

HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL  
ADMINISTRATION

May 20, 1993           Hearing Room 357 1:00 p.m.   Tapes 117 - 118

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

MEMBERS EXCUSED:   Rep. Jim Edmunson

STAFF PRESENT:           Holly Robinson, Committee Counsel Sarah May,  
Committee Clerk

MEASURES CONSIDERED:           HB 2488 - Relating to crime prevention HB  
3432 - Relating to forfeiture of vehicles SB 361 - Relating to support  
enforcement SB 660 - Relating to restraining orders

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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 117, SIDE A

005   CHAIR BRIAN:   Calls the meeting to order at 1:13 P.M.

PUBLIC HEARING ON HB 2488

Witnesses:       Rep. Peter Courtney, District 33 Dale Reckard, Citizen  
Bruce Johnson, ARCO Products Kay Jerran, Association of Oregon Food  
Industries Gary Oxley, Southen Corporation and 7-11 Stores Larry Hill,  
Oregon Gasoline Dealers

012   REP. PETER COURTNEY, DISTRICT 33: Testifies and submits  
written testimony in support of HB 2488. (EXHIBIT A)

087   DALE RECKARD, CITIZEN: Testifies and submits written  
testimony in support of HB 2488. (EXHIBIT B)

146   BRUCE JOHNSON, ARCO PRODUCTS COMPANY: Testifies and submits  
written testimony in opposition to HB 2488. (EXHIBIT C)

248   REP. BAKER:   Are you self insured?

250   JOHNSON:   Yes.

251   REP. BAKER:   Are other stores like yours self insured? Do you  
know if insurance companies would give different insurance rates if your  
stores had cameras in them?

257   JOHNSON:   Some of our franchisees have installed cameras, but as  
far as I know they don't get a cut insurance rate.

262 REP. BAKER: You have spent more money on crime deterrence than you would have on video cameras?

269 JOHNSON: Correct. Continues with testimony.

273 REP. BRIAN: Do all of your stores follow your crime deterrence guidelines?

277 JOHNSON: All except a few distributors that own their own stores.

289 REP. BRIAN: Are they running convenience stores at those locations?

290 JOHNSON: Some do. Continues with testimony.

311 KAY JERRAN, ASSOCIATION OF OREGON FOOD INDUSTRIES: Testifies in opposition to HB 2488 as written.

381 GARY OXLEY, SOUTHEN CORPORATION AND 7-11 STORES: Testifies in opposition to HB 2488.

TAPE 118, SIDE A

093 REP. BRIAN: How many convenience stores are there state wide?

096 OXLEY: Doesn't know.

098 REP. BRIAN: The robbery rate went up 18% in banks?

099 OXLEY: Correct.

103 REP. MASON: Do the large 24 hour stores fit under this bill?

104 OXLEY: Yes.

127 REP. BAKER: If our intent is to protect the workers, why aren't we also including gas stations, theaters, etc?

137 OXLEY: Agrees. This needs to be looked at completely for all 24 hour businesses. There is no need for the mandated control. At what point

will this stop? 153 LARRY HILL, OREGON GASOLINE DEALER: Testifies in opposition to HB 248 8.

WORK SESSION ON HB 3432

205 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 3432 authorizes seizure and forfeiture of vehicle of person who is driving while suspended.

Discusses bill with amendments.

226 REP. BRIAN: The -1 amendments have already been adopted by the Crime and Corrections subcommittee?

227 HOLLY ROBINSON, COMMITTEE COUNSEL: Yes.

230 MOTION: REP. BAKER: Moves HB 3432 BE REFERRED to the FULL COMMITTEE WITH A DO PASS RECOMMENDATION and a subsequent referral to the subcommittee on APPROPRIATIONS.

VOTE: 3-0 MOTION PASSES AYE: Baker, Mason, Brian NO: None EXCUSED: Edmunson

PUBLIC HEARING ON SB 660

(SB 660 Modifies filing time for Abuse Prevention Act restraining order.)

Witnesses: David Nebel, Oregon Legal Services Cynthia Helmke, Oregon Coalition Against Domestic and Sexual Violence Vietta Helmke, Oregon Coalition Against Domestic and Sexual Violence Janet Arenz, American Civil Liberties Union (ACLU)

261 DAVID NEBEL, OREGON LEGAL SERVICES: Testifies and submits written testimony in support of SB 660. (EXHIBIT D)

317 REP. BAKER: Why don't we amend the bill to say that the incident has to happen within one year of the date, for someone to petition?

321 NEBEL: Some cases are beyond a year, and the appropriate time period to file a complaint was reduced to 180 days.

337 REP. BRIAN: Wouldn't this be aimed at a perpetrator who was incarcerated for five years and then came out and is still viewed as a

potential problem? That is when a restraining order would be enacted.

342 NEBEL: This bill would apply to that. 344 REP. BAKER: What if they moved away for 20 years?

348 NEBEL: By it's terms, HB 3432 would apply to that, but the judge would also take that into account.

350 REP. BAKER: Why do we need this, if Rep. Mannix's bill on stalking should soon become law? 354 NEBEL: Stalking is a different issue. HB 3432 would allow a victim who hasn't necessarily been stalked, but feels threatened by another person whose actions haven't yet risen to the stalking level.

368 REP. BAKER: This is probably the most abused statute in Oregon, so every time you add something to this it becomes more difficult for

people to understand the exceptions.

391 NEBEL: We understand that this statute is abused, but we think that it is an important exception. 433 CYNTHIA HELMKE, MID VALLEY WOMEN'S CRISIS SERVICE: Testifies in support of SB 660.

TAPE 117, SIDE B

028 REP. MASON: How many instances do you have?

030 VIETTA HELMKE, OREGON COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE: Testifies and submits written testimony in support of SB 660. (EXHIBIT

E) We hear from about 7,000 callers a year. Once a week, we hear from someone in jail, but not too common. Estimates 500 calls out of 7,000 are from jail.

035 C. HELMKE: Most common people are women who call about a person who is put in jail, and are now worried about them getting out and having

contact with them.

051 REP. MASON: It sounds like there is a need beyond that. How long do they need this protection?

056 V. HELMKE: A year with the ability to extend it again would be workable. Cites other examples and circumstances. It would be nice if

judges would have ability to use their own discretion in special cases.

077 JANET ARENZ, AMERICAN CIVIL LIBERTIES UNION (ACLU): Testifies in support of SB 660.

094 REP. MASON: Asks for an explanation of ACLU's interest in the bill.

096 ARENZ: We have concerns for groups of individuals who don't always have adequate representation or resources in the criminal justice system.

PUBLIC HEARING ON SB 361

(SB 361 Authorizes court or hearings officer to order obligor to make periodic, lump sum or other payments toward support arrearage. (EXHIBIT F)

Witness: Carl Stecker, Oregon District Attorney Association

118 CARL STECKER, OREGON DISTRICT ATTORNEY ASSOCIATION: Testifies in support of SB 361. There is no present statute when determining a

modification to effect a support order, to a payment of a fixed amount toward the accumulative arrearage.

141 REP. BAKER: The court does not have the authority to do that?

142 STECKER: At least two judges in Marion county don't believe they have the authority to do that.

143 REP. BAKER: What about the ability of the court to make a person pay an amount of money or they are going to jail?

145 STECKER: Yes if you bring contempt, and have given notice to a person. The opportunity is given in advance for someone to defend against the

charge that they have failed to comply with the support order. Cites example.

161 REP. BAKER: The court and some judges don't have the authority to order payments above the support calculation model? The court only has

authority to make a person make a payment without paying any arrearage?

167 STECKER: The court can order a person to pay a fixed amount toward the arrearage, but the courts decline to do that because they don't believe they have the authority to do that. Unless we can identify property we are precluded from getting any

payment on the arrearage absent of bringing contempt.

202 REP. BAKER: On line 9, what's different between that language stated and having a judgement that they operate on?

208 STECKER: There is no difference the judgement exists independently. The judge has power to order someone to sell their assets.

215 REP. BAKER: You can do that now.

217 STECKER: Explains that there are certain requirements.

229 REP. BAKER: Why should we give you more authority?

232 STECKER: There is no less protection for the debtor. This bill isn't limited just to the government.

239 REP. BAKER: In the garnishment proceedings there is home set exemption, but here there isn't. The rate of garnishment is a protection, here

there is no protection.

249 STECKER: A court can order an application of property without regard to those exemptions. This doesn't differ in law from the existing form,

but is limited to the court.

270 REP. MASON: The support people want special procedures beyond the ordinary execution judgement collection procedures.

283 STECKER: Child support occupies a unique status. If there is judgement, there are certain judicial remedies.

308 REP. MASON: Why you though and not the other judgement debtor?

313 STECKER: A collection agency is generally enforcing something that is arisen in the course of a business transaction.

327 CHAIR BRIAN: Adjourns the meeting at 2:32 p.m.

Submitted by:

Reviewed by:

Sarah May  
Committee Coordinator

Anne May Committee Clerk

EXHIBIT LOG:

A - Testimony on HB 2488 - Rep. Courtney - 4 pages B - Testimony on HB 2488 - Dale Reckard - 2 pages C - Testimony on HB 2488 - ARCO products - 1 page D - Testimony on SB 660 - Oregon Legal Services - 2 pages E - Testimony on SB 660 - Oregon Coalition Against Domestic and Sexual Violence - 1 page F - Testimony on SB 361 - Committee Counsel - 4 pages