

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON CRIMINAL LAW

May 10, 2001
8:30 a.m.

Hearing Room 357
Tapes 84 – 85

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: **SB 384A Public Hearing and Work Session**
 SB 342A, SB 352, SB 353A Public Hearing and Work Session
 HB 3642 Work Session
 HB 3035 Work Session
 SB 415A Public Hearing and Work Session
 HB 2801 Work Session
 HB 3680 Work Session
 HB 3967 Work Session
 SB 655, SB 656 Public Hearing and Work Session
 SB 318A Public Hearing and 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 84, A 003	Chair Williams	Calls the meeting to order at 8:48 a.m. and opens a public hearing on SB 384A.
<u>SB 384A PUBLIC HEARING</u> 017	Donna Middleton	Oregon Commission on Children and Families Testifies in support of SB 384A which eliminates certain responsibilities of State Commission on Children and Families and transfers other responsibilities to Juvenile Crime Prevention Advisory Committee and Oregon Youth Authority.
038	Karen Brazeau	Oregon Youth Authority Testifies in support of SB 384A.
052	Becky Eklund	Oregon Criminal Justice Commission Testifies in support of SB 384A.
080	Chair Williams	Closes the public hearing on SB 384A and opens a work session.
<u>SB 384A WORK SESSION</u> 081	Chair Williams	MOTION: Moves SB 384A to the full committee with a DO PASS recommendation. VOTE: 5-0-2

		EXCUSED: 2 - Dingfelder, Shetterly
085	Chair Williams	Hearing no objection, declares the motion CARRIED.
089	Chair Williams	Closes the work session on SB 384A and opens a public hearing on SB 342A, SB 352 and SB 353A.
<u>SB 342A, SB 352, SB 353A PUBLIC HEARING</u>		
101	Connie Gallagher	Department of Justice Submits testimony and testifies in support of SB 342A which modifies provisions relating to ability of Department of Justice to recover amounts paid as crime victims' compensation (EXHIBIT A) , SB 352 which extends period during which claim for benefits and payments may be made when victim of crime suffers catastrophic injuries (EXHIBIT B) , and SB 353A which gives Department of Justice discretion to reduce or deny compensation to crime victim or victim's family based upon victim's conduct (EXHIBIT C) .
234	Anne Pratt	Private Citizen Submits testimony and testifies in support of SB 353A (EXHIBIT D) .
344	Mary Elledge	Private Citizen Testifies in support of SB 353A and relates personal experience.
424	Rep. Ackerman	Asks about the victims' participation in the "wrongful act" as being pertinent.
TAPE 85, A		
013	Gallagher	Clarifies statutes and their effects regarding SB 342A, SB 352, and SB 353A.
023	Rep. Ackerman	Expresses concerns regarding the standards for victims' compensation.
032	Elledge	Responds that victims should have latitude.
046	Gallagher	Notes that discretion is used in determining eligibility for compensation.
082	Arwen Bird	Survivors Advocating for an Effective System Submits testimony and testifies in support of SB 352 and SB 353; relates personal experience (EXHIBIT E) .
122	Chair Williams	Closes the public hearing on SB 342A, SB 352, and SB 353A and opens a work session on SB 342A.
<u>SB 342A WORK SESSION</u>		
127	Rep. Ackerman	MOTION: Moves SB 342A to the full committee with a DO PASS recommendation. VOTE: 6-0-1
130	Chair Williams	EXCUSED: 1 – Shetterly Hearing no objection, declares the motion CARRIED.
132	Chair Williams	Closes the work session on SB 342A and opens a work session on SB 352.
<u>SB 352 WORK SESSION</u>		
134	Rep. Wilson	MOTION: Moves SB 352 to the full committee with a DO PASS recommendation. VOTE: 7-0
137	Chair Williams	Hearing no objection, declares the motion CARRIED.
138	Chair Williams	Closes the work session on SB 352 and opens a work session on SB 353A.

SB 353A WORK SESSION

140 Rep. V. Walker

MOTION: Moves SB 353A to the full committee with a DO PASS recommendation.

VOTE: 7-0

144 Chair Williams
148 Chair Williams

Hearing no objection, declares the motion CARRIED.
Closes the work session on SB 353A and opens a work session on HB 3642.

HB 3642 WORK SESSION

166 Dale Penn

Oregon District Attorneys Association

Testifies in support of HB 3642 which provides that all proceeds and instrumentalities of misdemeanor or felony are subject to criminal forfeiture upon conviction. States that they are trying to narrow the focus of the bill.

211 Dave Fidanque

American Civil Liberty Union

Testifies that there is still some work to be done on HB 3642.

249 Chair Williams

Closes the work session on HB 3642 and opens a work session on HB 3035.

HB 3035 WORK SESSION

259 Rep. Rob Patridge

House District 50

Testifies in support of HB 3035 which creates crime of unlawful administration of controlled substance.

277 Counsel Bill Taylor
282 Bill Houser

Clarifies -2 amendments (**EXHIBIT G**).

Oregon Criminal Defense Lawyers Association

Testifies in support of HB 3035.

293 Rep. Patridge
302 Phil Lemman

Notes that there will be a fiscal impact forthcoming.

Oregon Criminal Justice Commission

States that the fiscal impact will be close to \$50,000 and should probably go to Ways and Means for consideration.

311 Rep. Shetterly

MOTION: Moves to ADOPT HB 3035-2 amendments dated 5/9/01.

VOTE: 7-0

315 Chair Williams
316 Rep. Shetterly

Hearing no objection, declares the motion CARRIED.

MOTION: Moves HB 3035 to the full committee with a DO PASS AS AMENDED recommendation.

VOTE: 7-0

323 Chair Williams
329 Chair Williams

Hearing no objection, declares the motion CARRIED.

Closes the work session on HB 3035 and opens a public hearing on SB 415A.

SB 415A PUBLIC HEARING

341 Dianne Middle

Department of Public Safety Standards and Training (DPSST)

Submits testimony and testifies in support of SB 415A which extends period of employment before certification of certain public safety personnel required (**EXHIBIT H**).

339 Sen. Tony Corcoran

Senate District 22

Submits information and testifies in support of SB 415A (**EXHIBIT I**).

378 Dell Hackett

Lane County Sheriff's Office

Testifies in support of and explains provisions of SB 415A.

404 Rep. Shetterly
407 Hackett

Asks if "telecommunicator" is defined elsewhere in statute.

Explains language in statute.

438 Chair Williams Closes the public hearing on SB 415A and opens a work session.
SB 415A WORK SESSION
442 Rep. Krieger **MOTION: Moves to ADOPT SB 415-A3 amendments dated 4/16/01 (EXHIBIT J).**
VOTE: 7-0
447 Chair Williams **Hearing no objection, declares the motion CARRIED.**
448 Rep. Krieger **MOTION: Moves SB 415A to the full committee with a DO PASS AS AMENDED recommendation.**
VOTE: 7-0
457 Chair Williams **Hearing no objection, declares the motion CARRIED.**
460 Chair Williams Closes the work session on SB 415A and opens a work session on HB 2801.

TAPE 84, B

HB 2801 WORK SESSION

015 Rep. Rob Patridge **House District 50**
Testifies in support of HB 2801 which requires Department of Justice to change payee of child support payments from obligee to collection agency when obligee has retained collection agency for support enforcement services and obligee authorizes change, and the -1 amendments relating to child support payments **(EXHIBIT K)**.
131 Rep. Ackerman Asks for clarification about assigning collections for child support.
137 Rep. Patridge Clarifies how child support collection would operate.
172 Rep. Shetterly **MOTION: Moves to ADOPT HB 2801-1 amendments dated 4/19/01.**
176 Rep. Ackerman Asks for clarification about time limitations for collections of child support.
200 Rep. Patridge Explains the time limitations.
208 Rep. V. Walker Discusses the limits of fees for the collection agency.
218 Rep. Patridge Responds that the total amount an agency could charge could not exceed 20%.
227 **VOTE: 7-0**
227 Chair Williams **Hearing no objection, declares the motion CARRIED.**
227 Rep. Shetterly **MOTION: Moves HB 2801 to the full committee with a DO PASS AS AMENDED recommendation.**
232 Rep. V. Walker Speaks in favor of HB 2801.
VOTE: 7-0
244 Chair Williams **Hearing no objection, declares the motion CARRIED.**
254 Chair Williams Closes the work session on HB 2801 and opens a work session on HB 3680.

HB 3680 WORK SESSION

257 Counsel Bill Taylor Explains 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, and the -1 amendments **(EXHIBIT L)**.
282 Chair Williams Further explains HB 3680.
277 Gina Skinner **Oregon District Attorney's Association**
Testifies in support of HB 3680 with the -1 amendments.

367 Chair Williams Discusses domestic violence provisions for introducing misdemeanor crimes to impeach a defendant's credibility.

394 **Bill Houser** **Oregon Criminal Defense Lawyers Association (OCDLA)**
 Testifies that the association is neutral on HB 3680 and feels it is a reasonable compromise.

452 Chair Williams **MOTION: Moves HB 3680 to the full committee without RECOMMENDATION to passage.**
VOTE: 7-0

456 Chair Williams **Hearing no objection, declares the motion CARRIED.**

460 Chair Williams Closes the work session on HB 3680 and opens a work session on HB 3967.

TAPE 85, B
HB 3967 WORK SESSION

012 Nancy Miller **State Court Administrator's Office**
 Testifies in support of HB 3967. Explains intentions for HB 3967. Submits and summarizes prepared information (**EXHIBIT M**).

045 Chair Williams Inquires about the fiscal impact.

070 Chair Williams **MOTION: Moves HB 3967 to the full committee with a DO PASS recommendation.**
VOTE: 7-0

072 Chair Williams **Hearing no objection, declares the motion CARRIED.**

075 Chair Williams Closes the work session on HB 3967 and opens a public hearing on SB 655 and SB 656.

SB 655 & SB 656 PUBLIC HEARING

080 Mark Landauer **City of Portland**
 Testifies in support of SB 655 which expands crime of criminal trespass in first degree to cover entering or remaining unlawfully on premises that have been determined not fit for use due to illegal drug manufacturing and SB 656 which expands crime of child neglect in first degree to include leaving child or allowing child to stay at place that has been determined to be not fit for use due to illegal drug manufacturing.

086 Jim Ferraris **Portland Police Bureau**
 Submits testimony and testifies in support of SB 655 and SB 656 (**EXHIBIT N**).

102 Chair Williams Asks how significant the problem is of trespassers returning to methamphetamine labs.

106 Ferraris Explains the issue of trespassers returning to the premises during a criminal process.

132 Counsel Taylor Asks what is meant by "owner of record".

134 Ferraris Explains "owner of record".

179 Chair Williams Closes the public hearing on SB 655 and SB 656 and opens a work session on SB 655.

SB 655 WORK SESSION

181 Chair Williams **MOTION: Moves SB 655 to the full committee with a DO PASS recommendation.**
VOTE: 5-0-2
EXCUSED: 2 – Dingfelder, Shetterly

184	Chair Williams	Hearing no objection, declares the motion CARRIED .
185	Chair Williams	Closes the work session on SB 655 and opens a work session on SB 656.
<u>SB 656 WORK SESSION</u>		
187	Rep. Krieger	MOTION: Moves SB 656 to the full committee with a DO PASS recommendation. VOTE: 5-0-2 EXCUSED: 2 – Dingfelder, Shetterly Hearing no objection, declares the motion CARRIED .
190	Chair Williams	
192	Chair Williams	Closes the work session on SB 656 and opens a public hearing on SB 318A.
<u>SB 318A PUBLIC HEARING</u>		
197	David Hooper	Oregon Lottery Commission Submits testimony and testifies in support of SB 318A which excludes possession of papers or instruments from lawful lottery from crime of possession of gambling records in second degree (EXHIBIT O) . Asks for clarification about the intent of SB 318A. Offers further clarification. Closes the public hearing on SB 318A and opens a work session.
277	Rep. Ackerman	
283	Hooper	
318	Chair Williams	
<u>SB 318A WORK SESSION</u>		
320	Rep. Shetterly	MOTION: Moves SB 318A to the full committee with a DO PASS recommendation. VOTE: 6-0-1 EXCUSED: 1 - Dingfelder Hearing no objection, declares the motion CARRIED .
326	Chair Williams	
330	Chair Williams	Closes the work session on SB 318A and adjourns the meeting at 10:30 a.m.

Transcribed by,

Michael Reiley

Submitted By,

Reviewed By,

Patsy Wood,
Office Coordinator

Bill Taylor,
Counsel

EXHIBIT SUMMARY

- A – SB 342A, written testimony submitted by Connie Gallagher, dated 5/10/01, 2 pgs.**
- B – SB 352, written testimony submitted by Connie Gallagher, dated 5/10/01, 1 pg.**
- C – SB 353A, written testimony submitted by Connie Gallagher, dated 5/10/01, 2 pgs.**
- D – SB 342A, SB 352, SB 353A, written testimony, submitted by Anne Pratt, dated 5/10/01, 3 pgs.**
- E – SB 352, SB 353A, written testimony submitted by Arwen Bird, dated 5/10/01, 1 pg.**
- F – SB 353A, written testimony submitted by Mary Johnson, dated 5/10/01, 2 pgs.**

G – HB 3035, -2 amendments, submitted by staff, dated 5/9/01, 1 pg.
H – SB 415A, written testimony submitted by Dianne Middle, DPSST, dated 5/10/01, 2 pgs.
I – SB 415A, written information submitted by Sen. Tony Corcoran, dated 5/10/01, 4 pgs.
J – SB 415A, -A3 amendments, submitted by staff, dated 4/16/01, 3 pgs.
K – HB 2801, -1 amendments, submitted by staff, dated 4/19/01, 1 pg.
L – HB 3680, -1 amendments, submitted by staff, dated 5/9/01, 3 pgs.
M – HB 3967, Dependency Mediation in Oregon and the Nation and written information, submitted by Nancy Miller, dated 5/10/01, 20 pgs.
N – SB 655, SB 656, written testimony submitted by James Ferraris, dated 5/10/01, 3 pgs.
O – SB 318A, written testimony submitted by David Hooper, Oregon Lottery Commission, dated 5/10/01, 1 pg.