

SENATE COMMITTEE ON JUDICIARY

July 16, 1999 Hearing Room C

1:00 PM Tapes 272 - 273

MEMBERS PRESENT: Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Burdick

Sen. Duncan

Sen. Nelson

Sen. Tarno

MEMBER EXCUSED: Sen. Brown

STAFF PRESENT: Bill Taylor, Counsel

Kathy Courtney, Administrative Support

MEASURE/ISSUES HEARD: HB 3110B Work Session

HB 2394B 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 272, SIDE A		
004	Chair Bryant	Calls meeting to order at 1:10 PM.
<u>HB 2394B WORK SESSION</u>		
006	Chair Bryant	HB 2394B adds Fleeing or Attempting to Elude a Police Officer to the list of crimes which constitute murder. Allows for enhanced sanction when simply charged with these crimes.

023	Ingrid Swenson	Oregon Criminal Defense Lawyers Association Testifies in opposition to HB 2394B. Explains that HB 2394B elevates non-felony acts to murder. Cites current definitions of murder. Discusses Driving Under the Influence of Intoxicants (DUII) offenses and HB 2394B proposals.
072	Chair Bryant	Is the intent of HB 2394B to enhance the penalty for DUII offenses?
074	Swenson	I'm not sure. Discusses police vehicle pursuits which result in injury.
092	Sen. Burdick	Under HB 2394B, if a person were alluding police and a shootout occurs, would the person be subject to murder charges?
116	Counsel Taylor	Yes.
121	Swenson	Discusses the DUII homicide category created by HB 2394B.
124	Chair Bryant	What are the current charge for the proposed DUII homicide?
125	Swenson	It is currently Criminally Negligent Homicide or manslaughter. Explains that HB 2394B includes Failure to Appear on a DUII charge.
157	Counsel Taylor	Discusses the legislative history of HB 2394B.
162	Swenson	Cites elements of the Assault I statutes.
200	Chair Bryant	Recesses meeting at 1:20 PM to return to Senate floor.
210	Chair Bryant	Reconvenes hearing at 2:20 PM.
220	Counsel Taylor	Discusses DUII homicide sanctions.
231	Sen. Duncan	Is Alluding a Police Officer currently an offense?
237	Chair Bryant	Yes, but it is not a felony offense. Closes HB 2394B Work Session.
<u>HB 3110B WORK SESSION</u>		
247	Phil Lemman	Criminal Justice Commission Testifies in support of HB 3110B which directs the Oregon Criminal Justice Commission to amend rules to prohibit optional probation sentences for persons

		convicted of methamphetamine drug offenses. Discusses delivery and manufacture of methamphetamine. Proposes deletion of delivery of methamphetamines from HB 3110B.
300	Chair Bryant	What is an amphetamine?
302	Lemman	It is a precursor or by product of methamphetamine.
322	Counsel Taylor	Discusses ORS 475.996 statutes relating to drug offenses.
328	Lemman	Asserts that referencing ORS 475.996 in HB 3110B is not necessary.
343	Sen. Duncan	Currently, judges have discretion in sentencing drug offenders. What is wrong with that?
348	Lemman	Explains that HB 3110B increases the legal amount of drugs subject to criminal prosecution.
364	Sen. Duncan	Do judges support HB 3110B?
365	Lemman	I don't know.
370	Sen. Burdick	Do judges sentence drug offenders to probation in order to pursue drug treatment?
380	Lemman	Yes, in general.
392	Counsel Taylor	Discusses optional probation sentences. HB 3110B removes judges' option to give a probation sentence. Jail time becomes the only option.
395	Lemman	Discusses current sentencing standards for HB 3110B offenses.
TAPE 273, SIDE A		
001	Counsel Taylor	Would you compare the maximum sentence for drug manufacturing and delivery offenses under current and proposed law?
003	Lemman	There would be no change.
008	Sen. Duncan	Based on Mr. Lemman's presentation, HB 3110B accomplishes nothing.

018	Lemman	On the contrary. If the HB 3110B becomes law, 12-19 people per year would get a prison sentence instead of probation.
027	Sen. Tarno	MOTION: Moves to AMEND HB 3110B on page 1, in line 7, delete ", as described in ORS 475.996, " and delete "Section 2. entirely on pages 1, 2 and 3".
		VOTE: 4-0-3 EXCUSED: 3 - Sen. Brown, Sen. Courtney, Sen. Nelson
	Chair Bryant	Hearing no objection, declares the motion CARRIED .
035	Sen. Tarno	MOTION: Moves HB 3110B to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0-3 EXCUSED: 3 - Sen. Brown, Sen. Courtney, Sen. Nelson
	Chair Bryant	Hearing no objection, declares the motion CARRIED . SEN. TARNO will lead discussion on the floor.
038	Chair Bryant	Closes HB 3110B Work Session. Adjourns meeting at 2:35 PM.

Submitted By, Reviewed By,

Kathy Courtney, Sarah Watson

Administrative Support Office Coordinator

EXHIBIT SUMMARY

(NO EXHIBITS)