

**HOUSE COMMITTEE ON JUDICIARY - CRIMINAL LAW**

**April 13, 1999 Hearing Room 357**

**8:30 a.m. Tapes 132 - 135**

**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:**

**SB 350A Work Session**

**HB 3129 Public Hearing**

**HB 3198 Public Hearing**

**HB 3276 Public Hearing**

**HB 3374 Public Hearing**

**HB 3044 Public Hearing**

**HB 3394 Public Hearing**

TAPE/#	Speaker	Comments
<b>TAPE 132, A</b>		
007	Chair Mannix	Calls meeting to order at 8:40 a.m.
<b><u>HB 3198 &amp; HB 3276 COMBINED PUBLIC HEARING</u></b>		
052	Counsel Horton	HB 3198 requires sellers of inhalants to post warning sign about danger of inhalants. HB 3276 prohibits a person under the age of 18 from possessing an inhalant with the intent to use that inhalant to produce intoxication. Discusses the amendments to HB 3276 and the requirements for a sign warning of the dangers of inhalants. <b>(EXHIBIT A)</b>
091	<b>Rep. Vic Backlund</b>	<b>State Representative, House District 33</b>  Testifies and submits written testimony in support of HB 3198 and HB 3276 <b>(EXHIBIT B)</b> . HB 3276 will make inhalant use for purposes of intoxication illegal, require signs stating the danger of inhalants and would provide for an anti-inhalant educational campaign. Sudden Sniffing Death (SSD) can occur from first-time use. Discusses the death from inhalants of James Stolberg who attended the Keizer School District in January 1999. Describes legislation about inhalant abuse that has been passed in other states. Discusses a school program targeting 6-8 graders warning of the dangers of inhalants. I believe this legislation is urgent to give schools, law enforcement and parents the tools they need to make people aware of the danger of inhalants.
182	<b>Rose Zemp</b>	<b>Parent of a runaway child and inhalant user</b>  Testifies and submits written testimony in support of HB 3198 and HB 3276 <b>(EXHIBIT C)</b> . Describes the problems that she encountered when trying to find help for her son to combat his problem with "huffing" inhalants. Because he had not committed a crime, the Juvenile Department would not take him into custody. Describes products used as inhalants including gasoline, paint, glue, butane lighters, and cooking spray. I am still waiting for state-paid drug treatment because my insurance will not pay for it.
260	<b>Sheryl Wilkinson</b>	<b>Sister of a "huffing" fatality</b>  Testifies and submits written testimony in support of HB 3198 and HB 3276 <b>(EXHIBIT D)</b> . Describes her brother's problem with "huffing" inhalants and his subsequent death.
300	Rep. Backlund	California is very positive about their inhalant law and submits testimony from a Los Angeles policeman <b>(EXHIBIT E)</b> .
306	Rep. Bowman	With so many products labeled as inhalants, how will we track them to make sure this legislation is having an impact?

319	Rep. Backlund	There are so many products out there that can be classified as inhalants, that it will be difficult to track them. We have to start somewhere and HB 3276 is our attempt to do that.
340	<b>Dr. Craig Warden</b>	<b>Pediatric Emergency Physician, Oregon Health Science University</b>  Testifies as neutral to HB 3276. Because inhalant abuse starts at a very young age, I like the emphasis on an education campaign as well as treatment and counseling. However, I am concerned that without significant funding these aspects of the legislation will not happen.
356	Chair Mannix	Should drug and alcohol treatment for children younger than 18 years of age be a priority?
360	Dr. Warden	Yes.
369	Rep. Bowman	Is there treatment available for people suffering from inhalant abuse?
371	Dr. Warden	Not in the classic sense like with heroin. Treatment is usually done through counseling and education by showing a youngster the damage that inhalants can cause.
381	Chair Mannix	Is counseling the key factor in dealing with the psychological dependency on inhalants?
389	Dr. Warden	Yes.
394	Chair Mannix	Have you seen anything in medical literature about an increase or decrease in inhalant abuse, or is this abuse just now being recognized?
399	Dr. Warden	The incidence is going up and we are recognizing it more.
402	Chair Mannix	Are there adults, over the age of 21, who are affected by inhalants or is most of the impact on individuals under 21?
408	Dr. Warden	Most inhalant abusers are only occasional huffers, but there is a hard-core group that you heard about today. Inhalant abuse could follow a person into their 40s, if they are lucky enough to survive, but they have access to other drugs by that age.
418	Chair Mannix	Should we be looking at inhalant abuse as a "fad" right now and ignore the issue?
427	Dr. Warden	You shouldn't ignore the issue because each time a person abuses inhalants they are at risk for asphyxiation and "sudden sniffing death", which is a cardiac

		arrhythmia. These solvents are directly toxic to the heart so most cases that result in death are caused by arrhythmia.
436	Chair Mannix	How does "sudden sniffing death" occur?
<b>TAPE 133, A</b>		
002	Dr. Warden	Inhalants are toxic on the heart so the heart gets very irritable. When the person using inhalants gets excited or is surprised, adrenaline is released which stimulates the heart to go into an abnormal rhythm causing a cardiac arrest and death.
007	Chair Mannix	Can a person build up any resistance to using inhalants?
008	Dr. Warden	No, a person is at risk of dying from asphyxiation every time they abuse inhalants.
012	Rep. Bowman	What do you tell parents to be on the lookout for if inhalant abuse is suspected?
014	Dr. Warden	Parents should be aware of any change in behaviors like a drop in grades, change in friends, or possible inhalants found in their room.
020	Rep. Bowman	But a parent wouldn't be concerned with paper glue and magic markers.
025	Dr. Warden	Regular school glue isn't an intoxicant, but model airplane glue is. If a parent sees a lot of airplane glue being bought or in the trash, they should be concerned.
033	Rep. Gianella	What is the stimulant for inhalant abuse?
034	Dr. Warden	It is similar to the "high" you get from alcohol, but is more intense and the onset is quicker.
040	Rep. Gianella	Is inhalant abuse addictive?
041	Dr. Warden	It is psychologically addictive, but not physically addictive.
049	<b>Carla Moyer</b>	<p><b>Prevention Education Specialist, Salem-Keizer School District</b></p> <p>Testifies in support of HB 3198 and HB 3276 (<b>EXHIBIT F</b>). Discusses inhalant use in the Salem-Keizer School District and their zero-tolerance policy for alcohol and drug use. Every month approximately 150 juveniles are abusing inhalants with use peaking at the 8<sup>th</sup> grade. The passage of HB 3276 would allow the school resource officer to charge the student with a violation similar to possessing other drugs.</p>

094	Steve Sanchez	<p><b>Prevention/Intervention Resource Teacher, Salem-Keizer School District</b></p> <p>Testifies and submits written testimony in support of HB 3198 and HB 3276 <b>(EXHIBIT G)</b>. Works daily with youths using drugs and indicates inhalants as the gateway drug to stronger drug use. Statistics show that there are more users who die as a result of first-time inhalant abuse than first-time use of any other drug of choice. The National Institute of Drug Abuse rates solvents or inhalants as the most dangerous drug. I held a discussion group with 51 teens and discovered that 65% had used inhalants because inhalants were easy to acquire and not illegal to use.</p>
151	Mary Pat Jarman	<p><b>Prevention/Intervention Resource Teacher, Salem-Keizer School District</b></p> <p>Testifies and submits written testimony in support of HB 3198 and HB 3276 <b>(EXHIBIT H)</b>. We support programs that teach students refusal skills and provide accurate information on the deadly affects of drug abuse. Using and possessing inhalants is illegal in the State of Washington, but Oregon has no laws combating the use of inhalants. Perhaps that is why Oregon has one of the highest abuse rates of inhalants in the nation. Discusses talking and working with the police department who would be in favor of this type of legislation.</p>
201	Rep. Bowman	Once we identify these young "huffers", how do we insure they get into counseling and treatment?
208	Moyer	If the court mandates treatment, there are resources available to seek treatment.
213	Chair Mannix	Do you think it would be appropriate for us to try and tie-in drug and alcohol treatment and referrals more with the education and counseling programs that are available, or do we already have channels available?
224	Sanchez	We do have adolescent treatment facilities, but there is only limited capacity.
230	Chair Mannix	Are the adolescent treatment centers under-funded and therefore canit provide treatment to their clients?
233	Sanchez	There is also the problem of whether or not the familyis insurance will cover the treatment.
235	Chair Mannix	Should we be trying to get more funding for adolescent treatment programs so there isnit such a long wait to get the needed treatment?
247	Moyer	Out-patient treatment is available, but getting treatment for in-patient care is a problem.
251	Rep. Bowman	It troubles me to hear the young age of these children using drugs and alcohol as well as abusing inhalants, and that no help can be found for treatment until a

		serious crime has been committed.
270	Sanchez	The average age of the onset of drug use in the United States is 11 years 4 months, which is approximately 5 <sup>th</sup> grade.
281	Rep. Bowman	What is most frustrating to me is that we are always willing to create a new criminal penalty, but we are not as diligent about helping people get treatment before they become criminals.
286	Chair Mannix	What impact would the D.A.R.E. (Drug Awareness and Resistance Education) program have had if we hadn't cut back on it?
292	Moyer	There has been some controversy surrounding D.A.R.E., but I believe a comprehensive education program needs to begin in kindergarten. You can't teach a prevention class for 17 weeks in the 5 <sup>th</sup> grade and hope that the problems of drug abuse will be solved.
322	<b>Lt. Chuck Hayes</b>	<b>Oregon State Police</b>  Testifies and submits written testimony in support of HB 3198 and HB 3276 ( <b>EXHIBIT I</b> ). Discusses an extensive training program for police officers on the detection of drug-impaired driving. Included within the seven drug categories studied are inhalants. Identifies various items used by drivers to dispense inhalants while driving. HB 3276 would send a clear message to juveniles and adults that abusing inhalants is illegal and could be dangerous.
<b>TAPE 132, B</b>		
008	<b>Sheriff Raul Ramirez</b>	<b>Marion County Sheriff</b>  Testifies in support of HB 3198 and HB 3276. Up to 80% of the individuals lodged in the Marion County jail are there for some form of substance abuse. Discusses the incidence of gold paint used as an inhalant of choice. Because inhalant sniffing is not illegal, it is difficult to get treatment for these people.
049	<b>Lt. Mark Miranda</b>	<b>Keizer Police Department</b>  Testifies in support of HB 3198 and HB 3276. Gold paint is often the inhalant of choice. We need the tools to help kids using inhalants get the help that is required so they won't become a bigger public safety problem.
083	Chair Mannix	Closes the combined public hearing on HB 3198 and HB 3276.
<b><u>SB 350A WORK SESSION</u></b>		
087	Counsel Horton	SB 350A modifies provisions relating to private security providers. Discusses the ñA3 amendments, the ñA4 amendments, and the ñA5 amendments ( <b>EXHIBITS</b>

		<b>J - L).</b>
120	<b>Karen Evans</b>	<b>Department of Public Safety Standards and Training (DPSST)</b>  Testifies in support of SB 350A and indicates that there are individuals present from their Private Security Advisory Committee who would like to testify before the committee.
122	Chair Mannix	What is your position on the ñA3 amendments?
129	Evans	We would support the ñA3 amendment.
132	Chair Mannix	What about the ñA4 amendment?
133	Evans	We would be opposed to the ñA4 amendment. Discusses a memo sent earlier <b>(EXHIBIT M)</b> which gives information the committee requested on the number of disqualifying convictions for private security officers.
139	Chair Mannix	Would an individualized analysis of each private security applicant complicate your current procedures?
141	Evans	Yes.
145	Chair Mannix	Do you have a problem with the ñA5 amendments?
150	Evans	No.
<b>168</b>	<b>Rep. Prozanski</b>	<b>MOTION: Moves to ADOPT SB 350A-3 amendments dated 03/19/99.</b>
170	Counsel Horton	The ñA3 amendments <b>(EXHIBIT J)</b> state a person may not be licensed as a private security officer if they have a conviction for a person felony.
		<b>VOTE: 7-0</b>
<b>181</b>	<b>Chair Mannix</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>182</b>	<b>Rep. Prozanski</b>	<b>MOTION: Moves to ADOPT SB 350A-5 amendments dated 04/12/99.</b>

184	Counsel Horton	The ñA5 amendments add a provision to SB 350A that the legislation does not apply to parole and probation officers, law enforcement officials, police officers, sheriffs, etc.
		<b>VOTE: 7-0</b>
195	Chair Mannix	<b>Hearing no objection, declares the motion CARRIED.</b>
196	Rep. Prozanski	Discusses the earlier concern by committee members that a misdemeanor conviction would be an outright disqualifier for a private security officer. If the Board on Public Safety Standards and Training already had the ability to take a misdemeanor conviction under consideration, why are we wanting to remove that language on page 3, lines 25-27?
219	Evans	Legislative Counsel added language back into SB 350A on page 4, lines 20-21 so matrix would have time periods for disqualification which would give an individual the ability to show their record is clean.
228	Chair Mannix	Have you refined the authority under SB 350A so you can list misdemeanors, but you can also have a time period to clear for those misdemeanors?
230	Evans	Yes.
230	Chair Mannix	Previously, would a misdemeanor anytime in the past disqualify an individual from applying for a private security officer?
232	Evans	It wasn't clear in the past, but now a person can apply after a given period of time from a misdemeanor conviction
236	Rep. Prozanski	What type of matrix time frame are we looking at?
239	Evans	Discusses the 7-year and 10-year disqualification period.
246	Rep. Prozanski	Perhaps we would like to reconsider the time period for some of the lesser misdemeanors (Class C) because 7 years may be too long.
258	Evans	The Board and the committee could reconsider the length of periods for disqualification. The private security industry has looked at these time periods and they have been adopted by administrative rule.
270	Rep. Bowman	If our goal is to get as many people as possible employed, is it fair to cut off one



		avenue of employment for a 10-year period of time for a minor misdemeanor conviction?
308	Chair Mannix	Isn't SB 350A a further refinement by narrowing the list of who is qualified to apply for a private security officer?
310	Evans	Yes.
310	Chair Mannix	Were there any objections to these time frames on the disqualifying misdemeanors?
312	Evans	No.
341	Rep. Bowman	Do you read SB 350A as narrowing the amount of people who are able to get a private security license?
347	Evans	Yes in regards to excluding assaultive individuals, but in other respects, no.
350	<b>Julie Brandis</b>	<b>Associated Oregon Industries</b>  Testifies in support of SB 350A. We are the constituency who asked for the screening of individuals convicted of check fraud and explains why these folks should be on the list of disqualifiers.
<b>395</b>	<b>Rep. Prozanski</b>	<b>MOTION: Moves SB 350A to the floor with a DO PASS AS AMENDED 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>
416	Chair Mannix	Closes the work session on SB 350A.
<b><u>HB 3198 &amp; HB 3276 COMBINED PUBLIC HEARING</u></b>		
<b>TAPE 133,B</b>		

003	<b>Lavonne Lobert-Edmo</b>	<p><b>Member of Native American Community</b></p> <p>Testifies in support of HB 3276. Discusses the concerns about "huffing" on Indian reservations. Research shows that Indian communities that have addressed the subject of inhalant abuse with parent information and material geared toward modeling self-pride for the students have seen success in preventing this abuse. We have families within our community that are third-generation "huffers" which shows how far-reaching this problem can be.</p>
054	<b>Larry Oglesby</b>	<p><b>Director, Marion County Juvenile Department</b></p> <p>Testifies and submits written testimony in support of HB 3276 (<b>EXHIBIT N</b>). Discusses how important it is for children to be educated about the dangers of inhalant abuse. Suggests an amendment to HB 3276 for an evaluation to uncover the reasons for the juveniles "huffing". The evaluation would also point out if outpatient or in-patient treatment is needed. Discusses the affordability of treatment to individuals.</p>
097	<b>Bob Miller</b>	<p><b>Office of Alcohol and Drug Abuse, Department of Human Resources</b></p> <p>Testifies and submits written testimony of Barbara Cimaglio in support of HB 3276 (<b>EXHIBIT O</b>). Discusses the importance of improving public awareness about the dangers of inhalant use and a proposed partnership to educate and inform citizens of those dangers. Page 2, lines 24-28 of the ñ6 amendments (<b>EXHIBIT A</b>) require that a minor arrested for using inhalants be provided with treatment and counseling. Because there is no funding in HB 3276 to develop the necessary programs and services, there will be a fiscal impact.</p>
133	Chair Mannix	If the committee moves HB 3276 as amended, we will be getting a new fiscal impact statement.
149	<b>Kathy Abel</b>	<p><b>Mother of James Stolberg who died from inhalant use</b></p> <p>Testifies and submits written testimony in support of HB 3276 (<b>EXHIBIT P</b>). Tells the story of her son being with friends and "huffing" butane from a disposable lighter and not surviving. Because it is not illegal, the odds of "huffing" are extremely widespread. Education is the key to inform children and parents about the dangers of inhalants.</p>
308	<b>Kathie Osborn</b>	<p><b>Juvenile Rights Project</b></p> <p>Testifies in opposition to HB 3276. The dangers of "huffing" need to be told, but I have some concerns with HB 3276 and the ñ6 amendments (<b>EXHIBIT A</b>). Juvenile court does not have the ability to arrest and detain a youth for inhalant use or possession. Discusses the problem with mandating treatment, but not being able to enforce that treatment since inhalant use is only a violation. SB 506 just passed out of the Senate and ties the treatment for alcohol use to taking away a person's driver's license, but inhalant use could be added to SB 506.</p>
357	Chair Mannix	Is SB 506 still pending in the Senate?

358	Osborn	I don't believe it has been heard on the floor. Discusses the extremely long waiting lists for juveniles needing drug and alcohol treatment beds so it would be very difficult to get treatment for marijuana users and "huffers". Discusses the lack of "locked" residential treatment centers for youth with drug and alcohol problems.
<b>TAPE 134, A</b>		
002	Rep. Bowman	Would mandated treatment be more enforceable if there was a greater criminal penalty involved?
005	Osborn	No. By providing treatment beds to the most serious drug problems first, inhalant use would remain low on the list of priorities no matter what the penalty.
012	Chair Mannix	But if the crime of inhalant use was changed from a violation to a more severe penalty, wouldn't the juvenile be subject to arrest or detention by the juvenile court?
015	Osborn	Increasing the criminal penalty would allow an arrest and the court could order detention, but it doesn't mean the county would order detention if beds weren't available in the county.
040	Chair Mannix	Closes the combined public hearing on HB 3198 and HB 3276.
<b><u>HB 3129 &amp; HB 3394 COMBINED PUBLIC HEARING</u></b>		
048	Counsel Horton	HB 3129 raises assault IV to a Class C felony upon a person's third or later conviction involving domestic violence. HB 3394 clarifies provisions in the assault IV statute relating to assault witnessed by a child.
076	<b>Steve Dingle</b>	<b>Oregon District Attorney's Association</b>  Testifies in support of HB 3129 and HB 3394. Discusses incidents where the offenders could be classified as a "serial batterers". HB 3129 would allow us to close a "loophole" in the law regarding repeated abuse. HB 3394 clarifies the literal interpretation of this statute by some judges that the child has to actually see the assault. Being in the next room or hearing the assault would now be admissible in court.
101	Rep. Bowman	Do we need to define "immediate" presence on page 1, line 12 of HB 3394?
108	Dingle	We want "witnessed" to mean more than visually observing. The "immediate" presence captures sight as well as sound.
115	Chair Mannix	You are dealing with two factors: establishing that the child was actually present seeing the altercation, or the child was in another room and perceived that the altercation was taking place from what they heard.

132	Dingle	For criminal law purposes, we are trying to make sure both of those situations are in the law. Currently, some judges are using the narrow interpretation that the child has to be physically present and visually observe the actual assault for it to be a Class C felony.
142	Rep. Gianella	I don't understand how the child is just as traumatized by hearing the altercation as by seeing it.
145	Dingle	Describes the type of traumatic interaction that the child could be hearing from around the corner in a house.
162	Rep. Prozanski	It has been demonstrated through studies that children are traumatized by the fear of hearing a violent altercation.
172	Rep. Gianella	I just don't agree that children are as traumatized by hearing as much as they are by seeing a violent altercation.
175	Dingle	Describes cases of adult witnesses hearing threats and gunfire and the fear involved.
182	Rep. Simmons	Would it be more explicit if the language said "saw" or "heard"?
188	Counsel Horton	Explains a case in Multnomah County where the domestic violence was not "seen" because the child buried their head in a pillow, therefore the judge ruled that the violence was not witnessed by the child.
207	Dingle	<p>There would have to be an element of comprehension on the part of the child if "heard" is used. We like to avoid bringing the child into court in these cases, but the child would have to become a witness in court to what they "heard". There is a proposed language on page 1, line 12 of HB 3129 that says the person has been convicted at least twice "under this section" which is ORS 163.160, which is only assault in the fourth</p> <p>degree. Assault in the first, second, and third degree should also count towards that felony conviction.</p>
239	<b>James Rice</b>	<p><b>Oregon Criminal Defense Lawyers Association</b></p> <p>Testifies in opposition to HB 3394. I think the intent of HB 3394 is "heard" the domestic violence, like someone hearing a hand striking a face, rather than "perceived in any other manner".</p>
283	Chair Mannix	What do you think about using the more defining language of "seen", "heard" or "felt"?
284	Rice	There is the possibility of that happening.

285	Rep. Gianella	I am more comfortable with that language.
304	Counsel Horton	I want to clarify the language being proposed by the committee. We would add any assault in any jurisdiction and also add "seen", "heard" or "felt" on line 16, page 1 of HB 3394?
311	Chair Mannix	Yes.
315	<b>David Nebel</b>	<b>Oregon Coalition Against Domestic and Sexual Violence</b>  Testifies in support of HB 3394 and HB 3129 and the proposed language changes.
332	Chair Mannix	Closes the combined public hearing on HB 3129 and HB 3394.
<b><u>HB 3374 PUBLIC HEARING</u></b>		
349	Counsel Horton	HB 3374 creates the crime of harassment in the first degree as a Class C felony.
373	<b>Steve Dingle</b>	<b>Oregon District Attorney's Association</b>  Testifies in opposition to HB 3374 because there are already numerous versions of Section 1 in several pieces of legislation this session.
384	<b>Brian DeLashmutt</b>	<b>Association of Oregon Corrections Employees</b>  Testifies in opposition to HB 3374.
392	<b>James Rice</b>	<b>Oregon Criminal Defense Lawyers Association</b>  Testifies in opposition to HB 3374.
423	Chair Mannix	Closes the public hearing on HB 3374.
<b><u>HB 3044 PUBLIC HEARING</u></b>		
427	Counsel Horton	HB 3044 provides the process for an expedited hearing in certain circumstances when public safety personnel request HIV or hepatitis testing of the source person.
<b>TAPE 135, A</b>		
009	<b>Liz Cruthers</b>	<b>President, Oregon Council of Police Associations</b>

		<p>Testifies and submits written testimony in support of HB 3044 (<b>EXHIBIT Q</b>). Discusses the three options open to law enforcement officers when they are exposed to the blood born pathogens HIV and hepatitis, and the proposed procedure when the source person refuses consent for a blood draw.</p>
041	<b>Bob Livingston</b>	<p><b>Oregon State Fire Fighters Council</b></p> <p>Testifies and submits written testimony in support of HB 3044 (<b>EXHIBITS R &amp; S</b>).</p>
057	<b>Brian DeLashmutt</b>	<p><b>Oregon Council of Police Associations</b></p> <p>Testifies in support of HB 3044. Discusses conceptual amendments proposed by the Oregon Health Division. One amendment clarifies between Hepatitis B or C and the other amendment would add the intervention of a health care provider before a person went to circuit court. The first amendment we are not opposed to, but the second one might slow down the process of the blood draw if a health care provider is not immediately available.</p>
083	<b>Dr. Mark Loveless</b>	<p><b>Epidemiologist, Oregon Health Division</b></p> <p>Testifies and submits written testimony as neutral to HB 3044 (<b>EXHIBIT T</b>). Discusses technical changes that the Oregon Health Division feels would strengthen HB 3044 and that would improve the implementation of the statute.</p>
113	Chair Mannix	<p>Discusses a letter sent by Dr. John Hoggard, President of the Oregon Medical Association, asking why this expedited blood draw procedure is not also available to health care professionals (<b>EXHIBIT U</b>).</p>
116	Dr. Loveless	<p>The group identified in HB 3044 (public safety personnel) is certainly not the only group that might be at risk from blood born pathogens.</p>
122	<b>Brian DeLashmutt</b>	<p><b>Oregon Nurses Association</b></p> <p>Testifies in support of HB 3044. I know that nurses are also concerned with blood born pathogens, but I don't know if they want to be specified in HB 3044 at this time.</p>
135	<b>Bradd Swank</b>	<p><b>State Court Administrator's Office</b></p> <p>Testifies as neutral to HB 3044. What is the standard of evidence you are looking for on page 2, line 18 when circumstances create a "significant possibility"?</p>
146	Chair Mannix	<p>How about "there is the possibility of exposure"?</p>

147	Swank	HB 3044 says "significant possibility" and I was trying to find out what is meant by "significant".
149	Chair Mannix	It is probably one nudge below probable cause.
152	Swank	HB 3044 states the court "shall" order the testing of the source person, but doesn't state who is to do the testing? Discusses the timing problem of getting this order issued in one day and the possibility of saying "as expeditiously as possible".
168	Chair Mannix	"Significant possibility" means that you don't have to have probable cause, but anyone who has a concern about blood born pathogens should be able to get these test results. There could be a provision put in HB 3044 that the petitioner could specify who is to conduct the test.
179	Swank	There might be a hearing issue if you have to have reasonable suspicion that the source person has HIV or Hepatitis.
185	Chair Mannix	We could put in HB 3044 that the test results can't be used as evidence in any proceeding.
193	Swank	In a search warrant you have a suspicion that someone has committed a crime, but what kind of rights does the person whom is having blood drawn have in terms of being searched?
201	Chair Mannix	They have the right to have a hearing, but we are not using this evidence against them. We are only concerned about the exposure to HIV and Hepatitis by coming into contact with this source person.
220	<b>Mary Botkin</b>	<b>American Federation Of State, County And Municipal Employees</b>  Testifies in support of HB 3044. It should be clear in the law that the testing is for public health reasons not for criminal prosecution. I would suggest keeping Hepatitis generic rather than A, B, or C because you never know when a new strain might break out.
252	Chair Mannix	We could say "any form of hepatitis".
257	<b>Michelle Smith</b>	<b>Oregon Public Employees Union local 503</b>  Testifies in support of HB 3044.
277	Chair Mannix	Closes the public hearing on HB 3044.
277	Chair Mannix	Adjourns the meeting at 11:18 a.m.

Submitted By, Reviewed By,

Patsy Wood, Sarah Watson,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A - HB 3276, -6 amendments (LC 3305), dated 4/12/99, staff, 4 pgs.**

**B - HB 3276, written testimony submitted by Rep. Vic Backlund, dated 4/13/99, 3 pgs.**

**C - HB 3276, written testimony submitted by Rose Zemp, 4 pgs.**

**D - HB 3276, written testimony submitted by Sheryl Wilkinson, 1 pg.**

**E - HB 3276, written testimony of Tom E. Page, Los Angeles Police Dept. submitted by Rep. Vic Backlund, 1 pg.**

**F - HB 3276, written testimony submitted by Carla Moyer, Salem-Keizer Schools, 2 pgs.**

**G - HB 3276, written testimony submitted by Steve Sanchez, Salem-Keizer Schools, 2 pgs.**

**H - HB 3276, written testimony submitted by Marypat Jarman, Salem-Keizer Schools, 2 pgs.**

**I - HB 3276, written testimony submitted by Lt. Chuck Hayes, Oregon State Police, dated 4/13/99, 2 pgs.**

**J - SB 350A, -3 amendments (LC 725), dated 3/19/99, staff, 1 pg.**

**K ñ SB 350A, -4 amendments (LC 725), dated 3/19/99, staff, 1 pg.**

**L - SB 350A, -5 amendments (LC 725), dated 4/12/99, staff, 1 pg.**

**M ñ SB 350A, written testimony submitted by Karen Evans, DPSST, dated 3/14/99, 2 pgs.**

**N - HB 3276, written testimony submitted by Larry Oglesby, Marion Co. Juvenile Director, dated 4/13/99, 1 pg.**

**O - HB 3276, written testimony of Barbara Cimaglio, DHR, submitted by Bob Miller, 3 pgs.**

**P - HB 3276, written testimony submitted by Kathy Abel, 5 pgs.**

**Q - HB 3044, written testimony submitted by Elizabeth Cruthers, OCPA, dated 4/13/99, 2 pgs.**

**R - HB 3044, written testimony submitted by Bob Livingston, Oregon State Fire Fighters Council, 1 pg.**

**S - HB 3044, written testimony of Ken Armstrong, Oregon Fire Chiefs Assoc. submitted by Bob Livingston, dated 4/12/99, 2 pgs.**

**T - HB 3044, written testimony submitted by Dr. Mark Loveless, Oregon Health Division, dated 4/13/99, 3 pgs.**

**U - HB 3044, written testimony of John Hoggard, OMA, dated 4/10/99, 2 pgs.**

**V ñ HB 3276, written testimony submitted by Julie Brandis, AOI, dated 4/13/99, 2 pgs.**



**W - HB 3129, written testimony of Rep. Jeff Kruse, 1 pg.**