

HOUSE COMMITTEE ON JUDICIARY

April 26, 1993 Hearing Room 357 1:30 p.m. Tapes 28 - 29
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 MEASURES CONSIDERED: HB 2318 - Relating
to crime. HB 2368 - Relating to abuse of corpse. HB 2508 - Relating to
crime. HB 2518 - Relating to criminal mischief. B 2736 - Relating to
driving while under the influence of intoxicants. B 3052 - Relating to
report of child abuse. HB 3071 - Relating to firearms. HB 3522 -
Relating to real property recordings. HB 3601 - Relating to title of
real property.

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. . TAPE 28, SIDE A

007 CHAIR PARKS: Calls the meeting to order at 1:38 p.m.

WORK SESSION ON HB 2318

009 HOLLY ROBINSON, COMMITTEE COUNSEL: The bill adds abandonment and
financial exploitation of elderly and dependent persons to Criminal
Mistreatment I statute. There are -5 amendments. Explains the changes
with the amendments.

025 MOTION: REP. COURTNEY: Moves to ADOPT the B 2318-5
amendments. House Committee on Judiciary April 26, 1993 - Page 2

VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. All
members are present. 031 MOTION: REP. COURTNEY: Moves HB 2318, AS
AMENDED, 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. TIERNAN will lead discussion on the Floor.

WORK SESSION ON B 2368

043 CAROLE SOUVENIR, COMMITTEE COUNSEL: The bill creates a crime for
the abuse of corpse in the first degree punishable by a maximum of 10
years imprisonment, \$100,000 fine or both; extends definition of victim
to include appropriate member of the immediate family of the decedent
for certain circumstances, including compensation from the crime
victims' compensation program. There are -1 amendments. 048 MOTION:
REP. COURTNEY: Moves to ADOPT the B 2368-1 amendments. 050 CAROLE
SOUVENIR, COMMITTEE COUNSEL: Explains the purpose of the amendments.

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

055 MOTION: REP. BRIAN: Moves HB 2368, AS AMENDED, to the Floor with
a DO PASS recommendation. 059 REP. MASON: Ask about the need for this
bill. 061 REP. COURTNEY: Explains the testimony on the bill.
Discusses corpse mutilation incidence in Salem. Discusses the need for a
policy statement. 087 REP. MASON: Asks about the number of mutilation
cases in Oregon. 090 REP. COURTNEY: Explains when the incident

occurred in Salem. 092 REP. MASON: Is there a lot of grave robbing occurring? 095 REP. COURTNEY: Discusses cultism and satanic ritual use of the corpses. 107 REP. MASON: Asks about sexual use of the bodies.

109 REP. COURTNEY: Explains the sexual abuse of the bodies.

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116 REP. MASON: Discusses the fact that all of these abuses are currently felonies. What is the - rational behind upgrading this to a higher felony? 124 REP. COURTNEY: Explains. The testimony presented justified the upgrade. Discusses the need for a policy statement. 143 REP. BROWN: Discusses the provision that allows families access to the victim assistance fund.

VOTE: 8-1 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Tarno, Tiernan, Parks NO: Mason

REP. TARNO will lead discussion on the Floor.

WORK SESSION ON HB 2508

162 HOLLY ROBINSON, COMMITTEE COUNSEL: The bill creates new crimes of "Throwing Object off Freeway Overpass." There are -2 amendments.

173 MOTION: REP. COURTNEY: Moves to ADOPT the HB 2508-2 amendments.

VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. Rep. Mason is excused.

176 MOTION: REP. COURTNEY: Moves that HB 2508, AS AMENDED, be returned to the Speaker's desk with a letter requesting that the bill be referred to the Committee on Appropriations with a DO PASS recommendation. 178 HOLLY ROBINSON, COMMITTEE COUNSEL: Estimates that the fiscal impact for the first biennium would be \$320,000. VOTE: 8-0 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Tarno, Tiernan, Parks NO: None EXCUSED: Mason

WORK SESSION ON HB 2518

189 CAROLE SOUVENIR, COMMITTEE COUNSEL: The bill expands the definition of "medical facility" under the criminal mischief statute to include a licensed physician's office or anywhere a licensed physician's office or anywhere a licensed medical practitioner provides health care services.

MOTION: REP. BROWN: Moves HB 2518 to the Floor with a DO PASS recommendation.

197 REP. BAKER: Asks about the need for the bill.

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200 REP. BROWN: Discusses the need. Explains the testimony concerning

protesters blocking entry to clinics. 207 REP. BAKER: Discusses problems with the broad reach of the enhanced penalties. Doesn't like the ranking of protected buildings. 221 CHAIR PARKS: Discusses the legal right of access. 231 REP. MASON: Discusses problems with the statute. Discusses the problems with the application of the enhanced penalties. 289 REP. BROWN: Explains the reasoning behind the bill. Describes instances where individuals were denied entrance to medical facilities. 301 REP. TIERNAN: Clarifies the intent of the bill. Discusses the intent to destroy property.

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

REP. TIERNAN will lead discussion on the Floor.

WORK SESSION ON HB 2736

332 CHAIR PARKS: informs the members that the full committee will be acting as a subcommittee of the whole, for the purposes of this bill. 335 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the needed changes in the bill. The bill expands the implied consent law to allow for a chemical test of a person's blood to determine the alcoholic content if the person receives medical care in a health care facility immediately following an accident. There are -1 amendments, and the senate bill that will be added to the house bill. The sections of the senate bill extend the implied consent statutes to the implied consent for blood, in order to make the license suspensions for refusal the same. 370 REP. EDMUNSON: Asks about implied consent for a blood search.

377 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the limits of the tests. Discusses probable cause.

412 CHAIR PARKS: Explains that he submitted the amendment. Discusses the amendment. 440 MOTION: CHAIR PARKS: Moves to ADOPT the HB 2736-1 amendments and Sections 4-10 of SB 722. VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. All members are present. - 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 House Committee on Judiciary April 26, 1993 Page 5

469 MOTION: REP. BRIAN: Moves HB 2736, AS AMENDED, 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. PARKS will lead discussion on the Floor.

TAPE 29, SII)E A WORK SESSION ON HB 3052

035 HOLLY ROBINSON, COMMITTEE COUNSEL: The bill deletes the requirement that contact be made while in an official capacity in order to have a duty to report child abuse. There are -3 amendments.

048 MOTION: REP. BROWN: Moves to ADOPT the HB 3052-3 amendments.

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

051 REP. BAKER: Asks about the emergency clause. 052HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the need for the Emergency Clause. 060 REP. BAKER: Discusses the appropriateness of an emergency clause. 067 CHAIR PARKS: In this situation the clause would be appropriate.

069 MOTION: REP. BROWN: Moves HB 3052, AS AMENDED, 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. PARKS will lead discussion on the Floor.

WORK SESSION ON HB 3071

081 CAROLE SOUVENIR, COMMITTEE COUNSEL: The bill expands the definition of firearm to include weapons designed to expel a projectile by use of black powder. Expands firearm regulations in general. There are -3 amendments. 100 MOTION: REP. BRIAN: Moves to ADOPT the HB 3071-3 amendments.

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

104 MOTION: REP. BRIAN: Moves HB 3071, AS AMENDED, to the Floor with a DO PASS recommendation. 107 REP. TIERNAN: Asks if the bill would hamper reformed mental hospital patients. 116 CAROLE SOUVENIR, COMMITTEE COUNSEL: The individual would not be able to apply for a concealed handgun permit. Discusses the appeal process. 155 REP. TIERNAN: Explains his no vote on the legislation.

VOTE: 8-1 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno, Parks NO: Tiernan

REP. BRIAN will lead discussion on the Floor.

WORK SESSION ON HB 3522 169 CAROLE SOUVENIR, COMMITTEE COUNSEL: The bill allows title companies to execute and record a "release of trust deed" if a full reconveyance has not been executed and recorded within 75 calendar days of the date the obligation was fully satisfied. There are -2 amendments. 174 MOTION: REP. BRIAN: Moves to ADOPT the HB 3522-2 amendments.

VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. All members are present. 181 MOTION: REP. BRIAN: Moves HB 3522, AS AMENDED, 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 3601

191 CAROLE SOUVENIR, COMMITTEE COUNSEL: The bill allows suits to quiet title to be brought against counties and other governmental units; Allows counties and other governmental units to be named defendants in actions affecting title to real property when the county or governmental unit has record title to or a lien on the real property. There are -2 amendments. 197 MOTION: REP. BRIAN: Moves to ADOPT the HB 3601-2 amendments.

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

200 MOTION: REP. BRIAN: Moves HB 3601, AS AMENDED, 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. EDMUNSON will lead discussion on the Floor. 211 CHAIR PARKS: Adjourns the meeting at 2:22 p.m.

Submitted by:
Committee Clerk

Reviewed by: Bryan Boehringer
Committee Coordinator

Anne May

EXHIBIT LOG:

A - Amendments to HB 2318 - Legislative Counsel - 3 pages B - Amendments to HB 2368 - Legislative Counsel - 1 page C - Amendments to HB 2508 - Legislative Counsel - 2 pages D - Amendments to HB 2736 - Legislative Counsel - 1 page E - Amendments to HB 2736 - Holly Robinson - 8 pages F - Amendments to HB 3052 - Legislative Counsel - 2 pages G - Amendments to HB 3071 - Legislative Counsel - 18 pages H - Amendments to HB 3522 - Legislative Counsel - 3 pages I - Amendments to HB 3601 - Legislative Counsel - 1 page - 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.