

HOUSE JUDICIARY
SUBCOMMITTEE ON CRIME AND CORRECTIONS

Hearing Room
Tapes - 26

MEMBERS PRESENT:

Rep. Veral Tarno, Chair
Rep. Floyd Prozanski, Vice-Chair
Rep. Peter Courtney
Rep. Jerry Grisham
Rep. Leslie Lewis

STAFF PRESENT:

Holly Robinson, Committee Counsel
Janet Ellingsworth, Committee Assistant

MEASURES HEARD: Public Hearing and work session on HB 2388
 Public Hearing on HB 2432
 Public Hearing and work session on HB 2465

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 , A

006 CHAIR TARNO: Convenes meeting at 8:39 A.M.

OPENS the PUBLIC HEARING on HB 2465

Witnesses: Bill Johnson, Oregon State Police
 Paul Snider, Association with Oregon Counties (AOC)
 Representative Peter Courtney, District 33

008 BILL JOHNSON, LIEUTENANT, OREGON STATE POLICE, PATROL SERVICES DIVISION:

Testimony on HB 2465. Submits [EXHIBIT A].

045 CHAIR TARNO: On line 8, I am troubled by using the language "was physically present at".
 That seems a little vague.

050 JOHNSON: Yes, I would agree. Suggests some language.

060 ROBINSON: There was some language added to the traffic code last session that had to deal with escaping a police officer. Discusses language.

070 JOHNSON: I would be happy to help you with that.

072 REP. PROZANSKI: Regarding the language in the bill, do you know if this was modeled after any existing statutes that some other state might have adopted?

075 JOHNSON: No. It may have been modeled after HB 2011 in 1993.

080 CHAIR TARNO: Suppose we substitute the word "at" with the word "adjacent to"?

085 JOHNSON: I would think "adjacent" may create some questions as far as distance. I would be happy to research that with counsel.

090 ROBINSON: The initial way they would look at that is to use the dictionary definition of "adjacent".

099 CHAIR TARNO: I want to move this bill to the full committee if we are satisfied with the language "adjacent".

102 REP. LEWIS: Counsel, are you reading from some kind of dictionary of legal terms?

103 ROBINSON: I am reading from the criminal code.

104 REP. LEWIS: Is there a definition of "adjacent to"?

107 ROBINSON: No, I think they would use the dictionary definition.

115 REP. PROZANSKI: "Adjacent" is clearer than "at". I think it's more specific.

119 REP. LEWIS: "Adjacent" sounds good to me.

123 PAUL SNIDER, ASSOCIATION WITH OREGON COUNTIES: Testimony on HB 2465. Expresses concerns on HB 2465, HB 2432 and HB 2388.

157 CHAIR TARNO: At some point and time this will be an issue for Ways & Means.

CLOSES the PUBLIC HEARING on HB 2465
OPENS the WORK SESSION on HB 2465

171 MOTION: REP. PROZANSKI: Moves to delete the word "at" on (b), lines 7 and 8, and insert the word "adjacent to".

182 CHAIR TARNO: The adjustment would be made on line 8?

184 REP. PROZANSKI: Yes. I was looking at the word "present" on line 7, I'm not sure if we need to modify that by placing a comma there.

186 CHAIR TARNO: Would it be better to say "physically present and adjacent to"?

188 REP. PROZANSKI: Yes.

193 CHAIR TARNO: We are changing line 7 to read "motor vehicle was physically present and", on line 8, "adjacent to or in the motor vehicle when the theft occurred".

196 REP. PROZANSKI: That is correct.

198 CHAIR TARNO: Hearing no objection, the motion CARRIES.

197 MOTION: REP. PROZANSKI: Moves HB 2465 to full committee with amendments.

201 CHAIR TARNO: Hearing no objections the motion CARRIES.

CLOSES the WORK SESSION on HB 2465
OPENS the PUBLIC HEARING on HB 2432

Witnesses: Jef Faw, Budget and Finance Director of the State Court Administrator's Office
Representative John Meek, District 5

224 ROBINSON: Gives brief overview of HB 2432.

249 JEF FAW, BUDGET and FINANCE DIRECTOR of the STATE COURT ADMINISTRATOR'S OFFICE: Testimony in opposition of HB 2432. Submits[EXHIBIT C].

298 REP. PROZANSKI: Regarding the use of credit cards, are all 36 counties doing this now?

303 FAW: At the present time, none of the counties are accepting credit cards. Discusses pilot program in six counties, beginning this month.

314 REP. LEWIS: Would the counties be paying a fee for use of the credit cards?

320 FAW: Yes, there is a transaction fee of 1.65 percent of the dollar amount of the transaction.

326 REP. LEWIS: What percent of the payments received by check are insufficient funds?

333 FAW: We could do some research, but I would say it is a very small percent.

337 REP. LEWIS: Would you say that dollar amount wise, the bounced checks might offset this transaction fee?

340 FAW: My feeling is a definite yes.

342 REP. PROZANSKI: Most counties set up payment plans, is part of the intent to get beyond that?
Are we setting up an individual to be in debt at a higher percentage to some lending institution, as compared to the process that is now in place?

355 FAW: That is true, with judicial support we do accept time payments. The credit card would be one means to discharge that financial obligation.

370 REP. PROZANSKI: Are there going to be some type of rules that come out of this legislation to make sure the judiciary understands that this is an option?

377 FAW: We have written draft procedures on the use and implementation for our accounting and court staff.

390 REPRESENTATIVE JOHN MEEK, DISTRICT 5: Testimony in opposition to HB

2432.

TAPE 26, A

030 REP. MEEK: Discusses use of credit cards to pay court fines.

050 REP. LEWIS: Is it true that a number of people out there use their credit cards wisely?

055 REP. MEEK: Discusses ways to pay court fines.

066 REP. PROZANSKI: Previously I asked Mr. Faw, if we are going to have the courts strong-arming someone to use their credit card to pay court fines. He assured that the policies would be very explicit that this would

be an option within the defendant's prerogative. Would that make any difference as to your view as to how the courts are going to try to force someone to use their credit cards to pay off fines?

076 REP. MEEK: Discusses his opinion on use of credit cards.

089 REP. PROZANSKI: There are other Oregon departments that allow credit transactions.

095 REP. MEEK: I would prefer they did not do them anywhere in regard to the state.

114 REP. PROZANSKI: In reviewing ORS 1.005, it also allows for credit card transactions with security deposits. Do you believe credit card transactions should be denied?

121 REP. MEEK: Yes, very much so.

123 CHAIR TARNO: Do you have any first hand knowledge of abuse?

127 REP. MEEK: From my understanding, it is very minor.

131 REP. COURTNEY: Makes statement to Representative Meek.

144 REP. MEEK: Thank you.

151 PHIL LEMMAN, CITY of EUGENE: Testimony on HB 2432. The city is not taking a position on this bill.

171 REP. LEWIS: Did you say it was \$8,000 a month just from the credit card collections?

173 LEMMAN: Yes, that is correct.

CLOSES the PUBLIC HEARING on HB 2432
RE-OPENS the PUBLIC HEARING on HB 2465

196 REPRESENTATIVE PETER COURTNEY, DISTRICT 33: Testimony in favor of HB 2465. Submits [EXHIBIT B].

CLOSES the PUBLIC HEARING on HB 2465
OPENS the PUBLIC HEARING on HB 2388

Witnesses: Mark McDonnell, Deputy District Attorney, Multnomah County

242 MARK MCDONNELL, DEPUTY DISTRICT ATTORNEY, MULTNOMAH COUNTY: Testimony in favor of HB 2388.

303 REP. PROZANSKI: I assume this will be a class A felony. Why an A verses a B?

318 MCDONNELL: I do not know why. I think it limits the transactions to over \$10,000 for the crime of laundering. Discusses RICO statute.

329 REP. PROZANSKI: I want to make sure we have the correct penalty that we need to enforce the law and make it effective.

332 MCDONNELL: Makes statement as to aggravating factors.

335 REP. PROZANSKI: Regarding sentencing guidelines, where do you envision this to fall within the guidelines?

337 MCDONNELL: I would assume it would be somewhere in a category 10 offense, but it may be 9.

335 CHAIR TARNO: On page 2 of the bill, lines 37 through 40, does that say the moneys to be used to hire an attorney could not be touched?

343 MCDONNELL: Using what might be illegal proceeds to hire an attorney is not in itself the type of situation that would bring them within the perviews of this particular law.

366 REP. COURTNEY: Discusses classifications of crime.

380 MCDONNELL: If the car jacking involved a deadly weapon, that would be robbery in the first degree, a class A felony.

CLOSES the PUBLIC HEARING on HB 2388
OPENS the WORK SESSION on 2388

TAPE 25, B

015 REP. PROZANSKI: I would like to discuss the level of the crime.

051 CHAIR TARNO: Level 9 would be a class B felony?

054 REP. PROZANSKI: I have not done much in the "person felony" section, so I'm not sure if there is a designation.

058 MCDONNELL: Explains the guidelines chart.

063 REP. COURTNEY: Discusses his position on the bill.

070 REP. LEWIS: The testimony we had, that this has to do with organized crime and potentially drug dealing, were dealing with the people who have managed to keep there hands clean.

097 CHAIR TARNO: Mr. McDonnell, have you had a chance to look the schedule over?

099 MCDONNELL: Yes. Discusses sentencing guidelines grid.

108 REP. PROZANSKI: On the back side it has the different charts for the drug offenses.

111 MCDONNELL: The top end of a drug case is a level 8.

113 CHAIR TARNO: In your experience as a prosecutor, how many cases like this have you handled?

117 MCDONNELL: Myself, I have handled two of these cases.

125 CHAIR TARNO: They're fairly rare, aren't they?

126 MCDONNELL: Yes. Our office handles maybe two racketeering cases a year.

128 REP. PROZANSKI: I'm willing to let this go to full committee as a class A felony.

142 MOTION: REP. COURTNEY: Moves HB 2388 to the full committee with a do pass recommendation.

145 CHAIR TARNO: Hearing no objections the motion CARRIES.

CLOSES the WORK SESSION on HB 2388
RE-OPENS the WORK SESSION on HB 2465

154 CHAIR TARNO: We will open the work session on HB 2465 to allow Rep. Courtney to state his vote.

158 REP. COURTNEY: AYE.

CLOSES the WORK SESSION on HB 2465

162 CHAIR TARNO: With nothing further from the committee, the meeting is adjourned.

Submitted by, Reviewed by,

Janet Ellingsworth Debra Johnson
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

A - Testimony on HB 2465 - Johnson - 3 pages

B - Testimony on HB 2465 - Rep. Courtney - 2 pages

C - Testimony on HB 2432 - Faw - 2 pages

D - Proposed -1 amendments - HB 2465 - Staff - 1 page