SENATE COMMITTEE ON JUDICIARY

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

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

These minutes are in compliance with Senate and House Rules. <u>Only text enclosed in quotation marks reports a speaker's exact words</u>. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 40, A		
003	Chair Minnis	Calls the meeting to order at 1:10 p.m.
SB 76 WOR	RK SESSION	
005	Counsel Odell	Introduces SB 76 regarding the interpreters certification
		program. Explains the -1 amendments (EXHIBIT A).
016	Vice Chair	MOTION: Moves to ADOPT SB 76-1 amendments dated
	Courtney	02/12/01.
	·	VOTE: 5-0-2
		EXCUSED: 2 - R. Beyer, Harper
019	Chair Minnis	Hearing no objection, declares the motion CARRIED.
020	Vice Chair	MOTION: Moves SB 76 to the floor with a DO PASS AS
	Courtney	AMENDED recommendation.
		VOTE: 5-0-2 EXCUSED: 2 D. Barrar Harman
022	Chain Minnia	EXCUSED: 2 - R. Beyer, Harper
022	Chair Minnis	Hearing no objection, declares the motion CARRIED.
		SEN. COURTNEY will lead discussion on the floor.
024	Chair Minnis	Closes the work session on SB 76 and opens a work session on
		SB 120.

<u>SB 120 WOR</u>	K SESSION	
031	Counsel Odell	Introduces SB 120 relating to claims against non-testamentary trusts. Advises that there are further amendments.
041 051	Jonathan Levy Vice Chair	Oregon State Bar Explains that the -2 amendments make language consistent and parallel to the equivalent probate statute (EXHIBIT B) MOTION: Moves to ADOPT SB 120-2 amendments dated
	Courtney Chair Minnis	02/13/01. VOTE: 5-0-2 EXCUSED: 2 – R. Beyer, Harper Hearing no objection, delares 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.
	<u>IC HEARING</u>	S
062 129	Sen. Peter Courtney Sen. John Minnis	 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. Senate District 11
178	Sen. Burdick	Testifies in support of SB 227. Explains that in his 4 ¹ / ₂ 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. Thanks the two senators for having the courage to support this
170	Sell. Bulatek	bill.
194	Myrna Wolgamot	Marion County, OR
266	Judge Jamese	 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. Marion County Circuit Court
Rhoades	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 TARE 41 A	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	Constance Hawes	Washington County
		Submits testimony and testifies in support of SB 227 (EXHIBIT D). 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 "zoofilia" 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	Lt. Randall Covey	Oregon Humane Society, Clackamas
		Submits testimony and testifies in support of SB 227(EXHIBIT E). Expresses his belief that doing harm to animals often leads to doing harm to humans.
316	Ingrid Swenson	Oregon Criminal Defense Lawyers Association
365	Chair Minnis	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. Asks if Ingrid is aware of any of the research relevant to animal/sexual abuse and psycho/sexual killers.
371 393	Swenson Glen Stonebrink	Explains that she has seen such research, but that she doesn't believe there is a direct numerical correlation between them. Oregon Cattleman's Association
		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.
TAPE 40, B		places a surden of proof on that producer.
046	Vice Chair	Explains that it is not the intent of the bill to put the burden of
073	Courtney Kelly Pederson	proof on the cattle industry. Humane Society of the United States
076	Wanda Patterson	Submits Testimony in support of SB 227 (EXHIBIT F). Northwest Counseling
000	Filoon Stork	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	Eileen Stark	Animal Legal Defense Fund

105	W-14 D1	Submits testimony in support of SB 227 (EXHIBIT G).
105	Walt Beglau	Deputy District Attorney, Marion County
		Testifies in support of SB 227. Discusses the "burden of proof" aspect of the bill.
135	Sen. Duncan	Closes the public hearing on SB 227 and opens a work session on SB 227.
<u>SB 227 W</u>	ORK SESSION	
137	Sen. Metsger	MOTION: Moves to ADOPT SB 227-1 amendments dated 2/13/01.
155	Vice Chair Courtney	Asks Ingrid Swenson about the intent of the word "shall" versus "may" on lines 5 and 18 of page 1 of the proposed –1 amendments (EXHIBIT H).
157	Swenson	Replies that she was suggesting that psychological evaluations ought not be mandatory.
173	Nancy Miller	State Court Administrator's Office
• · · ·		Testifies that she is in support of the amendment change from "shall" to "may".
211	Ann Christian	State Court Administrator's Office
		Discusses who would be responsible for payment of an
228	Sen. Harper	evaluation. Says that he is comfortable with the "may" in the amendment
220	Son. Hulpor	allowing for discretion on the part of the courts.
237	Walt Beglau	Deputy District Attorney, Marion County
244	Vice Chair Courtney	Explains the current status of the courts regarding evaluations. MOTION: Moves to amend the previous motion and ADOPT SB 227-1 amendments dated 02/13/01 and that the measure be FURTHER AMENDED
		on page 1, line 5, and 18, by changing "SHALL" to "MAY" and on page 1, line 14, by changing "MUST" to "MAY".
		VOTE: 7-0
280	Sen. Duncan	Hearing no objection, declares the motion CARRIED.
305	Sen. Courtney	MOTION: Moves SB 227 to the floor with a DO PASS AS AMENDED recommendation.
310	Sen. Beyer	Asks about the fiscal impact of this bill.
315	Christian	Suggests that it would be clearly less than \$50,000.
325	Sen. Beyer	Contends that the amendment will raise the fiscal impact.
333	Chair Minnis	States that he does not think it warrants a referral to Ways and Means.
343	Cindy Ingle	Points out that it is her understanding that most of the counseling costs are the responsibility of the convicted person.
366	Sen. Beyer	Says that he hopes the bill will be referred to Ways and Means when it reaches the floor, if a new fiscal shows an impact of
377		more than \$50,000. VOTE: 7-0
379	Sen. Duncan	Hearing no objection, declares the motion CARRIED. SEN. COURTNEY AND SEN. MINNIS will lead discussion on the floor.

384	Sen. Duncan	Closes the work session on SB 227 and opens a work session on SB 75.
<u>SB 75 WOF</u>	<u>RK SESSION</u>	
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 (EXHIBIT I).
TAPE 41, B		
012	Sen. Courtney	MOTION: Moves to ADOPT SB 75-1 amendments dated 01/26/01.
		VOTE: 5-0-2
		EXCUSED: 2 - Minnis, Harper
029	Sen. Duncan	Hearing no objection, declares the motion CARRIED.
030	Sen. Courtney	MOTION: Moves SB 75 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0-1
0.2.2	0 0	EXCUSED: 1 – Harper
033	Sen. Duncan	Hearing no objection, declares the motion CARRIED. SEN. COURTNEY will lead discussion on the floor.
036	Sen. Duncan	Closes the work session on SB 75 and opens a work session on SB 168.
SB 168 WO	RK SESSION	52 100.
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	MOTION: Moves SB 168 to the floor with a DO PASS recommendation.
		VOTE: 6-0-1
		EXCUSED: 1 – Harper
077	Sen. Duncan	Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.
079	Sen. Duncan	Closes the work session on SB 168 and opens a work session on SB 318.
SB 318 WO	RK SESSION	
080	Counsel Prins	Discusses SB 318 which creates defense to crime of possession of gambling records in second degree, and explains the -1
100	Sen. Courtney	amendments (EXHIBIT J). MOTION: Moves to ADOPT SB 318-1 amendments dated 02/15/01.
		VOTE: 7-0
102	Sen. Duncan	Hearing no objection, declares the motion CARRIED.
104	Sen. Courtney	MOTION: Moves SB 318 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0
107	Sen. Duncan	Hearing no objection, declares the motion CARRIED. SEN. MINNIS will lead discussion on the floor.

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