why was the age fourteen selected.

119 Fidanque

Explains that fourteen was used to make it proportional to other offenses. Explains in detail.

204 Fidanque

Explains the concern with HB 2413.

204 Rep. V. Walker

Proposes a category to define sexual activity.

214 Houser

Explains a broad interpretation would include anything that is unlawful that is a sexual activity.

250 Shetterly

Questions if there is an opinion from the District Attorney.

239 Fidanque

Responds the -2 amendments were discussed with Dale Penn yesterday. Suggests more time is needed to evaluate and consider the inclusion of intent.

280 Chair Williams

Closes the public hearing on HB 2951 and opens the public hearing on HB 3037.

**HB 3037 PUBLIC HEARING**

288 **Rep. Janet Carlson**

**House District 32**

Submits testimony and testifies in support of HB 3037 which creates planning and advisory committee to make recommendations on how to increase family bonding for children who have incarcerated parents. Discusses separation and development issues **(EXHIBIT L)**.

375 Rep. Carlson

Discusses how stress points, where the criminal justice system is involved, affect children of incarcerated parents.

475 Rep. Carlson

Discusses how the parent's release to freedom affects the family unit.

**TAPE 59, B**

082 Rep. Carlson

Comments that a fiscal impact would probably be minimal.

091 **Dana Anderson**

**Chair, Citizens United for Rehabilitation of Errants (CURE)**

Submits testimony and testifies in support of HB 3037 and notes the mission of CURE **(EXHIBIT M)**.

140 **Michelle Damon**

**Private Citizen**

Submits testimony and testifies in support of HB 3037

201	Mary Ann Colby	(EXHIBIT N). Relates the incarceration experience of her husband and how it has affected their family unit. <b>Children Made Visible</b>
287	Teresa Bensen	Testifies in support of HB 3037 stating that children are the forgotten victims of the crime. Relates examples. <b>Private Citizen</b>
450	Tom Mann	Testifies in support of HB 3037 and relates personal testimony describing the effects of incarceration on her son. <b>Private Citizen</b>
TAPE 60, A 047	Charles Martinez	Testifies in support of HB 3037 because it is an education bill. Relates personal experience from being the child of an incarcerated parent. <b>Psychologist and Researcher, Oregon Social Learning Center</b>
120	Chair Williams	Testifies in support of HB 3037. States that there are approximately 13,500 kids of incarcerated parents in Oregon, and 1.5 million in the United States. Provides information on how stressful life circumstances result in family dysfunction. Closes the public hearing on HB 3037 and opens a work session on HB 3037.
<b><u>HB 3037 WORK SESSION</u></b>		
121	Chair Williams	<b>MOTION: Moves HB 3037 to the full committee with a DO PASS recommendation.</b>
	Chair Williams	<b>VOTE: 6-0-0</b>
		<b>Hearing no objection, declares the motion CARRIED.</b>
126	Chair Williams	Closes the work session on HB 3037 and adjourns the meeting at 10:39 a.m.

Submitted By,

Reviewed By,

Shannon Reed,  
Committee Assistant

Bill Taylor, Counsel

Transcribed By,

Linda K. Gatto,  
Committee Assistant

**EXHIBIT SUMMARY**

- A. HB 2560, -2 amendments, submitted by staff, dated 3/13/01, 5 pgs.
- B. HB 2944, testimony submitted by Kevin Campbell, Oregon Chiefs of Police, dated 4/5/01, 2

pgs.

- C. HB 2944, -1 amendments, submitted by staff, dated 3/28/01, 5 pgs.
- D. HB 2944, -2 amendments, submitted by staff, dated 4/5/01, 1 pg.
- E. HB 2944, testimony submitted by Rob Carnahan, Assistant Fire Chief of dated 4/5/01, 2 pgs.
- F. HB 2944, testimony submitted by Rick Lewis, Chief of Police, Silverton, Or, dated 4/5/01, 1 pg.
- G. HB 2944, testimony submitted by Diane Middle, Department of Public Safety Standards and Training, dated 4/5/01, 1 pg.
- H. HB 2944, testimony of Larry Hatch, submitted by Diane Middle, Department of Public Safety Standards and Training, dated 4/5/01, 1 pg.
- I. HB 2944, testimony submitted by Kris Kautz, Department of Corrections, dated 4/5/01, 1 pg.
- J. HB 2944, testimony submitted by Mary Botkin, American Federation of State, County and Municipal Employees, dated 4/5/01, 1 pg.
- K. HB 2951, -2 amendments submitted by staff, dated 3/19/01, 2 pgs.
- L. HB 3037, testimony submitted by Rep. Janet Carlson, House District 32, dated 4/5/01, 9 pgs.
- M. HB 3037, testimony submitted by Dana Anderson, Citizens United for Rehabilitation of Errants, dated 4/5/01, 1 pg.
- N. HB 3037, testimony submitted by Michelle Damon, private citizen, dated 4/5/01, 2 pgs.
- O. HB 3037, testimony submitted by Karen Braeau, Oregon Youth Authority, dated 4/5/01, 12 pgs.
- P. HB 3037, written testimony submitted by Elizabeth Sauzie, M.D., dated 4/5/01, 1 pg.