

## HOUSE COMMITTEE ON JUDICIARY

May 22, 2001  
8:30 AM

Hearing Room 357  
Tapes 65 - 67

**MEMBERS PRESENT:**     **Rep. Max Williams, Chair**  
                                  **Rep. Wayne Kreiger, Vice Chair**  
                                  **Rep. Kathy Lowe, Vice Chair**  
                                  **Rep. Robert Ackerman**  
                                  **Rep. Vic Backland**  
                                  **Rep. Jackie Dingfelder**  
                                  **Rep. Lane Shetterly**  
                                  **Rep. Cheryl Walker**  
                                  **Rep. Vicki Walker**  
                                  **Rep. Carl Wilson**

**MEMBER EXCUSED:**     **Rep. Charlie Ringo**

**STAFF PRESENT:**       **Bill Taylor, Counsel**  
                                  **Andrew Morris, Committee Assistant**

**MEASURES HEARD:**               **SB 83A Public Hearing**  
                                  **SB 437A Public Hearing**  
                                  **SB 153A Public Hearing**  
                                  **HB 2503 Work Session**  
                                  **SB 290A Public Hearing**  
                                  **SB 126A 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 65, A</b>		
004	Chair Williams	Calls the meeting to order at 8:41 a.m. and opens a public hearing on SB 83A.
<b><u>SB 83A PUBLIC HEARING</u></b>		
008	<b>Sen. Peter Courtney</b>	<b>Senate District 17</b> Testifies in support of SB 83 which defines school safety zones. Explains the intent of the bill. Relates examples of disorderly conduct.
055	Rep. V. Walker	Asks about the definition of disorderly conduct.
064	Sen. Courtney	Responds that the definition of disorderly conduct is already in statute.
077	Rep. V. Walker	States concerns about increasing penalties.
080	Sen. Courtney	Comments on issues that schools face daily.
096	Rep. Rep. Backlund	Asks if students could be cited under SB 83A.
102	Sen. Courtney	Responds affirmatively. Relates examples.
124	Rep. Dingfelder	Asks if the bill covers charter schools.
130	Sen. Courtney	Responds affirmatively.
141	Chair Williams	Closes public hearing on SB 83A and opens a public hearing on SB 437A.

**SB 437A PUBLIC HEARING**

148                    **Sen. John Minnis**

260                    Chair Williams

**SB 153A PUBLIC HEARING**

267                    **Sen. Bill Fisher**

304                    Rep. V. Walker

310                    Sen. Fisher

344                    Rep. Dingfelder

353                    Sen. Fisher

380                    Vice-Chair Krieger

388                    Sen. Fisher

413                    Chair Rep. Williams

**SB 437A PUBLIC HEARING**

**TAPE 66, A**

005                    **Karen Immergant**

084                    **John Bradley**

164                    Rep. Lowe

177                    Bradley

183                    Immergant

193                    Rep. Lowe

198                    Rep. Shetterly

223                    Immergant

255                    **Rep. Phil Barnhart**

**TAPE 65, B**

000                    Rep. Barnhart

022                    Rep. V. Walker

027                    Rep. Barnhart

034                    Rep. V. Walker

040                    Rep. Barnhart

050                    **Frank Kalisterol**

**Senate District 11**

Testifies in support of SB 437A which deals with disclosure of information. Introduces the –A3 amendments (**EXHIBIT A**). Relates an example.

Recesses the public hearing on SB 437A and opens a public hearing on SB 153A.

**Senate District 23**

Testifies in support of SB 153A which deals with speeding citations. Explains the background of SB 153A.

Asks if officers currently have training on speed measuring devices.

Responds that some officers have training and some do not. Comments on radars.

Asks about the fiscal impact.

Responds there is no fiscal impact.

Asks about training requirements.

Explains the training that will be required under SB 153A.

Closes the public hearing on SB 153A and opens a public hearing on SB 437A.

**Multnomah County District Attorney**

Testifies in support of SB 437A. States support of the –A3 amendments. Comments on current law. Relates an example.

**Multnomah County District Attorney**

Testifies in support of SB 437A (**EXHIBIT B**). Comments on privileged information. Discusses opposition to SB 437A.

Comments on the –A3 amendments. States there is not a clear protection for non-disclosure.

Explains the –A3 amendments.

Reviews ORS 179.

Relates concerns.

States the wording in the bill needs to be concise. Asks if a subpoena would require the disclosure of information.

Responds the Supreme Court has ruled on subpoenas.

**House District 40**

Testifies in opposition to SB 437A. Explains confidentiality and privileged information. Comments on the patient/therapist relationship. Relates case examples. Comments on California statute.

Continues testimony.

Asks about California law.

Responds the California law is followed by psychotherapists in Oregon.

Asks whom the therapist has to report the information to.

Responds it depends on the situation.

**Psychologist**

Testifies in support of SB 437A. Comments on disclosure of privileged information.

112            **Jerry Bidwell**            **President, Bidwell & Company**  
 Testifies in support of SB 437A. Relates a personal experience.

183            **Steve Doell**            **Crime Victims United**  
 Testifies in support of SB 437A (**EXHIBIT C**). Comments on the rights of victims and society. Comments on court rulings in Oregon and Washington. States a need to clarify statute.

247            **John McCulley**            **Oregon Psychiatric Association**  
 Testifies in opposition to SB 437A.

260            **Maggie Bennington-Davis**            **M.D., Oregon Psychiatric Association**  
 Testifies in opposition to SB 437A. States the bill would hurt the patient/therapist relationship.

312            **Scott Gallant**            **Oregon Medical Association**  
 Testifies in opposition to SB 437A (**EXHIBIT D**). Comments on affects the bill would have on various professions. States the bill does not provide a protection for people who do not report privileged information.

381            Rep. V. Walker            Asks for a response to Kalisterol’s testimony.  
 395            Bennington-Davis            Explains situations where it is already okay to break confidentiality.

**TAPE 66, B**

010            **Carol Carver**            **President, Oregon Psychological Association**  
 Testifies in opposition to SB 437A (**EXHIBIT E**). Relates an example. Comments on psychotherapy.

077            **Bill Houser**            **Oregon Criminal Defense Lawyers Association (OCDLA)**  
 Testifies in opposition to SB 437A. Comments on client representation.

137            Rep. V. Walker            Asks how a therapist knows if a threat is contrived or actual.  
 150            Bennington-Davis            Responds it is difficult to predict violence.  
 173            Rep. Shetterly            Relates a possible scenario. Asks if a therapist would be compelled to answer a question during deposition.

190            Houser            Responds there would be nothing to argue not answering the question.

195            Rep. Ackerman            Asks what is ethical and not ethical to report.  
 200            Bennington-Davis            Explains what is appropriate to report.  
 220            Chair Williams            Closes the public hearing on SB 437A and opens a work session on HB 2503.

**HB 2503 WORK SESSION**

236            Bill Taylor            Counsel. Explains HB 2503 and the –3 amendments to the committee (**EXHIBIT F**). *The -3 amendments were adopted by the subcommittee.*

258            **Chair Williams**            **MOTION: Moves HB 2503 to the floor with a DO PASS AS AMENDED recommendation.**  
**VOTE: 9-0-2**  
**AYE:            9 - Ackerman, Backlund, Krieger, Lowe, Shetterly, Walker C, Walker V, Wilson, Williams**  
**EXCUSED:    2 - Dingfelder, Ringo**

272            **Chair Williams**            **The motion CARRIES.**  
**REP. KRIEGER will lead discussion on the floor.**

277            Chair Williams            Closes the work session on HB 2503 and opens a public hearing on SB 290A.

**SB 290A PUBLIC HEARING**

284	<b>Sen. Ryan Deckert</b>	<b>Senate District 4</b> Testifies in support of SB 290A and the –A3 amendments <b>(EXHIBIT G).</b>
295	<b>Allen Mendenhall</b>	<b>Security Guard</b> Testifies in support of SB 290A and the –A3 amendments <b>(EXHIBIT H).</b> Relates a personal experience.
<b>TAPE 67, A</b> 005	<b>Diane Middle</b>	<b>Department of Public Safety Standards and Training (DPSST)</b> Testifies in support of SB 290A. Explains SB 290A and the amendments made in the Senate. Comments on the –A3 amendments.
054	Chair Williams	Clarifies the intent of the –A3 amendments.
062	Middle	Comments on the application process.
082	<b>Brian DeLashmut</b>	<b>Oregon Council of Police Associations</b> Testifies on SB 290A. States that certain crimes need to be precluded when the administrative rules are made.
119	Chair Williams	Closes the public hearing on SB 290A and opens a work session on SB 126A.
<b><u>SB 126A WORK SESSION</u></b>		
124	Counsel Taylor	Explains SB 126A and the –A5 amendments <b>(EXHIBIT I).</b>
130	Rep. Ackerman	Comments on SB 126A.
141	Doell	Testifies on SB 126A. Comments on diversion.
<b>178</b>	<b>Chair Williams</b>	<b>MOTION: Moves SB 126A to the floor with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 10-0-1</b> <b>AYE: 10 - Ackerman, Backlund, Dingfelder, Krieger, Lowe, Shetterly, Walker C, Walker V, Wilson, Williams</b> <b>EXCUSED: 1 - Ringo</b>
<b>196</b>	<b>Chair Williams</b>	<b>The motion CARRIES.</b> <b>REP. ACKERMAN will lead discussion on the floor.</b>
200	Chair Williams	Closes the work session on SB 126A and adjourns the meeting at 10:46 a.m.

Submitted By,

Reviewed By,

Andrew Morris  
Committee Assistant

Bill Taylor,  
Counsel

**EXHIBIT SUMMARY**

- A - SB 437A, -A3 amendments, Staff, 1 p.**
- B - SB 437A, Written testimony, submitted by John Bradley for Michael Schrunck, 2 pp.**
- C - SB 437A, Written testimony, Steve Doell, 2 pp.**
- D - SB 437A, Written testimony, Scott Gallant, 2 pp.**
- E - SB 437A, Written testimony, Carol Carver, 2 pp.**
- F - HB 2503, -3 amendments, Staff, 5 pp.**
- G - SB 290A, -A3 amendments, Staff, 3 pp.**
- H - SB 290A, Letter from Jim Tederman, submitted by Allen Mendenhall, 1 p.**

**I - SB 126A, -A5 amendments, Staff, 5 pp.**