

SENATE COMMITTEE ON JUDICIARY

April 14, 1999 Hearing Room 343

3:00 PM Tapes 120 - 122

MEMBERS PRESENT: Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Brown

Sen. Burdick

Sen. Nelson

Sen. Qutub

Sen. Tarno

STAFF PRESENT: Anne Tweedt, Counsel

Kathy Courtney, Administrative Support

MEASURE/ISSUES HEARD: SB 482 Public Hearing

SB 491 Work Session

SB 408 Work Session

SB 344 Work Session

SB 318 Work Session

SB 482 Public Hearing

SB 66 Work Session

SB 34 Work Session

SB 242 Work Session

SB 59 Work Session

TAPE/#	Speaker	Comments
TAPE 111, SIDE A		
007	Chair Bryant	Calls meeting to order at 3:15 PM.
<u>SB 482 PUBLIC HEARING</u>		
011	Rep. Al King	Testifies and submits written testimony in support of SB 482 which makes assaulting a public official a crime. (EXHIBITS A and B)
055	Sen. Courtney	State Senator, District 17 Testifies in support of SB 482. Explains the origin of SB 482.
125	Sen. Cliff Trow	State Senator, District 18 Testifies in support of SB 482. Discusses a list of over 300 petitioners who support SB 482 and seek the safety of sports officials.
151	Sen. Tarno	Discusses the confrontational behavior of youth towards sports officials which promotes assault. Should we do anything to address these attitudes that set the stage for assault on sports officials?
165	Sen. Trow	Agrees that poor sportsmanship is escalatory.
171	Sen. Courtney	SB 482 only addresses physical injury. Discusses the definition of physical injury and the scope of SB 482.
256	Chair Bryant	Temporarily adjourns public hearing on SB 482.
<u>SB 491 WORK SESSION</u>		
261	Chair Bryant	MOTION: Moves to SUSPEND the rules for the purpose of the reconsideration of SB 491.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED.

275	Counsel Taylor	Discusses SB 491, the Death With Dignity Act and explains the 18 amendments. (EXHIBIT C)
293	Chair Bryant	MOTION: Moves to SUSPEND the rules for the purpose of the reconsideration of vote on SB 491.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED .
295	Chair Bryant	MOTION: Moves to ADOPT SB 491-18 amendments dated 04/14/99.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED .
295	Chair Bryant	MOTION: Moves SB 491 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 . CHAIR BRYANT will lead discussion on the floor.
318	Chair Bryant	Closes SB 491 Work Session.
<u>SB 408 WORK SESSION</u>		

334	Counsel Taylor	Introduces SB 408 which relates to interstate compacts for providing assistance to adoptive families of Oregon children. Discusses the SB 408 amendments. (EXHIBIT D)
365	Sen. Brown	MOTION: Moves to ADOPT SB 408-8 amendments dated 04/14/99.
		VOTE: 5-0 EXCUSED: 2 - Sen. Qutub, Sen. Burdick
Chair Bryant		Hearing no objection, declares the motion CARRIED.
373	Sen. Brown	MOTION: Moves SB 408 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
		VOTE: 5-0-2 EXCUSED: 2 - Sen. Burdick, Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.
342	Chair Bryant	Closes SB 408 Work Session.
<u>SB 344 WORK SESSION</u>		
386	Counsel Taylor	Introduces SB 344 which requires public employees of private hospitals and schools to report firearm possession violations. Discusses the SB 344 amendments. (EXHIBIT E)
TAPE 121, SIDE A		
006	Sen. Courtney	MOTION: Moves to ADOPT SB 344-11 amendments dated 04/14/99.

		VOTE: 6-0-1 EXCUSED: 1 - Sen. Burdick
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
012	Sen. Courtney	MOTION: Moves SB 344 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-1-1 AYE: 5 - Brown, Courtney, Qutub, Tarno, Bryant NAY: 1 - Nelson EXCUSED: 1 - Burdick
	Chair Bryant	The motion CARRIES. SEN. COURTNEY will lead discussion on the floor.
	Chair Bryant	Closes SB 344 Work Session.
<u>SB 318 WORK SESSION</u>		
065	Dale Penn	Oregon District Attorneys Association Testifies in support of SB 318 which requires entry of some protective orders into the National Protection Order Registry and the Law Enforcement Data System. Discusses the legislative history of SB 318 and explains the ñ1, 2, and 3 amendments. (EXHIBITS F, G and H)
116	Maureen McKnight	Governorís Domestic Violence Counsel Testifies in support of SB 318. Discusses the incorporation of the Family Abuse Act language into SB 318.
138	Sen. Tarno	Arenít stalking and restraining orders two different things?

143	McKnight	Yes. Explains why the SB 318 amendments require notice for stalking and restraining orders.
167	Sen. Courtney	MOTION: Moves to ADOPT SB 318-1, -2, and -3 amendments dated 02/15/99, 03/10/99 and 04/06/99 respectively.
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
225	Sen. Courtney	MOTION: Moves SB 318 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. TARNO will lead discussion on the floor.
189	Counsel Taylor	Explains the procedures for filing a restraint order.
245	Chair Bryant	Closes SB 318 Work Session.
<u>SB 482 PUBLIC HEARING</u>		
259	Tom Welter	Oregon School Activities Association, Assistant Director Testifies and submits written testimony in support of SB 482. (EXHIBIT I) Explains how attacks against sports officials erode the integrity of sports. Discusses ejection policies.
404	Clark Sanders	National Director of Interscholastic Sports Testifies in support of SB 482. Explains how society's disrespect for authority impacts the competitive sports field.
TAPE 120, SIDE B		

004	Bob Price	Portland Baseball Umpires Association Testifies in support of SB 482. Asserts that sports officials deserve protection and recourse against attacks.
039	Rusty Sarbacher	Football/Basketball Sports Official, Silverton Testifies in support of SB 482. Discusses the shortage of sports officials due to fear of attack. Relates personal story of attack.
090	Lee Caseburg	Basketball Commissioner, Mid-Columbia area Testifies in support of SB 482. Discusses alcohol abuse by spectators.
112	Chuck Burley	Central Oregon Soccer Officials Association Testifies and submits written testimony in support of SB 482. (EXHIBIT J) Discusses the increasing aggression towards sports officials and the measures needed to resolve it.
193	Judge Charlie Luukinen	Polk County Circuit Court Judge Testifies with neutrality on SB 482. Discusses the impact of SB 482 on the court system.
273	Chair Bryant	Would amending the existing harassment statutes to reference sports officials deter assaults on sports officials?
285	Judge Luukinen	Discusses other options to deter attacks on sports officials.
300	Marcus Eng	Mid-Valley Sports Official Group Testifies and submits written testimony in support of SB 482. (EXHIBIT K) Relates story and presents a video recording of an attack on a sports official.
TAPE 121, SIDE B		
005	Eng	Discusses the vulnerable position of sports officials in comparison with law enforcement officials.
029	Chair Bryant	The schools can help in setting the tone for the behavior of fans.
032	Sen. Brown	Discusses how parents can set an example of good sportsmanship for their children.
033	Eng	Explains that parents are often implicated in attacks against officials.

055	Chair Bryant	Closes SB 482 Public Hearing.
<u>SB 66 WORK SESSION</u>		
075	Ann Christian	State Court Administrator's Office Testifies and submits amendments in support of SB 66 which creates the Public Defense Services Commission. (EXHIBIT L)
163	Kingsley Click	State Court Administrator Testifies in support of SB 66. Explains how the SB 66 ñ1 amendments allow for a longer transition period to allow for creativity.
183	Ingrid Swenson	Oregon Criminal Defense Lawyers Association Testifies in opposition to SB 66. Discusses the chief justice's role to appoint a commission to address indigent defense issues.
210	Judge Kip Leonard	Lane County Circuit Court Judge Testifies in support of SB 66. Discusses the inherent conflict of interest in the indigent defense program. Asserts that removing the program from the judicial branch is imperative.
304	Chair Bryant	Closes SB 66 Work Session.
<u>SB 34 WORK SESSION</u>		
307	Counsel Taylor	Introduces SB 34 which prohibits disclosure of a victim's telephone number and address to a defendant unless the court orders otherwise. Discusses the SB 34 ñ1 and ñ2 amendments. (EXHIBITS M and N)
320	Sen. Courtney	MOTION: Moves to ADOPT SB 34-1 amendments dated 03/25/99.
		VOTE: 5-0-2 EXCUSED: 2 - Sen. Brown, Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED.

332	Sen. Courtney	MOTION: Moves to ADOPT SB 34-2 amendments dated 04/13/99.
		VOTE: 5-0-2 EXCUSED: 2 - Sen. Brown, Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED.
335	Sen. Courtney	MOTION: Moves SB 34 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0-2 EXCUSED: 2 - Sen. Brown, Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED. SEN. COURTNEY will lead discussion on the floor.
<u>SB 242 WORK SESSION</u>		
340	Counsel Taylor	Discusses SB 242 which clarifies guidelines for screening of urine tests taken under the Motorist Implied Consent Law. Discusses the SB 242 ñ3 amendments. (EXHIBIT O)
369	Chuck Hayes	Oregon State Police Testifies in support of SB 242 ñ3. Discusses the need for accreditation of toxicology laboratories which perform urine screening.
407	Ingrid Swenson	Oregon Criminal Defense Lawyers Association Testifies in opposition to SB 242. Discusses urine screening and confirmatory tests. Asserts that a reliable standard is essential.
TAPE 122, SIDE A		
004	Julia Hinkley	Oregon State Police Crime Laboratory

		Testifies in support of SB 242. Discusses the sensitivity of urine screening tests.
083	Sen. Tarno	Potency sensitivity level, cut off level lower but the confidence level remains constant. Tests and equipment are more sensitive.
086	Hinkley	Explains the constancy of the confidence level of urine screenings in relation to the potency sensitivity of a urine screening equipment.
116	Sen. Courtney	MOTION: Moves to ADOPT SB 242-3 amendments dated 04/12/99.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Brown
Chair Bryant		Hearing no objection, declares the motion CARRIED.
118	Sen. Brown	MOTION: Moves SB 242 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Brown
Chair Bryant		Hearing no objection, declares the motion CARRIED. SEN. NELSON will lead discussion on the floor.
121	Chair Bryant	Closes SB 242 Work Session.
<u>SB 59 WORK SESSION</u>		
126	Counsel Taylor	Introduces SB 59 which defines "weapon" with regard to possessing a weapon in a public building. Discusses SB 59 ñ10 amendments. (EXHIBIT P)
155	Sen. Burdick	Clarifies the mass transit exemption of SB 59.

167	John Hellen	Oregon Gun Owners Association Testifies in opposition to the SB 59 ñ10. Explains why a facility owned by the state could include a parking lot.
219	Sen. Burdick	Do we need to use the term "facility?"
223	Counsel Taylor	No. Clarifies the use of "facility" in the SB ñ10 amendments.
238	Sen. Qutub	MOTION: Moves to ADOPT SB 59-3 amendments dated 03/01/99.
		VOTE: 2-4-1 AYE: 2 ñ Nelson, Qutub NAY: 4 ñ Burdick, Courtney, Tarno, Bryant EXCUSED: 1 ñ Brown
	Chair Bryant	The motion FAILS.
260	Chair Bryant	Closes SB 59 Work Session.
307	Chair Bryant	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. BURDICK to BE RECORDED as voting AYE on the SB 491 DO PASS AS AMENDED recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Brown
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
311	Chair Bryant	Adjourns hearing at 5:25 PM.

Submitted By, Reviewed By,

Kathy Courtney, Sarah Watson

Administrative Support Office Manager

EXHIBIT SUMMARY

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- A. Written testimony in support of SB 482, Rep. Al King, 5pp**
- B. Assaults On Sports Officials, Rep. Al King, pamphlet**
- C. SB 491 ñ18 amendments, Bill Taylor, 6pp**
- D. SB 408 ñ8 amendments, Bill Taylor, 10pp**
- E. SB 344 ñ11 amendments, Bill Taylor, 3pp**
- F. SB 318 ñ1 amendments, Bill Taylor, 2pp**
- G. SB 318 ñ2 amendments, Bill Taylor, 2pp**
- H. SB 318 ñ3 amendments, Bill Taylor, 28pp**
- I. Written testimony in support of SB 482, 1p**
- J. Written testimony in support of SB 482, Charles Burley, 6pp**
- K. Written testimony in support of SB 482, Marcus Eng, 13pp**
- L. SB 66 ñ1 amendments, Bill Taylor, 118pp**
- M. SB 34 ñ1 amendments, Bill Taylor, 1p**
- N. SB 34 ñ2 amendments, Bill Taylor, 1p**
- O. SB 242 ñ3 amendments, Bill Taylor, 1p**
- P. SB 59 ñ10 amendments, Bill Taylor, 2pp**
- Q. SB 59 ñ3 amendments, Bill Taylor, 2pp**