

HOUSE COMMITTEE ON  
JUDICIARY

Hearing Room  
Tape

MEMBERS PRESENT:

Rep. Del Parks, Chair  
Rep. Kate Brown, Vice-Chair  
Rep. Peter Courtney  
Rep. Jerry Grisham  
Rep. Leslie Lewis  
Rep. Lisa Naito  
Rep. Floyd Prozanski  
Rep. Eileen Qutub  
Rep. Veral Tarno  
Rep. Bob Tiernan

MEMBER EXCUSED:

Rep. Chuck Carpenter  
Rep. Bryan Johnston

STAFF PRESENT:

Holly Robinson, Committee Counsel  
Milt Jones, Committee Counsel  
Sarah May, Committee Assistant

MEASURES HEARD:

HB 2137 - Work Session  
HB 2334 - Work Session  
HB 2388 - Work Session  
HB 2465 - Work Session  
SB 66 - Work Session  
SB 76 - Work Session

These minutes contain materials which paraphrase and/or summarize  
statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings,  
please refer to the tapes.

TAPE , SIDE A

001 CHAIR PARKS: Calls the meeting to order at 10: 05 A.M.

WORK SESSION ON HB 2137

002 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2137 expands assault in third  
degree to include causing physical injury to staff member of juvenile  
facility. (EXHIBITS A, B, C)

017 MOTION: REP. COURTNEY: Moves HB 2137 to THE FLOOR with a DO PASS  
recommendation.

VOTE:

9-0 MOTION PASSES

AYE: Brown, Courtney, Grisham, Lewis, Prozanski, Qutub, Tarno, Tiernan,  
Parks

NO: None

EXCUSED: Carpenter, Johnston, Naito

WORK SESSION ON HB 2334

030 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2334 provides that assaulting  
peace officer with tear gas or mace is punishable by maximum five years  
imprisonment, \$100,000 fine, or both. (EXHIBITS D, E)

044 MOTION: REP. COURTNEY: Moves to ADOPT HB 2334-3 AMENDMENTS.

048 REP. PROZANSKI: I thought we also talked about including probation  
officers in the -3 amendments?

049 HOLLY ROBINSON, COMMITTEE COUNSEL: We did talk about it, but the  
committee did not make that change during the meeting.

057 VOTE: Hearing no objections the amendments are ADOPTED. Rep. Carpenter  
and Johnston are excused.

058 MOTION: REP. PROZANSKI: Moves to INCLUDE AND ADOPT  
into HB 2334 AS -4 AMENDMENTS.

"PROBATION OFFICER"

071 CHAIR PARKS: Discusses how to propose amendments to bill in committee.

082 HOLLY ROBINSON, COMMITTEE COUNSEL: Suggest language to be "parole and  
probation officer". It would go into the -3 amendments on line 1 and  
replacing all the other language "or corrections officer".

096 VOTE: Hearing no objections the amendments are ADOPTED. Rep. Carpenter

and Johnston are excused.

098 HOLLY ROBINSON, COMMITTEE COUNSEL: The fiscal impact on this bill will need to be slightly amended. There will be minor fiscal impacts on all additional bills that create new crimes that are passed.

110 REP. TIERNAN: What are the fiscal increases of the crime going to be?

119 HOLLY ROBINSON, COMMITTEE COUNSEL: If you look at impact, it was their belief that these were individuals who would serve jail time and would not be prison bed times. There is no direct prison impact.

122 REP. TIERNAN: There is no state general money?

123 HOLLY ROBINSON, COMMITTEE COUNSEL: In the way this was written, it appears that there could be the potential for indigent defense costs, depending upon the number of people charged. For impact purposes, an estimate of five offenders is used per year.

130 REP. TIERNAN: We would not receive impacts like this unless it is a calculated impact statement?

131 HOLLY ROBINSON, COMMITTEE COUNSEL: Correct.

132 REP. TIERNAN: We don't need them if they impact the county?

133 HOLLY ROBINSON, COMMITTEE COUNSEL: Correct.

134 REP. TIERNAN: Didn't we have a bill like this last session?

137 HOLLY ROBINSON, COMMITTEE COUNSEL: Last session we added "mace" into a piece of legislation to the misdemeanor statutes. Cites Klamath Falls examples of crimes happening with mace. Because of those situations, the police requested that the misdemeanor be enhanced to a felony.

148 REP. TIERNAN: Discusses Cal Berkeley situation. Asks if a police person threw mace into a crowd, and a person in the crowd threw it back, if that would be included in this bill.

156 HOLLY ROBINSON, COMMITTEE COUNSEL: If the canister was used as a "missile" type weapon, then it would not be. If it was discharged or sprayed, then it would.

162 REP. TIERNAN: If a person is resisting the mace and a police officer happens to then be sprayed, would that be included in this bill?

168 HOLLY ROBINSON, COMMITTEE COUNSEL: No.

169 MOTION: REP. COURTNEY: Moves HB 2334 AS AMENDED TO FLOOR with a DO PASS recommendation.

VOTE: 10-0 MOTION PASSES  
AYE: Brown, Courtney, Grisham, Lewis, Naito, Prozanski, Qutub, Tarno, Tiernan, Parks  
NO: None  
EXCUSED: Carpenter, Johnston

#### WORK SESSION ON HB 2388

183 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2388 creates crime of laundering monetary instrument. Cites fiscal impact. (EXHIBIT F)

216 CHAIR PARKS: Cites fiscal impact.

220 HOLLY ROBINSON, COMMITTEE COUNSEL: That was a misrepresentation of the sponsor on the bill.

229 MOTION: REP. COURTNEY: Moves HB 2338 TO THE FLOOR with a DO PASS recommendation.

233 REP. BROWN: Does this statute create a private right of action for money laundering under the racketeering statute and would SB 386 delete that private right of action?

236 HOLLY ROBINSON, COMMITTEE COUNSEL: Yes.

240 VOTE: 10-0 MOTION PASSES  
AYE: Brown, Courtney, Grisham, Lewis, Naito, Prozanski, Tarno, Tiernan, Parks  
NO: None  
EXCUSED: Carpenter, Johnston

#### WORK SESSION ON HB 2465

260 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2465 creates crime of aggravated theft of motor vehicle. (EXHIBITS G, H, I)

272 MOTION: REP. COURTNEY: Moves to ADOPT HB 2465-1 AMENDMENTS.

VOTE: Hearing no objection the amendments are ADOPTED. Rep. Carpenter and Johnston are excused.

276 MOTION: REP. COURTNEY: Moves HB 2465 AS AMENDED TO THE FLOOR with a DO PASS recommendation.

280 REP. TIERNAN: What is the history on this bill? Wasn't there a similar one last year?

282 HOLLY ROBINSON, COMMITTEE COUNSEL: This bill was passed by the House but not by the Senate.

287 VOTE: 10-0 MOTION PASSES  
AYE: Brown, Courtney, Grisham, Lewis, Naito, Prozanski, Qutub, Tarno, Tiernan, Parks  
NO: None  
EXCUSED: Carpenter, Johnston

WORK SESSION ON SB 66

301 MILT JONES, COMMITTEE COUNSEL: SB 66 deletes limitations on jurisdiction of district courts over misdemeanors. Fiscal impact is indicated. (EXHIBIT J)

319 HOLLY ROBINSON, COMMITTEE COUNSEL: This was introduced by the judicial department. Explains why and how the bill was brought back.

334 REP. COURTNEY: How much does it increase the fines?

336 HOLLY ROBINSON, COMMITTEE COUNSEL: It went from \$3000 to \$5000.

339 MILT JONES, COMMITTEE COUNSEL: The committee also included an emergency clause to the bill as an amendment.

350 MOTION: REP. TIERNAN: Moves ADOPT SB 66-1 AMENDMENTS.

VOTE: Hearing no objections the amendments are ADOPTED. Rep. Carpenter and Johnston are excused.

354 MOTION: REP. TIERNAN: Moves SB 66 AS AMENDED TO THE FLOOR with a DO PASS recommendation.

VOTE: 10-0 MOTION PASSES  
AYE: Brown, Courtney, Grisham, Lewis, Naito, Prozanski, Qutub, Tarno, Tiernan, Parks  
NO: None  
EXCUSED: Carpenter, Johnston

WORK SESSION ON SB 76

381 MILT JONES, COMMITTEE COUNSEL: SB 76 provides that temporary order during appeal from decree of dissolution of marriage is enforceable through contempt.

396 MOTION: REP. BROWN: Moves SB 76 TO THE FLOOR with a DO PASS recommendation.

VOTE: 10-0 MOTION PASSES  
AYE: Brown, Courtney, Grisham, Lewis, Naito, Prozanski, Qutub, Tarno, Tiernan, Parks  
NO: None  
EXCUSED: Carpenter, Johnston

417 CHAIR PARKS: Adjourns the hearing at 10:34 am.

Submitted by, Reviewed by,

Sarah May Debra Johnson  
Committee Clerk Committee Coordinator

#### EXHIBIT SUMMARY:

- A. Proposed Amendments to HB 2137 - Staff - 1 page
- B. Testimony on HB 2137 - Staff - 1 page
- C. Testimony on HB 2137 - Marion Merrill - 4 pages
- D. Proposed Amendments to HB 2334 - 1 page
- E. Testimony on HB 2334 - Staff - 1 page
- F. Testimony on HB 2388 - Staff - 2 pages
- G. Proposed Amendments to HB 2465 - Staff - 1 page
- H. Testimony on HB 2465 - Staff - 1 page
- I. Testimony on HB 2465 - Staff - 1 page
- J. Proposed Amendments to SB 66 - Staff - 1 page