

SENATE COMMITTEE ON JUDICIARY

May 24, 1999 Hearing Room C

1:00 PM Tapes 193 - 194

MEMBERS PRESENT: Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Brown

Sen. Burdick

Sen. Duncan

Sen. Nelson

Sen. Tarno

STAFF PRESENT: Bill Taylor, Counsel

Kathy Courtney, Administrative Support

MEASURE/ISSUES HEARD: HB 2977B Public Hearing, Work Session

HB 2398A Work Session

HB 2612A Work Session

HB 3265A Public Hearing, Work Session

HB 2500A Public Hearing, Work Session

HB 3302 Public Hearing

HB 2230 Public Hearing, Work Session

HB 2224A Public Hearing, Work Session

HB 2227A 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 193, SIDE A		

005	Chair Bryant	Calls meeting to order at 1:10 PM.
<u>HB 2977B PUBLIC HEARING</u>		
051	Sen. Peter Courtney	State Senator, District 17 Testifies and submits written testimony in support of HB 2977B which creates a boating operator permit program. (EXHIBIT A) Cites statistics from a National Transportation Safety Board study of boating accidents. Asserts that Oregon waterways are highly frequented and must be regulated. Relates story about the June 1991 boating accident involving 19 youths.
203	Paul Donheffner	Oregon State Marine Board, Director Testifies and submits written testimony in support of HB 2977B. (EXHIBIT B) Discusses the key provision of HB 2977B, boat safety education and age requirements.
221	Chair Bryant	Would a 16-year old with a safety permit be allowed to drive a boat without adult supervision?
213	Donheffner	Yes. Explains the flexibility of HB 2977B provisions and exemptions.
251	Duncan	What is the percentage of rental boats on Oregon waterways?
255	Donheffner	Explains that most boats use the larger reservoirs, not the Willamette River. Discusses key HB 2977B provisions: reciprocity with other states, phase-in implementation, and insurance savings incentive.
312	Sen. Tarno	What costs are associated with HB 2977B?
315	Donheffner	Discusses federal funds, volunteer resources, the free market influence and insurance savings incentives of HB 2977B.
334	Sen. Nelson	What is the annual boating accident and death rate?
336	Donheffner	Cites statistics for the 1995 ñ 1997 period.
345	Chair Bryant	Do other states have similar laws?
348	Donheffner	Yes, 27 states have similar laws. Maryland was the first to enact laws. Canada has waterway laws as well.
371	Doug White	Coast Guard, 13TH Auxiliary (Seattle)

		Testifies in support of HB 2977B. Asserts that the education component of HB 2977B will save lives at minimum costs.
403	Jan Hamer	Waterfront Organizations of Oregon, Riverís Bend (Marina), Owner Testifies and submits written testimony in support of HB 2977B. (EXHIBIT C)
TAPE 194, SIDE A		
002	Captain Don Rueppell	TowBoat/US, MAST Boating and Salvage Testifies in support of HB 2977B. Asserts that it is time for a boating education network.
010	John Duree	Diamond Lake Resort Testifies in support of HB 2977B. Discusses the HB 2977B exemptions for boats. Asserts that prudent renters would support safety regulations.
026	Sen. Brown	What are patio boats?
028	Duree	They are patoon boats. Discusses the safety issues regarding jet skis on Diamond Lake.
038	Chair Bryant	Closes HB 2977B Public Hearing.
<u>HB 2977B WORK SESSION</u>		
040	Sen. Courtney	MOTION: Moves HB 2977B to the floor with a DO PASS 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>HB 2398A WORK SESSION</u>		

082	Dale Penn	<p>Marion County District Attorney</p> <p>Testifies in support of HB 2398A which relates to blood alcohol evidence obtained from blood samples for medical treatment.</p>
105	Sen. Brown	Does HB 2398A apply to blood taken during routine medical treatments?
110	Penn	Yes, particularly when blood is taken in response to a serious accident.
118	Sen. Nelson	Doesn't that situation present legal issues relating to chain of evidence?
119	Penn	No, the prosecution would still need to prove the case. Explains that HB 2398A relates to blood samples given in a hospital and in other situations.
140	Counsel Taylor	In an Implied Consent situation, one can refuse, but HB 2398A includes no such provision.
145	Penn	Maintains that the majority of people comply with the breath test in Implied Consent situations. HB 2398A will give the prosecution access to blood evidence in hospital and search warrant situations.
169	Ingrid Swenson	<p>Oregon Criminal Defense Lawyers Association</p> <p>Testifies in opposition to HB 2398A. Discusses the nature of the Implied Consent Law. Asserts that the HB 2398A contains significant blood evidence problems and imposition on hospital staff.</p>
227	Chair Bryant	Inquires about the prosecution's procedure for obtaining blood alcohol evidence information.
240	Sen. Tarno	Discusses the legal situations in which blood samples can be drawn.
252	Swenson	Explains that some assaults and homicide are unique situations that allow for access to privileged medical information.
262	Penn	Asserts that HB 2398A will apply only to unique situations allowing information to be entered into evidence. Discusses the treatment of drunk driving in civil and criminal statutes.
297	Sen. Tarno	<p>MOTION: Moves HB 2398A to the floor with a DO PASS recommendation.</p>
		<p>VOTE: 4-0-3</p> <p>EXCUSED: 3 - Sen. Burdick, Sen. Courtney, Sen. Duncan</p>

	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. TARNO will lead discussion on the floor.
305	Chair Bryant	Closes HB 2398A Work Session.
<u>HB 2612A WORK SESSION</u>		
309	Ingrid Swenson	Oregon Criminal Defense Lawyers Association Testifies and submits amendments in support of HB 2612A which creates the crime of private indecency. (EXHIBIT D) Discusses the components of HB 2612A. The bill is registration requirement is prospective.
399	Dale Penn	Marion County District Attorney Testifies in support of HB 2612A amendments. (EXHIBIT E)
407	Chair Bryant	Closes HB 2612A Work Session.
408	Chair Bryant	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. DUNCAN to BE RECORDED as voting AYE on the HB 2398A DO PASS recommendation to the floor.
		VOTE: 5-0-2 EXCUSED: 2 - Sen. Burdick, Sen. Courtney
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
TAPE 193, SIDE B		
<u>HB 3265A PUBLIC HEARING</u>		
001	Dale Penn	Marion County District Attorneys Association Testifies in support of HB 3265A which clarifies the criminal jurisdiction of

		justice courts. Explains that consensual transfer of cases for logistical purposes.
017	Chair Bryant	Closes HB 3265A Public Hearing.
<u>HB 2500A PUBLIC HEARING</u>		
024	Gary Field	Oregon Department of Corrections, Counseling and Treatment Testifies and submits written testimony in support of HB 2500A which establishes a chemical castration sex offender program. (EXHIBIT E) Discusses the impact of sex offenses on a community.
069	Rep. Kurt Schrader	State Representative, House District 23 Testifies in support of HB 2500A. Discusses statistics and studies regarding male castration drug therapy. Explains that offenders who fail to comply with drug therapy and program requirements will be incarcerated.
142	Sen. Tarno	If this is a pilot program, why is there no sunset provision for the bill?
147	Rep. Schrader	Discusses contracting procedures for program services.
152	Sen. Nelson	If offenders are unable to pay for treatment, what is the recourse?
158	Rep. Schrader	The costs are minimal. Offenders should be able to afford treatments.
163	Sen. Brown	Do you currently castrate offenders using drug therapy?
168	Field	Not within the prison setting, but we place offenders on drug treatment programs during post prison supervision.
180	Sen. Burdick	Do you castrate offenders as a means to reduce post-prison supervision needs?
185	Rep. Schrader	No.
187	Sen. Burdick	What does the research regarding psychoactive drugs and other drug interactions with castration drug treatments indicate?
195	Rep. Schrader	We have not researched the issue.
239	Counsel Taylor	Is HB 2500A prospective in application?

240	Field	I donit know.
249	Counsel Taylor	What is the sanction if an offender refuses to take castration drug therapy?
251	Field	I cannot say.
257	Sen. Duncan	Discusses federal supreme court cases in which similar laws have been overturned.
280	Ingrid Swenson	Oregon Criminal Defense Lawyers Association Testifies in opposition to HB 2500A. Asserts that offenders must voluntarily participate in chemical castration treatment. Explains that a pilot project testing the effectiveness of chemical castration for sex offenders has been completed in Washington County. The results of that study were never released for public scrutiny.
341	Sen. Tarno	Is consent to chemical castration really consent? Isnit it implied that an offender must accept your terms of release or remain incarcerated?
347	Swenson	Yes.
379	Field	Consent to chemical castration is offered as part of an offenderis terms of release.
385	Chair Bryant	Closes HB 2500A Public Hearing.
<u>HB 2500A WORK SESSION</u>		
388	Sen. Tarno	MOTION: Moves HB 2500A to the floor with a DO PASS recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Courtney
Chair Bryant		Hearing no objection, declares the motion CARRIED. SEN. TARNO will lead discussion on the floor.

394	Chair Bryant	Closes HB 2500A Work Session.
TAPE 194, SIDE B		
<u>HB 3265A WORK SESSION</u>		
001	Rep. Floyd Prozanski	State Representative, House District 40 Testifies in support of HB 3265AA which clarifies the criminal jurisdiction of justice courts. Discusses legislative history of HB 3265A. Explains the proposed changes in contempt statutes.
042	Chair Bryant	Closes HB 3265AA Public Hearing.
047	Sen. Brown	MOTION: Moves HB 3265A to the floor with a DO PASS recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Courtney
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. DUNCAN will lead discussion on the floor.
056	Chair Bryant	Closes HB 3265A Work Session.
<u>HB 2612A WORK SESSION</u>		
053	Rep. Floyd Prozanski	State Representative, House District 40 Testifies in support of HB 2612A ñA5 which create the crime of private indecency.
068	Sen. Brown	MOTION: Moves to ADOPT HB 2612A-A5 amendments dated 05/18/99.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Courtney

	Chair Bryant	Hearing no objection, declares the motion CARRIED.
070	Sen. Brown	MOTION: Moves HB 2612A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Courtney
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. NELSON will lead discussion on the floor.
073	Chair Bryant	Closes HB 2612A Work Session.
<u>HB 3302 PUBLIC HEARING</u>		
093	John McCulley	Oregon Fairs Association Testifies and presents written testimony in support of HB 3302 which eliminates the crime of exhibiting a person in trance. (EXHIBIT F) Oregon is the only state with a law prohibiting this form of entertainment. Asserts that a person's consent is implied by his or her participation in trance.
169	Rep. Judy Uherbelau	State Representative, House District 52 Testifies in support of HB 3302. Discusses legislative history of the bill and relates personal story about hypnotic experience.
216	Chair Bryant	Closes HB 3302 Public Hearing.
<u>HB 3302 WORK SESSION</u>		
217	Sen. Brown	MOTION: Moves HB 3302 to the floor with a DO PASS recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Courtney

	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.
222	Chair Bryant	Closes HB 3302 Public Hearing.
<u>HB 2230 PUBLIC HEARING</u>		
235	Merry Larsen	Department of Justice, State Enforcement Division Testifies and submits written testimony and proposed amendments in support of HB 2230. (EXHIBITS G, H and I) HB 2230 modifies provisions designating tribunal when foreign support order is registered for enforcement or modification. Discusses administrative and financial impact of HB 2230 on the child support program.
282	Chair Bryant	What is the financial impact of HB 2230 to the child support program?
285	Larsen	The financial impact would be \$49, 700.
288	Chair Bryant	Closes HB 2230 Public Hearing.
<u>HB 2230 WORK SESSION</u>		
290	Sen. Brown	MOTION: Moves to ADOPT HB 2230-1 and -3 amendments dated 03/09/99 and 05/07/99 respectively.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Courtney
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
297	Sen. Brown	MOTION: Moves HB 2230 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0-1

		EXCUSED: 1 - Sen. Courtney
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. BRYANT will lead discussion on the floor.
303	Chair Bryant	Closes HB 2230 Public Hearing.
<u>HB 2224A PUBLIC HEARING</u>		
309	Ronelle Shankle	Department of Justice, Support Enforcement Division Testifies and submits written testimony in support of HB 2224A which relates to the modification of a support order. (EXHIBIT J) Clarifies the determination for child support order dates. Discusses civil law technical changes.
345	Chair Bryant	Closes HB 2224A Public Hearing.
<u>HB 2224A WORK SESSION</u>		
350	Sen. Brown	MOTION: Moves HB 2224A to the floor with a DO PASS recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Courtney
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.
358	Chair Bryant	Closes HB 2224A Work Session.
<u>HB 2227A PUBLIC HEARING</u>		
360	Ronelle Shankle	Department of Justice, Support Enforcement Division

		Testifies and submits written testimony in support of HB 2227A which relates to support payment exemptions. (EXHIBIT K) Explains the exclusion of 75% of specific lump sum payments from child support garnishments. Discusses the legislative history of HB 2227A.
386	Chair Bryant	Closes HB 2227A Public Hearing.
<u>HB 2227A WORK SESSION</u>		
388	Sen. Brown	MOTION: Moves HB 2227A to the floor with a DO PASS recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Courtney
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.
404	Chair Bryant	Adjourns hearing at 3:00 PM.

Submitted By, Reviewed By,

Kathy Courtney, Sarah Watson

Administrative Support Office Coordinator

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EXHIBIT SUMMARY

- A. Written testimony in support of HB 2977B, Sen. Peter Courtney, 3pp
- B. Written testimony in support of HB 2977B, Paul Donheffner, 18pp
- C. Written testimony in support of HB 2977B, Jan Hamer, 1p

- D. HB 2612A-A5 proposed amendments, Bill Taylor, 2pp**
- E. Written testimony in support of HB 2500A, Gary Field, 2pp**
- F. Written testimony in support of HB 3302, John McCulley, 1p**
- G. HB 2230-1 proposed amendments, Bill Taylor, 1p**
- H. HB 2230-3 proposed amendments, Bill Taylor, 6pp**
 - I. Written testimony in support of HB 2230, Merry Larsen, 1p**
 - J. Written testimony in support of HB 2224A, Ronelle Shankle, 4pp**
 - K. Written testimony in support of HB 2227A, Ronelle Shankle, 2pp**