

HOUSE COMMITTEE ON JUDICIARY

March 21, 1997 Hearing Room 357

7:30 AM Tapes 15 - 16

MEMBERS PRESENT:

Rep. JOHN MINNIS, Chair

Rep. FLOYD PROZANSKI, Vice-Chair

Rep. ROGER BEYER

Rep. JO ANN BOWMAN

Rep. PETER COURTNEY

Rep. GEORGE EIGHMEY

Rep. LANE SHETTERLY

Rep. CHARLES STARR

Rep. RON SUNSERI

Rep. JUDY UHERBELAU

Rep. LARRY WELLS

MEMBER EXCUSED:

STAFF PRESENT:

BILL TAYLOR, Administrator

BRIAN HIGGINS, Administrative Support

MEASURE/ISSUES HEARD:

Work Sessions - SB 263A, HB 2958, HB 2999, HB 3000

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 15, A		

005	Chair Minnis	Calls subcommittee to order at 7:31 AM
<u>SB 263A - WORK SESSION</u>		
010	Chair Minnis	Opens work session on SB 263A
011	Bill Taylor	Committee Counsel >reads provisions of bill and -3 amendments dated 3/13/97, (EXHIBIT A)
018	Rep. Sunseri	MOTION: Moves SB 263A to the floor with a DO PASS AS AMENDED recommendation.
021		VOTE: 11-0-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Minnis	The motion CARRIES. REP. STARR will lead discussion on the floor.
024	Chair Minnis	Closes work session on SB 263A
<u>HB 2958 - WORK SESSION</u>		
025	Chair Minnis	Opens work session on HB 2958 >Criminal Law subcommittee reviewed the bill and felt it would benefit from review in the Joint Ways and Means Committee.
038	Scott Lumsden	Committee Counsel >reads provisions of bill
048	Rep. Prozanski	MOTION: Moves HB 2958 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Joint Ways and Means.
054		VOTE: 11-0-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Minnis	The motion CARRIES.

058	Chair Minnis	Closes work session on HB 2958
<u>HB 2999 - WORK SESSION</u>		
059	Chair Minnis	Opens work session on HB 2999
060	Scott Lumsden	Committee Counsel >reads provisions of bill
067	Rep. Wells	I voted no on this bill because of the issue of the social security number being used as an identification number.
075	Rep. Prozanski	MOTION: Moves HB 2999 to the floor with a DO PASS recommendation.
078	Rep. Uherbelau	Under what circumstances would you be viewing a social security number?
080	Rep. Prozanski	Responds that under some circumstances, for purposes of citation it is needed >The law provides that if they can't identify themselves, they can be arrested. >This is another means to hold people accountable for giving false information to an officer.
101	Chair Minnis	There is a standard of "knowingly" within the statute. >Portland Police Data System includes lists of social security numbers. >Dispatchers can verify the number being given is correct.
110	Rep. Eighmey	Does this apply to passengers as well?
112	Rep. Prozanski	It would apply to individuals who are stopped at the time motor vehicle laws are being enforced.
117	Rep. Eighmey	Does this expand the ability to arrest passengers for the inability to identify themselves if they do not have their drivers license with them and can't remember their social security numbers?
121	Rep. Prozanski	No. The way this works is that it has to be knowingly.
127	Rep. Eighmey	I don't have a problem with knowingly giving the information, but the law stands now that if you don't have proper identification you can still be arrested when stopped for a traffic violation.

133	Rep. Prozanski	Not for the passenger.
134	Chair Minnis	Only the driver could be cited for failure to carry a driver's license. >An inquiry into the passengers would have to be based on some violation of law such as an open container.
152	Rep. Sunseri	My social security card says "Not to be used for identification purposes."
158	Rep. Prozanski	It's not being offered for identification purposes.
163	Rep. Sunseri	What do you do when there is an error? It is not a fail-safe system.
171	Chair Minnis	The context is important. It is not to be used as a sole source of identification. Be reminded that in order to convict someone of this, there must be proof beyond a reasonable doubt that the person knowingly gave false information.
181	Rep. Prozanski	There is also no duty to give the social security number.
182	Chair Minnis	They don't have to respond to the question.
190	Rep. Bowman	Expresses concern with adding information to the statute that police officers have no right to >No one is required to know their social security number. >People are prone to give any information to the police officer.
209	Rep. Shetterly	I think this bill is a lot narrower than the discussion here. >Social security numbers must be given truthfully. >An "honest mistake" would be a defense to this.
225	Rep. Sunseri	Is there any penalty for lying to a police officer?
228	Chair Minnis	No, and as an investigator, we like you to lie to us. >The inconsistencies are easier to corroborate.
242	Rep. Uherbelau	When people are giving false information, it is usually the information of another person which indicts an innocent person.
257	Rep. Eighmey	Relates story of client whose roommate had stolen his license, was involved in a crime, and provided the stolen license as identification. >The innocent client was convicted not knowing of the conviction and it took us six months to clear up his record.
	Chair	

283	Minnis	That does happen from time to time.
292		<p>VOTE: 9-2-0</p> <p>AYE: 9 - Beyer, Courtney, Eighmey, Prozanski, Shetterly, Starr, Sunseri, Uherbelau, Minnis</p> <p>NAY: 2 - Bowman, Wells</p>
	Chair Minnis	<p>The motion CARRIES.</p> <p>REP. PROZANSKI will lead discussion on the floor.</p>
302	Chair Minnis	Closes work session on HB 2999
<u>HB 3000 - WORK SESSION</u>		
307	Chair Minnis	Opens work session on HB 3000
308	Scott Lumsden	<p>Committee Counsel</p> <p>>reads provisions of bill and -1 amendments dated 3/13/97, (EXHIBIT B)</p>
324	Rep. Prozanski	MOTION: Moves HB 3000 to the floor with a DO PASS AS AMENDED recommendation.
329		<p>>bill put forth to close loopholes</p> <p>>does not allow for participation in diversion program if have been cited for DUII or participation in diversion program within last ten years</p> <p>>My belief is that if a person has 2 or more DUII's in a short period of time, they should be held accountable and not be eligible for diversion.</p> <p>>The bill does not change any other qualifications for getting into a DUII program.</p> <p>>The other part of the bill addresses programs which are not able to be completed within one year for whatever reason. A guilty plea would be sent to the court, but not entered, unless program is not completed within the next six months.</p>
		<p>Continues background on bill</p> <p>>This is important because police officers and civilian witnesses need to be available for trial.</p>

384		<p>>If someone falls out of the program within one year, a trial date would be set by the court.</p> <p>>Some courts allow unlimited time to complete program which makes it more difficult for the prosecution to retain witnesses.</p> <p>>Anecdotally speaking, I have had participants that have taken 2 to 3 years to complete the program.</p> <p>>The other area addresses the issue of when a person fails to appear at arraignment.</p>
435		>Individuals should be held accountable at their first arraignment.
TAPE 16, A		
020		<p>VOTE: 11-0-0</p> <p>AYE: In a roll call vote, all members present vote Aye.</p>
	Chair Minnis	<p>The motion CARRIES.</p> <p>REP. PROZANSKI will lead discussion on the floor.</p>
025	Chair Minnis	Closes work session on HB 3000
		<p>>Appoints special subcommittee on civil rights to include Rep. Sunseri, Rep. Shetterly, Rep. Uherbelau, Rep. Eighmey, Rep. Prozanski, Rep. Starr, and Rep. Minnis, Chair</p> <p>>Declares committee adjourned</p>

Submitted by, Reviewed by,

BRIAN HIGGINS, SARAH WATSON,

Administrative Support Office Manager

EXHIBIT SUMMARY

A - SB 263A, Proposed amendments (-3 dated 3/13/97), Staff, 1 p.

B - HB 3000, Proposed amendments (-1 dated 3/13/97), Staff, 2 pp.