

HOUSE COMMITTEE ON JUDICIARY, SUBCOMMITTEE ON CIVIL LAW

March 1, 1993 Hearing Room 357 1:30 p.m. Tapes 33 - 34

MEMBERS PRESENT: Rep. Tom Brian, Chair Rep. Tom Mason Rep. Ken Baker
Rep. Jim Edmunson

STAFF PRESENT: Katy Yetter, Committee Clerk Carole Souvenir,
Legislative Counsel

MEASURES CONSIDERED: HB 2497 - Reduces number of jurors in
circuit court HB 2838 - Allows peace officer to give
water to confined animal HB 2851 - Allows landlord to
terminate tenancy due to injurious acts

[--- Unable To Translate Graphic ---]

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. [--- Unable To Translate
Graphic ---]

TAPE 33, SIDE A

001 CHAIR BRIAN calls the meeting to order at 1:35 p.m.

PUBLIC HEARING ON HB 2838

WITNESSES: Chuck Fredrickson, representing Rep. Gene Derfler,
District 31 Rebecca Anderson, Oregon Animal Welfare Alliance Mark
Williamson, Oregon Humane Society Russ Spencer, Oregon Sheriffs Bob
Keyser, Oregon Council of Police Association

010 CHUCK FREDRICKSON: Introduces Rebecca Anderson and Mark
Williamson.

020 REBECCA ANDERSON, OREGON ANIMAL WELFARE ALLIANCE: Presents
testimony on HB 2838 (EXHIBITS A & B).

060 REP. BAKER: Asks Anderson if what she wants is
essentially a restraining order for the owner.

069 ANDERSON: Replies that yes, a restraining order is essentially her
goal in testifying.

075 REP. EDMUNSON: Wants Anderson to discuss further what
intent of testimony is.

083 ANDERSON: The intent is to improve animal welfare statutes. 090
CHAIR BRIAN: Closes public hearing on HB 2838

PUBLIC HEARING ON HB 2497

WITNESSES: Rep. Del Parks John Hart, Council on Court Proceedings
Stephen Thompson, Oregon State Bar

100 REP. PARKS: Testifies in favor of HB 2497.

233 CHAIR BRAIN: Comments on Federal Court system in terms of
number of jurors.

250 REP. BAKER: Asks Parks if it is possible to have 12 jurors if the
court agrees to pay an extra fee.

277 REP. PARKS: States that it may be possible to include such a
clause in the bill.

280 REP. MASON: Disagrees, stating that justice can not be
purchased.

300 CHAIR BRIAN: Closes public hearing on HB 2497.

RE-OPEN PUBLIC HEARING ON HB 2838

340 MARK WILLIAMSON, OREGON HUMANE SOCIETY: Presents testimony on HB
283 8 (EXHIBIT C).

407 CAROLE SOUVENIR, COMMITTEE COUNSEL: Asks Williamson about
marijuana on the property. -Would the officer have the ability to search
and seize?

TAPE 34, SIDE A

001 WILLIAMSON: Indicates that the officer may have the ability to
seize contraband if it is in plain view. -This is not an excuse to
search without a warrant.

014 BOB KEYSER, OREGON COUNCIL OF POLICE ASSOCIATION: Testifies on
HB 283 8.

030 RUSS SPENCER, OREGON SHERIFFS: Testifies on HB 2838.

WORK SESSION ON HB 2838

MOTION: CHAIR BRIAN moves a conceptual amendment regarding officer
liability for negligence in entering a building.

VOTE: In that there are no objections, the motion CARRIES. All members
are present.

056 REP. MASON: Expresses concern over the search and seizure issue.

085 REP. EDMUNSON: Wants this incorporated in the bill, not just
expressed implication. -Rid the bill of threat of negligence on part of
the peace officer.

143 MOTION: REP. EDMUNSON: Moves HB 2838 AS AMENDED to the
Full committee with a DO PASS recommendation.

VOTE: In a roll call vote, all members vote AYE.

CHAIR BRIAN: The motion CARRIES. All members are present.

144 CHAIR BRIAN: Asks counsel to investigate clarity of law in issue of search and seizure language.

WORK SESSION ON HB 2851

MOTION: REP. BAKER: Moves to send HB 2851 to the Full committee with re-referral to the Commerce committee.

VOTE: In a roll call vote, all members present vote AYE.

CHAIR BRIAN: The motion CARRIES.

RE-OPEN PUBLIC HEARING ON HB 2497

145 JOHN HART, ATTORNEY AT LAW: Presents testimony on HB 2497 (EXHIBIT D).

210 CHAIR BRIAN: Asks Hart if the Federal court with six jurors renders a lower quality of justice than the Oregon courts.

220 HART: States that the quality is not worse, but the predictability is decreased.

225 REP. EDMUNSON: Asks Hart to expand on predictability of case and how this may affect length of trial.

243 HART: Predictability may not necessarily affect the length of trial nor may the number of jurors.

290 REP. EDMUNSON: Asks if the members on a smaller jury would be more closely scrutinized, which in turn would take up more time.

TAPE 33, SIDE B

008 HART: Replies that the smaller jury may take longer to select

030 STEPHEN THOMPSON, OREGON STATE BAR: Testifies against HB 2497.

133 CHAIR BRIAN: Asks Thompson what his experience has been with reducing the jury number.

140 THOMPSON: States that he has never reduced the jury number. -Speculates that a reduction may have significant negative impact.

199 REP. EDMUNSON: Asks Thompson if he predicts a cost savings with this bill.

220 THOMPSON: States that a change in the system will not allow for a cost savings due to the number of cases being tried.

NOTE: Thompson references an American Bar Association Journal article dated March 1993.

270 CHAIR BRIAN adjourns meeting at 2:50 p.m.

Submitted by:

Reviewed by:

Katy Yetter
Committee Assistant

Anne May Committee Clerk

EXHIBIT LOG:

A - Testimony on HB 2838 - Rebecca Anderson - 20 pages B - Testimony
on HB 2838 - Rebecca Anderson - 3 pages C - Testimony on HB 2497 - Kurt
Rossman - 11 pages D - Testimony on HB 2497 - R. W. Linden - 3 pages B
- Testimony on HB 2497 - J. Hart - 2 pages C - Testimony on HB 2497 -
Committee Counsel - 6 pages