

HOUSE COMMITTEE ON
JUDICIARY

Hearing Room 357
Tape

MEMBERS PRESENT:

Rep. Del Parks, Chair
Rep. Kate Brown, Vice-Chair
Rep. Chuck Carpenter
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. Bryan Johnston

STAFF PRESENT:

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

MEASURES HEARD:

HB 3096 - Reconsidered and Work Session
HB 2492 - Work Session
HB 2603 - Work Session
HB 2704 - Work Session
HB 3439 - Work Session
SB 140 - Work Session
SB 191 - Work Session
SB 228 - Work Session
SB 59 - 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 am
002 MOTION: REP. COURTNEY: Moves to RECONSIDER the vote by which "HB 3096 was passed to the committee on WAYS AND MEANS".

VOTE: Hearing no objection the motion PASSES.

WORK SESSION OF HB 3096

005 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 3096 creates sex Offender Therapist Licensing Board. It had a subsequent referral to Ways and Means, but this committee did not rescind that referral.

011 MOTION: REP. COURTNEY: Moves HB 3096 to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.

VOTE: 9-3 MOTION PASSES

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

NO: None

EXCUSED: Carpenter, Johnston, Tiernan

029 CHAIR PARKS: Rep. Courtney will carry the bill.

WORK SESSION ON HB 2492

031 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2492 transfers state crime detection laboratories form Department of State Police to Health Division.

(EXHIBIT A)

047 MOTION: REP. BROWN: Moves to ADOPT HB 2492-5 amendments dated 04/18/95 and that the bill be further amended on page 3, line 22, by deleting "or medical care" and that the bill be further amended on page 3, line 22, by inserting "or" before "shelter".

061 CHAIR PARKS: I do not approve of doing it in that way. I think this should be a crime.

063 REP. QUTUB: It might be for different reasons.
064 CHAIR PARKS: If we distinguish a religious conviction, that is one thing.
066 REP. BROWN: Withdraws motion.
067 MOTION: REP. BROWN: moves to AMEND HB 2492 by inserting "the boiler plate language, from the juvenile code".

073 CHAIR PARKS: That makes it an affirmative defense.
074 REP. NAITO: That would be subject to existing law, which makes it a lessor crime?
076 CHAIR PARKS: Is everyone comfortable with that?
077 REP. QUTUB: What is affirmative defense with a lessor crime?
079 REP. PROZANSKI: An affirmative defense is a reason or defense that a person who has been accused of a crime can raise as a justification for what they did. It doesn't mean that they will get away, but the burden is on them to reason and prove.

084 CHAIR PARKS: The big difference is that the burden is on the person to prove their defense.
086 HOLLY ROBINSON, COMMITTEE COUNSEL: The biggest example is self-defense, explains.

091 REP. PROZANSKI: Then the state has the burden to disprove it beyond a reasonable doubt.

093 VOTE: Hearing no objections the amendment is ADOPTED.

098 MOTION: REP. BROWN: Moves HB 2492 AS AMENDED be sent to the floor with a DO PASS recommendation.

VOTE: 10-2 MOTION PASSES
Tarno, Parks AYE: Brown, Carpenter, Courtney, Grisham, Lewis, Naito, Prozanski, Qutub,
NO: None
EXCUSED: Johnston, Tiernan

108 CHAIR PARKS: Rep. Brown will carry the bill.

WORK SESSION ON HB 2603

114 MILT JONES, COMMITTEE COUNSEL: HB 2603 prohibits under specified circumstances suppliers of utility services from transferring claim against tenant to owner. (EXHIBIT B)

Witness: Emily Cedarleaf, Multifamily Housing Council of Oregon

121 REP. TARNO: I have been contacted by some of my constituents concerning the property owners that live out of state, explains.

129 CHAIR PARKS: Why should landlords be responsible to collect the bills of other people? Those people when making business arrangements can get a deposit or do whatever is necessary to protect their business relationships. The burden of placing that upon the landlord is a questionable thing, explains.

139 REP. BROWN: Discusses letter from town of Monmouth. It is my understanding that the current legislation was drafted last session under the agreement of all the parties involved.

151 CHAIR PARKS: How can a person run up a bill without them cutting off their service?

155 REP. BROWN: That is what the companies say.

159 EMILY CEDARLEAF, MULTIFAMILY HOUSING COUNCIL OF OREGON: The city of Monmouth not only owns the sewer and water, but they own the electric district as well. Explains why a deposit could be high.

163 CHAIR PARKS: Discusses bills for utilities. Does everyone understand the issue to HB 2603?

175 MOTION: REP. TIERNAN: Moves HB 2603 be sent to the floor with a DO PASS recommendation.

VOTE: 6-5 MOTION FAILS
AYE: Carpenter, Grisham, Lewis, Qutub, Tiernan, Parks
NO: Brown, Courtney, Naito, Prozanski, Tarno
EXCUSED: Johnston

WORK SESSION ON HB 2704

193 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2704 abolishes Oregon Criminal Justice Council. (EXHIBIT C)

203 MOTION: REP. TARNO: Moves to ADOPT HB 2704-3 amendments dated
04/18/95.

VOTE: Hearing no objections the amendments are ADOPTED.

205 MOTION: REP. TARNO: Moves HB 2704 AS AMENDED be sent to the floor
with a DO PASS recommendation.

208 REP. BROWN: Discusses concerns of the proponents of the bill. Does
this become more publicized by being under the umbrella of the governor's
office?

216 REP. TIERNAN: Discusses bill with the check and balance system.

231 REP. BROWN: Weren't the members of the Oregon Criminal Justice Council
employed by the state, i.e. a sheriff?

234 REP. TIERNAN: Yes, but they were selected upon a criteria.

241 CHAIR PARKS: There are many objections.

244 HOLLY ROBINSON, COMMITTEE COUNSEL: The letters were in response to the
original bill which abolished the council and transferred all of it's
responsibilities to the Department of Corrections. The -3 amendments
address a lot of the concerns raised.

254 CHAIR PARKS: What is the difference between giving it directly to the
governor as opposed to the Department of Corrections?

257 HOLLY ROBINSON, COMMITTEE COUNSEL: The reason for creating the
commission was to be an independent body, explains criteria. One of the
complaints was that the council grew to 24 members which was too many.
There are seven members in this commission and the rest of the work will be
done by a subcommittee.

277 REP. NAITO: What is the fiscal impact on this? Does it need a referral
to Ways and Means?

280 REP. TARNO: For the most part, it is unimpacted, explains.

284 REP. TIERNAN: Compliments the subcommittee for their effectiveness and
work on this bill.

312 VOTE: 11-0 MOTION PASSES
Tarno, Tiernan, Parks AYE: Brown, Carpenter, Courtney, Grisham, Lewis, Naito, Prozanski, Qutub,
NO: None
EXCUSED: Johnston

321 CHAIR PARKS: Rep. Tiernan will carry the bill.

WORK SESSION ON SB 59A

325 HOLLY ROBINSON, COMMITTEE COUNSEL: SB 59A specifies information
relating to counsel, indigency of defendant and waiver of rights that trial
court must not in judgment.

345 MOTION: REP. TARNO: Moves SB 59A be sent to the floor with a DO
PASS recommendation.

347 REP. QUTUB: Is there a fiscal impact?

349 HOLLY ROBINSON, COMMITTEE COUNSEL: There is a slight savings.

351 VOTE: 11-0 MOTION PASSES
Tarno, Tiernan, Parks AYE: Brown, Carpenter, Courtney, Grisham, Lewis, Naito, Prozanski, Qutub,
NO: None
EXCUSED: Johnston

360 CHAIR PARKS: Rep. Grisham will carry the bill.

WORK SESSION ON SB 140

362 HOLLY ROBINSON, COMMITTEE COUNSEL: SB 140 provides that parole for
certain sex offenders lasts for entire term of offender's sentence.

370 MOTION: REP. COURTNEY: Moves SB 140 be sent to the floor with a DO
PASS recommendation.

VOTE: 11-0 MOTION PASSES
Tarno, Tiernan, Parks AYE: Brown, Carpenter, Courtney, Grisham, Lewis, Naito, Prozanski, Qutub,
NO: None
EXCUSED: Johnston

382 CHAIR PARKS: Rep. Naito will carry the bill.

WORK SESSION ON SB 191A

389 HOLLY ROBINSON, COMMITTEE COUNSEL: SB 191A eliminates judicial review
of orders of Department of Corrections relating to disciplinary actions

against inmates of correctional institutions.

407 MOTION: REP. TARNO: Moves SB 191A be sent to the floor with a DO
PASS recommendation.

VOTE: 11-0 MOTION PASSES
Tarno, Tiernan, Parks AYE: Brown, Carpenter, Courtney, Grisham, Lewis, Naito, Prozanski, Qutub,
NO: None
EXCUSED: Johnston

420 CHAIR PARKS: Rep. Prozanski will carry the bill.

WORK SESSION ON SB 228A

421 HOLLY ROBINSON, COMMITTEE COUNSEL: SB 228A allows sentencing court to
retain jurisdiction indefinitely to correct certain errors in judgment of
conviction.

439 MOTION: REP. BROWN: Moves SB 228A be sent to the floor with a DO
PASS recommendation.

VOTE: 11-0 MOTION PASSES
Tarno, Tiernan, Parks AYE: Brown, Carpenter, Courtney, Grisham, Lewis, Naito, Prozanski, Qutub,
NO: None
EXCUSED: Johnston

455 CHAIR PARKS: Rep. Prozanski will carry the bill.

457 CHAIR PARKS: Adjourns the hearing at 10:35 am.

Submitted by, Reviewed by,

Sarah Watson Debra Johnson
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

- A. Proposed Amendments to HB 2492 - Staff - 3 pages
- B. Proposed Amendments to HB 2603 - Staff - 1 page
- C. Proposed Amendments to HB 2704 - Staff - 11 pages