

## CONFERENCE COMMITTEE ON HB 2196

June 9, 1999 Hearing Room E

9:30 a.m. Tape 1

**MEMBERS PRESENT: Rep. Bob Montgomery, Chair**

**Rep. Mike Lehman**

**Rep. Jeff Kropf**

**Sen. Marilyn Shannon**

**Sen. Gary George**

**Sen. Mae Yih**

**STAFF PRESENT: Janet Adkins, Administrator**

**Brad Daniels, Administrative Support**

**MEASURE/ISSUES HEARD: HB 2196 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   |
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| <b>TAPE 3, A</b>                   |                  |  |
| 004                                | Chair Montgomery | Opens the meeting at 9:40 a.m. Opens the work session on HB 2196.  |
| <b><u>HB 2196 WORK SESSION</u></b> |                  |  |
| 006                                | Janet Adkins     | Administrator. Explains HB 2196, the effect of the Senate amendments and the current status of the statutory provision for the mandatory suspension of |

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|     |                  | driver licenses for drug convictions. States that the amendments are needed if the committee decides to repeal the suspension. Indicates that DUII and other motor vehicle laws, as well as laws dealing with minors, will remain the same ( <b>EXHIBIT A</b> ).  |
| 038 | Dale Penn        | District Attorney, Marion County. Explains that the suspension order is used in Marion County for felony crimes involving drugs. States that the effectiveness of the suspension program is unknown. Notes that the majority of convictions result in delays for applications, rather than suspensions of licenses. Supports maintaining the statutory authority to suspend licenses for narcotic crimes. |
| 080 | Chair Montgomery | States a potential conflict of interest as his son is a deputy district attorney.   |
| 082 | Sen. Shannon     | Asks if the suspension authority will affect minors under 16.   |
| 090 | Sandy Wood       | Division of Driver and Motor Vehicle Services (DMV). Replies that, while the statute for minors remains the same, delays come into effect for adults who do not have Oregon driving privileges at the time they are convicted.  |
| 100 | Sen. Shannon     | Expresses concern about suspending the driver's license of a person who was not driving at the time, but who may need to drive for employment reasons.  |
| 111 | Penn             | Responds that a person under the influence of narcotics is not prosecutable, but if the passenger does possess drugs, then they could be prosecuted and their license suspended. Recognizes that retaining the suspension authority is a policy choice.   |
| 127 | Sen. Shannon     | Asks if carpentry or other professional licenses are also suspended if a person is convicted of a drug offense while not on the job.  |
| 129 | Penn             | Replies that the law does not authorize the suspension of any kind of professional or vocational license, but associations could suspend members for drug possession administratively.  |
| 140 | Chair Montgomery | States that the list of drugs in the statutes is long, noting that all or none need to be included.   |
| 144 | Sen. George      | Asks about people who will not obey the suspension.   |
| 152 | Penn             | Replies that the effectiveness has not been studied, and perhaps drug offenders should not be given a break without this information.   |
| 165 | Rep. Lehman      | Asks if a driver's license is suspended for severe vehicular offenses.  |
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| 168 | Penn             | Replies yes.  |
| 173 | Rep. Lehman      | Asks if a driver's license is suspended for failure to pay child support.   |
| 178 | Penn             | Replies yes. Adds that the suspension acts as a motivator.  |
| 184 | Wood             | Clarifies that the holder of a commercial driver's license can show a direct connection between the need to drive for work and the obligation to pay child support.         |
| 188 | Rep. Lehman      | Indicates that the drug statute is somewhere in between a direct and indirect connection with driving, adding that drugs can impair a person's ability to drive.            |
| 197 | Penn             | Agrees with Lehman's analysis.  |
| 208 | Rep. Lehman      | Supports the retention of the license suspension for drug convictions due to its deterrent and punitive effect.   |
| 224 | Sen. Shannon     | Agrees with Lehman, but expresses concern about the connection between possessing drugs and suspending a license  |
| 240 | Chair Montgomery | Supports retaining the suspension requirement.  |
| 242 | Rep. Kropf       | Agrees with Rep. Lehman's analysis and Sen. Shannon's concerns. Indicates that the people Sen. Shannon is concerned about are the exception. Opposes repealing the statute. |
| 259 | Sen. Yih         | Acknowledges that the district attorneys need as many tools as possible.  |
| 265 | Sen. George      | Expresses concern about the lack of a relationship between the offense and the consequences, but supports retaining the statute.  |
| 272 | Sen. Shannon     | Asks if the suspension is mandatory.  |
| 276 | Penn             | Replies that some discretion is involved.   |
| 287 | Sen. Shannon     | <b>MOTION: Moves HB 2196B to the floor with the recommendation that the Senate recede from Senate amendments dated 05/11/99 and repass the Measure.</b>                     |
| 300 | Adkins           | Notes that inhalants will be added to the statute upon passage of SB 443.   |
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| 304 | Sen. George             | Explains that the addition of inhalants may change his opinion of the bill. |
| 317 | Sen. Shannon            | Describes a story about the danger of inhalants.                            |
| 325 |                         | <b>VOTE: 6-0</b>  |
|     | <b>Chair Montgomery</b> | <b>Hearing no objection, declares the motion CARRIED.</b>                   |
| 330 | Chair Montgomery        | Adjourns the meeting at 10:05 a.m.  |

Submitted By, Reviewed By,

Brad Daniels, Janet Adkins,

Administrative Support Administrator

### **EXHIBIT SUMMARY**

**A ñHB 2196B, -B5 amendments, staff, 2 pp.**