

HOUSE JUDICIARY
SUBCOMMITTEE ON CRIME AND CORRECTIONS

Hearing Room
Tapes - 53

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 on HB 3023
 Public Hearing on HB 3377

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

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

OPENS the PUBLIC HEARING on HB 3023

006 REPRESENTATIVE FLOYD PROZANSKI, DISTRICT 40: Testimony on HB 3023.
 [EXHIBIT B]

042 WAYNE ALLEN, MUNICIPAL COURT JUDGE, EUGENE: Testimony on HB 3023.
 Submits [EXHIBIT A].

067 CHAIR TARNO: Is there any kind of an agreement between yourselves and the state on reimbursement of fees?

070 ALLEN: No, it is the city's obligation entirely.

072 CHARLES RYER, LANE COUNTY YOUTH SERVICES: Testimony on HB 3023.
 Submits [EXHIBIT C]

099 VIC MANN, LIEUTENANT, POLICE DEPARTMENT, EUGENE: Testimony on HB 3023.

131 REP. LEWIS: What is the difference between juvenile court and
municipal court, and why are
the youth going to feel like it's a tougher system if they go through
municipal court?

134 JUDGE ALLEN: The problem is that they don't go through the juvenile
court system, their
crime is never adjudicated, they are never found guilty or not guilty and
their never given any punishment.

151 RYER: We do not intervene until the third offense unless the value of
the property involved is more than \$750.

164 REP. LEWIS: So at the third offense you do adjudicate them then in
juvenile court?

167 RYER: Not necessarily. What the system provides is that we can make
disposition either by prosecution or by what's called a consent agreement.

177 CHAIR TARNO: If the court is given authority to hold parents
accountable for the actions of those juveniles financially, who would
receive those funds back from the parents?

183 JUDGE ALLEN: I don't know the answer to that.

189 RYER: As far as the Circuit court is concerned, the position is if
there are fines imposed by the court, that becomes revenue of the court,
not of the county.

184 CHAIR TARNO: Does this bill address that particular issue?

190 REP. PROZANSKI: This would be similar to the automatic remand for
juveniles on traffic crimes.

203 CHAIR TARNO: Is this an issue we need to look at as an inclusion in
the bill?

206 REP. PROZANSKI: I don't think so, because my understanding is that the
system is already set up to deal where young people are remanded.

210 MANN: The difference would be that Municipal court would be
responsible for administering restitution.

214 ROBINSON: There are special rules about how fines and bails are
distributed.

221 CHAIR TARNO: My concern is that Municipal court may be sharing a large
portion of the costs.

230 RANDY LUNSFORD, CHIEF OF POLICE CITY OF SILVERTON: Testimony in favor
of HB 3023.

264 CHAIR TARNO: Does your city have a curfew law?

266 LUNSFORD: We do have a curfew law, yes.

267 CHAIR TARNO: Is it currently being enforced?

270 LUNSFORD: It is being enforced.

271 CHAIR TARNO: Would this bill help you in that respect?

273 LUNSFORD: I don't believe this bill would help because it would not got to the Municipal court.

273 INGRED SWENSON, OREGON CRIMINAL DEFENSE LAWYERS ASSOCIATION: Testimony in opposition to HB 3023.

336 TIMOTHY TRAVIS, JUVENILE RIGHTS PROJECT, INC.: Testimony on HB 3023.

CLOSES the PUBLIC HEARING on HB 3023

OPENS the PUBLIC HEARING on HB 3377

421 REPRESENTATIVE CHUCK CARPENTER, DISTRICT 7: Testimony on HB 3377.

TAPE 53, A

034 REP. LEWIS: Do you know if the penalties your proposing in this bill for cruelty to animals are greater or lesser than cruelty to human beings?

036 REP. CARPENTER: It was brought to my attention that, in reference to child abuse, what we're proposing here in terms of penalties are stiffer than what the current state laws are for child abuse.

042 CHAIR TARNO: CANCELS the PUBLIC HEARING on HB 2903.

050 SHARON HARMON, OPERATIONS DIRECTOR, OREGON HUMANE SOCIETY: Testimony on HB 3377. [EXHIBITS D, E and F]

133 ERIC SAKACH, INVESTIGATOR, THE HUMANE SOCIETY OF THE UNITED STATES: Testimony on HB 3377. [EXHIBIT G & H]

196 MARK WILLIAMSON, SUPERVISOR, INVESTIGATIONS DEPARTMENT for the OREGON HUMANE SOCIETY: Testimony on HB 3377.

291 CHAIR TARNO: In your opinion which is worse, incest or a class B felony for cruelty to animals?

312 REP. PROZANSKI: I signed on to this bill, but I share the some of the concerns as the Chair. in reference to a class B felony. What is your position as to dropping this from a class B felony to a class C felony?

323 HARMON: I would like to defer the answering of that question to Mr. Charles Turner.

328 REP. PROZANSKI: Looking at the bill, there appears to be concern on line 11, page 2, reflecting "inflicts pain or suffering on an animal" as being very broad.

346 HARMON: We put a lot of thought and research into this. With respect to page 2, line 11, we have had cases dismissed, specifically horse cases.

363 REP. PROZANSKI: On the same page line 9, talking about the different mental elements, the insertion of criminal negligence, I have received phone calls regarding that being the threshold.

Do you believe we need to drop the mental element to criminal negligence

level?

375 HARMON: I would like to refer that to Mr. Charles Turner and Mr. Joshua Marquis.

381 REP. GRISHAM: I'm concerned where it crosses the line into livestock.

If you were to approach a dog and put a rope around it's neck and pull it off it's feet, would you think that would be cruel?

388 HARMAN: No, I would not.

396 REP. GRISHAM: So then your not opposed to roping?

400 HARMON: That is considered an animal huSB andry practice, it's acceptable within the livestock industry.

404 REP. GRISHAM: If it were to happen to a different type of animal rather than a calf?

408 HARMON: I think it would be offensive if we had a great Great Dane roping contest, I think our community would be offended.

410 REP. GRISHAM: Are you opposed to branding?

411 HARMON: There are other methods.

415 REP. GRISHAM: Currently Oregon law enables someone who observes dogs or other animals chasing livestock to shoot them on site. Do you find that would inflict pain or suffering?

418 HARMON: That would not be covered under this bill because it is a lawful provided activity.

424 REPRESENTATIVE TIM JOSI, DISTRICT 2: Testimony on HB 3377. [EXHIBIT I]

TAPE 52, B

030 REP. JOSI: I want to protect programs like rodeos.

071 REPRESENTATIVE TONY FEDERICI, DISTRICT 1: Testimony on HB 3377.

138 JUDGE CHARLES TURNER, CIRCUIT COURT : Testimony in favor of HB 3377. Submits and discusses [EXHIBIT J].

171 JOSH MARQUIS, DISTRICT ATTORNEY, CLATSOP COUNTY: Testimony in favor of HB 3377. Submits [EXHIBIT K].

232 SUSAN MENTLEY, ANIMAL CARE DIRECTOR, HUMANE SOCIETY DIRECTOR: Testimony in favor of HB 3377. Submits [EXHIBIT L].

283 DR. RONALD TURKO, PHYSICIAN: Testimony in favor of HB 3377. Submits and discusses [EXHIBIT M].

359 JOHN MCCULLEY, OREGON FAIRS ASSOCIATION: Testimony in opposition to HB 3377. Submits [EXHIBIT N].

425 MARK SCHUMACHER, NATIONAL ANIMAL INTEREST ALLIANCE: Testimony in opposition to HB 3377. [EXHIBIT O]

TAPE 53, B

028 ROD HARDER, OREGON TERRITORIAL COUNCIL on FUR: Testimony in opposition to HB 3377. Submits [EXHIBIT P].

059 BILL PERRY, DIRECTOR, GOVERNMENT AFFAIRS, OREGON FARM BUREAU: Testimony in opposition to HB 3377.

075 REP. PROZANSKI: If your specific concerns are addressed would you support the bill?

077 MCCULLEY: If we could get some language that is acceptable, we would not oppose it.

083 CINDY ZIEL, OREGON PET INDUSTRY ASSOCIATION: Testimony on HB 3377.

088 DANNIE WILKY, OREGON VETERINARY ASSOCIATION: Testimony on HB 3377.

099 CHAIR TARNO: With nothing further from the committee the meeting is adjourned at 10:05 A.M.

Submitted by, Reviewed by,

Janet Ellingsworth	Debra Johnson
Committee Assistant	Committee Coordinator

EXHIBIT SUMMARY:

A - Testimony on HB 3023 - Allen - 1 page
B - Proposed amendments - Staff - 1 page
C - Testimony on HB 3023 -Ryer - 1 page
D - Testimony on HB 3377 - Harmon - 2 pages
E - Photo booklet on HB 3377 - Harmon - 6 pages
F - Testimony on HB 3377 - Harmon - 2 pages
G - Testimony on HB 3377 - Sakach - 1 page
H -Testimony on HB 3377 - Lockwood - 3 pages
I - Testimony on HB 3377 - Josi - 2 pages
J - Testimony on HB 3377 - Turner - 11 pages
K - Testimony on HB 3377 - Marquis - 2 pages
L - Testimony on HB 3377 - Mentley - 1 page
M - Testimony on HB 3377 - Turko - 6 pages
N - Testimony on HB 3377 - McCulley - 1 page
O - Testimony on HB 3377 - Schumacher - 2 pages
P - Testimony on HB 3377 - Harder - 3 pages
Q - Testimony on HB 3377 - Mathews - 1 page
R - Testimony on HB 3377 - Frasch - 2 pages
S - Testimony on HB 3377 - Marx - 1 page
T - Testimony on HB 3377 - Bird - 2 pages
U - Testimony on HB 3377 - Hays - 2 pages
V - Testimony on HB 3377 - Kelly - 1 page
W - Testimony on HB 3377 - Krieg - 1 page

X - Testimony on HB 3377 - Brittain - 2 pages

Y - Testimony on HB 3377 - Unknown - 2 pages