

HOUSE COMMITTEE ON JUDICIARY - CRIMINAL LAW

May 28, 1999 Hearing Room 357

8:00 a.m. Tapes 212 - 213

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 3086 Reconsideration and Work Session

HB 2605 Reconsideration and Work Session

SB 844 Work Session

SB 1071 Work Session

SB 740 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 212, A

005

Chair Mannix

Calls the meeting to order at 8:08 a.m.

HB 3086 WORK SESSION

098

Rep. Prozanski

MOTION: Moves to RECONSIDER the vote by which HB 3086 was previously sent to the floor DO PASS AS AMENDED.

VOTE: 6-0-1

EXCUSED: 1 - Rep. Simmons

Chair Mannix

Hearing no objection, declares the motion CARRIED.

102

Rep. Prozanski

MOTION: Moves HB 3086 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means.

VOTE: 6-0-1

EXCUSED: 1 - Rep. Simmons

Chair Mannix

Hearing no objection, declares the motion CARRIED.

104

Chair Mannix

Closes the work session on HB 3086.

HB 2605 WORK SESSION

121

Rep. Sunseri

MOTION: Moves to RECONSIDER the vote by which HB 2605 was sent to the floor DO PASS AS AMENDED.

VOTE: 6-0-1

EXCUSED: 1 - Rep. Simmons

	Chair Mannix	Hearing no objection, declares the motion CARRIED.
159	Rep. Simmons	MOTION: Moves to ADOPT HB 2605-6 amendments dated 04/27/99 and the ñ7 amendments dated 04/27/99.
	Rep. Simmons	VOTE: 4-3 AYE: 4 - Gianella, Simmons, Sunseri, Mannix NAY: 3 - Bowman, Hansen, Prozanski
	Chair Mannix	The motion CARRIES.
174	Rep. Simmons	MOTION: Moves HB 2605 to the floor with a DO PASS AS AMENDED recommendation.
		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.
182	Rep. Prozanski	Gives notice of a possible minority report.
184	Chair Mannix	Closes work session on HB 2605.
<u>SB 844 WORK SESSION</u>		
193	Rep. William Morrisette	State Representative, House District 42 Testifies in support of SB 844 that defines a school safety zone, and discusses the ñA3 amendments (EXHIBIT C). Discusses the idea of a Safe School Alliance working in cooperation with the school district, students and the public

		safety coordinating councils to establish safer schools.
265	Rep. Prozanski	Discusses that this legislation would be a good topic to consider in the interim.
282	Chair Mannix	Closes the work session on SB 844.
<u>SB 1071A WORK SESSION</u>		
290	Rep. Prozanski	Discusses the ñA3 and ñA4 amendments to SB 1071A that requires 24-hour notice prior to issuing a citation to a homeless person of trespassing on public property or camping on public property (EXHIBITS D & E).
318	Mark Landauer	City of Portland Testifies that if the ñA4 amendments to SB 1071A are adopted, the city of Portland will need to look at their procedure for issuing citations to the homeless people in these situations.
327	Chair Mannix	If the city is going to be looking at their procedures anyway, do we need this legislation?
329	Landauer	Some people thought the procedure for issuing these citations should be in statute.
346	Counsel Horton	How do you know if an individual is homeless? Do they just tell you they are homeless?
359	Chair Mannix	The term "homeless" is being deleted from the bill.
373	Rep. Simmons	This problem seems like it could be taken care of through city ordinance and not through legislative statute.
384	Rep. Prozanski	MOTION: Moves SB 1071 to the floor with a DO PASS AS AMENDED recommendation.
	Chair Mannix	VOTE: 4-3 AYE: 4 - Bowman, Hansen, Prozanski, Mannix NAY: 3 - Gianella, Simmons, Sunseri
	Chair Mannix	The motion CARRIES.

		REP. MANNIX will lead discussion on the floor.
398	Chair Mannix	Closes the work session on SB 1071A.
<u>SB 740A WORK SESSION</u>		
416	Counsel Horton	Discusses the ñA6 amendments proposed by the Juvenile Rights Project and the ñA7 amendments to resolve conflicts to SB 740A that expands the group of persons required to report as sex offenders (EXHIBITS F & G) .
434	Kathie Osborn	Juvenile Rights Project Testifies and submits written testimony in support of SB 740A and the ñA6 amendments (EXHIBIT H) . Discusses two cases of young men who thought they were fathers of babies and thought that the babies were not being adequately cared for. They took the children out of the house and were charged with kidnapping.
TAPE 213, A		
042	Chair Mannix	Are you wondering why we are putting kidnapping in the second degree in the sex offender registry when there is no sexual element?
048	Osborn	Discusses the requirement for Kidnapping to be considered a registerable sex offense by federal standards.
071	Sgt. Kent Zwicker	Oregon State Police Supports SB 740A but testifies in opposition to the ñA6 and ñA7 amendments. The federal mandate requires Kidnapping offenses to be included in the sex offender registry.
089	Chair Mannix	Would removal of Kidnapping in the second degree from the sex offender registry endanger our federal standing?
091	Sgt. Zwicker	No.
094	Chair Mannix	Would you acknowledge that Kidnapping in the second degree does not constitute a sex crime?
098	Sgt. Zwicker	Yes. When this bill was heard in the Senate, they excluded Kidnapping in the second degree if a parent was charged for it.

111	Rep. Prozanski	States why he can't support SB 740A if it puts 12 or 13 years old on the sex offender registry for the rest of their lives because of a youthful altercation that resulted in a Kidnapping in the second degree charge.
139	Chair Mannix	Suggests inserting a sunset date of July 1, 2002.
144	Rep. Bowman	Expresses her concerns about other areas included in this legislation that do not constitute sex crimes.
155	Rep. Bowman	MOTION: Moves to ADOPT SB 740A-6 amendments dated 05/27/99.
		VOTE: 7-0
Chair Mannix		Hearing no objection, declares the motion CARRIED.
158	Rep. Bowman	MOTION: Moves to ADOPT SB 740A-7 amendments dated 05/27/99.
		VOTE: 7-0
Chair Mannix		Hearing no objection, declares the motion CARRIED.
161	Rep. 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.
166 r	Rep. Bowman	MOTION: Moves to ADOPT the conceptual amendment inserting a sunset date of July 1, 2002 in SB 740A.

		VOTE: 7-0
	Chair Mannix	Hearing no objection, declares the motion CARRIED.
174	Rep. Prozanski	MOTION: Moves SB 740A to the floor with a DO PASS AS AMENDED recommendation.
184	Rep. Prozanski	WITHDRAWS previous motion to send SB 740A to the floor DO PASS AS AMENDED.
186	Rep. Prozanski	MOTION: Moves SB 740A to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.
		VOTE: 7-0
		Chair Mannix
		Hearing no objection, declares the motion CARRIED.
		REP. MANNIX will lead discussion on the floor.
203	Chair Mannix	Closes the work session on SB 740A.
203	Chair Mannix	Adjourns the meeting at 8:52 a.m.

Submitted By, Reviewed By,

Patsy Wood, Sarah Watson,

Administrative Support Office Administrator

EXHIBIT SUMMARY

A - HB 2605, ñ6 amendments (LC 2214), dated 4/27/99, staff, 1 pg.

B - HB 2605, ñ7 amendments (LC 2214), dated 4/27/99, staff, 1 pg.

C - SB 844A, ñA3 amendments (LC 1636), dated 5/24/99, Rep. William Morrisette, 1 pg.

D - SB 1071A, ñA3 amendments (LC 3859), dated 5/24/99, staff, 1 pg.

E ñ SB 1071A, ñA4 amendments (LC 3859), dated 5/26/99, staff, 1 pg.

F - SB 740A, ñA6 amendments (LC 2658), dated 5/27/99, Kathie Osborn, Juvenile Rights Project, dated 5/27/99, 1 pg.

G - SB 740A, ñA7 amendments (LC 2658), dated 5/27/99, staff, 3 pgs.

H - SB 740A, written testimony submitted by Kathie Osborn, Juvenile Rights Project, 2 pgs.