

## **HOUSE COMMITTEE ON JUDICIARY**

**February 05, 2009  
1:30 P.M.**

**Hearing Room 357**

**MEMBERS PRESENT:**        **Rep. Jeff Barker, Chair**  
                                     **Rep. Judy Stiegler, Vice-Chair**  
                                     **Rep. Gene Whisnant, Vice-Chair**  
                                     **Rep. Brent Barton**  
                                     **Rep. Kevin Cameron**  
                                     **Rep. Chris Garrett**  
                                     **Rep. Wayne Krieger**  
                                     **Rep. Andy Olson**  
                                     **Rep. Chip Shields**  
                                     **Rep. Jefferson Smith**

**STAFF PRESENT:**         **Shannon Sivell, Committee Administrator**  
                                     **Jennifer Ranstrom-Smith, Committee Assistant**

**MEASURES/ISSUES HEARD:** **HB 2331 - Public Hearing**  
                                     **HB 2332 - Public Hearing**  
                                     **HB 2333 - Public Hearing**  
                                     **HB 2338 - Public Hearing**  
                                     **HB 2356 - Public Hearing**  
                                     **LC 2725 - Measure Introduction**

**This recording log is in compliance with Senate and House Rules. For complete contents, refer to the digital audio recording.**

## HJUD

2/5/2009 1:36:44 PM

1:36:47 PM Meeting Called to Order  
1:36:58 PM HB 2331 - Public Hearing  
1:36:59 PM Shannon Sivell, Committee Counsel  
1:37:24 PM Chair Barker  
1:37:53 PM Brad Berry, Yamhill District Attorney  
1:43:45 PM Chair Barker  
1:43:58 PM Steve Doell, Crime Victims United  
1:46:47 PM {Exhibit} 1: Grant  
1:46:47 PM Kevin Grant, Governors Advisory Committee on DUII  
1:49:11 PM Chair Barker  
1:49:14 PM Rep. Olson  
1:49:33 PM Berry  
1:49:47 PM Doell  
1:50:01 PM Chair Barker  
1:50:03 PM Vice-Chair Whisnant  
1:50:33 PM Grant  
1:51:14 PM Vice-Chair Whisnant  
1:51:17 PM Rep. Shields  
1:51:25 PM Berry  
1:52:57 PM Rep. Shields  
1:53:23 PM Berry  
1:55:05 PM Vice-Chair Whisnant  
1:55:08 PM Rep. Smith J.  
1:55:48 PM Berry  
1:57:52 PM Rep. Smith J.  
1:58:57 PM Berry  
1:59:18 PM Rep. Smith J.  
1:59:20 PM Vice-Chair Whisnant  
1:59:30 PM Grant  
2:00:04 PM Vice-Chair Whisnant  
2:00:13 PM Doell  
2:00:54 PM Vice-Chair Whisnant  
2:00:57 PM Vice-Chair Stiegler  
2:01:16 PM Rep. Shields  
2:01:23 PM Vice-Chair Stiegler  
2:01:44 PM Vice-Chair Whisnant  
2:01:57 PM The following written testimony is submitted for the record without public testimony:  
2:01:57 PM {Exhibit} 2: Jody Vaughn, Governors Advisory Committee on DUII

**2:01:58 PM** Vice-Chair Whisnant  
**2:02:22 PM** Teresa Douglas, Governors Advisory Committee on DUII  
**2:02:22 PM** {Exhibit} 3: Douglas  
**2:04:11 PM** Vice-Chair Whisnant  
**2:04:15 PM** Heather Warren Kirby, Governors Advisory Committee on DUII  
**2:04:15 PM** {Exhibit} 4: Kirby  
**2:05:56 PM** Vice-Chair Whisnant  
**2:05:58 PM** Rep. Shields  
**2:06:16 PM** Douglas  
**2:06:26 PM** Rep. Shields  
**2:06:34 PM** Douglas  
**2:06:37 PM** Vice-Chair Whisnant  
**2:07:06 PM** Gail Meyer, Oregon Criminal Defense Lawyers Association  
**2:07:50 PM** Vice-Chair Whisnant  
**2:07:58 PM** Rankin Johnson, Attorney, Oregon Criminal Defense Lawyers Association  
**2:12:33 PM** Vice-Chair Whisnant  
**2:12:36 PM** Rep. Shields  
**2:13:00 PM** Johnson  
**2:13:15 PM** Rep. Shields  
**2:13:21 PM** Johnson  
**2:13:34 PM** Vice-Chair Whisnant  
**2:13:37 PM** Rep. Olson  
**2:14:01 PM** Johnson  
**2:14:36 PM** Rep. Olson  
**2:14:46 PM** Johnson  
**2:15:33 PM** Rep. Olson  
**2:15:38 PM** Vice-Chair Whisnant  
**2:15:54 PM** Rep. Olson  
**2:16:36 PM** Johnson  
**2:18:21 PM** Vice-Chair Whisnant  
**2:18:22 PM** Rep. Cameron  
**2:18:34 PM** Johnson  
**2:18:46 PM** Rep. Cameron  
**2:18:58 PM** Johnson  
**2:19:12 PM** Rep. Smith J.  
**2:19:26 PM** Vice-Chair Whisnant  
**2:19:39 PM** Rep. Smith J.  
**2:21:19 PM** Vice-Chair Whisnant  
**2:21:33 PM** Rep. Shields  
**2:21:41 PM** Sivell  
**2:22:07 PM** Meyer  
**2:23:34 PM** Vice-Chair Stiegler  
**2:23:59 PM** Johnson  
**2:24:19 PM** Vice-Chair Stiegler  
**2:24:44 PM** Meyer

2:24:52 PM Vice-Chair Stiegler  
2:24:54 PM Meyer  
2:24:56 PM Vice-Chair Stiegler  
2:25:28 PM Johnson  
2:25:36 PM Vice-Chair Stiegler  
2:25:42 PM Johnson  
2:25:56 PM Vice-Chair Stiegler  
2:26:19 PM Johnson  
2:26:43 PM Vice-Chair Stiegler  
2:26:59 PM Chair Barker  
2:27:00 PM Rep. Smith J.  
2:27:12 PM Chair Barker  
2:27:29 PM Johnson  
2:28:02 PM Chair Barker  
2:28:10 PM Rep. Garrett  
2:28:26 PM Johnson  
2:28:33 PM Rep. Garrett  
2:29:09 PM Johnson  
2:29:46 PM Chair Barker  
2:30:10 PM HB 2332 - Public Hearing  
2:30:27 PM Shannon Sivell, Committee Counsel  
2:30:29 PM {Exhibit} 5: Sivell  
2:31:32 PM Chair Barker  
2:31:37 PM Gail Meyer, Oregon Criminal Defense Lawyers Association  
2:33:18 PM Denny Mason, Oregon Criminal Defense Lawyers Association  
2:34:23 PM Chair Barker  
2:34:45 PM Mason  
2:35:06 PM Meyer  
2:37:50 PM Chair Barker  
2:37:51 PM Sivell  
2:38:15 PM Chair Barker  
2:38:19 PM Meyer  
2:38:47 PM Susan Reese, Oregon Criminal Defense Lawyers Association  
2:41:27 PM Chair Barker  
2:41:29 PM Rep. Krieger  
2:41:50 PM Chair Barker  
2:41:54 PM Andrea Meyer, ACLU OREGON  
2:43:22 PM Chair Barker  
2:43:38 PM Gina Skinner, Oregon District Attorney Association  
2:44:39 PM {Exhibit} 6: Skinner  
2:53:26 PM Chair Barker  
2:53:43 PM Skinner  
2:54:29 PM Chair Barker  
2:54:34 PM Rep. Barton  
2:56:48 PM Skinner  
2:59:35 PM Rep. Barton

**2:59:38 PM** Chair Barker  
**3:00:02 PM** Steve Pucci, Oregon State Bar  
**3:02:09 PM** Chair Barker  
**3:02:12 PM** Vice-Chair Stiegler  
**3:02:39 PM** Pucci  
**3:02:46 PM** Vice-Chair Stiegler  
**3:02:51 PM** Pucci  
**3:03:01 PM** Chair Barker  
**3:03:12 PM** HB 2333 - Public Hearing  
**3:03:39 PM** Chair Barker  
**3:03:39 PM** Shannon Sivell, Committee Counsel  
**3:03:45 PM** Brad Berry, Yamhill District Attorney  
**3:05:29 PM** Chair Barker  
**3:05:35 PM** HB 2338 - Public Hearing  
**3:06:25 PM** Shannon Sivell, Committee Counsel  
**3:06:26 PM** Chair Barker  
**3:06:29 PM** Gina Skinner, Oregon District Attorney Association  
**3:09:06 PM** Chair Barker  
**3:09:09 PM** Vice-Chair Whisnant  
**3:09:28 PM** Skinner  
**3:10:11 PM** Rep. Barton  
**3:10:26 PM** Skinner  
**3:10:51 PM** Chair Barker  
**3:10:55 PM** Skinner  
**3:11:04 PM** Chair Barker  
**3:11:06 PM** Vice-Chair Whisnant  
**3:11:15 PM** Sivell  
**3:11:28 PM** Chair Barker  
**3:12:04 PM** Gail Meyer, Oregon Criminal Defense Lawyers Association  
**3:14:01 PM** Chair Barker  
**3:14:07 PM** Denny Mason, Oregon Criminal Defense Lawyers Association  
**3:14:25 PM** Chair Barker  
**3:14:28 PM** Susan Reese, Oregon Criminal Defense Lawyers Association  
**3:17:22 PM** Chair Barker  
**3:17:26 PM** Mason  
**3:18:12 PM** Chair Barker  
**3:18:42 PM** HB 2356 - Public Hearing  
**3:18:44 PM** Shannon Sivell, Committee Counsel  
**3:19:12 PM** Rep. Barton  
**3:19:24 PM** Sivell  
**3:19:47 PM** Brad Berry, Yamhill District Attorney  
**3:22:21 PM** Chair Barker  
**3:22:24 PM** Vice-Chair Whisnant  
**3:22:54 PM** Sivell  
**3:23:10 PM** Berry  
**3:23:53 PM** Vice-Chair Whisnant

**3:24:30 PM** Chair Barker  
**3:24:49 PM** Meyer  
**3:24:55 PM** Chair Barker  
**3:24:55 PM** {Exhibit} 7: Chair Barker  
**3:25:15 PM** MOTION: Rep. Barton moves LC 2725 BE INTRODUCED as a  
Committee Bill  
**3:25:18 PM** Chair Barker  
**3:25:24 PM** VOTE:6-0-4  
**3:25:47 PM** Ayes: Barton, Olson, Smith, Stiegler, Whisnant, Barker; Excused:  
Cameron, Garrett, Krieger, Shields  
**3:25:50 PM** Chair Barker  
**3:25:56 PM** Meeting Adjourned

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**HJUD**

**2/5/2009 1:36:44 PM**

- 1:46:47 PM** {Exhibit} 1: HB 2331, Written Testimony, Kevin Grant 1 p
  - 2:01:57 PM** {Exhibit} 2: HB 2331, Written Testimony, Jody Vaughn, 2 pp
  - 2:02:22 PM** {Exhibit} 3: HB 2331, Written Testimony, Teresa Douglas, 2 pp
  - 2:04:15 PM** {Exhibit} 4: HB 2331, Written Testimony, Heather Warren-Kirby, 2 pp
  - 2:30:29 PM** {Exhibit} 5: HB 2332, Proposed Amendment, Staff, 1 p
  - 2:44:39 PM** {Exhibit} 6: HB 2332, Written Testimony, Gina Skinner, 5 pp
  - 3:24:55 PM** {Exhibit} 7: Measure Introduction, LC 2725, Staff, 2 pp
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