

SENATE COMMITTEE ON JUDICIARY

February 22, 2001 Hearing Room 343
1:00 p.m. Tapes 42 - 43

MEMBERS PRESENT: **Sen. John Minnis, Chair**
 Sen. Peter Courtney, Vice Chair
 Sen. Roger Beyer
 Sen. Ginny Burdick
 Sen. Verne Duncan
 Sen. Steve Harper
 Sen. Rick Metsger

STAFF PRESENT: **Craig Prins, Counsel**
 Annola DeJong, Committee Assistant

MEASURE/ISSUES HEARD: **SB 384 Public Hearing**
 SB 230 Public Hearing
 SB 352 Public Hearing
 SB 346 Public Hearing

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 42, A		
004	Chair Minnis	Calls the meeting to order at 1:05 p.m. and opens a public hearing on SB 384.
<u>SB 384 – PUBLIC HEARING</u>		
030	Donna Middleton	Director, Commission on Children and Families Testifies in support of SB 384 which would eliminate certain responsibilities of State Commission on Children and Families and transfers other responsibilities to Juvenile Crime Prevention Advisory Committee and the Oregon Youth Authority.
050	Chair Minnis	Asks if all the money has followed.
051	Middleton	Says the court subsidy dollars have not.
058	Karen Brazeau	Director, Oregon Youth Authority (OYA) Submits testimony and testifies in support of SB 384 (EXHIBIT A).
073	Chair Minnis	Confirms that Ms. Brazeau has a concern about being given a program, or transfer of responsibilities, without the funding.
079	Brazeau	Agrees. Talks about the OYA's proposed amendments to SB 384 (EXHIBIT A).
099	Chair Minnis	Recommends that the committee should talk with Ways and Means about the funding.
101	Brazeau	Points out the agencies involved agreed with the proposed concepts of SB 384 before there were discussions about the Governor's budget.
107	Chair Minnis	Inquires about the merits of the program that is lacking funding.

108 Middleton Describes the program.
113 Chair Minnis Suggests the committee obtain information from Ways and Means before they move on SB 384. Closes the public hearing on SB 384 and opens a public hearing on SB 230.

SB 230 – PUBLIC HEARING

171 **Constance Hawes**

Citizen

Submits testimony and testifies in support of SB 230 which would change the definition of physical injury for purposes of animal abuse and neglect statutes (**EXHIBITS B – E**).

263 Sen. Harper

Asks who prepared EXHIBITS B and C.

267 Hawes

Replies that it was Mr. Stephan Otto. Explains EXHIBITS B and C.

274 Sen. Harper

Inquires why the handler was not prosecuted under current law.

278 Hawes

Explains how the Appellate Court “set the standard” in that there “must be testimony from the victim,” or other expert testimony, about the length and intensity of the abuse.

313 Sen. Harper

Wonders where the suggested changes will fix this problem.

314 Hawes

Refers to Section 6, subsection 6, 7 and 9 on page 3, and Section 9, subsection 2a and 2b on page 4.

317 **Randy Covey**

Oregon Humane Society (OHS)

Submits testimony and testifies in support of SB 230 (**EXHIBIT F**).

408 Sen. Duncan

Inquires about the Law Enforcement Division of the OHS.

417 Covey

Talks about the enforcement division and the authority it operates under.

431 Sen. Duncan

Asks how many officers there are.

432 Covey

Replies, two.

443 **Laurie Lown**

In Defense of Animals

Testifies in support of SB 230.

TAPE 43, A

059 **Doug Riggs**

Metro

Submits testimony and testifies in support of SB 230 (**EXHIBIT G**).

096 **Ingrid Swenson**

Oregon Criminal Defense Lawyers Association (OCDLA)

Testifies as neutral on SB 230.

108 **Glen Stonebrink**

Oregon Cattlemen’s Association (OCA)

Submits testimony and testifies in opposition of SB 230 (**EXHIBIT H**).

168 **Tom Bucholz**

Citizen

Testifies in opposition of SB 230.

254 **Paige Clarkson**

Oregon District Attorney’s Association

Testifies in support of SB 230.

288 Chair Minnis

Mentions that the definition of “physical injury” is the key to making the laws that exist functional.

292 **Gina Skinner**

Oregon District Attorney’s Association

Agrees with Sen. Minnis. Talks about the issues surrounding defining the term physical injury (**EXHIBIT I**).

391 Chair Minnis

Suggests that part of the problem is the inability to provide proof in a courtroom.

416 Clarkson

Describes that in domestic violence cases, a prosecutor can prove physical injury without the victim present. Notes that there are

430 **Dave Barrows** provisions in SB 230 that deal with accidental injury.
Oregon Veterinary Medical Association (OVMA)
Testifies in support of SB 230 with the inclusion of the –1 and –
3 amendments (**EXHIBITS J & K**).
495 Sen. Beyer Inquires why the OVMA does not support the –2 amendments.
TAPE 42, B
027 Barrows Talks about Section 4 on page 2 of SB 230.
048 Sen. Beyer Refers to Subsection 3, line 13 and 14, on page 2. Asks what
licenses are required to sell cattle.
057 Barrows Replies he does not know.
064 Sen. Beyer Refers to the concerns that Mr. Stonebrink expressed.
067 Barrows Notes that some of those issues are addressed in the proposed
amendments.
076 Chair Minnis Says he believes they are going towards the right objective.
084 Sen. Burdick Inquires if SB 230 adequately protects people who are acting
with good intentions, i.e., putting an injured or sick animal to
sleep.
104 Barrows States that SB 230 would not impact that.
119 **Kelly Peterson** **Humane Society of the United States (HSUS)**
Testifies in support of SB 230.
135 Chair Minns Closes the public hearing on SB 230 and opens a public hearing
SB 352.

SB 352 – PUBLIC HEARING

188 **Connie Gallagher** **Department of Justice (DOJ)**
Submits testimony and testifies in support of SB 352 which
would extend the period during which claim for benefits and
payments may be made when a victim of crime suffers
catastrophic injuries (**EXHIBIT L**).
237 **Arwen Bird** **Survivors Advocating For an Effective System**
Submits testimony and testifies in support of SB 352 (**EXHIBIT**
M).
261 **Ron Soto** **Lincoln County Victims Assistance Program**
Submits testimony and testifies in support of SB 352 (**EXHIBIT**
N).
291 Sen. Duncan Asks if Ms. Bird is still eligible for assistance.
296 Bird Replies, no.
311 Sen. Duncan States for the record that he is very supportive of SB 352.
312 Counsel Prins Verifies that the statute does not contain a definition of
“catastrophic.”
318 Soto Agrees.
329 Chair Minnis Closes the public hearing on SB 352 and opens a public hearing
on SB 346.

SB 346 – PUBLIC HEARING

338 **Shelley McIntyre** **Department of Justice (DOJ)**
Submits testimony and testifies in support of SB 346 relating to
allowing a public servant or employer of public servant to seek
injunction against a person engaging in conduct constituting
specified crimes (**EXHIBIT O**).
407 Sen. Burdick Inquires how SB 346 would work?
412 McIntyre Describes what they would like to see happen – temporary
restraining order, or preliminary injunctive relief, or a permanent
injunctive relief.

447	Sen. Burdick	Asks if there are other statutes that would apply to a situation where a person is threatening to shoot someone.
452	McIntyre	Acknowledges that this conduct is a misdemeanor. Talks about the delay in getting immediate action.
475	Chair Minnis	Requests that Ms. McIntyre provide more information to the committee. Expresses concern that this situation might be applied "where it is not merited."
496	McIntyre	Agrees.
TAPE 43, B		
039	Chair Minnis	Closes the public hearing on SB 346, and adjourns the meeting at 3:00 p.m.

Submitted By,

Reviewed By,

Annola DeJong,
Committee Assistant

Craig Prins,
Counsel

EXHIBIT SUMMARY

A – SB 384, written testimony submitted by Karen Brazeau, Oregon Youth Authority, dated 2/22/01, 1 p.

B – SB 230, written testimony by Stephan Otto, submitted by Constance Hawes, dated 2/15/01, 3 pp.

C – SB 230, written testimony by Stephan Otto, submitted by Constance Hawes, dated 2/15/01, 2 pp.

D – SB 230, written testimony by James Hartmann, submitted by Constance Hawes, dated 2/15/01, 1 p.

E – SB 230, written testimony by Malgosia Cegielski, submitted by Constance Hawes, dated 2/18/01, 10 pp.

F – SB 230, written testimony submitted by Randy Covey, Oregon Humane Society, 1 p.

G – SB 230, written testimony submitted by Doug Riggs, Metro, dated 2/13/01, 2 pp.

H – SB 230, written testimony by Pete Test, submitted by Glen Stonebrink, Oregon Cattleman's Association, dated 2/22/01, 2 pp.

I – SB 230, State of Oregon v. Carrie Higgins, submitted by Gina Skinner, Oregon District Attorney's Association, 5 pp.

J – SB 230, -1 amendments, submitted by staff, dated 2/07/01, 2 pp.

K – SB 230, -3 amendments, submitted by staff, dated 2/13/01, 1 p.

L – SB 352, written testimony submitted by Connie Gallagher, Department of Justice, dated 2/22/01, 1 p.

M – SB 352, written testimony submitted by Arwen Bird, Survivors Advocating For an Effective System, dated 2/22/01, 1 p.

N – SB 352, written testimony submitted by Ron Soto, Lincoln County Victims' Assistance, dated 2/22/01, 1 p.

O – SB 346, written testimony submitted by Shelley McIntyre, Department of Justice, dated 2/22/01, 5 pp.

P – SB 384, written testimony submitted by Philip Lemman, Criminal Justice Commission, dated

2/22/01, 2 pp.

Q – SB 230, written testimony submitted by Michael Schrunk, Multnomah County District Attorney, dated 2/14/01, 1 p.

R – SB 230, written testimony submitted by Jim Welsh, Oregon Family Farm Association, 1 p.