

SENATE COMMITTEE ON JUDICIARY

March 26, 2001 Hearing Room 343

1:00 p.m. Tapes 71- 72

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

MEMBERS EXCUSED: **Sen. Ginny Burdick**

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

MEASURE/ISSUES HEARD: **SB 472 Public Hearing**
 SB 473 Public Hearing
 SB 803 Public Hearing
 SB 293 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 71, A		
003	Chair Minnis	Calls the meeting to order at 1:10 p.m. and opens a public hearing on SB 472 and SB 473.
<u>SB 472 & SB 473 PUBLIC HEARING</u>		
014	Sen. Tony Corcoran	Senate District 22 Submits testimony and testifies in support of SB 472 which will enhance the penalty for crime of failure to perform duties of driver to injured persons if accident results in death. Testifies in support of SB 473 which directs the Oregon Criminal Justice Commission to classify manslaughter in the second degree and criminally negligent homicide as crime category 9 (EXHIBIT A).
070	Janet Lovelace	Citizen, Pleasant Hill, OR Testifies in support of SB 472 and SB 473.
121	Kelly Lovelace	Citizen, Pleasant Hill, OR Testifies in support of SB 472 and SB 473.
161	Kevin Woodworth	Lane County Sheriff's Department Testifies in support of SB 472 and SB 473.
182	Pat O'Neil	Lane County Sheriff's Department Testifies in support of SB 472 and SB 473.
208	Eric Hasselman	Lane County District Attorney's Office Testifies in support of SB 472 and SB 473.
325	Doug Harclerod	Lane County District Attorney

		Testifies in support of SB 472 and SB 473.
361	Floyd Prozanski	Attorney, Eugene, OR
		Submits testimony and testifies in support of SB 472 and SB 473 (EXHIBIT B).
TAPE 72, A		
034	Sen. Harper	Asks why injury and death are “lumped together” in the existing statute.
038	Prozanski	Suggests the legislature may have been looking at the type of crime.
050	Harper	Talks about the commission that created the sentencing guidelines and grid.
062	Prozanski	States this legislation would create an enhanced penalty for fatalities.
069	Chair Minnis	Asks about tampering with evidence.
077	Hasselman	States that tampering with evidence is a Class A misdemeanor. Asserts the act of leaving the scene was the more severe crime.
105	Chair Minnis	Describes his understanding of what a prosecutor would have to prove under this legislation.
118	Prozanski	Says this legislation is the “first step.”
135	Chair Minnis	Remarks that he views this legislation as a “minimum threshold.”
140	Hasselman	Suggests the legislature could add an additional “aggravating factor.”
149	Sen. Metsger	Asks if the issue has to be a fatality – what if a person was severely injured.
171	Harcleroad	Proposes making four gradations of hit and run: property, physical injury, serious physical injury and death.
189	Anne Pratt	Citizen, Springfield, OR
		Submits testimony and testifies in support of SB 472 and SB 473 (EXHIBIT C).
270	Bruce Pratt	Citizen, Springfield, OR
		Submits testimony and testifies in support of SB 473 (EXHIBIT D).
327	Ingrid Swenson	Oregon Criminal Defense Lawyers Association (OCDLA)
		Testifies in opposition to SB 472 and SB 473.
448	Sen. Duncan	Inquires how Ms. Swenson might rewrite these bills to address the concerns of both parties.
457	Swenson	Proposes structuring the offense, or the penalty for the offense, to take the circumstances into account.
TAPE 71, B		
022	Swenson	Continues her testimony in opposition to SB 472 and SB 473.
089	Phil Lemman	Oregon Criminal Justice Commission
		Testifies as neutral on SB 472 and SB 473.
161	Prozanski	Responds to Ms. Swenson’s testimony on SB 472 and SB 473.
181	Harcleroad	Responds to Ms. Swenson’s testimony on SB 472 and SB 473.
247	Hasselman	Responds to Ms. Swenson’s testimony on SB 472 and SB 473.
282	Prozanski	Requests the committee move SB 472 and SB 473 as they are.
296	Chair Minnis	Discusses his intent to roll SB 472 and SB 473 together into one bill.
335	Chair Minnis	Closes the public hearing on SB 472 and SB 473 and opens a public hearing on SB 803.

SB 803 PUBLIC HEARING

336	Chair Minnis	Discusses SB 803 which will modify membership of the Oregon Criminal Justice Commission.
381	Phil Lemman	Oregon Criminal Justice Commission
		Describes the various functions of the commission.
490	Chair Minnis	Closes the public hearing on SB 803 and opens a public hearing on SB 293.
<u>SB 293 PUBLIC HEARING</u>		
<u>TAPE 72, B</u>		
040	Phil Lemman	Oregon Criminal Justice Commission
		Submits testimony and testifies in support of SB 293 relating to approving the adoption of rules and amendments to rules by Oregon Criminal Justice Commission ranking and classifying crimes created and modified by Seventieth Legislative Assembly (EXHIBIT E) .
106	Chair Minnis	Asks if the minimum sentencing for using a firearm in the commission of a felony is concurrent with other charges.
110	Lemman	Responds no. Talks about minimum sentencing guidelines. Continues his testimony in support of SB 293.
212	Chair Minnis	Inquires how many people have been sentenced for money laundering.
214	Lemman	Replies he is not certain.
232	Chair Minnis	Asks about sentencing for repeat property offenses.
235	Lemman	Discusses a Court of Appeals ruling on guidelines for property offenses. Continues his testimony in support of SB 293.
316	Chair Minnis	Wonders about current figures for Oregon's prison population.
331	Lemman	Explains the Department of Administrative Services released the new forecast. Mentions he will provide copies of the forecast to the committee.
343	Chair Minnis	Talks about his intent for SB 293.
367	Chair Minnis	Closes the public hearing on SB 293 and adjourns the meeting at 2:55 p.m.

Submitted By,

Reviewed By,

Annola DeJong,
Committee Assistant

Craig Prins,
Counsel

EXHIBIT SUMMARY

A – SB 472 and SB 473, written testimony submitted by Sen. Tony Corcoran, Senate District 22, dated 3/26/01, 7 pp.

B – SB 472 and SB 473, written testimony submitted by Floyd Prozanski, Attorney, dated 3/26/01, 2 pp.

C – SB 472 and SB 473, written testimony submitted by Anne Pratt, Citizen, dated 3/26/01, 15 pp.

D – SB 473, written testimony submitted by Bruce Pratt, Citizen, dated 3/26/01, 2 pp.

E – SB 293, written testimony submitted by Phillip Lemman, Oregon Criminal Justice Commission, dated 3/26/01, 17 pp.

F – SB 492, written testimony submitted by Jerome Cooper, Governor’s Advisory Committee on Driving Under the Influence of Intoxicants, dated 3/26/01, 1 p.