

SENATE COMMITTEE ON JUDICIARY

April 10, 2001 Hearing Room 343

1:00 p.m. Tapes 92 - 93

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

MEASURES HEARD: **SB 921 Public Hearing**
 SB 736 Public Hearing
 SB 664 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 92, A		
003	Chair Minnis	Calls the meeting to order at 1:00 p.m. and opens a public hearing on SB 921.
<u>SB 921 PUBLIC HEARING</u>		
004	Chair Minnis	Introduces SB 921 which would create a task force to assess resource needs for investigation of computer crimes to ensure Oregon eligibility for federal grants.
019	Counsel Prins	Refers to the Federal Computer Crime Enforcement Act and ORS 164.377 (EXHIBIT A).
042	Rosanne Sizer	Portland Police Bureau Submits testimony and testifies in support of SB 921 (EXHIBIT B).
089	Chair Minnis	Inquires how much money the Portland Police Bureau spends on computer crime investigations.
092	Sizer	Talks about computer crimes and equipment.
119	Pete Shepard	Attorney General's Office Submits testimony and testifies in support of SB 921 (EXHIBIT C).
188	Chuck Pritchard	Department of Justice (DOJ) Testifies in support of SB 921.
204	Greg Nyhus	Department of Justice (DOJ) Submits testimony and testifies in support of SB 921 (EXHIBIT D).

232	Chair Minnis	Asks Mr. Shepard about white collar crime investigation. Inquires about financial resources meeting the needs of enforcement.
241	Pritchard	Says their financial needs are not being met. Reports Oregon has three investigators with fraud expertise for the entire state.
265 270	Sen. Harper Shepard	Asks what would happen if the committee does not pass SB 921. Talks about a needs assessment requirement to be eligible for federal grant money.
324	Chair Minnis	Says the committee has to decide if there are funds available to match 10 percent of the federal grant money.
376	Chair Minnis	Closes the public hearing on SB 921 and opens a public hearing on SB 736.

SB 736 PUBLIC HEARING

384 **Sen. Gary George**

Senate District 2

Submits testimony and testifies in support of SB 736 relating to expanding sex offender reporting requirements to person convicted of sex crime after January 1, 1972 who is not currently required to report (**EXHIBIT E & F**).

451 Vice Chair Courtney

Verifies that he understands what group of sex offenders that SB 736 applies to.

463 Sen. George

Agrees.

TAPE 93, A

022 Vice Chair Courtney

Inquires about the notification process.

023 Counsel Prins

Explains Oregon's sex offender notification laws. Talks about the intent of SB 736.

045 Vice Chair Courtney

Cautions the committee not to "do away" with the law already in place. Says registration and notification are two separate issues. Agrees.

070 Sen. George

Asks about the 1989 date in the previous legislation.

084 Sen. Burdick

Contends that was the year legislature started working on sex offender registration.

087 Vice Chair Courtney

Verifies her understanding of the 1989 legislation.

093 Sen. Burdick

Agrees.

095 Vice Chair Courtney

Explains the statute requiring sex offender registration.

103 Counsel Prins

Oregon Criminal Defense Lawyers Association (OCDLA)

139 **Ingrid Swenson**

Testifies in opposition to SB 736.

227 Vice Chair Courtney

Asks Ms. Swenson if sex offender registration and notification are necessary.

238 Swenson

Replies, she is not sure. Notes that if high risk offenders can be identified, notification "can serve a purpose."

263 Counsel Prins

Clarifies the crime of failure to report as a sex offender.

268 Swenson

Agrees with the clarification.

283 Chair Minnis

Closes the public hearing on SB 736 and opens a public hearing on SB 664.

SB 664 PUBLIC HEARING

299 **Pat Callahan**

Multnomah County District Attorney's Office

Submits testimony and testifies in support of SB 664 which would create mandatory minimum sentence of five years for a person convicted for the third time of felony having fraud as material element (**EXHIBIT G**).

407 **Doug Justus**

Portland Police Department

Testifies in support of SB 664.

TAPE 92, B

001	Justus	Continues his testimony in support of SB 664.
037	Callahan	Talks about the fiscal impact statement for SB 664.
074	Chair Minnis	Asks how many fraud cases are paid for out of the indigent defense.
077	Callahan	Replies, about 95 percent of the cases.
100	Counsel Prins	Refers to the -2 amendment. Asks about the changes the amendment makes (EXHIBIT H).
107	Callahan	Explains the differences between Section 1 and Section 2 in the amendments.
150	Sen. Metsger	Inquires about the penalty for identity theft.
153	Callahan	Says SB 664 with the -2 amendments will standardize the penalty with other crimes. For example, theft in the first degree or commercial burglaries.
187	Chair Minnis	Mentions SB 664 is tougher without the -2 amendments.
199	Sen. Harper	Asks why SB 664 needs to be amended.
200	Counsel Prins	Observes that SB 664, as written, deals with crimes that have fraud as the material element. Suggests the court may not agree that these types of crimes center around fraud.
212	Phil Lemman	Oregon Criminal Justice Commission
		Testifies as neutral on SB 664.
335	Kevin Mannix	Attorney, Salem, OR
		Testifies in support of SB 664 with the adoption of the -2 amendments.

TAPE 93, B

001	Mannix	Continues his testimony in support of SB 664.
068	Dale Penn	Marion County District Attorney
		Testifies in support of SB 664 with the -2 amendments.
121	Ingrid Swenson	Oregon Criminal Defense Lawyers Association (OCDLA)
		Testifies in opposition to SB 664.
214	Chair Minnis	Asks whether SB 664 would affect indigent defense cases.
220	Swenson	Acknowledges their indigent case load could decrease.
228	Vice Chair Courtney	Says that if SB 664 does not pass then someone may write an initiative.
232	Mannix	Agrees.
251	Vice Chair Courtney	Proposes that SB 664 could be more narrowly drafted.
280	Mannix	Explains why he suggested a referral to the voters.
301	Sen. Metsger	Inquires if Mr. Mannix believes the committee can reach a consensus on SB 664.
317	Mannix	Responds no.
358	Sen. Metsger	Asks about having a time frame on how far back authorities can go when considering previous offenses.
370	Mannix	Agrees there is validity to having a time frame.
381	Sen. Metsger	Verifies the OCDLA does not support SB 664.
386	Swenson	Agrees. Discusses alternative solutions for dealing with career criminals.
414	Sen. Burdick	Asks about the statute of limitations. (<i>Her microphone cut out periodically.</i>)
432	Mannix	Talks about the statute of limitations. Explains the issue is whether previous convictions count.

Submitted By,

Reviewed By,

Annola DeJong,
Committee AssistantCraig Prins,
Counsel**EXHIBIT SUMMARY****A – SB 921, written testimony submitted by staff, 4 pp.****B – SB 921, written testimony submitted by Rosanne Sizer, Portland Police Bureau, dated 4/6/01, 1 p.****C – SB 921, written testimony submitted by Pete Shepard, Attorney General's Office, 2 pp.****D – SB 921, written testimony submitted by Greg Nyhus, Department of Justice, dated 4/6/01, 42 pp.****E – SB 736, written testimony submitted by Sen. Gary George, Senate District 2, dated 4/10/01, 1 p.****F – SB 736, written testimony from Leslie Lewis, submitted by Sen. Gary George, Senate District 2, dated 4/3/01, 1 p.****G – SB 664, written testimony submitted by Pat Callahan, Multnomah County District Attorney's Office, 3 p.****H – SB 736, written testimony from Governor Kitzhaber, submitted by Steve Marks, dated 4/09/01, 1 p.**