

Conference Committee on HB 2580 June 28, 1991 - 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.

CONFERENCE COMMITTEE ON HB 2580

June 28, 1991Hearing Room E 8:30 a.m.Tapes 1 - 2

SENATE MEMBERS PRESENT: Sen. J Hill Sen. Hamby Sen. Cohen

HOUSE MEMBERS PRESENT: Rep. Miller, Chair Rep. Baum Rep. Mannix

STAFF PRESENT: Greg Chaimov, Committee Counsel Jeff Steve,
Committee Assistant

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TAPE 1, SIDE A

001 CHAIR MILLER: Opens Conference Committee on HB 2580 at 8:42 a.m.

002 GREG CHAIMOV: Summarizes provisions of HB 2580.

Lists materials supplied to members.

Points of contention are that from the House version of the bill, the Senate added in Sen. Hamby's acupuncture/methadone bill, dropped possession from what you can't do near a school, dropped day care centers as being part of the schools which you can't have drugs near, dropped colleges and universities, Schedule 4 and 5 drugs, and added a provision that exempts delivery of small amounts of marijuana.

023 CHAIR MILLER: The House position was and remains the recriminalization of marijuana.

Asks why possession and use around day care centers and schools cannot be included in HB 258 0.

040 CHAIMOV: Under the House version of the bill, possessing small quantities - less than an ounce-, or delivering for no consideration, less than 5 grams was a Class C misdemeanor, but possession of marijuana over those levels was a Class A felony.

090 SEN. JIM HILL: We tried to return the bill to its original form

limiting it to the Schedule 1, 2, and 3 drugs which was agreeable to the sponsors of the measure and the District Attorneys Association.

097 CHAIR MILLER: Still interested in knowing whether the Senate is interested in recriminalizing the use and possession of small amounts of marijuana near day care centers and schools.

103 SEN. JIM HILL: Had problem with including day care centers because of the difficulty of identifying some day care centers.

117 CHAIR MILLER: We went through that similar exercise. Decided we were more interested in protecting kids than worrying about someone who was using or possessing an illicit drug near a well identified or not so well identified school. We are interested in combating the drug problem.

124 REP. MANNIX: We used the term "day care facility" as defined in ORS 418 .805 which contains several exemptions. Reads statute.

185 CHAIR MILLER: Who are we trying to protect?

Does not have sympathy with someone caught near a hard to identify day care center.

190 SEN. JIM HILL: Understood the idea behind the bill was to protect students from having drugs sold or brought to them in school.

Not aware of a situation where people are selling drugs to children the ages of those in day care centers.

None of this legislation, taken in whole, could be considered to be soft on crime. But if we are talking about giving people the most severe penalties, we have to allocate available resources.

What age children are we talking about at day care centers?

226 REP. MANNIX: Preschool kids who pick up hypodermic needles and can injure themselves with serious consequences because possessors and users may use playgrounds as areas to congregate.

I have read about Senator Tricia Smith finding hypodermics in her front yard because of people dealing and handling drugs in her neighborhood.

244 SEN. JIM HILL: Does that include drug paraphernalia?

245 REP. MANNIX: No, this covers the possession of the drugs. I want to get after the people. I want to include day care centers not because of delivery concern, but because of possession concern and want to make sure those kids are relatively safe in that environment.

256 CHAIR MILLER: Because of allocation of funds we made it a Class C misdemeanor for small amounts.

266 SEN. JIM HILL: Does not think that bill limits it.

271 REP. MANNIX: As a compromise we might want to say day care facilities that are certified to have more than 12 children.

280 CHAIR MILLER: The choice is worrying about how identifiable the day care center is versus determining whether we should penalize and

sanction the use of the drugs.

If you are not willing to recriminalize use of small amounts of marijuana the discussion of making the day care centers clearly identifiable is superfluous.

292 SEN. COHEN: Agrees.

296 REP. MANNIX: Is willing to compromise on whether to recriminalize small amounts of marijuana.

Is also moveable on the concern about day care centers.

312 CHAIR MILLER: Unwilling to move on the recriminalization issue.

Recesses Conference Committee at 9:09 a.m.

Reconvenes Conference Committee at 4:47 p.m.

380 GREG CHAIMOV: Reviews provisions of 2580-B10 amendments (EXHIBIT A).

405 SEN. JIM HILL: We are trying to accommodate your concern about recriminalizing marijuana with these amendments. Our concern was that within 1,000 feet of a school in a situation Sen. Hamby mentioned, if someone lived next door to a school, we did not feel there should be a problem for them for possession of less than 5 grams within their own home.

450 SEN. HAMBY: Reads definition of public place: "public place means a place to which the general public has access and includes but is not limited to hallways, lobbies, and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence and highways, streets, schools, places of amusement, parks, playgrounds, and premises used in connection with public passenger transportation".

465 SEN. JIM HILL: Rep. Mannix was concerned about those kinds of places.

We did not want to have people in the privacy of their homes subject to search and seizure.

485 CHAIR MILLER: Appreciates the -B10 amendments.

There was some discussion about priorities or giving options concerning Sen. Hamby's proposal about methadone.

TAPE 2, SIDE A

030 SEN. HAMBY: The SB 761-A3 amendments have been signed off on by everyone.

031 MOTION: SEN. HAMBY: Moves adoption of -3 amendments (EXHIBIT B).

065 VOTE: Without objection, Chair Miler declares amendments adopted.

067 MOTION: SEN. HAMBY: Moves adoption of -10 amendments.

068 VOTE: Without objection, Chair Miller declares amendments adopted.

069 MOTION: REP. BAUM: Moves the Conference Committee Report on HB 2580, as

amended be moved to the respective chambers.

076 VOTE: On a roll call vote, motion passes unanimously. Rep. Mannix is excused.

080 CHAIR MILLER: Adjourns meeting.

Transcribed by,

Pat Zwick

EXHIBIT LOG: A:HB 2580-B10 Amendment - Staff - 1 page B:DN 761-A3
Amendment - Staff - 1 page