

SENATE COMMITTEE ON JUDICIARY

April 01, 1999 Hearing Room 343

3:00 PM Tapes 104 -106

MEMBERS PRESENT: Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Brown

Sen. Burdick

Sen. Nelson

Sen. Qutub

Sen. Tarno

STAFF PRESENT: Bill Taylor, Counsel

Kathy Courtney, Administrative Support

MEASURE/ISSUES HEARD: SB 491 - Work Session

SB 740 - Public Hearing

SB 59 - Public Hearing

SB 506 - Work Session

SB 344 - Work Session

SB 735 - Work Session

SB 34 - Work Session

SB 841 - Public Hearing

SB 848 - Public Hearing

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.

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TAPE/#	Speaker	Comments
TAPE 104, SIDE A		
005	Chair Bryant	Calls meeting to order at 3:10 PM.
<u>SB 491 WORK SESSION</u>		
022	Counsel Taylor	SB 491 amends the Oregon Death with Dignity Act. Explains the SB 491 ñ13 and ñ15 amendments. (EXHIBITS A and B)
024	Steve Telfer	Oregon Right to Die Testifies in support of SB 491. Discusses -15 amendments.
038	Chair Bryant	MOTION: Moves to ADOPT SB 491-13 amendments dated 03/31/99.
		VOTE: 4-1-2 AYE: 4 - Courtney, Qutub, Tarno, Bryant NAY: 1 - Brown EXCUSED: 2 - Burdick, Nelson
	Chair Bryant	The motion CARRIES.
039	Sen. Qutub	Discusses origin of SB 491-14 amendments. (EXHIBIT C)
063	Chair Bryant	MOTION: Moves to ADOPT SB 491 -15 amendments dated 04/01/99.
		VOTE: 5-0-2 EXCUSED: 2 - Sen. Burdick, Sen. Nelson
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
067	Sen. Qutub	Explains her conditional support of SB 491.

088	Chair Bryant	MOTION: Moves SB 491 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Nelson
	Chair Bryant	Hearing no objection, declares the motion CARRIED. CHAIR BRYANT will lead discussion on the floor.
	Chair Bryant	Closes SB 491 Work Session.
<u>SB 740 WORK SESSION</u>		
102	Counsel Taylor	SB 740 expands the group of persons required to report as sex offenders. Discusses the SB 740 -1, -2, and -3 amendments. (EXHIBITS D, E, and F)
115	Kent Zwicker	Oregon State Police, Criminal Investigations Services Division Discusses criminal penalty and fee appropriation provisions of the SB 740 ñ1 amendments.
169	Chair Bryant	Discusses the groups of persons required to report as sex offenders.
215	Sen. Courtney	MOTION: Moves to ADOPT SB 740-1, -2, -3 amendments dated 03/25/99, 03/31/99, and 04/01/99 respectively.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
223	Sen. Courtney	MOTION: Moves SB 740 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-1-1

		AYE: 5 - Brown, Burdick, Courtney, Qutub, Bryant NAY: 1 - Tarno EXCUSED: 1 - Nelson
	Chair Bryant	The motion CARRIES. CHAIR BRYANT will lead discussion on the floor.
239	Ingrid Swenson	Oregon Criminal Defense Lawyers Association Discusses the crimes which apply to the 3-year defense.
268	Sen. Brown	What are the statutory references for the crimes listed in SB 740?
269	Swensen	Cites statutory references: ORS 163.435 and ORS 163.445.
297	Sen. Brown	Suggests amending SB 740 to include SB 620.
298	Sen. Courtney	MOTION: Moves to RECONSIDER the vote by which SB 740 was moved to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
319	Chair Bryant	Closes SB 740 Work Session.
<u>SB 59 WORK SESSION</u>		
306	Counsel Taylor	SB 59 defines "weapon" in regard to the crime of possessing a weapon within a public building. Explains the SB 59 amendments. (EXHIBIT G)
396	Chair Bryant	Discusses the definition of a public transit station.

TAPE 105, SIDE A

002	John Hellen	Oregon Gun Owners Association Testifies and submits written testimony in opposition against SB 59 ñ7. Discusses the need for a clear definition of a public transit station. (EXHIBITS H and I)
013	Sen. Brown	Discusses the confusion between federal and state laws regarding weapons in public facilities.
044	Chair Bryant	MOTION: Moves to ADOPT SB 59-3 amendments dated 03/01/99.
		VOTE: 7-0-0
		Chair Bryant
		Hearing no objection, declares the motion CARRIED.
047	Chair Bryant	MOTION: Moves to ADOPT SB 59-5 amendments dated 03/18/99.
		VOTE: 7-0-0
		Chair Bryant
		Hearing no objection, declares the motion CARRIED.
052	Chair Bryant	Closes SB 59 Public Hearing.
<u>SB 506 PUBLIC HEARING</u>		
056	Counsel Taylor	SB 506 relates to the crime of failure to appear on a citation. Discusses SB 506 ñ2 amendments. (EXHIBIT J)
069	Sen. Courtney	MOTION: Moves to ADOPT SB 506-2 amendments dated 04/01/99.
		VOTE: 6-0-1
		EXCUSED: 1 - Sen. Burdick

	Chair Bryant	Hearing no objection, declares the motion CARRIED.
071	Sen. Courtney	MOTION: Moves SB 506 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Burdick
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. COURTNEY will lead discussion on the floor.
<u>SB 344 WORK SESSION</u>		
079	Counsel Taylor	SB 344 requires specific public and private employees to report persons who possess firearms on public property. Discusses the SB 344 ñ2 amendments. (EXHIBIT K)
108	Ingrid Swenson	Oregon Criminal Defense Lawyers Association Testifies in support of SB 344. Discusses remaining concern with the SB 344 ñ2 amendments relating to mental health assessment.
130	Mike Livingston	Assistant Attorney General, Department of Justice Discusses the reporting time frame of SB 344.
164	Chair Bryant	Discusses the need to establish a time frame in statute.
191	Livingston	Discusses 90 days as a possible time frame for reporting SB 344 offenses.
207	Sen. Nelson	Would a person be liable for failing to report a firearms possession offense under this bill? Is there a parallel in the child abuse reporting statutes?
237	Kathie Osborn	Juvenile Rights Project Compares child abuse reporting statutes with proposed illegal possession of firearms reporting statutes.

272	Swenson	Asserts that SB 344 inappropriately assumes that every child is a dangerous child.
290	Livingston	Explains that the primary purpose of SB 344 is to deal with current dangerous persons. Specifies the requirements for submitting a report.
304	Chair Bryant	MOTION: Moves to ADOPT SB 344-2 amendments dated 03/19/99.
		VOTE: 5-0-2 EXCUSED: 2 - Sen. Brown, Sen. Burdick
Chair Bryant		Hearing no objection, declares the motion CARRIED.
322	Chair Bryant	Closes SB 344 Work Session.
<u>SB 735 WORK SESSION</u>		
325	Counsel Taylor	SB 735 relates to the classification of currency as contraband in work release facilities. Discusses the SB 735 amendments. (EXHIBIT L)
336	Sen. Qutub	MOTION: Moves to ADOPT SB 735-1 amendments dated 04/01/99.
		VOTE: 5-0-2 EXCUSED: 2 - Sen. Brown, Sen. Burdick
Chair Bryant		Hearing no objection, declares the motion CARRIED.
340	Sen. Qutub	MOTION: Moves SB 735 to the floor with a DO PASS AS AMENDED recommendation.

		VOTE: 5-0 EXCUSED: 2 - Sen. Brown, Sen. Burdick
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. TARNO will lead discussion on the floor.
345	Chair Bryant	Closes SB 735 Work Session.
<u>SB 443 WORK SESSION</u>		
349	Counsel Taylor	SB 443 expands the offense of driving while under the influence of intoxicants. Discusses the SB 443 ñ1 amendments. (EXHIBIT M)
362	Sen. Courtney	MOTION: Moves to ADOPT SB 443-1 amendments dated 03/29/99.
		VOTE: 5-0-2 EXCUSED: 2 - Sen. Brown, Sen. Burdick
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
364	Sen. Courtney	MOTION: Moves SB 443 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0-2 EXCUSED: 2 - Sen. Brown, Sen. Burdick
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. COURTNEY will lead discussion on the floor.

373	Chair Bryant	Closes SB 443 Work Session.
<u>SB 34 WORK SESSION</u>		
379	Counsel Taylor	SB 34 establishes that the telephone number and address of victims and witnesses in criminal actions may not be disclosed to the defendant.
392	Dale Penn	Marion County District Attorney Discusses the procedures for withholding a victim's name and telephone number from a defendant.
TAPE 104, SIDE B		
005	Ingrid Swenson	Oregon Criminal Defense Lawyers Association Testifies in opposition and submits proposed amendments to SB 34. (EXHIBIT N) Discusses disclosure of information to defendants who represent themselves.
034	Chair Bryant	Mr. Penn, do you agree with Ms. Swenson's amendments?
038	Penn	Explains that most defendants have legal representation. If not, SB 34 allows for a judge's discretion.
051	Chair Bryant	Closes SB 34 Work Session.
<u>SB 841 PUBLIC HEARING</u>		
058	Chair Bryant	SB 841 grants specified rights to victims in prosecutions for crimes. Discusses legislative history of SB 841.
075	Dale Penn	Marion County District Attorney Discusses the rights of victims to refuse a deposition in criminal and case law. Other than subpoena to trial, there is no right to interview a victim to obtain a deposition.
100	Chair Bryant	Discusses civil cases in which the victim is a plaintiff.
130	Rep. Lane Shetterly	Oregon Representative, House District 34

		Testifies in support of SB 841. Compares SB 841 with HJR 7 which relates to victim rights.
158	Rep. Floyd Prozanski	Oregon Representative, House District 40 Testifies in support of SB 841. Discusses the 1987 victim rights legislation. Asserts that SB 841 will enhance those rights.
191	Sen. Qutub	What are the similarities between SB 841 and HJR 7?
192	Prozanski	Explains the broad nature of HJR 7 which may become a constitutional amendment.
222	Sen. Tarno	Inquires about the legislative history of SB 841.
225	Prozanski	Discusses the legislative history and ramifications of SB 841. Explains that HJR 7 will override SB 841 if approved by voters.
241	Sen. Qutub	Would it be appropriate to wait for the results HJR 7 before pursuing SB 841?
251	Shetterly	No. Explains how SB 841 would amend existing statutes relating to victims' rights.
271	Tom Cropper	Cable Television Program Producer Testifies in opposition to SB 841. Asserts that allowing victims to refuse depositional interviews compromises investigations.
320	De De Kouns	Crime Victims United Testifies in opposition to SB 841. (EXHIBIT O) Asserts that SB 841 attempts to undermine the public will. Discusses past ballot initiatives in relation to SB 841.
TAPE 105, SIDE B		
003	D. Kouns	Continues discussion of past ballot measures in relation to SB 841.
027	Chair Bryant	Discusses legislative history of SB 841.
048	Bob Kouns	Crime Victims United Testifies in opposition to SB 841. Discusses the legislative history of victim rights in Oregon. Explains how victims' rights are intricately linked with civil liberties.

135	Steve Doell	Member of Parentsí of Murdered Children Testifies in opposition to SB 841. Discusses the history of victimsí rights in Oregon. Explains that Oregon is one of 18 states without constitutional rights for victims. Asserts that courts routinely ignore victimsí rights.
227	Dale Penn	Marion County District Attorney Testifies in support of SB 841. Explains how SB 841 is limited and that a constitutional amendment is essential to ensure victimsí rights. Asserts that a statutory right will not countermand a defendantís rights.
304	Ingrid Swenson	Oregon Criminal Defense Lawyers Association Testifies in support of SB 841. (EXHIBIT P) Discusses how SB 841 takes a comprehensive approach to victimsí rights in criminal cases.
370	Arwin Bird	Concerned citizen Testifies in support of SB 841. Discusses experience within the legal system relating to a drunk driver accident which paralyzed her.
392	David Fidanque	American Civil Liberties Union of Oregon, Executive Director Testifies in support of SB 841. Explains that SB 841 is a vital part of victimsí rights legislation.
TAPE 106, SIDE A		
002	Fidanque	Continues discussion on the relevance of SB 841. Explains that victimsí rights will be in statute if HJR 7 does not pass in the election.
026	Kathie Osborn	Juvenile Rights Project Testifies in support of SB 841. Explains that SB 841 requires basic victimsí rights. Discusses how SB 841 complements HJR 7.
066	Sen. Courtney	Closes SB 841 Public Hearing.
<u>SB 848 PUBLIC HEARING</u>		
076	Jim Botwinis	Oregon State Police Officers Association Testifies and submits written testimony in support of SB 848. (EXHIBIT Q) Discusses incidents involving youth who targeted law enforcement officers with laser pointers. Explains that light from laser pointers resembles light from laser-equipped firearms.

160	Brian DeLashmutt	Oregon Council of Police Associations Testifies in support of SB 848.
161	Counsel Taylor	Do harassment statutes apply to incidents involving laser pointers?
168	Botwinis	I don't know. Recklessly endangering applied to one laser pointing incident.
185	Counsel Taylor	Is targeting someone with light considered physical contact?
188	Botwinis	No, I don't think so.
197	Sen. Courtney	Adjourns hearing at 5:15 PM.

Submitted By, Reviewed By,

Kathy Courtney, Sarah Watson

Administrative Support Office Manager

EXHIBIT SUMMARY

- A. SB 491-13 amendments, Bill Taylor, 1p
- B. SB 491-15 amendments, Bill Taylor, 5pp
- C. SB 491-14 amendments, Bill Taylor, 5pp
- D. SB 740-1 amendments, Bill Taylor, 3pp
- E. SB 740-2 amendments, Bill Taylor, 1p
- F. SB 740-3 amendments, Bill Taylor, 2pp
- G. SB 59-2 amendments, Bill Taylor, 2pp
- H. Written testimony in opposition to SB 59-7, John Hellen, 1p
 - I. SB -7 amendments, Bill Taylor, 2pp
- J. SB 506-2 amendments, Bill Taylor, 17pp
- K. SB 344-2 amendments, Bill Taylor, 2pp
- L. SB 735-1 amendments, Bill Taylor, 1p
- M. SB 443-1 amendments, Bill Taylor, 11pp
- N. SB 34-2 hand-engrossed bill, Ingrid Swenson, 6pp
- O. Testimony in opposition of SB 841, Dee Kouns
- P. Testimony in support of SB 841, Ingrid Swenson, 6pp
- Q. Testimony in support of SB 848, Jim Botwinis, 2pp
- R. SB 59-3 amendments, Bill Taylor, 2pp

S. SB 59-5 amendments, Bill Taylor, 1p