

SENATE COMMITTEE ON
JUDICIARY

Hearing Room
Tapes 66 -167

MEMBERS PRESENT:

SEN. NEIL BRYANT, Chair
SEN. RANDY MILLER, Vice-Chair
SEN. KEN BAKER
SEN. PETER SORENSON
SEN. DICK SPRINGER
SEN. SHIRLEY STULL

MEMBER EXCUSED:

SEN. JEANNETTE HAMBY

STAFF PRESENT:

BILL TAYLOR, Committee Counsel
DIANE DUSSLER, Committee Assistant

MEASURES HEARD:

HB 2492 - PUBLIC HEARING
HB 2699 - PUBLIC HEARING
HB 2704 - PUBLIC HEARING
HB 2942 - PUBLIC HEARING
HB 3304 - PUBLIC HEARING

HB 2351 - WORK SESSION
HB 2699 - WORK SESSION
HB 2942 - 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 66, A

003 CHAIR BRYANT: Opens the meeting at 3:00 p.m.

013 MOTION: CHAIR BRYANT: Moves to reconsider HB 3344 which passed out of
committee on 5-11-95.

015 CHAIR BRYANT: Explains reason for reconsideration of HB 3344.
019 - state police need to work on time frame in bill

020 VOTE: 5-1 MOTION CARRIES
AYE: Baker, Bryant, Miller, Springer, Stull
NAY: Sorenson

Opens WORK SESSION on HB 2351

WITNESSES: Rep. Kevin Mannix, District 32
David Fidanque, Executive Director, American Civil Liberties Union, Citizen

Review Member of Oregon Asset Forfeiture Oversight Committee

026 BILL TAYLOR, Committee Counsel: Explains bill.

030 MOTION: SEN. SPRINGER: Moves to ADOPT the deletion of Section 3, lines
41-42, the sunset provisions, from HB 2351.

055 VOTE: 5 - 0 MOTION CARRIES
AYE: Baker, Miller, Sorenson, Springer, Stull
SEN. BRYANT IS EXCUSED

058 TAYLOR: By retaining the sunset provision the amendments are now moot.

060 REP. KEVIN MANNIX, District 32: Explains reason for removal of sunset
provision.

121 SEN. SORENSON: Asks for clarification on differences between Oregon's
forfeiture law and federal forfeiture law.

170 DAVID FIDANQUE, Executive Director, American Civil Liberties Union, and

Citizen Member of Oregon Asset Forfeiture Oversight Committee: Explains
oversight committee hasn't met in a year and wasn't involved in this
amended bill.

190 - believes amendments will jeopardize current statute
195 - believes statute will be found unconstitutional if current bill is
moved
200 - suggests retaining sunset provision if moved forward in current
provision

235 TAYLOR: Explains proposed amendments are technical [EXHIBIT A].

250 REP. MANNIX: Indicates he believes memo from Legislative Counsel states

Section 7 is needed.

308 MOTION: SEN. SPRINGER: Moves to ADOPT Section 7 of HB
2351-A3 amendments.

310 VOTE: Hearing no objections, the amendment is ADOPTED. All members
present vote AYE.

320 SEN. MILLER: We will wait for Chair to return before we vote on
bill.

Closes WORK SESSION on HB 2351

Opens PUBLIC HEARING on HB 2942

WITNESSES: Rep. Kate Brown, District 13
Laurie Wimmer, Executive Director, Commission for Women

330 REP. KATE BROWN, District 13: Testifies in support of HB 2942.

354 LAURIE WIMMER, Executive Director Commission for Women: Testifies and
submits written testimony in support of HB 2942 [EXHIBIT B].

408 TAYLOR: Responds to Sen. Baker's inquiry on why fines are increasing as
this is Chapter 33 of the contempt statute.

Submitted for the record testimony from Vietta Helmlle [EXHIBIT C].
Submitted for the record testimony from Tevina Benedict [EXHIBIT D].

Closes PUBLIC HEARING on HB 2942

Opens WORK SESSION on HB 2942

TAPE 167, A

468 MOTION: SEN. SORENSON: Moves HB 2942 be sent to the Floor with a DO PASS
recommendation.

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

SEN. BRYANT IS EXCUSED. Sen. Sorenson will carry the bill to the Flo

Closes WORK SESSION on HB 2942

Opens PUBLIC HEARING on HB 3304

WITNESSES: Rep. Kate Brown, District 13
Marie Bell, Children's Justice Task Force

040 REP. KATE BROWN, District 13: Testifies in support of HB 3304.

072 MARIE BELL, Children's Justice Task Force: Testifies in support of HB
3304.

Closes PUBLIC HEARING on HB 3304

Opens WORK SESSION on HB 3304

082 MOTION: SEN. BAKER: Moves HB 3304 be sent to the Floor with a DO PASS
recommendation.

084 VOTE: Hearing no objections, the motion CARRIES. All members present
vote AYE. SEN. BRYANT IS EXCUSED. Sen. Baker will carry the bill to the
Floor.

Closes WORK SESSION on HB 3304

Opens PUBLIC HEARING on HB 2492

WITNESS: Rep. Kevin Mannix, District 32

080 REP. KEVIN MANNIX, District 32: Testifies and submits proposed
amendments to HB 2492 [EXHIBIT F]. Submits written testimony from Paul
Lipscomb [EXHIBIT E].

130 - continues

180 - continues

213 - responds to Sen. Baker's inquiry on charging a defendant in a criminal
case

250 - explains provision on forfeiture

275 - continues explaining amendments

325 - continues

370 - explains provision on communicable diseases, Section 12

Closes PUBLIC HEARING on HB 2492

Opens PUBLIC HEARING on HB 2699

WITNESSES: Timothy Travis, Juvenile Rights Project
Nancy Miller, Citizens Review Board Member
Betty Uchytel, Assistant Administrator, Children's Services Division

406 TIMOTHY TRAVIS, Juvenile Rights Project: Testifies and submits written
testimony in support of HB 2699 [EXHIBIT G].

470 - describes problems with system

TAPE 166, B

065 NANCY MILLER, Citizen Review Board Member: Testifies in support of HB
2699.

088 BETTY UCHYTIK, Assistant Administrator, Children's Services Division:
Testifies and submits written testimony in support of HB 2699 [EXHIBIT H].
100 - suggests replacing "is based on" with "incorporates" in subsection 2,

line 11

Closes PUBLIC HEARING on HB 2699

Opens WORK SESSION on HB 2699

132 MOTION: SEN. SORENSON: Moves HB 2699 be sent to the Floor with a DO
PASS recommendation.

150 SEN. MILLER: Responds no to Sen. Stull question of have any amendments
been adopted.

152 SEN. SORENSON: Withdraws his motion.

155 TRAVIS: Indicates he doesn't oppose Ms. Uchytik's proposed amendment.

160 MOTION: SEN. SORENSON: Moves to ADOPT amendment to replace "is based on"
with "incorporates" in subsection 2, line 11.

162 VOTE: Hearing no objections, the amendment is ADOPTED. All members
present vote AYE.

164 MOTION: SEN. SORENSON: Moves HB 2699 AS AMENDED be sent to the Floor
with a DO PASS recommendation.

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

Closes WORK SESSION on HB 2699

Opens PUBLIC HEARING on HB 2492

WITNESSES: Frank Brawner, Oregon Banker's Association
Fred Avera, Polk County District Attorney
Walt Baglau, Deputy District Attorney, Marion County
Erik Wasmann, Oregon District Attorneys Association
Jim Arneson, Oregon Criminal Defense Lawyer's Association
Shawn McCrea, Oregon Criminal Defense Lawyer's Association

175 FRANK BRAWNER, Oregon Banker's Association: Testifies on HB 2492.
Indicates concern with forfeiture language in proposed A7 amendments.

200 REP. KEVIN MANNIX, District 32: We have just agreed to eliminate the
lien provision.

210 FRED AVERA, Polk County District Attorney: Testifies on HB 2492.

213 WALT BEGLAU, Deputy District Attorney, Marion County: Testifies on HB
2492.
218 - explains goals of bill

235 TAYLOR: Seeks clarification in definition of neglect, treatment and
casual connection.

255 AVERA: Submits proposed amendment [EXHIBIT I]
270 - discusses religious beliefs and treatment
314 - submits proposed amendments on material witness procedure [EXHIBIT J]
350 - submits proposed amendments for time served [EXHIBIT K]
400 - continues

420 ERIK WASMANN, Oregon District Attorney's Association: Appears to see
if SB 872 might occur in content of this bill.

435 DAVID FIDANQUE, Executive Director, American Civil Liberties Union:
Testifies in opposition to some of the amendments to HB 2492.
465 - expresses concern with notice of communicable diseases in Section 12

TAPE 167, B

055 JIM ARNESON, Oregon Criminal Defense Lawyer's Association: Testifies
on HB 2492
088 - indicates which sections they have reached agreements on
126 - responds to Chair Bryant's inquiry of any concerns on the amendment
134 - suggests language on page 2, line 17 "hearsay evidence is admissible"

be replaced by language from ORS 135.173 in material witness statute

164 SHAWN MCCREA, Oregon Criminal Defense Lawyer's Association: Testifies
on HB 2492 regarding credit for time served.

200 AVERA: States the intent was to give the judge discretion here.

240 ARENSON: Responds to Sen. Baker's inquiry on the filing fee.

285 CHAIR BRYANT: We may want to move SB 872 into this bill.

Closes PUBLIC HEARING on HB 2492

Opens PUBLIC HEARING on HB 2704

WITNESSES: Steve Marks, Policy Advisor to Governor's Office
Paul Synder, Association of Oregon Counties

290 STEVE MARKS, Policy Advisor to Governor's Office. Testifies and submits
written testimony on HB 2704 [EXHIBIT L].
310 - suggests changing "chairperson" to "chief administrative employee" in

Section 2e

325 PAUL SYNDER, Association of Oregon Counties: Testifies in opposition
to HB 2704 as they prefer present independent council.

Closes PUBLIC HEARING on HB 2704

Opens WORK SESSION on HB 2704

380 MOTION: SEN. MILLER: Moves to ADOPT amendment to change "chairperson"
to "chief administrative employee".

382 VOTE: Hearing no objections, the amendment is ADOPTED. All members
present vote AYE.

385 MOTION: SEN. MILLER: Moves HB 2704 AS AMENDED be sent to the Floor with
a DO PASS recommendation.

387 VOTE: Hearing no objections, the motion CARRIES. All members present
vote AYE. Sen. Miller will carry the bill to the Floor.

Closes WORK SESSION on HB 2704

Re-opens WORK SESSION on HB 2351

410 TAYLOR: Explains which amendments were adopted.

415 MOTION: SEN. MILLER: Moves HB 2351 AS AMENDED be sent to the Floor with
a DO PASS recommendation.

417 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 2351

428 CHAIR BRYANT: Adjourns meeting at 5:10 p.m.

Submitted by, Reviewed by,

DIANE DUSSLER BILL TAYLOR
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - Proposed Amendments to HB 2351 - Staff - 5 pages
B - Testimony on HB 2942 - Laurie Wimmer - 1 page
C - Testimony on HB 2942 - Vietta Helmle - 2 pages
D - Testimony on HB 2942 - Tevina Benedict - 1 page
E - Testimony on HB 2362 - Kevin Mannix - 3 pages
F - Proposed Amendments to HB 2492 - Kevin Mannix - 15 pages
G - Testimony on HB 2699 - Tim Travis - 2 pages
H - Testimony on HB 2692 - Betty Uchytel - 1 page
I - Proposed Amendments to HB 2492 - Fred Avera - 1 page
J - Proposed Amendments to HB 2492 - Fred Avera - 2 pages
K - Proposed Amendments to HB 2492 - Fred Avera - 1 page
L - Testimony on HB 204 - Steve Marks - 2 pages