

HOUSE JUDICIARY
SUBCOMMITTEE ON CRIME
AND CORRECTIONS

February 1, 1995 Hearing Room 357
8:30 A.M. Tapes 13 - 14

MEMBERS PRESENT:

Rep. Veral Tarno, Chair
Rep. Floyd Prozan, Vice-Chair
Rep. Peter Courtney
Rep. Jerry Grisham
Rep. Leslie Lewis
Rep. Bryan Johnston
Rep. Kate Brown

STAFF PRESENT:

Holly Robinson, Committee Counsel
Janet Ellingsworth, Committee Assistant

MEASURES HEARD: HB 2137 - Relating to crime
 HB 2334 - Relating to crime
 HB 2338 - Relating to crime
 HB 2403 - Relating to firearms

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TAPE 13, A

OPENS the PUBLIC HEARING on HB 2334

Witnesses: Rep. Del Parks, District 53
Jack Redfield, Lieutenant, City of Klamath Falls Police Department
Bill Johnson, Lieutenant, Patrol Services Division, Oregon State Police

005 CHAIR TARNO: Convenes meeting at 8:33 A.M.

014 REPRESENTATIVE DEL PARKS, DISTRICT 53: Testimony in favor of HB 2334.
040 JACK REDFIELD, LIEUTENANT, CITY of KLAMATH FALLS POLICE ~ ,
 DEPARTMENT: Testimony in favor of HB 2334. Submits [EXHIBIT A].

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090 REP. PARKS: We had a policeman killed last year in Klamath Falls. I think this is a big deal and I expect the committee to vote this bill out.

100 REP. COURTNEY: Where in the bill is the language about the police officer being able to use deadly force?

105 REP. PARKS: Refers to counsel.

118 CHAIR TARNO: On line 9 of the bill it states mace or tear gas. Discusses difference between the two.

131 CLOSSES the PUBLIC HEARING on HB 2334
 OPENS the PUBLIC HEARING on HB 2403
 Witnesses: Rep. Avel L. Gordly, District 19
 Dr. Andy Harris, Ophthalmologist, Physicians for Social Responsibility
 Dr. Bruce Goldberg, Oregon Public Health Association
 Dr. Linda Erwin, Legacy Emanuel Trauma Service, Portland
 David DeMarkey, Chair of Oregonian's Against Gun Violence
 Rich Hein, Captain, Director of the Department of the Oregon State Police
 John Hildner, Administrator of the Oregon Health Division

137 REPRESENTATIVE AVEL L. GORDLY, DISTRICT 19: Testimony in favor of
HB 2403.

Submits EXHIBIT B].

220 REP. GORDLY: Continued testimony on HB 2403. Discusses sections of bill.

260 REP. LEWIS: You mentioned that firearms are the fifth leading cause of death for children ages 14 and under. Was that accidental death or all deaths?

265 REP. GORDLY: I believe it is all deaths.

276 DR. ANDY HARRIS, OPHTHALMOLOGIST, PHYSICIANS for SOCIAL RESPONSIBILITY: Testimony in favor of HB 2403. Submits EXHIBIT C].

318 REP. LEWIS: Are there other kinds of injuries that are suffered by young people caused by other

weapons such as knives? Wouldn't it make sense to keep statistics on those too?

325 DR. HARRIS: Yes it would. Guns are more traceable than knives because they have serial numbers.

336 REP. COURTNEY: No one is here on behalf of the Oregon Medical Association. Do you have any idea where they are going to be on this thing?

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344 DR. BRUCE GOLDBERG M.D., OREGON PUBLIC HEALTH ASSOCIATION: Submits EXHIBIT D]. I cannot speak for the Oregon Medical Association. I can tell you that four years ago the American Medical Association issued a national policy statement.

361 REP. GRISHAM: What is the current practice of reporting a homicide or injuries resulting in death?

366 DR. GOLDBERG: The information we keep is disorganized. It is not uniform and is incomplete. We can tell you the number of deaths due to homicides.

407 REP. GRISHAM: Would it be important to know the type of knife used?

412 DR. GOLDBERG: Most definitively. I think knowing information about any type of weapon is extremely important.

421 REP. GRISHAM: Currently on death certificates does it list the type of weapon that caused the injury?

428 DR. GOLDBERG: There is a coding system where one can determine the weapon used.

439 REP. GRISHAM: How are motor vehicle accidents reported?

445 DR. GOLDBERG: We get information as to what sort of vehicles have been unsafe and have caused more deaths than others.

459 DR. HARRIS: What this bill intends to do is put these statistics on firearm violence in a meaningful framework.

TAPE 14A

037 DR. GOLDBERG: I am also here on behalf of the Oregon Public Health Association.

067 CHAIR TARNO: Discusses EXHIBIT D].

069 DR. GOLDBERG: More Oregonians died of firearm injuries than diseases of the liver or the kidney.

071 CHAIR TARNO: Where did you get your data?

074 DR. GOLDBERG: Oregon Vital Statistics Data.

075 REP. GORDLY: I would like to ask Dr. Linda Erwin and David DeMarkey to
join me.

079 DR. LINDA ERVVIN M.D., LEGACY EMANUEL TRAUMA SERVICE, PORTLAND:
Testimony in favor of HB 2403.

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131 DR. ERWIN: Discusses data collection on statistics of deaths.

180 CHAIR TARNO: You said 85 percent of the people treated were indigent.

Why 85 percent?

186 DR. ERWIN: That is 85 percent nationally.

206 CHAIR TARNO: Would that apply to stab wounds?

210 DR. ERWIN: Absolutely not. Firearms create more of an extensive injury.

218 CHAIR TARNO: I was referring to the percentage of people who are able to
pay for medical

services, would that percentage be equal?

219 DR. ERWIN: I don't know the answer to that. You are not as likely to
have a \$250,000

hospital bill from a stab wound as you are from a gunshot wound.

224 REP. PROZANSKI: Refers to guns in the home.

227 DR. ERWIN: The people who are in the home with the gun have an increased
chance of

injury or death from that firearm.

233 REP. PROZANSKI: Have the statistics been broken down to the types of
firearms?

237 DR. ERWIN: In Oregon, 75 percent of those deaths are perpetrated by
handguns.

260 REP. LEWIS: Refers to public policy.

275 REP. ERWIN: What we have here is the start of a format to begin a data
collection system.

288 DAVID DeMARKEY, CHAIR of OREGONIAN'S AGAINST GUN VIOLENCE: Testimony in
favor of HB 2403.

341 REP. GRISHAM: How many homicides have been caused by automatic weapons?

348 DeMARKEY: Those records are not kept. Nationally it has been found that
assault weapons

have been involved.

395 CHAIR TARNO: Are other states also trying to gather the same type of
data that you are

proposing we do here?

399 REP. GORDLY: Our person from the State Police can address that question.

401 DR. ERWIN: Discusses First National Conference on Gun Violence in
Washington D.C.

430 REP. COURTNEY: I notice you do not have an emergency clause on this
bill, is that

because you feel you need additional time to get the word out to the
medical community?

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435 REP. GORDLY: We certainly do wish to engage the medical community in this discussion. The other thing we are missing is fiscal impact.
450 RICH HEIN, CAPTAIN, DIRECTOR of the DEPARTMENT of the OREGON STATE POLICE INVESTIGATIVE SERVICES: Testimony in favor of HB 2403. Submits EXHIBIT E].

TAPE 13, B

040 HEIN: Continued testimony.

044 REP. LEWIS: Refers to previous question regarding whether or not other states were collecting data.

046 HEIN: There is a national effort at this time. The state of California is working on collecting the same information we are.

050 REP. GORDLY: That concludes the panel of persons I have asked to testify.

066 JOHN HILDNER, ADMINISTRATOR of the OREGON HEALTH DIVISION: Testimony in support of HB 2403. Discusses some concerns in respect to HB 2403.
111 HILDNER: Discusses Rep. Minnis' bill concerning child fatalities. It deals with the broad spectrum.
138 REP. LEWIS: Do you feel it would be valuable to collect information on whether or not these kids were in foster care or homeless?
143 HILDNER: Absolutely. I think that is important data to collect.
157 REP. GRISHAM: You're not suggesting possessing firearms is an epidemic, you're suggesting violence is an epidemic? We really cannot turn everything into a disease.
167 HILDNER: We are not saying violence is a disease, but, we are saying that it would appear it is becoming an epidemic.
189 REP. GRISHAM: So you would include domestic violence, lack of two parent households and affordable housing in all those epidemics that are leading to violence?
193 HILDNER: I do think we need to look at what causes child violence.
202 REP. GRISHAM: So then would you support Rep. Lewis' suggestion on adding other types of information?

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206 HILDNER: I did not support Rep. Lewis' suggestion of adding data to the bill. What I am saying is that we have to look at the issue of child violence.

211 REP. COURTNEY: Are you saying you're opposed to some or all of page 1, lines 27 through lines 7, on page 2?

217 HILDNER: NO, I am not saying I'm opposed to collecting those items.

220 REP. COURTNEY: Are you opposed to that language being in the law?

223 HILDNER: Yes.

226 REP. GORDLY: I strongly support LC 1494, which is the child fatality tracking bill being presented by Rep. Minnis. I have signed on as a sponsor.

CLOSES the PUBLIC HEARING on HB 2403 RE-OPEN PUBLIC HEARING on HB 2334

243 BILL JOHNSON, LIEUTENANT, PATROL SERVICES DIVISION, OREGON STATE
POLICE: Testimony in favor of HB 2334.
265 REP. COURTNEY: So you are saying we need more language if we are to
include one of these
stun guns?
269 JOHNSON: Yes, I would agree with you.
271 INGRID SWENSON, OREGON CRIMINAL DEFENSE LAWYERS ASSOCIATION:
Suggests amendment to HB 2334. On line 5, after "person", add the word
"intentionally or
knowingly".
300 CLOSES the PUBLIC HEARING on HB 2334
OPENS the PUBLIC HEARING on HB 2137
Witnesses: Rick Hill, Assistant Administrator of Juvenile Corrections
Ingrid Swenson, Oregon Criminal Defense Lawyers Association
311 RICK HILL, ASSISTANT ADMINISTRATOR of JUVENILE CORRECTIONS with
CHILDREN'S SERVICES DIVISION: Submits [EXHIBIT G1. Testimony in favor of
HB 2137.
383 HILL: Discussion of Hillcrest and MacLaren, escapes and assaults.
393 REP. TARNO: This would apply to all facilities in the state of Oregon
correct?
395 HILL: Yes.
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396 REP. COURTNEY: How many walk away now?

398 HILL: In 1983, we had 58 kids escape or walk away from MacLaren. In 1993,
we got

that number down to eight.

402 REP. COURTNEY: What about Hillcrest?

406 HILL: The numbers are even smaller at Hillcrest.

409 INGRID SWENSON, OREGON CRIMINAL DEFENSE LAWYERS ASSOCIATION:
Testimony opposing HB 2137.

450 SWENSON: Continued testimony on HB 2137.

TAPE 14, B

035 CHAIR TARNO: We cannot work on this bill today. With nothing further
from the committee,
meeting is adjourned at approximately 10:00 A.M.

Submitted by, Reviewed by,
Janet Ellingsworth ra Johnson
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - Testimony on HB 2334 - Jack Redfield - 4 pages
B - Testimony on HB 2403 - Rep. Gordly - 4 pages
C - Testimony on HB 2403 - Dr. Andy Harris - 1 page
D - Testimony on HB 2403 - Dr. Bruce Goldberg - 2 pages
E - Testimony on HB 2403 - Rich Hein - 1 page
F - Letter on HB 2334 - Larry Campbell, President of the Victory Group Inc.
- 1 page
G - Testimony on HB 2137 - Rick Hill - 2 pages

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