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 – PU</u>	JBLIC HEARING	
030	Donna Middleton	Director, Commission on Children and Families
050	Chair Minnis	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. 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.

Constance Hawes	108 113	Middleton Chair Minnis	Describes the program. 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.
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. 264 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) 318 Sen. Duncan Inquires about the Law Enforcement Division of the OHS. 319 Inquires about the Law Enforcement Division of the OHS. 310 In Defense of Animals 311 Sen. Duncan Asks how many officers there are. 312 Covey Replies, two. 313 In Defense of Animals 314 Tayle 43, A 315 Doug Riggs Metro 316 Ingrid Swenson Oregon Criminal Defense Lawyers Association (OCDLA) 317 Tayle 43, A 318 Old Black Covey Replies, two. 319 Oregon Criminal Defense Lawyers Association (OCDLA) 319 Testifies as neutral on SB 230. 310 Glen Stonebrink Oregon Criminal Defense Lawyers Association (OCDLA) 311 Testifies in support of SB 230. 311 Testifies in support of SB 230. 312 Oregon District Attorney's Association 313 Association Agrees with Sen. Minnis. Talks about the issues surrounding defining the term physical injury "is the key to making the laws that exist functional. 316 Chair Minnis Suggests that part of the problem is the inability to provide proof in a courtroom. 317 Describes that in domestic violence cases, a prosecutor can prove			Citizan
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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 TAPE 42, B	Sen. Beyer	Inquires why the OVMA does not support the –2 amendments.
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)
135	Chair Minns	Testifies in support of SB 230. Closes the public hearing on SB 230 and opens a public hearing SB 352.
<u>SB 352 – PUBI</u>	LIC HEARING	
188	Connie Gallagher	Department of Justice (DOJ)
237	Arwen Bird	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). Survivors Advocating For an Effective System
0.61	D	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 Chair Minnis	Agrees.
329	Chair Minnis	Closes the public hearing on SB 352 and opens a public hearing on SB 346.
SB 346 – PUBI	LIC HEARING	
338	Shelley McIntyre	Department of Justice (DOJ)
407 412	Sen. Burdick McIntyre	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). Inquires how SB 346 would work? 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 TAPE 43, B	McIntyre	Agrees.
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, Craig Prins,
Committee Assistant 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.