

HOUSE COMMITTEE ON JUDICIARY CRIME AND CORRECTIONS

February 4, 1993 Hearing Room 357 3:00 p.m. Tapes 14 - 15

MEMBERS PRESENT: Rep. Bob Tiernan, Chair Rep. Kate Brown Rep. Peter Courtney Rep. Veral Tarno

STAFF PRESENT: Julie Nolta, Committee Clerk Carole Souvenir, Committee Counsel Ian Lombard, Page

MEASURES CONSIDERED: HB 2596 Relating to law enforcement

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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 14, SIDE A

001 CHAIR TIERNAN: Opens the meeting at 3:15 p.m.

HB 2596 - PUBLIC HEARING

Witnesses: Pierce McIntosh, Postal Inspection Service John Elms, Postal Inspection Service Paul Donheffner, Oregon State Marine Board Pete Lalic, Internal Revenue Service Dick Pashley, Federal Bureau of Investigation Chuck Matthew, Federal Bureau of Investigation Bob Keyser, Oregon Council of Police Associations

004 CAROLE SOUVENIR, COMMITTEE COUNSEL: Summarizes the bill and current practice.

019 PIERCE McINTOSH, POSTAL INSPECTOR IN CHARGE, PORTLAND DIVISION OF THE

POSTAL INSPECTION SERVICE: Submits and reviews written testimony in support of HB 2596. (EXHIBIT A)

121 REP. TARNO: Are there others here with you in support of this bill and are they with the postal authorities?

McINTOSH: Names others.

132 REP. TARNO: Is the certification issue the reason HB 2596 didn't pass the 1991 session?

140 McINTOSH: Wasn't present at the 1991 hearing but thought the

bill had widespread support. Has attempted to address the certification issue in HB 2596.

160 REP. TARNO: Will waive certification questions to Board on Public Safety Standards and Training representatives. Asks for clarification

on whether or not federal officers can carry firearms.

165 CAROLE SOUVENIR: HB 2596 expands the definition of federal officers to include special agents or law enforcement officers who are authorized to carry firearms.

REP. TARNO: Postal carriers are authorized to carry firearms?

McINTOSH: By statute, yes.

171 REP. TARNO: Do you have support of Oregon State Sheriffs and Oregon Chiefs of Police Association?

McINTOSH: Bill came up too quickly and only days ago sent letters to agencies that supported the bill during the last session. Don't foresee opposition since HB 2596 is substantially identical to the original bill.

186 REP. TARNO: Will the bill give postal authorities the ability to impact the state judicial system and/or county jail population levels?

199 McINTOSH: Doesn't think the bill will change current procedures or have significant impact on state and local jails. Just provide protection and support for the job they are doing now.

REP. TARNO: But you would be willing to pay the costs?

McINTOSH: We are now.

226 JOHN ELMS, POSTAL INSPECTOR, PORTLAND DIVISION OF THE POSTAL INSPECTION SERVICE: Submits and reviews written testimony in support of HB 2596.

(EXHIBIT B) Discusses reasons for former Rep. Sunseri's position against the bill in the 1991 legislation session and amendments to address these concerns.

386 PAUL DONHEFFNER, DIRECTOR OF THE OREGON MARINE BOARD: Submits and reviews written testimony in support of HB 2596. (EXHIBIT C)

427 CHAIR TIERNAN: Has the Marine Board worked with the IRS?

TAPE 15, SIDE A

DONHEFFNER: On occasion

013 PETE LALIC, INTERNAL REVENUE SERVICE CRIMINAL INVESTIGATION DIVISION:

Testifies in support of HB 2596.

027 REP. COURTNEY: Who told you about the bill?

LALIC: Received a call from the Postal Inspector.

CHAIR TIERNAN: Aware of the IRS's working with other agencies in working on investigations and situations in which it would have been helpful to have the authority to arrest.

037 DICK PASHLEY, SPECIAL AGENT, FEDERAL BUREAU OF INVESTIGATION: Testifies in support of HB 2596.

CHAIR TIERNAN: How would the passage of HB 2596 impact your department?

PASHLEY: It would impact cases of task forces working together. Task force officers are sworn in as federal officers. The bill would give federal officers the same power but under more limited circumstances.

051 CHAIR TIERNAN: Under this bill would you be able to affect an arrest at the local convenience store if necessary?

PASHLEY: Yes

052 CHAIR TIERNAN: Would you be able to do it without this bill?

PASHLEY: At some peril, because I would be without qualified immunity.

CHAIR TIERNAN: How many federal officers are there in residence in Oregon?

McINTOSH: Approximately 360. FBI has about 70 agents.

063 CHUCK MATTHEW, ASSISTANT AGENT IN CHARGE OF THE FEDERAL BUREAU OF INVESTIGATION, OREGON: Testifies in support of HB 2596.

070 BOB KEYSER, OREGON COUNCIL OF POLICE ASSOCIATIONS: Testifies in support of HB 2596.

092 CAROLE SOUVENIR: Questions new provision under Section 2, sub point 5 regarding joint investigations. Does this mean sole authority or can either agency make the arrest?

KEYSER: Doesn't remember why that specific language was included. Believes either agency can arrest. 109 CAROLE SOUVENIR: Can either agency make an arrest while the investigation is pending or prior to completion?

KEYSER: Believes that would be possible.

116 ELMS: Doesn't believe either agency arresting would be a problem in a team situation.

130 CHAIR TIERNAN: Asks for an example.

ELMS: Further explains agency cooperation.

158 REP. COURTNEY: Asks why former Rep. Sunseri's vote in the 1991 legislative session is being brought into the discussion.

168 ELMS: Believes that in order for the original bill to go to full committee, it had to have 5 yes votes but there was one no vote.

REP. COURTNEY: It died in sub-committee and why did Rep. Sunseri vote against it?

176 ELMS: He believed there might be conflict in making a decision on whether or not to make an arrest. May be other concerns as well.

187 KEYSER: Rep. Sunseri's dislike for the bill stemmed from his belief that it would give federal authorities power that he felt they shouldn't have.

HB 2596 - WORK SESSION

Witnesses: Tina Clausson, Board of Public Safety Standards and Training

(BPST)

208 REP. TARNO: Can generally be supportive if training records of federal officers can be approved by the BPST. Other concern is the propensity

for circumventing local law enforcement. Doesn't want the state system impacted by federal agents.

243 REP. COURTNEY: Lines 10-13 on p. 2 of HB 2596 speak to the BPST issue. Lines 1, 2, and 3 of p. 2 say "only until." Does this language speak to your concern?

REP. TARNO: It bothers me a little bit. It changes the authority over the arrested person only until the person appears before a magistrate.

REP. COURTNEY: The word "or" means minimal jurisdiction in my interpretation.

REP. TARNO: Just take out the word "or." The federal officer involved in the case would not necessarily have to notify local law enforcement.

303 REP. BROWN: The bill doesn't set any criteria for length of time an offender would be held. 311 CAROLE SOUVENIR: There is no time line specified.

ELMS: We will take the prisoner to jail.

323 REP. COURTNEY: Does the language take care of BPST concerns?

333 TINA CLAUSSON, ASSISTANT TO THE EXECUTIVE DIRECTOR AT THE BOARD ON PUBLIC SAFETY STANDARDS AND TRAINING: The board voted to neither support or oppose HB 2596. The BPST will attest to the fact that the officer has had the training to make the arrest but not certify them as a law enforcement officer.

348 REP. COURTNEY: The board does not now train federal officials does it?

CLAUSSON: No.

353 REP. BROWN: Would that give the federal law enforcement officer the knowledge of Oregon law?

CLAUSSON: Describes the training the board felt necessary to make arrests in 1991. The board has chosen to be neutral in 1993 so hasn't addressed the issue of training.

378 REP. TARNO: The BPST approved the bill with the proviso of refresher

training for federal agents.

CLAUSSON: The bill was supported then with the addition of the minimal training.

REP. TARNO: It is their mandate that out-of-state police officers who wish to be certified must go through a two week refresher course.

402 REP. COURTNEY: Doesn't believe the original bill had the language regarding two week training. What was the language?

412 CAROLE SOUVENIR: Reads language from proposed amendments to the original bill.

TAPE 14, SIDE B

000 REP. COURTNEY: Doesn't the language say that? You aren't going to certify them unless that's the case. Bill doesn't need to amended to require the officer to learn Oregon law given the current language in the bill.

CLAUSSON: I believe the language in the bill is adequate.

010 MOTION: REP. COURTNEY: Moves HB 2596 to the full committee with a "do pass" recommendation.

VOTE: 4-0 Motion passes AYE: Brown, Courtney, Tarno, Tiernan NO: None

019 CHAIR TIERNAN: Adjourns meeting at 4:10 p.m.

Submitted by:

Reviewed by:

Julie Nolta  
Committee Assistant

Anne May Committee Clerk

EXHIBIT LOG:

A - Testimony on HB 2596 - Pierce McIntosh - 4 pages B - Testimony on  
HB 2596 - John Elms - 6 pages C - Testimony on HB 2596 - Paul  
Donheffner - 1 page D - Testimony on HB 2596 - 13 pages E - Testimony  
on HB 2596 - 2 pages