

**SENATE COMMITTEE ON JUDICIARY**

**February 1, 1999 Hearing Room 343**

**3:00 PM Tapes 20 - 21**

**MEMBERS PRESENT: Sen. Bryant, Chair**

**Sen. Courtney, Vice-Chair**

**Sen. Brown**

**Sen. Burdick**

**Sen. Nelson**

**Sen. Tarno**

**MEMBER EXCUSED: Sen. Qutub**

**STAFF PRESENT: Bill Taylor, Counsel**

**Travis Prestwich, Extern, Judiciary Committee**

**Kathy Courtney, Administrative Support**

**MEASURE/ISSUES HEARD: SB 20**

**SB 2277**

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 20, A		
005	Chair Bryant	Calls meeting to order at 3:15 PM.
<b><u>SB 20 PUBLIC HEARING</u></b>		

011	<b>Travis Prestwich</b>	<b>Extern, Judiciary Committee</b>  SB 20 denominates as violations all offenses that do not provide for term of imprisonment.
031	Sen. Burdick	What does "denominate" mean?
034	Prestwich	It means to specify, to categorize.
036	<b>Rep. Lane Shetterly</b>	<b>State Representative, House District 34</b>  Testifies in support of SB 20. Explains the mandate of the Oregon Law Commission and Criminal Justice Advisory Committee interim meetings to address the mismatch of non-criminal offenses in statutes. This bill consolidates these offenses substantively and procedurally.
058	<b>Rep. Floyd Prozanski</b>	<b>State Representative, House District 40</b>  Testifies in support of SB 20. Explains traffic infractions and violations similarities. States intent of SB 20 to provide uniformity and consistency in one body of law for the courts.
091	Chair Bryant	Does the defense community support this bill?
095	Rep. Prozanski	Yes. Discusses the members of the workgroup and their agreement on the final bill.
115	Chair Bryant	Discusses Legislative Counsel SB 20 outline. <b>(EXHIBIT A)</b>
118	<b>Bradd Swank</b>	<b>State Court Administrator's Office</b>  Testifies in support of SB 20. Highlights the history of the traffic infraction system from the mid-1970s to the present. Explains the ambiguity of the bail system. Defines the term "bail" in its historical use. States the workgroup's mandate was to simplify the law, not to change its essence. States that some items in the bill, such as the "charging ticket", needs further clarification.
224	Chair Bryant	Does this bill propose a system of four violations instead of the current system of infractions and violations?
226	Swank	There are six levels of violations. Explains levels, including "unclassified violations."
238	Chair Bryant	What is an example of an "unclassified violation?"
243	Rep. Prozanski	A Minor in possession of alcohol is an unclassified violation.

250	Swank	Explains violation system for specific fine violations set by statute. States that SB 20 does not change the base fine of violations.
303	Sen. Burdick	Is the changing status of Marijuana reflected in this bill?
307	Swank	Yes.
310	Sen. Burdick	A marijuana offense has a specified fine, correct?
342	Swank	Yes. Specifies the ways to increase a base fine: 1) to increase the base fine itself, 2) to increase the maximum fine amount and 3) to reclassify the fine. SB 20 does not increase base fines for violations.
353	Sen. Tarno	Are other states simplifying their violation fine structure?
355	Swank	Yes. Explains the variation between states of setting fines for non-criminal offenses. States public interest in this area continues to grow because fine systems generate more revenue than they cost to operate. Oregon generates over \$60 million per biennium from non-criminal offenses.
393	Sen. Tarno	Will SB 20 change the uniform code of reporting procedures? Will it impact the types of crimes reported to the NCIC?
396	Swank	No.
399	Chair Bryant	Closes Public Hearing on SB 20.
<b><u>HB 2277 PUBLIC HEARING</u></b>		
405	<b>Rep. Lane Shetterly</b>	<b>State Representative, House District 34</b>  Testifies in support of HB 2277 and explains the history and membership of the law commission. States the mandate of the commission to seek out obsolete statutes and propose law improvement measures. Expresses the commission's consensus to remove a 1985 bill from statute since the bill is antiquated.
445	<b>Rep. Floyd Prozanski</b>	<b>State Representative, House District 40</b>  Testifies in support of HB 2277. Explains the history of the 1985 statute and the subsequent ruling in State vs. Cheney that superseded it. States that HB 2277 has the support of the defense community.
020	Chair Bryant	Closes HB 2277 Public Hearing

TAPE 21,SIDE A

**HB 2277 WORK SESSION**

021	Sen. Courtney	<b>MOTION: Moves HB 2277 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 5-0-2</b> <b>EXCUSED: 2 - Sen. Burdick, Sen. Qutub</b>
	Chair	<b>Hearing no objection, declares the motion CARRIED.</b>  <b>SEN. COURTNEY will lead discussion on the floor.</b>
042	Bill Taylor	Introduces LC 1583 relating to corrections of errors in Oregon law.
092	Chair Bryant	Adjourns meeting at 3:50 PM.

Submitted By, Reviewed By,

Kathy Courtney, Sarah Watson

Administrative Support Office Manager

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**EXHIBIT SUMMARY**

**A. Senate Bill 20 Outline, David Heynderickx**