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**SENATE COMMITTEE ON CRIME & CORRECTIONS**

**March 3, 1997 Hearing Room B**

**1:00 P.M. Tapes 24 - 25**

**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: SB 303**

**Work Session: SB 424**

**Public Hearing: SB 483**

**Introduction of Committee Bills**

**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
<b>Tape 24, A</b>		
003	Chair Stull	Opens meeting at 1:11 p.m.
<b><u>OPENS PUBLIC HEARING ON SB 303</u></b>		
009	Sen. Joan Dukes	<p>Representing District 1. Testifies in support of SB 303.</p> <p>Explains that SB 303 prohibits the sale of people; more specifically, the sale of children under the age of 18. Found through a newspaper article that purchasing of children in Oregon was not illegal. She had SB 303 drafted after meeting with various groups to make sure that it is drafted in such a way that all of the reasonable and customary kinds of payments and fees that one would make in the course of adopting a child would remain legal. Adds to the crime of abuse the buying or selling of a child under the age of 18.</p>
031	Sen. Tarno	<p>Discuss the issue of someone from the State of Oregon calling out of state. How could this go out of state and still be a state crime?</p> <p>&gt;conspiracy-type issues</p>
	Sen. Dukes	Only someone in Oregon. Explains.
051	Kelly Shannon	<p>Permanency and Adoptions Program Manager, State Office for Services to Children &amp; Families. Testifies in support of SB 303. <b>[Exhibit C]</b></p> <p>&gt;line 14 of bill needs to be amended to read State Office for Services to Children &amp; Families</p> <p>Gives background of his department - has some small oversight in independent adoptions in terms of licensing private adoption agencies, granting waivers for home studies, step-parent adoptions, writing reports to courts in terms of any violations seen.</p> <p>Discusses state police's testimony regarding children being sold for the purpose of criminal activities targeted against children. Relates that there is a softer side - people trying to get financial gain through selling their child. Relates story <b>[Exhibit C]</b></p>

		<p>&gt;this child will cost the adoptive parents \$29,000</p> <p>&gt;Oregon Statute 109.311 outlines what adoptive parents are expected to pay for</p> <p>&gt;obviously looking to sell this child</p> <p>&gt;puts licensed agencies in a very difficult position</p>
111	Sen. Qutub	I am speechless after reading affidavit
	Shannon	One of the more expensive cases we have seen.
	Sen. Qutub	<p>Seems unbelievable to me. Continues</p> <p>&gt;unbelievable that a person can leverage the fact that they will terminate the child or give me the money</p>
127	Chair Stull	Asks for clarification regarding item 8, page 2.
	Shannon	As I read it, that's correct . She is asking for more money than some of my staff make.
	Chair Stull	Continues for clarification.
	Shannon	How does this compare with how she is doing now on public assistance?
143	Russ Lipetsky	<p>Chair, Family &amp; Juvenile Law Section, Oregon State Board. Offers proposed amendments to SB 303. <b>[Exhibit D]</b></p> <p>&gt;solely for the purpose of clarifying - don't want this bill to criminalize or prohibit parties in a domestic relations proceeding from sitting down to discuss items such as child support, custody, division of property, etc.</p> <p>&gt;could be construed as bartering for a child by discussing all those things at one time</p> <p>&gt;references first line of the amendment - explains</p>
185	Sen. Dukes	<p>I don't have any problem with the portion of the amendment that deals in cases of divorce. Continues.</p> <p>&gt;do have some concerns with the line 9 amendment</p> <p>&gt;at some point the payments need to stop</p> <p>&gt;major difference between SB 303 and the House Bill is that SB 303 adds the buying of children to the crime of abuse</p>
209	Chair Stull	Clarification of bill for Committee
216	Sen. Trow	Questions for clarification: Refers to line 9. What about someone who has gone beyond contemplation and is actually adopting?

	Sen. Dukes	Replies. After the child is placed in the home, the formal paper work is completed and submitted to the state. That is further down the line than I am comfortable in paying fees. Explains.
	Sen. Trow	Contemplation covers all that?
	Sen. Dukes	Up until the judge signs that order, you can back out.
	Sen. Trow	Continues for clarification.
	Sen. Dukes	>ongoing payment to someone after the child is adopted
272	Sen. Hamby	It is your full intent that all fees stop at the point of adoption?
	Sen. Dukes	No, at the point of the legal adoption. Continues.
292	Sen. Hamby	Continues for clarification.
	Sen. Dukes	Replies. As long as that agreement was made prior to the actual adoption.  >There are some limitations. Explains.
307	Sen. Hamby	Trying to relate it to the affidavit [ <b>Exhibit C</b> ]
	Sen. Dukes	Replies. Section 2, subsection 2 specifically limits those things not covered by the bill. Continues.  >refers to line 9
340	Chair Stull	References technical suggestion for line 14.
349	Timothy Travis	Attorney, Juvenile Rights Project. Testifies in support of SB 303. Discusses a case where there was an attempt to sell a child and how difficult it was to persuade the court that this was grounds for Juvenile Court jurisdiction. By making it a crime, you are creating that in road. Especially pleased that SB 303 specifically makes it child abuse to do this. Continues.  >Speaks to Sen. Tarno's question regarding the phone call from Oregon. Believes you have committed a crime in the State of Oregon and it would be covered by the conspiracy statutes.
387	Chair Stull	Fall under the jurisdiction of the Juvenile Court? Continues.
	Travis	The crime would not. Explains.
410	Chair Stull	Do you have a sense of the magnitude of this problem?
	Travis	Replies. In 6 years have been 3 cases in Multnomah County.  >child never went back to the parent  >this bill makes it very clear
446	Sen. Qutub	Refers to Affidavit [ <b>Exhibit C</b> ] - Would this child be made a ward of the court after it is born?

<b>TAPE 25, A</b>		
034	Travis	Replies. Bill has a very broad applicability. Explains. >people who would do anything to have a child  >if this becomes statute you won't see an affidavit like that again
	Sen. Qutub	Close to what I am looking for. Continues
	Testimony submitted in support of SB 303 by Susan Soon-Keum Cox <b>[Exhibit B]</b>	
<b><u>CLOSES PUBLIC HEARING ON SB 303</u></b>		
<b><u>OPENS WORK SESSION ON SB 424</u></b>		
084	Nikola Jones	Committee Counsel. Reviews SB 424.  >refers to -1 amendment <b>[Exhibit A]</b>
093	Chair Stull	Opportunity to expand on to the public highways instead of restricting their law enforcement function.
097	Sen. Hamby	Asks if members only considered information from police officers. >expand further
106	Chair Stull	Replies. Might be more difficult in levels of reliability. Continues.
	Sen. Hamby	Perhaps a school officer.
118	Sen. Trow	Citizens can make a citizens arrest.
124	Sen. Qutub	<b>MOTION: Moves to ADOPT SB 424-1 amendments dated 02/25/97.</b>
		<b>VOTE: 6-0</b>
	Chair Stull	<b>Hearing no objection, declares the motion CARRIED.</b>
133	Sen. Qutub	<b>MOTION: Moves SB 424 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b>
		<b>Hearing no objection, declares the motion CARRIED.</b>

	<b>Chair Stull</b>	<b>SEN. STULL will lead discussion on the floor.</b>
<b><u>CLOSES WORK SESSION ON SB 424</u></b>		
<b><u>OPENS PUBLIC HEARING ON SB 483</u></b>		
150	John T. Nichols	Oregon Gun Owners, Inc. Testifies in support of SB 483. Gives history of the bill which died in committee last session. Takes proceeds from the sale of confiscated or otherwise surrendered firearms that are sold by police and redirects funds from the State's general fund to the law enforcement agency.  >agency sells to federally licensed dealers - conforming to federal law
114	Justin Burns	Oregon Gun Owners, Inc. Testifies in support of SB 483. In its draft form, the Oregon State Police along with the Association of Chiefs of Police have no problems with the bill.
179	Sen. Trow	How much total money are we talking about?
	Nichols	Not sure. Explains
	Sen. Trow	Inclined to sell rather than burn if they could keep the money?
	Nichols	That is our hope. Continues.
	Burns	We didn't ask. Continues
194	Sen. Trow	Continues for clarification.
	Burns	Our understanding is that smaller departments lot them with the State Police and take their portion of the sale. Continues.
203	Sen. Trow	Comments regarding general fund.  >inclined to do this
	Nichols	Certainly hope so. Gives an example.
221	Sen. Hamby	Don't we already have a statute regarding historic guns?
	Nichols	You are remembering it from 2 sessions ago.  >historic section did not get into this bill
		Relates from personal experience - some extremely fine weapons are confiscated by law enforcement

230	Sen. Tarno	<ul style="list-style-type: none"> <li>&gt;those of high value are maintained in evidence lockers for long periods of time</li> <li>&gt;shame to destroy these weapons</li> <li>&gt;gives examples of precautions</li> <li>&gt;supports bill</li> </ul>
252	Chair Stull	Questions "weapons donated"
	Nichols	Would not have to sell all firearms - could retain for their own use would be acceptable to us
	Chair Stull	Continues for clarification.
	Nichols	Our intent was to encourage the sale of these things instead of destroying. Continues <ul style="list-style-type: none"> <li>&gt;positive revenue measure</li> </ul>
	Burns	Incentive to cease illegally obtained firearms.
293	Sen. Hamby	Questions for clarifications. Refers to situation in Los Angeles regarding a bank robbery and guns seized by the police.
	Nichols	Those guns were illegally converted to full automatic. Continues
314	Sen. Gordly	Questions for clarity on general fund impact. <ul style="list-style-type: none"> <li>&gt;Don't have the ability to determine what the impact would be?</li> </ul>
	Nichols	True because there are no reporting requirements. Explains.
	Burns	Effect would be pretty neutral to general fund
335	Sen. Trow	How is it in the public interest to put them back into the market?
	Nichols	Philosophical question. <ul style="list-style-type: none"> <li>&gt;no documentation to backup statement</li> <li>&gt;once the gun is sold by a police agency, very rarely winds up back in the criminal loop</li> <li>&gt;usually a collector's item</li> </ul>
356	Sen. Tarno	Extremely high prices at these auctions.
	Burns	Incentive for police agency <ul style="list-style-type: none"> <li>&gt;still use discretion in destroying those they felt were not in the public interest to have</li> </ul>
		Less incentive when they can trade weapons for money in

	Sen. Trow	their budget.
316	Chair Stull	Comments for clarification - revenue just shifts from one pot to another
387	Sen. Gordly	How many weapons are out there waiting to be donated?
	Nichols	No reporting requirement, no one knows.
	Sen. Gordly	Why do we need to do this?
	Nichols	Originally a request from law enforcement >we hate to see fine collector's items burnt
418	Sen. Trow	Save the artifact and destroy the rest
	Chair Stull	I think they would. Continues.
<b>TAPE 24, B</b>		
	Sen. Hamby	Questions for clarification - sure it wasn't a constitutional problem.
	Nichols	Recall as a drafting problem >redirects where the money goes
031	Chair Stull	It's not legal to sell altered guns.
042	Rod Harder	Executive Director, Oregon Sportsman's Defense Fund and a Consultant for the National Rifle Association. Testifies in support of SB 483. >Measure 47 and other things have cut back on budgets >small police forces would benefit >money not going into the general fund now
070	Russell T. Spencer	Oregon State Sheriff's Association. Testified in support of SB 483. Feels there are valid and worthwhile concepts in bill. >incentive for us to recover the costs of an auction >confiscating more or less weapons - guns used in the commission of a crime - we find them, we will take them >type of weapons offered for sale - collector caliber weapons >excellent point was made when former witness mentioned what could be done with proceeds >not going to put out on the street the kinds of guns that would be used against us >have to assume some good judgment - not going to endanger



		public safety >don't envision any of the downfalls that were discussed today will occur
122	Paul Snider	Association of Oregon Counties. Testifies in support of SB 483. Discusses some talk of inserting a "non-supplanting clause." That is something that makes us very uncomfortable. Explains.
133	Sen. Trow	Explain what you mean by a "non-supplanting" clause.
	Snider	Sometime legislation is passed that says if we provide you with more money - explains >to require that and require that in all cases makes local governments feel uncomfortable
145	Sen. Hamby	Comments on term "non-supplanting".
	Snider	The way I read existing law is that the sale of these weapons is authorized now. This bill directs where the proceeds go and allows to recover costs.
	Sen. Hamby	Would you object to the language just testified on?
	Spencer	Don't believe the sheriffs would object. >only concern is that you paint with a broad brush when you go over certain categories of firearms >maybe a time frame - antique firearms
171	Chair Stull	Comments that smaller agencies have benefited. Continues.
	Spencer	Yes, it is. Explains. >rifle he had was donated
203	Chair Stull	Educational purposes?
	Spencer	Absolutely correct. Continues.
216	Chair Stull	Addresses Sen. Tarno and asks about amendments for consideration.
<b><u>CLOSES PUBLIC HEARING ON SB 483</u></b>		
<b><u>INTRODUCTION OF COMMITTEE BILLS</u></b>		
230	Sen. Stull	<b>MOTION: Moves LC 3196 BE INTRODUCED as a committee bill.</b>

		<b>VOTE: 6-0</b>
	<b>Chair Stull</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
		(LC 3196 introduced as SB 836)
	Chair Stull	Declares meeting adjourned at 2:22 p.m.

**Submitted by, Reviewed by,**

**Julie Clemente, Nikola Jones,**

**Administrative Support Counsel**

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**EXHIBIT SUMMARY**

**A - Proposed Amendments to SB 424 (SB 424-1) - Staff - 1 pg**

**B - Testimony in Support of SB 303 - Susan Soon-Keum Cox - 1 pg**

**C - Affidavit Submitted in Support of SB 303 - Kelly Shannon - 5 pgs**

**D - Proposed Amendments to SB 303 - Russ Lipetzky - 1 pg**