

SENATE COMMITTEE ON JUDICIARY

April 19, 2001 Hearing Room 343
1:00 p.m. Tapes 102-103

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**
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2353A Public Hearing and Work Session**
 SB 353 Work Session
 HB 2385A Public Hearing and Work Session
 HB 2344A Work Session

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 102, A		
006	Chair Minnis	Calls the meeting to order at 1:15 p.m. and opens a public hearing on HB 2353A.
HB 2353A PUBLIC HEARING		
013	Rep. Cheryl Walker	House District 51 Testifies in support of HB 2353A that creates crime of causing another person to ingest controlled substance with intent to commit crime of violence. Says that our laws need to be updated to include this new and dangerous form of abuse.
043	Sen. Burdick	Asks if this bill is broad enough to include people who distribute drugs to an unsuspecting group.
049	Rep. Walker	Replies, yes.
061	Sen. Metsger	Asks about the federal statute.
076	Mark McDonald	Sr. Deputy District Attorney, Multnomah County Says that he is not sure of the federal statute, but feels that the burden of prosecuting these cases falls on local district attorneys' offices.
095	Sen. Burdick	Asks how this crime is currently prosecuted.
098	McDonald	Replies that under sentencing guidelines it is at a very low level.
104	Sen. Burdick	Asks about assault as a possible charge.
105	McDonald	Replies that it would be very difficult to identify the degree of injury.
123	Tom Lininger	U.S. Attorneys' Office

259	Sen. Burdick	Submits testimony and testifies in support of HB 2353A (EXHIBIT A). Defines “analog” as it relates to controlled substances. Discusses the –3 amendments (EXHIBIT B). Asks if this bill is broad enough to include the distribution of these drugs to an unknowing group at a “Rave”.
273	McDonald	Replies that this is not what usually happens at a “Rave” party. Explains that people that go to these parties generally know what they are there for and while they make take something unwittingly, he has not seen any such case yet.
297	Chair Minnis	Asks if “consent” is the same as “knowledge”.
298	Lininger	Replies, no.
323	Chair Prins	Asks if the word analog would pass a vagueness test.
329	Lininger	Says that he is not aware of a published case that addresses that issue.
348	Claudia Weber	Oregon Legislative Alliance Testifies in support of HB 2353A. Discusses the experience of two young girls who were given pills they thought were caffeine, but were GHB. Describes the various “date rape” drugs available.

TAPE 103A

069	Chair Minnis	Closes the public hearing on HB 2353A and opens a work session.
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HB 2353A WORK SESSION

071	Chair Minnis	Explains that he does not want a motion to accept the amendments to this bill.
080	Vice Chair Courtney	MOTION: Moves HB 2353A to the floor with a DO PASS recommendation.
		VOTE: 7-0-0
121	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. COURTNEY will lead discussion on the floor.

125	Chair Minnis	Closes the work session on HB 2353A and opens a work session on SB 353.
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SB 353 WORK SESSION

126	Counsel Prins	Introduces SB 353 that excludes consideration of crime victim’s conduct contributing to crime victim’s death in determining compensation. Explains the –1 and -2 amendments (EXHIBIT C & D).
168	Vice Chair Courtney	MOTION: Moves to ADOPT SB 353-2 amendments dated 4/19/01.
		VOTE: 7-0-0
171	Chair Minnis	Hearing no objection, declares the motion CARRIED.
172	Vice Chair Courtney	MOTION: Moves SB 353 to the floor with a DO PASS recommendation as amended.
		VOTE: 7-0-0
175	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. HARPER will lead discussion on the floor.

181	Chair Minnis	Closes the work session on SB 353 and opens a public hearing on HB 2385A.
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HB 2385A PUBLIC HEARING

209	Counsel Prins	Introduces HB 2385A that creates crime of interference with
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220	Byron Chatfield	agricultural research. Oregon Attorney General's Office Testifies in support of HB 2385A. Says that eco-terrorism is becoming a major criminal issue in the Northwest and believes that racketeering reflects the criminal activity that these groups are engaged in.
256	Rep. Lane Shetterly	House District 34 Testifies in support of HB 2385A. States that this bill creates a new crime that would fall under the category of racketeering, and would elevate the crime to a class A felony. Indicates that this bill got outstanding support in the House. Distributes an article about the destruction of trees at Oregon State University (EXHIBIT E).
361	Sen. Harper	Asks what the penalty will be under this bill.
364	Rep. Shetterly	Says that this bill will elevate the penalty from a class A misdemeanor to a class A felony.
413	Terry Witt	Oregonians for Food and Shelter Submits testimony and testifies in support of HB 2385A (EXHIBIT F). Indicates that 33 incidents of eco-terrorism have occurred in the last 4 years, and one of every 5 attacks occurred in the state of Oregon.
TAPE 102, B 085	Bart Thielges	Associate Dean, College of Forestry, OSU Submits testimony and testifies in support of HB 2385A (EXHIBIT G). Talks about the incident at Oregon State University.
153	Chair Minnis	Closes the public hearing on HB 2385A and opens a work session.
<u>HB 2385A WORK SESSION</u>		
154	Vice Chair Courtney	MOTION: Moves HB 2385A to the floor with a DO PASS recommendation.
157	Chair Minnis	VOTE: 7-0-0 Hearing no objection, declares the motion CARRIED. SEN. BEYER will lead discussion on the floor.
159	Chair Minnis	Closes the work session on HB 2385A and opens a work session on HB 2344A.

HB 2344A WORK SESSION

165	Vice Chair Courtney	MOTION: Moves HB 2344A to the floor with a DO PASS recommendation.
169	Chair Minnis	VOTE: 7-0-0 Hearing no objection, declares the motion CARRIED. SEN. BEYER will lead discussion on the floor.
180	Chair Minnis	Closes the work session on HB 2344A and adjourns the meeting at 2:40 p.m.

Submitted By, Reviewed By,

Jane Bodenweiser,
Committee Assistant

Craig Prins,
Counsel

EXHIBIT SUMMARY

- A – HB 2353A, written testimony submitted by Tom Lininger, dated 4/19/01, 7 pp**
- B – HB 2353A, -A3 amendments submitted by staff, dated 4/19/01, 1 p**
- C – SB 353, -1 amendments submitted by staff, dated 4/18/01, 1 p**
- D - SB 353, -2 amendments submitted by staff, dated 4/19/01, 1 p**
- E – HB 2385A, Gazette-Times article reprint, submitted by Rep. Lane Shetterly, dated 3/28/01, 1 p**
- F – HB 2385A – written testimony submitted by Terry Witt, dated 4/19/01, 10 pp**
- G – HB 2385A – OSU News reprint submitted by Bart Thielges, dated 3/23/01, 4 p**
- H – HB 2344A – written testimony submitted by Glen Kolb, dated 4/18/01, 1 p**
- I – HB 2344A & HB 2385A, written testimony submitted by Jean Wilkinson, dated 4/19/01, 13 pp**