

HOUSE COMMITTEE ON JUDICIARY

June 23, 1997 Hearing Room 357

1:15 P.M. Tape 65

MEMBERS PRESENT: Rep. John Minnis, Chair

Rep. Floyd Prozanski, Vice-Chair

Rep. Roger Beyer

Rep. Jo Ann Bowman

Rep. George Eighmey

Rep. Lane Shetterly

Rep. Charles Starr

Rep. Ron Sunseri

Rep. Judy Uherbelau

Rep. Larry Wells

MEMBER EXCUSED: Rep. Peter Courtney

STAFF PRESENT: William E. Taylor, Counsel

Lauri A. Smith, Administrative Support

MEASURE/ISSUES HEARD: HB 3156 - Work Session

SB 1107B - 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 65, A		
003	Chair Minnis	Opens the meeting at 1:28 p.m. Opens a work session on HB 3156. (EXHIBIT A)
<u>HB 3156 - WORK SESSION</u>		
	Chair	Explains provisions of the bill and discusses Kansas statutes related to

005	Minnis	sexual predators.
012	Rep. Eighmey	MOTION: Moves to CONCEPTUALLY AMEND HB 3156 by including the related Kansas Statutes.
017	Rep. Bowman	Asks if the Kansas Statutes deal with "mental disease."
023	Chair Minnis	Explains that the Kansas Statutes do relate to mental disease.
030	Rep. Bowman	Expresses concerns with the statutes. Indicates that Kansas does not have mandatory minimum sentencing guidelines that Oregon has. Does not know if the Kansas Statutes would be a good thing for Oregon.
042	Nikola Jones	Counsel Provides a brief explanation of the Kansas Statutes. (EXHIBIT B)
050	Chair Minnis	The question is not whether the person still has the condition but if they are still considered to be a predator.
053	Rep. Shetterly	Shares comments on the drafting of the Kansas Statutes into Oregon Law. Requests that Legislative Counsel will stay as close to the Kansas Statutes as possible.
064	Rep. Prozanski	Shares similar concerns as Rep. Shetterly about inclusion of the Kansas Statutes into Oregon Law.
068	Chair Minnis	Explains that it is the intent of Legislative Counsel to incorporate the Kansas Statutes without much diversion from the original language.
070	Rep. Uherbelau	Asks if the Kansas Statutes limit sentencing based on the number of crimes committed by an individual. Urges the committee to use caution in implementing the statute.
076	Rep. Prozanski	Asks about the timeline for adopting amendments conceptually and getting more information about the Kansas Statutes before passing the bill out.
085	Chair Minnis	Agrees with the idea.
089	Rep. Bowman	Indicates that the Kansas Statutes do not require more than one act to be committed for the label sexually violent predator to be applied.
092	Rep. Shetterly	Agrees with the statement, and indicates that it takes more than the offense to be a sexually violent predator. The offender must also have a mental abnormality or personality disorder.
096	Chair Minnis	Asks if there would be a psychological evaluation to determine if a person has a mental abnormality or personality disorder.
100	Rep. Prozanski	Expresses support for the conceptual amendment, but reserves the right to vote against the bill at a later date.
105	Chair Minnis	Hearing no objections, declares the motion CARRIED.
108	Chair Minnis	Closes the work session on HB 3166. Opens a work session on SB 1107.

<u>SB 1107A - WORK SESSION</u>		
114	Rep. Eighmey	MOTION: Moves to take SB 1107 FROM THE TABLE.
120	Eighmey	Explains the removal of SB 1107 from the table. Discusses original concerns about SB 1107.
135	Rep. Uherbelau	Indicates that she still has concerns about the SB 1107.
		VOTE: 6-4 AYE: 6 - Bowman, Eighmey, Shetterly, Starr, Uherbelau, Wells NAY: 4 - Beyer, Prozanski, Sunseri, Minnis EXCUSED: 1 - Courtney
170	Chair Minnis	The motion CARRIES.
175	Rep. Eighmey	MOTION: Moves SB 1107 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 9-1 AYE: 9 - Beyer, Bowman, Eighmey, Shetterly, Starr, Sunseri, Uherbelau, Wells, Minnis NAY: 1 - Prozanski EXCUSED: 1 - Courtney
202	Chair Minnis	The motion CARRIES. REP. EIGHMEY will lead discussion on the floor.
210	Chair Minnis	Closes the work session on SB 1107A Adjourns the meeting at 1:55 p.m.

Transcribed by, Reviewed by,

Marjorie Taylor, Sarah Watson,

Administrative Support Office Manager

EXHIBIT SUMMARY

A - Probate Code; Commitment of Sexually Violent Predators - introduced by Staff - 6 pages

B - Supreme Court of the United States: Kansas v. Hendricks - introduced by Staff - 47 pages