

SENATE COMMITTEE ON
JUDICIARY

Hearing Room
Tapes - 153

MEMBERS PRESENT:
SEN. NEIL BRYANT, Chair
SEN. KEN BAKER
SEN. JEANNETTE HAMBY
SEN. DICK SPRINGER
SEN. SHIRLEY STULL

MEMBER EXCUSED:

SEN. RANDY MILLER, Vice-Chair
SEN. PETER SORENSON

STAFF PRESENT:
BILL TAYLOR, Committee Counsel
DIANE DUSSLER, Committee Assistant

MEASURES HEARD:

HB 2357 - PUBLIC HEARING
HB 2378 - PUBLIC HEARING
HB 3345 - PUBLIC HEARING
HB 2351 - PUBLIC HEARING

HB 2163 - WORK SESSION
HB 3345 - 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 , A

003 CHAIR BRYANT: Calls the meeting to order at 3:00 p.m.

Opens PUBLIC HEARING on HB 2357

WITNESSES: Rep. Lisa Naito, District 15

00 REP. LISA NAITO, District 15: Testifies and submits written testimony in support of HB 2357 [EXHIBIT A]. Submits testimony from Marcia Martin [EXHIBIT B]. Submits testimony from Darlene Grover [EXHIBIT C].
043 - explains differences between House and Senate bills

Closes PUBLIC HEARING on HB 2357

Opens PUBLIC HEARING on HB 2351

WITNESSES: Rep. Kevin Mannix, District 32
Jennifer Martin, Assistant Attorney General
Daina Vitolins, ODAA
Paul Frasier, District Attorney, Coos County

065 REP. KEVIN MANNIX, District 32: Testifies in support of HB 2351.

110 JENNIFER MARTIN, Assistant Attorney General: Testifies and submits written testimony in support of HB 2351 [EXHIBIT D].

137 DAINA VITOLINS, Oregon District Attorneys Association: Testifies in support of HB 2351.

140 PAUL FRASIER, District Attorney, Coos County: Testifies in support of HB 2351.

160 - explains what forfeiture money is used for

170 MARTIN: Responds to Sen. Springer's inquiry on whether civil and criminal

cases are tried together.
190 - responds to Mr. Taylor's inquiry on what happens if defendant is found

not guilty of criminal charge

Closes PUBLIC HEARING on HB 2351

Opens PUBLIC HEARING on HB 2378

WITNESSES: Rep. Lynn Lundquist, District 59

229 REP. LYNN LUNDQUIST, District 59: Testifies in support of HB 2378.
263 - responds to Sen. Springer's inquiry on recreating bounty hunters
300 - responds to Sen. Springer's inquiry on bill covering shop lifters

Closes PUBLIC HEARING on HB 2378

Opens PUBLIC HEARING on HB 3345

WITNESSES: Rep. Joan Lokan, District 25
Ben Schellenberg, Superintendent North Clackamas Schools
Mike Ramsey, Sergeant, Oregon State Police, Violent Offender Section
Faye Fagel, Department of Corrections
Ingrid Swenson, Oregon Criminal Defense Lawyer's Association

310 REP. JOAN LOKAN, District 25: Testifies and submits written testimony
on HB 3345 [EXHIBIT E]..

350 BEN SCHELLENBERG, Superintendent, North Clackamas Schools: Testifies in
support of HB 3345.

400 LOKAN: Responds to Chair Bryant's inquiry on offenders who commit
crimes out of state and move to Oregon.

460 MIKE RAMSEY, Sergeant, Oregon State Police, Investigative Services
Division, Violent Offender Section: Testifies and submits written
testimony in support of HB 3345 [EXHIBIT F].

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050 - continues
085 - responds to Sen. Hamby's inquiry on informing convicted
sex offenders that registration is required upon moving to Oregon
100 - describes how other states inform people moving to the state on
registration requirements
150 - responds to Mr. Taylor's inquiry on who would make the determination
on sex crimes

158 FAYE FAGEL, Director Polk, Tillamook, Clatsop, Columbia County Community

Corrections; Coordinator Sex Offender Supervision Network: Testifies and
submits written testimony in support of HB 3345 [EXHIBIT G].

185 INGRID SWENSON, Oregon Criminal Defense Lawyer's Association: Testifies

and submits written testimony with proposed conceptual amendment on HB 3345

[EXHIBIT H].

233 - suggests deleting Section 12 repealing sunset
265 - suggests language for Section 5, page 2, line 28, for handling "a
person who has knowledge of the registration requirements and fails to

make the initial registration" and same language in line 34
290 - responds to Sen. Baker's inquiry on what elements constitute a crime
as you need some way to delineate what out of state offenses count as
priors

320 FAGEL: Responds to Mr. Taylor's inquiry on differences between active
and inactive supervision.

350 - responds to Mr. Taylor's inquiry that current law covers people who
are under supervision

Closes PUBLIC HEARING on HB 3345

Opens WORK SESSION on HB 3345

395 MOTION: CHAIR BRYANT: Moves to ADOPT an amendment to HB 3345 to add
language "a person who has knowledge of the registration requirements and
fails to make the initial registration" to Section 5, at lines 28 and 34.

400 VOTE: Hearing no objections, the amendments are ADOPTED. All members present vote AYE.

410 RAMSEY: Responds to Chair Bryant's inquiry on the sunset provision.
450 - responds to Chair Bryant's inquiry on how many people the conceptual amendment will affect

470 SWENSON: My amendments is limited to changes in the offenses.

TAPE 150, A

063 CHAIR BRYANT: Expresses concern with conceptual amendment and states he will not move it.

071 MOTION: CHAIR BRYANT: Moves HB 3345 AS AMENDED be sent to the Floor with a DO PASS recommendation.

072 VOTE: Hearing no objections, the motion CARRIES. All members present vote AYE.

Sen. Stull will carry the bill to the Floor.

Closes WORK SESSION on HB 3345

Re-opens PUBLIC HEARING on HB 2351

WITNESSES: George Stevenson, Assistant Attorney, City of Salem
Jacqueline Zimmer, Counselor, City of Salem
David Fidanque, Executive Director, American Civil Liberties Union
Shawn McCrea, Oregon Criminal Defense Lawyer's Association

085 GEORGE STEVENSON, Assistant Attorney, City of Salem: Testifies and submits written testimony in support of HB 2351 [EXHIBIT L].
116 - City of Salem would like an emergency clause

122 JACQUELINE ZIMMER, Counselor, City of Salem: Testifies in support of HB

2351.
146 - sees this as a rehabilitation tool

157 DAVID FIDANQUE, Executive Director, American Civil Liberties Union: Testifies in opposition to HB 2351.
170 - expresses concern that this is an unconstitutional issue
200 - state and local agencies want criminal prosecution based on lower standard of proof
222 - opposes removal of sunset provision

226 SHAWN MCCREA, Oregon Criminal Defense Lawyer's Association: Testifies in opposition to HB 2351.
260 - different burdens of proof are required in criminal proceedings and civil forfeiture
300 - bill isn't necessary

Closes PUBLIC HEARING on HB 2351

Re-opens PUBLIC HEARING on HB 2357

WITNESSES: Chuck Seeley
Kathy Norman, Junior League of Women
Barbara Hansen, Child Support for Children
Larry Redler
Dave Marsh
Robin Jacobson
Mary Ann Meyer Santana
Walter Walker, Concerned Citizens against HB 2357
Michael Fogle
Mark Wiener, Multnomah County
David Nebel, Oregon Legal Services
Laurie Wimmer, Commission for Women
Russ Lipetzky, Family and Juvenile Law Section, Oregon State Bar
John Ellis, Support Division, Department of Justice
Richard Grady

330 CLARK SEELEY: Testifies and submits written testimony in opposition to HB 2357 [EXHIBIT I].
380 - continues
430 - continues

460 KATHY NORMAN, Junior League of Women: Testifies in support of HB 2357 [EXHIBIT J].

TAPE 151, B

050 BARBARA HANSEN, Child Support for Children: Testifies in support of HB 2357 [EXHIBIT K].

100 LARRY REDLER: Testifies in opposition to HB 2357.

138 DAVE MARSH: Testifies and submits written testimony in opposition to HB 2357 [EXHIBIT M].
188 - continues

200 ROBIN JACOBSON: Testifies and submits written testimony in support of HB 2357 [EXHIBIT N]. Submits testimony from Barry Jacobson [EXHIBIT O].
250 - continues
270 - supports bill as it has individual review of cases

315 MARY ANN MEYER SANTANA: Testifies and submits written testimony in support of HB 2357 [EXHIBIT P].
370 -continues

430 WALTER WALKER, Concerned Citizens against HB 2357: Testifies and submits written testimony in opposition to HB 2357 [EXHIBIT Q].
490 - continues

TAPE 152, A

050 - continues
100 - continues

146 LAYNE BARLOW, Oregon Men's PAC: Testifies and submits written testimony in opposition to HB 2357 [EXHIBIT R].

210 MICHAEL FOGLE: Testifies and submits written testimony in opposition to HB 2357 [EXHIBIT S].
260 - continues

325 MARK WIENER, Multnomah County: Testifies and submits written testimony in support of HB 2357 [EXHIBIT T].

364 DAVID NEBEL, Oregon Legal Services: Testifies in support of HB 2357 [EXHIBIT X].

409 LAURIE WIMMER, Commission for Women: Testifies and submits written testimony in support of HB 2357 [EXHIBIT Z].

445 RUSS LIPETZKY, Family and Juvenile Law Section, Oregon State Bar: Testifies in support of HB 2357.

TAPE 153, A

045 - would not object to an amendments for deletion of provision that prohibits hardship permits

080 JOHN ELLIS, Child Support Enforcement, Department of Justice: Testifies in support of HB 2357 [EXHIBIT Y]. Responds to Chair Bryant's inquiry on temporary hardship permits.

105 - discusses which method Chair would prefer to use in suspending driver's licenses
140 - discusses payment agreements on hardship cases

170 RICHARD GRADY: Testifies in opposition to HB 2357. Suggests bill is unconstitutional as it should include custodial parents.
220 - continues

Testimony submitted for the record from Douglas Jones [EXHIBIT U].

Closes PUBLIC HEARING on HB 2357

Re-opens PUBLIC HEARING on HB 2378

WITNESS: John McCulley, Oregon Cattlemen's Association

267 JOHN McCULLEY, Oregon Cattlemen's Association: Testifies in support of HB 2378 [EXHIBIT Z].

Closes PUBLIC HEARING on HB 2378

Opens WORK SESSION on HB 2163

WITNESSES: Jim Arneson, Oregon Criminal Defense Lawyer's Association
Dale Pen, Marion County District Attorney

280 JIM ARNESON, Oregon Criminal Defense Lawyer's Association: Testifies in
opposition to amendments to HB 2163.
320 - this will increase hung juries

350 DALE PEN, Marion County District Attorney: Responds to Chair Bryant's
inquiry on why this hasn't been brought up before.

405 TAYLOR: Responds to Chair Bryant's inquiry that HB 2682 may be another
vehicle for this.

Closes WORK SESSION on HB 2163

425 CHAIR BRYANT: Adjourns meeting at 6:15 p.m.

Submitted by, Reviewed by,

DIANE DUSSLER BILL TAYLOR
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - Testimony on HB 2357 - Lisa Naito - 25 pages
B - Testimony on HB 2357 - Lisa Naito - 1 page
C - Testimony on HB 2357 - Darlene Grover - 1 page
D - Testimony on HB 2351 - Jennifer Martin - 2 pages
E - Testimony on HB 3345 - Jane Lokan - 1 page
F - Testimony on HB 3345 - Mike RamSB y - 12 pages
G - Testimony on HB 3345 - Faye Fagel - 1 page
H - Proposed Amendment on HB 3345 - Ingrid Swenson - 1 page
I - Testimony on HB 2357 - Clark Seeley - 4 pages
J - Testimony on HB 2357 - Jane Reser - 1 page
K - Testimony on HB 2357 - Barbara Hansen - 2 pages
L - Testimony on HB 2351 - George Stevenson
M - Testimony on HB 2357 - Dave Marsh - 2 pages
N - Testimony on HB 2357 - Robin Jacobson - 3 pages
O - Testimony on HB 2357 - Barry Jacobson - 1 page
P - Testimony on HB 2357 - Mary Ann Santana - 6 pages
Q - Testimony on HB 2357 - Walter Walker - 5 pages
R - Testimony on HB 2357 - Layne Barlow - 2 pages
S - Testimony on HB 2357 - Michael Fogle - 1 page
T - Testimony on HB 2357 - Douglas Jones - 2 pages
U - Testimony on HB 2357 - Douglas Jones - 3 pages
V - Testimony on HB 2357 - Mark Wiener - 2 pages
W - Testimony on HB 2357 - Laurie Wimmer - 2 pages
X - Testimony on HB 2357 - David Nebel - 1 page
Y - Testimony on HB 2357 - John Ellis - 1 page
Z - Testimony on HB 2378 - John McCulley - 1 page