

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON CRIMINAL LAW

May 19, 1997 Hearing Room 357

3:15 P.M. Tapes 121 - 122

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

STAFF PRESENT:

Scott Lumsden, Counsel

Lisa Fritz, Administrative Support

MEASURE/ISSUES HEARD:

HB 2751 - Work Session

HB 3622 - Work Session

HB 3617 - Work Session

HB 2984 - Work Session

HB 2995 - Work Session

HB 3609 - Work Session

HB 2197 - 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 121, A		
006	Chair Minnis	Calls the meeting to order at 3:19 p.m.
<u>HB 2751 - WORK SESSION</u>		
019	Rep. Bowman	MOTION: Moves HB 2751 to the full committee with a DO PASS recommendation.
		VOTE: 6 - 0 - 1 EXCUSED: 1 - Rep. Wells
023	Chair Minnis	Hearing no objection, declares the motion CARRIED. REP. BOWMAN will lead discussion on the floor.
<u>HB 3622 - WORK SESSION</u>		
***	Pat Kuka	Municipal Court Administrator for the City of Eugene Submits written testimony for the record in favor of HB 3622 (EXHIBIT A).
***	Sarah Hackett	League of Oregon Cities Submits written testimony for the record in favor of HB 3622 (EXHIBIT B).
043	Rep. Prozanski	MOTION: Moves to ADOPT HB 3622-1 amendments (EXHIBIT C) dated 5/16/97.
045	Chair Minnis	What do these amendments do?
048	Rep. Prozanski	Discusses the -1 amendments to HB 3622.
067	Rep. Shetterly	Discusses section two. How is that going to happen? If I go in to renew my driver's license, what are they going to want to see from me?
069	Rep. Prozanski	There shouldn't be anything that they would want to see from you, unless you have an outstanding debt, registered through the Oregon Department of Transportation, which would be on their computer screens. This will involve an interdepartmental relationship, and the duty

		would lie with the municipality.
085	Rep. Wells	Did we receive any testimony from the Department of Motor Vehicles regarding how this is going to work?
087	Rep. Prozanski	No. This was heard in a tap-tap hearing. Discusses procedures, regarding outstanding fines for violations other than parking tickets. Discusses fiscal impact and -1 amendments. We're not adding a new system; we would just be adding to the current one.
126	Rep. Bowman	Asks for clarification of the "standing and stopping" violations.
127	Rep. Prozanski	Discusses definitions.
130	Rep. Minnis	Further discusses definitions.
140	Rep. Sunseri	Is there any provision to collect money on violations, when a driver was not driving his/her own vehicle?
141	Rep. Prozanski	HB 2751, which we just passed out, addresses that. To me, the two bills work hand in hand.
150		VOTE: 7- 0 - 0
151	Chair Minnis	Hearing no objection, declares the motion CARRIED.
154	Rep. Prozanski	MOTION: Moves HB 3622 to the full committee with a DO PASS AS AMENDED recommendation.
		VOTE: 7- 0 -0
157	Chair Minnis	Hearing no objection, declares the motion CARRIED. REP. PROZANSKI will lead discussion on the floor.
<u>HB 3617 - WORK SESSION</u>		
172	Rep. Prozanski	MOTION: Moves HB 3617 to the full committee with a DO PASS recommendation.
215	Rep. Prozanski	Discusses intent and background of HB 3617.
***	Kevin McCormick	Eugene Police Officer Submits written testimony, in favor of HB 3617, for the record (EXHIBIT D).

272	Rep. Shetterly	It looks like this bill would be extending the time, when a case would be brought to trial, by taking out the language that the case would have precedence over all other actions. I assume that means that they don't move very fast in Lane County.
281	Rep. Prozanski	They do not get the preferential setting that you may believe.
285	Rep. Bowman	I also thought we were extending the time, but we are making it shorter.
287	Rep. Prozanski	Yes.
290	Rep. Bowman	Who provides the "good cause?"
293	Rep. Prozanski	The court would have an obligation to set these. Discusses court's priority setting and procedures, currently.
300	Rep. Bowman	I appreciate what you are saying, but my concern is that I don't know if it's this body's job to set that arbitrary time limit. This may not be one of the top priorities that courts have to deal with, and they need to have flexibility.
306	Rep. Prozanski	This is a policy decision that would remedy some civil problems.
315	Rep. Shetterly	Discusses cases, under the current and amended statutes.
322	Rep. Prozanski	The change would be "not be more than six months." Discusses Lane County's time frame.
327	Rep. Shetterly	Don't they have the 12-month rule?
328	Rep. Prozanski	They have fast-tracking, but I don't think they use the 12-month rule. This should have no effect on any court that already is setting these sooner than six months.
333	Chair Minnis	Do we know where the League of Oregon Cities is on this?
334	Rep. Prozanski	No.
336		VOTE: 6 - 1 - 0 AYE: 6 - Rep. Courtney, Rep. Prozanski, Rep. Shetterly, Rep. Sunseri, Rep. Wells, Rep. Minnis NAY: 1 - Rep. Bowman
338	Chair Minnis	The motion Carries. REP. PROZANSKI will lead discussion on the floor.

HB 2984 - WORK SESSION		
346	Rep. Prozanski	MOTION: Moves HB 2984 to the full committee with a DO PASS recommendation.
348	Rep. Prozanski	Discusses intent and background of HB 2984.
360	Rep. Shetterly	What does it mean "to have witnessed the domestic violence?"
365	Rep. Prozanski	We are looking at situations where the children are actually in the house or structure where the domestic violence has occurred, and where they can visually see what's going on, or where they are close enough to hear.
374	Rep. Shetterly	Then this is not necessarily limited to eye witnesses.
376	Rep. Prozanski	Right.
380		VOTE: 7 - 0 - 0
382	Chair Minnis	Hearing no objection, declares the motion CARRIED. REP. PROZANSKI will lead discussion on the floor.
HB 2995 - WORK SESSION		
386	Rep. Prozanski	MOTION: Moves HB 2995 to the full committee with a DO PASS recommendation.
387	Rep. Prozanski	Discusses intent and background of HB 2995.
418	Rep. Wells	Why wasn't this all in the same bill?
421	Rep. Prozanski	Some people like one part of a bill and not another, so we decided to run them separately.
423	Rep. Sunseri	Was this "means tested?" If you can afford it some other way, you can't collect the \$3,500.
TAPE 122, A		

010	Rep. Prozanski	Discusses those who would not be able to access such fees.
012	Rep. Sunseri	Where does the \$3,500 come from?
013	Rep. Prozanski	Crime victims' compensation.
018		VOTE: 7 - 0 - 0
020	Chair Minnis	Hearing no objection, declares the motion CARRIED. REP. PROZANSKI will lead discussion on the floor.
<u>HB 3609 - WORK SESSION</u>		
025	Rep. Prozanski	MOTION: Moves HB 3609 to the full committee with a DO PASS recommendation.
028	Rep. Prozanski	Discusses intent and background of HB 3609.
033	Charles Rider	Assistant Director, Department of Youth Services, Juvenile Department of Lane County Introduces himself for the record.
037	Rep. Prozanski	Asks for background of use of formal accountability agreements and why it is necessary to extend it to one year.
043	Rider	Discusses background of accountability agreements and reasoning behind the desire to extend the time from six months to one year.
064	Chair Minnis	Are there other services, besides drug and alcohol?
069	Rider	It can be used for any criminal offense. I only referenced drug and alcohol because that's what I deal with for the most part.
078		VOTE: 7 - 0 - 0
080	Chair Minnis	Hearing no objection, declares the motion CARRIED. REP. PROZANSKI will lead discussion on the floor.
<u>HB 2197 - WORK SESSION</u>		
	Scott	Committee Counsel Discusses HB 2197 and the -1 and -2 (EXHIBITS)

084	Lumsden	E and F) amendments to the bill.
093	Mary Ellen Thompson	Executive, Board of Nursing Discusses -1 amendments to HB 2197.
108	Brad Swank	State Court Administrator's Office Discusses section four of the -1 amendments to HB 2197.
120	Chair Minnis	So, you're opposing section four of the -1 amendments?
122	Swank	Yes.
124	Chair Minnis	Please speak to the exact language to which you object.
125	Swank	We object to the entire section.
130	Thompson	The reason the Board of Nursing is interested in having this amendment is to assure that we receive timely information.
142	Rep. Bowman	You said that it could take up to two years to find out about a crime that someone committed, but you wouldn't be doing a background check every three or six months on a nurse. Would you?
145	Thompson	That's correct. We only do checks on individuals when we investigate them or at every renewal cycle, which is every two years.
148	Rep. Bowman	Why won't you use the current system?
149	Thompson	Because of workload. We have one full-time person who only does criminal background checks.
167	Rep. Shetterly	I appreciate the Board's concern about workload, but I'm not sure if this bill is the best solution.
173	Chair Minnis	Is this the first provision like this that you've seen?
184	Swank	I've actually seen four of them.
185	Rep. Shetterly	MOTION: Moves to ADOPT HB 2197-1 amendments dated 4/3/97 and that the measure be FURTHER AMENDED by deleting all of section four. MOTION: Moves to ADOPT HB 2197-2 amendments dated 4/28/97.
		VOTE: 7 - 0 - 0
187	Chair Minnis	Hearing no objection, declares the motion CARRIED.
192	Rep. Shetterly	MOTION: Moves HB 2197 to the full committee with a DO PASS AS AMENDED recommendation.
		VOTE: 6 - 0 - 1 EXCUSED: 1 - Rep. Courtney

195	Chair Minnis	Hearing no objection, declares the motion CARRIED. REP. SUNSERI will lead discussion on the floor.
207	Chair Minnis	Adjourns at 4:03 p.m.

Submitted by, Reviewed by,

Lisa Fritz, Scott Lumsden,

Administrative Support Counsel

EXHIBIT SUMMARY

A - HB 3622, written testimony, Pat A. Kuka, City of Eugene Municipal Court Administrator, 1 page.

B - HB 3622, written testimony, Sarah Hackett, League of Oregon Cities, 1 page.

C - HB 3622, proposed amendments (-1), Legislative Counsel, 4 pages.

D - HB 3617, written testimony, Kevin McCormick, Eugene Police Officer, 2 pages.

E - HB 2917, proposed amendments (-1), Legislative Counsel, 3 pages.

F - HB 2197, proposed amendments (-2), Legislative Counsel, 1 page.