

SENATE COMMITTEE ON
JUDICIARY

June 18, 1993 Hearing Room C
1:00 p.m. Tapes 195 - 196

MEMBERS PRESENT: Sen. Dick Springer, Chair
 Sen. Jeannette Hamby
 Sen. Karsten Rasmussen
 Sen. Catherine Webber

MEMBERS EXCUSED: Sen. Bob Shoemaker, Vice-Chair
 Sen. Gordon Smith

STAFF PRESENT: Karen Quigley, Committee Counsel
 Bill Taylor, Committee Counsel
 Ellen L. Senecal, Committee Assistant

ISSUES DISCUSSED: Public Hearing & Work Session on HB 2085, HB 2545
 Work Session on HB 2254, HB 2680, HB 2736, HB

225 1, HB 2318

Possible Reconsideration & Work Session on HB 2259

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, SIDE A

003 CHAIR SPRINGER: Opens the meeting at 1:05 p.m.

PUBLIC HEARING ON HB 2085 Requires financial institutions to disclose to State Court Administrator account activity for at least previous 30 days concerning person requesting courtappointed counsel.

WITNESSES: Bill Linden, State Court Administrator

006 BILL LINDEN, STATE COURT ADMINISTRATOR: Submits and summarizes written testimony in support of HB 2085. (E~IIB T A)

027 SEN. RASMUSSEN: An account balance in and of itself that's higher than 20 days prior to the date of request isn't going to keep someone from coming eligible is it?

030 LINDEN: Responds.

034 CHAIR SPRINGER: Recesses public hearing on HB 208 5.

PUBLIC HEARING ON HB 2545
E xtends protection from certain evidence to victim of sexual abuse in first degree.

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WITNESSES: Fred Avera, Polk County DAA

Ross Shepard, OCDLA

054 FRED AVERA, POLK COUNTY DAA: Gives testimony in support of HB 2545.

077 ROSS SHEPARD, OCDLA: Gives testimony in support of HB 2545.

085 CHAIR SPRINGER: Recesses public hearing on HB 2545.

POSSIBLE RECONSIDERATION OF HB 2259 Clarifies crime of intimidation in first degree. Bill is being considered only for the purpose of adopting conflict amendments.

090 BILL TAYLOR, COMMITTEE COUNSEL: Gives overview of HB 2259 and -A8
 amendments. (EXHIBIT B)

104 CHAIR SPRINGER: What was Section 26 Chapter 18?

105 TAYLOR: Responds.

111 MOTION: SEN. HAMBY: Moves for RECONSIDERATION of HB 2259.
VOTE: CHAIR SPRINGER: Hearing no objections, the motion CARRIES.
MOTION: CHAIR SPRINGER: Moves to ADOPT HB 2259-A8 AMENDMENTS.
VOTE: CHAIR SPRINGER: Hearing no objections, the motion CARRIES.
MOTION: CHAIR SPRINGER: Moves HB 2259 AS AMENDED to the Floor with
a DO PASS recommendation.
VOTE: In a roll call vote, all members present vote AYE.
Sen. Shoemaker is excused.

CHAIR SPRINGER: The motion CARRIES.

SEN. HAMBY will lead discussion on the Floor.

WORK SESSION ON HB 2251 Clarifies procedure for charging person with
offense.

125 TAYLOR: Gives overview of HB 2251.
147 MOTION: SEN. RASMUSSEN: Moves HB 2251 to the Floor with a DO PASS
recommendation.
VOTE: In a roll call vote, all members present vote AYE.

. . .
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during their revision. Only text quoted in quotations marks report
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refer to the book.

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Sen. Shoemaker is excused.

CHAIR SPRINGER: The motion CARRIES.

SEN. RASMUSSEN will hold discussion on the floor.
WORK SESSION ON HB 2254 Defines terms in murder statute.
WITNESSES: Fred Avera, Polk County DAA
Ross Shepard, OCDLA

160 TAYLOR: Gives overview of HB 2254 and -A4 amendments. (EXHIBITS C)
180 FRED AVERA, POLK COUNTY DAA: Submits and summarizes written testimony
in support of A4 amendments. (EXHIBITS F)

265 ROSS SHEPARD, OCDLA: Submits and summarizes conceptual amendment.
(EXHIBIT E)

290 SEN. HAMBY: Asks for clarification of language.

295 SHEPARD: Responds.

300 AVERA: Responds.

320 MOTION: CHAIR SPRINGER: Moves to ADOPT -A4 AMENDMENT.
VOTE: CHAIR SPRINGER: Hearing no objections, the motion CARRIES.
MOTION: CHAIR SPRINGER: Moves to ADOPT the OCDLA CONCEPTUAL
AMENDMENT.
VOTE: CHAIR SPRINGER: Hearing no objections, the motion CARRIES.

325 TAYLOR: Gives overview of HB 2254 -A ~ amendments. (EXHIBIT D)

345 AVERA: Submits and summarizes written testimony in support of -AS
amendments. (EXHIBIT G)

400 SHEPARD: Gives testimony in support of -A5 amendments.

TAPE 196, SIDE A

017 AVERA: Responds.

060 SHEPARD: Responds.

070 SEN. RASMUSSEN: Wouldn't it be more appropriate to deal now with the

specific example in

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this statute rather than in another context or another session look at the broader issue?

075 AVERA: Responds.

080 SEN. HAMBY: I would prefer to see some of these cases without judicial discretion, and not have their records expunged.

087 SHEPARD: Responds.

105 CHAIR SPRINGER: Closes work session on HB 2254.

WORK SESSION ON HB 2680 Defines "address" for purposes of certain domestic relations statutes.

WITNESSES: Maureen McKnight, Oregon Legal Services

115 TAYLOR: Gives overview of HB 2680.

120 MAUREEN MCKNIGHT, OREGON LEGAL SERVICES: Gives testimony in support of HB 2680 and -A3 amendment. (EXHIBIT K)

135 MOTION: SEN. HAMBY: Moves to ADOPT -A3 AMENDMENTS.

VOTE: CHAIR SPRINGER: Hearing no objections, the motion CARRIES. All members present for vote except Sen. Shoemaker and Sen. Smith who are excused.

MOTION: SEN. HAMBY: Moves HB 2680 AS AMENDED to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. Sen. Shoemaker and Sen. Smith are excused.

CHAIR SPRINGER: The motion CARRIES.

SEN. WEBBER will lead discussion on the Floor.

WORK SESSION ON HB 2318

Expands crime of criminal mistreatment in second degree to include violation of assumed responsibility for care of another person.

WITNESSES: John Mullin, Clackamas County Social Services
Gina Mattioda, Oregon Medical Assn. (OMA)
Bertran Copp, United Seniors
Mark Campbell, Christian Science Committee

155 TAYLOR: Gives overview of HB 2318 -- 6, -A7, & -A8 amendments.
(EXHIBITS H & I)

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165 JOHN MULLIN, CLACKAMAS COUNTY SOCIAL SERVICES: Has no objection to amendments.

185 GINA MATTIODA, OMA: Gives testimony on amendments.

200 BERTRAN COPP, UNITED SENIORS: Has no objections to amendments.

204 TAYLOR: What does the term "takes charge" mean?

206 COPP: Responds.

215 SEN. RASMUSSEN: Troubled with vagueness of the language.

225 COPP: Responds.

227 CHAIR SPRINGER: Clarifies language.

235 COPP: Responds.

245 CHAIR SPRINGER: Delete "domination or manipulation. from the -A8 amendments.

250 MARK CAMPBELL, UNITED SENIORS: Gives testimony on amendments.

MOTION: CHAIR SPRINGER: Moves to ADOPT -AC, -A7, & -A8 AMENDMENTS with the deletion of "domination or manipulation.~

VOTE: CHAIR SPRINGER: Hearing no objections, the motion CARRIES. All members present for vote. Sen. Shoemaker and Sen. Smith are excused.

MOTION: CHAIR SPRINGER: Moves HB 2680 AS AMENDED to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. Sen. Shoemaker and Sen. Smith are excused.

CHAIR SPRINGER: The motion CARRIES.

SEN. WEBBER will lead discussion on the Ebor.

WORK SESSION ON HB 2736 Authorizes police officer to request blood test from person arrested for driving while under influence of intoxicants if person is receiving medical care in health care facility immediately after accident.

WITNESSES: Ross Shepard, OCDLA
Fred Avera, Polk County DAA
Mike McCracken, OMA
Roy Magnusson, ACEP

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Don LeCouteur, Governor's Advisory Committee on DUII

290 TAYLOR: Gives overview of HB 2736.

315 ROSS SHEPARD, OCDLA: Submits and summarizes proposed amendments to HB

273 6.

(EXHIBIT J

380 FRED AVERA, POLK COUNTY DAA: Gives testimony in support of OCDLA proposed

amendments.

TAPE 196, SIDE B

030 MIKE MCKRACKEN, OMA: Gives testimony in support of OCDLA proposed amendments.

065 TAYLOR: If you go to the hospital and arrest the person, then the law enforcement agency is responsible for the medical bills? The person is already under arrest so wouldn't you have the same problem under HB 2736?

080 DON LECOUTEUR, GOVERNOR'S ADVISORY COMMITTEE ON DUII: Responds.

095 SEN. RASMUSSEN: The objections we heard raised would be the same under the proposed amendments, because either one require arrest.

100 LECOUTEUR: Agrees.

~

102 MCKRACKEN: Responds.

120 ROY MAGNUSSON, ACEP: Gives testimony in support of HB 2736.

175 CHAIR SPRINGER: Closes work session on HB 2736.

WORK SESSION ON HB 2085 Requires financial institutions to disclose to State Court Administrator account activity for at least previous 30 days concerning person requesting court-appointed counsel.

177 TAYLOR: Gives overview of HB 2085.

185 MOTION: CHAIR SPRINGER: Moves HB 2085 to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. Sen. Rasmussen and Sen. Shoemaker are excused.

CHAIR SPRINGER: The motion CARRIES.
SEN. SMITH will lead discussion on the Floor.

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WORK SESSION ON HB 2545

Extends protection from certain evidence to victim of sexual abuse in first degree.

195 TAYLOR: Gives overview of HB 2545.

205 MOTION: CHAIR SPRINGER: Moves HB 2545 to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. Sen. Rasmussen and Sen. Shoemaker are excused.

CHAIR SPRINGER: The motion CARRIES.

SEN. HAMBY will lead discussion on the Floor.

REOPENS WORK SESSION ON HB 2736

235 SEN. SHOEMAKER: What are the arguments against doing it this way?

240 MCKRACKEN: Responds.

270 AVERA: Responds.

295 SHEPARD: Responds.

MOTION: CHAIR SPRINGER: Moves to ADOPT OCDLA AMENDMENT.

VOTE: In a roll call vote, the motion FAILS. All members present vote NAY, except SEN. Rasmussen and Chair Springer who vote AYE.

MOTION: SEN. HAMBY: Moves HB 2545 to the Floor with a DO PASS recommendation.

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

Springer

who votes NAY.

CHAIR SPRINGER: The motion CARRIES.
SEN. SHOEMAKER will lead discussion on the Floor.

345 SEN. RASMUSSEN: Requests AYE votes to be recorded for HB 2085 and HB 2545.

350 CHAIR SPRINGER: Hearing no objections, so ordered.

355 CHAIR SPRINGER: Adjourns the meeting at 7:30 p.m.

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Transcribed by: Reviewed by:

Jeffrey Boles

Bill Taylor Committee Clerk

Committee Counsel

EXHIBIT LOG:

- A - Testimony on HB 2085 - B. Linden - 1 page
- B - Amendments to HB 2259 - Staff - 2 pages
- C - Amendments to HB 2254 - Staff - 1 page
- D - Amendments to HB 2254 - Staff - 5 pages
- E - Amendments to HB 2254 - R. Shepard - 1 page
- F - Testimony on HB 2254 - F. Avera - 2 pages
- G - Testimony on HB 2254 - F. Avera - 3 pages
- H - Amendments to HB 2318 - Staff - 3 pages
- I - Amendments to HB 2318 - Staff - 2 pages
- J - Amendments to HB 2736 - R. Shepard - 1 page
- K - Amendments to HB 2680 - Staff - 1 page

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