

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.

Measures Heard HB 2934, PH & WS HB 2650, PH & WS HB 2393, WS HB 3106, WS HB 3495, WS HB 3098, WS HB 3317, WS HB 2542, WS HB 2721, PH & WS HB 3449, WS HB 2390, WS HB 2681, WS HB 2193, WS HB 2669, PH & WS HB 2805, PH & WS HB 2885, PH & WS HB 3440, PH & WS

SENATE COMMITTEE ON JUDICIARY

June 12, 1991Hearing Room C 1:00 p.m.Tapes 228 - 233

MEMBERS PRESENT:Sen. Joyce Cohen, Chair Sen. Jim Hill, Vice-Chair
Sen. Peter Brockman Sen. Jim Bunn Sen. Jeannette Hamby Sen. Bob
Shoemaker Sen. Dick Springer

STAFF PRESENT: Ingrid Swenson, Committee Counsel Bill Taylor,
Committee Counsel Kate Wrightson, Committee Assistant Mark Thorburn,
Committee Assistant

WITNESSES: Rep. Walt Schroeder Charlie Williamson,
Oregon Trial Lawyers Association Lee Kersten, Horse Council of Oregon
Justice Wally Carson, Oregon Supreme Court Ross Shepard, Oregon Criminal
Defense Lawyers Association Brenda Peterson, Department of Justice Dale
Penn, Oregon District Attorneys Association Rep. Marie Bell Paul Snider,
Association of Oregon Counties Howard Clink, Multnomah County Department
of Human Services Mark McDonnell, Office of the Multnomah County
District Attorney Rep. Tom Mason John Hoover, Office of the Multnomah
County District Attorney James Miller, Salem Police Department Dan
Koenig, Attorney Brian Doherty, Oregon Medical Research Foundation
Pamela Daenor, Incurably Ill for Animal Research Richard Marrocco, Dept.
of Psychology, University of Oregon Rep. Kevin Mannix Dave Heynderickx,
Legislative Counsel Stevie Remington, American Civil Liberties Union Rus
Spencer, Oregon State Sheriffs Association Nephi Patton, Dept. of
Veterinary Medicine, Oregon State University Jack Vanderlip, University
of Oregon William Linden, State Court Administrator Ron Marceau, Council
for Court Procedure Ralph Spooner, Oregon Association of Defense Counsel
Ralph Rodia, Office of the State Fire Marshal Ron Smith, Attorney, Fire
District One

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TAPE 228, SIDE A

002 CHAIR COHEN: Calls hearing to order at 1:19 p.m.

HB 2934, CREATES CRIME OF RESEARCH AND ANIMAL INTERFERENCE, PUBLIC HEARING & WORK SESSION

055 REP. WALT SCHROEDER: Reviews history and intended purpose of bill.

HB 2650, RELATING TO EQUINE ACTIVITIES, PUBLIC HEARING & WORK SESSION

129 TAYLOR: Reviews history and intended purpose of bill.

149 CHARLIE WILLIAMSON, OREGON TRIAL LAWYERS ASSOCIATION: Submits and reviews -A6 amendments (Exhibit A). Reviews intended purpose of bill.

206 LEE KERSTEN, HORSE COUNCIL OF OREGON: Represents 40 other organizations as well. We support the bill; there is a great deal of grass-roots support for it.

226 SEN. HILL: Moves to adopt the -A6 amendments to HB 2650.

229 SEN. BROCKMAN: If a person allows a guest to ride, and the guest is injured, would that be covered by this bill? Does the guest accept the inherent risk in riding?

244 KERSTEN: Yes.

250 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS. SENATOR HAMBY WAS EXCUSED.

251 SEN. HILL: Moves HB 2650, as amended, to the floor with a "do pass" recommendation.

257 MOTION CARRIES, WITH SENATORS BROCKMAN, BUNN, SHOEMAKER, HILL, AND COHEN VOTING AYE, SENATOR SPRINGER VOTING NO, AND SENATOR HAMBY EXCUSED.

HB 2393, PROVIDES FOR APPEAL FROM POST-CONVICTION PROCEEDING IN DEATH PENALTY CASE DIRECTLY TO SUPREME COURT, WORK SESSION

279 SWENSON: Reviews history and intended purpose of bill. -Submits and reviews hand-engrossed version of bill and -A4 amendments (Exhibits B & C). -In the original bill, Section 2 would require post-conviction aggravated murder cases to go directly to the Supreme Court, without an appellate decision.

414 JUSTICE WALLY CARSON, OREGON SUPREME COURT: We are unanimously opposed to section 2 of the bill.

433 ROSS SHEPARD, OREGON CRIMINAL DEFENSE LAWYERS ASSOCIATION: The Supreme Court would not review any inappropriate actions by defense in the original trial; it is appropriate for these cases to go to the Court of Appeals.

444 BRENDA PETERSON, DEPARTMENT OF JUSTICE: We think this would streamline the appeal procedure in death penalty cases; we disagree with the idea that the Supreme Court would not be familiar with the trial record.

TAPE 229, SIDE A

004 SEN. SHOEMAKER: Moves to delete section 2 of the bill.

008 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS. SENATORS BROCKMAN, BUNN AND HAMBY WERE EXCUSED.

009 SWENSON: There is a proposed amendment to the -A4 amendments, which would instruct the Oregon Criminal Justice Council to study gender or racial bias in imposition of the death penalty.

020 SEN. HILL: Moves to amend the -A4 amendments as stated by counsel.

054 DALE PENN, OREGON DEFENSE ATTORNEYS ASSOCIATION: Charging practices are

an issue in every appeal, and the Supreme Court uses that as a point of review. This would be a good amendment.

074 SEN. SHOEMAKER: Is there any review, at the appellate level, of decisions not to seek an aggravated murder conviction, or not to seek the death penalty?

078 PENN: Probably not, though it could come into play if the defense were to say that aggravated murder was charged simply to coerce a plea to a lesser charge.

149 SEN. BUNN: [QUOTE] "I object to the deletion of Section 2 of the bill."

HB 3106, ALLOWS PEACE OFFICER TO ISSUE CITATION ON PROBABLE CAUSE THAT CLASS B OR C MISDEMEANOR HAS BEEN COMMITTED, WORK SESSION

155 THORBURN: Reviews intended purpose of bill.

175 SEN. HILL: Moves HB 3106 to the floor with a "do pass" recommendation.

HB 3495, PROVIDES THAT MINOR USING FALSE IDENTIFICATION TO PURCHASE ALCOHOL WILL HAVE DRIVING PRIVILEGES SUSPENDED, WORK SESSION

228 THORBURN: Reviews intended purpose of bill. -Submits and reviews -A2 amendments (Exhibit D).

229 SEN. SHOEMAKER: Moves to adopt the -A2 amendments to HB 3495.

231 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS.

232 SEN. SHOEMAKER: Moves HB 3495, as amended, to the floor with a "do pass" recommendation.

255 MOTION CARRIES, WITH SENATORS BROCKMAN, HAMBY, SHOEMAKER, HILL, AND COHEN VOTING AYE, AND SENATORS BUNN AND SPRINGER VOTING NAY.

HB 3098, DIRECTS STATE MARINE BOARD TO ADOPT RULES ESTABLISHING SENTENCING ALTERNATIVES FOR CERTAIN BOATING OFFENSES, WORK SESSION

266 CHAIR COHEN: Moves to reconsider committee vote on HB 3098.

268 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS. SENATOR BUNN WAS EXCUSED.

269 SWENSON: Submits and reviews amendments prepared by staff and a hand-engrossed version of page 4 of the bill (Exhibits E & F).

316 SEN. HILL: Moves to adopt amendments to HB 3098, as prepared by staff, pending review by Legislative Counsel.

323 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS. SENATOR BUNN WAS EXCUSED.

324 SEN. HILL: Moves HB 3098, as amended, to the floor with a "do pass" recommendation.

342 MOTION CARRIES UNANIMOUSLY, WITH SENATOR BUNN EXCUSED.

HB 3317, RELATING TO DISCLOSURE OF CERTAIN JUVENILE RECORDS IF INFORMATION REVEALS IMMINENT DANGER TO ANOTHER, WORK SESSION

358 SWENSON: Reviews purpose of bill. Submits and reviews -7 amendments (Exhibit G).

391 SEN. BUNN: Does "juvenile caseworker or detention worker" cover workers at McLaren?

395 SEN. BUNN: This refers only to court files, juvenile files, and CSD files. If a McLaren worker has access to CSD files, then they would be covered by this bill; otherwise they would not be.

405 SEN. BUNN: I don't think we need to specify juvenile caseworkers. On the -A7 amendments, line 2, we should delete "juvenile caseworker or detention worker".

TAPE 228, SIDE B

001 SEN. SHOEMAKER: This bill is intended to reach juvenile caseworkers and detention workers, and I think it would be good to be specific about that.

004 SEN. BUNN: I think we should broaden it to include people who work with juveniles, who might not be detention workers, such as teachers at McLaren and Hillcrest.

011 SEN. SHOEMAKER: Those people should bring their concerns to the child's caseworker.

017 SEN. BUNN: Moves to amend the -A7 amendments by adding "teacher" to line 2.

063 REP. MARIE BELL: You should consider repeating the language of line 6, of the -A7 amendments, in lines 19 and 29 of the bill.

HB 2542, SEPARATES ELEMENTS OF SEXUAL ABUSE IN 1ST DEGREE TO CREATE CRIMES OF SEXUAL ABUSE IN 1ST AND 2ND DEGREES, WORK SESSION

096 CHAIR COHEN: Moves to reconsider committee vote on HB 2542.

097 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS.

100 SWENSON: Reviews intended purpose of bill. -Submits and reviews -4 and -5 amendments (Exhibits H & I).

162 SEN. SHOEMAKER: Moves to delete "or allows" from line 7 on page 2 of the bill.

166 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS.

167 SEN. SHOEMAKER: Moves HB 2542, as amended, to the floor with a "do pass" recommendation.

172 SEN. SHOEMAKER: Retracts his motion.

173 SWENSON: Reviews intended purpose of the -A5 amendments.

189 PAUL SNIDER, ASSOCIATION OF OREGON COUNTIES: We support the -A5 amendments. The sheriffs have given us their approval.

216 SEN. SHOEMAKER: Moves to adopt the -A5 amendments to HB 2452.

228 MOTION CARRIES, WITH SENATORS BROCKMAN, HAMBY, SHOEMAKER, AND COHEN VOTING AYE, AND SENATORS BUNN, SPRINGER, AND HILL VOTING NAY.

229 CHAIR COHEN: The sheriffs have asked that an emergency clause be added. -Moves to add an emergency clause to HB 2542.

239 MOTION CARRIES, WITH SENATORS BROCKMAN, HAMBY, HILL, AND COHEN VOTING AYE, AND SENATORS BUNN, SHOEMAKER, AND SPRINGER VOTING NAY.

240 SEN. SHOEMAKER: Moves HB 2542, as amended, to the floor with a "do pass" recommendation.

247 MOTION CARRIES UNANIMOUSLY.

HB 2721, PROVIDES THAT CUSTODIAL PARENTS ARE CIVILLY LIABLE FOR DAMAGE TO PROPERTY RECKLESSLY CAUSED BY THEIR MINOR CHILDREN, PUBLIC HEARING & WORK SESSION

273 TAYLOR: Reviews intended purpose of bill. -Submits and reviews -2 amendments (Exhibit J).

299 SEN. SHOEMAKER: Moves to adopt the -2 amendments to HB 2721.

304 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS.

305 SEN. SHOEMAKER: Moves HB 2721, as amended, to the floor with a "do pass" recommendation.

313 MOTION CARRIES UNANIMOUSLY.

HB 3449, PROHIBITS EXPUNCTION OF JUVENILE RECORD OF CERTAIN FELONIES, WORK SESSION

320 SWENSON: Reviews history and intended purpose of bill.

353 CHAIR COHEN: We need to decide whether to adopt the -A5 amendments (Exhibit K), which were proposed by Jackson County.

366 HOWARD CLINK, MULTNOMAH COUNTY DEPARTMENT OF HUMAN SERVICES: Represents Multnomah County Juvenile Division. -Submits and reviews letter from Judge Linda Bergman (Exhibit L).

TAPE 229, SIDE B

017 SEN. SHOEMAKER: Moves to amend HB 3449 by deleting lines 38 and 39 on page 3 of the bill.

020 PENN: This would allow someone from the Juvenile Department to do anything they wanted, with no review whatsoever.

058 SEN. SHOEMAKER: I am impressed by the testimony of Mr. Clink. Those who are trained to work with juveniles should deal with cases involving juveniles. -I think the present law is appropriate.

071 MARK MCDONNELL, OFFICE OF THE MULTNOMAH COUNTY DISTRICT ATTORNEY:
This bill would allow district attorneys to be parties at contested
hearings.

131 MOTION FAILS, WITH SENATORS BROCKMAN, BUNN, HAMBY, AND HILL VOTING
NAY, AND SENATORS SHOEMAKER, SPRINGER, AND COHEN VOTING AYE.

133 SEN. HAMBY: Moves to adopt the -A5 amendments to HB 3449.

177 MCDONNELL: We oppose the -A5 amendments.

227 SEN. HAMBY: Withdraws her previous motion.

230 SEN. BUNN: Moves HB 3449, as amended, to the floor with a "do pass"
recommendation.

238 MOTION CARRIES, WITH SENATORS BUNN, HAMBY, HILL, AND COHEN VOTING
AYE, AND SENATORS BROCKMAN, SHOEMAKER, AND SPRINGER VOTING NAY.

HB 2390, RELATING TO CERTAIN CONTROLLED SUBSTANCE OFFENSES, WORK SESSION

264 REP. TOM MASON: Reviews intended purpose of bill.

294 SWENSON: Reviews intended purpose of bill. -Submits and reviews -3
amendments and hand-engrossed version of bill (Exhibits M & N).

350 SEN. BUNN: Moves to adopt the -3 amendments to HB 2390, as shown in
the hand-engrossed version of the bill.

353 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS.

358 SEN. BUNN: Moves HB 2390, as amended, to the floor with a "do pass"
recommendation.

363 SEN. SHOEMAKER: What are the implications of adding possession on
page 1?

367 SHEPARD: We thought that section 1 should deal only with
manufacture and distribution, while section 2 would deal with
possession.

377 PENN: This also removes the Category 6 possession offense. -The
amended version is not a good bill.

TAPE 230, SIDE A

046 SHEPARD: The B-engrossed bill is the result of compromise between
the ODAA and the OCDLA.

092 JOHN HOOVER, OFFICE OF THE MULTNOMAH COUNTY DISTRICT ATTORNEY: The
amended version of the bill is not workable in any metropolitan area.

122 SEN. HILL: How do amounts in the B-engrossed version compare to
amounts in federal law?

128 JAMES R. MILLER, SALEM POLICE DEPARTMENT: The federal guidelines
have eliminated any distinction of amounts. They use language
concerning mixtures containing illegal drugs, as opposed to language
concerning amounts of pure drug.

258 DAN KOENIG, ATTORNEY: Testifies about federal drug laws.

337 SEN. HILL: These amendments are close to the federal regulations?

341 KOENIG: Much closer than the A-engrossed version.

344 PENN: Under the federal system, there is a discrepancy in the amounts. If you don't reach the minimum levels for mandatory five-year sentences, the case must be tried by the state.

TAPE 231, SIDE A

008 SEN. BUNN: We should amend the -3 amendments by deleting "for personal use" on line 13, page 2, and by deleting the sentence on line 14 of that page.

010 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS.

012 PENN: Clarifies proposed amendment.

031 SHEPARD: The most telling discrepancy between the two amended versions is in possession of marijuana. 29 grams is an ounce; possession of less than an ounce is a misdemeanor. Under the amendments, possession of 30 grams may subject the holder to a penitentiary sentence.

035 PENN: That is a rare situation.

061 SEN. BUNN: Moves HB 2390, as amended, to the floor with a "do pass" recommendation.

065 MOTION CARRIES UNANIMOUSLY, WITH SENATOR HAMBY EXCUSED.

HB 2681, MAKES POSSESSION BY PERSON OF VISUAL RECORDING OF SEXUAL CONDUCT INVOLVING CHILD A CLASS C FELONY, WORK SESSION

074 SWENSON: Reviews intended purpose of bill. -Submits and reviews -A4 and -A5 amendments, and hand-engrossed version of bill (Exhibits O, P, & Q).

099 SEN. BUNN: Moves to adopt the -A4 and -A5 amendments to HB 2681.

118 SEN. SHOEMAKER: Raises concerns about definition of pornography.

127 CHAIR COHEN: We have heard testimony that the practice of creating child pornography is damaging to the child involved. That is the issue here. -We are creating the crime of "possession of a depiction of sexual conduct involving a child."

256 SEN. BUNN: It appears that the person possessing the material must know that the material depicts a child's sexual conduct.

268 CHAIR COHEN: Calls the previous question.

273 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS. SENATORS BROCKMAN AND HAMBY WERE EXCUSED.

274 SEN. BUNN: Moves HB 2681, as amended, to the floor with a "do pass" recommendation.

279 MOTION CARRIES UNANIMOUSLY, WITH SENATORS BROCKMAN AND HAMBY EXCUSED.

HB 2934, CREATES CRIME OF INTERFERENCE WITH ANIMAL RESEARCH, PUBLIC HEARING

307 BRIAN DOHERTY, OREGON MEDICAL RESEARCH FOUNDATION: Testifies in favor of bill.

319 PAMELA DAENOR, INCURABLY ILL FOR ANIMAL RESEARCH: Submits and reviews written testimony (Exhibit R).

403 RICHARD MARROCCO, DEPT. OF PSYCHOLOGY, UNIVERSITY OF OREGON: Submits and reviews written testimony (Exhibit S).

TAPE 230, SIDE B

001 MARROCCO: Continues to review testimony.

HB 2193, RELATING TO ACCESS TO CERTAIN INMATE MEDICAL RECORDS, WORK SESSION

047 TAYLOR: Submits and reviews rough amendments to bill (Exhibit T).

101 SEN. BUNN: Moves to adopt rough amendments to HB 2193, pending review by Legislative Counsel.

107 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS. SENATORS HAMBY AND HILL WERE EXCUSED.

108 SEN. BUNN: Moves HB 2193, as amended, to the floor with a "do pass" recommendation.

HB 2669, CREATES CRIME OF FURNISHING, SENDING OR DISPLAYING OBSCENE MATERIALS TO MINORS, PUBLIC HEARING & WORK SESSION

115 REP. KEVIN MANNIX: Reviews history and intended purpose of bill. -Submits and reviews -A5 amendments (Exhibit U).

244 DAVID HEYNDERICKX, LEGISLATIVE COUNSEL: Section 4 refers to "any obscene performance," due to the way the statute is constructed.

250 REP. MANNIX: Continues to review history of bill.

293 CHAIR COHEN: Submits testimony from Oregon booksellers (Exhibit V, W, & X).

328 STEVIE REMINGTON, AMERICAN CIVIL LIBERTIES UNION: The bill is an improvement over current law. There may be some lack of clarity in the statute.

360 SEN. SHOEMAKER: I am convinced by the testimony from the booksellers; I think this would pose a problem for them. -Explains concerns with bill.

411 REP. MANNIX: We are trying to restrict vigilante problems with this bill. The booksellers' concerns should have been addressed in the House.

TAPE 231, SIDE B

001 REP. MANNIX: Continues testimony.

028 SEN. SHOEMAKER: I am afraid that this will force booksellers to segregate their stores into areas differentiated by age.

051 PENN: We support the bill, because of the observations which Sen. Shoemaker has made. The present statutory scheme is flawed.

076 THORBURN: Reviews -A5 amendments, proposed by the ACLU.

092 SEN. BUNN: Moves to adopt the -A5 amendments, with the addition of "knowingly" on line 16, page 1.

102 SWENSON: "Having reason to know" is not used in criminal law.

108 PENN: "Knowingly" is good enough. "Having reason to know" would be too difficult to prove.

136 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS. SENATORS BROCKMAN AND HAMBY WERE EXCUSED.

140 SEN. SHOEMAKER: Explains concerns about display of obscene material to minors.

153 CHAIR COHEN: Explains history of bill. This is not a constitutional amendment; it deals with a very narrow situation and attempts to solve a real problem.

161 SEN. BUNN: Moves HB 2669, as amended, to the floor with a "do pass" recommendation.

166 MOTION CARRIES, WITH SENATORS BUNN, SHOEMAKER, HILL, AND COHEN VOTING AYE, SENATOR SPRINGER VOTING NAY, AND SENATORS BROCKMAN AND HAMBY EXCUSED.

172 SEN. SHOEMAKER: I am uncomfortable with the bill; I voted aye so that it would not be defeated in committee.

HB 3317, RELATING TO DISCLOSURE OF CERTAIN JUVENILE REPORTS, WORK SESSION

185 SWENSON: Submits and reviews hand-engrossed version of bill, as proposed by Rep. Marie Bell (Exhibit Y).

212 CHAIR COHEN: Moves to adopt amendments to HB 3317 as presented by Rep. Bell.

214 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS. SENATORS BROCKMAN, HAMBY, AND SPRINGER WERE EXCUSED.

215 SEN. HILL: Moves HB 3317, as amended, to the floor with a "do pass" recommendation.

220 MOTION CARRIES UNANIMOUSLY, WITH SENATORS BROCKMAN, HAMBY, AND SPRINGER WERE EXCUSED.

HB 3106, RELATING TO CITATIONS, WORK SESSION

238 RUS SPENCER, OREGON STATE SHERIFFS ASSOCIATION: This bill is an efficiency measure. It will save time and money; it will not give us any greater arrest powers. There is still the issue of officer discretion about whether to issue a citation.

270 PENN: This will increase jail efficiency.

325 SEN. BUNN: I won't block the bill from going to the floor, but I

don't think the bill is necessary.

331 SEN. HILL: Calls the previous question on the bill.

360 MOTION CARRIES UNANIMOUSLY, WITH SENATORS BROCKMAN, HAMBY, AND SPRINGER EXCUSED.

HB 2393, RELATING TO THE DEATH PENALTY, WORK SESSION

382 SWENSON: Submits and reviews rough amendment to the -4 amendments to HB 239 3 (Exhibits Z & AA).

395 CHAIR COHEN: Moves to adopt the rough amendments to the -4 amendments to HB 2393, pending review by Legislative Counsel.

399 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS. SENATORS BROCKMAN, HAMBY, AND SPRINGER WERE EXCUSED.

401 CHAIR COHEN: Moves to adopt the -4 amendments, as amended, to HB 2393.

431 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS. SENATORS BROCKMAN, HAMBY, AND SPRINGER WERE EXCUSED.

432 SEN. HILL: Moves HB 2393, as amended, to the floor with a "do pass" recommendation.

440 MOTION CARRIES UNANIMOUSLY, WITH SENATORS BROCKMAN, HAMBY, AND SPRINGER EXCUSED.

488 CHAIR COHEN: Recesses hearing at 5:04 p.m.

TAPE 232, SIDE A

029 CHAIR COHEN: Reconvenes hearing at 5:32 p.m.

HB 2934, WORK SESSION

038 NEPHI PATTON, DEPT. OF VETERINARY MEDICINE, OREGON STATE UNIVERSITY: Submits and summarizes written testimony in support of bill (Exhibit AB).

061 JACK VANDERLIP, UNIVERSITY OF OREGON: Submits and summarizes written testimony in support of bill (Exhibit AC).

122 DOHERTY: Reviews proposed amendments.

152 THORBURN: Submits and reviews -3, -4, and -5 amendments (Exhibits AD, AE, & AF).

187 SEN. HAMBY: Moves to adopt the -3, -4, and -5 amendments, and the amendments submitted by the Medical Research Foundation, to HB 2934.

214 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS. SENATORS BROCKMAN AND SPRINGER WERE EXCUSED.

215 SEN. HAMBY: Moves HB 2934, as amended, to the floor with a "do pass" recommendation.

225 MOTION CARRIES UNANIMOUSLY, WITH SENATORS BROCKMAN AND SPRINGER EXCUSED.

HB 2805, RELATING TO INDIGENT DEFENSE IN CONTEMPT AND POST-CONVICTION ACTIONS, PUBLIC HEARING & WORK SESSION

237 WILLIAM LINDEN, STATE COURT ADMINISTRATOR: Reviews intended purpose of bill. -Submits and summarizes -A2 amendments (Exhibit AG).

279 SEN. HILL: Moves to adopt the -A2 amendments to HB 2805.

281 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS. SENATORS BROCKMAN, BUNN, AND SPRINGER WERE EXCUSED.

282 SEN. HILL: Moves HB 2805, as amended, to the floor with a "do pass" recommendation.

287 MOTION CARRIES UNANIMOUSLY, WITH SENATORS BROCKMAN, BUNN, AND SPRINGER EXCUSED.

HB 2885, REDUCES NUMBER OF JURORS IN CIRCUIT COURT CIVIL CASES FROM 12 TO 6, PUBLIC HEARING & WORK SESSION

290 LINDEN: Reviews intended purpose of bill. Submits and summarizes written testimony (Exhibit AH).

366 RON MARCEAU, COUNCIL FOR COURT PROCEDURE: Although this is a good topic

for discussion, the issue should come before the Council for review.

TAPE 233, SIDE A

001 MARCEAU: Continues testimony.

022 WILLIAMSON: OTLA takes no position on the bill. -We are opposed to two amendments proposed in the House. One would lower the number of peremptory challenges; the other would allow someone to get a 12 person jury by paying a fee.

035 SEN. SHOEMAKER: How do you react to the suggestion of sending the bill to the Council?

036 WILLIAMSON: We would support that action.

038 RALPH SPOONER, OREGON ASSOCIATION OF DEFENSE COUNSEL: We oppose the bill. It should go to the Council instead of the Legislature.

074 CHAIR COHEN: The Council can easily assume this task without legislation.

075 SEN. SHOEMAKER: Are they inclined to?

078 MARCEAU: The only reason we would not undertake such a task is if the bill were passed. If the bill does not pass, the issue will be a first order of business.

087 SEN. HAMBY: You would not need direction from the Legislature to undertake this study?

088 MARCEAU: No.

HB 3440, AUTHORIZES IMPOSITION OF CIVIL PENALTY FOR VIOLATION OF FIREWORKS STATUTES, PUBLIC HEARING & WORK SESSION

104 RALPH RODIA, OFFICE OF THE STATE FIRE MARSHAL: Submits and summarizes written testimony in support of bill (Exhibit AI).

151 CHAIR COHEN: What about someone with leftover fireworks? Section 3 seems a little excessive.

160 RODIA: There is a provision with a limitation of \$50. We would only be able to advise the person that they were acting illegally.

178 RON SMITH, ATTORNEY, FIRE DISTRICT ONE: Submits and summarizes written testimony (Exhibit AJ).

182 CHAIR COHEN: If we give you this civil penalty option, would you be able to use it throughout the year for offenses other than discharge?

184 SMITH: Under the proposed bill, yes.

235 SEN. HAMBY: Moves to delete Section 3 of bill and to add language which will conform bill to the standards set by SB 101.

239 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS. SENATORS BROCKMAN, BUNN, AND SPRINGER WERE EXCUSED.

240 SEN. HAMBY: Moves HB 3440, as amended, to the floor with a "do pass" recommendation.

243 MOTION CARRIES UNANIMOUSLY, WITH SENATORS BROCKMAN, BUNN, AND SPRINGER EXCUSED.

253 CHAIR COHEN: Adjourns hearing at 6:15 p.m.

Reviewed by: Reviewed by:

Bill Taylor Ingrid Swenson Counsel Counsel

Submitted by:

Kate Wrightson Assistant

EXHIBIT LOG:

A	-	Amendments to HB 2650 - Charlie Williamson - 5 pages	
B	-	Hand-engrossed version of HB 2393 - Staff - 6 pages	
C	-	Amendments to HB 2393 - Staff - 3 pages D	- Amendments
to HB 3495 - Staff - 9 pages E	-	Amendments to HB 3098 - Staff - 1	
page F	-	Hand-engrossed version of HB 3098 - Staff - 1 page	
G	-	Amendments to HB 3317 - Staff - 1 page H-	Amendments to
HB 2542 - Staff - 4 pages I	-	Amendments to HB 2542 - Staff - 1	
page J	-	Amendments to HB 2721 - Staff - 11 pages	
K	-	Amendments to HB 3449 - Staff - 5 pages L	- Testimony on

HB 3449 - Howard Clink - 2 pages M - Amendments to HB 2390 - Staff
- 2 pages N - Hand-engrossed version of HB 2390 - Staff - 3 pages
O - Amendments to HB 2681 - Staff - 1 page P- Amendments to
HB 2681 - Staff - 1 page Q - Hand-engrossed version of HB 2681 -
Staff - 3 pages R - Testimony on HB 2934 - Pamela Daener - 3 pages
S - Testimony on HB 2934 - Richard Marrocco - 2 pages
T - Amendments to HB 2193 - Staff - 1 page U- Amendments to
HB 2669 - Rep. Kevin Mannix - 1 page V - Testimony on HB 2669 -
Chair Cohen - 2 pages W - Testimony on HB 2669 - Chair Cohen - 2
pages X - Testimony on HB 2669 - Chair Cohen - 1 page
Y - Hand-engrossed version of HB 3317 - Staff - 2 pages
Z - Amendments to HB 2393 - Staff - 1 page AA - Amendments to HB
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