

SENATE COMMITTEE ON JUDICIARY

May 10, 2001 Hearing Room 343
1:00 p.m. Tapes 132 - 133

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: HB 2336A Public Hearing and Work Session
 HB 2379A Public Hearing
 HB 2380B Public Hearing and Work Session
 HB 2391A Public Hearing and Work Session
 HB 2100 Public Hearing and Work Session
 HB 2388A Work Session
 SB 293 Work Session
 SB 370 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 132, A		
007	Chair Minnis	Calls the meeting to order at 1:45 p.m. and opens a public hearing on HB 2336.
<u>HB 2336A PUBLIC HEARING</u>		
021	Jan Shea	Appellate Legal Counsel, Oregon Supreme Court Submits testimony and testifies in support of HB 2336A which creates statutory framework for appeals from juvenile court proceedings (EXHIBIT A).
040	Michael Livingston	Attorney General's Office Testifies in support of HB 2336A.
046	Chair Minnis	Clarifies his understanding of HB 2336A.
047	Livingston	Agrees.
048	Chair Minnis	Closes the public hearing on HB 2336A and opens a work session on HB 2336A.
<u>HB 2336A WORK SESSION</u>		
049	Vice Chair Courtney	MOTION: Moves HB 2336A to the floor with a DO PASS recomm
051		VOTE: 7-0-0
052	Chair Minnis	Hearing no objection, declares the

053 Chair Minnis

HB 2379A PUBLIC HEARING

070 Bill Houser

104 Bernie Bottomly

133 Mike Colbach

154 Dave Golliday

189 Joel
Shapiro

220 Chair Minnis

221 Shapiro

228 Chair Minnis

230 Shapiro

235 Sen. Metsger

248 Shapiro

**motion
CARRIED.
SEN.
COURTNEY will
lead discussion on
the floor.**
Closes the work
session on HB
2336A and opens
a public hearing
on HB 2379.

**Oregon Criminal
Defense Lawyers
Association
(OCDLA)**

Testifies in
support of HB
2379A which will
exclude riding in
or using a public
transit vehicle
from the crime of
unauthorized use
of a motor vehicle.
Tri-Met

Testifies in
support of HB
2379A.
**Multnomah
County District
Attorney's Office**

Submits testimony
and testifies in
support of HB
2379A (**EXHIBIT
B**).
**Portland Police
Bureau**

Submits testimony
and testifies in
support of HB
2379A (**EXHIBIT
C**).
**Legislative Aide,
Representative
Beck's Office**

Testifies in
support of HB
2379A. Talks
about the –A4
amendments
(EXHIBIT D).
Asks about the
definition of
physical injury.
Discusses the
“working
definition” of
physical injury.
Inquires about
recklessly
operating a
vehicle.
Talks about what
determines
reckless conduct.
Asks why HB
2379A is
necessary.
Relates that “in
most cases”
recklessness is not
charged. Points
out by changing
the law, officers
will receive
training about the
need to charge

303	Sen. Burdick	reckless driving as a misdemeanor. Verifies her understanding of the current penalty for reckless driving. Expresses concern that HB 2379A would reduce the criteria for a reckless driving charge.
320 344	Shaprio Counsel Prins	Disagrees. Discusses "criminal charges." Explains HB 2379A parallels an Assault 4 charge. Asks if HB 2379A will result in more prosecutions.
377	Sen. Burdick	Replies, no. Explains the basic intent of HB 2379A.
381 394	Counsel Prins Shapiro	Explains the basic intent of HB 2379A.
434	Andrea Meyer	American Civil Liberties Union (ACLU) Testifies in opposition to HB 2379A.
446	Vice Chair Courtney	Closes the public hearing on HB 2379A and opens a public hearing HB 2380.

TAPE 133, A
HB 2380B PUBLIC HEARING

033	Kevin Campbell	Oregon Association Chiefs of Police Submits testimony and testifies in support of HB 2380B which will authorize any city with population of 30,000 or more and the City of Newberg to use photo red light (EXHIBITS E - I) .
068	Walt Myers	Chief, Salem Police Department Submits testimony and testifies in support of HB 2380B (EXHIBIT J) .
135	Chair Minnis	Closes the public hearing on HB 2380B and opens a work session on HB 2380B.

HB 2380B WORK SESSION
136 Vice Chair Courtney

141		MOTION: Moves HB 2380B to the floor with a DO PASS recomm VOTE: 4-3-0
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144 Chair Minnis

160 Chair Minnis

HB 2391A PUBLIC HEARING

168 Kathie Osborn

209 Michael Livingston

244 Chair Minnis

249 Osborn

271 Chair Minnis

HB 2391A WORK SESSION

273 Vice Chair Courtney

285

286 Chair Minnis

300 Chair Minnis

HB 2100 WORK SESSION

301 Counsel Prins

**AYE: 4 -
Sen. Courtney,
Sen. Minnis, Sen.
Duncan, Sen.
Burdick
NAY: 3 -
Sen. Metsger,
Sen. Beyer, Sen.
Harper**

**The motion
Carries.
SEN. DUNCAN
will lead
discussion on the
floor.**
Closes the work
session on HB
2380B and opens a
public hearing on
HB 2391A.

**Juvenile Rights
Project**

Testifies in
support of HB
2391A.

**Attorney
General's Office**
Submits testimony
and testifies in
support of HB
2391A (**EXHIBIT
K**).

Asks why HB
2391A is
necessary.
Explains how HB
2391A will benefit
the juvenile court
system.
Closes the public
hearing on HB
2391A and opens
a work session on
HB 2391A.

MOTION:

**Moves
HB
2391A
to the
floor
with
a DO
PASS
recomm**

VOTE: 7-0-0

**Hearing no
objection,
declares the
motion
CARRIED.
SEN. BURDICK
will lead
discussion on the
floor.**

Closes the work
session on HB
2391A and opens
a work session on
HB 2100.

Introduces HB
2100 which will
provide flexibility
in early release of
prisoner when the
date of release
from

344	Vice Chair Courtney	imprisonment falls on a weekend or legal holiday. Talks about the -2 amendments (EXHIBIT L). MOTION: Moves to ADOPT HB 2100-2 amendm dated 05/02/01
347		VOTE: 6-0-1 EXCUSED: 1 - Burdick Hearing no objection, declares the motion CARRIED.
348	Chair Minnis	
349	Vice Chair Courtney	MOTION: Moves HB 2100 to the floor with a DO PASS AS AMEND recomm
352	Sen. Beyer	Asks if prisoners could be brought to a central facility prior to their release date.
392	Scott Taylor	Oregon Department of Corrections (DOC)
413	Sen. Beyer	Explains the intent of HB 2100. Observes that the DOC knows when the prisoners release dates are. Points out the inmates could be moved to locations closer to home in anticipation.
432	Taylor	Says the DOC is moving towards regional releasing points.
445	Sen. Duncan	Talks about his knowledge of the issue that instigated HB 2100.
477	Sen. Beyer	Wonders if sentences could be lengthened to accommodate weekend, or holiday release dates.
482	Taylor	States there is a set release date.
485	Sen. Beyer	Observes the mandatory minimum sentences are set in statute and

TAPE 132, B

022 Vice Chair Courtney

024 Taylor

065 Chair Minnis

067 Taylor

074 Vice Chair Courtney

082 Chair Minnis

HB 2388A WORK SESSION

084 Counsel Prins

095 Vice Chair Courtney

098

099 Chair Minnis

101 Chair Minnis

SB 293 WORK SESSION

110 Counsel Prins

legislature could change the statute.

Asks what percentage of Oregon's prison population are incarcerated under Measure 11.

Replies around 30%.

Asks if there is a savings with HB 2100.

Remarks HB 2100 will reduce "small numbers" of inmates.

Withdraws the motion to move HB 2100 to the floor.

Closes the work session on HB 2100 and opens a work session on HB 2388A.

Introduces HB 2388A which provides that, if so requested, counsel in a juvenile proceeding from which appeal is being taken is responsible for filing and serving all documents necessary to commence appeal in juvenile court cases.

MOTION:

**Moves
HB
2388A
to the
floor
with
a DO
PASS
recomm**

VOTE: 7-0-0

Hearing no objection, declares the motion CARRIED.

SEN. MINNIS

will lead discussion on the floor.

Closes the work session on HB 2388A and opens a work session on SB 293.

Introduces 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. Talks about the -1 amendments (EXHIBIT M).
120	Vice Chair Courtney	MOTION: Moves to ADOPT SB 293-1 amendm dated 04/20/01
122		VOTE: 7-0-0
123	Chair Minnis	Hearing no objection, declares the motion CARRIED.
124	Vice Chair Courtney	MOTION: Moves SB 293 to the floor with a DO PASS AS AMEND recomm
125		VOTE: 7-0-0
126	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. MINNIS will lead discussion on the floor.
132	Chair Minnis	Closes the work session on SB 293 and recesses the meeting at 2:50 p.m.
134	Chair Minnis	Reconvenes the meeting at 5:00 p.m. and opens a work session on SB 370.
<u>SB 370 WORK SESSION</u>		
135	Vice Chair Courtney	MOTION: Moves to ADOPT SB 370-13 amendm dated 05/10/01
138	Counsel Prins	Introduces SB 370 which repeals the sunset on various provisions dealing with sex offender registration. Talks about the -13 amendments to SB 370 (EXHIBIT N).
227	Chair Minnis	Explains the appropriation amount.

239 Vice Chair Courtney

MOTION:
Moves
to
ADOPT
SB
370-
13
amendm
dated
05/10/01

241

VOTE: 4-0-3
EXCUSED: 3 -
Sen. Metsger,
Sen. Duncan,
Sen. Burdick
Hearing no
objection,
declares the
motion
CARRIED.

242 Chair Minnis

243 Vice Chair Courtney

MOTION:
Move
SB
370
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244

VOTE: 4-0-3
EXCUSED: 3 -
Sen. Metsger,
Sen. Duncan,
Sen. Burdick
Hearing no
objection,
declares the
motion
CARRIED.

245 Chair Minnis

251 Chair Minnis

Closes the work
session on SB 370
and opens a work
session on HB
2100.

HB 2100 WORK SESSION

252 Vice Chair Courtney

MOTION:
Moves
HB
2100
to the
floor
with
a DO
PASS
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AMEND
recomm

268

VOTE: 4-0-3
EXCUSED: 3 -
Sen. Metsger,
Sen. Duncan,
Sen. Burdick
Hearing no
objection,
declares the
motion

269 Chair Minnis

**CARRIED.
SEN.
COURTNEY
AND SEN.
MINNIS will lead
discussion on the
floor.**
Closes the work
session on HB
2100 and adjourns
the meeting at
5:15 p.m.

Submitted By, Reviewed By,

Annola DeJong, Craig Prins,
Committee Assistant Counsel

EXHIBIT SUMMARY

- A – HB 2336A, written testimony submitted by Jan Shea, Oregon Supreme Court, dated 5/10/01, 5 pp.
- B – HB 2379A, written testimony submitted by Mike Colbach, Portland Police Bureau, dated 5/10/01, 3 pp.
- C – HB 2379A, written testimony submitted by Dave Golliday, Portland Police Bureau, dated 5/09/01, 1 p.
- D – HB 2379A, -A4 amendments from staff, submitted by Joel Shapiro, dated 5/10/01, 1 p.
- E – HB 2380B, written testimony submitted by Kevin Campbell, Oregon Association of Chiefs of Police, 4 pp.
- F – HB 2380B, written testimony submitted by Kevin Campbell, Oregon Association of Chiefs of Police, 5 pp.
- G – HB 2380B, written testimony submitted by Kevin Campbell, Oregon Association of Chiefs of Police, 2 pp.
- H – HB 2380B, written testimony from the City of Beaverton, submitted by Kevin Campbell, Oregon Association of Chiefs of Police, 46 pp.
- I – HB 2380B, written testimony from Phillip Fell, submitted by Kevin Campbell, Oregon Association of Chiefs of Police, dated 5/10/01, 1 p.
- J – HB 2380B, written testimony submitted by Walt Myers, Salem Police Department, dated 4/04/01, 3 pp.
- K – HB 2391A, written testimony submitted by Michael Livingston, Attorney General's Office, dated 5/10/01, 2 pp.
- L – HB 2100, -2 amendments submitted by staff, dated 5/02/01, 10 pp.
- M – SB 293, -1 amendments submitted by staff, dated 4/20/01, 4 pp.
- N – SB 370, -13 amendments submitted by staff, dated 5/10/01, 15 pp.
- O – HB 2391A, written testimony submitted by David Kenagy, Oregon Law Commission, 4 pp.
- P – HB 2391A, written testimony submitted by Pat Melius, Services to Children and Families, dated 4/30/01, 2 pp.