

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.

HOUSE COMMITTEE ON JUDICIARY CRIME AND CORRECTIONS

June 26, 1991Hearing Room 357 1:00 p.m.Tapes 132 - 133

MEMBERS PRESENT:Rep. Randy Miller, Chair Rep. Ray Baum Rep. Judy Bauman Rep. Tom Brian Rep. Rod Johnson Rep. Tom Mason Rep. Del Parks Rep. Ron Sunseri

STAFF PRESENT: Holly Robinson, Committee Counsel Diane Bassett, Committee Assistant

MEASURES HEARD:SB 637 - MODIFIES EXISTING LAW REGARDING CRIMES OF UNLAWFUL SOUND RECORDINGS, UNLAWFUL RECORDINGS OF LIVE PERFORMANCES, UNLAWFUL VIDEOTAPE RECORDINGS AND UNLAWFUL LABELING OF RECORDS. W.S.

SB 718 - CREATES OFFENSE OF VIOLATING MAXIMUM SPEED LIMIT IN URBAN AREA. W.S.

SB 882 - DELETES PROVISION THAT ALL PROBATION VIOLATIONS BE REPORTED TO SENTENCING COURT. W.S.

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TAPE 132, SIDE A

004 CHAIR RANDY MILLER: Opens Subcommittee on Criminal Law and Corrections at 1:45. Postponed work session on SB 638.

SB 637 - WORK SESSION

019 GREG CHAIMOV: Summarized SB 637. Referred them to -A4 amendments, which are HB 2390. The -A5 amendments are HB 254 2. Mannix passed out a form of HB 2669 to become a part of HB 637.

029 REP. MANNIX: Recommended bill be amended to include B engrossed 2669. Also presented proposed amendments to the B engrossed bill, which are marked B-8, and a photo copy of the original HB 2669 taking out language "bona fide school" and inserting "institution of higher education", and bold faced language. HB 2669 passed out of the House. Worked over by Senate Judiciary. B engrossed passed out to 6-1 vote. On the way to the Floor, some unfortunate events occurred and it was sent

back to the Judiciary Committee. SB 637 relates to crime and has a broad relating clause that will allow amending. Chair of Judiciary strongly defended HB 2669 B on the Senate Floor. She would not be offended if HB 2669 was added to SB 637. B-8 amendment strips out displays of books and magazines from the obscenity display statute. Second part deals with video tapes which relied on National rating system. Urged the committee to amend by adding B engrossed 2669 with B-8 amendments, plus returning to the language about "institution of Higher Education". EXHIBIT A.

089 MOTION, REP. SUNSERI: So move.

093 CHAIR MILLER: Rep. Sunseri moves B-8 amendments to SB 637, as well as the text of HB 2669, as amended, and A engrossed language about schools.

107 REP. PARKS: We are putting all of HB 2669 into SB 637?

110 CHAIR MILLER: Yes, in addition to the language in SB 637. Asked for objection. Bauman objected.

125 REP. BRIAN: His concern would be not to burden the other aspects of SB 637. Asked for comments by Mr. Hughes.

133 TED HUGHES, RECORDING INDUSTRY OF AMERICA: Objected to amendments.

157 REP. MASON: Was concerned about the new Class C felony the bill creates.

170 REP. BAUMAN: Doesn't think HB 2669 is unconstitutional. She recalled members of the recording industry sending letters to her appreciating the work the Committee did to make the bill constitutional. She is disturbed.

187 VOTE: Motion failed.

AYE: 4 NO: 4 EXCUSED: 0

208 MOTION, REP. BRIAN: Any advertisement for public performance involving music or musical accompaniment for which a fee is charged shall contain a clear and conspicuous disclosure as to the use of music that has been recorded or otherwise reproduced, whether live musicians will provide the music or musical accompaniment.

226 CHAIR MILLER: Asked for discussion.

231 REP. BRIAN: In cases of concerts sometimes, it is recorded music rather than an orchestra. There should be a disclosure on the tickets whether the broadcast is live or recorded.

237 CHAIR MILLER: Asked for objections. Hearing none, the amendment is adopted.

244 MOTION, REP. MASON: Delete all the prior bill, particularly the felony clone. Doesn't feel this is a pressing social issue.

277 MOTION, REP. PARKS: Move SB 637 to the Full Committee with a do pass recommendation.

288 REP. MANNIX: Requested information from Mr. Hughes. Wants this on

the record. We had our hearing on HB 2669 in the Family Justice subcommittee. Do you remember being in the room when I represented to them that the bill was ok with your clients in terms on constitutionality?"

291 HUGHES: I don't think we ever said it was ok. You were on a conference call four times with my people.

294 REP. MANNIX: We had a subcommittee hearing where we passed out the bill and I represented to the subcommittee that your clients had no objection to the bill. We had resolved your concerns. We also had a committee hearing in the House where I did the same thing. I said the same thing on the House floor. The bill passed out and went over to the Senate and then I sat in the Senate Judiciary Committee and I said to them, with you sitting about ten feet away from me, that we had worked with your people to resolve the constitutional concerns and that you folks had no objection to it. Do you remember all that?

297 HUGHES: I do remember that, Representative Mannix. And you also remember that my people never did agree with that concept totally.

305 REP. MANNIX: At that time, did you come up and say your folks had some objection to the bill?

306 HUGHES: No, I did not.

308 REP. MANNIX: And it was only a few days later that a memorandum suddenly went out with all these constitutional concerns about the bill.

310 HUGHES: That's correct. My people changed their minds two days later. They were not happy with the bill.

311 REP. MANNIX: But you didn't tell me about that until after it had been sent back to committee. Is that right?

312 HUGHES: That's correct. It did not happen until that time. They changed their mind like everybody else does in this building.

313 REP. PARKS: Withdrew his motion.

324 CHAIR MILLER: Closed SB 637.

SB 718 - WORK SESSION

337 GREG CHAIMOV: Summarized SB 718.

335 MOTION, REP. PARKS: Move to provide conceptually that the speed limit on Highway U.S. 97 outside of populated areas should be 65 miles per hour.

338 CHAIR MILLER: Repeated the motion.

357 REP. PARKS: Make an exception for those that have a population and left it to Mr. Chaimov to craft.

361 CHAIR MILLER: Motion is 65 mph on U.S. 97, but not in areas of population or congestion. Make an exception of incorporated areas.

397 REP. BRIAN: Wants to make sure this doesn't trigger any problems with federal funding.

TAPE 133, SIDE A

014 CHAIR MILLER: Asked for objections. Rep. Bauman objected.

027 MOTION, REP. BAUM: Rural State Highways outside of populated areas.
All highways in counties over 200,000.

034 GREG CHAIMOV: Restated motion: Motion is to have 65 m.p.h. speed
limits on all State highways outside urban growth boundaries.

041 REP. BRIAN: Now talking about a huge highway policy decision and
traffic safety issue. Would not support until more discussion.

050 VOTE: Motion passed.

AYE: 5 NO: 3 EXCUSED: 0

060 MOTION, REP. PARKS: Moves bill to Full Committee with do pass
recommendation.

065 VOTE: Motion passed. Rep. Parks and Baum to carry.

AYE: 5 NO: 3 EXCUSED: 0

SB 882 - WORK SESSION

085 GREG CHAIMOV: Summarized SB 882. Referred to amendment. EXHIBIT B.
Feels only the first three are germane to the bill.

091 ELISE CLAUSEN, DEPT. OF CORRECTIONS: Requesting that probation and
parole officers will report violations, but not required to report all
violations. Spoke to amendments relating to general services. It is a
cost saving measure. Multnomah County is moving to option one, which is
to take over parole and probation services. Would like to allow them to
enter into an intergovernmental agreement with General Services to use
and lease the cars.

124 GREG CHAIMOV: Explained amendments.

130 MOTION, REP. PARKS: Moves first three amendments.

139 REP. BAUMAN: Asked for objections. Hearing none, amendments
adopted.

140 MOTION, REP. PARKS: Move the bill.

144 VOTE: Motion passed.

AYE: 6 NO: 0 EXCUSED: 2

147 REP. BAUMAN: Recessed until 2:45.

148 CHAIR MILLER: Reconvened at 2:55.

SB 616 - PUBLIC HEARING Witnesses: Rep. Marie Bell Jim Ellis, Multnomah
County Kip Leonard Steve Oldenstat, Benton County Marsha Morgan, Lane
County

159 JIM ELLIS, CIRCUIT JUDGE, MULTNOMAH COUNTY: Criminal justice system

is more complicated than most slices of government in Oregon in that the responsibility for it is divided among three branches of government and three levels of government. The Criminal Justice Council provides a vehicle for bringing together all the components to do the kind of detailed work that is needed. It has worked very well.

203 KIP LEONARD, JUDGE: Spoke in favor of SB 616. Explained the duties of the Criminal Justice Council and staffing.

319 STEVE OLDENSTAT, CORRECTIONS, BENTON COUNTY: Spoke in favor of SB 616 and the continuation of the Criminal Justice Council.

357 REP. BELL: Testified in support of SB 616. Testified from the consumer standpoint.

387 MARSHA MORGAN, LANE COUNTY: Testified in support of SB 616.

SB 616 - WORK SESSION

393 CHAIR MILLER: Referred to -2 amendments. EXHIBIT C. The amendments streamline the council and continue its existence. Sunset in 1995. There are other changes based on subsequent discussions from the time they were produced. The number on line 14, page 1 instead of 10 should be 11. Delete lines 19 and 20 of page 1. On line 13 of page 2, the number in bold print "2" would become "4". Restore line 18 regarding County Sheriff. Line 21, page 2 beginning with the word "one public member" including line 24, restore that language.

TAPE 132, SIDE B

020 MOTION, REP. MILLER: Moved the SB 616 -2 amendments.

023 REP. BAUMAN: Did we want to increase the number on page 3, line 25? I thought you were going to six.

025 CHAIR MILLER: Yes. That would be six out of eleven.

037 MOTION, REP. JOHNSON: Move the bill as amended to Full Committee.

040 VOTE: Motion passed. Rep. Miller to carry.

AYE: 7 NO: 0 EXCUSED: 1 (Brian)

055 CHAIR MILLER: Adjourned 3:15 p.m.

Submitted by: Reviewed by:

Diane Bassett Pat Zwick, Office Manager Assistant

EXHIBIT LOG:

A - B Engrossed HB 2669, HB 2669-B8 amendments, page from HB
2669-A - 6 pages B - Amendments - SB 882 - 1 pages
C - Amendments to SB 616, A-2 - 4 pages D - Submitted

materials SB 616 - 25 pages