

SENATE COMMITTEE ON  
JUDICIARY

May 14, 1993           Hearing Room C  
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 & Work Session on HB 2518, SB 633, HB  
228 1,  
                                  HB 2916, SB 1061.  
                                  Public  Hearing on SB 789.  
                                  Work Session on SB 769, SB 811, SB 724.

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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:  shoe: Opens the hearing at 1:25 pm in the absence  
of  
                  the chair.

SB 789:  Creates crime of inhaling toxic fumes.

WITNESSES:  
SENATOR KENNEMER  
JOE KRUMM, NORTH CLACKAMAS SCHOOL DISTRICT

SENATOR KENNEMER:  Testifies in support of the bill.

ham:  fiscal analysis?  
ken:  no.  
ham:  reviews fiscal, coupling with other offenses would lower impact.  
ken:  will review.  
web:  substances, require labelling?  
ken:  doesn't know.

ham: acetone? what about that?  
ken: understands point, but abuse in occurring.  
web: some start without understanding of the danger.  
smi: opposition letter from constituent, could we exempt those who in the  
course of business utilize these substances.  
ken: yes, bill does address intent.  
smi: proposes...  
shoe: comments on brandy sniffing.....

JOE KRUMM: Submits and reviews written testimony in support of the  
bill  
(EXHIBIT ).

csp: health care problem?  
joe: in schools?  
csp: anywhere.  
ken: clarify?  
csp: why do students do this.  
ken:  
csp: what prevention is occurring? Any drug awareness?  
joe: no.  
csp: comments on need for teen clinics. offers to share information  
from  
human resources committee.  
joe: clarifies age issue.  
web: what about the fine?  
joe:  
web: comments on the issue. Questions the approach.

HB 2518: Expands definition of "medical facility" for purposes of  
criminal  
mischief statute.

WITNESSES:  
REPRESENTATIVE KATE BROWN  
JOHN ALSEVER, OMA  
ROBERTA WEBBER, PORTLAND POLICE  
LAURIE WIMMER, COMMISSION FOR WOMEN  
DIANE LINN, CFW  
MAURA ROCHE, OREGON NARAL  
DOUG VANDE GRIEND, WESTERN CENTER FOR LAW AND RELIGIOUS FREEDOM

KATE BROWN: Testifies in support of the bill.

JOHN ALSEVER: Submits and reviews written testimony in support of the  
bill  
(EXHIBIT ).

ham: describes clinic harassment in her district.  
brown:  
smi: needed legislation. Considered historical context of the bill?  
Same  
laws that promoted discrimination in the past?  
brown: key difference between lawful and unlawful protest.  
smi: comments on concerns about the bill.  
csp: discussion about amendmetns, problem on the house side?  
brown: reviews problems with existing statutes. Changes will mean the

house  
will not consider.  
smi: has amendment which should not change substance and only clarify.  
brown: concerned that any changes will kill the bill.  
csp: reviews methods to keep the bill alive.  
brown:

ROBERTA WEBBER: Submits and reviews written testimony in support of the bill  
(EXHIBIT ).  
taylor gave me -1 amendments to the bill (EXHIBIT ).

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

DR. PETER BOURS: Submits written testimony only in support of the bill  
(EXHIBIT ).

MAURA ROCHE: Submits and reviews written testimony in support of the bill  
(EXHIBIT ).

DIANE LINN: Submits and reviews written testimony in support of the bill  
(EXHIBIT ).

DOUG VANDEGRIND: Testifies in opposition to the bill.

smi: seen amendments?  
doug: no.  
smi: address your concerns.  
doug: reviews letter from another constituent with amendments.  
smi: are you afraid it will be found unconstitutional?  
doug: concern goes farther, that the bill creates greater confusion and  
polarization and violence.  
smi: comments on dilemma....  
doug: hard cases make bad law...  
csp:  
csp: requests statute interpretations from counsel.  
tay: Reviews research and statute interpretations relating to the bill.  
>shepardized the bill, all cases related to property damage.

MOTION: ham: moves

MOTION: smi: moves -1  
VOTE: nay.

VOTE: aye.

lisa naito: Submits and reviews written testimony in support of the bill  
(EXHIBIT ).

SB 633: Prohibits taking of wildlife while in violation of criminal trespass laws.

WITNESSES:

SENATOR JOAN DUKES  
HENRY WHITE, CITIZEN

BETTY MALONE, CITIZEN  
ROY HYDER, OREGON STATE POLICE

SENATOR DUKES: Testifies in support of the bill with amendments (EXHIBIT ).

ham: reviews scenario. Okay to have gun out the window if not is season.  
dukes: yes.  
shoe: modified drive by shooting bill.  
dukes: correct.

SB 769:

csp: how should committee deal with the bill.  
dukes: haven't seen bill or amendments. Supports but concerned about increases in traffic and speeders in neighborhoods. Comments on possible reasons. Likes the pilot program.  
csp: objections to bill in this form?  
dukes: no.

Sen. Shoemaker returns to 633.

shoe: would it work to limit to at wildlife during season?  
dukes: concerned about who decides when and where wildlife is.

SB 633:

WITNESSES:

HENRY WHITE: Testifies in support of the bill.

BETTY MALONE: Testifies in support of the bill.

ROY HYDER: Submits and reviews written testimony in support of the bill (EXHIBIT ).

ras: how many weeks hunting season not open in oregon.  
roy: estimates...  
ras: cougar season, bear season.  
roy: yes. yes, both fall and spring. Perhaps 5 months.  
ras: no animal I can hunt year round?  
roy: no there are. animals with no closed season.  
ras:  
roy: yes, wildlife.  
ras: -3 would cover entire year?  
roy: I don't know. is lawful seasons relate to open seasons....  
ras: wildlife means any animal, animals with no closed seasons, making bill effective year round, does that follow?  
roy: yes. I would agree.  
ras: then I like the -3 amendments.  
ham: explain use of scope from vehicle?  
roy: can't speak for nra. Can't explain why someone would want to aim

weapon  
out vehicle for any reason. section 4...  
shoe: important to make sect 4 applicable to officers in the course of  
their  
duties.  
roy: removal of those exceptions... don't believe that exemption is  
necessary  
for officers in the course of their duty. Believes circumstances  
would  
justify, but that practice is rarely used.  
shoe: not the intent of legislature to close that option if necessary.

MOTION: csp: -a3 amend  
VOTE: hno

MOTION: csp: moves  
VOTE: aye.

SB 769: Authorizes selected jurisdictions in state to operate photo  
radar  
demonstration project.

WITNESSES:  
HOWARD LEIGHTY,  
MARK GORSKI,  
DAVID FIDANQUE, ACLU

HOWARD LEIGHTY: Testifies in opposition to the bill.

shoe: would views change if there were notification of photo radar on  
the  
road.  
howard: would not address technical concerns, but the fairness issues.  
shoe: notification seems fair.  
howard: important in defense to know circumstances. maintains need for  
human  
operator.

MARK GORSKI: Testifies in opposition to the bill.  
>Concerned about due process and equal protection.

DAVID FIDANQUE: Testifies in opposition to the bill.

shoe: oppose the bill for other reasons or just the rebuttal presumption?  
david: rebuttal presumption mainly, not opposed

SB 1061:

WITNESSES:  
SENATOR BRYANT  
WARREN DERAS, OREGON STATE BAR

SENATOR BRYANT: Testifies in support of the bill.

WARREN DERAS: Submits and reviews written testimony in support of the  
bill  
(EXHIBIT ).

>Reviews -1 amendments (EXHIBIT ).

csp:

qui:

csp:

shoe: what is counsel legal's opinion.

qui: reviews bill and case.

shoe:

qui: aren't we all. Refers to Deras' testimony.

MOTION:

VOTE:

MOTION:

VOTE:

SB 769:

WITNESSES:

DOUG HOFFMAN: Testifies in opposition to the bill.

ham:

doug: