

HOUSE JUDICIARY
SUBCOMMITTEE ON CRIME AND CORRECTIONS

Hearing Room
Tapes - 57

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:

Work Session on HB 2524
Work session on HB 2160
Work session on HB 3023
Public hearing on HB 3250
Public hearing on HB 3251
Public hearing and work session on HB 3304

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 WORK SESSION on HB 2524

006 ROBINSON: Submits the -3 amendments [EXHIBIT A] to HB 2524.

008 REPRESENTATIVE GEORGE EIGHMEY, DISTRICT 14: Testimony on HB 2524.

031 REP. GRISHAM: Are you satisfied with the amendments?

034 REP. EIGHMEY: Yes, I am very satisfied with the amendments.

036 MOTION: REP. GRISHAM: Moves to adopt the -3 amendments.

038 CHAIR TARNO: The motion CARRIES.

040 MOTION: REP. GRISHAM: Moves HB 2160 to the full committee with a do
pass recommendation.

042 VOTE: In a roll call vote all members vote AYE. REP. LEWIS is
EXCUSED.

045 CHAIR TARNO: The motion CARRIES.

CLOSES the WORK SESSION on HB 2524

OPENS the WORK SESSION on HB 2160

053 ROBINSON: Brief overview of HB 2160. [EXHIBIT B]

074 MOTION: REP. COURTNEY: Moves -6 amendments to HB 2160.

078 CHAIR TARNO: The motion CARRIES.

080 MOTION: REP. COURTNEY: Moves HB 2160 as amended to the full
committee with a do pass recommendation.

082 VOTE: In a roll call vote all members are present and vote AYE.

085 CHAIR TARNO: The motion CARRIES.

CLOSES the WORK SESSION on HB 2160

OPENS the WORK SESSION on HB 3023

087 ROBINSON: Gives overview of HB 3023. [EXHIBIT C]

098 MOTION: REP. PROZANSKI: Moves the -1 amendments to HB 3023.

100 CHAIR TARNO: The motion CARRIES.

102 MOTION: REP. PROZANSKI: Moves HB 3023 as amended to the full

committee with a do pass recommendation.

103 VOTE: In a roll call vote all members are present and vote AYE.

106 CHAIR TARNO: The motion CARRIES.

CLOSES the WORK SESSION on HB 3023

OPENS the PUBLIC HEARING on HB 3250, HB 3251

131 REPRESENTATIVE JERRY GRISHAM, DISTRICT 23: Overview of HB 3250 and
3251. [EXHIBITS S, T and U]

211 CHAIR TARNO: Referring to the packet you have, is it your intent to
make copies and distribute them to the committee?

215 REP. GRISHAM: Yes, I will submit those.

218 JOHN COGGINS, CITY OF WOODBURN: Testimony on HB 3250 and HB 3251.
[EXHIBIT D]

311 CHAIR TARNO: Referring to the marijuana plants, you told the committee
they take away the female, they actually take away the male.

319 COGGINS: That is correct.

376 AMBER DEFOE: Testimony on HB 3251. [EXHIBIT E]

TAPE 55 A

025 JODY CAMPBELL: Testimony on HB 3251. [EXHIBIT F]

075 MICHAEL CAHILL, CHIEF of POLICE, JUNCTION CITY: Testimony on HB 3251.
[EXHIBITS G & H]

195 CAHILL: Discusses [EXHIBIT H].

198 CHAIR TARNO: We are also talking about HB 3250, what are your thoughts
on HB 3250.

202 CAHILL: I'm opposed to HB 3250.

206 CHAIR TARNO: Is the Chief's Association opposed to HB 3250?

208 CAHILL: I personally am opposed to it but the Chief's Association is
for it.

215 REP. GRISHAM: If you would ask counsel to send word to Senator Miller,
he would like to testify on this bill. Submits [EXHIBIT I].

229 REP. PROZANSKI: You related to this committee about a report that one
of your officer's prepared on this sell that was outside the school. I
would like to see that report.

236 COGGINS: I have a copy of that report but it is still an open case so
I don't want to discuss the names on it. Discusses report.

270 REP. PROZANSKI: Refers to [EXHIBIT G].

285 CAHILL: When looked at closely, one thing the traffic infractions have
that this does not, is a social impact.

300 REP. PROZANSKI: But it is true that a judge would take those things
into consideration in assessing the penalty of the fine, correct?

305 CAHILL: I don't try to second guess a judge.

312 SANDRA BENNETT, DRUG WATCH INTERNATIONAL: Testimony on HB 3250 and
HB 3251. [EXHIBIT J & K and P]

TAPE 54 B

020 REP. PROZANSKI: You said "children who are exposed to the use of
alcohol or marijuana are four times greater risk of having a weapon at
school", what study did that come from?

025 BENNETT: Yes. It's from the Center for Disease Control for Oregon.

030 CHAIR TARNO: You indicated that 50 percent of the donor kidney's were
going to drug abusers, what kind of drug abuse?

034 BENNETT: All kinds of different drugs.

036 CHAIR TARNO: Was there a study done on that?

038 BENNETT: Approximately 50 percent of kidney's are going to people
who's kidney's quit functioning because of their drug use.

040 REP. PROZANSKI: In your testimony you said "substance abuse" now your
saying "drug use".

043 BENNETT: That is mostly the liver. This has to do with substance
abuse.

052 LAIRD FUNK: Testimony in opposition to HB 3250 and HB 3251.

141 CHAIR TARNO: I've known Laird for a number of years and we've talked
about this issue before.

143 T.D. MILLER, DIRECTOR of PORTLAND NORML: Testimony in opposition o HB
3250 and HB 3251. [EXHIBIT L]

248 BARRY JOE STULL, PORTLAND NORML: Testimony in opposition to HB 3251
and HB
3250.

337 MILLER: Discusses report. [EXHIBIT L]

351 CHAIR TARNO: What is the source of your information?

356 MILLER: The Portlander.

370 BRADD A. SWANK, STATE COURT ADMINISTRATORS OFFICE: Testimony to HB 3250
and HB 3251. [EXHIBIT M]

TAPE 55, B

035 ROGER BURT: Testimony on HB 3250 and 3251. [EXHIBIT U]

068 JEFF KUSHNER, OFFICE of ALCOHOL and DRUG ABUSE, DEPARTMENT OF HUMAN
RESOURCES: Testimony to HB 3250 and HB 3251. [EXHIBIT N]

105 REP. PROZANSKI: I'm looking at attachment D, based on this it seems to
me we need to go with total prohibition including criminalizing the use of
alcohol.

112 KUSHNER: No, we don't.

117 REP. PROZANSKI: Because of the health concerns and the problems that
we're having, do you believe that alcohol use should be condoned by the
state?

120 KUSHNER: I don't think alcohol use should be condoned by the state.

125 CHAIR TARNO: Refers to [EXHIBIT N]. When your drawing a correlation
between the preference of alcohol and marijuana, you've got twice as many
kids using pot as compared to alcohol.

134 KUSHNER: That's what the data says.

136 REP. PROZANSKI: That's based on admissions into some type of treatment
program?

138 KUSHNER: Admissions into publicly funded treatment programs.

147 CHRIS IVERSON: Testimony in opposition to HB 3250 and HB 3251.

171 CHAIR TARNO: We are not discussing legalization here. We're talking
about an increase or modifications in the penalties and fines.

185 IVERSON: Discusses the internet.

260 SANDEE BURBANK: Testimony on HB 3250 and HB 3251. [EXHIBIT O]

360 CHAIR TARNO: Is Wasco County going to go for a levy again?

370 BURBANK: We've gone for 3 levy's now.

389 MARK BROWN: Testimony in opposition to HB 3250 and HB 3251.

412 JACK THOMAS: Testimony on HB 3250 and HB 3251.

TAPE 56, A

030 CHAIR TARNO: Takes 10 minute recess.

RE-OPENS the PUBLIC HEARING on HB 3250 and HB 3251

042 GARY SHAPERO: Testimony in opposition to HB 3250 and HB 3251.

074 DOUG HOFFMAN, OREGON COUNCIL OF POLICE: Testimony to HB 3251.
[EXHIBIT R]

113 ROBERT MILLER, LIEUTENANT POLICE OFFICER: Testimony to HB 3251.
[EXHIBIT Q]

187 CHAIR TARNO: There are several drug task forces in the state of
Oregon. They all send samples of cannabis to a testing location back east,

where is that?

191 MILLER: I believe that is the University of Tennessee.

193 CHAIR TARNO: What is the highest THC content that has come back to your knowledge?

195 MILLER: The highest level that I know of was 23 percent.

202 DAVID BOND: Testimony to HB 3251. [EXHIBIT V]

316 JIM ARENSON, OREGON CRIMINAL DEFENSE LAWYERS ASSOCIATION: Testimony on HB 3244 and HB 3251.

442 DAVID FIDANQUE, AMERICAN CIVIL LIBERTIES UNION of OREGON (ACLU): Testimony in opposition to HB 3250 and 3251.

TAPE 57, A

062 REP. GRISHAM: If a police officer were to run out of violation books, only had one ticket left, and 14 people ran a stop light in front of him, would you advocate then that the other 13 go free?

066 ARNESON: I don't know how to answer that. It is a policy decision.

078 REP. GRISHAM: Would you say that it's good public policy to decide right or wrong based on the amount of money we have to spend?

080 ARNESON: I don't know if it's good public policy, but it is something that you as legislators do every day.

090 PAUL SNIDER, ASSOCIATION OF OREGON COUNTIES: Testimony on HB 3250 and HB 3251.

114 PATRICIA O'BRIEN: Testimony in opposition to HB 3251.

140 JEFF MANDALIS: Testimony in opposition to HB 3251.

166 CHAIR TARNO: Can you give me the figures again of the percentage of pot smokers in Oregon?

167 MANDALIS: It was quoted earlier today at twice the number, and I don't remember.

CLOSES the PUBLIC HEARING on HB 3250, HB 3251

OPENS the PUBLIC HEARING on HB 3304

185 COURTLAND GUYER, DEPUTY DISTRICT ATTORNEY, MARION COUNTY, OREGON DISTRICT ATTORNEY'S ASSOCIATION: Testimony in support of HB 3304.

208 REP. PROZANSKI: In looking for the new language that would go for harassment under subsection 4, line 19, I understand it to say that this would be sex abuse in the third degree, correct?

211 GUYER: It would basically be sex abuse in the third degree without the state having to prove the element that the touching was done for the purposes of sexual gratification.

233 REP. PROZANSKI: Discusses ORS 163.415.

239 GUYER: Yes, that is correct.

243 REP. PROZANSKI: My concern is that we're getting away from having someone convicted of a sex offense and relying on a harassment which is not going to have the end result that I think we as a public would want to have.

255 GUYER: Explains purpose of the law.

269 REP. PROZANSKI: The point is we can do that now under the existing harassment law.

274 GUYER: It does alleviate not only the maximum punishment, but it would have to be included in the charging instrument separately.

295 CHRIS BARDNER, CHILDREN AND JUSTICE ACT TASK FORCE: Testimony in support of SB 3304.

313 CHAIR TARNO: Could that also be pinching the derriere?

315 BARDNER: It could. Gives definition of "intimate part".

351 REP. PROZANSKI: How often have you gone before a judge or jury and not been able to prove the last part of the element for sexual contact for gratification?

357 BARDNER: I have not had it happen often.

387 REP. PROZANSKI: Do you think this is just another tool? Do we really
need it?

400 BARDNER: It will be a tool that will avoid trials and we will get
simple harassment pleas.

403 REP. PROZANSKI: Under the proposal this would have to be affirmatively
clad?

409 BARDNER: Yes, it would add a new element.

CLOSES the PUBLIC HEARING on HB 3304
OPENS the WORK SESSION on HB 3304

TAPE 56, B

012 REP. GRISHAM: Is there any impact on the court system?

014 CHAIR TARNO: Your talking about going from a class B to a class A.

021 MOTION: REP. PROZANSKI: Moves HB 3304 to the full committee with a
pass recommendation.

do

023 VOTE: In a roll call vote all members present vote AYE. REP. COURTNEY

is EXCUSED.

026 CHAIR TARNO: The motion CARRIES.

040 CHAIR TARNO: With nothing further from the committee the meeting is
adjourned at 11:40.

Submitted by, Reviewed by,

Janet Ellingsworth	Debra Johnson
Committee Assistant	Committee Coordinator

EXHIBIT SUMMARY:

A - Proposed amendments to HB 2524-Staff-5 pages
B - Proposed amendments to HB 2160-Staff-3 pages
C - Proposed amendments to HB 3023-Staff-1 page
D - Testimony to HB 3250 & HB 3251-Coggins-26 pages
E - Testimony to HB 3251-Defoe-8 pages
F - Testimony to HB 3251-Campbell-3 pages
G - Testimony to HB 3251-Cahill-5 pages
H - Chart to HB 3251-Cahill-2 pages
I - Testimony to HB 3250 & HB 3251-Grisham-1 page
J - Testimony to HB 3251-Rao-1 page
K - Testimony to HB 3251-Bennett-2 pages
L - Testimony to HB 3251-Miller-1 page
M - Testimony to HB 3250 & HB 3251-Swank-4 pages
N - Testimony to HB 3250 & HB 3251-Kushner-6 pages
O - Testimony to HB 3250 & HB 3251-Burbank-5 pages
P - Testimony to HB 3250 & HB 3251-Bennett-8 pages
Q - Testimony to HB 3251-Miller-2 pages
R - Testimony to HB 3251-Hoffman-1 page
S - Testimony to HB 3250 & HB 3251-Grisham-2 pages
T - Testimony to HB 3250 & HB 3251-Grisham-8 pages
U - Testimony to HB 3251-Burt-1 page
V - Testimony to HB 3251-Bond-1 page
U - Testimony to HB 3251 - Grisham -49 pages