

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON CRIMINAL LAW

May 6, 1997 Hearing Room 357

1:00 P.M. Tapes 108 - 110

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:

HB 2975 - Public Hearing

HB 3156 - Public Hearing

HB 3624 - 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.

Tape/#	Speaker	Comments
Tape 108, A		
005	Chair Minnis	Calls the meeting to order at 1:07 p.m.
<u>OPENS</u>		
<u>PUBLIC</u>		

HEARING ON HB 2975		
013	Jeff Collins	Sex Offender Supervision Network. Testifies in favor of HB 2975. Has been a problem of focus for three years. Attempts to work with the Department of Corrections have been unsuccessful in this matter. Shares concerns by giving an example regarding a convicted sex offender and his feelings while being visited by young girls. >has no problems with HB 2975-2 amendments [Exhibit A]
042	Chair Minnis	Questions for clarification regarding -2 amendments.
059	Al Chandler	Assistant Director of Institutions, Oregon Department of Corrections (DOC). Submits written testimony in support of HB 2975's concept. [Exhibit B]
072	Rep. Prozanski	Comments for clarification regarding -2 amendments >Rep. Piercy's staff >DOC is in support of amendments
	Rep. Bowman	Questions policy direction. >-2 amendments are confusing
088	Chair Minnis	Right on one part, maybe wrong on the other. Continues.
101	Jim Arneson	Oregon Criminal Defense Lawyers Association. Testifies in opposition to HB 2975. Amendments were proposed by him to Rep. Piercy after talking to Al Chandler of the DOC. States his concerns regarding 'blanket prohibition' and whether a visit should be allowed as part of treatment. >no other agency in same position
113	Chair Minnis	Questions for clarification. Under what circumstances would it be profitable for a child to have contact with a sex offender?
117	Arneson	I don't know that there would or would not be. Continues. >provides safeguards
129	Rep. Shetterly	Comments for clarification regarding definition of 'child'.
139	Rep. Wells	Is this bill really needed?

142	Arneson	Not qualified to speak on that issue. Continues.
151	Rep. Wells	Are we addressing a problem or a perceived problem.
154	Rep. Prozanski	Comments for clarification regarding situations where the victim, through counseling, would need some type of on-going relationship with the father.
162	Rep. Shetterly	Already rules regarding contact between a victim and the offender. Continues.
170	Aaron Deas	Legislative Assistant to Rep. Kitty Piercy. Responds to Rep. Wells' comment on the need for the bill. >-2 amendments are supported by Rep. Piercy
185	Chair Minnis	Questions for clarification regarding contact with State Office for Services to Children and Families.
	Deas	No.
187	Chair Minnis	I'm very uncomfortable moving this without further discussion.
	Deas	Do you want someone to support it?
190	Chair Minnis	Would like to have someone come in and talk about their role in making this decision. Continues. >ought to be a clear record for legal purposes
203	Rep. Shetterly	Comments for clarification. >also confused - reading that it was for the protection of the child
213	Chair Minnis	It doesn't speak to the issue of supervision. Continues.
217	Deas	The amendments may be vague. The intent of the bill was to stop physical contact visits not visual or verbal contacts. Continues.
<u>CLOSES PUBLIC HEARING ON HB 2975</u>		
<u>OPENS PUBLIC HEARING ON HB 3156</u>		
253	Scott Lumsden	Committee Counsel. Reviews the bill and amendments for the Committee. [Exhibits C & D]
257	Chair Minnis	Jim Arneson, have you looked at the amendments?
	Jim Arneson	Oregon Criminal Defense Lawyers Association. Responds:

		I have not.
	Chair Minnis	What are the significant differences between the -1 and the -2 amendments?
276	Lumsden	Difference is in the definitions. Continues.
314	Larry Gabel	Lieutenant, West Linn Police. Testifies in support of HB 3156. Relates story of a convicted rapist from Washington State released into his community and how it relates to HB 3156. >own admission - he would re-offend
387	Ron W. Adams	Representing House District 27, Clackamas and Washington Counties. Comfortable with -1 amendments.
	Chair Minnis	Comments for clarification regarding concerns.
398	Rep. Adams	Describes amendments as narrowing. Continues.
TAPE 109, A		
002	Rep. Adams	Presents written testimony in support of HB 3156. [Exhibit E]
031	Jill Thorn	Mayor, West Linn, Oregon. Submits written testimony in support of HB 3156. [Exhibit F]
065	Rep. Prozanski	Comments regarding having the Department of Justice present for testimony.
087	Kathleen M. Cegla	Department of Justice (DOJ). Discusses amendments to the bill and the definitions included within the bill. >research - Washington statute model - more specific as to crimes and criminals >sexually violent predators >explains list of crimes
127	Chair Minnis	I think the committee is going to need some time. Copies of other state's laws for review.
133	Rep. Prozanski	Questions for clarification regarding cases.
135	Cegla	I didn't do a double check. Explains. >Kansas briefed to U.S. Supreme court - argued, not decided
143	Rep. Prozanski	Continues questioning for clarification.
145	Cegla	The Washington case is in a strange posture. Continues.
		Questions for clarification regarding discussions with the Mental Health & Developmental Disabilities

155	Rep. Bowman	Department. >had objections to this bill - were they consulted
161	Cegla	I did not consult with anyone else. Explains.
162	Rep. Bowman	That's a problem.
164	Chair Minnis	Reschedule for next Tuesday.
<u>CLOSES PUBLIC HEARING ON HB 3156</u>		
<u>OPENS PUBLIC HEARING ON HB 3624</u>		
	Rep. Prozanski	Gives some background regarding workgroup and its function. Look at proper storage and use of explosives. Individuals following will provide testimony in support of HB 3624.
236	Jerry Wallace	President, Wallace Technical Blasting, Inc., Woodland, WA. Refer to [Exhibit G]. Testifies in support of HB 3624 giving his background and expertise in field.
286	Wallace	Continues testimony.
306	Jerry Straughan	Resident of Roseburg, Oregon Submits written testimony in favor of HB 3624 [Exhibit H]
356	Straughan	Continues testimony.
416	Straughan	Continues testimony.
TAPE 108, B		
003	J. R. 'Dick' Daniel	President, Explosives Technical Services, Inc. Submits written testimony in support of HB 3624. [Exhibit G]
040	Rep. Wells	Questions for clarification. How would this affect me as a farmer who wants to 'blast' stumps?
048	Wallace	Discusses the current processes involved in purchasing explosives. Discusses how those processes would be changed by HB 3624.
098	Wallace	Continues testimony.
106	Rep. Wells	Where would education be given?
108	Wallace	Information available from a fire marshall's office. >rules for storage of explosives

		>transportation rules - CFR 49
122	Rep. Wells	Continues questioning witness for clarification. Material available locally?
127	Wallace	Replies. Most local fire stations. Continues. >intent that information easily and readily available
138	Rep. Wells	Continues for clarification regarding test/materials.
147	Wallace	Yes. Continues.
175	Robert L. Jeremiah	Owner, B. J. Equipment Company, Cottage Grove, Oregon. Submits written testimony in support of HB 3624. [Exhibit G]
221	Jim Court	Fire Marshall, Boring Fire Protection District No. 59. Submits written testimony in support of HB 3624. [Exhibit G]
265	Rep. Wells	Where would a farmer put his dynamite?
270	Court	Replies. Approved storage locker. Continues.
271	Rep. Wells	Continues questioning for clarification.
294	Court	Continues testimony.
344	Court	Discusses newspaper articles [Exhibit G] Continues testimony.
354	Rex Jeffries	Assistant Fire Marshall, Tualatin Valley Fire & Rescue Fire Prevention. Submits written testimony in support of HB 3624. [Exhibit G]
393	Rep. Wells	Where in the bill does it cover the transportation?
399	Jeffries	Replies. Bureau of Alcohol, Tobacco and Firearms covers the transportation of explosives.
402	Rep. Wells	Continues to question witness for clarification.
TAPE 109, B		
005	Vice-Chair Bowman	Questions \$15 fee. Seems low.
009	Jeffries	Replies. Speaks of discussions in the task force regarding increasing the fee. >State Fire Marshall's Office researching costs
017	Rep. Prozanski	Comments for clarification regarding fee.
023	Will Hingston	Captain, Support Division Commander, Marion County Sheriff's Office. Representing the Oregon State Sheriff's Association. Submits written testimony in support of HB 3624. [Exhibit G]
049	Rep. Wells	When was the last time Marion County had an incident with dynamite?
		Throughout the years there have been a number of

051	Hingston	occasions. Continues.
065	Rep. Wells	What is going to change?
072	Hingston	This is an educational bill. Continues.
083	Rep. Prozanski	Comments for clarification regarding notification to local fire marshall.
087	Court	Replies. >information available on fire marshall's shelves
102	Rep. Wells	Questions for clarification regarding placarding. >placement on vehicle
106	Court	Replies. Temporary or permanent. Continues.
120	Rep. Bowman	Currently I have to take a test to get a certificate?
122	Court	No. That is the part we want to change. Explains.
130	Jeff Howard	Sergeant; Commander, Oregon State Police Arson/Explosives Section. Submits written testimony of Richard J. Schuening, Sergeant, Arson/Explosives Section, Oregon State Police in support of HB 3624. [Exhibit G] Talks about situation in Mosher 4/3/96. Discusses picture.
180	Howard	Continues testimony. Refers to Explosives Unit Yearly Statistics. [Exhibit G] . >amount of explosives destroyed
193	Chair Minnis	How does this bill solve the problem? Forced to comply?
198	Howard	Homemade devices - this bill would not affect that.
200	Chair Minnis	Continues questioning for clarification
219	Rep. Prozanski	Comments for clarification. Wanted for education purposes. Explains.
232	Chair Minnis	Questions for clarification regarding page 6 citing statute regarding possession of a destructive device.
243	Howard	Replies. Simply adds, down on line 39, the reference to the changes in 480.290.
248	Chair Minnis	Continues his comments regarding non-compliance.
254	Rep. Prozanski	Questions for clarification
256	Chair Minnis	Replies. 'feel good bill'
281	Rep. Bowman	Comments for clarification. >buying legally, but no education as to proper storage and disposal
288	Chair Minnis	Keep hearing about Mosher.

290	Howard	Did have a business that would allow him to have explosives. Continues. >inspection program
298	Chair Minnis	Continues his comments.
313	Tari Glocar	Licensing Manager, License and Permit Services Unit, Office of State Fire Marshal, Division of Oregon State Police. Representing State Fire Marshall Robert T. Panuccio. Submits written testimony in support of HB 3624. [Exhibit G]
363	Glocar	Continues testimony.
386	Chair Minnis	Impacts in Governor's budget?
389	Glocar	No. Explains.
394	Rep. Bowman	Questions for clarification regarding change of location. >carry explosives with them
TAPE 110, A		
007	Glocar	Report that movement? It would be in section 15, line 13, page 6. >requires reporting of movement within 24 hours
012	Rep. Bowman	Continues questioning witness.
014	Glocar	We have 13 districts within the State. Each having a Deputy Fire Marshall within the district. Continues.
023	Everett E. Cutter	Oregon Railroad Association. Discusses concern with one word in bill that relates to the 'commercial placarding transportation of explosives'. >currently regulated - unnecessary - confusing >asks that 'interstate' be deleted on line 1, page 2 - acceptable to State Police
048	Chair Minnis	How do you intend to make this work?
051	Glocar	Replies. Implementation January 1, 1998 >start with notification program of current licensees >upon renewal would be required to meet new statutes
059	Rep. Wells	Questions for clarification regarding examination fee - fiscal costs.
066	Glocar	Replies. Each component of the bill would have a fee established by administrative rule. Explains.

082	Rep. Wells	Questions fiscal impact fee.
087	Glocar	That fee would be picked up by the people applying for their right to possess. Continues. >explosives industry very supportive
098	Rep. Shetterly	Questions for clarification on section 15. >addresses moving an explosives magazine, not necessarily the explosives
109	Glocar	Explosives are going to be in it. Maybe there needs to be clarification.
115	Chair Minnis	Questions for clarification regarding specific requirement that explosives be in the magazine.
120	Wallace	Speaks for clarification: >moving of magazine - gives example with example >overnight storage - already a federal felony - can be charged with a felony if misappropriated by someone else >daily service >Oregon laws never meant to circumvent federal laws which already exist
166	Rep. Prozanski	Comments/questions for clarification. >set application fees to cover costs
184	Glocar	Comments: Bill suggests fees be set by administrative rule rather than set in statute so they can be adjusted according to the program. Continues..
197	Chair Minnis	Personal preference is that we not defer this to Rules for purpose of setting fees. Continues.
204	Rep. Wells	Questions short-term permit.
218	Glocar	Replies. The 90-day certificate has not been used for years. Continues.
	Additional information submitted for the record by Tari Glocar - 'Bill Analysis Format' [Exhibit I] as requested by Chair Minnis.	
<u>CLOSES</u> <u>PUBLIC</u>		

<u>HEARING</u> <u>ON HB 3624</u>		
227	Chair Minnis	Adjourns meeting 3:16 p.m.

Transcribed by, Reviewed by,

Julie Clemente for

Lisa Fritz, Scott Lumsden,

Administrative Support Counsel

EXHIBIT SUMMARY

A - Proposed HB 2975-2 Amendments - Staff - 1 pg

B - Testimony in Support of Concept of HB 2975 - Al Chandler - 1 pg

C - Proposed HB 3156-1 Amendments - Staff - 3 pgs

D - Proposed HB 3156-2 Amendments - Staff - 3 pgs

E - Testimony in Support of HB 3156 - Ron W. Adams - 2 pgs

F - Testimony in Support of HB 3156 - Jill Thorn - 1 pg

G - Testimony in Support of HB 3624 - Various Companies, Groups, Associations and Individuals - 29 pgs

H - Testimony in Support of HB 3624 - J. D. Straughan - 2 pgs

I - Bill Analysis Format, HB 3624 - Tari Glocar - 6 pgs