

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON CRIMINAL LAW

April 10, 1997 Hearing Room 357

1:00 PM Tapes 83 - 84

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. Rep. Larry Wells

MEMBER EXCUSED:

STAFF PRESENT:

Scott Lumsden, Counsel

Andrea Terry, Administrative Support

MEASURE/ISSUES HEARD:

Public Hearing and Possible Work Session - HB 2420, HB 3095

Work Session - HB 2228, HB 2091, HB 3364, HB 2541, HB 3123,

HB 3643

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 83, A		
004	Chair Minnis	opens meeting at 1:17pm

HB 3643-- WORK SESSION		
006	Kelly Taylor	Department of Transportation
011	Taylor	EXHIBIT A
026	Rep. Shetterly	question about line 45 on page 10
031	Taylor	possession of a controlled substance between the ages of 13 -17 would result in a year's suspension or until the 17th birthday, which ever is longer
047	Rep. Prozanski	the way the statute is written there appears to be a stiffer penalty now
057	Rep. Shetterly	MOTION: Moves to ADOPT HB 3643-5 amendments dated 4/9/97.
068	Prozanski	EXHIBIT B
071	Prozanski	request to the Chair to reschedule HB 3643 for another public hearing because his constituent who had signed up to testify had to leave at the recess because of a medical condition that prevented them from staying for the evening session
078	Minnis	she did submit written testimony, it is part of the record
082	Prozanski	explains EXHIBIT B (-6 amendments)
135	Rep. Prozanski	MOTION: Moves to ADOPT HB 3643-6 amendments dated 4/10/97.
144	Minnis	I do not support the -6 amendments
150	Prozanski	further explanation of -6 amendments
155	Staff	roll call
157	Staff	"Bowman"
158	Bowman	"yes"
159	Staff	"Courtney"
160	Courtney	"no"
161	Staff	"Prozanski"
162	Prozanski	"yes"
163	Staff	"Shetterly"
164	Shetterly	"yes"
165	Staff	"Sunseri"
166	Sunseri	"no"
167	Staff	"Wells"
168	Wells	"no"
169	Staff	"Chair Minnis"

170	Minnis	"no"
187	Minnis	"motion fails"
190	Prozanski	EXHIBIT C (-7 amendments)
204	Prozanski	explanation of -7 amendments
238	Minnis	do you feel that an escalation to a Class C misdemeanor is an appropriate offense
241	Prozanski	I believe this will send a message
245	Rep. Prozanski	MOTION: Moves to ADOPT HB 3643-7 amendments dated 4/10/97.
249	Minnis	I will oppose -7 amendments you took out a key element: the next step which would elevate the crime to a Class B
257	Prozanski	in response to that there is no elevation in HB 3643 even if it is their tenth offense
265	Staff	"Bowman"
266	Bowman	"yes"
267	Staff	"Courtney"
268	Courtney	"yes"
269	Staff	"Prozanski"
270	Prozanski	"aye"
271	Staff	"Shetterly"
272	Shetterly	"no"
273	Staff	Sunseri
274	Sunseri	"no"
275	Staff	"Wells"
276	Wells	"no"
277	Staff	"Chair Minnis"
278	Minnis	"no"
279	Minnis	"motion fails"
280	Minnis	five minute recess
282	Rep. Sunseri	MOTION: Moves HB 3643 to the full committee with a DO PASS AS AMENDED recommendation.
301	Bowman	I have another amendment I would like considered I didn't know we were going to come back and immediately move the bill
311	Minnis	I did not know you wanted to move an amendment
		it is an amendment that already exists

314	Bowman	EXHIBIT D
320	Minnis	there is a motion before this sub committee to move HB 3643 to the full committee
322	Bowman	I thought I would get an opportunity to present and talk about my amendments
323	Minnis	explains what has just happened
326	Sunseri	removes motion
330	Bowman	EXHIBIT D (-3 amendments)
331	Bowman	explains EXHIBIT D
369	Eighmey	further explains EXHIBIT D
Tape 84, A		
002	Eighmey	still explaining EXHIBIT D I urge your support of the -3 amendments
036	Sunseri	has the OMA or the AMA taken a position on the medicinal purposes
041	Eighmey	the OMA and the AMA have taken positions publicly that they do not support it, yet I have received numerous letters and calls from physicians that they whole heartedly support marijuana for medicinal purposes
050	Minnis	voices concerns this is not a hearing on medical marijuana
061	Minnis	the issue of medical marijuana is a huge issue and trying to add it to this house bill is not going to work
067	Eighmey	I would like to have this fully addressed what message do we send to those that are on their deathbed that we are going to punish them greater
083	Courtney	has the OMA taken a position on this issue
093	Courtney	how does a doctor decide what kind of medicine to prescribe to a patient
112	Eighmey	3 ways of prescribing drugs a. does it comply with the condition the patient is facing b. will it relieve the condition the patient is facing c. does the FDA approve the drug
128	Sunseri	I'm not sure we should be voting on this without a professional representation
141	Shetterly	I agree with Rep. Sunseri

164	Bowman	I have a constituent in the audience who is terminally ill and has recently been arrested for growing marijuana plants
177	Minnis	cultivating marijuana has always been a felony
184	Rep. Westlund	Co-sponsor of the bill not my intention is not to persecute people using marijuana for whatever reason
188	Bowman	Moves the previous question
189	Staff	"Bowman"
190	Bowman	"yes"
191	Staff	"Courtney"
192	Courtney	"no"
193	Staff	"Prozanski"
194	Prozanski	"aye"
195	Staff	"Shetterly"
196	Shetterly	"no"
197	Staff	"Sunseri"
198	Sunseri	"no"
199	Staff	"Wells"
200	Wells	"no"
201	Staff	"Chair Minnis"
202	Minnis	"no" motion fails
204	Rep. Sunseri	MOTION: Moves HB 3643 to the full committee with a DO PASS AS AMENDED recommendation.
206	Bowman	I'd like to find out how the educational component of this bill is going to work
210	Minnis	right now I would like to call the roll
211	Staff	"Bowman"
212	Bowman	"no"
213	Staff	"Courtney"
214	Courtney	"yes"
215	Staff	"Prozanski"
216	Prozanski	"no"
217	Staff	"Shetterly"
218	Shetterly	"yes"
219	Staff	"Sunseri"
220	Sunseri	"yes"

221	Staff	"Wells"
222	Wells	"yes"
223	Staff	"Chair Minnis"
224	Minnis	"aye" motion passes
217	Minnis	five minute recess
<u>HB 3123--PUBLIC HEARING AND WORK SESSION</u>		
221	Minnis	open public hearing on HB 3123 at 2:35
224	Kelly Taylor	Department of Transportation
225	Taylor	EXHIBIT E (-1 amendments)
290	Minnis	open work session on HB 3123
293	Rep. Prozanski	MOTION: Moves to ADOPT HB 3123-1 amendments dated 4/10/97.
295	Minnis	no discussion; no objection
298	Rep. Prozanski	MOTION: Moves HB 3123 to the full committee with a DO PASS AS AMENDED recommendation.
300	Minnis	roll call
301	Staff	"Bowman"
302	Bowman	"no"
303	Staff	"Courtney"
304	Courtney	"yes"
305	Staff	"Prozanski"
306	Prozanski	"aye"
307	Staff	"Shetterly"
308	Shetterly	"aye"
309	Staff	"Sunseri"
310	Sunseri	"yes"
311	Staff	"Wells"
312	Wells	"yes"
313	Staff	"Chair Minnis"
314	Minnis	"yes"
315	Prozanski	changes vote to no; I reserve the right to change it back to yes in the full committee
<u>HB 2541--WORK SESSION</u>		

318	Minnis	open work session on HB 2541
320	Shetterly	EXHIBIT F (-1 amendments)
321	Shetterly	explains EXHIBIT F
388	Paul Snider	Association of Oregon Counties
396	Snider	explains HB 2541
Tape 83, B		
003	Snider	reference to -1 amendments
009	Prozanski	there is nothing in here as to how collection would be required
011	Shetterly	the bill is silent to that, it would not have any criminal fine
021	Minnis	in terms of cost, is there a process for settlement
023	Shetterly	as in any civil action it can be settled between the parties
028	Rep. Bowman	MOTION: Moves to ADOPT HB 2541-1 amendments dated 4/2/97.
030	Minnis	no discussion; no objection
032	Rep. Shetterly	MOTION: Moves HB 2541 to the floor with a DO PASS AS AMENDED recommendation.
034	Staff	"Bowman"
035	Bowman	"yes"
036	Staff	"Prozanski"
037	Prozanski	"yes"
038	Staff	"Shetterly"
039	Shetterly	"yes"
040	Staff	"Sunseri"
041	Sunseri	"yes"
042	Staff	"Wells"
043	Wells	"yes"
044	Staff	"Chair Minnis"
045	Minnis	"aye" motion passes Rep. Shetterly carries
HB 2228--WORK SESSION		
046	Minnis	opens work session on HB 2228
048	Scott Lumsden	explains HB 2228
054	Minnis	close work session on HB 2228

<u>HB 2420--PUBLIC HEARING</u>		
056	Minnis	open public hearing on HB 2420
058	Ingrid Swenson	Criminal Defense Lawyer's Association
060	Swenson	EXHIBIT G EXHIBIT H
100	Fred Avera	Polk County
110	Avera	bill and amendment are pretty good, but has a concern discusses concern
126	Minnis	close public hearing on HB 2420 open work session on HB 2420
129	Rep. Prozanski	MOTION: Moves to ADOPT HB 2420-3 amendments dated 4/8/97.
131	Minnis	no discussion; no objection
133	Rep. Prozanski	MOTION: Moves HB 2420 to the floor with a DO PASS AS AMENDED recommendation.
135	Minnis	no discussion; no objection
138	Minnis	adjourns meeting at 3:05pm

Submitted by, Reviewed by,

Andrea Terry, Scott Lumsden,

Administrative Support Counsel

EXHIBIT SUMMARY

A - -5 amendments to HB 3643 - introduced by Legislative Counsel - 1 page

B - -6 amendments to HB 3643 - introduced by Floyd Prozanski - 2 pages

C - -7 amendments to HB 3643 - introduced by Floyd Prozanski - 2 pages

D - -3 amendments to HB 3643 - introduced by Jo Ann Bowman - 3 pages

E - -1 amendments to HB 3123 - introduced by K. Taylor - 9 pages

F - -1 amendments to HB 2541 - introduced by Lane Shetterly - 2 pages

G - -3 amendments to HB 2420 - introduced by I. Swenson - 2 pages

H - Oregonian article - introduced by I. Swenson - 2 pages