

HOUSE COMMITTEE ON JUDICIARY - CRIMINAL LAW

May 4, 1999 Hearing Room 357

8:00 a.m. Tapes 178 - 181

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 3057 Work Session HB 2795 Work Session

HB 2432 Work Session HB 3374 Work Session

HB 3103 Work Session HB 2096 Work Session

HB 2996 Work Session HB 3047 Work Session

HB 2488 Work Session HB 2353 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 178, A		

010	Chair Mannix	Calls the meeting to order at 8:13 a.m.
<u>HB 3047 WORK SESSION</u>		
086	Larry Oglesby	Oregon Juvenile Directors' Association Testifies and submits the ñ1 amendments and written testimony in support of HB 3047 that modifies a provision relating to the duration of disposition that may be imposed in juvenile delinquency proceedings (EXHIBITS A & B). Lists who was in the work group that came up with the ñ1 amendments and that they all concurred in the amendments.
106	Rep. Prozanski	Should there be something in this legislation regarding Class C or B misdemeanors?
110	Oglesby	A person can only be committed to a state youth correctional facility for a Class A misdemeanor and above.
114	Rep. Prozanski	MOTION: Moves to ADOPT HB 3047-1 amendments dated 05/03/99.
		VOTE: 5-0-2 EXCUSED: 2 - Rep. Hanson, Rep. Simmons
		Chair Mannix Hearing no objection, declares the motion CARRIED.
117	Rep. Prozanski	MOTION: Moves HB 3047 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0-2 EXCUSED: 2 - Rep. Hanson, Rep. Simmons
		Chair Mannix Hearing no objection, declares the motion CARRIED. REP. PROZANSKI will lead discussion on the floor.

123	Chair Mannix	Closes the work session on HB 3047.
<u>HB 2488 WORK SESSION</u>		
125	Chair Mannix	Discusses the ñ3 and the ñ4 amendments to HB 2488 that requires the Department of Corrections to provide state agencies with a list of services and products available through the department (EXHIBITS C & D). Cites a letter from Deputy Attorney General, David Schuman, regarding the staffing of Assistant Attorneys General to be housed at the Department of Corrections (EXHIBIT E).
136	Michael Taaffe	Department of Corrections (DOC) Section 20, page 13 of the ñ4 amendments to HB 2488 supports the letter from Deputy Attorney General, David Schuman, (EXHIBIT E) offering in-house staffing from the Attorney Generalis office.
147	Rep. Prozanski	Supports attorneys coming from the Attorney Generalis office rather than outside counsel.
157	Taaffe	The ñ4 amendments replace the ñ1 amendments to HB 2488 (EXHIBIT F).
158	Chair Mannix	Is there anything in the ñ4 amendments from the Department of Justice that would cause problems for the Department of Corrections in carrying out this legislation?
159	Taaffe	No. There are no substantive issues, but there are some language changes that may be addressed in later amendments to HB 2488 on the Senate side.
172	Chair Mannix	Are you comfortable with sending this bill to Ways & Means?
173	Taaffe	Whatever you decide.
174	Chair Mannix	We could re-craft it to remove the fiscal impact or we could send it to Ways & Means. The ñ4 amendments are the ones you want to use?
183	Taaffe	Yes.
184	Rep. Prozanski	MOTION: Moves to ADOPT HB 2488-4 amendments dated 04/30/99.
186	Rep. Bowman	Has Section 3 of the original HB 2488 been eliminated in the ñ4 amendments?
190	Chair Mannix	Yes.

192		VOTE: 6-0-1 EXCUSED: 1 - Rep. Simmons
	Chair Mannix	Hearing no objection, declares the motion CARRIED.
194	Rep. Prozanski	MOTION: Moves HB 2488 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
		VOTE: 5-1-1 AYE: 5 - Gianella, Hansen, Prozanski, Sunseri, Mannix NAY: 1 - Bowman EXCUSED: 1 - Simmons
	Chair Mannix	The motion CARRIES.
212	Chair Mannix	Closes the work session on HB 2488.
<u>HB 2096 WORK SESSION</u>		
218	Counsel Horton	Discusses the ñ1 and ñ2 amendments to HB 2096 that establishes that police investigative reports are not official records in a criminal case subject to being sealed pursuant to order to set aside conviction or arrest record (EXHIBITS G & H).
226	Rep. Prozanski	Describes the ñ1 amendments (EXHIBIT G) and discusses whether or not the committee wants to make a shift in policy.
272	David Myton	Executive Director, Teachers Standards & Practices Commission Testifies in support of HB 2096 and the ñ1 amendments that allow agencies to make a showing in court why it is important for the agency to have access to certain police investigation reports to protect students and the public from any unprofessional conduct of teachers.
283	Joe McKeever	Assistant Attorney General Testifies in support of the ñ1 amendments.

320	Chair Mannix	Are you comfortable with the ñ1 amendments?
320	Myton	Yes.
322	Chair Mannix	Do you have any interest in the ñ2 amendments (EXHIBIT H)?
323	McKeever	No.
339	Chair Mannix	The ñ2 amendments say that you have to wait 5 years after a misdemeanor conviction to seek expungement and 10 years on a felony conviction. Currently, it is 3 years for both convictions.
352	James Rice	Oregon Criminal Defense Lawyers Association Testifies in opposition to HB 2096. Discusses the harm in waiting 10 years to seal some felony convictions when the person charged has served his debt to society and is looking for employment.
393	Chair Mannix	What is your suggestion?
394	Rice	Leave expungement at 3 years.
396	Kathie Osborn	Juvenile Rights Project Juveniles have to wait 5 years before records can be expunged, but exceptions are made. Gives examples of those exceptions. I would suggest that the juvenile expungement remain at 5 years.
424	Dale Penn	Oregon District Attorneyís Association I think 10 years is too lengthy, but there are times when 3 years is not enough time-lapse for expungement of records. I think 5 years might be better.
TAPE 179, A		
004	Chair Mannix	What if we made the maximum time limit 5 years?
012	Penn	Five years is a good length of time to see if someone has made a change in their lifestyle
016	Rep. Sunseri	Are sex offenses expungeable?
016	Penn	No.

017	Rice	Discusses serious crimes that are never expungeable.
020	Chair Mannix	What if we said 3 years for misdemeanors and 5 years for felonies before records could be expunged?
026	Rice	It might be more appropriate to have a two-tiered system reflecting how we treat misdemeanors less seriously than felonies.
032	Rep. Prozanski	Describes instances when seeking employment or applying for school loans and scholarships can all be affected by having a criminal record. Three years seems long enough to wait for expungement.
044	Chair Mannix	What if we said records could be expunged 3 years from date of pronouncement of judgement or 3 years from release of custody, whichever is later?
047	Rep. Prozanski	That is fine.
051	Rep. Sunseri	How would that relate to the tiered concept of 3 and 5 years?
054	Rep. Prozanski	The 3 years would be tacked on to the date of release from incarceration.
057	Rice	Explains that expungement is not automatic, but would take a hearing.
059	Rep. Prozanski	The district attorney could object to this expungement.
064	Rep. Sunseri	What does the Teachers Standards & Practices Commission (TSPC) think about records being expunged 3 years from date of pronouncement of judgement or 3 years from release of custody, whichever is later?
067	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.
072	McKeever	We have no problem with that proposed change.
073	Rep. Sunseri	Would 5 years be better for TSPC to give you a broader background to search

		the records?
076	McKeever	We are more concerned with situations when there has been an arrest with no conviction because only arrest records would give us the necessary information on the applicant.
085	Rep. Prozanski	MOTION: Moves to ADOPT the conceptual amendment to HB 2096 that on page 1, line 6 after the word "judgment," add "or release from custody, whichever is later,".
		VOTE: 6-1 AYE: 6 - Bowman, Gianella, Hansen, Prozanski, Simmons, Mannix NAY: 1 - Sunseri
	Chair Mannix	The motion CARRIES.
094	Rep. Prozanski	MOTION: Moves to ADOPT HB 2096-1 amendments dated 03/30/99.
		VOTE: 7-0
	Chair Mannix	Hearing no objection, declares the motion CARRIED.
106	Rep. Bowman	MOTION: Moves HB 2096 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0
	Chair Mannix	Hearing no objection, declares the motion CARRIED. REP. BOWMAN will lead discussion on the floor.

111	Chair Mannix	Closes the work session on HB 2096.
<u>HB 2996 WORK SESSION</u>		
137	Counsel Horton	Current law enables the problem that created this legislation to be taken care of so HB 2996 is not needed.
144	Chair Mannix	Closes the work session on HB 2996.
<u>HB 3057 WORK SESSION</u>		
214	Rep. Prozanski	Introduces the ñ5, ñ6 and ñ7 amendments to HB 3057 relating to identity theft (EXHIBITS I ñ K) .
227	Counsel Horton	The only other amendments the committee needs to consider are the ñ4 amendments (EXHIBIT L) , the identity theft bill, and these amendments replace the ñ1, ñ2, and ñ3 amendments.
247	Rep. Hanson	MOTION: Moves to ADOPT HB 3057-4 amendments dated 04/28/99.
		VOTE: 7-0
		Chair Mannix
		Hearing no objection, declares the motion CARRIED.
252	Rep. Prozanski	Explains that the ñ5 amendments close a loophole in someone illegally making additional copies of photos. All of these amendments would be added to HB 3057, not substituted for the bill.
291	Rep. Prozanski	MOTION: Moves to ADOPT HB 3057-5 amendments dated 04/29/99.
297	Rep. Bowman	If I take pictures at my cousinís wedding and make 20 sets to send around the country, am I in violation of the law?
301	Chair Mannix	No. If the photo finisher makes spare copies of those pictures and displays or distributes them without your permission, he is in violation of this law.
312	Rep. Sunseri	I have never heard of this duplicating being a problem. How big is this problem?
314	Rep. Prozanski	Explains that gruesome crime scene pictures and partially nude photos had been

		recopied without permission.
329	Kevin Starrett	Private Citizen I was a commercial photographer for 20 years, and this problem should be covered under copyright law.
350	Chair Mannix	Copyright laws may exist, but this will give a sanction to copying unauthorized photos.
360	Rep. Gianella	I would be more comfortable if the law applied only for the duplication of property belonging to law enforcement.
372	Rep. Simmons	This legislation is pretty broad so maybe it could be narrowed to property belonging to law enforcement.
386	Rep. Prozanski	This legislation is for the owner of photos that should not be copied without their permission.
419	James Rice	Oregon Criminal Defense Lawyers Association I don't see a definition of "entrusted" which appears on line 14, page 1 of the 5 amendments.
TAPE 178, B		
020	Rep. Prozanski	WITHDRAWS the motion to adopt the 5 amendments.
022	Rep. Hansen	This is something we should be aware of for next session because I wouldn't want the nude bearskin rug photos of my grandkids ending up on the Internet.
035	Rep. Prozanski	Explains the 6 amendments that remove industrial hemp from the definition of controlled substances.
039	Rep. Prozanski	MOTION: Moves to ADOPT HB 3057-6 amendments dated 04/29/99.
	Chair Mannix	VOTE: 3-4 AYE: 3 - Bowman, Hansen, Prozanski NAY: 4 - Gianella, Simmons, Sunseri, Mannix

	Chair Mannix	The motion FAILS.
056	Rep. Prozanski	The ñ7 amendments hold a person who issues a disputed consumer report accountable to a Class B misdemeanor. This means any information that the consumer feels is inaccurate will be held until any dispute is settled.
093	Rep. Hansen	This is a valid issue, but I don't know if criminalizing it is the way to go.
104	Rep. Bowman	Isn't there a process currently in law that if there is a dispute on your credit report the credit-reporting agency has to send a disclaimer along with the report acknowledging that there is a dispute?
109	Chair Mannix	They do have to acknowledge on the credit report that there is a challenge to a particular item in dispute.
112	Rep. Bowman	If this legislation passes, would a credit-reporting agency who sends out a disputed report be in violation of the law?
115	Rep. Prozanski	Yes.
134	Rep. Simmons	MOTION: Moves HB 3057 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
		VOTE: 7-0
Chair Mannix		Hearing no objection, declares the motion CARRIED.
164	Chair Mannix	Closes the work session on HB 3057.
<u>HB 2432 WORK SESSION</u>		
172	Counsel Horton	Explains that there are ñ1 amendments to HB 2432 that requires the state to pay counties a minimum of \$65 per day for persons incarcerated in county facilities upon conviction of a felony or as a sanction for parole violation (EXHIBIT M).
177	Paul Snider	Association of Oregon Counties

		Testifies in support of HB 2432 and describes the ñ1 amendments. Explains the formula used for arriving at the average daily cost to stay in the county jail. The numbers will change to actual costs when those actual costs are determined.
228	Chair Mannix	The effective date could be determined when HB 2432 goes to Ways & Means.
229	Snider	We are assuming that the effective date will be September 1, 2000.
238	Scott Taylor	Assistant Director, Department of Corrections Testifies in support of HB 2432 and the ñ1 amendments. Clarifies that one of the dollar amounts Mr. Snider referred to should not be considered for "supervision" but for alternative sanctions when people are moved out of custody.
253	Rep. Prozanski	MOTION: Moves to ADOPT HB 2432-1 amendments dated 05/03/99.
		VOTE: 7-0
		Chair Mannix
		Hearing no objection, declares the motion CARRIED.
256	Rep. Prozanski	MOTION: Moves HB 2432 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
		VOTE: 7-0
		Chair Mannix
		Hearing no objection, declares the motion CARRIED.
260	Chair Mannix	Closes the work session on HB 2432.
<u>HB 3374 WORK SESSION</u>		
268	Counsel Horton	HB 3374 originally concerned harassment, but the ñ1 and ñ2 amendments replace the original bill (EXHIBITS N & O).
281	Chair Mannix	The ñ1 amendments get into the area of domestic violence. The ñ2 amendments have a fiscal impact.

291	Rep. Prozanski	Do the ñ1 amendments bring the legislation in line with the Family Abuse Act?
295	Counsel Horton	I believe so. Discusses three similar, statutes that define a domestic relationship for the purposes of domestic violence.
312	Rep. Prozanski	Discusses that the definition of family or household members found in ORS 107.705 applies to anyone who has ever "cohabitated". How far back does "ever" apply and how intimate a relationship is defined by "cohabitated"?
326	Counsel Horton	Discusses the ñ3 amendments that deal with resisting arrest and interfering with a peace officer (EXHIBIT P).
348	Rep. Prozanski	MOTION: Moves to ADOPT HB 3374-3 amendments dated 05/03/99.
363	Rep. Bowman	Asks for clarification between "resisting" arrest and "interfering" in an arrest.
373	Rep. Prozanski	Explains "interfering" with a peace officer is when an officer cannot continue an investigation. "Resisting" an arrest should not include the charge of "interfering" since that is already covered in statute.
387	Rep. Bowman	Does this follow the legislation last session that if I was on my porch during a police investigation in front of my house that I could be charged with interfering in that police investigation?
394	Rep. Prozanski	It depends upon where you are and what you are doing. If you are on your porch at some distance, I would say this was not interfering. However, if you are in the officer's face so he can't continue his investigation, that could be construed as "interfering".
402		VOTE: 7-0
	Chair Mannix	Hearing no objection, declares the motion CARRIED.
405	Counsel Horton	The ñ4 amendments relate to graffiti (EXHIBIT Q).
420	Rep. Prozanski	MOTION: Moves to ADOPT HB 3374-4 amendments dated 05/03/99.
		VOTE: 7-0

	Chair Mannix	Hearing no objection, declares the motion CARRIED.
TAPE 179, B		
007	Counsel Horton	The ñ5 amendments to HB 3374 relate to a person unlawfully entering a motor vehicle (EXHIBIT R) .
024	Rep. Prozanski	Expresses a concern that the ramifications of this legislation are too broad and might encompass two kids arguing and one youth reaches in a car to hit the other youth. The youth reaching in would then be in violation of this law.
041	Chair Mannix	We could use the language that the person has to completely enter the motor vehicle before they are in violation.
042	Rep. Bowman	What about the case where I might get into a car that looks identical to my own. Am I then in violation of this law?
049	Counsel Horton	We could borrow language from the burglary statute that speaks to "enters and remains" in a motor vehicle.
054	James Rice	Oregon Criminal Defense Lawyers Association Discusses a variety of circumstances that could fall under this legislation that do not have criminal intent, but could be considered in violation if this law passed.
064	Chair Mannix	What about using the language, "completely enters and remains within" a motor vehicle?
068	Rep. Prozanski	What is this legislation attempting to address?
070	Chair Mannix	A form of trespass such as a person slept all night in your car and left a mess.
076	Rep. Prozanski	If your car was locked up and they broke in that would be a crime and if they left a mess that would be the crime of offensive littering.
082	Dale Penn	Marion County District Attorney This legislation is most helpful when you are catching the person upon immediate entry into your vehicle.

101	Rep. Prozanski	When a person enters the car, if you don't catch them immediately, that person is attempting some type of mischief inside the car and the present laws should take care of that.
119	Penn	Discusses a bill from the 1997 session that covered a majority of problems relating to criminal trespass. Adding "vehicle" to the lowest misdemeanor criminal trespass, ORS 164.245, might work.
139	Rep. Prozanski	This would be a good way of addressing the issue of criminal trespass in a motor vehicle.
144	Chair Mannix	Asks counsel to draft amendments adding unlawfully entering a motor vehicle to the criminal trespass statutes.
148	Rep. Bowman	Do the ñ3 amendments change current law so that passive resistance/civil disobedience is now prohibited with this change?
154	Chair Mannix	The person engaged in civil disobedience has to be doing something physically to "resist" or "interfere" in an arrest, but passive resistance is not seen as physically resisting or interfering.
166	Rep. Prozanski	Discusses passive resistance as not being included in "interfering" with a police investigation.
181	Counsel Horton	The ñ6 amendments (EXHIBIT S) would provide that a peace officer can arrest the person for probable cause whether committed in their presence or not.
194	Rep. Prozanski	The new (d) beginning on line 19, page 1, of the ñ6 amendments broadens arrests when it takes out "violations" and inserts "infractions".
201	Counsel Horton	I did not request those changes.
203	Chair Mannix	I would suggest we delete the changes made in lines 19-21.
207	Rep. Prozanski	Expresses his concern with arrests occurring for Class B and Class C misdemeanors.
222	Penn	The ñ6 amendments should not have an impact on jail issues because these violations would be handled by citations, not by arrests.
264	Chair Mannix	Discusses Class B & C misdemeanors getting changed to Class A felonies because misdemeanors were not being prosecuted. Now there is a turnaround to get tough on misdemeanors again.

299	Rep. Bowman	How does giving a citation speed up the trial process?
309	Penn	Class B & C misdemeanors are crimes so a search can be authorized. However, a traffic infraction or a violation does not warrant a search. The issue is whether it is a violation or a crime.
338	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.
339	Rep. Simmons	MOTION: Moves to delete the changes made in lines 19-21 of the ñ6 amendments to HB 3374.
		VOTE: 7-0
	Chair Mannix	Hearing no objection, declares the motion CARRIED.
339	Rep. Simmons	MOTION: Moves to ADOPT HB 3374-6 amendments dated 05/03/99.
		VOTE: 6-1 AYE: 6 - Gianella, Hansen, Prozanski, Simmons, Sunseri, Mannix NAY: 1 - Bowman
	Chair Mannix	The motion CARRIES.
359	Rep. Bowman	Will HB 3374 go to Ways & Means because of the fiscal impact?
360	Chair Mannix	No, not at this point.

365	Counsel Horton	The ñ7 amendments to HB 3374 enable the prosecutor to raise the defense of insanity on behalf of the defendant (EXHIBIT T).
416	Penn	There is case law that prohibits a prosecutor from asserting this insanity defense unless the client agrees. There is also a provision relating to a person being unable to aid and assist in their defense but that is a civil commitment process. The ñ7 amendments would let the prosecutor assert the insanity defense for the State.
TAPE 180, A		
022	Rep. Bowman	Arenít you arguing both sides of the case if you do that?
023	Penn	My first responsibility is to prove the crime and then I would be arguing to the jury that the motive is mental disease or defect and why.
032	Rep. Bowman	I appreciate the desire to not incarcerate or imprison someone with a mental health problem, but Iím concerned with a prosecutor providing a defense.
069	Rep. Simmons	Discusses the ñ1 amendments to HB 3586 that could be adopted into HB 3374 relating to the baiting of cougars and bears (EXHIBIT U).
101	Rep. Prozanski	Why lower this sanction from a Class A misdemeanor to a Class C?
103	Rep. Simmons	People need to not be discouraged from protecting themselves and their property.
109	Rep. Prozanski	Discusses the defense called a "choice of evils" that could be used when a person is protecting themselves or their property.
130	Rep. Gianella	Describes incidences of damage caused by cougars to property and the life of other animals.
142	Chair Mannix	Suggests a stair-step approach to the license suspension of one year on the first offense, five years on the second offense and then a lifetime suspension.
154	Rep. Hansen	Addressing the problem of too many bears and too many cougars by creating a lesser offense to hunt them is a backdoor approach. Weíre condoning the action by making it a lesser crime, but it is still a crime.
194	Chair Mannix	Closes the work session on HB 3374.
<u>HB 2795 WORK SESSION</u>		

202	Chair Mannix	Discusses the three options for HB 2795 that established additional mandatory minimum terms of imprisonment for a person convicted of certain crimes if a person used a weapon. Discusses the ñ1 amendments (EXHIBIT V).
217	Rep. Gianella	MOTION: Moves to ADOPT HB 2795-1 amendments dated 04/27/99.
226	Rep. Prozanski	Under Section 1 on page 1 of HB 2795 everything on the sentencing guidelines that is considered a crime would be eligible for an additional two year sentence including driving while suspended or revoked, cheating at gambling, and theft in the third degree, among others.
254	Rep. Gianella	WITHDRAWS the motion to adopt the ñ1 amendments.
287	Rep. Gianella	MOTION: Moves HB 2795 to the floor with a BE ADOPTED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
292	Rep. Simmons	We need to let people know that the use of firearms in the commission of a crime will not be tolerated in Oregon.
303	Rep. Prozanski	Why are we putting more laws on the books when we have ORS 161.610, the gun enhancement statute? Why not advertise this statute instead of sending this bill to Ways and Means where it will die because of the high financial impact?
348	Chair Mannix	VOTE: 4-3 AYE: 4 - Gianella, Simmons, Sunseri, Mannix NAY: 3 - Bowman, Hansen, Prozanski
	Chair Mannix	The motion CARRIES.
353	Chair Mannix	Closes the work session on HB 2795.
<u>HB 3103 WORK SESSION</u>		
368	Chair Mannix	Discusses the ñ2 amendments to HB 3103 that creates the crime of possession a firearm in posted premises (EXHIBIT W).

370	Rep. Prozanski	MOTION: Moves to ADOPT HB 3103-3 amendments dated 04/26/99.
384	Rep. Prozanski	Describes the 3 amendments to HB 3103 that relate to people being in possession of a firearm when they are under the influence of intoxicants (EXHIBIT X) and submits a list of states with firearm and alcohol statutes (EXHIBIT Y) .
TAPE 181, A		
001	Rep. Simmons	How would this legislation relate to someone who went hunting with a firearm and took along alcohol, or someone drinking in their home where firearms are also present?
047	Rep. Prozanski	Discusses the fact that alcohol and firearms don't mix whether you are hunting on horseback or driving a car.
080	Rep. Sunseri	For most of this state, this legislation isn't practical, and how could you even police this during hunting season?
090	Rep. Bowman	We need to take positive steps this session to make sure that people are held accountable for their actions.
105	Rep. Hansen	If you're done hunting and want to have a drink, put the guns away. Based on earlier testimony and the lives lost, this just proves that guns and alcohol do not mix.
133	Rep. Simmons	I would feel more comfortable with this legislation if it was limited to brandishing or firing a weapon, but just "possession" is too broad.
145	Rep. Hansen	Would the committee be more comfortable if we inserted "loaded" firearms?
148	Chair Mannix	No.
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.

177	Rep. Prozanski	MOTION: Moves to add the word "loaded" before the word firearm on lines 3 and 4 of the ñ3 amendments. Further amend the ñ3 amendments by deleting "in the personís immediate possession" on line 4 and inserting "on their person".
178	Rep. Prozanski	Discusses the different states where a person cannot be in possession of a firearm when intoxicated.
222		VOTE: 3-4 AYE: 3 - Bowman, Hansen, Prozanski NAY: 4 - Gianella, Simmons, Sunseri, Mannix
	Chair Mannix	The motion FAILS.
277	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.
278	Rep. Sunseri	MOTION: Moves to change "Class B misdemeanor" to "Class A misdemeanor" in the ñ2 amendments to HB 3103.
		VOTE: 7-0
	Chair Mannix	Hearing no objection, declares the motion CARRIED.
293	Rep. Bowman	Is there a statute definition for "brandish"?
295	Chair Mannix	Page 1, line 16, of the ñ2 amendments state it means to exhibit in an aggressive manner.

310	Rep. Sunseri	MOTION: Moves to ADOPT HB 3103-2 amendments dated 04/27/99.
		VOTE: 5-2 AYE: 5 - Gianella, Hansen, Simmons, Sunseri, Mannix NAY: 2 - Bowman, Prozanski
	Chair Mannix	The motion CARRIES.
325	Rep. Sunseri	MOTION: Moves HB 3103 to the floor with a DO PASS AS AMENDED recommendation.
	Chair Mannix	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.
336	Rep. Prozanski	Gives notice of a possible minority report on HB 3103.
340	Chair Mannix	Closes the work session on HB 3103.
355	Chair Mannix	Adjourns the meeting at 11:05 a.m.

Submitted By, Reviewed By,

Patsy Wood, Sarah Watson,

Administrative Support Office Administrator

EXHIBIT SUMMARY

- A - HB 3047, -1 amendments (LC 3474), dated 5/3/99, Larry Oglesby, Juvenile Dept. Director's Assoc., 1 pg.
- B - HB 3047, written testimony submitted by Larry Oglesby, dated 5/4/99, 1 pg.
- C - HB 2488, -3 amendments (LC 1863), dated 4/30/99, staff, 28 pgs.
- D - HB 2488, -4 amendments (LC 1863), dated 4/30/99, staff, 28 pgs.
- E - HB 2488, letter written to Ben de Haan, DOC, from David Schuman, DOJ, submitted by staff, dated 4/30/99, 2 pgs.
- F - HB 2488, -1 amendments (LC 1863), dated 2/26/99, staff, 1 pg.
- G - HB 2096, -1 amendments (LC 962), dated 3/30/99, Rep. Floyd Prozanski, 2 pgs.
- H - HB 2096, -2 amendments (LC 962), dated 4/28/99, Staff, 1 pg.
- I - HB 3057, -5 amendments (LC 3415), dated 4/29/99, Rep. Floyd Prozanski, 1 pg.
- J - HB 3057, -6 amendments (LC 3415), dated 4/29/99, Rep. Floyd Prozanski, 4 pgs.
- K - HB 3057, -7 amendments (LC 3415), dated 5/03/99, Rep. Floyd Prozanski, 5 pgs.
- L - HB 3057, -4 amendments (LC 3415), dated 4/28/99, staff, 5 pgs.
- M - HB 2432, -1 amendments (LC 1567), dated 5/03/99, staff, 1 pg.
- N - HB 3374, -1 amendments (LC 3461), dated 5/03/99, staff, 6 pgs.
- O - HB 3374, -2 amendments (LC 3461), dated 5/03/99, staff, 3 pgs.
- P - HB 3374, -3 amendments (LC 3461), dated 5/03/99, staff, 1 pg.
- Q - HB 3374, -4 amendments (LC 3461), dated 5/03/99, staff, 1 pg.
- R - HB 3374, -5 amendments (LC 3461), dated 5/03/99, staff, 1 pg.
- S - HB 3374, -6 amendments (LC 3461), dated 5/03/99, staff, 4 pgs.
- T - HB 3374, -7 amendments (LC 3461), dated 5/03/99, staff, 3 pgs.
- U - HB 3374/3586, -1 amendments (LC 4093), dated 4/26/99, staff, 1 pg.
- V - HB 2795, -1 amendments (LC 2809), dated 4/27/99, staff, 6 pgs.
- W - HB 3103, -2 amendments (LC 3096), dated 4/27/99, staff, 1 pg.
- X - HB 3103, -3 amendments (LC 3096), dated 4/26/99, staff, 1 pg.
- Y - HB 3103, written testimony submitted by Rep. Floyd Prozanski, 1 pg.