

**HOUSE COMMITTEE ON JUDICIARY**

**SUBCOMMITTEE ON CRIMINAL LAW**

**May 15, 1997 Hearing Room 357**

**1:00 P.M. Tapes 117 - 118**

**MEMBERS PRESENT:**

**Rep. John Minnis, Chair**

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

**Rep. Peter Courtney**

**Rep. Floyd Prozanski**

**Rep. Lane Shetterly**

**Rep. Larry Wells**

**MEMBER EXCUSED: Rep. Ron Sunseri**

**STAFF PRESENT:**

**Scott Lumsden, Counsel**

**Lisa Fritz, Administrative Support**

**MEASURE/ISSUES HEARD:**

**HB 3364 - Work Session**

**HB 2507 - Work Session**

**HB 3706 - Work Session**

**HB 2437 - Work Session**

**HB 2157 - 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 117, A		

006	Chair Minnis	Calls the meeting to order at 2:11 p.m.
<b><u>OPENS WORK SESSION ON HB 2157</u></b>		
010	Rep. Prozanski	<b>MOTION: Moves HB 2157 to the full committee without RECOMMENDATION to passage and be REFERRED to the Committee on Ways &amp; Means.</b>
		<b>VOTE: 4-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 3 - Rep. Bowman, Rep. Courtney, Rep. Sunseri</b>
	Chair Minnis	<b>The motion CARRIES.</b>
<b><u>CLOSES WORK SESSION ON HB 2157</u></b>		
<b><u>OPENS WORK SESSION ON HB 3364</u></b>		
025	Scott Lumsden	Committee Counsel. Reviews bill. No amendments.
	Charles French	<b>Oregon District Attorneys Association and Multnomah County District Attorney's Office.</b> Discusses basic premise of bill and gives reasons for change.  >cannot serve as a grand juror if convicted of a felony within the previous 15-year period
048	Brenda Rocklin	<b>Assistant Attorney General, Oregon Department of Justice.</b> Comments: Measure 40 doesn't fix this issue.
054	Chair Minnis	Comments for clarification.
058	Rep. Prozanski	States concern with 15-year period.
071	Chair Minnis	10-year expungement statutes?
073	Rep. Prozanski	Not on traffics.
075	Chair Minnis	Reviews previous testimony for Representatives Courtney & Bowman.
089	Rep. Prozanski	Continues his comments.
102	Rocklin	Explains reasons for the 15-year period.

		>consistent with Oregon Evidence Code
135	Rep. Prozanski	Comments: How broad do we want or need this to be...
138	Chair Minnis	Suggests 10 years.
150	Rocklin	I think you could deny being convicted of a felony at that point.
154	Chair Minnis	Continues his comments.
156	Rep. Shetterly	We could except traffic offenses. - line 22 ...if that's the narrow fix you want to make
161	Rep. Prozanski	I think that's better.
163	French	We would be comfortable with that.
164	Rep. Bowman	<b>MOTION: Moves to AMEND HB 3364 conceptually. On line 22, after "felony sentenced," insert "for other than traffic offenses within the prior 15 years ".</b>
		<b>VOTE: 6-0</b>
		<b>EXCUSED: 1 - Rep. Sunseri</b>
	Chair Minnis	Hearing no objection, declares the motion <b>CARRIED.</b>
175	Rep. Bowman	<b>MOTION: Moves HB 3364 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. Sunseri</b>
	Chair Minnis	The motion <b>CARRIES.</b>
		<b>REP. PROZANSKI will lead discussion on the floor.</b>
		<b><u>CLOSES WORK SESSION ON HB 3364</u></b>
		<b><u>OPENS WORK SESSION ON HB 2437</u></b>
211	Robert Rocklin	<b>Assistant Attorney General, Oregon Department of Justice.</b> Introduces Steve Dingle, Deputy District Attorney, Marion County.

		Refers to HB 2437-1 amendments. <b>[Exhibit A]</b> >doesn't change current law - happy to have in bill
	Rep. Prozanski	Questions for clarification.
214	Rep. Bowman	Questions for clarification - Section three.
223	Chair Minnis	Comments for clarification...federal agencies...
225	Rep. Prozanski	The burden is on the prosecution to go forward. Continues.
243	Rep. Wells	Asks for further clarification of subsections three and four.
252	Rep. Shetterly	States his concerns regarding affirmative defense.
260	Rep. Prozanski	Continues his comments for clarification.
267	Rep. Wells	Why are we reversing the burden of proof?
271	Rep. Prozanski	Replies. Federal agencies are the custodians of these records.
300	<b>John Nichols</b>	<b>Oregon Gun Owners, Inc.</b> We are in agreement with the bill and the -1 amendments. Continues.
309	Rep. Shetterly	Questions for clarification - - mere possession....is that right?
314	Rocklin	Replies.
	<b>Rep. Prozanski</b>	<b>MOTION: Moves to ADOPT HB 2437-1 amendments dated 03/18/97.</b>
		<b>VOTE: 5-0</b>
		<b>EXCUSED: 2 - Rep. Sunseri, Rep. Minnis</b>
	<b>Vice Chair Bowman</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
335	<b>Rep. Prozanski</b>	<b>MOTION: Moves HB 2437 to the full committee with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-0</b>
		<b>AYE: In a roll call vote, all members present vote Aye.</b>
		<b>EXCUSED: 2 - Rep. Sunseri, Rep. Minnis</b>
	<b>Vice Chair Bowman</b>	<b>The motion CARRIES.</b> <b>REP. PROZANSKI will lead discussion on the floor.</b>
<b><u>CLOSES WORK</u></b>		

<b><u>SESSION ON HB 2437</u></b>		
<b><u>OPENS WORK SESSION ON HB 3706</u></b>		
345	Scott Lumsden	Committee Counsel. Reviews bill.
355	<b>Mary Pat Jarman</b>	<b>Author of HB 3706.</b>
385	Rep. Wells	How are we going to enforce this?
393	Jarman	Replies. Have to be in possession and using with the intent to get high.
<b><u>TAPE 118, A</u></b>		
	Vice Chair Bowman	I don't any reference to providing treatment.
003	Jarman	This is just a start. Continues.
009	Rep. Bowman	Questions for clarification regarding the goal of this legislation.
018	Jarman	Discusses her occupation with the school district >visits schools talking about drugs, alcohol and gangs  >wants to be able to say this is so dangerous that it is illegal
026	Rep. Wells	Questions for clarification regarding school visitation.
	Jarman	Replies.
041	Rep. Wells	Comments for clarification. Need laws or more education.
047	Jarman	Comments: It isn't until they get in trouble with the law that they decide to change. Continues.
<b><u>CLOSES WORK SESSION ON HB 3706</u></b>		
<b><u>OPENS WORK SESSION ON HB 2507</u></b>		
060	Scott Lumsden	Committee Counsel. Reviews HB 2507-2 and -3 amendments. <b>[Exhibits B &amp; C]</b>  >-2 amendments replace original measure
081	Chair Minnis	Comments on discussion with Rep. Deckert with respect to policy

086	Lumsden	Don't know Rep. Deckert's position on original measure.
091	Rep. Prozanski	-2 at the request of a constituent - a defense attorney
095	Chair Minnis	What do these amendments do?
096	Lumsden	Replies. Replace original measure. Continues.
107	Rep. Courtney	Comments for clarification regarding DUII package.
	Chair Minnis	What are you talking about?
117	Rep. Minnis	Reads letter from Robert Wolf. >-2 amendment clarifies statute
134	Rep. Wells	Comments for clarification regarding "under the influence".
139	Rep. Prozanski	Believe Chair's intent is to put the -2 amendments in place of the original bill.
141	Chair Minnis	That is correct.
143	Rep. Wells	Continues his comments for clarification.
	Additional Testimony submitted by Ryan Deckert, State Representative, District 8. <b>[Exhibit D]</b>	
	<b><u>CLOSES WORK SESSION ON HB 2507</u></b>	
167	Chair Minnis	Comments for clarification regarding HB 2434 and HB 2507.
208	Chair Minnis	Adjourns meeting at 2:56 p.m.

Transcribed by, Reviewed by,

Julie Clemente for

Lisa Fritz, Scott Lumsden,

Administrative Support Counsel

### **EXHIBIT SUMMARY**

**A - Proposed HB 2437-1 Amendments - Staff - 1 pg**

**B - Proposed HB 2507-2 Amendments - staff - 2 pgs**

**C - Proposed HB 2507-3 Amendments - Staff - 16 pgs**

**D - Testimony in support of HB 2507-2 Amendments - Ryan Deckert - 3 pgs**