

HOUSE COMMITTEE ON JUDICIARY

February 23, 1993 Hearing Room 357 1:30 P.M. Tapes 12-13

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: Holly Robinson, Legislative Counsel Carole Souvenir, Legislative Counsel Bryan Boehringer, Committee Clerk Ian Lombard, Committee Page

MEASURES CONSIDERED: HB 2143 - Relating to children. HB 2223 - Relating to evidence. HB 2250 - Relating to the death penalty. HB 2364 - Relating to evidence. HB 2382 - Relating to forfeiture. HB 2383 - Relating to forfeiture; declaring an

emergency. HB 2476 - Relating to correction of erroneous material in Oregon law. HB 2514 - Relating to firearms. HB 2539 - Relating to forfeiture; appropriating money; declaring an emergency.

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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 12, SIDE A

009 CHAIR PARKS: Opens the meeting.

Work Session on HB 2250

010 CHAIR PARKS: Opens the work session on HB 2250.

012 CAROLE SOUVENIR, COMMITTEE COUNSEL: Explains the bill. There are dash 1 amendments that do need to be adopted by the full committee.

022 MOTION: REP. BRIAN: Moves to ADOPT the HB 2250-1 amendments.

VOTE: CHAIR PARKS: Hearing no objection, the amendments are

ADOPTED. All members are present.

026 REP. BAKER: Voices concerns with the redraft of the bill. Speaks in favor of the death penalty, and is concerned about the vulnerability of the language in the bill.

045 CAROLE SOUVENIR, COMMITTEE COUNSEL: Comments on the amendments affect on the language.

052 MOTION: REP. BRIAN: Moves HB 2250, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: 7-2 Motion passes AYE: Baker, Brian, Courtney, Edmunson, Tarno, Tiernan, Parks NO: Brown, Mason

REP. TIERNAN will lead discussion on the Floor.

063 REP. MASON: Serves notice of possible minority report.

Work Session on HB 2364

070 CHAIR PARKS: Opens the work session on HB 2364.

071 MOTION: REP. BROWN: Moves that HB 2364 be referred back to the subcommittee on Crime and Correction.

VOTE: CHAIR PARKS: Hearing no objection, HB 2364 is referred back to the subcommittee on Crime and Correction. All members are present.

Work Session on HB 2382

081 CHAIR PARKS: Opens the work session on HB 2382

083 CAROLE SOUVENIR, COMMITTEE COUNSEL: Explains the bill.

089 MOTION: REP. BRIAN: Moves HB 2382 to the floor with a DO PASS recommendation.

VOTE: 9-0 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno,

Tiernan, Parks NO: None

REP. BAKER will lead discussion on the Floor. Work Session on HB 2383

099 CHAIR PARKS: Opens the work session on HB 2383.

100 CAROLE SOUVENIR, COMMITTEE COUNSEL: Explains the bill. There are dash 1 amendments.

109 MOTION: REP. BRIAN: Moves to ADOPT the HB 2383-1 amendments.

VOTE: CHAIR PARKS: Hearing no objection, the amendments are

ADOPTED. All members are present.

113 MOTION: REP. BRIAN: Moves HB 2383, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: 9-0 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno,

Tiernan, Parks NO: None

REP. BAKER will lead discussion on the Floor.

Work Session on HB 2476

122 CHAIR PARKS: Opens the work session on HB 2476.

123 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the bill. Amendments have already been adopted.

129 MOTION: REP. EDMUNSON: Moves HB 2476 to the Floor with a DO PASS recommendation.

VOTE: 9-0 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno,

Tiernan, Parks NO: None

REP. MASON will lead discussion on the Floor.

Work Session on HB 2514

143 CHAIR PARKS: Opens the work session on HB 2514.

144 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the bill. There are dash 1 amendments that need to be adopted.

149 MOTION: REP. EDMUNSON: Moves to ADOPT the HB 2514-1 amendments.

VOTE: CHAIR PARKS: Hearing no objection, the amendments are

ADOPTED. All members are present. 152 MOTION: REP. EDMUNSON: Moves HB 2514 to the Floor with a DO PASS recommendation.

VOTE: 8-1 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Tarno, Tiernan,

Parks NO: Mason

REP. EDMUNSON will lead discussion on the Floor.

Work Session on HB 2539

164 CHAIR PARKS: Opens the work session HB 2539.

165 REP. BRIAN: Comments on some technical difficulties with the fiscal report.

MOTION: REP. BRIAN: Moves that HB 2539 be referred back to the subcommittee on Civil and Judicial Administration.

VOTE: CHAIR : Hearing no objection, HB 2539 is referred back to the subcommittee on Civil and Judicial Administration. All members are present.

Work Session on HB 2143

178 CHAIR PARKS: Opens the work session on HB 2143.

179 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the bill.

188 MOTION: REP. BRIAN: Moves HB 2143 to the Floor with a DO PASS recommendation.

192 REP. TIERNAN: Requests more information on the bill.

196 CHAIR PARKS: Calls a five minute recess.

199 CHAIR PARKS: Resumes the meeting at 1:55 p.m.

VOTE: 8-1 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Tarno, Tiernan,

Parks NO: Mason

REP. COURTNEY will lead discussion on the Floor.

Work Session on HB 2223 Witnesses: John Foot, Inspector General, Department of Corrections.

229 CHAIR PARKS: Opens the work session on HB 2223.

230 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the bill. 237 REP. BROWN: Discusses concerns with the bill. 1) Applies to jails where persons prior to conviction are housed. 2) Not all of the phones are properly marked warning inmates of recordings.

253 REP. EDMUNSON: Questions counsel on conversations between the accused and attorneys.

257 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the statute that describes what can and can not be recorded.

266 REP. EDMUNSON: Questions counsel on conversations between the accused and witnesses.

270 REP. MASON: Questions counsel about the hearsay rule in general.

280 JOHN FOOT, INSPECTOR GENERAL, DEPARTMENT OF CORRECTIONS: Clarifies issues dealing with which types of calls are monitored.

298 CHAIR PARKS: Voices concerns with the process of determining which conversations are taped.

300 FOOT: Describes process.

306 REP. BROWN: Asks about mail.

318 REP. BRIAN: Discusses what types of inmates are covered.

337 FOOT: Discusses admissible evidence and established procedures. Discusses evidence that is lawfully obtained.

356 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the staff measure summary. Explains the scope of the bills coverage.

372 REP. BRIAN: Questions counsel on the definition of "inmate".

390 REP. EDMUNSON: Discusses admissibility of recordings.

412 REP. MASON: Inquires on how different cases will be handled under the statute.

429 FOOT: Explains inmates rights under the statute.

438 MOTION: REP. TIERNAN: Moves that HB 2223 be referred back to the subcommittee on Crime and Corrections.

445 REP. BRIAN: Requests that discussion in the subcommittee focus on the differences in inmates and pretrial individuals in custody.

457 REP. BAKER: Requests discussion on the purpose of recording calls in prison.

465 REP. TARNO: Discusses the intent of the bill.

TAPE 13, SIDE A

027 REP. BRIAN: Discusses the intent of the bill.

038 VOTE: CHAIR PARKS: Hearing no objection, HB 2223 is referred back to the subcommittee on Crime and Corrections. All members are present.

040 CHAIR PARKS: Adjourns the meeting at 2:15.

Submitted by:

Reviewed by:

Bryan Boehringer
Committee Coordinator

Anne May Committee Assistant