

SENATE COMMITTEE ON JUDICIARY

May 19, 1999 Hearing Room 343

3:00 PM Tapes 188 - 190

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: HB 2744 Public Hearing, Work Session

HB 3287 Public Hearing, Work Session

SB 3608 Public Hearing

SB 1231 Public Hearing, Work Session

HB 3586 Public Hearing, Work Session

HB 3105 Public Hearing, Work Session

HB 2479 Public Hearing

HB 2599 Public Hearing, 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 188, SIDE A		

004	Sen. Courtney	Calls meeting to order at 3:13 PM.
<u>HB 2744 PUBLIC HEARING</u>		
013	Karen Brazeau	Oregon Youth Authority Testifies and submits written testimony in support of HB 2744. (EXHIBIT A)
051	Chair Bryant	Closes HB 2744 Public Hearing.
<u>HB 2744 WORK SESSION</u>		
052	Sen. Courtney	MOTION: Moves HB 2744 to the floor with a DO PASS recommendation.
		VOTE: 4-0-3 EXCUSED: 3 - Sen. Burdick, Sen. Nelson, Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED.
080	Chair Bryant	Closes HB 2744 Work Session.
<u>HB 3287 PUBLIC HEARING</u>		
090	Paul Phillips	PAC/West Communications Testifies in support of HB 3287 which creates crimes of Trademark Counterfeiting I, II, and III.
099	Dave Simpson	NIKE, Corporate Security Testifies and submits written testimony in support of HB 3287. (EXHIBIT B) Presents counterfeit items to Committee members. Discusses the increasing counterfeit problem and resulting loss of revenues.
115	Chair Bryant	Can you discern the origin of a counterfeit item by inspection?
118	Simpson	Discusses the types of counterfeit items and their distribution.
130	Chair Bryant	What is your annual revenue loss from counterfeit operations?

148	Simpson	Several million dollars per year. Explains how electronic duplication creates rapid manufacture of counterfeit goods.
170	Sen. Tarno	Does your company perform any proactive work or investigative analysis of products to curb counterfeit operations?
171	Simpson	Yes, I work closely with my counterparts from other major companies. Although we are competitors, we share this common problem.
193	Carl Davis	Columbia Sportswear Company Testifies and submits written testimony in support of HB 3287. (EXHIBIT C) Discusses Columbia sportswear origin. Explains sales tactics of counterfeit items.
238	Sen. Brown	How can one identify a counterfeit item?
240	Simpson	Discusses the poor quality of a counterfeit item in relation to labeling, materials, sizing and wear of counterfeit items.
268	Sen. Nelson	Are counterfeit items marketed on the Internet and television?
270	Simpson	Yes, on the Internet, but not on television.
282	Davis	Counterfeit operations encompass wide variety of products including sportswear and infant formula. The ramifications are tremendous.
300	Sen. Courtney	Closes HB 3287 Public Hearing.
<u>HB 3287 WORK SESSION</u>		
301	Sen. Brown	MOTION: Moves HB 3287 to the floor with a DO PASS recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Qutub
		Chair Bryant Hearing no objection, declares the motion CARRIED. SEN. BRYANT will lead discussion on the floor.

<u>HB 3608 PUBLIC HEARING</u>		
347	Lynn Partin	Womenís Rights Coalition Testifies and submits written testimony in support of HB 3608 which creates the crime of female genital mutilation. (EXHIBITS D and E) Discusses how HB 3608 mirrors other statesí legislation on female genital mutilation and endorses education.
TAPE 189, SIDE A		
005	Partin	Continues discusses about female genital mutilation and protection of all of Oregonís children. Explains the origin of the practice.
022	Chair Bryant	What is the purpose of female mutilation?
023	Partin	To protect virginity.
026	Sen. Brown	It also dampens sexual desire.
029	Sen. Tarno	Does it occur in Oregon?
032	Partin	Explains the likelihood of female genital mutilation cases in Oregon: 1680 girls are at risk.
039	Chair Bryant	What is the cost of HB 3608?
041	Partin	Explains why the costs of implementing HB 3608 are minimal. Discusses education and community awareness programs.
057	Sen. Tarno	Why did the House reduce the penalties for HB 3608 offenses?
059	Partin	Explains the ramifications of strict penalties on primary caregivers who are convicted of female genital mutilation.
065	Sen. Burdick	Would abuse reporting statutes encourage neighbors to report those guilty of HB 3608 offenses?
076	Partin	Probably not. Discusses the ramifications of violating community loyalties.

083	Sen. Burdick	Would female mutilation come under the scope of current abuse reporting statutes for professionals?
086	Partin	Discusses the district attorney's suggestion to draft new statutes or amend current abuse reporting statutes.
095	Sen. Brown	Perhaps we could reference female mutilation in the current abuse reporting statutes.
113	Sen. Tarno	Why did the House lower the penalties for female genital mutilation? I think it should be a class C felony.
126	Sen. Burdick	Perhaps, a prosecutor should have discretion to amend the penalty.
141	Jesse William Barton	State Public Defender Testifies with neutrality on HB 3608. Asserts that HB 3608 would restrict a prosecutor's discretion to utilize first degree assault charges.
154	Ingrid Swenson	Oregon Criminal Defense Lawyers Association Testifies with neutrality on HB 3608. Explains that since the disfigurement is not visible, female genital mutilation may not be considered permanent disfigurement.
165	Sen. Brown	Perhaps HB 3608 sanctions should weigh cultural implications as Rep. Bowman suggested.
190	Swenson	HB 3608 offenses may be considered Measure 11 offenses since girls suffer permanent loss from the mutilation. Discusses British Medical Journal chart relating to female mutilation practices in other states.
258	Sen. Burdick	Part of the value of this bill is its focus on community education. Another approach to female mutilation would be to highlight the assault.
264	Chair Bryant	Closes HB 3608 Public Hearing.
<u>SB 1231 PUBLIC HEARING</u>		
265	Sen. Ted Ferriolli	State Senator, District 28 Testifies in support of SB 1231 which relates to mandatory forfeitures and loss of hunting privileges for damaging livestock.

284	Counsel Taylor	Discusses SB 1231 ñA3 amendments. (EXHIBIT F)
345	Sen. Ferriolli	Asserts that shining a light from a vehicle is more related to poaching than hunting.
362	Chair Bryant	The forfeiture of vehicles provisions of SB 1231 affects banks as well.
363	Sen. Ferriolli	Yes, because financial institutions which have interest in vehicles they finance.
385	Chair Bryant	Closes SB 1231 Public Hearing.
<u>SB 1231 WORK SESSION</u>		
388	Chair Bryant	MOTION: Moves to ADOPT SB 1231-A3 amendments dated 05/19/99.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED.
389	Chair Bryant	MOTION: Moves to SUSPEND the rules for the purpose of deleting the words "vehicles or" in line 7 of SB 1231A.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED.
393	Sen. Bryant	MOTION: Moves SB 1231A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Qutub

	Chair Bryant	<p>Hearing no objection, declares the motion CARRIED.</p> <p>SEN. FERRIOLI will lead discussion on the floor.</p>
<u>HB 3586A PUBLIC HEARING</u>		
008	Diane Rae	<p>Parole and Post Prison Supervision</p> <p>Testifies in support of HB 3586A which allows a person sentenced to life imprisonment post-prison supervision eligibility.</p>
028	Sen. Brown	Do you foresee a proportionality problem with the female genital mutilation bill?
038	Rae	Explains how HB 3586A gives prosecutors more plea negotiation tools.
050	Chair Bryant	Explains that specific language takes precedence over general language in legislation.
052	Rae	Yes, but specific language does not preclude other charges.
064	Chair Bryant	Closes HB 3586A Public Hearing.
<u>HB 3586A WORK SESSION</u>		
065	Sen. Courtney	MOTION: Moves HB 3586A to the floor with a DO PASS recommendation.
	Chair Bryant	<p>Hearing no objection, declares the motion CARRIED.</p> <p>SEN. NELSON will lead discussion on the floor.</p>
039	Chair Bryant	Closes HB 3586A Work Session.
<u>HB 3105 PUBLIC HEARING</u>		
040	Rep. Floyd Prozanski	<p>State Representative, District 40</p> <p>Testifies in support of HB 3105 which relates to local supervisory authority</p>

		when paroling a defendant. Explains origin of HB 3105.
102	Sen. Burdick	Do courts currently order local supervision to parolees?
105	Rep. Prozanski	Sometimes, but courts are not sure if they have the authority to do so.
116	Chair Bryant	Closes HB 3105 Public Hearing.
<u>HB 3105 WORK SESSION</u>		
118	Sen. Courtney	MOTION: Moves HB 3105 to the floor with a DO PASS recommendation.
		VOTE: 6-0-0 EXCUSED: 1 - Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.
127	Chair Bryant	Closes HB 3105 Work Session.
<u>HB 2479 PUBLIC HEARING</u>		
128	Phil Lemman	Oregon Criminal Justice Commission Testifies and submits written testimony in support of HB 2479 which adopts amendments to rules of the Oregon Criminal Justice Commission's classification of crimes. (EXHIBIT G)
169	Chair Bryant	What is the origin of the sentencing guidelines?
173	Lemman	Discusses the origin of sentencing guidelines as outlined on the last page of exhibit G.
182	Chair Bryant	What were the items of non-consensus among the Criminal Justice Commission members?

185	Lemman	Discusses items of non-consensus including pornography and secret videotaping of women in tanning parlors.
213	Ingrid Swenson	Oregon Criminal Defense Lawyers Association Testifies in opposition to HB 2479. Explains how HB 2479 will sentence offenders as repeat offenders in error.
251	Jesse William Barton	State Public Defender Testifies and submits written testimony in opposition to HB 2479. (EXHIBIT H) Discusses the ambiguity of sentencing laws and repeat property offender laws.
333	Swenson	Discusses the fiscal impact of HB 2479.
366	Lemman	I will review the fiscal impact of HB 2479.
390	Chair Bryant	Closes HB 2479 Public Hearing.
392	Chair Bryant	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. QUTUB to BE RECORDED as voting AYE on the HB 3287A motion to the floor with a DO PASS recommendation.
		VOTE: 7-0-0
Chair Bryant		Hearing no objection, declares the motion CARRIED.
TAPE 189 SIDE B		
<u>HB 2599 WORK SESSION</u>		
005	Counsel Taylor	HB 2599 expands conditions under which a runaway child may be take into protective custody. Discusses HB 2599 ñA3 amendments. (EXHIBIT I)
013	Sen. Courtney	MOTION: Moves to ADOPT HB 2599-A3 amendments dated 05/18/99.
		VOTE: 7-0-0

	Chair Bryant	Hearing no objection, declares the motion CARRIED.
015	Sen. Courtney	MOTION: Moves HB 2599A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0-0
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.
019	Chair Bryant	Closes hearing at 4:35 PM.

Submitted By, Reviewed By,

Kathy Courtney, Sarah Watson

Administrative Support Office Coordinator

EXHIBIT SUMMARY

- A. Written testimony in support of HB 2744, Karen Brazeau, 5pp**
- B. Written testimony in support of HB 3287, David Simpson, 4pp**
- C. Written testimony in support of HB 3287, Carl Davis, 2pp**
- D. Written testimony in support of SB 3608, Lynn Partin, 11pp**
- E. British Medical Journal article relating to SB 3608, Lynn Partin, 1p**
- F. SB 1231 ñ3 Proposed Amendments, Bill Taylor, 1p**
- G. Written testimony in support of HB 2479, Phillip Lemman, 12pp**
- H. Written testimony with neutrality of HB 2479, Jesse Barton, 4pp**
 - I. HB 2599 ñA3 Proposed Amendments, Bill Taylor, 3pp**
- J. Written testimony in support of HB 3287, John S. Bliss, 6pp**
- K. Written testimony in support of HB 3287, Dave Simpson, 1p**
- L. Written testimony in support of HB 3287, Michael D. Schrunk, 1p**

