

**HOUSE COMMITTEE ON JUDICIARY**

**SUBCOMMITTEE ON CRIMINAL LAW**

**June 10, 1997 Hearing Room 357**

**1:00 P.M. Tapes 146 - 147**

**MEMBERS PRESENT:**

**Rep. John Minnis, Chair**

**Rep. Jo Ann Bowman, Vice-Chair**

**Rep. Floyd Prozanski**

**Rep. Lane Shetterly**

**Rep. Ron Sunseri**

**Rep. Larry Wells**

**MEMBER EXCUSED: Rep. Peter Courtney**

**STAFF PRESENT:**

**Scott Lumsden, Counsel**

**Lisa Fritz, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 35A - Public Hearing**

**SB 1078A - Public Hearing and Work Session**

**SB 1167 - Public Hearing**

**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 146, A</b>		
007	Chair Minnis	Calls the meeting to order at 2:14 p.m.
<b><u>OPENS PUBLIC</u></b>		

<b><u>HEARING ON SB 1167</u></b>		
013	<b>Mary Ellen Johnson</b>	<b>Director, Crime Victim Assistance Section, Department of Justice.</b> Testifies in favor of SB 1167. Discusses those centers and agencies, which would be eligible for grants, under the bill.
027	Rep. Bowman	What is the balance in your account currently?
	Johnson	About \$2.8 million.
	Rep. Bowman	Does the Attorney General make grants in other areas?
030	Johnson	Replies.
036	Rep. Bowman	Continues her questions.
040	Johnson	These agencies have been receiving money from the Attorney General's office since 1986.
050	Rep. Bowman	Continues questioning for clarification regarding grants.
058	Johnson	Replies.
065	Rep. Bowman	States concerns regarding agency becoming more effective.
080	Rep. Prozanski	Asks regarding opposition on combining bills.
090	Johnson	No.
	Chair Minnis	Continues questioning regarding bills. How many are there?
<b><u>CLOSES PUBLIC HEARING ON SB 1167</u></b>		
<b><u>OPENS PUBLIC HEARING ON SB 1078A</u></b>		
121	<b>Bradd Swank</b>	<b>Management/Legal Assistant, State Court Administrator's Office.</b> Discusses SB 1078-A6 amendments [ <b>Exhibit A</b> ]
150	<b>James Ragon</b>	<b>Detective, Criminal Investigation Services, Department of State Police.</b> Submits and discusses written testimony in support of SB 1078A [ <b>Exhibit B</b> ]
200	Ragon	Continues testimony.
273	Rep. Bowman	Asks about the definition in Section 10.
279	Ragon	Discusses criteria used in determining "predatory sex offenders."
330	Rep. Bowman	Questions broadness of definition.

346	Chair Minnis	Do you want to change "may" to "shall?"
	Rep. Bowman	Yes.
	Ragon	Replies. More than one agency affected.
355	Rep. Prozanski	Comments for clarification.
360	Ragon	Discusses in-state and out-of-state offenders' files.
368	Rep. Prozanski	Continues questioning.
376	Ragon	Replies.
396	<b>Beverlee Venell</b>	<b>Director, Criminal Justice Services Division, Oregon State Police.</b> Submits and discusses written testimony in favor of SB 1078A. [ <b>Exhibit C</b> ]
<b>TAPE 147, A</b>		
004	Rep. Bowman	Questions release of information.
	Ragon	The general public.
	Rep. Bowman	How would that process work?
	Ragon	Replies, giving examples.
017	Chair Minnis	Comments for clarification.
022	Rep. Bowman	That's not what I'm referring to in this section.
027	Ragon	This can be done already; we are just trying to formalize and control it.
030	Rep. Bowman	Continues questioning for clarification.
040	Ragon	Continues. We are releasing that information anyway. It simply allows us to put it in list form.
045	Chair Minnis	Anytime anyone is convicted in open court, it's public record.
050	Rep. Bowman	If this language is to clarify, it's not doing a very good job.
054	<b>Emily Cedarleaf</b>	<b>Multifamily Housing Council of Oregon.</b> Comments for clarification regarding information retrieved.
<b>CLOSES PUBLIC HEARING ON SB 1078A</b>		
<b>OPENS WORK</b>		

<b>SESSION ON SB 1078A</b>		
072	<b>David Fidanque</b>	<b>Executive Director, American Civil Liberties Union of Oregon.</b> Testifies in opposition to SB 1078A. Urges statute be tightened as much as possible. Discusses current, ongoing challenges in the courts.
114	Rep. Prozanski	Questions for clarification regarding procedure for challenging.
122	Ragon	Replies.
124	Fidanque	Comments for clarification. Because the determination is made at the time they are released from custody, under current law there is no ability to challenge that determination in court.
135	Rep. Bowman	Questions `sexual offender' registration.
	Ragon	Not quite the case. Continues.
174	Rep. Prozanski	Comments on recourse.
187	Chair Minnis	Comments: I think a word of caution might be in order. Continues.
<b>216</b>	<b>Rep. Sunseri</b>	<b>MOTION: Moves to ADOPT SB 1078A-6 amendments dated 06/02/97.</b>
		<b>VOTE: 6-0</b>
		<b>EXCUSED: 1 - Rep. Courtney</b>
	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>225</b>	<b>Rep. Sunseri</b>	<b>MOTION: Moves to AMEND SB 1078A on page 5, in line 40, change "may to shall".</b>
		<b>VOTE: 6-0</b>
		<b>EXCUSED: 1 - Rep. Courtney</b>
	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
	Fidanque	Comments on his interpretation of wording.
	Chair Minnis	Intent of committee is not to restrict it. Continues.
	Rep. Sunseri	Comments for clarification.
<b>260</b>	<b>Rep. Sunseri</b>	<b>MOTION: Moves SB 1078A to the full committee with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b>

		<b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Rep. Courtney</b>
	<b>Chair Minnis</b>	<b>The motion CARRIES.</b> <b>REP. SUNSERI will lead discussion on the floor.</b>
<b><u>CLOSES WORK SESSION ON SB 1078A</u></b>		
<b><u>OPENS PUBLIC HEARING ON SB 35A</u></b>		
285	<b>John T. Nichols</b>	<b>Oregon Gun Owners, Inc.</b>
288	<b>Kent Zwicker</b>	<b>Detective, Oregon State Police.</b> Testifies in support of SB 35A. Submits written testimony in support of SB 35A written by Sergeant Richard Schuening, Oregon State police Arson/Explosives Section. <b>[Exhibit D]</b>
	Nichols	This bill makes it a crime of possession of a hoax destructive device. Explains and gives examples.
317	<b>Bob Schmidt -?</b>	<b>Captain, Oregon State Police.</b> References examples contained in <b>[Exhibit D]</b> . >bank robbery, restaurant, Hewlett Packard
	Chair Minnis	Questions for clarification.
398	Chair Minnis	Continues commenting for clarification regarding bombs.
	Rep. Shetterly	Comments regarding explosives.
<b><u>CLOSES PUBLIC HEARING ON SB 35A</u></b>		
<b>TAPE 146, B</b>		
008	Chair Minnis	Adjourns meeting at 3:10 p.m.

Transcribed by, Reviewed by,

Julie Clemente for

Lisa Fritz, Scott Lumsden,

Administrative Support Counsel

**EXHIBIT SUMMARY**

**A - Proposed SB 1078-A6 Amendments - Bradd Swank - 1 pg**

**B - Testimony in Support of SB 1078A - Jim Ragon - 9 pgs**

**C - Testimony in Support of SB 1078A - Beverlee Vernell - 2 pgs**

**D - Testimony in Support of SB 35 - Richard Schuening - 2 pgs**