

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON CRIMINAL LAW

February 17, 1997 Hearing Room 357

3:30 PM Tapes 27 - 28

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

MEMBER EXCUSED:

STAFF PRESENT:

SCOTT LUMSDEN, Counsel

BRIAN HIGGINS, Administrative Support

MEASURE/ISSUES HEARD:

HB 2380 - Work Session

HB 2425, HB 2424, HB 2194, HB 2357, HB 2323 - Public Hearings

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 27, A		
002	Chair Minnis	Calls subcommittee to order at 3:44 pm

<u>HB 2357 - PUBLIC HEARING</u>		
004	Chair Minnis	Opens public hearing on HB 2357
007	Peter Courtney	State Representative, District 33 >submits and reads written testimony, (EXHIBIT A)
045	Jacquelyn Zimmer	Former Member, Salem City Council >submits and summarizes written testimony, (EXHIBIT C)
083	Tim Grenz	City Councilor, Salem, Ward 7 >serious issue for City of Salem >appropriate tool to use as deterrent >making strides in area, but need additional help
		>suggests change in Section 1, line 12, "a public place" should be eliminated to cover private homes which might lie within 1000 feet of school
125	Randall Edwards	State Representative, District 15 >submits newspaper article, (EXHIBIT B)
141	Vice Chair Bowman	Expresses concern that this bill doesn't address those seeking prostitution
147	Rep. Courtney	It's goal was to address the person offering prostitution services.
154	Vice Chair Bowman	It should cover both prostitutes and those seeking their services.
162	Rep. Courtney	It has come to my attention that existing law covers this aspect already.
173	Vice Chair Bowman	How has prosecution gone in these cases in the City of Salem?
177	Zimmer	District Attorneys have agreed to follow through on all charges presented at time of arrest. >officers aware of prostitutes on parole or probation
195	Chair Minnis	Expresses concern that new language only allows for where actual crime is committed >might be agreed to in one place, but act takes place in another
		Marion County District Attorney

209	Dale Penn	>would be good to ensure both offer and act punishable in aggravated form
227	Rep. Shetterly	On line 6-9, both act and agreement is in existing law
234	Dale Penn	Agrees with Rep. Shetterly that it is an aggravated offense and so would apply under existing statute
245	Chair Minnis	Closes public hearing on HB 2357
<u>HB 2380 - WORK SESSION</u>		
251	Chair Minnis	Opens work session on HB 2380 >asks about proposed amendment being about 6 year statute of limitations rather than 7 years
260	Greg Brown	Sheriff, Deschutes County >previously had used fire department information >more consistent to use 6 years
266	Chair Minnis	Asks for clarification as to whether it is proponent's intent to go back and pick up a case that was not prosecutable
271	Brown	We understand that this would only affect future cases.
274	Rep. Prozanski	Clarifies that he interpreted that this new statute of limitations was going to be used on a case in which statute of limitations had not run out
285	Brown	No, we understand that we could not do that.
289	Rep. Prozanski	Should this go forward, an act committed in 1994 would have new statute of limitations.
295	Rep. Shetterly	MOTION: Moves to ADOPT the amendments offered by the Central Oregon Arson Task Force to HB 2380.
		VOTE: 7-0
	Chair Minnis	Hearing no objection, declares the motion CARRIED.
302	Rep. Shetterly	MOTION: Moves HB 2380 to the full committee with a DO PASS AS AMENDED recommendation.
306	Rep. Prozanski	It is important that we understand this is a piecemeal approach of reviewing current statute of limitations. >understand need but perhaps entire code needs to be reviewed

		>equates this crime with sex offenses in terms of years
326		VOTE: 6-0 EXCUSED: 1 - Rep. Courtney
	Chair Minnis	Hearing no objection, declares the motion CARRIED. REP. SHETTERLY will lead discussion on the floor.
338	Chair Minnis	Closes work session on HB 2380
340	Chair Minnis	Opens public hearing on HB 2425
349	Dale Penn	District Attorney, Marion County, District Attorneys Association >gives history of current legislation on this topic >practice validated by Supreme Court and State Courts >determined there are other cases where presence of narcotics are important >This bill would say that in any crime in which narcotics evidence via lab reports, is introduced would be sufficient without bringing the criminalist in.
422	Chair Minnis	Closes public hearing on HB 2425
425	Rep. Sunseri	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. COURTNEY to BE RECORDED as voting AYE on the motion to move HB 2380 to the full committee with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0
	Chair Minnis	Hearing no objection, declares the motion CARRIED.
436	Chair Minnis	Opens public hearing on HB 2424

TAPE 28, A		
019	Dale Penn	District Attorney, Marion County, District Attorneys Association >bill based on California procedure which allows previous sex offenses to be admissible in a sex offense prosecution >Ballot Measure 40 has constitutional provisions would expand ability to use prior incidents. >asking committee to set this measure aside because of belief that Ballot Measure 40 will solve this problem
049	Chair Minnis	Closes public hearing on HB 2424
<u>HB 2194 - PUBLIC HEARING</u>		
051	Chair Minnis	Opens public hearing on HB 2194
059	Paul Donheffner	Director, State Marine Board >proposed amendments submitted by staff (EXHIBIT D) >submits and reads written testimony, (EXHIBIT E)
100	Chair Minnis	Closes public hearing on HB 2194
<u>HB 2323 - PUBLIC HEARING</u>		
106	Chair Minnis	Opens public hearing on HB 2323
109	Jan Peter Londahl	Assistant Attorney General >submits and reads written testimony, (EXHIBIT F)
154	Rep. Prozanski	Has this been brought to attention at all since 1975?
		We have tried to get it through the Legislature the last 3 sessions but it

155	Londahl	has never gotten through the system in time to pass.
160	Chair Minnis	You've had it through the Senate and the House, but not through the Senate and the House in one session.
162	Rep. Shetterly	In Section 2, sub 2, line 22, word "comes" should probably be "expire."
175	Londahl	We have no difficulty with that language.
180	Chair Minnis	Closes public hearing on HB 2323
182	Chair Minnis	Declares subcommittee adjourned

Submitted by, Reviewed by,

BRIAN HIGGINS, SCOTT LUMSDEN,

Administrative Support Counsel

EXHIBIT SUMMARY

A - HB 2357, Written testimony, Rep. Peter Courtney, 1 p.

B - HB 2357, *Oregonian* newspaper article, Rep. Randall Edwards, 3 pp.

C - HB 2357, Written testimony, Jacqueline Zimmer, 1 p.

D - HB 2194, Proposed amendments, Staff, 1 p.

E - HB 2194, Written testimony and proposed amendment, Paul Donheffner, 2 pp.

F - HB 2323, Written testimony, Jan Peter Londahl, 4 pp.