

**HOUSE JUDICIARY COMMITTEE ON CIVIL LAW**

May 12, 1999 Hearing Room 357

1:00 p.m. Tapes 158 - 159

**MEMBERS PRESENT: Rep. Lane Shetterly, Chair**

**Rep. Max Williams, Vice-Chair**

**Rep. Judy Uherbelau, Vice-Chair**

**Rep. Vic Backlund**

**Rep. Randall Edwards**

**Rep. Kathy Lowe**

**Rep. Vicki Walker**

**Rep. Larry Wells**

**Rep. Bill Witt**

**STAFF PRESENT: Aaron Felton, Counsel**

**Nancy Richards, Administrative Support**

**MEASURE/ISSUES HEARD: SB 318A - Public Hearing & Work Session**

**SB 319 - Public Hearing & 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 158, A		

002	Chair Shetterly	Calls meeting to order at 1:27 p.m.
<b><u>SB 318A - PUBLIC HEARING</u></b>		
010	Counsel Felton	SB 318A requires that certain protective orders be entered into databases of National Crime Information Center of United States Department of Justice in addition to Law Enforcement Data System.
020	<b>Maureen McKnight</b>	<b>Governor's Council on Domestic Violence</b>  Testifies and submits written testimony in support of SB 318A ( <b>EXHIBIT A</b> ). Discusses what SB 318A does not do concerning domestic violence. Discusses the purpose of SB 318A concerning protection of the domestic abused victim. Explains the -A5 amendments ( <b>EXHIBIT B</b> ).
136	Chair Shetterly	Does the Governor's Council on Domestic Violence support the -A5 amendments?
143	McKnight	Yes. Clarifies what should be deleted from the -A5 amendments concerning references to other statutes.
165	Rep. Uherbelau	Do the -A5 amendments include the abused victims that live outside the home?
177	McKnight	Yes. Existing law protects abused victims in current sexual intimate relationships during the last two years. This also includes any relationship in current or past cohabitation.
188	Rep. Uherbelau	The -A5 amendments refer to household members.
192	McKnight	An abused victim could be a former household member in cohabitation.
194	Chair Shetterly	The -A5 amendments also refer to former spouses and former cohabitants.
198	<b>Gina McClard</b>	<b>Oregon Coalition Against Domestic &amp; Sexual Violence (OCADSV)</b>  Testifies in support of SB 318A and the -A5 amendments. Discusses the protection that SB 318A provides if the abused victim moves out of state. States that victims of domestic violence are at greater risk of injury or death with the presence of guns. Gives statistics regarding the deaths involved with domestic violence and guns.
247	<b>Rita Perry</b>	<b>Citizen, Marion County</b>  Testifies in support of SB 318A. Relates her personal story of domestic violence in the home.

274	Chair Shetterly	Explains that SB 318A does not expand the gun dispossession provisions that are already in federal law.
280	McKnight	That is correct. SB 318A is not an expansion, but an implementation of existing federal law.
283	Chair Shetterly	Closes public hearing.
<b><u>SB 318A n WORK SESSION</u></b>		
297	Rep. Uherbelau	<b>MOTION: Moves to SUSPEND the rules for the purpose of allowing the conceptual amendments to the -A5 amendments.</b>
		<b>VOTE: 9-0</b>
Chair Shetterly		<b>Hearing no objection, declares the motion CARRIED.</b>
300	Rep. Uherbelau	<b>MOTION: Moves to ADOPT SB 318 the conceptual amendments to the -A5 amendments by deleting "the comma (,)" after "107.732 " on line 14 and by deleting "the rest of the line to the colon (;), but leaving in the colon, so that the line would read, "107.705 as used in ORS 107.700 to 107.732;"</b>
		<b>VOTE: 9-0</b>
Chair Shetterly		<b>Hearing no objection, declares the motion CARRIED.</b>
314	Rep. Uherbelau	<b>MOTION: Moves to ADOPT -A5 as conceptually amended dated 05/12/99 into SB 318.</b>
		<b>VOTE: 9-0</b>
Chair Shetterly		<b>Hearing no objection, declares the motion CARRIED.</b>
320	Rep. Uherbelau	<b>MOTION: Moves SB 318A to the Ways &amp; Means committee with a DO PASS AS AMENDED recommendation.</b>

		<p><b>VOTE: 9-0</b></p> <p><b>AYE: 9 - Backlund, Edwards, Lowe, Uherbelau, Walker, Wells, Williams, Witt, Shetterly</b></p>
	<b>Chair Shetterly</b>	<b>The motion CARRIES.</b>
339	Chair Shetterly	Closes work session.
<b><u>SB 319 n PUBLIC HEARING</u></b>		
343	Counsel Felton	SB 319 modifies provisions dealing with peace officer's responsibilities when responding to the incident of domestic violence.
351	<b>Maureen McKnight</b>	<p><b>Governor's Council on Domestic Violence</b></p> <p>Testifies and submits written testimony in support of SB 319 (<b>EXHIBIT C</b>). Discusses the purpose of SB 319 that remedies domestic violence arrests and restraining orders in Oregon. Explains the -1 amendments concerning definition changes in the language of SB 319 (<b>EXHIBIT D</b>).</p>
<b>Tape 159, A</b>		
030	McKnight	Discusses how SB 319 is involved with the release agreement for criminal defendants charged with domestic violence crimes. States that the passage of SB 319 will improve both protections and practices in Oregon on restraining order cases.
063	Chair Shetterly	Do the -1 amendments make the same changes as the conceptual amendments to SB 319?
067	McKnight	No. Explains the different changes between the -1 amendments and the conceptual amendments.
077	Chair Shetterly	Now that we have done the conceptual amendments in SB 318A are the -1 amendments to SB 319 necessary?
079	McKnight	The -1 amendments in SB 319 are necessary because they insert the definition from ORS 107.705 into the mandatory arrest statute, which SB 318A does not do. Section 6, page 1 of the -1 amendments to SB 319 are not necessary because of the -A5 amendments and the conceptual amendments in SB 318A.
098	<b>Gina McClard</b>	<b>Oregon Coalition Against Domestic and Sexual Violence (OCADSV)</b>

		Testifies in support of SB 319. Explains the importance of removing the batterer from the premises. Discusses the emergency money assistance for the abused victim. States that domestic abuse is at the highest level in Oregon. Discusses the process of telephone hearings and the reluctance of the judge to use this process.
159	Chair Shetterly	Closes public hearing.
<b><u>SB 319A - WORK SESSION</u></b>		
163	Rep. Uherbelau	<b>MOTION: Moves to SUSPEND the rules for the purpose of allowing the conceptual amendments to SB 319.</b>
		<b>VOTE: 8-0</b> <b>EXCUSED: 1 - Edwards</b>
	Chair Shetterly	<b>Hearing no objection, declares the motion CARRIED.</b>
165	Rep. Uherbelau	<b>MOTION: Moves to ADOPT the conceptual amendments to the -1 amendments by deleting "existing lines 4-24, page 1 and lines 1-12 on page 2."</b>
		<b>VOTE: 8-0</b> <b>EXCUSED: 1 - Edwards</b>
	Chair Shetterly	<b>Hearing no objection, declares the motion CARRIED.</b>
175	Rep. Uherbelau	<b>MOTION: Moves to ADOPT the -1 amendments as conceptually amended into SB 319 dated 04/13/99.</b>
		<b>VOTE: 8-0</b> <b>EXCUSED: 1 - Edwards</b>
	Chair Shetterly	<b>Hearing no objection, declares the motion CARRIED.</b>

182	Rep. Uherbelau	<b>MOTION: Moves SB 319 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 8-0</b> <b>AYE: 8 - Backlund, Lowe, Uherbelau, Walker, Wells, Williams, Witt, Shetterly</b> <b>EXCUSED: 1 - Edwards</b>
		<b>Chair Shetterly</b> <b>The motion CARRIES.</b> <b>REP. UHERBELAU will lead discussion on the floor.</b>
204	Rep. Backlund	Were there any opponents to SB 319?
205	Chair Shetterly	No.
		Closes work session.
		Adjourns meeting at 2:10 p.m.

Submitted By, Reviewed By,

Nancy Richards, Sarah Watson,

Administrative Support Office Manager

**EXHIBIT SUMMARY**

**A - SB 318A, Written testimony, Maureen McKnight, p. 6**

**B - SB 318A, Proposed -A5 amendments, Maureen McKnight, p. 4**

**C - SB 319, Written testimony, Maureen McKnight, p. 5**

**D - SB 319, Proposed -1 amendments, Maureen McKnight, p. 2**

**E - SB 319, Written testimony, Layne Barlow, p. 4**