

HOUSE COMMITTEE ON JUDICIARY CRIME AND CORRECTIONS

April 16, 1991 Hearing Room 357 1:00 p.m. Tapes 80 - 83 MEMBERS
PRESENT:Rep. Randy Miller, Chair Rep. Ray Baum Rep. Judy Bauman Rep.
Tom Brian Rep. Rod Johnson Rep. Tom Mason Rep. Ron Sunseri MEMBERS
EXCUSED:Rep. Parks VISITING MEMBER: Rep. Peter Courtney, District
33 Rep. Kevin Mannix, District 32 STAFF PRESENT:Holly Robinson,
Committee Counsel Jeff Steve, Committee Assistant MEASURES HEARD: HB
2446 - Use of Vehicle Lights (PH) HB 2444 - Use of the Thumbprint on
I.D. (PH) HB 3153 - Theft by Insurance Fraud (PH) HB 3154 - Racketeering
Activity (PH) HB 2660 - Pet Poaching (PH/WS)

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 87, SIDE A

004 CHAIR RANDY MILLER: Opens Subcommittee on Criminal Law and
Corrections at 1:05 p.m.

HB 2446 - USE OF VEHICLE LIGHTS - PUBLIC HEARING

Witnesses:

Representative Peter Courtney, District 33 Gil Bellamy, Oregon Traffic
Safety

026 HOLLY ROBINSON: Summarizes HB 2446. Requires driver of vehicle to
use vehicle lights at any time that the windshield wipers are in use,
unless the wipers are being operated solely for House Committee on
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the purpose of cleaning the windshield. 035 REPRESENTATIVE PETER
COURTNEY, DISTRICT 33: EXHIBIT A Reads from Exhibit A.

096 CHAIR MILLER: Current law states that you must use headlights at
any time limited visibility conditions exist. Wouldn't the scenario that
you speak of be covered under current law? 105 REP. COURTNEY: It may
or may not. HB 2446 would make it clear. 136 REP. JOHNSON: In addition
to Florida how many other states require this? 140 REP. COURTNEY: 12
other states. 149 REP. JOHNSON: Are any of those states Western or
North Western states? 150 REP. COURTNEY: Washington. 168 GIL BELLAMY,
OREGON TRAFFIC SAFETY COMMISSION: EXHIBIT B Reads from Exhibit B.
Supports passage of HB 2446. HB 2444 - USE OF THUMBPRINT ON I.D. -
PUBLIC HEARING Witnesses: Representative Peter Courtney, District 33 Ben
Mahoney, United States Marshals Mike Unger, Department of Motor Vehicles
Frank Brauner, Oregon Bankers' Association Lee Erickson, Department of
State Police Bob Bell, Albany Rifle and Pistol Club 220 HOLLY
ROBINSON: Summarizes HB 2444. Requires applicants for a drivers'
license, permit, or identification card to be thumbprinted. Allows
access to thumbprint to law enforcement officials and employees of the
division act in an official capacity. 228 REPRESENTATIVE PETER
COURTNEY, DISTRICT 33: EXHIBIT C Reads from Exhibit C. 266 BEN B.
MAHONEY, UNITED STATES MARSHALS: EXHIBIT D Reads from Exhibit D.
405 MIKE UNGER, DEPARTMENT OF MOTOR VEHICLES: EXHIBIT E. Reads from
Exhibit E. TAPE 81, SIDE A 028 FRANK BRAUNER, OREGON BANKERS
ASSOCIATION: Supports HB 2444. Would help the Bank Association in

049 LEE ERICKSON, DEPARTMENT OF STATE POLICE: EXHIBIT F Reads from Exhibit F. 130 REP. JOHNSON: Plain finger impressions are prints of the 4 fingers laid flat? 132 ERICKSON: Yes. Plain as opposed to rolling. 141 REP. JOHNSON: What other circumstances are there where fingerprint information appears on the data base? 142 ERICKSON: Other than arrestees, those who apply for a concealed handgun permit are a part of the data base. Bankers use fingerprintug for employment purposes. 157 REP. JOHNSON: Are all those people who submit to this subject to police investigations? 161 ERICKSON: No. Those fingerprints are maintained by the regulatory agencies.

168 REP. JOHNSON: What is the percentage of those Oregonians who have been fingerprinted are subject to criminal investigations?

173 ERICKSON: 600,000 of the 2.8 million individuals in Oregon fingerprinted could have their fingerprints analyzed for criminal investigations. 174 REP. JOHNSON: If HB 2444 passed, these fingerprints would be available for criminal investigation?

176 ERICKSON: Yes. 200 BOB BELL, ALBANY RIFLE AND PISTOL CLUB: Supports passage of HB 2444. HB 3153 - THEFT BY INSURANCE FRAUD - PUBLIC HEARING Witnesses: Brian Boe, National Association of Independent Insurers (NAII) Mark Torok, NAII Miron Sanders, Insurance Crime Prevention Institute Charlie Williamson, Oregon Trial Lawyers' Association Chris Davie, SAIF Sandi Hill, SAIF Sandy Flicker, Independent Insurance Agents of Oregon 220 HOLLY ROBINSON: Summarizes HB 3153. Creates crime of theft by insurance fraud when a person presents to an insurer false, misleading or incomplete information concerning a material fact to the claim as part of or in support of a claim for payment or other benefit. Theft by insurance fraud is a Class C felony. 234 BRIAN BOE, NATIONAL ASSOCIATION OF INDEPENDENT INSURERS: Supports

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passage of HB 3153.

248 MARK TOROCK, NATIONAL ASSOCIATION OF INDEPENDENT INSURERS: EXHIBIT G. Reads from Exhibit G. 283 MIRON SANDERS, INSURANCE CRIME PREVENTION INSTITUTE: Deals with insurance fraud investigations in Oregon. Talks about types of fraud. The most common type of fraud is inflated claims. 407 TOROCK: Continues to read from Exhibit G.

TAPE 80, SIDE B

028 TOROCK: Continues reading from Exhibit G.

049 CHAIR MILLER: What is gained by implementing HB 3153 that is not already in current law?

058 TOROCK: There is a psychological deterrent if there is a law which specifically states that insurance fraud is against the law. Would also give more leverage in bringing charges against those who "attempt" to commit fraud on insurance claims.

081 SANDERS: Agrees. 096 CHARLES WILLIAMSON, OREGON TRIAL LAWYERS' ASSOCIATION: EXEIIIBIT H and I. Opposes passage of HB 3153. Law should go both ways. If insurance companies lie or gives out incomplete statements then they should be guilty of a Class C felony. Plays video.

288 CHAIR MILLER: In audible CHRIS DAVIE, SAIF CORPORATION: In audible. 364 SANDI HILL, SAIF CORPORATION: EXHIBIT J Reads from Exhibit J. 398 TOROK: All of the problems that Mr. Williams video tape talked about referred to long term care. There are separate regulations for long term care. 422 REP. PARKS: Understands that insurance fraud on the part of insurance companies is a worse problem than Torok suggests. 433TOROK: Long term care is a very new insurance coverage. It is an area that needs reworking. However, other areas of insurance are long established and are better regulated.

TAPE 81, SIDE B

063 TOROK: NAII has never supported fraudulent long term health care.

113 REP. MASON: Concerned that by making this a Class C felony that the insurance companies could use this as a device to threaten policy holders to back off on claims such as by threatening House Committee on Judiciary April 16, 1991 Page 5

prosecution.

130 TOROK: There are laws against threatening prosecution.

137 REP. MASON: Still thinks that manipulation can occur.

158 ROBINSON: Understands that if a person gives a high end replacement cost as opposed to the low end cost on a particular item that the person could be subject to prosecution for giving false information.

167 TOROK: It depends on whether you were knowingly attempting to defraud the insurance company. 186 REP. PARKS: Is council correct?

188 TOROK: Does not think that HB 3153 would cover that situation and there would not be a prosecution there. 194 REP. PARKS: HB 3153 is subject to interpretation and is concerned that criminal laws should not be left to such interpretation as is HB 3153. 210 TOROK: HB 3153 would not apply to those situations where there is a good faith dispute. HB 3153 is intended to go after those persons who intentionally inflate claims. 220 REP. BAUMAN: There already is a civil remedy that is currently in law for people who attempt to defraud the insurance company. 228 TOROK: People can sue civilly. Unfortunately, collecting on a judgement is difficult. 254SANDY FLICKER, INDEPENDENT INSURANCE AGENTS OF OREGON: Would like to come back at another time.

HB 3154 - RACKETEERING ACTIVITY - PUBLIC HEARING

265 CHAIR MILLER: Opens and closes public hearing on HB 3154.

HB 2660 - UNLAWFULLY OBTAINING A DOG OR CAT- PUBLIC HEARING

Witnesses:

Representative Kevin Mannix, District 32 Rebecca Miller Julie Grizzel, Association For Animal Protection Dr. John Reiman Yvonne Simmons Michael Twain, Oregon Pet Industry John Addair, Oregon Animal Control Marvin Meirose, Marion County Dog Control . . House Committee on Judiciary

Dennis Hagler, Jackson County Animal Control Brian Dougherty, Oregon Medical Research Foundation James Parker, Oregon Bio-Medical Research Network Dr. Robert Willems, DVM Joan Dahlberg, Pet Owners' Association of Oregon Claudia Olson, Department of Agriculture Dale Dunning, Oregon Animal Welfare Alliance Sharon Harmon, Oregon Humane Society

277 REPRESENTATIVE KEVIN MANNIX, DISTRICT 32: EXHIBITS K and L. Discusses proposed amendments (See Exhibit K - HB 2660-3 and L - Hand Engrossed).

433 REBECCA MILLER, ASSOCIATION FOR ANIMAL PROTECTION: EXHIBIT M Reads from Exhibit M

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043 JULIE GRIZZEL, ASSOCIATION OF ANIMAL PROTECTION: EXHIBITS N and O.

048 DR. JOHN REIMAN, COUNSELLOR: Discusses the psychological bond that exists between the animal owner and pet. Urges passage of HB 2660.

076 JULIE GRIZZEL: Reads from Exhibit O.

100 YVONNE SIMMONS: EXHIBITS P Reads from Exhibit P. 132 MICHAEL TWAIN, OREGON PET INDUSTRY ASSOCIATION: Supports passage of HB 266 0. Would like to see changes to HB 2660. Would like to include "hobby breeders" in the list of those parties excluded from the provisions of HB 266 0.

194 JOHN ADDAIR, OREGON ANIMAL CONTROL COUNCIL: Supports passage of HB 266 0 as amended by Rep. Mannix. 210 MARVIN E. MEIROSE, MARION COUNTY DOG CONTROL: Supports passage of HB 2660 as amended by Rep. Mannix. 213 DENNIS G. HAGLER, JACKSON COUNTY ANIMAL CONTROL: Supports passage of HB 2660 as amended by Rep. Mannix. 221 BRIAN DOUGHERTY, OREGON MEDICAL RESEARCH FOUNDATION: Supports passage of HB 2660. 263 JAMES PARKER, OREGON BIOMEDICAL RESEARCH NETWORK: EXHIBIT Q. Reads from Exhibit Q. Supports passage of HB 2660 as amended by Rep. Mannix. 314 DR. ROBERT WILLEMS, DVM: EXHIBIT R Reads from Exhibit R. Supports passage of HB 2660.

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TAPE 83, SIDE A 057 JOAN DAHLBERG, PET OWNER'S ASSOCIATION OF OREGON: EXHIBIT S Reads from Exhibit S. Supports passage of HB 2660 as amended.

086 REP. MANNIX: Will make sure that your concerns are addressed.

100 CLAUDIA OLSON, LIVESTOCK HEALTH AND IDENTIFICATION, DEPARTMENT OF AGRICULTURE: Speaks to Section 5. The Section requires animal dealers to provide the Department of Agriculture with certain information about animals in their possession. The Department would be required to make this information available to the public by telephone or in person for \$1. This task cannot be accomplished with \$1. 134 REP. MANNIX: All this requires is that files be kept and maintained for the public to have access to. It does not require that the Department provide specific information or that the Department make cross-references. 145 OLSON:

That would be good. 164 DALE H. DUNNING, OREGON ANIMAL WELFARE ALLIANCE: EXHIBIT T Reads from Exhibit T. Supports passage of HB 2660 as amended by Rep. Mannix. 178 SHARON HARMON, OREGON HUMANE SOCIETY: Urges support of HB 2660.

HB 2660 - PET POACHING - WORK SESSION 219 REP. MANNIX: Suggests someone move the HB 2660-3 amendments See Exhibit K and change on line 9, page 1 after "breeder" the words "or distributor." On page 2, delete language on line 18. On page 3, delete language on lines 6,7,10,11,13,14. On line 19, delete "or laboratory animal." Add to HB 2660-3 a definition of "person" to mean "any individual person, corporation, non-profit corporation, association, partnership, sole-proprietorship, or other legal entity." Change the word "insanitary" to "unsanitary" wherever it appears in HB 2660. -Referring to Exhibit L page 1, line 5 to read "made a part of ORS chapter 609 following ORS 609.190." 239 MOTION, REP. SUNSERI: Moves Rep. Mannix's suggestions. 243 VOTE: No objection. Motion passes. 244 MOTION, REP. SUNSERI: Moves HB 2660 as amended to Full Committee with a "do pass" recommendation. 250 VOTE: 6 - 0 Motion passes. Rep. Mannix to carry.

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

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292 CHAIR MILLER: Adjourns Subcommittee on Criminal Law and Corrections at 3:45 p.m.

Submitted by: Reviewed by: J.K Kennedy Steve,
Assistant David Harrell, Office Manager

EXHIBITS LOG:

A Testimony on HB 2446 - Rep. Courtney - 3 pages B Testimony on HB 2446 - Gil Bellamy - 1 page C Testimony on HB 2444 - Rep. Courtney - 1 page D Testimony on HB 2444 - Ben Mahoney - 6 pages E Testimony on HB 2444 - Michael Unger - 2 pages F Testimony on HB 2444 - Lee Erickson - 5 pages G Testimony on HB 3153 - Mark Torok - 2 pages H Amendments to HB 3153 - Charles Williamson - 2 pages I Amendments to HB 3153 - Charles Williamson- 1 page J Testimony on HB 3153 - Sandy Hill - 5 pages K Amendments to HB 2660 - Rep. Mannix - 3 pages L Amendments to HB 2660 - Rep. Mannix - 6 pages M Testimony on HB 2660 - Rebecca Miller - 2 pages N Testimony on HB 2660 - Julie Grizzel - 5 pages O Testimony on HB 2660 - Julie Grizzel - 2 pages P Testimony on HB 2660 - Yvonne Simmons - 1 page Q Testimony on HB 2660 - James Parker - 3 pages R Testimony on HB 2660 - Dr. Robert Willems - 3 pages S Testimony on HB 266 0 - Joan Dahlberg - 2 pages T Testimony on HB 2660 - Dale Dunning - 1 page U Testimony on HB 2660 - Joni Hudgens - 2 pages V Testimony on HB 2660 - Eugene Javens - 1 page W Testimony on HB 2660 - Sandra Banks - 2 pages X Testimony on HB 2444 - David Whitlow - 1 page

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