

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 SB 376

June 24, 1991Hearing Room C 7:30 p.m.Tape 3

SENATE MEMBERS PRESENT: Sen. Cohen, Chair Sen. Bunn Sen. Shoemaker

HOUSE MEMBERS PRESENT: Rep. Baum Rep. Mannix

MEMBER EXCUSED: Rep. Mason

STAFF PRESENT: Ingrid Swenson, Committee Administrator
Jacqueline Talbot, Committee Assistant

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 3, SIDE A

004 CHAIR COHEN: Calls the meeting. (7:51 a.m.)

The amendments, (-B14), will get us past our problems with the bill, (EXHIBIT A).

INGRID SWENSON, COMMITTEE COUNCIL: The house amendments clarified that the

court can impose remedial sanctions after hearing or the defendant has waived a hearing, which is a technical addition.

Secondly the amendments provide for written notice of an intent to rely on an affirmative defense of inability to comply with an order of a court.

020 SWENSON: Thirdly the amendments clarify that the proof of contempt is beyond a reasonable doubt in any proceeding for the imposition of a punitive sanction.

The amendments establish a process for compelling the testimony of witnesses who decline to testify on the grounds of possible self incrimination.

030 SWENSON: The amendments also clarify provisions relating to the use of contempt to enforce court orders requiring criminal defendants to pay fines and make restitution.

038 SWENSON: The amendments do provide that the court, in it's discretion, may excuse the failure to file notice of intent to rely on an affirmative defense of inability to comply in a timely fashion, depending upon the circumstances.

051 MOTION: REP. MANNIX MOVES TO CONCUR WITH THE HOUSE AMENDMENTS, FURTHER AMENDING BY ADOPTING THE (-B14) AMENDMENTS AS HAND ENGROSSED, DATED 6/22/91.

055 SEN. BUNN: I think that the 4 day notice is a mistake.

063 VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

065 MOTION: SEN. SHOEMAKER MOVES THE ADOPTION OF THE COMMITTEE REPORT AS WE HAVE AMENDED SB 376, SENDING IT TO THE FLOOR WITH A DO PASS RECOMMENDATION.

068 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. MEMBERS EXCUSED: REP. MASON CARRIERS: REP. MANNIX & SEN. SHOEMAKER

CHAIR COHEN: Adjourns the hearing. (8:45 a.m.)

Submitted by, Reviewed by,

Jacqueline Talbot Ingrid Swenson Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - SB 376: (-B14) amendments submitted by staff, pp 1 B - SB 376: B-engrossed SMS submitted by staff, pp 3