

SENATE COMMITTEE ON JUDICIARY

March 06, 2001 Hearing Room 343

1:00 p.m. Tapes 53- 54

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 183 Work Session
 SB 625 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 53, A		
003	Chair Minnis	Calls the meeting to order at 1:13 p.m. and opens a work session on SB 183.
<u>SB 183 – WORK SESSION</u>		
004	Counsel Prins	Introduces SB 183 relating to establishing procedure enabling Department of Corrections to obtain reimbursement from inmates for costs of care incurred by the department. Discusses the proposed amendments (EXHIBITS A – E). Notes the –1 and –2 amendments have already been adopted (EXHIBITS A - E).
054	Sen. Metsger	MOTION: Moves to ADOPT SB 183-5 amendments dated 02/26/01. VOTE: 7-0-0
059	Chair Minnis	Hearing no objection, declares the motion CARRIED.
061	Sen. Courtney	MOTION: Moves SB 183 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 7-0-0
067	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. METSGER will lead discussion on the floor.
070	Chair Minnis	Closes the work session on SB 183 and opens a public hearing on SB 625.
<u>SB 625 – PUBLIC HEARING</u>		
086	Dixie Hannon	Legislative Aide for Sen. Hannon Testifies in support of SB 625 which would expand the crime of invasion of personal privacy to include nonconsensual

		observation of nude person for the purpose of arousing or gratifying sexual desire.
146	Michelle Bobbett	Hairstylist
		Testifies in support of SB 625.
159	Sen. Beyer	Clarifies that SB 625 would not apply to places like the YMCA.
161	Hannon	States that SB 625 would only apply to places that are clearly places of privacy. Mentions that places such as the YMCA are not considered truly private areas.
176	Sen. Beyer	Refers to lines 15 and 16, and Section 2(c) on page 1. Expresses concern that SB 625 does include places like the YMCA.
186	Hannon	Agrees. Mentions that this issue can be addressed.
187	Chair Minnis	Explains his understanding of what would be accomplished by amending ORS 163.700 with SB 625.
198	Hannon	Agrees.
200	Chair Minnis	Suggests the committee should determine what is a reasonable expectation of personal privacy.
209	Sen. Duncan	Inquires why the term “observing” is included.
213	Chair Minnis	Talks about “accidental viewing” vs. observing with the purpose of sexual gratification.
230	Hannon	Remarks that SB 625 would make it a crime to observe with an empty recording device, i.e., a video recorder without a tape.
243	Sen. Burdick	Asks how the criteria of gratifying sexual desire addresses the situation in a tanning salon.
252	Bobbett	Describes what is typically in a tanning room.
273	Pamela Varndell	Citizen Advocate
		Testifies in opposition to SB 183.
TAPE 54, A		
034	Ingrid Swenson	Oregon Criminal Defense Lawyers Association (OCDLA)
		Testifies as neutral on SB 625.
062	Chair Minnis	Wonders in what circumstances a spouse could be charged for seeing their partner nude.
064	Swenson	Offers a possible scenario. Continues her testimony on SB 625.
092	Chair Minnis	Inquires what changes Ms. Swenson suggests.
093	Swenson	Recommends inserting on line 13, on page 1, after the word knowingly, “places oneself in a position to observe and does observe.”
106	Counsel Prins	Asks about a person watching with a camera but not recording or taking pictures.
113	Swenson	Responds the person had to “place themselves in that position.”
117	Counsel Prins	Inquires if Ms. Swenson is aware of any cases in Multnomah County where ORS 163.700 has been applied or interpreted.
120	Swenson	Replies she has never seen one.
125	Sen. Beyer	Suggests new wording for line 7, on page 1.
142	Sen. Metsger	Asks Ms. Swenson if her suggested amendment would solve the problem of the example she gave.
150	Swenson	Agrees.
155	Vice Chair Courtney	Wonders about someone observing a nudist colony.
174	Hannon	Talks about ORS 161.015 and how it applies to spousal situation.
187	Chair Minnis	Verifies he understands the intent of SB 625.
191	Hannon	Agrees with Sen. Minnis.
202	Chair Minnis	Closes the public hearing on SB 625 and adjourns the meeting at 2:10 p.m.

Submitted By,

Reviewed By,

Annola DeJong,
Committee Assistant

Craig Prins,
Counsel

EXHIBIT SUMMARY

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A – SB 183, -1 amendments submitted by staff, dated 2/13/01, 1 p.

B – SB 183, -2 amendments submitted by staff, dated 2/13/01, 1 p.

C – SB 183, -3 amendments submitted by staff, dated 2/15/01, 1 p.

D – SB 183, -4 amendments submitted by staff, dated 2/15/01, 1 p.

E – SB 183, -5 amendments submitted by staff, dated 2/26/01, 1 p.