

HOUSE COMMITTEE ON
JUDICIARY

Hearing Room 357
Tapes - 24

MEMBERS PRESENT:

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

STAFF PRESENT:

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

MEASURES HEARD:

SJR32 - Work Session
HJR 39 - Work Session
HB 2123 - Work Session
HB 2167 - Work Session
HB 2214 - Work Session
HB 2228 - Work Session
HB 2616 - Work Session
HB 2625 - Work Session
HB 2676 - Work Session
HB 2689 - Work Session
HB 2749 - Work Session
HB 2805 - Work Session
HB 2903 - Work Session
HB 2909 - Work Session
HB 2993 - Work Session
HB 3125 - Work Session
HB 3331 - Work Session
HB 3439 - 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

010 CHAIR PARKS: Calls the meeting to order at 9:32 am.

WORK SESSION ON HB 2909

028 MILT JONES, COMMITTEE COUNSEL: HB 2909 requires notification of next of kin prior to performing autopsy or retaining body parts of decedent. (EXHIBIT A)

032 MOTION: REP. BROWN: Moves HB 2909 AS AMENDED be sent to the floor with a DO PASS recommendation.

035 REP. BROWN: Discusses bill and how it would be put into effect.

052 REP. TARNO: Discusses his opposition to the bill.

071 CHAIR PARKS: There is a serious issue here, explains. What we have done is made the medical examiner more aware to the cultural and religious aspect of people.

081 VOTE: 4-7 MOTION FAILS
AYE: Brown, Courtney, Naito, Tiernan
NO: Carpenter, Grisham, Johnston, Prozanski, Qutub, Tarno, Parks
EXCUSED: Lewis

WORK SESSION ON HJR 39

097 HOLLY ROBINSON, COMMITTEE COUNSEL: HJR 39 proposes constitutional amendment to declare that people have right to defend themselves by any reasonable means. (EXHIBIT B)

104 REP. PROZANSKI: I voted "no" on this in the crime subcommittee and would like that to be corrected. Discusses concern and oppositions to bill.

121 HOLLY ROBINSON, COMMITTEE COUNSEL: The -3 amendments need to be adopted. Discusses fiscal impact.

129 MOTION: REP. BROWN: Moves to ADOPT HJR 39-3 amendments dated
04/25/95.
VOTE: Hearing no objections the amendments are ADOPTED. Rep. Lewis is
excused.

132 MOTION: REP. TARNO: Moves HJR 39 AS AMENDED be sent to the floor
with a BE ADOPTED recommendation.
VOTE: 7-4 MOTION PASSES
AYE: Carpenter, Courtney, Grisham, Qutub, Tarno, Tiernan, Parks
NO: Brown, Johnston, Naito, Prozanski
EXCUSED: Lewis
148 CHAIR PARKS: Rep. Schoon will carry the bill.

WORK SESSION ON HB 2123

151 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2123 adds student teachers to
definition of subject individuals for purposes of collecting criminal
identification data. (EXHIBIT C)
163 MOTION: REP. BROWN: Moves to ADOPT HB 2123-11 amendments dated
04/26/95.
VOTE: Hearing no objections the amendments are ADOPTED. All members
present.
166 REP. BROWN: The original bill included student teachers?
169 HOLLY ROBINSON, COMMITTEE COUNSEL: Cites that student teachers are
included on page 4, lines 24-26.
172 REP. BROWN: Discusses cost of fingerprinting for student teachers.
176 HOLLY ROBINSON, COMMITTEE COUNSEL: Everyone will have to pay once,
explains.
182 MOTION: REP. BROWN: Moves HB 2123 AS AMENDED be sent to the floor
with a DO PASS recommendation.
VOTE: 12-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, Tiernan, Parks
NO: None
193 CHAIR PARKS: Rep. Courtney will carry the bill.

WORK SESSION ON 2167

197 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2167 provides that person
committed to state hospital by order of Psychiatric Security Review Board
may apply to board for order of discharge or conditional release once every
eight months rather than every six months.
205 MOTION: REP. BROWN: Moves HB 2167 be sent to the floor with a DO
PASS recommendation.
VOTE: 9-3 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Johnston, Lewis, Prozanski, Qutub, Tarno,
Parks
NO: Grisham, Naito, Tiernan
218 REP. JOHNSTON: I am concerned that we are changing the length of time
for monetary reasons.
222 MOTION: REP. JOHNSTON: Requests unanimous consent that the rules be
SUSPENDED to allow REP. JOHNSTON to BE RECORDED as voting NAY.
VOTE: Hearing no objections, Rep. Johnson's vote is changed to "NAY".
8-4 MOTION PASSES.
229 CHAIR PARKS: Rep. Tarno will carry the bill.

WORK SESSION ON HB 2214

231 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2214 as amended creates a
super-siting authority for adult corrections in order to deal with the
current crisis in capacity. (EXHIBIT D)
243 MOTION: REP. BROWN: Moves HB 2214 AS AMENDED be sent to the floor
with a DO PASS recommendation.
246 COURTNEY: Is this bill similar to the bill in 1989?
250 HOLLY ROBINSON, COMMITTEE COUNSEL: The difference is the criteria and
the input from the local councils. Discusses that the review process is
the same.
258 VOTE: 11-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, Parks

NO: None
EXCUSED: Tiernan

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

WORK SESSION ON HB 2228

269 MILT JONES, COMMITTEE COUNSEL: HB 2228 requires that proceedings removed from small claims department of district court by reason of request

for jury trial be referred directly to arbitration in any court that has established mandatory arbitration program. (EXHIBIT E)

274 MOTION: REP. BROWN: Moves HB 2228 AS AMENDED be sent to the floor with a DO PASS recommendation.

VOTE: 12-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito, Prozanski, Qutub, Tarno, Tiernan, Parks
NO: None

286 CHAIR PARKS: Rep. Parks will carry the bill.

WORK SESSION ON HB 2616

287 MILT JONES, COMMITTEE COUNSEL: HB 2616 authorizes owner of private property to dispose of vehicles abandoned on the property under specified circumstances. (EXHIBITS F, G)

296 MOTION: REP. BROWN: Moves to ADOPT HB 2616-7 amendments dated 04/26/95.

VOTE: Hearing no objections the amendments are ADOPTED. All members present.

299 MOTION: REP. BROWN: Moves HB 2616 AS AMENDED be sent to the floor with a DO PASS recommendation.

VOTE: 12-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito, Prozanski, Qutub, Tarno, Tiernan, Parks
NO: None

310 CHAIR PARKS: Rep. Johnston will carry the bill.

WORK SESSION ON HB 2625

312 MILT JONES, COMMITTEE COUNSEL: HB 2625 abolishes district courts on July 1, 1996. (EXHIBITS H, I)

332 MOTION: REP. BROWN: Moves to ADOPT HB 2625-12 amendments dated 04/26/95.

Recess hearing on HB 2625.

WORK SESSION ON HB 2676

343 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2676 requires court to impose mandatory minimum sentence or presumptive sentence, whichever is longer, if crimes has statutory mandatory minimum sentence. (EXHIBITS J, K)

363 MOTION: REP. TARNO: Moves to ADOPT HB 2676-2 amendments dated 04/26/95.

VOTE: Hearing no objections the amendments are ADOPTED. All members present.

366 MOTION: REP. TARNO: Moves HB 2676 AS AMENDED be sent to the floor with a DO PASS recommendation.

370 REP. TIERNAN: I object to this bill, explains opposition. Discusses sentencing and the reductions that would be made under this bill. The vast

majority of individuals already get good time off. Discusses possible management tool. I don't think we have the right to change what was voted on six months ago.

420 REP. BROWN: People just passed Measure 17 which is a constitutional amendment, that requires inmates to work.

431 REP. QUTUB: Discusses possible incentives for good behavior rather than shortening their sentences.

TAPE 24, SIDE A

009 REP. LEWIS: Does this require a two-thirds vote because of Measure 10?

010 CHAIR PARKS: Yes, I think it does.

011 REP. TARNO: There is no such thing as "good time" anymore, explains that it is now "earned time". The inmates usually want to work. When Measure 11 was passed, this issue never surfaced. My biggest concern is

that we might have the walls inside the state prison erupting.

030 CHAIR PARKS: Discusses his position for bill and why he favors it.

058 REP. GRISHAM: I have visited many correctional institutions. Discusses his position on bill and why he opposes it.

082 REP. LEWIS: Explains why she opposes the bill.

095 CHAIR PARKS: I apologize if I offended anyone.

100 REP. JOHNSTON: Explains why he is in support of the bill.

131 REP. PROZANSKI: Explains why he is in support of the bill.

146 REP. TIERNAN: This bill was already voted on by the people. Discusses why he is in opposition to the bill.

181 REP. NAITO: I have a great respect for the vote the people made on ballot Measure 11 and 17. Discusses why she is in support of the bill.

199 REP. QUTUB: Space and corrections officers are not an issue. I think working these people is what they should, and are able to do. Discusses why she is in opposition to the bill.

220 REP. PROZANSKI: When the people voted in measures 10,11, 17 it set up a procedure for us in the legislature to use our best judgment in making changes that we feel necessary.

257 CHAIR PARKS: Discusses voting requirements.

268 REP. TIERNAN: This just takes a majority in committee, but a two-thirds vote on the floor.

280 VOTE: 7-5 MOTION PASSES
AYE: Brown, Carpenter, Johnston, Naito, Prozanski, Tarno, Parks
NO: Courtney, Grisham, Lewis, Qutub, Tiernan

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

290 REP. TIERNAN: Gives notice of filing a minority report.

CONTINUATION OF WORK SESSION ON HB 2625

296 MILT JONES, COMMITTEE COUNSEL: Discusses -12 amendments, EXHIBITS H, I.

308 MOTION: REP. BROWN: Moves to ADOPT HB 2525-12 amendments dated 04/26/95.

VOTE: Hearing no objections the amendments are ADOPTED. All members present.

312 MOTION: REP. BROWN: Moves HB 2625 AS AMENDED to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.

VOTE: 12-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito, Prozanski, Qutub, Tarno, Tiernan, Parks
NO: None

WORK SESSION ON SJR32

330 MILT JONES, COMMITTEE COUNSEL: SJR32 proposes constitutional amendment

to provide protection of society, personal responsibility and accountability and reformation.

338 MOTION: REP. JOHNSTON: Moves SJR32 be sent to the floor with a BE ADOPTED recommendation.

342 REP. PROZANSKI: Discusses conversation held with the Bob and Dee Dee Kouns.

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

366 CHAIR PARKS: Rep. Carpenter will carry the bill.

WORK SESSION ON HB 2689

372 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2689 expands factors to be considered by court in determining whether to terminate parental rights based on extreme conduct. (EXHIBIT L)

382 MOTION: REP. BROWN: Moves HB 2689 AS AMENDED be sent to the floor with a DO PASS recommendation.

VOTE: 12-0 MOTION PASSES

AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, Tiernan, Parks
NO: None

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

WORK SESSION ON HB 2749

399 MILT JONES, COMMITTEE COUNSEL: HB 2749 defines personal information as it relates to inspection of public records. (EXHIBIT M)

407 MOTION: REP. BROWN: Moves HB 2749 AS AMENDED be sent to the floor with a DO PASS recommendation.

VOTE: 12-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, Tiernan, Parks
NO: None

422 CHAIR PARKS: Rep. Schoon will carry the bill.

WORK SESSION ON HB 2805

427 MILT JONES, COMMITTEE COUNSEL: HB 2805 specifies administrative authority of Chief Justice of Supreme Court over courts of state operating under Judicial Department. (EXHIBIT N)

438 MOTION: REP. BROWN: Moves HB 2805 AS AMENDED be sent to the floor with a DO PASS recommendation.

VOTE: 12-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, Tiernan, Parks
NO: None

453 CHAIR PARKS: Rep. Parks will carry the bill.
TAPE 23, SIDE B

WORK SESSION ON HB 2903

014 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2903 creates advisory committee to the Prison Industries Board to be appointed by Governor. (EXHIBIT O)

022 MOTION: REP. BROWN: Moves HB 2909 AS AMENDED be sent to the floor with a DO PASS recommendation.

025 REP. TIERNAN: Asks about dollar amount the inmates would be given for work? What will the average prisoner be paid?

028 CHAIR PARKS: Is there a fiscal impact on this?

029 HOLLY ROBINSON, COMMITTEE COUNSEL: The implementation of this bill itself will have a minor fiscal impact.

030 REP. TARNO: This is an issue that the board will decide, when the board is created.

031 HOLLY ROBINSON, COMMITTEE COUNSEL: You are correct.

032 CHAIR PARKS: There isn't a fiscal impact?

033 HOLLY ROBINSON, COMMITTEE COUNSEL: Correct. What this bill does is set-up the statutory scheme within which Measure 17 can be implemented, explains.

037 REP. TIERNAN: Discusses the dollar incentive value of bill for the inmates.

050 VOTE: 12-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, Tiernan, Parks
NO: None

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

WORK SESSION ON HB 3125

057 MILT JONES, COMMITTEE COUNSEL: HB 3125 prohibits employer from discriminating against employee for engaging or participating in political activities during employee's own time while off employer's premises.

060 MOTION: REP. BROWN: Moves HB 3125 be sent to the floor with a DO PASS recommendation.

VOTE: 12-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, Tiernan, Parks
NO: None

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

WORK SESSION ON HB 2993

071 MILT JONES, COMMITTEE COUNSEL: HB 2993 prohibits civil action for injury death or damage if injury, death or damage occurred while person was committing felony, attempting to commit felony or fleeing scene of felony.

(EXHIBIT P)

074 REP. BROWN: We amended the bill in committee with the -6 amendments.

076 MOTION: REP. BROWN: Moves HB 2993 AS AMENDED be sent to the floor with a DO PASS recommendation.

VOTE: 12-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito, Prozanski, Qutub, Tarno, Tiernan, Parks
NO: None

088 CHAIR PARKS: Rep. Roberts will carry the bill.

WORK SESSION ON HB 3331

095 MILT JONES, COMMITTEE COUNSEL: HB 3331 makes driving while under influence of intoxicants felony for person who has three prior convictions of driving while under influence of intoxicants.

098 MOTION: REP. PROZANSKI: Moves HB 3331 be sent to the floor with a DO PASS recommendation.

102 REP. GRISHAM: Is there a fiscal impact on this?

103 MILT JONES, COMMITTEE COUNSEL: We did not receive a fiscal impact on this.

104 REP. PROZANSKI: Cites wrong wording of SMS concerning fines.

110 MILT JONES, COMMITTEE COUNSEL: There was a preliminary fiscal impact from the Criminal Justice Counsel.

113 REP. JOHNSTON: There was a discussion about the fiscal impact. Discusses the reason "third" instead of the second conviction was chosen, was because of the fiscal impact.

118 MILT JONES, COMMITTEE COUNSEL: Correct.

119 CHAIR PARKS: Then it won't have to go to Ways and Means?

120 REP. NAITO: That is the idea.

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

129 CHAIR PARKS: Rep. Carpenter will carry the bill.

WORK SESSION ON HB 3439

138 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 3439 creates mandatory minim sentences for listed crimes. (EXHIBITS Q, R)

148 CHAIR PARKS: The people didn't vote to make these crimes Measure 11 offenses.

151 REP. TIERNAN: I would be happy to send this bill out.

169 REP. GRISHAM: Discusses the proposed -3 amendments that he submitted, EXHIBIT R.

180 REP. BROWN: Does this include marijuana?

182 REP. GRISHAM: I believe so.

183 CHAIR PARKS: Is marijuana a controlled substance?

188 REP. GRISHAM: Currently the delivery of marijuana to a minor is a class A felony. This also addresses age difference, explains.

192 REP. PROZANSKI: Does this include anything that requires a prescription such as codeine?

196 REP. GRISHAM: The controlled substances as defined in this statute are illicit drugs and not prescription drugs.

200 REP. NAITO: If there is no prescription, then it would be covered under this bill.

201 HOLLY ROBINSON, COMMITTEE COUNSEL: This doesn't change the current law in terms of the substances that are effected, it changes the penalties. Whatever is now covered, is still covered.

206 REP. BROWN: What is the fiscal impact on this amendment? I will object

on that basis alone.

209 CHAIR PARKS: I will vote no on this amendment, explains.

219 MOTION: REP. GRISHAM: Moves to ADOPT HB 3439-3 amendments dated 04/25/95.

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

232 MOTION: REP. TIERNAN: Moves HB 3439 AS AMENDED be sent to the floor

with a DO PASS recommendation.

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

245 CHAIR PARKS: The last vote is invalidated because the technically the -3 amendments were adopted.

VOTE: 6-5 MOTION PASSES/ on -3 amendments
AYE: Carpenter, Grisham, Lewis, Qutub, Tarno, Tiernan,
NO: Brown, Johnston, Naito, Prozanski, Parks
EXCUSED: Courtney

259 MOTION: REP. TIERNAN: Moves HB 3439 AS AMENDED be sent to the floor

with a DO PASS recommendation.

262 REP. BROWN: I again want to express my objection to the bill not knowing the fiscal impact that the -3 amendments will incur.

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

285 MOTION: REP. TIERNAN: moves to AMEND HB 3439 by deleting "the -3 amendments" of the bill.

VOTE: Hearing no objections the MOTION CARRIES. Rep. Courtney is excused.

298 MOTION: REP. TIERNAN: Moves HB 3439 AS AMENDED be sent to the floor

with a DO PASS recommendation.

306 REP. GRISHAM: I will file an objection with the Chief Clerks office to make sure this can be done.

328 VOTE: 7-4 MOTION PASSES
AYE: Brown, Carpenter, Lewis, Qutub, Tarno, Tiernan, Parks
NO: Grisham, Johnston, Naito, Prozanski
EXCUSED: Courtney

337 REP. JOHNSTON: Gives notice of filing a minority report.

343 CHAIR PARKS: Adjourns the meeting at 10:50 am.

Submitted by, Reviewed by,

Sarah Watson Debra Johnson
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

A. Proposed Amendments to HB 2909 - Staff - 1 page
B. Proposed Amendments to HJR 39 - Staff - 1 page
C. Proposed Amendments to HB 2123 - Staff - 13 pages
D. Proposed Amendments to HB 2214 - Staff - 8 pages
E. Proposed Amendments to HB 2228 - Staff - 3 pages
F. Testimony on HB 2616 - Legislative Counsel - 1 page
G. Proposed Amendments to HB 2616 - Staff - 20 pages
H. Proposed Amendments to HB 2625 - Staff - 29 pages
I. Proposed Amendments summary to HB 2625 - Staff - 2 pages
J. Testimony on HB 2676 - Rep. Kevin Mannix - 1 page
K. Proposed Amendments to HB 2676 - Staff - 4 pages
L. Proposed Amendments to HB 2689 - Staff - 1 page
M. Proposed Amendments to HB 2749 - Staff - 1 page
N. Proposed Amendments to HB 2805 - Staff - 44 pages
O. Proposed Amendments to HB 2903 - Staff - 18 pages
P. Proposed Amendments to HB 2993 - Staff - 1 page
Q. Proposed Amendments to HB 3439 - Staff - 2 pages
R. Proposed Amendments to HB 3439 - Staff - 3 pages

