HOUSE COMMITTEE ON JUDICIARY - CRIMINAL LAW

| 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: | |
| HB 3586 Work Session | |
| HB 3378 Work Session | |
| HB 3084 Work Session | |
| HB 3110 Work Session | |
| HB 3492 Work Session | |
| HB 2744 Work Session | |
| HB 3395 Work Session | |
| HB 3044 Work Session | |
| HB 2397 Work Session | |
| HB 2562 Work Session | |

April 30, 1999 Hearing Room 357

8:00 a.m. Tapes 171 - 173

HJM 10 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 171, | TAPE 171, A | | |
| 007 | Chair Mannix | Calls the meeting to order at 8:12 a.m. | |
| <u>HB 3586 W</u> | ORK SESSION | | |
| 016 | Rep. Lane Shetterly | State Representative, House District 34 HB 3586 allows a person sentenced to life imprisonment for murder to be eligible for parole after serving a mandatory minimum sentence. Discusses why ORS 163.115 (5)(a) is constitutionally flawed because it does not allow parole for a murder conviction when the statute for aggravated murder, a greater offense, does allow for parole. | |
| 046 | Diane Rea | Director, Board of Parole and Post-Prison Supervision Testifies and submits written testimony in support of HB 3586 (EXHIBIT A). States that a review is to be held after 20 years of a minimum mandatory 25-year sentence has been served for murder, but the Board does not have a clear understanding of what is supposed to happen at that hearing. Discusses the amendments the Board is proposing that have been drafted as the ñ3 amendments (EXHIBIT B). | |
| 068 | Rep. Prozanski | MOTION: Moves to ADOPT HB 3586-3 amendments dated 04/28/99. | |
| 073 | Rep. Sunseri | Are you saying that someone convicted of murder and sentenced to a life sentence can be eligible for parole after serving their minimum mandatory sentence? | |
| 078 | Rep. Shetterly | Yes. | |
| 078 | Chair Mannix | This is a structural change to accommodate earlier sentences to make sure that they are properly processed in the system. | |
| 084 | Rea | The court ruled that the "life" portion of the sentence is no longer valid. A life sentence for murder has to have a parole mechanism otherwise it is just a determinate sentence and that is inconsistent with the current statute. | |
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| 090 | Rep. Shetterly | That is correct. Discusses the discrepancy in statute between someone sentenced for aggravated murder being eligible for parole and a person sentenced for murder is not subject to parole. |
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| 111 | Rep. Sunseri | Are we saying a person canít be sentenced for life without parole? |
| 113 | Chair Mannix | No. A person convicted of aggravated murder can be sentenced to life without parole, or life with a possibility of parole after 30 years. The murder statute says you can be sentenced to life imprisonment or a mandatory minimum of 25 years, there is no discussion of the possibility of parole. This legislation addresses the discrepancy that gives a longer sentence for the lesser crime of murder. |
| 129 | Dale Penn | Oregon District Attorneyís Association |
| | | The intent of the court is that there must be a stair-step approach for these crimes. Intentional murder receives a 25-year mandatory minimum sentence with parole authority. For aggravated murder you start with a 30-year mandatory minimum with the possibility of parole, or life imprisonment without parole or the death penalty. |
| 143 | Chair Mannix | All you get for murder now is 25 years, not the life with the possibility of parole. |
| 149 | | VOTE: 7-0 |
| | Chair Mannix | Hearing no objection, declares the motion CARRIED. |
| 152 | Rep. Prozanski | MOTION: Moves HB 3586 to the floor with a DO PASS AS AMENDED recommendation. |
| 154 | Chair Mannix | Should there be an emergency clause on HB 3586? |
| 158 | Rep. Prozanski | No. |
| 163 | | VOTE: 7-0 |
| | Chair Mannix | Hearing no objection, declares the motion CARRIED. |
| | | REP. SHETTERLY will lead discussion on the floor. |

| 166 | Chair Mannix | Closes the work session on HB 3586. |
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| НВ 3378 | WORK SESSION | |
| 175 | Chair Mannix | HB 3378 requires all cemeteries in the state to register or obtain a certificate from the State Mortuary and Cemetery Board. Discusses the ñ6 amendments to HB 3378 (EXHIBIT C). |
| 203 | Rep. Prozanski | MOTION: Moves to ADOPT HB 3378-6 amendments dated 04/29/99 and that the measure be FURTHER AMENDED on page 2, line 26, by changing "Compile" to "Maintain", and by changing all references of "Pioneer Cemetery Advisory Committee" to "Pioneer Cemetery Commission". |
| | , | VOTE: 7-0 |
| | Chair Mannix | Hearing no objection, declares the motion CARRIED. |
| 211 | Chair Mannix | Explains the rationale behind establishing the Pioneer Cemetery Commission within the Parks and Recreation Department, and expanding the membership of the Commission to seven members. Discusses the need to be sensitive to the Native American burial sites throughout Oregon. |
| 265 | Rep. Prozanski | MOTION: Moves HB 3378 to the floor with a DO PASS AS AMENDED recommendation. |
| | " | VOTE: 7-0 |
| | Chair Mannix | Hearing no objection, declares the motion CARRIED. |
| | | REP. MANNIX will lead discussion on the floor. |
| 273 | Chair Mannix | Closes the work session on HB 3378. |
| | P. | T. |

| HB 3084 W | ORK SESSION | |
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| 289 | Counsel Horton | HB 3084 allows a conditional discharge for first misdemeanor offense. Discusses the ñ1 amendments and the ñ2 amendments to HB 3084 (EXHIBITS D & E). |
| 315 | Rep. Prozanski | MOTION: Moves to ADOPT HB 3084-2 amendments dated 04/27/99. |
| | | VOTE: 7-0 |
| | Chair Mannix | Hearing no objection, declares the motion CARRIED. |
| 335 | Rep. Sunseri | What kind of sentences could a judge administer for a misdemeanor? |
| 341 | Counsel Horton | A Class A misdemeanor can get up to one year in jail and/or a fine of up to \$5,000. Discusses lines 5 and 6 of HB 3084 that proceedings are deferred and the person is placed on probation at the motion of the district attorney. |
| 350 | Rep. Sunseri | A criticism of Measure 11 is that the district attorney's are making too many of the decisions. Does this legislation just give more discretion to the district attorney? |
| 358 | Chair Mannix | Rather than district attorneyis moving forward with cases, this legislation allows them to take a step back and agree to this program of probation. |
| 370 | Rep. Bowman | Under current law the judge has the authority to set the sentence aside. But in this case, it sounds like a decision canít be made by the judge without the district attorneyís concurrence. |
| 378 | Counsel Horton | HB 3084 allows the district attorney instead of the judge to make the determination of a conditional discharge. |
| 390 | Chair Mannix | The judge has the power, but allows the district attorney to make the motion. |
| 396 | Rep. Sunseri | Does that invest the judgeís power in the district attorney? |
| 398 | Chair Mannix | No, because it is the judge who makes the final determination to grant or deny the motion. |
| 402 | Counsel Horton | Rep. Patridge would answer questions if necessary. |

| 055 | II INCP. HAHSOH | I am more concerned with adopting a mandatory minimum tied to one speci- |
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| 051 | Rep. Sunseri Rep. Hansen | MOTION: Moves to ADOPT HB 3110-5 amendments dated 04/28/99. |
| | | drug dependencies. |
| 034 | Rep. Prozanski | I am concerned about starting mandatory minimum sentencing for drug offer Discusses how prisons are becoming crowded with people incarcerated for reviolent drug offenses and that prisons are not equipped to handle inmates with drug dependencies. |
| 023 | Counsel Horton | HB 3110 requires a mandatory 10-year minimum sentence for manufacturin various controlled substances. Introduces the ñ5 amendments that limit the controlled substance to methamphetamine and lower the mandatory minimum sentence depending upon certain circumstances (EXHIBIT F). |
| | WORK SESSION | |
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| TAPE 17 | 2, A | |
| 434 | Chair Mannix | Recesses the work session on HB 3084. |
| 422 | Counsel Horton | Currently, the person could be found guilty but given no sentence. Under thi legislation, the judge, under direction of the district attorney, could put the person on probation without entering the judgement of guilt. |
| 417 | Rep. Sunseri | Canít the judge make a determination not to sentence already? |
| 412 | Chair Mannix | The judge makes the final determination on how to proceed with the case, by this legislation allows the district attorney to bring up the motion for probatic earlier in the proceeding. |
| 412 | Chair Mannix | The judge makes the final determination on how to proceed with the case, |
| 412 | Rep. Sunseri Chair Mannix | |

| | | AYE: 4 - Gianella, Simmons, Sunseri, Mannix NAY: 3 - Bowman, Hansen, Prozanski |
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| | Chair Mannix | The motion CARRIES. |
| 105 | Rep. Sunseri | MOTION: Moves HB 3110 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means. |
| | JI. | VOTE: 4-3 AYE: 4 - Gianella, Simmons, Sunseri, Mannix NAY: 3 - Bowman, Hansen, Prozanski |
| | Chair Mannix | The motion CARRIES. |
| 116 | Chair Mannix | Closes the work session on HB 3110. |
| HB 3084 R | ECONVENES WORK SE | <u>SSION</u> |
| 130 | Rep. Rob Patridge | State Representative, House District 50 HB 3084 is necessary because there are judges in Oregon who will not agree to a deferred sentence because it is not within the statute. Discusses reasons why a district attorney |
| 159 | Rep. Bowman | Did you say that judges are reluctant to use this opportunity because it does not specifically state in statute that they have the authority to do so? |
| 164 | Rep. Patridge | Yes. |
| 167 | Rep. Bowman | When a person is given a deferred sentence now, is that decision made by the judge or made by the judge only at the request of the district attorney? |
| 180 | Rep. Patridge | Only when the district attorney asks the judge to do that. |
| 187 | Rep. Prozanski | Could the judge decide not to sentence the person? |
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| 193 | Rep. Patridge | The judge could decide not to sentence a person even if they are found guilty. |
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| 195 | Rep. Prozanski | You're trying to put a program into statute where the district attorney allows someone to go into a program similar to diversion, but a guilty plea has to be filed prior to entering the program? |
| 203 | Rep. Patridge | Yes. |
| 203 | Rep. Prozanski | If they fail to comply with the conditions of the program, their guilty plea has already been received by the court, but has not been entered as a judgement? |
| 208 | Rep. Patridge | Yes. |
| 209 | Rep. Prozanski | The district attorney can bring the motion to defer forward, but that doesnit impinge on the judgeis powers to make the final determination on deferral. |
| 217 | Rep. Patridge | That is correct. The judge can do whatever he wants. This is a way to move forward from the district attorneyis standpoint. |
| 220 | Rep. Bowman | If the district attorney decides to ask the judge to set aside the sentence, why is the district attorney taking the case to trial in the first place? |
| 228 | Rep. Patridge | It is a way to allow district attorneyis a choice in the charging and in the handling of cases. |
| 247 | Chair Mannix | Wouldnit the passage of this legislation encourage district attorneyis to use this practice so more people would have fewer judgements of conviction because their case would be dismissed after they completed the diversion program? |
| 252 | Rep. Patridge | I don't know if this deferral practice would be done more by district attorneys, but it would be a way to formalize this process. |
| 256 | Chair Mannix | If this deferral process is put into statute, wonit it give more people an escape clause from prosecution? |
| 260 | Rep. Patridge | Yes. |
| 271 | Rep. Prozanski | HB 3084 is trying to bring forth uniformity in the way these deferrals are handled throughout the state. |
| 303 | Rep. Prozanski | MOTION: Moves to ADOPT HB 3084-1 amendments dated 04/22/99. |

| | | VOTE: 7-0 |
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| | Chair Mannix | Hearing no objection, declares the motion CARRIED. |
| 307 | Rep. Prozanski | MOTION: Moves HB 3084 to the floor with a DO PASS AS AMENDED recommendation. |
| | Chair Mannix | VOTE: 4-3 AYE: 4 - Hansen, Prozanski, Simmons, Mannix NAY: 3 - Bowman, Gianella, Sunseri |
| | Chair Mannix | The motion CARRIES. |
| | | REP. PATRIDGE will lead discussion on the floor. |
| 323 | Chair Mannix | Closes the work session on HB 3084. |
| НВ 3492 | WORK SESSION | |
| 339 | Mark Gardner | Special Counsel to Attorney General HB 3492 prohibits a person under 18 years of age from purchasing tobacco products. Discusses "gray market" cigarettes that have been exported and then brought back into the United States for sale and the ñ5 amendments that address this problem (EXHIBIT H). Discusses an oversight in the legislation with the notice that should be going to the retailers and the timing for the state to go in and confiscate the illegal cigarettes. |
| 413 | Rep. Prozanski | Discusses buying cigarettes at a PX on a military base. Is there a concern that cigarettes might be coming from a military base back into the general population for resale? |
| TAPE 17 | 1, B | <u> </u> |
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| 002 | Gardner | Those cigarettes shouldn't be a problem because those would be domestic cigarettes. |
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| 005 | Rep. Prozanski | Are cigarettes sold on a military base shown on tobacco companyís accounts as domestic cigarettes? |
| 008 | Gardner | I will look into that and if it is a problem, we can address that on the Senate side. |
| 021 | Chair Mannix | The ñ5 amendments replace the original version of HB 3492. |
| 034 | Mark Nelson | R. J. Reynolds Tobacco Company Testifies in support of HB 3492 and the ñ5 amendments. |
| 048 | Rep. Prozanski | I have amendments being drafted to HB 3492 that would prohibit the <i>attempt</i> to buy tobacco products by a minor. |
| 061 | Rep. Simmons | MOTION: Moves to ADOPT HB 3492-5 amendments dated 04/28/99. |
| | | VOTE: 7-0 |
| | Chair Mannix | Hearing no objection, declares the motion CARRIED. |
| 065 | Rep. Simmons | MOTION: Moves HB 3492 to the floor with a DO PASS AS AMENDED recommendation. |
| | | VOTE: 7-0 |
| | Chair Mannix | Hearing no objection, declares the motion CARRIED. |
| | | REP. SIMMONS will lead discussion on the floor. |
| 069 | Chair Mannix | Closes the work session on HB 3492 |
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| 072 | Counsel Horton | HB 2744 requires county juvenile departments to enter specified information about youths into the Juvenile Justice Information System (JJIS) utilized by counties and the state. Discusses the ñ 1 amendments to HB 2744 (EXHIBIT I) |
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| 085 | Karen Brazeau | Deputy Director, Oregon Youth Authority (OYA) Testifies in support of HB 2744 and the ñ1 amendments (EXHIBIT I). |
| 089 | Chair Mannix | Should we assume that the counties will cooperate with any state statutes? |
| 093 | Brazeau | Yes. |
| 099 | Rep. Hansen | There are some technical problems with the coordination in the Multnomah County juvenile justice system. Would there be formatting problems with Y2K i Multnomah County moved ahead of the state system? |
| 108 | Brazeau | Multnomah County was planning to use the Juvenile Justice Information System (JJIS) until a year ago when they decided to build their own data entry system. This new system is being built in conformance with the requirements of JJIS and HB 2744. We havenit figured out the technical transfer of the information, but we are confident that will be resolved. |
| 118 | Chair Mannix | Is Multnomah County objecting to the approach taken in this bill? |
| 120 | Brazeau | Multnomah County is very supportive of this approach. |
| 122 | Nancy Miller | State Court Administratorís Office Testifies in support of HB 2744 and the ñ1 amendments. The Judicial Department is working in cooperation with OYA in the development of JJIS, even though JJIS wonít supplant our need for the juvenile Oregon Judicial Information Network (OJIN). We are trying to build links between those two systems to avoid duplicating data. |
| 132 | Rep. Sunseri | Could someone comment on the "confidentiality of information" on line 8 of page 1 of the ñ1 amendments? |
| 135 | Brazeau | JJIS is being developed as a shared database so there have to be rules governing who will have access to this information. |
| 142 | Rep. Sunseri | I am concerned that employees will not be able to help frustrated parents looking for information because the employee wonit have access to that information. |

| 154 | Brazeau | We do not want to limit existing confidentiality laws in any way. The same confidentiality laws that govern dependent children have governed youth offenders, and there may be employees who do not know that those confidentiality laws have changed and are much more open than they used to be |
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| 175 | Rep. Bowman | When do you expect these systems to be fully integrated? |
| 177 | Brazeau | The timeline for JJIS linked with counties is by the end of the calendar year. Th linking of these systems will allow every county juvenile department and the state to share information on juvenile offenders. |
| 234 | Rep. Sunseri | MOTION: Moves to ADOPT HB 2744-1 amendments dated 04/28/99. |
| | " | VOTE: 7-0 |
| | Chair Mannix | Hearing no objection, declares the motion CARRIED. |
| 238 | Rep. Simmons | MOTION: Moves HB 2744 to the floor with a DO PASS AS AMENDED recommendation. |
| | | VOTE: 7-0 |
| | Chair Mannix | Hearing no objection, declares the motion CARRIED. |
| | | REP. SIMMONS will lead discussion on the floor. |
| 242 | Chair Mannix | Closes the work session on HB 2744. |
| НВ 3395 | WORK SESSION | JI. |
| 249 | Counsel Horton | HB 3395 modifies the rules of evidence relating to hearsay. |
| 260 | Rep. Prozanski | Discusses his concern with HB 3395 having ramifications throughout the judici system for years to come. |

| 281 | Rep. Bowman | I understand that there is an amendment being drafted for HB 3395 to apply only to domestic violence. | |
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| 293 | Dale Penn | Oregon District Attorneyís Association | |
| | | We are proposing an amendment to narrow this legislation, but that will have to be referred to Legislative Counsel to draft into final form. | |
| 305 | Rep. Prozanski | We should consider the time frame for reporting domestic violence and how it will be applied because 24 hours could be too much time allowing someone to not report immediately. | |
| 342 | Chair Mannix | Closes the work session on HB 3395. | |
| <u>HB 3044 W</u> | HB 3044 WORK SESSION | | |
| 367 | Brian DeLashmutt | Oregon Council of Police Associations | |
| | | Discusses the ñ1 amendments (EXHIBIT J) to HB 3044 that provides the process for an expedited hearing in certain circumstances when public safety personnel request HIV or hepatitis testing of source person. | |
| 422 | Bradd Swank | State Court Administratorís Office | |
| | | HB 3044 creates a probable cause-type proceeding with the ñ1 amendments similar to a search warrant, because the police would be searching a personís body. This legislation can be used against people who may or may not be in custody. Page 2, line 19 of HB 3044 says "the court shall order the testing", but it does not state who will do the testing if the person is in custody. | |
| TAPE 172, | В | | |
| 024 | Chair Mannix | Shouldnít the court exercise common sense at that point? | |
| 025 | Swank | Discusses his concern with who is going to serve the papers when the court orders the testing. | |
| 035 | Chair Mannix | Are the results to these tests made available to the prosecution? | |
| 036 | Swank | No. | |
| 036 | Chair Mannix | Then why do you keep saying it is similar to a search warrant because a search warrant implies that evidence is being gathered to be used against someone in a criminal case? | |
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| 043 | Swank | The reason I say it is similar to a search warrant is because you have an ex parte proceeding where the other party is not allowed to participate. |
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| 044 | Chair Mannix | Then it is similar to a temporary restraining order. |
| 046 | Swank | You are ordering a search of the personís body. The constitutional provisions that apply to the state ordering a search would apply in both criminal and civil circumstances. |
| 057 | Chair Mannix | But this isnit the state seeking the evidence for a case. It is an individual wanting to know if they have been exposed to HIV. |
| 059 | Swank | But it is the state ordering the search of a person based on the application in an ex parte proceeding. |
| 064 | Chair Mannix | Do you have a better idea about how we can help these people? |
| 065 | Swank | I donit, but Iim trying to make you aware of this issue. The sheriff should do the serving of the notice. |
| 075 | Chair Mannix | Donit we have a generic statute that calls for the sheriff to serve orders of the court? |
| 077 | Swank | No, that is why I am raising the issue. |
| 091 | Rep. Bowman | Unless there is a violent situation, do law enforcement officers come into contact with bodily fluids on a daily basis like EMTís? |
| 100 | DeLashmutt | A police officer could be the first person at the scene of a traffic accident and be exposed to blood or other bodily fluids. |
| 108 | Rep. Bowman | Are we going to require anyone who comes into contact with bodily fluids to be tested for HIV? |
| 122 | DeLashmutt | Discusses that there are two filters in this bill. The first filter is the health-care provider. If someone believes they have been exposed to HIV, the health care provider can determine if the test needs to be run and preventative measures need to be taken. The second filter is the information given to the judge who can determine if exposure to bodily fluids occurred and the tests for HIV need to be run. |
| 148 | Chair Mannix | Closes the work session on HB 3044. |
| HJM 10 WORK SESSION | | |
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| 160 | Rep. Simmons | MOTION: Moves to RECONSIDER the vote by which "HJM 10 was sent to the floor with a DO PASS AS AMENDED recommendation". |
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| | Chair Mannix | VOTE: 4-3 AYE: 4 - Gianella, Simmons, Sunseri, Mannix NAY: 3 - Bowman, Hansen, Prozanski |
| | Chair Mannix | The motion CARRIES. |
| 193 | Rep. Simmons | MOTION: Moves to TABLE HJM 10 until Monday. |
| | Chair Mannix | VOTE: 3-4 AYE: 3 - Gianella, Simmons, Sunseri NAY: 4 - Bowman, Hansen, Prozanski, Mannix |
| | Chair Mannix | The motion FAILS. |
| 208 | Rep. MANNIX: | MOTION: Moves HJM 10 be sent to the floor with a BE ADOPTED AS AMENDED recommendation. |
| | | VOTE: 4-3 AYE: 4 - Bowman, Hansen, Prozanski, Mannix NAY: 3 - Gianella, Simmons, Sunseri |
| | Chair Mannix | The motion CARRIES. REP. BOWMAN will lead discussion on the floor. |
| | | REI. DO WIMAN WIII ICAU DISCUSSION ON THE HOUI. |
| 224 | Chair Mannix | Closes the work session on HJM 10. |

| HB 2397 WORK SESSION | | |
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| 229 | Counsel Horton | The ñ1 amendments (EXHIBIT K) make HB 2397 a gut and stuff. |
| 232 | Chair Mannix | There were 900+ people who had their licenses revoked after certain legislation was passed and this bill would allow them to reapply for reinstatement of driving privileges. Do the ñ1 amendments include changes being proposed to SB 1207 this session? |
| 267 | Counsel Horton | Yes. The ñ1 amendments inserted into SB 1207 would be the new piece of legislation. |
| 270 | Chair Mannix | Pages 26 and 27 of the ñ1 amendments apply to the clemency portion of this legislation for a person to get their driveris license reinstated. |
| 280 | Rep. Prozanski | Discusses the impact on these 900+ people that had their reinstated licenses revoked. |
| 305 | Chair Mannix | I would suggest proceeding with only Section 11 & Section 12, the clemency program, of the ñ1 amendments. |
| 314 | Chair Mannix | MOTION: Moves to SUSPEND the rules for the purpose of adopting a conceptual amendment. |
| | | VOTE: 7-0 |
| | Chair Mannix | Hearing no objection, declares the motion CARRIED. |
| 319 | Rep. Prozanski | MOTION: Moves to ADOPT only Section 11 and Section 12 of the ñ1 amendments to HB 2397 dated 04/28/99. |
| 326 | Rep. Simmons | Is SB 1207 moving through the Senate? |
| 328 | Chair Mannix | Yes. Section 11 and Section 12 are consistent with SB 1207. |
| 344 | | VOTE: 7-0 |
| | Chair Mannix | Hearing no objection, declares the motion CARRIED. |

| 346 | Rep. Prozanski | MOTION: Moves HB 2397 to the floor with a DO PASS AS AMENDED recommendation. |
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| | | VOTE: 7-0 |
| | Chair Mannix | Hearing no objection, declares the motion CARRIED. |
| | | REP. MANNIX will lead discussion on the floor. |
| 354 | Chair Mannix | Closes the work session on HB 2397. |
| HB 2562 W | ORK SESSION | |
| 393 | Counsel Horton | HB 2562 establishes additional mandatory periods of imprisonment for a person convicted of major crimes if the person has a previous conviction for major crimes, aggravated murder or murder. Discusses the changes made to HB 2562 by the ñ1 amendments (EXHIBIT L). |
| TAPE 173, | A | |
| 009 | Rep. Prozanski | Does HB 2562 have a referral to Ways and Means? |
| 010 | Chair Mannix | Because the ñ1 amendments make this legislation a referral to the voters, it would not be referred to Ways and Means. |
| 018 | Rep. Sunseri | MOTION: Moves to ADOPT HB 2562-1 amendments dated 04/23/99. |
| 020 | Rep. Bowman | Will this bill be part of the special election or would the vote come at the next general election? |
| 023 | Chair Mannix | The next general election. |
| 028 | Chair Mannix | VOTE: 4-3 AYE: 4 - Gianella, Simmons, Sunseri, Mannix NAY: 3 - Bowman, Hansen, Prozanski |

| | Chair | The motion CARRIES. |
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| 038 | Rep. Sunseri | MOTION: Moves to the floor with a BE ADOPTED AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED. |
| 040 | Rep. Hansen | Even though this legislation is going to the general election, would there be a fiscal impact? |
| 042 | Chair Mannix | That would be added to the ballot cost. |
| 046 | Rep. Hansen | Doesnít each referral raise the cost of the election? |
| 047 | Chair Mannix | They normally would, but if you put something on the general election ballot, it does not go to Ways and Means. You can send it to Ways and Means if you want to, but then there cannot be a minority report. |
| 059 | Rep. Prozanski | Why has previous legislation dealing with repeat property offenders not been sufficient? |
| 067 | Chair Mannix | It doesnit get enough bad guys for long enough. |
| 071 | | VOTE: 4-3 |
| | | AYE: 4 - Gianella, Simmons, Sunseri, Mannix |
| | | NAY: 3 - Bowman, Hansen, Prozanski |
| | Chair Mannix | The motion CARRIES. |
| | | REP. MANNIX will lead discussion on the floor. |
| 079 | Rep. Prozanski | Serves notice of a possible minority report. |
| 082 | Chair Mannix | Closes the work session on HB 2562. |

Submitted By, Reviewed By,

Patsy Wood, Sarah Watson,

Administrative Support Office Administrator

EXHIBIT SUMMARY

A ñ HB 3586, written testimony submitted by Diane Rea, Parole Board, dated 4/27/99, 2 pgs.

B - HB 3856, -3 amendments (LC 4093), dated 4/28/99, Diane Rea, 3 pgs.

C - HB 3378, -6 amendments (LC 2070), dated 4/29/99, staff, 6 pgs.

D - HB 3084, -1 amendments (LC 2105), dated 4/22/99, staff, 1 pg.

E - HB 3084, -2 amendments (LC 2105), dated 4/27/99, staff, 2 pgs.

F - HB 3110, -5 amendments (LC 3120), dated 4/28/99, staff, 1 pg.

G - HB 3110, -3 amendments (LC 3120), dated 4/26/99, staff, 1 pg.

H - HB 3492, -5 amendments (LC 2168), dated 4/28/99, Mark Gardner, DOJ, 5 pgs

I - HB 2744, -1 amendments (LC 2818), dated 4/28/99, staff, 1 pg.

J - HB 3044, -1 amendments (LC 2728), dated 4/29/99, staff, 1 pg.

K - HB 2397, -1 amendments (LC 439), dated 4/28/99, staff, 27 pgs.

L - HB 2562, -1 amendments (LC 2501), dated 4/23/99, staff, 2 pgs.

M - HB 3110, written testimony submitted by Steve Dingle, Marion Co. District Attorneyis Office, dated 4/26/99, 16 pgs.