

## SENATE COMMITTEE ON JUDICIARY

April 16, 2001 Hearing Room 343

1:00 p.m. Tapes 96 - 97

**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 HEARD:**        **SB 145 Public Hearing and Work Session**  
                                  **SB 654 Work Session**  
                                  **SB 80 Public Hearing and Work Session**

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 96, A</b>		
004	Chair Minnis	Calls the meeting to order at 1:10 p.m. and opens a public hearing on SB 145.
<b><u>SB 145 PUBLIC HEARING</u></b>		
012	<b>Wally Carson</b>	<b>Chief Justice, Oregon Supreme Court</b> Testifies in support of SB 145 which will create a Public Defense Services Commission.
041	<b>Barnes H. Ellis</b>	<b>Public Defense Services Commission</b> Submits testimony and testifies in support of SB 145 ( <b>EXHIBIT A</b> ).
272	Chair Minnis	Asks how SB 145 differs from the current system.
274	Ellis	Explains the differences.
301	Chair Minnis	Confirms that Justice Carson would be appointing the members.
303	Carson	Agrees.
320	Chair Minnis	Asks how the commission would relate to the legislative assembly.
325	Carson	Says that he hopes the legislature would get better information. Discusses how this might be accomplished.
402	Sen. Harper	Inquires about how many cases have been over turned on appeal due to poor defense.
409	Carson	Replies he does not know.
<b>TAPE 97, A</b>		
016	<b>Ann Christian</b>	<b>Director, Indigent Defense Services Division, State Court Administrator's Office</b> Responds to Sen. Harper's question.
062	Sen. Beyer	Confirms that SB 145 creates a new budget that the legislature would

have to approve.

068 Ellis Agrees. Talks about how SB 145 would affect state agencies.  
105 **Ross Shepard Lane County Public Defender**  
Testifies in support of SB 145.

132 **Dave Groom Director, State Public Defenders Office**  
Testifies in support of SB 145.

231 Christian Submits testimony and testifies in support of SB 145. Talks about the -1 amendments to SB 145 (**EXHIBITS B – D**).

405 Sen. Harper Asks Ms. Christian to explain “financially eligible.”  
407 Christian Discusses what “financially eligible” means in the context of SB 145.

**TAPE 96, B**

001 Christian Continues her testimony in support of SB 145.  
071 Vice Chair Cites the number of disqualifiers for potential Public Defense Services  
Courtney Commission committee members.

105 Christian Expresses concern that the transfer date in SB 145 is too soon.  
170 Chair Minnis Asks Ms. Christian if she supports SB 145.  
190 Christian Responds that she does.  
210 **Ingrid Oregon Criminal Defense Lawyers Association (OCDLA)**  
**Swenson**  
Submits written testimony from Bob Thuemmel and testifies in  
opposition to SB 145 (**EXHIBIT E**).

218 **Dave Audit Oregon Criminal Defense Lawyers Association (OCDLA)**  
Testifies in opposition to SB 145.

295 **Diana Stuart Indigent Defense Task Force**  
Submits testimony and testifies as neutral on SB 145 (**EXHIBIT F**).

**TAPE 97, B**

001 Stuart Continues her testimony as neutral on SB 145.  
073 **Kevin Mannix Attorney, Salem, OR**  
Testifies in support of SB 145.

101 Chair Minnis Closes the public hearing on SB 145 and opens a work session on SB  
145.

**SB 145 WORK SESSION**

102 **Vice Chair MOTION: Moves to ADOPT SB 145-1 amendments dated 04/16/01.**  
**Courtney**

104 **VOTE: 6-0-1**  
**EXCUSED: 1 - Burdick**

105 **Chair Minnis Hearing no objection, declares the motion CARRIED.**

106 **Vice Chair MOTION: Moves SB 145 DO PASS AS AMENDED and BE**  
**Courtney REFERRED to the committee on Ways and Means.**

108 **VOTE: 6-0-1**  
**EXCUSED: 1 - Burdick**

109 **Chair Minnis Hearing no objection, declares the motion CARRIED.**  
117 Chair Minnis Closes the work session on SB 145 and opens a work session on SB 654.

**SB 654 WORK SESSION**

119 Counsel Prins Introduces SB 654 which includes prostitution in circumstances under  
which a law enforcement officer may obtain part of conversation by  
means of device. Talks about the –2 amendments (**EXHIBIT G**).

147 Chair Minnis Explains the objective of the –2 amendments to the committee.  
153 Sen. Metsger Asks what other circumstances are covered besides prostitution and  
drugs.

162 Counsel Prins Replies SB 654 would apply to “any felony where there is an emergency  
situation.”

175	Sen. Burdick	Verifies her understanding of the intent of SB 654. Inquires if SB 654 places body wires in the same category as recorded phone conversations.
209	Counsel Prins	Agrees.
244	<b>Vice Chair Courtney</b>	<b>MOTION: Moves to ADOPT SB 654-2 amendments dated 03/20/01.</b>
246		<b>VOTE: 7-0-0</b>
247	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
248	<b>Courtney</b>	<b>MOTION: Moves SB 654 to the floor with a DO PASS AS AMENDED recommendation.</b>
251		<b>VOTE: 7-0-0</b>
252	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED. SEN. MINNIS will lead discussion on the floor.</b>
253	Chair Minnis	Closes the work session on SB 654 and opens a public hearing on SB 80.
	<b><u>SB 80 PUBLIC HEARING</u></b>	
256	<b>Ann Christian</b>	<b>Director, Indigent Defense Services Division, State Court Administrators Office</b>
		Submits testimony and testifies in support of SB 80 (EXHIBIT H).
297	Chair Minnis	Closes the public hearing on SB 80 and opens a work session on SB 80.
	<b><u>SB 80 WORK SESSION</u></b>	
299	<b>Vice Chair Courtney</b>	<b>MOTION: Moves SB 80 to the committee on Ways and Means.</b>
302		<b>VOTE: 7-0-0</b>
303	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
306	<b>Vice Chair Courtney</b>	<b>MOTION: Moves to SUSPEND the rules for the purpose of allowing Sen. Burdick to vote on SB 145.</b>
308		<b>VOTE: 7-0-0</b>
309	<b>Chair Minnis</b>	<b>Hearing no objection, asks Sen. Burdick how she votes.</b>
310	<b>Sen. Burdick</b>	<b>Votes "Aye."</b>
323	Chair Minnis	Closes the work session on SB 80 and adjourns the meeting at 2:50 p.m.

Submitted By,

Reviewed By,

Annola DeJong,  
Committee Assistant

Craig Prins,  
Counsel

**EXHIBIT SUMMARY**

**A – SB 145, written testimony submitted by Barnes H. Ellis, Public Defense Services Commission, dated 4/16/01, 6 pp.**

**B – SB 145, written testimony submitted by Ann Christian, Indigent Defense Services Division, dated 4/16/01, 4 pp.**

**C – SB 145, written testimony submitted by Ann Christian, Indigent Defense Services Division, 12 pp.**

- D – SB 145, -1 amendments from staff, submitted by Ann Christian, dated 4/16/01, 4 pp.**
- E – SB 145, written testimony from Bob Thuemmel, submitted by Ingrid Swenson, OCDLA, dated 4/16/01, 1 p.**
- F – SB 145, written testimony submitted by Diana Stuart, Indigent Defense Task Force, 19 pp.**
- G – SB 654, -2 amendments submitted by staff, dated 3/20/0, 15 pp.**
- H – SB 80, written testimony submitted by Ann Christian, Indigent Defense Services Division, dated 4/16/01, 1 p.**