

HOUSE COMMITTEE ON JUDICIARY

April 5, 1991 Hearing Room 357 1:00 p.m. Tapes 30 & 33 MEMBERS
PRESENT: Rep. Randy Miller, Chair Rep. Ray Baum Rep. Judith Bauman
Rep. Marie Bell Rep. Tom Brian Rep. Kelly Clark Rep. Jim Edmunson Rep.
Rod Johnson Rep. Kevin Mannix Rep. Del Parks Rep. Ron Sunseri

MEMBER EXCUSED: Rep. Tom Mason STAFF PRESENT: Greg Chaimov,
Committee Counsel Holly Robinson, Committee Counsel Jim Dole, Assistant
Committee Counsel Kathy Neely, Committee Assistant MEASURES HB 3189
WS (Compensation of Crime Victims) CONSIDERED: HB 2650 WS (Equine
Activities) HB 2415 WS (Sexual Penetration) HB 3105 WS (Criminal
Procedure) SB 61 WS (Professional Review Organization Records) HB 2996
WS (Adoption) HB 3051 WS (Criminal Procedure) HB 3055 WS (Domestic
Relations) HB 2993 WS (Domestic Disturbance) HB 2577 WS (Firearms) HB
2932 WS (Offense against property) HB 3167 WS (Assault)

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation
marks report ? speaker's exact words. For complete contents of the
proceedings, please refer to the tapes. . TAPE 30, SIDE A

003 REPRESENTATIVE MILLER, CHAIR: Calls the meeting to order at 1:40
p.m.

HB 3189 WORK SESSION

012 HOLLY ROBINSON: Consumer protection act for the victim's
compensation fund. HB 3189 prohibits debt collection activity during
time when claims are pending with crime victim's fund.

023 MOTION, REP. PARKS: Moves the amendments to the bill (EXHIBIT A).

CHAIR MILLER: Rep. Parks moves the amendments to HB 3189. Hearing no
objection, they are adopted.

MOTION, REP. MANNIX: Moves HB 3189 as amended to the House with a do
pass recommendation.

CHAIR MILLER: Rep. Mannix moves HB 3189 as amended to the House with a
do pass recommendation.

VOTE: 11-0 AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson,
mannix, Parks, Sunseri, Miller NO: 0 EXCUSED: Mason

CHAIR MILLER: HB 3189 as amended is passed to the House with Rep. Novack
to carry.

(TAPE 30, SIDE A) HB 2650 WORK SESSION

042 GREG CHAIMOV: HB 2650 absolves people from liability for injuries
caused by their horses except for cases of gross negligence and
intentional misconduct. Discusses amendments (EXHIBIT B). 046 REP.
BAUMAN: What would be the status of a hiker who was on a trail while a
group of horseback riders passed and the hiker was kicked? 052 REP.
MANNIX: "Participant" includes a spectator which is someone at an event
not an innocent bystander. The hiker would not be a spectator.

061 REP. BAUMAN: The person on the trail is protected but a child
observer at the Parade is not? GREG CHAIMOV: The child at the parade is
protected under gross negligence or intentional misconduct. 069 REP.

BAUM: Gross negligence will occur when a horse, with a known behavior pattern, reacts as known it would. Compares to the "dog bite rule".

092 REP. JOHNSON: What is the status of a person hiking on a trail and gets kicked? That person should get further off the trail.

*Direction of the bill is to inject common sense into society. MOTION: Moves the amendments to the bill (EXHIBIT B). 102 CHAIR MILLER: Rep. Johnson moves the amendments to HB 2650. Hearing no objection, they are adopted. 110 MOTION, REP. MANNIX: Moves HB 2650 as amended to the House with a do pass recommendation. CHAIR MILLER: Rep. Mannix moves HB 2650 as amended to the House with a do House Coamittee on Judiciary April 5, 1991 - Page 3

pass recommendation.

VOTE: 11-0 AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Parks, Sunseri, Miller NO: 0 EXCUSED: Mason

CHAIR MILLER: HB 2650 as amended is passed to the House. Rep. Johnson will carry.

(TAPE 30, SIDE A) HB 2415 WORK SESSION

125 HOLLY ROBINSON: HB 2415 creates a new crime of unlawful sexual penetration and creates a crime which is gender and object neutral. (AMENDMENTS - EXHIBIT C). 132 MOTION, REP. MANNIX: Moves the amendments to HB 2415 (EXHIBIT C).

CHAIR MILLER: Rep. Mannix moves amendments. Hearing no objection, so adopted.

136 MOTION, REP. MANNIX: Move HB 2415 as amended to the House with a do pass recommendation. CHAIR MILLER: Rep. Mannix moves HB 2415 as amended to the House with a do pass recommendation. VOTE: 10-0 Motion passes. AYE: Baum, Bauman, Bell, Brian, Clark, Johnson, Mannix, Parks, Sunseri, Miller NO: 0 EXCUSED: Edmunson, Mason CHAIR MILLER: HB 2415 as amended is passed to the House. Rep. Clark will carry.

HB 3105 WORK SESSION

155 HOLLY ROBINSON: HB 3105 as amended (EXHIBIT D) tolls the statute of limitations on criminal offenses when victim is incapacitated and cannot speak to issues of the crime.

MOTION, REP. MANNIX: Moves the amendments to HB 3105 (EXHIBIT D)

CHAIR MILLER: Rep. Mannix moves the amendments.

These minutes contain material which paraphrase and/or summarize what occurred 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 April 5, 1991 - Page 4

163 REP. JOHNSON: This would take the word of a "person who has been laying around unconscious for 4 to 6 years and then wakes up and says 'this person did it to me'". It is unreliable.

169 REP. MANNIX: Nothing to do with admissability with statement or evidence. When victim of crime is incapacitated, just toll the statute until they are capable.

CHAIR MILLER: Hearing no objection, so adopted.

183 MOTION, REP. MANNIX: Moves HB 3105 as amended to the House with do pass recommendation . CHAIR MILLER: Rep. Mannix moves HB 3105 as amended to the House. VOTE: 10-0 Motion passes AYE: Baum, Bauman, Bell, Brian, Clark, Johnson, Mannix, Parks, Sunseri, Miller NO: 0 EXCUSED: Edmunson, Mason CHAIR MILLER: HB 3105 as amended is passed to the House. Rep. Mannix will carry.

(Tape 30, Side A) SB 61 WORK SESSION

204 JIM DOLE: SB 61 amends Oregon law regulating to confidentiality of data of health care provider review organizations. Discusses amendment (EXHIBIT E).

210 MOTION, REP. MANNIX: Moves the amendments to SB 61 (EXHIBIT E).

CHAIR MILLER: Rep. Mannix moves the amendments. Hearing no objection, so adopted.

213 MOTION, REP. MANNIX: Moves SB 61 as amended to the House with a do pass recommendation. CHAIR MILLER: Rep. Mannix moves SB 61 as amended to the House. VOTE: 11-0 Motion passes. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Parks, Sunseri, Miller NO: 0 EXCUSED: Mason - These minutes contain material which paraphrase and/or summarize the entire debate of this session. Only text enclosed in quotation marks represent a speaker's exact words. For complete contents of the proceeding., please refer to the tapes. House Committee on Judiciary April 5, 1991 Page 5

CHAIR MILLER: SB 61 as amended passed to the House. Rep. Bell will carry.

HB 2996 WORK SESSION

236 HOLLY ROBINSON: Modifies Oregon law relating to independent adoption proceedings. *Allows attorney representing adoption parents to file report prepared by CSD. *Requires attorney representing adoptive parents not explain the certificate of irrevocability and waiver signed by the person consenting to the adoption. *Amendments (EXHIBIT F).

244 MOTION, REP. EDMUNSON: Moves the amendments to the bill.

CHAIR MILLER: Hearing no objection, so adopted.

250 MOTION: REP. CLARK: Moves HB 2996 as amended to the House with a do pass recommendation. CHAIR MILLER: Rep. Clark moves HB 2996 as amended to the House with do pass recommendation. REP. JOHNSON: Questions the "free adoption report", does it analyze the fitness of the parents? 258 REP. CLARK: It allows the attorney to file a report that was prepared by the agency. Currently the waiver does not become effective for a long while. This speeds up the process. 270 HOLLY ROBINSON: The amendments speak specifically to that issue to make it clear that the report being filed is one prepared by CSD or licensed adoption agency. REP. CLARK: It is a procedural change. CHAIR MILLER: Motion was made on the bill as amended. VOTE: 11-0 AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Parks, Sunseri, Miller NO: 0 EXCUSED: Mason CHAIR MILLER: HB 2996 as amended is passed to the House. Rep. Clark will carry.

(Tape 30, Side A)

These minutes contain materials which paraphrase and/or summarize the minutes made during the session. The text enclosed in quotation marks reports a speaker's exact words. For complete contents of the proceedings, please refer to the tapes. ~ . [House Committee on Judiciary April 5, 1991 - Page 6

HB 3051 WORK SESSION

293 HOLLY ROBINSON: Prohibits the use of a civil compromise in cases involving domestic violence. The adopted amendments (EXHIBIT G) specify the crimes subject to the prohibition.

298 CHAIR MILLER: The amendments have been adopted.

MOTION, REP. MANNIX: Moves HB 3051 as amended to the House with a do pass recommendation.

CHAIR MILLER: Rep. Mannix moves HB 3051 as amended to the House.

VOTE: 11-0 Motion passes. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Parks, Sunseri, Miller NO: 0 EXCUSED: Mason

CHAIR MILLER: HB 3051 as amended is passed to the House. Rep. Bauman will carry.

(Tape 30, Side A) HB 3055 WORK SESSION

320 HOLLY ROBINSON: Requires petitioner's motion for withdraw of a restraining order under FAPA be notarized.

328 MOTION, REP. MANNIX: Moves HB 3055 to the House with a do pass recommendation. CHAIR MILLER: Rep. Mannix moves HB 3055 to the House.

VOTE: 11-1 Motion passes. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Parks, Sunseri, Miller NO: 0 EXCUSED: Mason

CHAIR MILLER: HB 3055 is passed to the House. Rep. Bell will carry.

(Tape 30, Side A) HB 2993 WORK SESSION House Committee on Judiciary April 5, 1991 - Page 7

348 HOLLY ROBINSON: HB 2993 as amended (EXHIBIT H) changes Oregon law pertaining to reporting crime statistics to the Executive Department. Requires, as of July 1993 to maintain statistics on crimes and other instances arising out of domestic disturbances. 362 MOTION, REP. MANNIX: Moves the amendments to the bill, they eliminate any fiscal impact (EXHIBIT H). CHAIR MILLER: Hearing no objection, so adopted. MOTION, REP. MANNIX: Moves HB 2993 as amended to the House with a do pass recommendation. CHAIR MILLER: Rep. Mannix moves HB 2993 as amended to the House with a do pass recommendation. VOTE: 11-0 Motion passes. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Parks, Sunseri, Miller NO: 0 EXCUSED: Mason CHAIR MILLER: HB 2993 as amended is passed to the House. Rep. Parks will carry.

(Tape 30, Side A) HB 2577 WORK SESSION

389 HOLLY ROBINSON: Establishes that all regulations concerning firearms be enacted on a statewide basis with exception of regulation or prohibition of discharging firearms within local boundaries. Discusses

amendments (EXHIBIT I).

394 MOTION: REP. CLARK: Moves HB 2577 back to the Criminal Subcommittee for further work. CHAIR MILLER: Rep. Clark moves HB 2577 back to Criminal Subcommittee. Hearing no objection, so ordered.

(Tape 30, Side A) HB 2932 WORK SESSION

432 HOLLY ROBINSON: HB 2932 enhances the penalties of arson crimes if a firefighter is seriously injured during course of fighting fire, allows persons who start fires while in an institution to be charged with felony offense, and creates new crime of aggravated criminal mischief. . . . These minutes contain matedals which paraphrase ant/or summadze 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 April 5, 1991 - Page 8

TAPE 33, SIDE A

024 REP. BAUMAN: Comments on the fiscal impact and prison impact statements. Should this go to Ways and Means?

036 MOTION: REP. MANNIX: Moves the amendments to HB 2932 (EXHIBIT J).

CHAIR MILLER: Rep. Mannix moves the amendments. Hearing no objection, so adopted. Responds to Rep. Bauman's concern over the referral to Ways and Means.

MOTION, REP. MANNIX: Moves HB 2932 as amended to the House with do pass recommendation.

REP. BAI MAN: Supports motion to the House.

CHAIR MILLER: Rep. Mannix moves HB 2932 as amended to the House with a do pass recommendation.

VOTE: 11-0 Motion pass - . AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Parks, Sunseri, Miller NO: 0 EXCUSED: Mason

CHAIR MILLER: HB 2932 as amended is passed to the House. Rep. Bauman will carry.

(Tape 33, Side A) HB 3157 WORK SESSION

069 HOLLY ROBINSON: Discusses summary statement of the bill. Discusses amendments (EXHIBIT K).

079 MOTION: REP. SUNSERI: Moves the amendments to HB 3157 (EXHIBIT K).

CHAIR MILLER: Rep. Sunseri moves the amendments to HB 3157. Hearing no objection, so adopted.

MOTION: REP. SUNSERI: Moves HB 3157 as amended to the House with a do pass recommendation.

CHAIR MILLER: Rep. Sunseri moves HB 3157 to the House with a do pass recommendation.

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 April 5, 1991 - Page 9

089 REP. JOHNSON: Explains "no" vote in the subcommittee. Don't like idea of expanding classes of people who generate a higher penalty to the assault.

REP. MANNIX: People who wear uniforms and in positions of authority sometimes end up as victims of assaults.

107 REP. BAIJMAN: Will this mean if more than one person, it will only be an assault 3?

111 REP. MANNIX: Discusses another bill regarding combination of assaulters.

114 HOLLY ROBINSON: It is still an assault 3, class C felony.

REP. BAUMAN: Not enhanced.

HOLLY ROBINSON: Discusses what will be charged.

129 CHAIR MILLER: Asking for suspension of rules in order to reconsider the vote on HB 3167. Hearing no objection, so ordered. Hearing no objection to the amendments being adopted, they are so adopted. Rep. Sunseri has moved HB 3167 as amended to the House.

VOTE: 9-2 Motion passes. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Mannix, Sunseri, Miller NO: Johnson, Parks EXCUSED: Mason

CHAIR MILLER: HB 3167 as amended is passed to the House. Rep. Bauman will carry. Adjourns hearing at 2:20 p.m.

Submitted by: Neely, Assistant David Harrell, Office Manager
Reviewed by: Kathy

EXHIBIT LOG:

A - Amendments to HB 3189 - 1 page B - Amendments to HB 2650 - 1 page C - Amendments to HB 2415 - 2 page D - Amendments to HB 3105 - 2 pages E - Amendments to SB 61 - 1 page F - Amendments to HB 2996 - 1 page G - Amendments to HB 3051 - 1 page

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 April 5, 1991 - Page 10

H - Amendments to HB 2993 - 2 pages I - Amendments to HB 2577 - 1 page J - Amendments to HB 2932 - 1 page K - Amendments to HB 3167 - 1 page

~,

~ J . . _ . . 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.