HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CRIME AND CORRECTIONS
February 13, 1991 Hearing Room 357 1:00 p.m. Tapes 22 - 24
MEMBERS PRESENT:Rep. Randy Miller, Chair Rep. Ray Baum Rep. Judy Bauman Rep. Tom Brian Rep. Rod Johnson Rep. Del Parks ~ . Rep. Ron Sunseri '; ~ : VISITING MEMBER: Rep. Clark STAFF PRESENT:Greg Chaimov, Committee Counsel Holly Robinson, Committee Counsel Jeff Steve, Committee Assistant MEASURES HEARD: HB 2391 - Habeas Corpus - (PH/WS) HB 2234 - Out-of-Service Vehicles - (PH/WS) HB 2393 - Post-Conviction Relief (PH/WS)

These minutes contain materials which paraphrase and/or summarize statements made during this session. Onlv text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes. _

TAPE 229 SIDE A

004 CHAIR MILLER: Opens Subcommittee on Criminal Law and Corrections At 1:00 p.m.

HB 2391 - HABEAS CORPUS - PUBLIC HEARING

Witnesses:

Chief Justice Edwin J. Peterson, Oregon Supreme Court Dave Frohnmeyer, Attorney General of Oregon Jan Landahl, Assistant Attorney General, State of Oregon Ross Shepard, Oregon Criminal Defense Lawyers Association Stephen J. Bedor, Oregon Public Defenders Judge Richard Barber, Judicial Department/Circuit Judge Roy Pulvers, Oregon Supreme Court -~Dennis Dowd, Oregon Department of Corrections

015 GREG CHAIMOV: Summarizes HB 2391. Permits petition for habeas corpus when plaintiff House Committee on Judiciary February 13, 1991 - Page 2

is imprisoned in excess of initial prison sentence or is deprived of legal right requiring immediate attention and alternate remedy is inadequate.

029 CHIEF JUSTICE EDWIN J. PETERSON, OREGON SUPREME COURT: EXHIB1T A Reads from Exhibit A. The intent in preparing HB 2391 was not to compromise any of the existing rights people now have in the habeas process. 073 DAVE FROHNMEYER, ATTORNEY GENERAL OF OREGON: EXHIBIT B Reads from Exhibit B. HB 2391 is jointly supported by the Judicial branch and the Department of Justice. HB 2391 streamlines the procedures for habeas corpus. -The basic purpose of HB 2391: -Gives authority to the Court on its own motion to dispose of patently frivolous claims. -Gives authority to the Court to hold summary proceedings by virtue of truncated forms of evidence without necessarily bringing the prisoner before the Court. -Amendments. See Exhibit B, page 6-8. 165 JAN LANDAHL, ASSISTANT ATTORNEY GENERAL: The Department would like to delete Section 3(5)(a), page 1, lines 26-28 of printed bill. Alternatively, adopt the proposed amendment. See Exhibit B, page 7.

173 REP. PARKS: How big a problem is the habeas corpus issue right now?

182 LANDAHL: Right now it is less of a problem, but there is a likelihood that there will be an increase in habeas corpus filings. At

one point last year the Department had over 400 open cases, almost all of which were frivolous.

191 REP. PARKS: Does the Court have to have an evidentiary hearing?

192 LANDAHL: The current statutes are very unclear on the matter. HB 2391 is designed to clarify this. 199 REP. PARKS: Does the prisoner have to be brought physically before the Court? 201 LANDAHL: The current statutes and practices are unclear. Up until recently petitioners for habeas corpus were brought to Court. Recently courts have recognized that that procedure was not necessary and arguably not required by statute. 214 REP. MASON: Wants to make certain that the law reflects the position that violence is not condoned in prisons. Violence is illegal and unacceptable. 236 FROHNMEYER: Clarifies. Is concerned with those claims founded upon alleged threat of violence.

250 REP. BAUM: Hypothetical. "Let us say you have the situation where an inmate claims that a guard has beat him or threatens his life. What happens under this bill?"

263 LANDAHL: The writ of habeas corpus will continue to provide for these situations. Past acts

These minutes contain materials which p&raphrase and/or suramarize statements made during this soulon. Only text enclosed in quotation marlcs report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes. House Committee on Judiciary February 13, 1991 - Page 3

of violence cannot be addressed by habeas corpus petition because it is an injunctive relief.

280 REP. BAUM: Is this going to solve the problem? Some of these inmates are very apt at drawing up petitions with the right language to start the habeas corpus proceedings.

294 LANDAHL: HB 2391 provides a mechaniSMto get rid of some levels of these claims in the form of summary judgement. You cannot stop all of the frivolous petitions, but the mechanism should take care of many of them. 314 REP. BAUM: The summary judgement motion would only come up when the state has agreed to a stipulated hearing, not before.
324 LANDAHL: Summary judgement can come up at any time because HB 2391, Section 6 provides that any supporting evidence may be appended to the motion to dismiss. That in effect turns the motion into one for summary judgement. 335 CHAIR MILLER: Is there anything at work internally by those who review the taking of those cases. Isn't there some judgement by the attorney that would stop some of these cases.
350 LANDAHL: Often that is the case. Often the inmate will state he does not want an attorney because he knows that the attorney will try to convince him not to bring the case.

363 FROHNMEYER: The writ is too important and too critical to have a procedure that is so unclear in Oregonlaw. 385 REP. BAUM: The constitution in Oregon requires that the writ of habeas corpus shall not be suspended. Constitutionally, where is this legislation?
391 LANDAHL: Does not believe that is a problem. Nothing in HB 2391 comes close to suspending the writ of habeas corpus. The real writ of habeas corpus still exists in the post conviction statutes.

TAPE 23,SIDE A

013 ROSS SHEPARD, OREGON CRIMINAL DEFENSE LAWYERS ASSOCIATION: -Details history of habeas corpus -Section 4 of this bill is a suspension of the writ of habeas corpus. -Suggests that on the pro se petitions that a lawyer be appointed. This would provide for consultation with the petitioner. If the attorney finds that the case has no merit then the state could file a summary response and a court might then be able to dismiss the case. This would protect the writ and streamline the process.

082 STEPHEN J. BEDOR, STATE PUBIC DEFENDER'S OFFICE: EXHIBIT C -Section 6 of the bill bothers him. Fears that the courts would judge the merits of the case based on affidavits and other documentation without going through any kind of evidentiary hearing. Reads from Exhibit C.

These minutes contain materials which paraphrase and/or summarize SB ements nude during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedinge, please refer to the tapes. .

117 REP. PARKS: If a prisoner filed an affidavit that said he was not receiving medical treatment and someone in the prison filed an affidavit that said he was, that is a fact question that the judge would have to resolve as an evidentiary factor.

122 BEDOR: That is what will be argued at the trial level. See Exhibit C, page 3.

155 REP. PARKS: Understands that the petition is filed and then the case is put together in the courtroom. Is that correct?

159 SHEPARD: Yes.

160 REP. PARKS: What are the mechanics for someone in prison to get in touch with an attorney?

163 BEDOR: By telephone call, by writing, or by filing their own petition and the PDs office willi!!' ' !' be appointed to go out and represent them. ~ ;~t' ,~ tl I'

168 REP. MASON: The dialogue here is a dialogue over shampoo. Most of theses claims are frivolous. 175BEDOR: Most of the frivolous claims do not get to an evidentiary hearing anyway. Motions to strike will address most of these cases. 182REP. MASON: Is there anything in law now to dissuade an inmate from filing a writ for habeas corpus? 185 BEDOR: There is nothing at the moment. 200 REP. MASON: Does Section 6 address the frivolous claims? 201 LANDAHL: Section 6 primarily addresses the provision for a motion to dismiss which can be converted to a motion for summary judgement. This is not addressed to frivolous claims. Frivolous claims should be addressed $ the outset when the court can dismiss the claim on its own motion or issue a show cause order to require the defendant to demonstrate why a writ should not issue. Those are the two main mechanisms for getting rid of frivolous claims. ~$ 212 REP. BAUM: Doesn't the motion to strike work like section 6 of the bill? ~t -: ,~, ; 221 BEDOR: A motion to strike is filed in every case. To the motion to strike will be attached affidavits to show that on the merits the case has no validity. Under current case law the pleadings for the plaintiff are to be accepted as true for the

purpose of determining whether or not to grant an evidentiary hearing.

235 REP. BAUM: Are there any cases which say that? Are we going to change anything?

245 BEDOR: Dow v. Schuyler, 307 Or 562 states for the purpose of granting or denying a motion to strike that the allegations in the petition are to be accepted as true. It does not specifically state that the attachments to the return are not to be accepted in that consideration.

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. .

255 REP. JOHNSON: How are other states dealing with this?

258 BEDOR: Does not know.

265 RICHARD BARBER, CIRCUIT COURT JUDGE FOR MARION COUNTY: -There are too many petitions for writs of review. -Examples: -During the first quarter of 1990 153 petitions for writ of review were filed. Dismissed 104 of them. -Second quarter 113 filed, 82 dismissed. -485 petitions were filed during 1990, 328 were dismissed. -One petition referred to furniture in his cell which caused stress and weight loss. Another inmate says he is Robert E. Lee and declares himself the governor of another government and that he is an alien in our institution and has voted himself out of any jurisdiction. 396 CHAIR MILLER: "You stated that HB 2391 would put into cod)fication your current practice. Has your current practice been challenged?"

TAPE 22, SIDE B

002 BARBER: It has, in that when we began we issued the writ upon filing the petition and then dismissed it for unmeritorious claims. The Court of Appeals decided recently that once a writ has been issued the petition is not longer a pleading in the case. The return of the defendant and the replication of the petitioner become the only pleadings that are addressed. 021 REP. BAUMAN: Looking at line 8, page 1 it says, "The writ shall not command the defendant to produce the plaintiff before the court or judge issuing the writ, unless the court, in its discretion, so orders." Is this the right provision for appearance procedures? 028 BARBER: Traditionally, the writ calls to produce the body. 030 REP. BAUMAN: Has anyone ever raised the issue of some difference between the explicit statutory languages?

037 BARBER: All laws should be streamlined.

049 REP. CLARK, VISITING: Is concerned with the provision that Mr. Shepard highlighted that the court may on its own motion enter a judgement denying a meritless petition. Understands that that would be without hearing. Can you tell from the face of a petition whether it is meritless or not? 052 BARBER: If there is a question, he will file the petition. It is only those cases which on there face the court does not have habeas corpus jurisdiction or the obviously frivolous cases that are dismissed. 073 ROY PULVERS, OREGON SUPREME COURT: -Participated in the drafting of HB 2391. - These minutes contain materials which

paraphrase and/or summarize statomcats 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.

-Responding to Rep. Clark's question regarding dismissal by the court of meritless petitions. The statute in Section 4, subsection 7 defines a meritless petition as one when liberally construed fails to state a claim for relief. There are a host of built in protections in the statutes under Section 4 so that meritorious petitions survive. -Responding to questions by Rep. Mason and Rep. Baum. What HB 2391 does procedurally is put in a pre-screening procedure for the issuance of the writ. HB 2391 builds into the process before the actual issuance of the writ the potential for two things: 1) the court dismissing the meritless petition on its own motion or 2) ask the defendant to show cause why the writ should not issue. -Responding Rep. Park's question on how great a problem this is. In 198 9-90, 863 Circuit Court habeas corpus petitions were filed. It is a serious problem. -Clarifies Section 6. There is a difference in procedure between pre-writ and post-writ. -As to Section 3, subsection 5(a), lines 26-28, page 1 the language is taken directly from Penrod Brown v. Cupp, 283 Or 21 (1978). The purpose of subsection 5(a) was an attempt to state the case law standard for stating a claim for habeas corpus relief. See Exhibit A, page 2 of Appendix. 220 REP. BAUM: In Section 5(a) as written (HB 2391), the reason for not being too specific as to what constitutes relief is because one grounds for relief is medical attention and the courts may fined other grounds and there should be a generic statement that states the facts in support of a claim that such a person deprived of a constitutional right requires immediate judicial attention. Is that language insufficient to catch all grounds that might be appropriate? 229 PULVERS: The vast range of cases assert a constitutional claim. 242 REP. JOHNSON: Exhibit B states that the federal system seems to be more narrowly defined than the Oregon system. Is this bill going to narrow the right of habeas corpus?

254 PULVERS: The purpose of HB 2391 was directed to handling procedural reform. It was not intended to affect the substantive rights of petitioners. 267 DENNIS DOWD, DEPARTMENT OF CORRECTIONS: EXHIBIT D -The Department of Corrections supports the bill. Reads from Exhibit D.

HB 2391 - HABEAS CORPUS - WORK SESSION

295 MOTION, REP. BAUM: Moves to adopt Proposed Amendments by the Department of Justice dated February 13, 1991. See Exhibit B, Attachment. With correction that line "26" be made to read line "29" in the proposed amendments. 311 VOTE: No objection. Motion passes. 313 MOTION, REP. PARKS: Moves HB 2391 as amended to Full Committee with a "do pass" recommendation. 315 VOTE: 5-0 Motion passes. Rep. Baum to carry. ~ These minutes contain materials which paraphrase and/or summarize etatements made during this session. Only text enclosed in quotation muds report a speaker's exact words. For complete contents of the proceedinga, please refer to the tapes. House Committee on Judiciary February 13, 1991 - Page 7 AYE: Baum, Brian, Parks, Sunseri, Miller NO: 0 EXCUSED: Bauman, Johnson, Mason HB 2234 - PUBLIC UTILITY COMMISSION - PUBLIC HEARING

Witnesses:

Paul Henry, Oregon Public Utilities Commission Mike Meredith, Oregon Trucking Association Ken Chichester, Oregon State Police

337 GREG CHAIMOV: Summarizes HB 2234. Allows a violation of the Public Utility Commission "out-of-service" notice to be published as a Class A misdemeanor. 361PAUL HENRY, PUBLIC UTILITY COMMISSION: EXHIBIT E,F,G,H, I,K -The definition of "out-of-service" is simply "a vehicle by reason of its mechanical condition or loading is likely to cause an accident or breakdown." A driver is declared "out-of-service" when he or she has exceeded the prescribed hours of duty stipulated in both Oregon and federal law. -Outlines history of "out-of-service." -Refers to Exhibit F. OAR 860-65-010(1): Adoption of Federal Safety Regulations. TAPE 23, SIDE B

020 HENRY: Refers to Exhibit G Oregon's adoption of North American Uniform Inspection Vehicle Out-of-Service Criteria. -What are the conditions that are likely to cause an accident or breakdown. See Exhibit H. -Inspection Form employed in Oregon. See Exhibit I. -Out-of-Service Vehicle Document See Exhibit J.

116 MIKE MEREDITH, OREGON TRUCKING ASSOCIATION: Supports HB 2234. The public has the right to expect that safe trucks are on the roadway.

127 KEN CHICHESTER, OREGON STATE POLICE: EXHIBIT K Reads from Exhibit K

HB 2234 - OUT-OF-SERVICE VEHICLES - WORK SESSION

153 MOTION, REP, BRIAN: Moves HB 2234 to Full Committee with a "do pass" recommendation. 160 VOTE: 7-0 Motion passes. Rep. Brian to carry.

AYE Baum, Brian, Johnson, Mason, Parks, Sunseri, Miller

EXCUSED: Bauman

HB 2393 - DEATH PENALTY/POST CONVICTION - PUBLIC HEARING

. These minutes contain materials which paraphrase and/or summarize statemenb made during this session. Only text enclosed ID quotation marks report a speaker's exact words. For complete CODknb of the proceedings, please refer to the bapes. House Committee on Judiciary February 13, 1991 - Page 8

Witnesses:

Justice Michael Gillette, Oregon Supreme Court Brenda Peterson, Justice Department

176 GREG CHAIMOV: Summarizes HB 2393. 211 JUSTICE MICHAEL GILLETTE, OREGON SUPREME COURT: Speaks to policy choices of HB 2393. -Refers to page 1, line 14 which states, "The petition shall provide that the petitioner is raising all issues the petitioner can identify for relief, that no other issues are reasonably ascertainable and that the petitioner waives any other claims for relief." If one declares that as a matter of law that there is a waiver of any other theory for relief, no matter if it could have been discovered or not, it will raise a constitutional question. -Suggests putting a period after the word "ascertainable" on line 16, page 1. -Section 2. It is not sensible to have the Supreme Court to handle on direct appeal one kind of post conviction case. There is no new law to make with respect to the matter. The Court of Appeals is perfectly comfortable with handling the cases.

If review needs to happen then review is available. -Section 2, page 2, lines 6-8 of HB 2393 can be stricken. Is superfluous. -Section 3, page 2, lines 15-19 reminds the Committee with reference to jury duty that being dismissed from jury duty after dying is superfluous. Eliminate "dies or." -Page 3, line 12, reads "The judgement can be reviewed only as to questions of law appearing 3 upon the record." Does not understand what it means. Suggests that this be deleted. Suggests adopting HB 2393-1 Amendments. See Exhibit L. -Page 4, lines 15 et seq.: The provisions that appear between lines 15-26 are designed to provide for two circumstances: 1) where the Supreme Court has reversed a case for a new penalty phase hearing only and 2) where during the penalty phase hearing there has been a mistrial. Each of those two circumstances HB 2393 provides that at the election of the state the trial court can either convene a new jury or can sentence the defendant to life with or without the right to parole. Giving the state the option does not work. The only authority that the state should automatically have to select is life with parole. If the state wishes life without parole or the death penalty then a jury has to be convened to consider that question.
336 REP. BAUM: Do HB 2393-1 Amendments accomplish that?
337 GILLETTE: Yes. -Section 5, line 41 suggests inserting "if any" after "proceeding." Suggests amending the language of Section 5 to provide for an automatic stay in the event of any other post-conviction relief proceedings or to provide for a discretionary stay with the discretion first vested in the trial court or Supreme Court.

368 BRENDA PETERSON, JUSTICE DEPARTMENT: Here for questions.

372 REP. BRIAN: Can you describe how the savings come about?

377 PETERSON: The financial savings would be aimed at the work by both the state and the

These minutes contain materials which paraphrase and/or wmmarizc statementa nude 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 February 13, 1991 Page 9

defense and not directed at the Court. If the cases go through the Court of Appeals and the Supreme Court, at a minimum the state and the defense will have to prepare for oral argument twice and have to argue the cases twice if review is accepted by the Supreme Court. In a large number of those cases the cases will have to be briefed twice. If the system remains as it is now and the post-conviction is decided by the Court of Appeals and then the Supreme Court, it means that the defendant will file a brief with the Court of Appeals and then file a new brief in the Supreme Court. The savings come about by cutting off one step in the review process.

TAPE 24, SIDE A

004 REP. BAUM: Do you see any problem with Section 5 as Justice Gillette does?

008 PETERSON: That is a policy decision that this Committee needs to address.

019 GILLETTE: The key thing to understand is one brief is going to be filed on post conviction 1+ relief in any event. That cost is a given. The question is if the case goes before the Court of Appeals what is the additional cost? Initially, the filing of petition for review after an

unsuccessful petition in the Court of Appeals will probably cost about $200/petition. Were the Supreme Court to grant review then Brenda Peterson is correct when she says that the Department would file a new brief because it is their practice to do so. Taking into consideration if the 25 or so people on death row now plus perhaps 25 more times $200 and only one or two of those will get review, the savings is not much. 045 REP. BRIAN: Directed to Ms. Peterson. Are we gaining that much efficiency? 051 PETERSON: As the Department views it there will be cost savings by having one court review this rather than two courts. Death penalty review cases will entail more cost by seeking review than having the Supreme Court review directly.

HB 2393 - DEATH PENALTY - WORK SESSION

080 MOTION, REP. BAUM: Moves to amend HB 2393. Referring lines 14-17, page 1: Strike everything from "relief," through "ascertainable." Insert after "relief" on line 17 "and that the petitioner waives any other claims for relief except those that could not be reasonably ascertained or discovered at the time of the filing of the petition." DISCUSSION ON 'THE MOTION 100 REP. MASON: Suggests alternatively, pull the language on lines 16 and 17 "waives any other claims for relief." 121 REP. JOHNSON: Directs question to Justice Gillette. Understands him to say that under current law if a petitioner knows of grounds for his motion and he does not add that to his motion he cannot later proceed on that. 126 GILLETTE: ORS 138.510(2) provides that a petition must be filed within 120 days . . . unless the Court on hearing a subsequent petition finds grounds for relief asserted which could not have

reasonably been raised in the original petition.

134 MOTION, REP. BAUM: Withdraws motion to amend and motions to delete bold type in lines 14-17. 149 VOTE: No objection. Motion passes. 150 MOTION, REP. BAUM: Moves to amend lines 25-27, page 1: Delete bold language. DISCUSSION ON THE MOTION 160 REP. MASON: Understands the motion would put petitions back into the Court of appeals. Appeal should go to the Supreme Court. 187 VOTE: 43 Motion fails.

AYE: Baum, Brian, Parks, Sunseri, NO: Johnson, Mason, Miller EXCUSED: Bauman

188 MOTION, REP. BAUM: Moves to amend HB 2393 by deleting bold language on lines 6-8, page 2. 195 VOTE: No objection. Motion passes. 196 MOTION, REP. BAUM: Moves to amend lines 15-19, page 2: Replace bold language and insert "If the juror for any reason is unable to perform the functions of a juror the juror shall be dismissed from the sentencing proceedings." DISCUSSION ON THE MOTION ~ I 210 REP. BRIAN: Does that also delete the rest of lines 17-19?

213 REP. MASON: Suggests changing Rep. Baum's amendment to read "if a juror is unable to perform the duties because of illness or other cause if the court deems sufficient." Death would be included in "other cause."

218 REP. BAUM: The word "unable" covers it all.

221 REP. JOHNSON: Likes the phrase "which the court deems sufficient."

225 REP. BAUM: Restates proposed amendment. On line 15, the language will state, "if the juror for any reason is unable to perform the functions of a juror the juror shall be dismissed from the sentencing proceeding."

235 VOTE: No objection. Motion passes.

These minutes contain ·naterials which paraphrase and/or summanze rtatomootr made during this session. Only text onclorod in quotation marks report a speaker's exact words. For complete contents of the procoodinp, please refer to the tapes. House Committee on Judiciary February 13, 1991 - Page 11

240 REP. BRIAN: Were lines 17-19 retained?

244 REP. BAUM: Those lines remain.

245 MOTION, REP. BAUM: Page 3, beginning on line 11, strike "can be reviewed only as to questions of law appearing upon the record." DISCUSSION ON THE MOTION

258 REP. JOHNSON: All that would do is restate existing law according to Justice Gillette.

261 VOTE: No objection. Motion passes. 262 MOTION, Rh P. BAUM: Moves to adopt HB 2393-1 Amendments en bane. See Exhibit L 265 VOTE: No objection. Motion passes. 270MOTION, REP. MASON: Moves on page 4, line 41 insert after the word "proceeding" the words "if any." 290 VOTE: No objection. Motion passes. 293 REP. BRIAN: Given the amendment on page 1 (See Minutes supra, Tape 24A at 150) should page 4, line 40 read "appellate review and post-conviction relief "proceedings?" 310 REP. BAUM: The policy decision is whether we are going to let the state proceed on to subsequent post-conviction relief proceedings.

314 REP. BRIAN: Questions whether the Committee has made that decision by the amendments on 321 MOTION, REP. BAUM: Moves HB 2393 as amended to Full Committee with a "do pass" recommendation. DISCUSSION ON THE MOTION 327 GILLETTE: The policy choice that the Committee made on page 1 is to recognize that there may be subsequent post-conviction relief proceedings. Consistent with that if the language in lines 40-41 were amended to provide that "conviction becomes final following direct appellate review and" and strike the phrase "the first" and state "post-conviction proceedings, if any" would solve the issue. 343 PETERSON: Agrees with Rep. Baum's policy discussion at 310 supra. 356 MOTION, REP. MASON: Moves suggested amendments of Justice Gillette. On page 4, line 40 delete the words "the first" and on line 41 after the word "proceeding" add the letter House Committee on Judiciary February 13, 1991 - Page 12

"s. "

369 VOTE: No objection. Motion passes. 371 MOTION, REP. BAUM: Moves HB 2393 as amended to Full Committee with a "do pass" recommendation. 374 VOTE: 7-0 Motion passes. Rep. Mason to carry.

AYE: Baum, Brian, Johnson, Mason, Parks, Sunseri, Miller NO: 0 EXCUSED: Bauman

385 CHAIR MILLER: Closes Subcommittee on Crime and Corrections at 3:30 p.m.

Submitted by: Reviewed by:

J. Kennedy Steve, Assistant David Harrell, Office Manager

EXHIBIT LOG:

A Testimony on HB 2391 - Chief Justice Edwin J. Peterson - 11 pages
B Testimony on HB 2391 - Dave Frohnmeyer - 9 pages C Testimony on HB 2391 - Stephen J. Bedor - 5 pages D Testimony on HB 2391 - Dennis Dowd - 1 page E Testimony on HB 2234 - Paul Henry - 2 pages
F Written Material on HB 2234 - Paul Henry - 7 pages G Written Material on HB 2234 - Paul Henry - 3 pages H Written Material on HB 2234 - Paul Henry - 56 pages I Written Material on HB 2234 - Paul Henry - 3 pages J Written Material on HB 2234 - Paul Henry - 1 page
K Testimony on HB 2234 - Ken E. Chichester - 2 pages L Proposed Amendments to HB 2393 - Dash 1 - 2 pages

These minutes contain materials which paraphrase and/or summarize statemenb made during this sossion. Only text enclosod in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.