

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON CRIMINAL LAW

May 29, 1997 Hearing Room 357

1:00 P.M. Tapes 132 - 133

MEMBERS PRESENT:

Rep. John Minnis, Chair

Rep. Jo Ann Bowman, Vice-Chair

Rep. Peter Courtney

Rep. Floyd Prozanski

Rep. Lane Shetterly

Rep. Ron Sunseri

Rep. Larry Wells

STAFF PRESENT:

Scott Lumsden, Counsel

Lisa Fritz, Administrative Support

MEASURE/ISSUES HEARD:

SB 613 - Work Session

HB 3738 - Public Hearing and Work Session

SB 440 - Public Hearing and 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 132, A		
003	Chair Minnis	Calls the meeting to order at 1:17 p.m.
<u>OPENS</u>		

<u>PUBLIC HEARING ON SB 440</u>		
	John Elms	Team Leader, Postal Inspector, Portland, Oregon . Submits and discusses written testimony in support of SB 440. [Exhibit A]
050	Eileen Qutub	Representing Senate District 4 and Sponsor of SB 440. Gives some background stating that she is convinced this bill is needed in Oregon. Urges support.
063	Elms	Continues testimony. Submits and discusses charted information of reported cases of mail theft. [Exhibit B]
113	Elms	Continues discussing written testimony.
169	Rep. Wells	Comments that the issue at hand is an important one. Questions for further clarification. >federal issue
195	Elms	Discusses processes, under current law, for attempting to charge those guilty of mail theft. Discusses vandalism of mailboxes, as it pertains to current law and SB 440.
210	Rep. Wells	States his concerns about how they will be caught.
	Elms	Replies. Cases where police officers are catching them. Continues.
222	Jeanne Stevenson	Investigative Sergeant, Portland Police Bureau. Submits and discusses written testimony in support of SB 440. [Exhibit C]
272	Stevenson	Discusses charts (displayed for committee) regarding mail theft.
316	David N. Lesh	Multnomah County Deputy District Attorney. Submits and discusses written testimony in favor of SB 440. [Exhibit D]
366	Lesh	Continues testimony.
388	Phillip Lemman	Executive Director, Oregon Criminal Justice Commission Submits and discusses written testimony regarding SB 440. [Exhibit E]
TAPE 133, A		
027	Chair Minnis	Comments: Come back next legislative session with your suggestions for all of the various crime categories in some form. Continues.
	Lemman	My preference would be that you not rank these crimes. Continues. >property rankings not appropriate >broad range of criminal conduct
053	Chair Minnis	Discusses a suggestion for a sunset provision. Explains.
057	Lemman	We will be bringing legislation to you that would allow the Commission's rankings to take effect during the interim. Continues.

**CLOSES
PUBLIC
HEARING
ON SB 440**

**OPENS
WORK
SESSION ON
SB 440**

065	Rep. Shetterly	Comments regarding rankings and makes suggestions. >make Category 3 a Category 2 on line 8, page 2
076	Rep. Shetterly	MOTION: Moves to AMEND SB 440A on page 2, in line 8, after "Category," delete "3 and insert 2".
		VOTE: 5-0 EXCUSED: 2 - Rep. Bowman, Rep. Prozanski
	Chair Minnis	Hearing no objection, declares the motion CARRIED.
081	Rep. Shetterly	MOTION: Moves SB 440A to the full committee with a DO PASS AS AMENDED recommendation.
085	Rep. Wells	Questions Senate amendments to bill. What is the background?
	Rep. Shetterly	Replies. No category designation at all.
	Wells	All new language?
	Rep. Shetterly	No designation of categories.
092	Scott Lumsden	Committee Counsel. Explains.
097	Rep. Wells	We are amending what the Senate did.
	Lumsden	Three down to a two.
	Chair Minnis	Comments for clarification regarding categories.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Rep. Bowman, Rep. Prozanski
	Chair Minnis	The motion CARRIES. REP. WELLS will lead discussion on the floor.

<u>CLOSES WORK SESSION ON SB 440</u>		
<u>OPENS PUBLIC HEARING ON HB 3738</u>		
120	Dave White	Department of Administrative Services. Submits and discusses proposed amendments to HB 3738. [Exhibit F]
147	Rep. Bowman	Appreciates amendment, but feels a piece is missing. Continues.
153	White	That is a key element to the plan of the Agency. Continues.
157	Rep. Bowman	Would be happy to work with them to develop some language.
	Chair Minnis	Move to full committee - have something ready for next week. >help process along
	Rep. Sunseri	Questions for clarification.
	Rep. Bowman	Not prepared to give definition now - will bring to full committee.
167	Chair Minnis	Comments that it would be helpful to work with the Board and the Governor's office.
169	Rep. Shetterly	Comments for clarification regarding definitions.
<u>CLOSES PUBLIC HEARING ON HB 3738</u>		
<u>OPENS WORK SESSION ON HB 3738</u>		
171	Rep. Bowman	MOTION: Moves to AMEND HB 3738 on page 3, after "line 31," insert "(a) The board and department shall exist to develop talented individuals into public safety providers who are ethically, physically, and emotionally fit and who are well trained, highly skilled, and responsive to the needs of their communities. (b) The board and department shall promote the safety, efficiency, effectiveness, self-sufficiency, and competence of public safety agencies and professionals". FURTHER AMEND as directed in Exhibit F.
	Rep. Shetterly	Comments regarding conceptual wording.

		VOTE: 6-0
		EXCUSED: 1 - Rep. Prozanski
	Chair Minnis	Hearing no objection, declares the motion CARRIED.
179	Rep. Bowman	MOTION: Moves HB 3738 to the full committee with a DO PASS as AMENDED recommendation.
		VOTE: 6-0
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - Rep. Prozanski
	Chair Minnis	The motion CARRIES.
		REP. BOWMAN will lead discussion on the floor.
<u>CLOSES WORK SESSION ON HB 3738</u>		
<u>OPENS PUBLIC HEARING ON SB 613</u>		
200	John Bradley	Multnomah County District Attorney's Office. Submits and discusses written testimony regarding SB 613. [Exhibit G]
250	Bradley	Continues testimony.
300	Bradley	Continues testimony.
334	Rep. Bowman	Questions for clarification.
345	Bradley	Yes. Explains and gives examples.
352	Bradley	Submits and discusses proposed amendments to SB 613 [Exhibit H]
TAPE 132, B		
009	Rep. Courtney	Questions for clarification.
010	Bradley	Yes. Misunderstanding here. Continues. >jury pool not touched by SB 936
030	Chair Minnis	Comments for clarification concerning amendment.
040	Rep. Shetterly	Agree. I think your analysis is correct. Continues. >qualify for the criminal pool
047	Bradley	Replies regarding relating clause.

050	Chair Minnis	Counsel is advising that we should run this by Legislative Counsel.
051	Rep. Prozanski	Questions for clarification regarding qualifications.
072	Bradley	Yes. Continues.
	Rep. Prozanski	Continues his comments.
	Bradley	Replies.
083	Rep. Wells	Did we put this type of an amendment in SB 936?
	Bradley	Responds.
110	Chair Minnis	This amendment was not presented or discussed in relation to 936. Continues.
131	Rep. Courtney	Where do you get the names for the jury pool?
134	Bradley	It's drawn for a combination of lists. Continues.
156	Kingsley Click	State Court Administrator. Explains two lists in question and process. >added an identifier when merging lists >duplicate - kicks out motor vehicle name
178	Rep. Bowman	Questions for clarification regarding testimony. >list of registered voters
191	Click	You are correct.
192	Rep. Bowman	Continues her comments.
214	Chair Minnis	Questions witness for clarification.
216	Click	Replies.
232	Chair Minnis	Continues questioning witness for clarification.
	Click	Replies. Yes, but if 936 passed, the procedures would be different.
260	Chair Minnis	Where in 936 is the mandate to do that?
262	Bradley	Replies. Section 9b - to be eligible you have to be a registered voter. Continues.
266	Rep. Bowman	Questions for clarification regarding requesting lists of only registered voters.
	Click	Replies. Different in each county.
		Comments for clarification regarding procedures in Lane County.

280	Rep. Prozanski	>you are talking about what happens in the state court system - not within the municipal court system
301	Click	Replies.
304	Rep. Prozanski	Continues questioning regarding municipalities. >municipalities different
317	Chair Minnis	The relating clause is broad enough according to Legislative Counsel. Continues.
324	Bradley	This is not perfect. Continues.
340	Chair Minnis	Comments regarding objective.
350	Rep. Wells	Comments. Works both ways.
355	Rep. Courtney	Comments.
362	Click	Probably would not be seen as constructive.
<u>CLOSES PUBLIC HEARING ON SB 613</u>		
370	Chair Minnis	Adjourns meeting at 2:40 P.M.

Transcribed by, Reviewed by,

Julie Clemente for

Lisa Fritz, Scott Lumsden,

Administrative Support Counsel

EXHIBIT SUMMARY

A - Testimony in Support of SB 440 - John Elms - 28 pgs

B - Chart Supporting Testimony in Support of SB 440 - John Elms - 1 pg

C - Testimony in Support of SB 440 - Jeanne Stevenson - 1 pg

D - Testimony in Support of SB 440 - David N. Lesh - 3 pgs

E - Testimony Regarding SB 440 - Phillip Lemman - 2 pgs

F - Proposed Amendments to HB 3738 - Dave White - 1 pg

G - Testimony Regarding SB 613 - John Bradley - 1 pg

H - Proposed Amendment to SB 613 - John Bradley - 1 pg