

## SENATE COMMITTEE ON JUDICIARY

February 21, 2001 Hearing Room 343  
1:00 p.m. Tapes 40 - 41

**MEMBERS PRESENT:**        **Sen. Minnis, Chair**  
                                  **Sen. Courtney, Vice-Chair**  
                                  **Sen. R. Beyer**  
                                  **Sen. Burdick**  
                                  **Sen. Duncan**  
                                  **Sen. Harper**  
                                  **Sen. Metsger**

**STAFF PRESENT:**         **Marilyn Odell, Counsel**  
                                  **Jane Bodenweiser, Committee Assistant**

**MEASURE/ISSUES HEARD:**  
                                  **SB 76 Work Session**  
                                  **SB 120 Work Session**  
                                  **SB 227 Public Hearing and Work Session**  
                                  **SB 75 Work Session**  
                                  **SB 168 Work Session**  
                                  **SB 318 Work Session**  
                                  **SB 366 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 40, A</b>		
003	Chair Minnis	Calls the meeting to order at 1:10 p.m.
<b><u>SB 76 WORK SESSION</u></b>		
005	Counsel Odell	Introduces SB 76 regarding the interpreters certification program. Explains the -1 amendments ( <b>EXHIBIT A</b> ).
<b>016</b>	<b>Vice Chair Courtney</b>	<b>MOTION: Moves to ADOPT SB 76-1 amendments dated 02/12/01.</b> <b>VOTE: 5-0-2</b> <b>EXCUSED: 2 - R. Beyer, Harper</b>
<b>019</b>	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>020</b>	<b>Vice Chair Courtney</b>	<b>MOTION: Moves SB 76 to the floor with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 5-0-2</b> <b>EXCUSED: 2 - R. Beyer, Harper</b>
<b>022</b>	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. COURTNEY will lead discussion on the floor.</b>
024	Chair Minnis	Closes the work session on SB 76 and opens a work session on SB 120.

**SB 120 WORK SESSION**

- 031 Counsel Odell Introduces SB 120 relating to claims against non-testamentary trusts. Advises that there are further amendments.
- 041 **Jonathan Levy**  
**Oregon State Bar**  
Explains that the –2 amendments make language consistent and parallel to the equivalent probate statute (**EXHIBIT B**)..
- 051 **Vice Chair Courtney**  
**Chair Minnis**  
**MOTION: Moves to ADOPT SB 120-2 amendments dated 02/13/01.**  
**VOTE: 5-0-2**  
**EXCUSED: 2 – R. Beyer, Harper**  
**Hearing no objection, declares the motion CARRIED.**
- 053 **Vice Chair Courtney**  
**MOTION: Moves SB 120 to the floor with a DO PASS AS AMENDED recommendation.**  
**VOTE: 7-0**
- 055 **Chair Minnis**  
**Hearing no objection, declares the motion CARRIED.**  
**SEN. BURDICK will lead discussion on the floor.**
- 058 Chair Minnis Closes the work session on SB 120 and opens a public hearing on SB 227.

**SB 227 PUBLIC HEARING**

- 062 **Sen. Peter Courtney**  
**Senate District 17**  
Submits testimony and testifies in support of SB 227 (**EXHIBIT C**). States that this bill is necessary because bestiality does not fall under current abuse statutes.
- 129 **Sen. John Minnis**  
**Senate District 11**  
Testifies in support of SB 227. Explains that in his 4½ years as a child sexual abuse investigator for the Portland Police Bureau he investigated a case involving a man who used explicit sexual acts with animals to entice young children into sexual acts.
- 178 Sen. Burdick Thanks the two senators for having the courage to support this bill.
- 194 **Myrna Wolgamot**  
**Marion County, OR**  
Testifies in support of SB 227. Tells the story of her two 4-month old puppies who were sexually abused and her 8-year old dog who died from a bacterial infection as a result of abuse. States that this kind of thing happens because there is no law. Talks about the number of web sites available dealing with sex with animals.
- 266 **Judge James Rhoades**  
**Marion County Circuit Court**  
Testifies in support of SB 227. Explains that she was the presiding judge during Mrs. Wolgamot’s case. Talks about other cases she has heard and how difficult it is to prosecute because there is no law against sex with animals in the state of Oregon.
- 349 **Paul Lipscomb**  
**Presiding Judge of Marion County Circuit Court**  
Testifies in support of SB 227. Discusses cases he has heard regarding sex with animals, and how difficult it is to find ways to prosecute because of the lack of any current law.
- TAPE 41, A**  
041 Sen. Duncan Asks how he would respond to those in the farming and agricultural business who may fear being vulnerable.

047	Judge Lipscomb	Responds that there is authority in the statute that provides an exemption from animal neglect and abuse for actions of “good husbandry.”
076	<b>Constance Hawes</b>	<b>Washington County</b> Submits testimony and testifies in support of SB 227 ( <b>EXHIBIT D</b> ). Explains that she has been involved in animal rescue and rehabilitation and fostering for neglected and abused animals for the last 10 years. Discusses the “Zoo” groups that collect animals for the express purpose of sexually abusing them.
138	Sen. Duncan	Asks for clarification of the exhibit materials.
140	Hawes	Says that they represent an internet site where an organized group is communicating to interested parties, with a plan to legitimize “zoophilia” under civil rights laws.
183	Sen. Burdick	Asks how this group is trying to interfere with spayed and neuter clinics.
190	Hawes	Explains that they are advocating alternative procedures from the current spay and neuter procedures.
216	<b>Lt. Randall Covey</b>	<b>Oregon Humane Society, Clackamas</b> Submits testimony and testifies in support of SB 227( <b>EXHIBIT E</b> ). Expresses his belief that doing harm to animals often leads to doing harm to humans.
316	<b>Ingrid Swenson</b>	<b>Oregon Criminal Defense Lawyers Association</b> Testifies as neutral on SB 227. States that taking an offense that didn’t exist and making it a felony the first time around may not be necessary. Suggests giving the court discretion to require a psychological evaluation where it seems appropriate. Expresses concern about the range of conduct.
365	Chair Minnis	Asks if Ingrid is aware of any of the research relevant to animal/sexual abuse and psycho/sexual killers.
371	Swenson	Explains that she has seen such research, but that she doesn’t believe there is a direct numerical correlation between them.
393	<b>Glen Stonebrink</b>	<b>Oregon Cattleman’s Association</b> Testifies in opposition to SB 227 and states that he believes it puts the association in defense of their good animal husbandry. States that the association would be satisfied if the exception of animal husbandry is made absolutely clear.
467	Chair Minnis	Asks if he could site an example in the animal husbandry industry where a motive of personal sexual gratification could be charged.
474	Stonebrink	Gives a hypothetical example of a charge being made upon a producer who may not be liked by someone, and asserts that this places a burden of proof on that producer.
<b>TAPE 40, B</b>		
046	<b>Vice Chair Courtney Kelly Pederson</b>	Explains that it is not the intent of the bill to put the burden of proof on the cattle industry.
073	<b>Kelly Pederson</b>	<b>Humane Society of the United States</b> Submits Testimony in support of SB 227 ( <b>EXHIBIT F</b> ).
076	<b>Wanda Patterson</b>	<b>Northwest Counseling</b> Testifies in support of SB 227. States that over 50% of the patients she has seen regarding sexual abuse have admitted to sexual animal abuse.
099	<b>Eileen Stark</b>	<b>Animal Legal Defense Fund</b>



384	Sen. Duncan	Closes the work session on SB 227 and opens a work session on SB 75.
<b><u>SB 75 WORK SESSION</u></b>		
402	Counsel Prins	Introduces SB 75 which eliminates requirement that local citizen review boards conduct reviews of youth offender cases at key transition points and explains the –1 amendments ( <b>EXHIBIT I</b> ).
<b>TAPE 41, B</b>		
012	Sen. Courtney	<b>MOTION: Moves to ADOPT SB 75-1 amendments dated 01/26/01.</b> <b>VOTE: 5-0-2</b> <b>EXCUSED: 2 - Minnis, Harper</b> <b>Hearing no objection, declares the motion CARRIED.</b>
029	Sen. Duncan	
030	Sen. Courtney	<b>MOTION: Moves SB 75 to the floor with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 6-0-1</b> <b>EXCUSED: 1 – Harper</b> <b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. COURTNEY will lead discussion on the floor.</b>
033	Sen. Duncan	
036	Sen. Duncan	Closes the work session on SB 75 and opens a work session on SB 168.
<b><u>SB 168 WORK SESSION</u></b>		
044	Counsel Prins	Discusses SB 168 relating to forced release of inmates.
055	Chair Minnis	Suggests that there may be a fiscal on this bill, but it is uncertain at this time.
068	Sen. Burdick	Asks if the fiscal would be the result of a new crime of failure to appear.
071	Counsel Prins	Replies, yes.
074	Sen. Courtney	<b>MOTION: Moves SB 168 to the floor with a DO PASS recommendation.</b> <b>VOTE: 6-0-1</b> <b>EXCUSED: 1 – Harper</b> <b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. BURDICK will lead discussion on the floor.</b>
077	Sen. Duncan	
079	Sen. Duncan	Closes the work session on SB 168 and opens a work session on SB 318.
<b><u>SB 318 WORK SESSION</u></b>		
080	Counsel Prins	Discusses SB 318 which creates defense to crime of possession of gambling records in second degree, and explains the –1 amendments ( <b>EXHIBIT J</b> ).
100	Sen. Courtney	<b>MOTION: Moves to ADOPT SB 318-1 amendments dated 02/15/01.</b> <b>VOTE: 7-0</b> <b>Hearing no objection, declares the motion CARRIED.</b>
102	Sen. Duncan	
104	Sen. Courtney	<b>MOTION: Moves SB 318 to the floor with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 7-0</b> <b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. MINNIS will lead discussion on the floor.</b>
107	Sen. Duncan	

108	Sen. Duncan	Closes the work session on SB 318 and opens a work session on SB 366.
<b><u>SB 366 WORK SESSION</u></b>		
111	Counsel Prins	Introduces SB 366 relating to public safety memorial fund, and discusses the –1 amendments ( <b>EXHIBIT K</b> ).
135	Sen. Courtney	<b>MOTION: Moves to ADOPT SB 366-1 amendments dated 2/06/01.</b> <b>VOTE: 7-0</b>
138	Sen. Duncan	<b>Hearing no objection, declares the motion CARRIED.</b>
140	Sen. Courtney	<b>MOTION: Moves SB 366 to the floor with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 7-0</b>
143	Sen. Duncan	<b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. HARPER will lead discussion on the floor.</b>
149	Sen. Duncan	Closes the work session on SB 366 and adjourns the meeting at 2:40 p.m.

Submitted By,

Reviewed By,

Jane Bodenweiser,  
Committee Assistant

Marilyn Odell,  
Counsel

**EXHIBIT SUMMARY**

- A – SB 76, -1 amendments, submitted by staff, dated 2/12/01, 1 p**
- B – SB 120, -2 amendments, submitted by staff, dated 2/13/01, 6 pp**
- C – SB 227, written testimony submitted by Sen. Peter Courtney, dated 2/15/01, 1 p**
- D – SB 227, written testimony submitted by Constance Hawes, dated 2/21/01, 10 pp**
- E – SB 227, written testimony submitted by Randall Covey, 1 p**
- F – SB 227, written testimony submitted by Kelly Peterson, dated 2/21/01, 1 p**
- G – SB 227, written testimony submitted by Eileen Stark, dated 2/21/01, 2 pp**
- H – SB 227, -1 amendments, submitted by staff, dated 2/13/01, 1 p**
- I – SB 75, -1 amendments, submitted by staff, dated 1/26/01, 2 pp**
- J – SB 318, -1 amendments, submitted by staff, dated 2/15/01, 1 p**
- K – SB 366, -1 amendments, submitted by staff, dated 2/6/01, 1 p**