

## HOUSE COMMITTEE ON JUDICIARY - CRIMINAL LAW

January 15, 1999 Hearing Room 357

8:30 a.m. Tape 1

**MEMBERS PRESENT:** Rep. Mannix, Chair

Rep. Prozanski, Vice-Chair

Rep. Bowman

Rep. Gianella

Rep. Hansen

Rep. Simmons

Rep. Sunseri

**STAFF PRESENT:** John Horton, Counsel

Patsy Wood, Administrative Support

**MEASURE/ISSUES HEARD:**

Adoption of Committee Rules

Possible Measure Introduction

HB 2277 ñ Public Hearing & Possible 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 1, A		

005	Chair Mannix	<p>Calls the meeting to order at 8:31 a.m.</p> <p>Introduces committee members and staff. Explains how the committee will be operating. Invites comments from members of the committee.</p>
061	Rep. Prozanski	Glad to be on committee. Has served on Judiciary Committee last 2 sessions so would be glad to assist as memory of where committee has been before.
067	Chair Mannix	You served in the i95 and i97 sessions?
067	Rep. Prozanski	Yes.
070	Rep. Hansen	Introduces his staff assistant, Jack Dempsey.
077	Rep. Simmons	States he's looking forward to being on the committee.
080	Rep. Gianella	States she's looking forward to the year.
083	Rep. Sunseri	States he's looking forward to the dynamics of a split committee.
088	Rep. Bowman	States this is her second session on Judiciary and is hopeful this session will do some positive things.
105	Rep. Sunseri	Asks the Chair to discuss the policy in terms of decorum of questioning. (Will we be allowed to do more than one question at a time; any kind of dialog; every single question through the Chair?)
110	Chair Mannix	States the process he would like to use in regards to witnesses and testimony.
150	Chair Mannix	Introduces first item on agenda: adoption of committee rules.
152	Rep. Bowman	Asks for clarification on item 12 of the rules: no member shall sign on to more than one minority report on a measure.
165	Chair Mannix	States this rule comes from the House and it can't be varied.
170	Rep. Prozanski	States what happened last session in this regard. Asks if this year's rules have been modified in any way.
179	Counsel Horton	No.
180	Chair Mannix	States that the Committee is operating under the full committee rules from last

		session.
181	Rep. Sunseri	States these rules reflect the House rules adopted Monday.
182	Rep. Prozanski	<b>MOTION: Moves to ADOPT the proposed Committee Rules.</b>
		<b>VOTE: 7-0</b>
189	Rep. Bowman	Asks if her previous question has been answered.
190	Chair Mannix	States separate members have to sign on separate minority reports. One member may not sign on two minority reports on the same bill.
193	Rep. Bowman	Okay.
	Chair Mannix	<b>Hearing no objection, declares the motion CARRIED.</b>
196	Chair Mannix	Introduces LCis 1005 and 1007
212	Gary Gedrose	<b>Sentencing Guidelines Coordinator with the Oregon Criminal Justice Commission.</b>  Discusses LC1005 - the adoption of rules passed last year. Discusses LC 1007 ñ housekeeping changes as far as reimbursement of Commission members.
236	Chair Mannix	States full discussion and testimony will occur when these bills come around to the committee. States the LCis will be dealt with individually.
238	Rep. Prozanski	<b>MOTION: Moves LC 1005 BE INTRODUCED as a committee bill.</b>
		<b>VOTE: 7-0</b>
	Chair	<b>Hearing no objection, declares the motion CARRIED.</b>
244	Rep. Prozanski	<b>MOTION: Moves LC 1007 BE INTRODUCED as a committee bill.</b>

		<b>VOTE: 7-0</b>
	<b>Chair</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b><u>HB 2277 PUBLIC HEARING</u></b>		
256	Counsel Horton	Gives explanation of HB 2277.
288	Chair Mannix	Gives some explanation of why bill was needed.
302	Rep. Prozanski	Explains how this law came to the attention of the Oregon Law Commission. Introduces Tim Sylvester from the Attorney General's Office.
325	Chair Mannix	Acknowledges Mr. Sylvester who has no testimony.
329	Chair Mannix	Opens work session on HB 2277.
<b><u>HB 2277 WORK SESSION</u></b>		
331	Rep. Sunseri	<b>MOTION: Moves HB 2277 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 7-0</b>
		<b>Hearing no objection, declares the motion CARRIED.</b> <b>REP. PROZANSKI will lead discussion on the floor.</b>
335	Rep. Bowman	Asks if some people have two separate sentences and some people have one? Do we know the history of this as far as implementation?
343	Chair Mannix	Asks Rep. Prozanski if there was any discussion in the Commission about that?
344	Rep. Prozanski	States he doesn't remember any discussion as to inconsistencies of applying the statutes. If it did occur, it should have been handled by original attorney or in appellate court.

368	Chair Mannix	Asks for further business.
370	Rep. Prozanski	Offers to help other members of Committee with any questions they might have about the bills coming into committee.
388	Rep. Sunseri	States appreciation for Rep. Prozanski's help in the past.
395	Chair Mannix	Introduces Patsy Wood and Sarah Watson of Judiciary staff. Talked about visitation to local correctional facilities. Counsel Horton will look into coordinating this and inviting the Judiciary Civil Committee along.
440	Chair Mannix	The Snake River Correctional Institution visit being arranged by Leg. Fiscal for next week is not going to work for us. States he'll look into making other arrangements in 2-3 weeks for a one-day trip. Asks members to look at their calendars for the last week of Jan. or first week of Feb. and get back to John Horton with what day works best. Asks for other business.
454	Rep. Bowman	Asks if the members of committee are required to attend tour?
462	Chair Mannix	States attendance is voluntary. If only one or two members want to go, we'll customize the visit.
476	Rep. Gianella	Asks how long the Snake River trip would be.
478	Chair Mannix	States they would have to be excused from business of the House to fly out at @ 7 a.m. returning @ 6 p.m. Committee meetings for that day would be missed. Might be best done on a Monday or Tuesday in 2-3 weeks.
506	Chair Mannix	Adjourns meeting at 9:00 a.m.

Submitted By, Reviewed By,

Patsy Wood, Sarah Watson

Administrative Support Office Manager

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**EXHIBIT SUMMARY**

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**A-- Committee Rules for House Judiciary Committee ñ Criminal Law, Staff 2 pgs**

**B -- LC Draft 1005, Staff ñ 2 pgs**

**C -- LC Draft 1007, Staff ñ 3 pgs**