## **SENATE COMMITTEE ON CRIME & CORRECTIONS**

May 30, 1997 Hearing Room B

1:00 P.M. Tapes 131 - 134

**MEMBERS PRESENT:** 

Sen. Shirley Stull, Chair

Sen. Jeannette Hamby, Vice-Chair

Sen. Avel Gordly

Sen. Eileen Qutub

Sen. Veral Tarno

Sen. Cliff Trow

**STAFF PRESENT:** 

Nikola Jones, Counsel

Julie Clemente, Administrative Support

## MEASURE/ISSUES HEARD: Public Hearing & Work Session: HB 2697A, HB 2404A, HB 3002A, HB 2169A, HB 2312A, HB 2429, HB 2430, HB 2787A

These minutes are in compliance with Senate and House Rules. <u>Only text enclosed in quotation</u> <u>marks reports a speaker's exact words.</u> For complete contents, please refer to the tapes.

Tape/#	Speaker	Comments
Tape 131, A	]	
004	Chair Stull	Calls meeting to order at 1:30 p.m.
<u>OPENS</u> <u>PUBLIC</u> <u>HEARING ON</u> <u>HB 2697A</u>		
010	Rep. Jeff Kruse	<b>Representing House District 45.</b> Gives history of bill which changes the standard for court review of placement of dependent child to most appropriate, least restrictive placement to meet child's permanency needs. Recommends that Committee pass bill as is.
033	Sen. Gordly	What is the compelling issue that brings the bill to us.
	Kruse	Comments: From the court's prospective - language is too vague - allows judges to be more sure of the decisions they are making.
	Sen. Gordly	Comments on Proposed HB 2697-A2 amendments [Exhibit C] Objections?
	Kruse	Unnecessary. Could live with them. No amendments brought up on the House side.
058	Sen. Gordly	Continues questioning witness for clarification.
	Kruse	Living with language in statute as is now. >Judge's opinion - it is adding unnecessary verbiage.
070	Sen. Hamby	Comments regarding amendments. References Children's Service's Division.
	Kruse	Believe there is another bill doing language cleanup.
	Chair Stull	Do you know where it is?
	Kruse	Not sure.
084	Sen. Hamby	Comments that -2 amendments makes things even clearer.
097	Sen. Qutub	Legislative Counsel deals with name changes on a continuing basis. >Who wrote the bill?
	Kruse	A judge from Douglas County and myself.
	Sen. Qutub	Continues questioning for clarification.
115	Sen. Trow	A single judge represents the view of other judges?
	Kruse	Replies.
128	Sen. Trow	Continues to question witness regarding language.
	Kruse	Keep in mind that the Agency is the one placing the child. Continues.
	Sen. Trow	Comments on his preference to the amendment. >having some options in the bill makes sense
	Kruse	Continues.

171	Nancy Miller	Citizens Review Board. Testifies in support of HB 2697-A. Reviews bill and its history for the Committee. >on the table for quite some time >haven't heard of endorsement nor objections
216	Sen. Hamby	
210		Questions witness regarding amendments.
	Miller	Supportive of any.
222	Dianne Lancaster	Assistant Administrator, Program Operations, State Office for Service to Children and Families. Presents written testimony in opposition of HB 2697-A as written. [Exhibit G] Speaks in support of the HB 2697A-2 amendments [Exhibit C]
269	Timothy Travis	<b>Juvenile Rights Project</b> . Testifies in support of HB 2697-A. We would like to see the bill amended.
		>bar is too high in judge's minds
296	Sen. Tarno	Comfortable with -2 amendments?
	Travis	Yes.
305	Tom Hart	Marion County District Attorney's Office representing Oregon District Attorney's Association. Testifies in support of the -2 amendments. >makes it very clear to the court - best interest of the child - applied consistently across the state
CLOSES <u>PUBLIC</u> <u>HEARING ON</u> <u>SB 2697A</u> OPENS WORK SESSION ON <u>SB 2697A</u>		
352	Sen. Hamby	MOTION: Moves to ADOPT SB 2697A-2 amendments dated 05/29/97.
		VOTE: 6-0
	Chair Stull	Hearing no objection, declares the motion CARRIED.
358	Sen. Hamby	MOTION: Moves SB 2697A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
	Chair Stull	

		SEN. STULL will lead discussion on the floor.
CLOSES WORK SESSION ON SB 2697A OPENS PUBLIC HEARING ON HB 2312A		
357	Mary Ellen Johnson	Director, Crime Victim Assistant Section, Department of Justice. Submits written testimony in support of HB 2312. [Exhibit H]
413	Sen. Trow	Questions the proposed SB 2312-A2 amendments. [Exhibit B]
424	Sen. Trow	Are those acceptable?
	Nikola Jones	She was speaking to the A2 amendments.
446	Sen. Trow	Any opposition to the bill?
	Chair Stull	None
Tape 132, A		
PUBLIC HEARING ON HB 2312A OPENS WORK SESSION ON HB 2312A		
022	Sen. Hamby	MOTION: Moves to ADOPT HB 2312A-2 amendments dated 05/29/97.
		<b>VOTE: 6-0</b>
	Chair Stull	Hearing no objection, declares the motion CARRIED.
023	Sen. Hamby	MOTION: Moves HB 2312A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0         AYE: In a roll call vote, all members present vote Aye.         The motion CARRIES.
	Chair Stull	SEN. STULL will lead discussion on the floor.
CLOSES WORK SESSION ON HB 2312A		

<u>OPENS</u> <u>PUBLIC</u> <u>HEARING ON</u> <u>HB 2169A</u>		
039	Caleb F. Heppner	<b>Deputy Administrator, State Office for Services to Children and</b> <b>Families</b> . Presents written testimony in support of HB 2169-A. [Exhibit I]
076	Sen. Qutub	Questions regarding information.
	Heppner	No. Gives us broader authority to release information.
096	Timothy Travis	Juvenile Rights Project. Further explains the bill. >two exceptions - child objects >contrary to the best interest of the child >court issue
CLOSES PUBLIC HEARING ON HB 2169A OPENS WORK SESSION ON HB 2169A		
114	Sen. Hamby	MOTION: Moves HB 2169A to the floor with a DO PASS recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES. SEN. TARNO will lead discussion on the floor.
CLOSES WORK SESSION ON HB 2169A OPENS PUBLIC HEARING ON HB 2429		
124	Fred Avera	District Attorney, Polk County; President, Oregon District Attorneys Association. Available to answer questions.
		Marion County District Attorneys Office representing Oregon

		<b>VOTE: 5-0</b>
308	Sen. Hamby	MOTION: Moves HB 2429 to the floor with a DO PASS recommendation.
<u>OPENS WO</u> SESSION O <u>HB 2429</u>		
HEARING ( HB 2429		
<u>CLOSES</u> PUBLIC		
	Chair Stull	Comments. Withdraws her amendments [Exhibit E]
267	Sen. Trow	Does it make sense to try this for two years at 21 days?
	Hart	Correct. Explains.
246	Sen. Trow	Questions for clarification regarding additional time.
		>occasional case that takes more time
218	Avera	Explains. >vast majority of cases, enough time
		Replies: Two weeks generally means 8/10 days in my county.
	Sen. Trow	Could the DA's be ready in 21 days?
193	Chair Stull	>procrastination aspect >make a policy decision
		Comments for clarification and states her concerns regarding HB 2429-2 amendments. <b>[Exhibit E]</b>
	Arneson	As long as the time is reasonable. What ever it takes for the DA's and law enforcement to get their records ready.
	Sen. Tarno	21 days okay?
170	Jim Arneson	<b>Oregon Criminal Defense Lawyers Association</b> . Testifies in support of HB 2429. More convenient to have the case start when the defendant actually comes to court.
158	Hart	Can live with the 21 days. Continues. Would prefer 30 days.
	Sen. Tarno	Questions lengthening of time.
126	Tom Hart	time factor is not sufficient in some cases, causing problems. >30 days allows for a complete case file to be put together more efficiently and effectively
106	Torre Hout	<b>District Attorneys Association.</b> Testifies in support of HB 2429. Bill extends time between issuance of a citation and appearance in court. Submitted at the request of the Association. Discusses that

		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - Sen. Qutub
	Chair Stull	The motion CARRIES. SEN. TROW will lead discussion on the floor.
<u>CLOSES</u> <u>WORK</u> SESSION ON <u>HB 2429</u> <u>OPENS</u> <u>PUBLIC</u> <u>HEARING ON</u> <u>HB 2430</u>	I	
317	Tom Hart	Marion County District Attorneys Office representing OregonState District Attorneys Association. Testifies in support of HB2430. Discusses reasons for bill and its intent. Extends time betweenarraignment on information charging felony and preliminaryhearing for defendant that is not in custody.>make our operations more efficient
382	Sen. Trow	What would 21 days do?
	Fred Avera	District Attorney, Polk County; President, Oregon District         Attorneys Association. Would make it better. Explains giving example.         >save everybody time and money - run smoother on low-end felonies
412	Sen. Hamby	How frequently do you use the old language? Association still wants firm date?
	Avera	Replies. Use it from time to time. Continues.
Tape 131, B <u>CLOSES</u> <u>PUBLIC</u> <u>HEARING ON</u> <u>HB 2430</u> <u>OPENS WORK</u> <u>SESSION ON</u> <u>HB 2430</u>		
021	Sen. Hamby	MOTION: Moves HB 2430 to the floor with a DO PASS recommendation.
		VOTE: 5-0

		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - Sen. Qutub
	Chair Stull	The motion CARRIES.
		SEN. GORDLY will lead discussion on the floor.
CLOSES WORK SESSION ON HB 2430 OPENS PUBLIC HEARING ON HB 3002A		
034	Floyd Prozanski	Representative, House District 40. Testifies in support of HB         3002A. Gives the courts more authority and latitude in prohibiting         an abusive spouse/partner/family member from coming in contact         with or menacing the person seeking protection.         >states his concerns         >supports HB 3002-A3 amendments which add an emergency         clause.[Exhibit A]
080	Sen. Trow	Recommend the -A3 amendments?
	Prozanski	That is all I am recommending at this time.
090	Sen. Tarno	Questions for clarification - Section 5?.
	Prozanski	Yes, this is the area.
100	Sen. Gordly	Did your committee hear from the Oregon Men's Association? References testimony in meeting packet. [Exhibit D]
	Prozanski	Replies. Challenging the act itself and not addressing the amendments before you. Explains. Their issue has been addressed previously.
146	David Nebel	Oregon Law Center appearing on behalf of the Oregon Coalition against Domestic and Sexual Violence and the Lane County Concerned Citizens for the Health & Safety of Women. Submits written testimony in support of HB 3002A. [Exhibit J]
202	Nebel	Continues testimony.
232	Sen. Tarno	Refers to testimony received from the Oregon Men's Association. [Exhibit D] Questions definition of `attempt'.
	Nebel	Have not seen that document. Replies. `Attempt' means same as in criminal law context.
		Questions for clarification - language uniformly regarded by the

253	Sen. Trow	courts - Section 6. Either hindering or impeding?
		Replies. Meant to provide a standard to what a respondent could reasonably expect. Gives an example.
	Nebel	>very difficult area - trying to act before the court has ruled
		>stalking statutes
312	Chair Stull	Reads the definition of `attempt' from current statute
325	Dr. Hossein Rojhantalab	Submits written testimony in opposition to HB 3002A. [Exhibit K]
Таре 132, В	]	>includes letters from Mr. William Valent, Attorney at Law
<u>1аре 152, в</u> 063	Rojhantalab	Continues testimony.
072	Sen. Tarno	Questions regarding the renewal of his restraining order.
072	Rojhantalab	Four times. Explains.
1 1 1 7 J 1111 7 A	1	
<u>HB 3002A</u> OPENS WORK SESSION ON HB 3002A		
OPENS WORK SESSION ON	Sen. Stull	MOTION: Moves HB 3002A to the committee on RULES & ELECTIONS without RECOMMENDATION to passage.
OPENS WORK SESSION ON HB 3002A 096		
OPENS WORK SESSION ON HB 3002A 096	Sen. Stull	ELECTIONS without RECOMMENDATION to passage.
OPENS WORK SESSION ON HB 3002A 096 101	Sen. Stull Sen. Trow	ELECTIONS without RECOMMENDATION to passage.           Requests approval of the HB 3002-A3 amendments
OPENS WORK SESSION ON HB 3002A 096 101	Sen. Stull Sen. Trow Sen. Hamby	ELECTIONS without RECOMMENDATION to passage.         Requests approval of the HB 3002-A3 amendments         Recommends not to act on amendments. Gives reasons.         Questions for clarification. Restraining order considered
OPENS WORK SESSION ON HB 3002A 096 101	Sen. Stull Sen. Trow Sen. Hamby Sen. Gordly	ELECTIONS without RECOMMENDATION to passage.         Requests approval of the HB 3002-A3 amendments         Recommends not to act on amendments. Gives reasons.         Questions for clarification. Restraining order considered punishment?
OPENS WORK SESSION ON HB 3002A 096 101	Sen. Stull Sen. Trow Sen. Hamby Sen. Gordly Sen. Tarno	ELECTIONS without RECOMMENDATION to passage.         Requests approval of the HB 3002-A3 amendments         Recommends not to act on amendments. Gives reasons.         Questions for clarification. Restraining order considered punishment?         Replies. I would consider it punishment.
OPENS WORK SESSION ON HB 3002A 096 101 110 131	Sen. Stull Sen. Trow Sen. Hamby Sen. Gordly Sen. Tarno Sen. Gordly	ELECTIONS without RECOMMENDATION to passage.         Requests approval of the HB 3002-A3 amendments         Recommends not to act on amendments. Gives reasons.         Questions for clarification. Restraining order considered punishment?         Replies. I would consider it punishment.         From a victim's standpoint - would be protection. Continues.
OPENS WORK SESSION ON HB 3002A 096 101 110 131	Sen. Stull Sen. Trow Sen. Hamby Sen. Gordly Sen. Tarno Sen. Gordly Sen. Qutub	ELECTIONS without RECOMMENDATION to passage.         Requests approval of the HB 3002-A3 amendments         Recommends not to act on amendments. Gives reasons.         Questions for clarification. Restraining order considered punishment?         Replies. I would consider it punishment.         From a victim's standpoint - would be protection. Continues.         Tough issue because of the abuse that takes place. Continues.         Comments regarding `reasonable fear'.         Continues her comments.
OPENS WORK SESSION ON HB 3002A 096 101	Sen. Stull Sen. Trow Sen. Hamby Sen. Gordly Sen. Tarno Sen. Gordly Sen. Qutub Sen. Trow	ELECTIONS without RECOMMENDATION to passage.         Requests approval of the HB 3002-A3 amendments         Recommends not to act on amendments. Gives reasons.         Questions for clarification. Restraining order considered punishment?         Replies. I would consider it punishment.         From a victim's standpoint - would be protection. Continues.         Tough issue because of the abuse that takes place. Continues.         Comments regarding `reasonable fear'.
OPENS WORK SESSION ON HB 3002A 096 101 110 131	Sen. Stull Sen. Trow Sen. Hamby Sen. Gordly Sen. Tarno Sen. Gordly Sen. Qutub Sen. Trow	ELECTIONS without RECOMMENDATION to passage.         Requests approval of the HB 3002-A3 amendments         Recommends not to act on amendments. Gives reasons.         Questions for clarification. Restraining order considered punishment?         Replies. I would consider it punishment.         From a victim's standpoint - would be protection. Continues.         Tough issue because of the abuse that takes place. Continues.         Comments regarding `reasonable fear'.         Continues her comments.         Vice Chair, Board of the Oregon Coalition Against Domestic
OPENS WORK           SESSION ON           HB 3002A           096           101           110           131           150	Sen. Stull Sen. Trow Sen. Hamby Sen. Gordly Sen. Tarno Sen. Gordly Sen. Qutub Sen. Trow Sen. Qutub	ELECTIONS without RECOMMENDATION to passage.         Requests approval of the HB 3002-A3 amendments         Recommends not to act on amendments. Gives reasons.         Questions for clarification. Restraining order considered punishment?         Replies. I would consider it punishment.         From a victim's standpoint - would be protection. Continues.         Tough issue because of the abuse that takes place. Continues.         Comments regarding `reasonable fear'.         Continues her comments.         Vice Chair, Board of the Oregon Coalition Against Domestic and Sexual Violence. Speaks on behalf of battered women.         >women have no intention to punish the person who has abused

		Comments on battering and battered women.
202	Sen. Gordly	>want to be very clear what words mean and their impact on real people
	Sen. Qutub	Re-affirms Sen. Gordly's comments.
261	Sen. Trow	Suggests those who are interested in this bill attend the Rules Committee hearing.
286		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES.
CLOSES WORK SESSION ON HB 3002A OPENS PUBLIC HEARING ON HB 2787A		
301	Liz	Representative, House District 37. Chair of House committee
	VanLeeuwen	which passed bill unanimously.
313	Timothy Travis	<b>Juvenile Rights Project, Inc</b> . Submits written testimony in support of HB 2787. <b>[Exhibit L]</b> Supports HB 2787-A7 amendments if Committee feels they are necessary. <b>[Exhibit F]</b>
	Sen. Gordly	Questions for clarification impact on the Agency's creditability.
	Travis	Replies. Families feel very shut out from the SCF process. Continues.
362	Sen. Gordly	Questions regarding involvement of families in the plan.
	Travis	Replies.
367	Nancy Miller	<b>Director, Citizens Review Board</b> . Testifies in support of HB 2787. Refers to HB 2787 -7 amendments. <b>[Exhibit L]</b>
414	Sen. Trow	Questions `significantly more' family meetings and costs. Fiscal impact based on costs?
<u>Tape 133, A</u>		
	<u>]</u>	Replies. Compromised a great deal with the Agency. Explains.
013	Miller	>changed language - permissive
		>already in the Agency's strategic plan to increase those meetings
030	Sen. Trow	Questions what things come out of the meetings.
	Miller	Replies and explains. Agency consider having at least one meeting - out of which will come a family plan.

		>lot of discretion for the Agency
057	Sen. Trow	Questions if the plan is not reasonable.
	Miller	Agency does not have to use it.
	Sen. Trow	Continues questioning witness.
	Miller	Replies. Language (3)
074	Rep. VanLeeuwen	Corrects Miller. Child who has been `removed' from the home.
078	Sen. Trow	Questions forcing family plan.
	Miller	Totally agrees. Explains.
		>Agency makes the final decision
087	Travis	One of the things that make families angry is the almost blanket assumption of some case workers that `apples don't fall far from the tree'. Continues.
		>faulty logic - attitude must be combated
095	Sen. Qutub	Comments that "usually kids are removed for very good reasons" sometimes isn't true.
	Miller	Replies. Very careful in the wording of this bill to try to walk that line.
109	Travis	Reason for 30 days - explains.
113	Miller	Would be happy to respond to Agency's HB -6 amendments
121	Rep. VanLeeuwen	Mr. Travis's testimony really expresses the situation the way it is. >help the Agency build up credibility with the community >like bill the way it is - will accept the -7 amendments
	Chair Stull	Comments regarding `one hearing'.
139	Miller	Responds. Asking they do one meeting that encompasses all. Explains.
	Chair Stull	Questions need for verbal legislative record.
	Miller	It is clear. Continues.
		>Refers to Section 1
185	Sen. Trow	Why referral to the voters?
	Miller	Removes the referral.
	Rep. Van Leeuwen	Explains.
194	Travis	Continues to explain.
	Rep. VanLeeuwen	The Agency should be delighted to do this. Continues. Trying to solve the problem that includes everybody.

208	Sen. Trow	Hope it has that effect. Continues.
		I engage in these meetings right now. Very constructive and useful.
	Travis	Senough sefeguerds in the hill
	Con Trows	>enough safeguards in the bill
224	Sen. Trow	Only the bad things come out. Continues.
		Comments regarding previous testimony.
	Chair Stull	>page 1 of original bill
		>lack of resources
240	Rep. VanLeeuwen	Replies. They agreed they could basically handle the way the bill has been crafted within their budget.
	Sen. Qutub	Comments regarding Agency and the other things it is asked to do. Often a high fiscal cost. Gives example.
		>depends on the enthusiasm of the Agency
		Comments regarding struggles around accountability.
275		>simpler, less complex
275	Sen. Gordly	>refers to Mr. Travis' testimony, page 4
		>needs clarification on the money
316	Travis	Completely discretionary for them to do this. Explains.
	Miller	Comments regarding continuing follow-up surveys.
341	Sen. Gordly	Still have a fiscal impact.
		Program Manager, State Office for Services to Children and Families. Submits for the record HB 2787-A6 amendments.[Exhibit M] Concerns can be condensed down to two areas.Discusses issue areas:
386	Victor Congleton	>approach to the family decision-making meeting - rigid requirement or a flexible tool for families to use according to their individual situations
		>potential fiscal impact
		>determination of participation in meeting is decision of the facilitator
Tape 134, A		
045	Congleton	>content of the family meeting
		>large list of outcomes expressed in Section 4

	>comprehensive case plan is being described
	>letting families make choices - not statutorily required
Sen. Gordly	Questions "Terms that who wouldn't understand"?
Congleton	Families who will be responsible.
Sen. Gordly	What is your understanding of a concurrent plan?
Congleton	Replies. One that states, if unsuccessful in returning this child home, will revert to secondary plan.
Sen. Gordly	What wouldn't a family understand?
Congleton	Operating from my own concept. Explains.
	>art to explaining to parents
	Training issue?
	Training/conceptual issue
Chair Stull	Questions for clarification regarding familiarity with SB 689.
Congleton	Yes it does. Explains.
Congleton	>concern with burdening the family decision-making process
Chair Stull	Maybe I am missing something here. Communicate directly and effectively.
	>Agency having trouble communicating that so that everyone understands?
Congleton	SB 689 does that. The Agency does that. Continues.
Chair Stull	Questions `every time'.
Congleton	Replies: Until 11:30 this morning I believed that was what this bill would mean. Continues.
	Continues: Fiscal impact
Congleton	>created an expectation
	>cost estimate based on the way family decision meetings are done now
Sen. Trow	A bit more specific.
Congleton	Replies. It is discretionary. Use of it be considered.
Sen. Trow	If we want more, we should pay more. Up to us?
Congleton	Not quite that black and white.
Sen. Trow	How much more?
Congleton	Double the cost.
	Increase in numbers of plans?
Sen. Gordly	increase in numbers of plans?
	Congleton           Sen. Gordly           Congleton           Sen. Gordly           Sen. Gordly           Congleton           Sen. Gordly           Congleton           Sen. Gordly           Congleton           Sen. Gordly           Congleton           Sen. Stull           Congleton           Sens Stull           Congleton           Sen. Trow           Congleton

307	Sen. Gordly	Continues questioning witness regarding increases.
333	Sen. Gordly	Continues questioning witness for clarification.
	Congleton	Almost none of the family decision making meetings as outlined in the bill.
346	Sen. Trow	Questions meetings. If these meetings are important, can you re- allocate without damage to your budget?
	Congleton	Don't believe we can. Explains.
	Sen. Trow	Don't have enough money to be effective?
400	Congleton	Believe we can do some. Continues.
408	Rep. VanLeeuwen	Refers to October, 1996 information regarding history and numbers         >children are part of families         >being stalled
Tana 122 D	1	
<b>Tape 133, B</b> 029	Travis	This funding is not out and dried. There is an ability to get univers
029	Sen. Gordly	This funding is not cut and dried. There is an ability to get waivers. Comments regarding Agency not being cooperative.
CLOSES PUBLIC HEARING ON HB 2787A OPENS WORK SESSION ON HB 2787A		Comments for clarification regarding numbers of meetings. Suggests conceptual amendment to read as follows:
062	Chair Stull	>page 22, line 23, delete "the" insert "under this act, that meeting shall
104	Sen. Trow	MOTION: Moves to AMEND SB 2787A-7 amendments dated 05/30/97 on page 2, line 23, by deleting "the" and by inserting "under this act, that".
		VOTE: 6-0
	Chair Stull	Hearing no objection, declares the motion CARRIED.
111	Sen. Tarno	MOTION: Moves to ADOPT HB 2787A-7 amendments dated 05/30/97 as AMENDED.
		<b>VOTE: 6-0</b>
	Chair Stull	Hearing no objection, declares the motion CARRIED.
114	Sen. Qutub	MOTION: Moves HB 2787A to the floor with a DO PASS AS AMENDED recommendation.
		<b>VOTE: 5-1</b>

		AYE: 5 - Gordly, Hamby, Qutub, Tarno, Stull
		NAY: 1 - Trow
		The motion CARRIES.
	Chair Stull	
		SEN. QUTUB will lead discussion on the floor.
130	Sen. Trow	Explains his no vote. May vote for bill on floor. Still questions fiscal impact and would like Ways & Means review.
<u>CLOSES</u> WORK SESSION ON HB 2787A		
<u>OPENS</u> <u>PUBLIC</u> <u>HEARING ON</u> <u>HB 2404</u>		
157	Marcia Mashawitz	Abuse Victim. Submits written testimony in support of HB 2404.
	Moskowitz	[Exhibit N] Abuse Victim. Submits written testimony in support of HB 2404.
230	Shelley Brimberry	[Exhibit P]
311	Kathy A. Kiel	<b>Oregon Coalition Against Domestic &amp; Sexual Violence</b> . Submits written testimony in support of HB 2404. <b>[Exhibit O]</b>
358	Chair Stull	Questions for clarification regarding situation.
	Brimberry	Replies.
	Kiel	Shelley was leaving the relationship at the time.
374	Chair Stull	Questions for further clarification.
	Kiel	Shelley did not go to trial.
	Brimberry	Comments for clarification.
	Chair Stull	Comments for further clarification of situation.
422	Brimberry	Things missing in my case that were very pertinent. Continues.
Tape 134, B	]	
032	Sen. Trow	Opposition here to the bill.
038	Fred Avera	<b>District Attorney, Polk County; President, Oregon District</b> <b>Attorney's Association.</b> Testifies in support of HB 2404 which he and James Arneson co-authored. States his radical disagreement with Ms. Brimberry's case.
	Sen. Trow	Expresses his congratulations to both Avera and Arneson on the bill.

	Chair Stull	The motion CARRIES.
		EXCUSED: 1 - Sen. Tarno
		AYE: In a roll call vote, all members present vote Aye.
		<b>VOTE: 5-0</b>
165	Sen. Hamby	recommendation.
		MOTION: Moves HB 2404A to the floor with a DO PASS
<u>SESSION ON</u> HB 2404A		
OPENS WOR		
HB 2404A		
<u>PUBLIC</u> HEARING OI	N	
CLOSES		
		>certain there is a standard that everyone understands
		>both the state and the defense could offer the same testimony
130	Jim Arneson	>a concern - did not want the laudable purpose to limit what we already thought was the law
		support of HB 2404A.
		Oregon Criminal Defense Lawyers Association. Testifies in
	Avera	Ongoing basis. Explains.
	Sen. Gordly	Training in domestic violence?
	Avera	Replies. Yes there are.
		>Questions number of women district attorneys.
094	Sen. Gordly	courage
		<ul> <li>&gt;does make clear that certain types of evidence are admissible</li> <li>Comments regarding testimony of the victims - great deal of</li> </ul>
		testimony
		>would not change the outcome of the cases reviewed in previous
	Avera	>statutory interpretation
		>drafted bill best we could with what the court would decide
		does not do.

		SEN. GORDLY will lead discussion on the floor.
CLOSES WORK		
SESSION ON HB 1404A		
	Chair Stull	Adjourns meeting at 4:55 p.m.

Submitted By, Reviewed By,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

## **EXHIBIT SUMMARY**

- A Proposed HB 3002-A3 Amendments Staff 1 pg
- B Proposed HB 2312-A2 Amendments 1 pg
- C Proposed HB 2697-A2 Amendments 1 pg
- D Testimony in Opposition and Proposed Amendments to HB 3002 Lane Barlow 3 pgs
- E Proposed HB 2429-1 Amendments Staff 1 pg
- F Proposed HB 2787-A7 Amendments Staff 3 pgs
- G Testimony in Opposition to HB 2697-A Dianne Lancaster 4 pgs
- H Testimony in Support of HB 2313 Mary Ellen Johnson 2 pgs
- I Testimony in Support of HB 2169-A Caleb F. Heppner 2 pgs
- J Testimony in Support of HB 3002A David Nebel 2 pgs
- K Testimony/Letters of Opposition to HB 3002A Dr. Hossein Rojhantalab 6 pgs
- L Testimony in Support of HB 2787 Timothy Travis 5 pgs

- M Proposed HB 2787-A6 Amendments Staff 3 pgs
- N Testimony in Support of HB 2404 Marcia Moskowitz 2 pgs
- **O**-Testimony in Support of HB 2404 Kathy Kiel
- P Testimony in Support of HB 2404 Shelley Brimberry 2 pgs