

SENATE COMMITTEE ON
JUDICIARY

May 4, 1993 Hearing Room B
1:00 p.m. Tapes

MEMBERS PRESENT: Sen. Dick Springer, Chair
Sen. Jeannette Hamby
Sen. Karsten Rasmussen
Sen. Bob Shoemaker
Sen. Gordon Smith
Sen. Catherine Webber

MEMBERS EXCUSED: Sen.

STAFF PRESENT: Bill Taylor, Committee Counsel
Karen Quigley, Committee Counsel
Kirk Bailey, Committee Assistant

ISSUES DISCUSSED: Public Hearing on SB 370, SB 833
Work Session on SB 680, SB 1019, SB 94
Public Hearing & Possible Work Session on SB 1111

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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.

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TAPE , SIDE A

003 CHAIR SPRINGER: Opens the hearing at 1:34 pm. Comments on committee agenda.

SB 1111:

WITNESSES:

keith burns: Submits and reviews written testimony in support of the bill (EXHIBIT).

csp: comments on amendments in staff summary.

bill linden: testifies in support fo the bill.

csp: has amendment been presented to local police?

burns: shares authority. mailed provisions to them last summer.

al elkins: testifies in support of the bill.

qui: nothing to do with consturctino liens?
burns: no.
csp: comments on action.

Public Hearing

SB 370:

SB 833:

WITNESSES:

SENATOR CEASE

VERNON WELLS, OREGON PEACE OFFICERS ASSOCIATION

FRED AVERA, OREGON DISTRICT ATTORNEY'S ASSOCIATION

DAVID FIDANQUE, ACLU

JUDITH ARMATTA, OREGON COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE

IRV FLETCHER, AFL/CIO

CURT HOHN, CITIZEN

LAURIE WIMMER, COMMISSION ON WOMEN

LAUREN MOUGHON, WOMENS RIGHTS COALITION

SENATOR CEASE: Testifies in support of the bill.

csp: requests staff clarify amendments.

tay: reviews bill and amendments to 370 & 833. (EXHIBIT).

csp: comments on scheduling of senate bills and action on the house side.

smi: inquires about sen. t. smith's bill?

csp: Corrrrect that tricia had a section but has not spoken about
interaction

and impact of the bills together.

smi: Describes situation, does bill give police teeth to take action?

cease: Believes so. May want to confer with others.

>Comments on previous questions. Problem for males as well. Need
generic
bill.

shoe: section 9. is it good policy to exempt one section from filing
fees?

cease: no strong feeling.

ham: issue needs to stand alone rather than omnibus. page 6, telephonic?

cease: never seen phrase.

ham: reviews language.

cease:

shoe: comments on telephonic appearances.

cease: good bill should pass.

VERNON WELLS: Testifies in support of the bill. Describes example
stalking
case. Submits and reviews written testimony in support of the bill
(EXHIBIT
).

FRED AVERA: Testifies in support of the bill.

DAVID FIDANQUE: Submits and reviews written testimony with concerns about
the

bill (EXHIBIT).

csp: requests comments from avera about amendments.
avera: concurs with aclu generally. Reviews amendments language.
>protective order language should be broader.
>need to differentiate page 1, and page 6, line 13.

fidanque: Technical item, section 1, sub 3, sub h: change to
"communicating
with".
avera: comments on afl/cio testimony. Responds to shoe: question
regarding
filing fee. Compares to domestic abuse prevention act language.
csp: comments.

SENATOR TRICIA SMITH: Testifies in support of the bill and the
amendments.
Problems to -2 amendments to SB 370.
>Protective order should be issued by court not officer. Officers do not
now
have authority to issue orders.
>Contacting issues. Wants to avoid free speech problems.
>Alarm - How does court determine alarm. Language is too broad.

IRV FLETCHER: Submits and reviews written testimony in support of the
bill
(EXHIBIT).

csp: inquires if amendment has been reviewed on house side.
irv: yes. with one change.
csp:
irv:

smi: concerned that stalking is okay in a labor suit?
irv: oregon not the only state to address this.
smi: do not want labor movement tarred with stalking for legitimate
actions?
irv: amendment strengthens not weakens.

JUDITH ARMATTA: Submits and reviews written testimony in support of the
bill
(EXHIBIT).

csp: concerned that officers cannot make judgments on streets comments.
armatta:
csp: reviews process. suggesting judge has more information runs contrary
to
his experiece.
armatta: Reviews legislation further. concerned language be tightened up.
web: what is frequency of occurrence in oregon?
armatta: very frequent. (no solid numbers.)
web: any statistics?
armatta: no.
csp: Review court authority to order examinations and costs? Commitment.
armatta: cannot comment on costs. Judges want authority to
order
examinations....
>
SENATOR DWYER: Testifies in support of the bill.

CURT HOHN: Testifies in support of SB 904. What???????? Describes example of stalking behavior.

web: commends witness on actions to address the issue.

LAUREN MOUGHON: Submits and reviews written testimony in support of the bill (EXHIBIT).

ham: officers should be given protective orders in domestic abuse situations?

lauren: fapa system works well. If we are going to change then yes, domestic violence should be included.

csp: comments on work session schedule.

LAURIE WIMMER: Submits written testimony only in support of the bill (EXHIBIT).

SB 680:

tay: reviews bill and amendments (EXHIBIT).

csp:

shoe: convenes hearing on the bill.

DAVID FACTOR, CRIMINAL JUSTICE COUNCIL: Submits and reviews -1 & -2 amendments (exhibit).

shoe: engrossed include -1 and -2?

tay: yes.

factor: Reviews amendments further.

shoe: clarifies engrossed version.

factor: addressing -1 amendments.

shoe: requested review of aggravated murder and murder, this seem broader?

factor: murder does not include all forms of homicide. -2 amendments presume

to allow the study to be broader.

shoe: -2 from oSB ?

factor: yes. Comments on -2 amendments and intentions.

shoe: original intent of bill was to delineate costs of different murder cases?

factor: correct. Reviews history of the bill.

shoe: reviews comments so far for the chair. Questions whether we want to

take the direction of the -2 amendments, reluctant to do so?

csp:

KINGSLEY KLICK, COURT ADMINISTRATOR'S OFFICE: Submits and reviews engrossed amendments to the bill (exhibit).

BRENDA PETERSON, DEPARTMENT OF JUSTICE: Testifies with concerns about

the
bill.

csp: has anyone checked with sen. kerans or coalition about the amendments?

factor: believes so. factor spoken with Kramer

csp: trying to sort out players and

shoe: regarding comparison, in aggravated murder is there significant expense

between death penalty and non-death penalty cases?

brenda: yes. Reviews costs for different avenues trial and case.

shoe: make sense to break into three categories?

brenda: could and focus on aggravated murder cases.

shoe:

csp: inquires as to other witnesses.

ROSS SHEPARD, OCDLA: have not been able to speak to Kramer about the bill.

csp: would like to carry over.

tay: one more doesn't matter much.

csp: further review needed.

shoe: comments on factors comments on ...

factor: no problem with state court administrators suggestions.

shoe: there amendment to assignment is adequate?

factor: yes.

mike hall: Notes that Kramer not opposed to the amendments.

csp: will hold over and reschedule for tomorrow.

SB 1111:

csp: revisits bill and reviews amendments to the bill.

motion:

csp: comments that further bills will be held over for wed. hearing.

comments on committee schedule.