

**HOUSE COMMITTEE ON FULL JUDICIARY**

**June 6, 1997 Hearing Room 357**

**7:30 A.M. Tapes 47 - 48**

**MEMBERS PRESENT:**

**Rep. John Minnis, Chair**

**Rep. Floyd Prozanski, Vice-Chair**

**Rep. Roger Beyer**

**Rep. Peter Courtney**

**Rep. George Eighmey**

**Rep. Lane Shetterly**

**Rep. Charles Starr**

**Rep. Ron Sunseri**

**Rep. Judith Uherbelau**

**Rep. Larry Wells**

**MEMBER EXCUSED:**

**Rep. Jo Ann Bowman**

**STAFF PRESENT:**

**Bill Taylor, Counsel**

**Dave Amesbury, Counsel**

**Scott Lumsden, Counsel**

**Gina Cross, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 614A Work Session SB 301 Work Session**

**SB 978 Work Session SB 1164 Work Session**

**HB 2963 Work Session SB 730A Work Session**

**SB 886A Work Session SB 243A Work Session**

**SB 693A Work Session SB 244A 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 47, A</b>		
003	Chair Minnis	Opens the meeting at 7:35 a.m.
<b><u>SB 614A - WORK SESSION</u></b>		
007	Chair Minnis	Opens the work session on SB 614A.
009	Scott Lumsden	Committee Counsel >Reads the staff measure summary of SB 614A.
023	Chair Minnis	Refers to the -A2 and -A3 amendments which were brought by Chair Minnis and Rep. Prozanski.
027	Committee	Discusses the amendments.
<b>032</b>	<b>Rep. Prozanski</b>	<b>MOTION: Moves to ADOPT SB 614A-3 amendments dated 5/30/97.</b>
033	Rep. Prozanski	Explains the -A3 amendments.  >There is already a neglect or maltreatment clause in the murder by abuse statute.  >Under the manslaughter statute, there is no neglect or maltreatment clause.  >This will remove the addition of "neglect" from the pattern and practice sections.
064	Rep. Uherbelau	Why do we have the same criteria in both the Class A and B felonies for manslaughter?
071	Rep. Prozanski	I think it is because of the means necessary to do this.
074	Chair Minnis	What are you specifically addressing?
075	Rep. Uherbelau	Referring to sections 3 and 4, all the criminal activities mentioned are included exactly the same way for both the Class A and B felonies.
080	Rep. Prozanski	Referring to page 3, section 3, line 32, and page 4, section 4, line 6, extreme indifference to human life must be shown or extreme emotional distress must be proven.
		<b>VOTE: 10-0-1</b>

		<b>EXCUSED: 1 - Bowman</b>
105	Chair Minnis	Hearing no objection, declares the motion CARRIED.
106	Rep. Prozanski	<b>MOTION: Moves SB 614A to the floor with a DO PASS AS AMENDED recommendation.</b>
109	Rep. Beyer	You said the -A2 amendments were yours?
110	Chair Minnis	Yes. The discussion revolved around whether taking "neglect" out of the statutes did damage to the potential to prosecute. Rep. Prozanski is right. You don't have to prove the pattern of practice.
122		<b>VOTE: 9-1-1</b>  <b>AYE: 9 - Beyer, Courtney, Eighmey, Prozanski, Starr, Sunseri, Uherbelau, Wells, Minnis</b>  <b>NAY: 1 - Shetterly</b>  <b>EXCUSED: 1 - Bowman</b>
129	Chair Minnis	<b>The motion CARRIES.</b>  <b>REP. MINNIS will lead discussion on the floor.</b>
129	Chair Shetterly	Explains why he voted "nay."
132	Chair Minnis	Closes the work session on SB 614A.
<b><u>SB 301 - WORK SESSION</u></b>		
134	Chair Minnis	Opens the work session on SB 301.
135	Scott Lumsden	Committee Counsel  >Reads the staff measure summary of SB 301.  >HB 3002B is the amendment.
157	Rep. Prozanski	<b>MOTION: Moves SB 301 to the floor with a DO PASS AS AMENDED recommendation.</b>
161	Rep. Prozanski	Explains why HB 3002 was added. These are necessary changes.
174	Rep. Beyer	Did counsel say that SB 301 is unchanged, yet we are deleting most of page 3 and all of page 5?
176	Scott Lumsden	The latter portion of the bill is incorporated on page 3 of the -1 amendments.
		<b>VOTE: 10-0-1</b>

190		<p><b>AYE: In a roll call vote, all members present vote Aye.</b></p> <p><b>EXCUSED: 1 - Bowman</b></p>
195	Chair Minnis	<p><b>The motion CARRIES.</b></p> <p><b>REP. PROZANSKI will lead discussion on the floor.</b></p>
196	Chair Minnis	Closes the work session on SB 301.
<b><u>SB 978A - WORK SESSION</u></b>		
196	Chair Minnis	Opens the work session on SB 978A.
197	Scott Lumsden	Reads the staff measure summary for SB 978A.
209	Rep. Shetterly	<b>MOTION: Moves SB 978A to the floor with a DO PASS recommendation.</b>
213	Rep. Uherbelau	Was there discussion about how someone moving from another state would be on notice that they had to register?
217	Chair Minnis	We didn't have a specific discussion about that.
227	Karen Bruzo	<p>Oregon Youth Authority</p> <p>&gt;This is for youth who are on parole or probation and are under supervision.</p>
234	Rep. Uherbelau	They are convicted in another state and sent to Oregon for parole?
236	Bruzo	It is common that youth offenders be returned to their home state.
243	Rep. Eighmey	The bill says the person shall register, but, since they are on parole or probation, I am assuming the department is going to know if this person needs to register.
249	Bruzo	The person has to register, but they are notified by the agency that has control over the youth.
257	Rep. Eighmey	What if you goof up and the person doesn't know they should have been registered?
262	Bruzo	There is that potential with all the requirements to register sex offenders.
269	Chair Minnis	We have lost prosecution based on the lack of knowledge.
281	Rep. Uherbelau	It doesn't apply just to those on probation or parole. Referring to section 3, how are those youth who just move here, to be put on notice?
294	Bruzo	I don't think I am the right person to answer that. There is a system in place which makes individuals aware of their responsibility to register.

304	Rep. Shetterly	Section 1a only refers to those under supervision. Section 2 is the same as an adult offender moving in to the state. We will always have the problem of individuals moving into the state who have to register.
322	Rep. Uherbelau	We need to ask how anyone gets notice about registering.
324	Chair Minnis	The Oregon State Police is actually notifying adult sex offenders.
331	Rep. Uherbelau	I don't know how the state police would know about those who are moving here.
332	Chair Minnis	This person may show up as a suspect.
344	Ingrid Swenson	The individual must have notice of the obligation to register before he can be prosecuted.
350	Scott Lumsden	ORS 181.599 states that a person who has knowledge of the registration requirement and fails to register commits a Class C felony.
362		<b>VOTE: 10-0-1</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 1 - Bowman</b>
368	Chair Minnis	<b>The motion CARRIES.</b>  <b>REP. SUNSERI will lead discussion on the floor.</b>
369	Chair Minnis	Closes the work session on SB 978A.
<b><u>SB 1164 - WORK SESSION</u></b>		
394	Rep. Prozanski	Opens the work session SB 1164.
395	Scott Lumsden	Committee Counsel >Reads the staff measure summary on SB 1164.
405	Rep. Sunseri	<b>MOTION: Moves SB 1164 to the floor with a DO PASS recommendation.</b>
410		<b>VOTE: 9-0-2</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 - Bowman, Minnis</b>
419	Vice-Chair Prozanski	<b>The motion CARRIES.</b>  <b>REP. PROZANSKI will lead discussion on the floor.</b>
	Vice-Chair	

420	Prozanski	Closes the work session on SB 1164.
<b><u>HB 2963 - WORK SESSION</u></b>		
421	Vice-Chair Prozanski	Opens the work session HB 2963.
425	Scott Lumsden	Committee Counsel >Reads the staff measure summary of HB 2963.
439	<b>Rep. Shetterly</b>	<b>MOTION: Moves HB 2963 to the floor with a DO PASS recommendation.</b>
446		<b>VOTE: 8-0-3</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 3 - Bowman, Courtney, Minnis</b>
454	<b>Vice-Chair Prozanski</b>	<b>The motion CARRIES.</b>  <b>REP. BOWMAN will lead discussion on the floor.</b>
455	Vice-Chair Prozanski	Closes the work session on HB 2963.
<b><u>SB 730A - WORK SESSION</u></b>		
458	Vice-Chair Prozanski	Opens the work session on SB 730A.
459	David Amesbury	Committee Counsel >Reads the staff measure summary of SB 730A.
<b>Tape 48, A</b>		
001	Dave Amesbury	Continues reading the summary.
010	Rep. Shetterly	Explains the -A3 amendments ( <b>EXHIBIT A</b> ) and why there needs to be conceptual amendments to them.
024	<b>Rep. Shetterly</b>	<b>MOTION: Moves to ADOPT SB 730A-3 amendments dated 6/6/97 and that the amendments be FURTHER AMENDED on page 2, lines 10, 15, and 16, by changing "July 1, 2001" to "January 1, 2002".</b>
030	Vice-Chair Prozanski	Legislative Counsel (LC) suggested the January date instead of the December 31 date?
031	David Amesbury	LC isn't fond of sunset clauses. I don't think there is any practical difference between the dates.

036	Rep. Starr	I proposed that time frame. To get at what I wanted to, I think it should be 2002 in order for the legislature to have two sessions to look at the issue.
042	Rep. Shetterly	Tries to amend his motion.
044	Rep. Uherbelau	Were you saying that we should make it January 1, 2001? We would be coming back into session that January.
052	Vice-Chair Prozanski	I think that Rep. Shetterly was getting ready to amend his motion.
054	Committee	Discusses the sunset clause date.
058	Rep. Beyer	If we put the date in 2001, the law will expire before we get a chance to work on it. I thought the idea was to look at it while we were in session.
061	Rep. Shetterly	<b>MOTION: Moves to AMEND his previous motion by substituting "December 31, 2001" for "January 1, 2002".</b>
063	Vice-Chair Prozanski	We will be changing the sunset date to December 31, 2001?
064	Rep. Shetterly	Yes.
065	Vice-Chair Prozanski	Is everyone clear? Any discussions?
066	Rep. Uherbelau	Do you look through all the possible sunsets that may occur during our session so that we can work on them?
071	David Amesbury	I don't know if LC has anyone who looks for the sunsets.
074	Vice-Chair Prozanski	There is a method for this occurring.
076	Bill Taylor	I don't know of any system that does this. There are no interest groups which miss a sunset date.
		<b>VOTE: 9-0-2</b> <b>EXCUSED: 2 - Bowman, Minnis</b>
081	Vice-Chair Prozanski	<b>Hearing no objection, declares the motion CARRIED.</b>
084	Rep. Shetterly	<b>MOTION: Moves SB 730A to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 9-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 2 - Bowman, Minnis</b>

092	Vice-Chair Prozanski	The motion CARRIES.  REP. WELLS will lead discussion on the floor.
093	Vice-Chair Prozanski	Closes the work session on SB 730A.
<b><u>SB 886A - WORK SESSION</u></b>		
094	Vice-Chair Prozanski	Opens the work session on SB 886A.
095	David Amesbury	Committee Counsel  >reads the staff measure summary on SB 886A.
101	Rep. Shetterly	<b>MOTION: Moves SB 886A to the floor with a DO PASS AS AMENDED recommendation.</b>
105	Rep. Shetterly	The -A2 are conforming amendments. There were no substantive changes.
107		<b>VOTE: 9-0-1</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 - Bowman, Minnis</b>
112	Vice-Chair Prozanski	The motion CARRIES.  REP. EIGHMEY will lead discussion on the floor.
113	Vice-Chair Prozanski	Closes the work session on SB 886A.
<b><u>SB 244A - WORK SESSION</u></b>		
113	Vice-Chair Prozanski	Opens the work session on SB 244A.
114	Bill Taylor	Committee Counsel  >Explains the provisions of SB 244A.
121	Rep. Sunseri	<b>MOTION: Moves SB 244A to the floor with a DO PASS recommendation.</b>
124		<b>VOTE: 9-0-2</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>



		<b>EXCUSED: 2 - Bowman, Minnis</b>
129	<b>Vice-Chair Prozanski</b>	<b>The motion CARRIES.</b> <b>REP. UHERBELAU will lead discussion on the floor.</b>
129	Vice-Chair Prozanski	Closes the work session on SB 244A.
<b><u>SB 243A - WORK SESSION</u></b>		
130	Vice-Chair Prozanski	Opens the work session on SB 243A.
130	Bill Taylor	Committee Counsel >Explains the provisions of SB 243A. >Explains the -A9 amendments ( <b>EXHIBIT B</b> ).
140	<b>Rep. Sunseri</b>	<b>MOTION: Moves SB 243 to the floor with a DO PASS AS AMENDED recommendation.</b>
142	Rep. Shetterly	This is a historical event.
145		<b>VOTE: 9-0-2</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 2 - Bowman, Minnis</b>
150	<b>Vice-Chair Prozanski</b>	<b>The motion CARRIES.</b> <b>REP. EIGHMEY will lead discussion on the floor.</b>
152	Vice-Chair Prozanski	Closes the work session on SB 243.
<b><u>SB 693A - WORK SESSION</u></b>		
159	Vice-Chair Prozanski	Opens the work session on SB 693A.
160	Bill Taylor	Committee Counsel >Explains the provisions of SB 693A.
165	<b>Rep. Sunseri</b>	<b>MOTION: Moves SB 693A to the floor with a DO PASS recommendation.</b>
170	Rep. Uherbelau	Referring to page 5, line 24, there is no funding for this bill right now, and it doesn't go into effect until 1999.

184	Vice-Chair Prozanski	Rep. Starr, if you could note that on the floor when you are speaking about it, that would be good.
187		<b>VOTE: 9-0-2</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 - Bowman, Minnis</b>
193	Vice-Chair Prozanski	<b>The motion CARRIES.</b>  <b>REP. STARR will lead discussion on the floor.</b>
193	Vice-Chair Prozanski	Closes the work session on SB 693A.
194	Vice-Chair Prozanski	<b>MOTION: Moves to SUSPEND the rules for the purpose of Allowing Rep. Courtney to vote on HB 2963.</b>
		<b>VOTE: 9-0</b>  <b>EXCUSED: 2 - Bowman, Minnis</b>
196	Vice-Chair Prozanski	<b>Hearing no objection, declares the motion CARRIED.</b>
197	Rep. Courtney	<b>Votes "Aye."</b>
		<b>VOTE: 9-0-2 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Bowman, Minnis</b>
197	Vice-Chair Prozanski	<b>The motion CARRIES.</b>
198	Vice-Chair Prozanski	Adjourns the meeting at 8:18 a.m.

Submitted By, Reviewed By,

Sarah Watson for Gina Cross, Sarah Watson,

Administrative Support Office Manager

### **EXHIBIT SUMMARY**

**A - SB 730A, -A3 proposed amendments (dated 6/6/97), staff, 2 pp.**

**B - SB 243A, -A9 proposed amendments (dated 6/6/97), staff, 2 pp.**