

HOUSE COMMITTEE ON JUDICIARY

February 15, 1993 Hearing Room 357 1:30 p.m. Tapes 10 - 11

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: Katy Yetter, Committee Clerk Holly Robinson, Committee Counsel

MEASURES CONSIDERED: HB 2228 - Relating to notice requirements regarding inmate release HB 2261 - Relating to marijuana and minor in drug-free school zone HB 2483 - Relating to sex offenders as dangerous offenders HB 2529 - Relating to accident reports

HB 2543 - Relating to modifying the Uniform Commercial Code

[--- 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 10, SIDE A

001 CHAIR PARKS calls meeting to order at 1:37 p.m.

008 MOTION: CHAIR PARKS: Moves the committee introduce LC 874, LC 875, LC 3135, LC 3166, LC 3218, LC 3221, LC 3220, LC 3219, LC 319 2, LC 3217, LC 2402.

VOTE: CHAIR PARKS: Hearing no objection the motion CARRIES. All members are present.

WORK SESSION ON HB 2228

127 HOLLY ROBINSON, COMMITTEE COUNSEL: Presents Staff Measure Summary on HB 2228.

MOTION: REP. COURTNEY: Moves to ADOPT the -2 amendments to HB 222 8.

VOTE: CHAIR PARKS: Hearing no objections, the motion CARRIES.

All members are present.

MOTION: REP. COURTNEY: Moves HB 2228 to the floor with a DO PASS recommendation.

REP. EDMUNSON: Asks if victims receive automatic notification at the present time.

ROBINSON, COMMITTEE COUNSEL: No, but they are informed that they have the option to receive notification. -Reason for retaining Notification On Request was that it seems to be working.

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 2261

075 ROBINSON, COMMITTEE COUNSEL: Gives Staff Measure Summary on HB 2261.

MOTION: REP. COURTNEY: Moves to ADOPT the -1 amendments to HB 226 1.

VOTE: CHAIR PARKS: Hearing no objection the motion CARRIES.

MOTION: REP. COURTNEY: Moves that HB 2261, AS AMENDED be sent to the floor with DO PASS recommendation.

REP. MASON: Asks if this bill includes hashish in its definition of marijuana.

ROBINSON, COMMITTEE COUNSEL: Replies with definition as stated in the bill.

115 REP. MASON: Questions a drive-by school situation.

120 ROBINSON, COMMITTEE COUNSEL: Clarifies the drive-by school question. -A primary or secondary school attended by minors.

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 2483

WITNESSES: Ross Shepard, Oregon Criminal Defense Lawyers Association  
Fred Avera, Department of Corrections Susan Tripp, Oregon District  
Attorneys Association

169 ROBINSON, COMMITTEE COUNSEL: Gives Staff Measure Summary and  
review of HB 2483.

MOTION: REP. COURTNEY: Moves to ADOPT the -2 amendments to HB 248 3.

VOTE: CHAIR PARKS: Hearing no objections the motion CARRIES.

MOTION: REP. COURTNEY: Moves HB 2483 be sent to the Floor with DO  
PASS recommendation.

REP. MASON: Asks Rep. Courtney how this piece of legislation will be  
funded.

220 REP. COURTNEY: Replies by stating that there are other bills  
which may allow for an adjustment of the budget.

260 REP. MASON: Gives statement on Rep. Courtney's ideas of funding.

329 REP. BRIAN: Asks if indicated prior convictions are sexual  
offenses or otherwise (in relation to the individual's felony  
convictions as related in this bill).

350 REP. TIERNAN: Gives answer that prior convictions were: A.  
Indicated by more than one conviction and B. Not necessarily related  
to sexual  
offenses.

375 REP. BRIAN: Would like further clarification on criminal's status  
as it relates to the bill.

388 REP. TIERNAN: Judge and district attorney must find conduct  
of the person such that it warrants a label of "extremely offensive."

390 CHAIR PARKS: Asks counsel for details on a judge's  
discretion and activity of prosecutor and district attorney in this  
matter.

410 ROBINSON, COMMITTEE COUNSEL: Replies that a judge has discretion  
in how criminal history is calculated and the individual is sentenced.

TAPE 11, SIDE A

013 CHAIR PARKS: If a judge finds that a person has been convicted  
of a prior crime, does he or she have to apply this statute and  
consequently double the sentence? 014 ROBINSON, COMMITTEE COUNSEL: Yes,  
if it has been presented to the court in a fact-finding manner.

017 CHAIR PARKS: What if the person is charged with both  
kidnapping and rape? How is this bill applied?

023 ROBINSON, COMMITTEE COUNSEL: Replies that it may not  
necessarily be applied in this situation.

026 CHAIR PARKS: Calls witnesses up for CLARIFICATION OF ISSUES ONLY, NOT OFFICIAL TESTIMONY.

ROSS SHEPHERD, OREGON CRIMINAL DEFENSE LAWYERS ASSOCIATION: Explains terms of statute in terms of prior criminal convictions.

FRED AVERA, DEPARTMENT OF CORRECTIONS: Further clarifies issue by stating that two convictions arising from same incident will not qualify as prior convictions.

SUSAN TRIPP, OREGON DISTRICT ATTORNEYS ASSOCIATION: Agrees with other witnesses in regards to details on prior convictions.

068 REP. MASON: Asks how one proves "dangerousness."

078 AVERA: Indicates that dangerousness can be identified with prior criminal records.

100 REP. TIERNAN: Makes statement regarding philosophical costs of protecting society as opposed to actual monetary expenditures.

113 CHAIR PARKS: Comments on goals of committee and the choices they must make through the session.

130 REP. BRIAN: Expresses confidence in judicial system in regards to abuse of this statute.

140 REP. COURTNEY: Comments on changes made in legislation and degree of seriousness inherent in the bill.

183 REP. MASON: States that bill's intent is to not help the sex offenders nor will it be easy to pass this bill due to monetary considerations.

VOTE: In a roll call vote, all members vote AYE with the exception of REP. MASON who votes NO.

CHAIR PARKS: The motion CARRIES.

REP. COURTNEY will lead the discussion on the Floor.

WORK SESSION ON HB 2529

239 CAROLE SOUVENIR, COMMITTEE COUNSEL: Gives Staff Measure Summary on HB 2529.

MOTION: REP. BRIAN: Moves that HB 2529 be sent to the Floor with DO PASS recommendation.

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

CHAIR PARKS: The motion CARRIES.

REP. TARNO will lead discussion on the Floor.

WORK SESSION ON HB 2543

270 SOUVENIR, COMMITTEE COUNSEL: Gives Staff Measure Summary of HB 2543.

MOTION: REP. MASON: Moves to ADOPT the -1 amendments to HB 2543.

VOTE: CHAIR PARKS: Hearing to objections, the amendments are ADOPTED. All members are present.

MOTION: REP EDMUNSON: Moves HB 2543, AS AMENDED to the Floor with DO PASS recommendation.

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

CHAIR PARKS: The motion CARRIES.

REP EDMUNSON to lead discussion on the Floor.

CHAIR PARKS adjourns meeting at 2:27 p.m.

Submitted by:

Reviewed by:

Katy Yetter  
Committee Assistant

Anne May Committee Clerk

EXHIBIT LOG:

A - Amendments to HB 2228 - Legislative Counsel - 1 page B -  
Amendments to HB 2261 - Legislative Counsel - 1 page C - Amendments to  
HB 2483 - Legislative Counsel - 1 page D - Amendments to HB 2543 -  
Legislative Counsel - 1 page