

HOUSE COMMITTEE ON JUDICIARY

February 8, 1993 Hearing Room 357 1:30 p.m. Tape 9

MEMBERS PRESENT: Rep. Del Parks, Chair Rep. Tom Mason, Vice-Chair Rep. Ken Baker Rep. Tom Brian Rep. Kate Brown Rep. Peter Courtney Rep. Jim Edmunson Rep. Veral Tarno Rep. Bob Tiernan

STAFF PRESENT: Anne May, Committee Clerk Holly Robinson, Legislative Counsel

MEASURES CONSIDERED: HB 2254 - Defines terms in murder statute, WRK HB 2256 - Expands category of persons who may draw blood for HIV testing following criminal

conviction, WRK HB 2386 - Increases minimum damages that may be recovered for violation on unlawful trade practices law, WRK HB 2411 - Repeals sunset on Law enforcement Medical Liability Account, WRK HB 2477 - Relating to motor vehilce accidents, WRK HB 2478 - Relating to criminal procedure, WRK HB 2482 - Relating to sex offender registration, WRK HB 2359 - Relating to workers' compensation benefits subject to child support obligations, WRK HB 2596 - Allows federal officer to arrent person when officer is aiding state or local

peace officer, WRK

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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 9, SIDE A

005 CHAIR PARKS: Calls meeting to order at 2:00 p.m.

006 CHAIR PARKS: Proposed L C's to be introduced as committee bills are: LC 2609, LC 2552, LC 2550, LC 2549, LC 2551 and LC 306.

WORK SESSION ON HB 2254 A-eng.

014 HOLLY ROBINSON, COMMITTEE COUNSEL: Reviews the modifications of certain terms that are in the murder by abuse statute. Submits -2 amendments for adoption.

023 MOTION: REP. BRIAN moves to ADOPT the HB 2254-2 amendments. 024 VOTE: CHAIR PARKS: Hearing no objections the amendments are ADOPTED. All members are present.

026 REP. MASON: Asks counsel to expand on HB 2254.

028 ROBINSON: The three issues brought to the Committee were: 1. The murder by abuse statute did not specifically define "assault". This Bill adopts the Assault IV definitions into the provision of the murder by abuse statute. 2. The language in the case of State v. Cornell/Pinnell defining "torture" is being inserted in the statute to make Legislative intent clear. 3. Defines prior assaults and revises the language regarding "pattern and practice."

059 REP. MASON: Asks about Washington Case Law.

068 ROBINSON: There is not as much Washington Case Law as the Committee was led to believe.

072 MOTION: REP. BRIAN moves that HB 2254, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

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

CHAIR PARKS: The motion CARRIES.

REP. COURTNEY will lead discussion on the Floor.

WORK SESSION ON HB 2256 A-eng.

080 HOLLY ROBINSON, COMMITTEE COUNSEL: Reviews the modification of wording that substitutes "person" with "licensed health care provider." The amendments were previously adopted by the Committee.

090 MOTION: REP. BRAIN moves that HB 2256, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

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

CHAIR PARKS: The motion CARRIES.

REP. BROWN will lead discussion on the Floor.

WORK SESSION ON HB 2386

099 CAROLE SOUVENIR, COMMITTEE COUNSEL: HB 2386 increases the minimum damages that may be recovered for a violation of unlawful business and trade practices law from the current amount of \$200 to \$500.

105 MOTION: REP. COURTNEY moves that HB 2386 be sent to the Floor with a DO PASS recommendation.

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

CHAIR PARKS: The motion CARRIES.

REP. BAKER will lead discussion on the Floor.

WORK SESSION ON HB 2411 A-eng.

114 CAROLE SOUVENIR, COMMITTEE COUNSEL: HB 2411 repeals sunset on Law Enforcement Medical Liability Act. It would also require Justice Courts to pay the assessment into the account.

117 MOTION: REP. BRIAN moves to ADOPT the HB 2411-1 amendments.

VOTE: CHAIR PARKS: Hearing no objections the amendments are ADOPTED. All members are present.

120 MOTION: REP. BRIAN moves that HB 2411, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

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

CHAIR PARKS: The motion CARRIES.

REP. EDMUNSON will lead discussion on the Floor.

WORK SESSION ON HB 2477 A-eng.

132 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2477 modifies Oregon's felony hit and run statute that a driver involved in a fatal accident remain at the scene of an accident until a police officer has arrived and can receive the necessary information if there are no survivors or anyone capable of receiving the information. Creates an exception for a driver who needs immediate medical care. The amendments were adopted by the subcommittee.

138 MOTION: REP COURTNEY moves that HB 2477-1, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

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

CHAIR PARKS: The motion CARRIES.

REP. COURTNEY will lead discussion on the Floor.

147 CHAIR PARKS: Redesignates carrier of HB 2411-1 to be Rep. Brian.

WORK SESSION ON HB 2478 A-eng.

150 HOLLY ROBINSON, COMMITTEE COUNSEL: Clarifies the Board of Parole and Post-Prison Supervision's authority to determine whether prisoners sentenced as dangerous offenders can be released. Enables the board to make its findings based on all relevant information, including psychiatric or psychological information. Allows the board to release the offender subject to supervision and treatment conditions. Revises language regarding consideration of work and program record of persons while incarcerated.

157 MOTION: REP. COURTNEY moves to ADOPT the HB 2478-1 amendments.

VOTE: CHAIR PARKS: Hearing no objections the amendments are ADOPTED. All members are present.

162 CHAIR BRIAN: What would be the status of a person presently under sentence? Would they be governed by this new rule?

164 ROBINSON: It would not apply.

169 MOTION: REP. COURTNEY moves that HB 2478, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

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