

## HOUSE COMMITTEE ON JUDICIARY

April 17, 2009  
12:00 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  
Bill Taylor, Committee Administrator  
Jennifer Ranstrom-Smith, Committee Assistant

**MEASURES/ISSUES HEARD:** HB 3394 - Public Hearing  
HB 2860 - Public Hearing  
HB 2292 - Public Hearing and Work Session  
HB 3348 - Public Hearing  
HB 3394 - Public Hearing  
HB 2139 - Work Session  
HB 2335 - Work Session  
HB 2713 - Work Session  
HB 2313 - Work Session  
HB 2738 - Work Session  
HB 3271 - Work Session  
HB 2262 - Work Session  
HB 2264 - Work Session

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

**HJUD**

**4/17/2009 12:19:04 PM**

**12:19:06 PM** Meeting Called to Order  
**12:19:22 PM** HB 3394 - Public Hearing  
**12:19:28 PM** Shannon Sivell, Committee Counsel  
**12:19:54 PM** Rep. Bill Kennemer, House District 39  
**12:22:30 PM** Brenda Hiatt, Owner, DB Security Services  
**12:22:31 PM** {Exhibit} 1: Hiatt  
**12:30:53 PM** Chair Barker  
**12:30:57 PM** Hiatt  
**12:32:38 PM** Chair Barker  
**12:32:42 PM** Rep. Shields  
**12:33:11 PM** Hiatt  
**12:34:17 PM** Rep. Shields  
**12:34:30 PM** Hiatt  
**12:34:58 PM** Chair Barker  
**12:35:05 PM** HB 2860 - Public Hearing  
**12:35:11 PM** Shannon Sivell, Committee Counsel  
**12:35:38 PM** Rep. Sal Esquivel, House District 6  
**12:40:12 PM** Chair Barker  
**12:40:14 PM** Rep. Smith J.  
**12:40:38 PM** Rep. Esquivel  
**12:42:46 PM** Chair Barker  
**12:42:48 PM** Vice-Chair Stiegler  
**12:43:18 PM** Rep. Esquivel  
**12:44:07 PM** Rep. Shields  
**12:44:56 PM** Chair Barker  
**12:45:28 PM** Sybil Hebb, Oregon Law Commission  
**12:45:29 PM** {Exhibit} 2: Hebb  
**12:48:45 PM** Maura Roche, Juvenile Rights Project  
**12:49:01 PM** The following written testimony was submitted for the record  
without public testimony:  
**12:49:05 PM** {Exhibit} 3: Lisa Kay, Staff Attorney, Juvenile Rights Project  
**12:51:48 PM** Chair Barker  
**12:51:51 PM** Rep. Smith J.  
**12:53:24 PM** Hebb  
**12:54:58 PM** Chair Barker  
**12:55:16 PM** Rep. Shields  
**12:55:34 PM** Beth Englander, Adoption Program Manager, Department of  
Human Services  
**12:55:35 PM** {Exhibit} 4: Englander

**1:00:25 PM** Vice-Chair Whisnant  
**1:00:31 PM** Gail Schelle, Assistant Adoption Manager, Department of Human Services  
**1:00:40 PM** Vice-Chair Whisnant  
**1:00:44 PM** Rep. Krieger  
**1:01:38 PM** Schelle  
**1:02:26 PM** Rep. Krieger  
**1:02:50 PM** Englander  
**1:04:51 PM** Chair Barker  
**1:05:16 PM** HB 2292 - Public Hearing  
**1:05:20 PM** Shannon Sivell, Committee Counsel  
**1:05:31 PM** {Exhibit} 5: Sivell  
**1:05:45 PM** Max Williams, Director, Department of Corrections  
**1:07:11 PM** {Exhibit} 6: Williams  
**1:08:46 PM** Chair Barker  
**1:08:52 PM** Williams  
**1:09:07 PM** Chair Barker  
**1:09:09 PM** Rep. Shields  
**1:09:27 PM** Williams  
**1:09:43 PM** Rep. Shields  
**1:10:51 PM** Williams  
**1:10:53 PM** Chair Barker  
**1:11:18 PM** Mary Botkin, American Federation of State, County, & Municipal Employees Council 75  
**1:12:54 PM** Chair Barker  
**1:13:37 PM** HB 2292 - Work Session  
**1:13:39 PM** MOTION: Rep. Krieger moves -3 amendments  
**1:13:47 PM** Chair Barker  
**1:13:55 PM** VOTE: 10-0-0  
**1:13:56 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith, Stiegler, Whisnant, Barker  
**1:14:07 PM** HB 3348 - Public Hearing  
**1:14:13 PM** Shannon Sivell, Committee Counsel  
**1:14:28 PM** Chair Barker  
**1:15:04 PM** Akin Blitz, Trustee, Oregon Humane Society  
**1:21:19 PM** Sharon Harmon, Executive Director, Oregon Humane Society  
**1:21:45 PM** {Exhibit} 7: Harmon  
**1:23:54 PM** Morgan Guthner, Livestock Deputy, Clackamas County Sheriff  
**1:24:38 PM** Chair Barker  
**1:24:42 PM** Vice-Chair Stiegler  
**1:25:10 PM** Rep. Krieger  
**1:25:15 PM** Harmon  
**1:25:20 PM** The following written testimony was submitted for the record without public testimony:  
**1:25:21 PM** {Exhibit} 8: Todd Anderson, Sheriff, Tillamook County  
**1:25:22 PM** {Exhibit} 9: Joshua Marquis, District Attorney, Clatsop County

**1:25:23 PM** {Exhibit} 10: Kent Barker, President, Oregon Association Chiefs of Police  
**1:25:38 PM** Rep. Krieger  
**1:26:14 PM** Harmon  
**1:26:34 PM** Chair Barker  
**1:26:46 PM** Bonnie Helzer, Special Agent, Oregon Humane Society  
**1:26:47 PM** {Exhibit} 11: Helzer  
**1:28:27 PM** Chair Barker  
**1:28:30 PM** Dr. Kris Otteman, Director of Shelter Medicine, Oregon Humane Society  
**1:28:31 PM** {Exhibit} 12: Otteman  
**1:29:56 PM** Chair Barker  
**1:30:00 PM** Rep. Barton  
**1:30:08 PM** Chair Barker  
**1:30:12 PM** Rep. Barton  
**1:31:04 PM** Joe O'Leary, Governor's Public Safety Advisor  
**1:32:58 PM** Chair Barker  
**1:33:13 PM** HB 3394 - Public Hearing  
**1:33:54 PM** Brian Henson, Director, Bureau of Operations & Technology, Department of Public Safety, Standards and Training  
**1:33:55 PM** {Exhibit} 13: Henson  
**1:37:38 PM** Jeff Martin, Chairman, Private Security Policy Committee, Department of Public Safety, Standards & Training  
**1:37:39 PM** {Exhibit} 14: Martin  
**1:42:29 PM** Derek Bliss, Branch Manager, First Response, Inc.  
**1:42:30 PM** {Exhibit} 15: Bliss  
**1:48:10 PM** Chair Barker  
**1:48:23 PM** HB 2139 - Work Session  
**1:48:42 PM** Bill Taylor, Committee Counsel  
**1:49:19 PM** Chair Barker  
**1:49:22 PM** MOTION: Vice-Chair Stiegler moves HB 2139 DO PASS as AMENDED and RESCIND referral to Committee on Ways & Means and be placed on CONSENT CALENDAR  
**1:49:31 PM** Chair Barker  
**1:49:39 PM** VOTE: 8-0-2  
**1:50:02 PM** Ayes: Barton, Cameron, Garrett, Olson, Shields, Smith, Stiegler, Barker; Excused: Krieger, Whisnant  
**1:50:04 PM** Chair Barker  
**1:50:20 PM** HB 2713 - Work Session  
**1:50:28 PM** Bill Taylor, Committee Counsel  
**1:50:36 PM** HB 2335 - Work Session  
**1:50:37 PM** Bill Taylor, Committee Counsel  
**1:50:42 PM** {Exhibit} 16: Taylor  
**1:51:25 PM** Chair Barker  
**1:51:54 PM** Darian Stanford, Deputy District Attorney, Multnomah County  
**1:53:44 PM** Rep. Barton

1:53:46 PM Stanford  
2:00:00 PM Chair Barker  
2:00:04 PM Bronson James, Chief Deputy Defender, Office of Public Defense  
2:10:28 PM Rep. Garrett  
2:11:11 PM Stanford  
2:11:30 PM Taylor  
2:12:19 PM Rep. Garrett  
2:12:37 PM James  
2:12:56 PM Taylor  
2:13:09 PM James  
2:13:39 PM Taylor  
2:13:46 PM Steven Powers, Chairperson, Oregon Board of Parole  
2:14:20 PM Rep. Barton  
2:14:59 PM James  
2:15:10 PM Rep. Barton  
2:15:31 PM Powers  
2:16:51 PM Rep. Barton  
2:19:25 PM James  
2:21:24 PM Rep. Barton  
2:23:29 PM Chair Barker  
2:23:33 PM Powers  
2:25:51 PM Chair Barker  
2:25:53 PM Rep. Smith J.  
2:27:48 PM Stanford  
2:28:00 PM Rep. Smith J.  
2:28:07 PM Stanford  
2:30:32 PM Rep. Smith J.  
2:30:36 PM Powers  
2:31:40 PM Vice-Chair Whisnant  
2:31:41 PM Rep. Barton  
2:32:45 PM Chair Barker  
2:33:09 PM Taylor  
2:33:18 PM Chair Barker  
2:34:01 PM Rep. Barton  
2:34:10 PM Chair Barker  
2:34:14 PM Taylor  
2:34:52 PM Rep. Garrett  
2:35:41 PM Chair Barker  
2:35:52 PM Rep. Barton  
2:36:27 PM Chair Barker  
2:36:29 PM Rep. Shields  
2:37:12 PM Chair Barker  
2:37:20 PM Rep. Smith J.  
2:37:45 PM Taylor  
2:38:08 PM Rep. Smith J.  
2:38:32 PM Taylor

**2:38:48 PM** Chair Barker  
**2:38:49 PM** MOTION: Vice-Chair Whisnant moves -5 amendments  
**2:38:55 PM** Chair Barker  
**2:39:03 PM** VOTE: 8-2-0  
**2:39:04 PM** Ayes: Barton, Cameron, Krieger, Olson, Smith, Stiegler, Whisnant, Barker; Nays: Garrett, Shields  
**2:39:28 PM** Chair Barker  
**2:39:33 PM** Rep. Smith J.  
**2:40:04 PM** Chair Barker  
**2:40:31 PM** HB 2713 - Work Session  
**2:40:34 PM** Shannon Sivell, Committee Counsel  
**2:41:36 PM** {Exhibit} 17: Sivell  
**2:41:39 PM** {Exhibit} 18: Sivell  
**2:41:45 PM** Brian DeLashmutt, Oregon Council of Police Associations  
**2:42:41 PM** Chair Barker  
**2:43:15 PM** MOTION: Vice-Chair Whisnant moves -2 amendments  
**2:43:20 PM** Chair Barker  
**2:43:26 PM** Rep. Cameron  
**2:43:45 PM** DeLashmutt  
**2:44:20 PM** Rep. Cameron  
**2:44:31 PM** DeLashmutt  
**2:45:02 PM** Rep. Cameron  
**2:45:25 PM** DeLashmutt  
**2:45:37 PM** Chair Barker  
**2:45:40 PM** DeLashmutt  
**2:46:11 PM** Rep. Cameron  
**2:46:23 PM** DeLashmutt  
**2:46:52 PM** Rep. Cameron  
**2:47:03 PM** DeLashmutt  
**2:48:08 PM** Rep. Cameron  
**2:48:10 PM** Chair Barker  
**2:48:14 PM** Rep. Olson  
**2:48:20 PM** DeLashmutt  
**2:48:38 PM** Chair Barker  
**2:48:46 PM** Kevin Campbell, Oregon Association Chiefs of Police  
**2:50:18 PM** Chair Barker  
**2:50:37 PM** DeLashmutt  
**2:50:40 PM** Chair Barker  
**2:50:41 PM** Campbell  
**2:50:49 PM** Chair Barker  
**2:52:00 PM** VOTE: 10-0-0  
**2:52:01 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith, Stiegler, Whisnant, Barker  
**2:52:02 PM** MOTION: Vice-Chair Whisnant moves HB 2713 DO PASS as AMENDED  
**2:52:23 PM** Chair Barker

**2:52:31 PM** Rep. Barton  
**2:52:45 PM** Rep. Cameron  
**2:53:16 PM** Chair Barker  
**2:53:17 PM** VOTE: 9-1-0  
**2:53:18 PM** Ayes: Barton, Garrett, Krieger, Olson, Shields, Smith, Stiegler, Whisnant. Barker; Nays: Cameron  
**2:53:35 PM** Chair Barker  
**2:53:37 PM** CARRIER: CHAIR BARKER will lead discussion on the floor  
**2:53:43 PM** HB 2313 - Work Session  
**2:53:46 PM** Shannon Sivell, Committee Counsel  
**2:54:04 PM** {Exhibit} 19: Sivell  
**2:54:35 PM** Vice-Chair Stiegler  
**2:54:56 PM** Vice-Chair Whisnant  
**2:55:01 PM** Rep. Barton  
**2:55:05 PM** MOTION: Vice-Chair Whisnant moves -4 amendments  
**2:55:13 PM** Chair Barker  
**2:55:16 PM** VOTE: 10-0-0  
**2:55:17 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith, Stiegler, Whisnant, Barker  
**2:55:18 PM** HB 2738 - Work Session  
**2:55:45 PM** Shannon Sivell, Committee Counsel  
**2:55:46 PM** {Exhibit} 20: Sivell  
**2:56:08 PM** John Powell, Oregon Sheriffs' Association  
**2:58:55 PM** Chair Barker  
**2:59:01 PM** MOTION: Vice-Chair Stiegler moves -2 amendments  
**2:59:23 PM** Chair Barker  
**2:59:30 PM** VOTE: 10-0-0  
**2:59:31 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith, Stiegler, Whisnant, Barker  
**2:59:41 PM** HB 2313 - Work Session  
**2:59:44 PM** Shannon Sivell, Committee Counsel  
**2:59:54 PM** MOTION: Vice-Chair Whisnant moves HB 2313 DO PASS as AMENDED and placed on CONSENT CALENDAR  
**3:00:04 PM** Chair Barker  
**3:00:09 PM** VOTE: 10-0-0  
**3:00:10 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith, Stiegler, Whisnant, Barker  
**3:00:28 PM** Chair Barker  
**3:00:29 PM** Rep. Barton  
**3:00:39 PM** HB 3271 - Work Session  
**3:00:56 PM** Shannon Sivell, Committee Counsel  
**3:01:12 PM** {Exhibit} 21: Sivell  
**3:01:23 PM** Vice-Chair Stiegler  
**3:03:58 PM** Chair Barker  
**3:03:59 PM** MOTION: Vice-Chair Stiegler moves -2 amendments  
**3:04:06 PM** Chair Barker

**3:04:10 PM** VOTE: 10-0-0  
**3:04:11 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith, Stiegler, Whisnant, Barker  
**3:04:28 PM** HB 2262 - Work Session  
**3:04:31 PM** Shannon Sivell, Committee Counsel  
**3:04:43 PM** Chair Barker  
**3:04:44 PM** MOTION: Vice-Chair Whisnant moves HB 2262 DO PASS as AMENDED  
**3:04:53 PM** Chair Barker  
**3:04:59 PM** VOTE: 10-0-0  
**3:05:00 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith, Stiegler, Whisnant, Barker  
**3:05:17 PM** Chair Barker  
**3:05:18 PM** CARRIER: REP. BARTON will lead discussion on the floor  
**3:05:30 PM** HB 2264 - Work Session  
**3:05:33 PM** Shannon Sivell, Committee Counsel  
**3:05:43 PM** MOTION: Vice-Chair Whisnant moves HB 2264 DO PASS as AMENDED  
**3:05:56 PM** Chair Barker  
**3:06:03 PM** VOTE: 10-0-0  
**3:06:04 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith, Stiegler, Whisnant, Barker  
**3:06:23 PM** Chair Barker  
**3:06:25 PM** CARRIER: REP. GARRETT will lead discussion on the floor  
**3:06:38 PM** Chair Barker  
**3:06:46 PM** Meeting Adjourned

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**HJUD**

**4/17/2009 12:19:04 PM**

**12:22:31 PM** {Exhibit} 1: HB 3394, written testimony, Brenda Hiatt, 4 pp  
**12:45:29 PM** {Exhibit} 2: HB 2860, written testimony, Sybil Hebb, 1 p  
**12:49:05 PM** {Exhibit} 3: HB 2860, written testimony, Lisa Kay, 1 p  
**12:55:35 PM** {Exhibit} 4: HB 2860, written testimony, Beth Englander, 4 pp  
**1:05:31 PM** {Exhibit} 5: HB 2292, -3 amendments, staff, 2 pp  
**1:07:11 PM** {Exhibit} 6: HB 2292, written testimony, Max Williams, 1 p  
**1:21:45 PM** {Exhibit} 7: HB 3348, written testimony, Sharon Harmon, 2 pp  
**1:25:21 PM** {Exhibit} 8: HB 3348, written testimony, Todd Anderson, 1 p  
**1:25:22 PM** {Exhibit} 9: HB 3348, written testimony, Joshua Marquis, 1 p  
**1:25:23 PM** {Exhibit} 10: HB 3348, written testimony, Kent Barker, 1 p  
**1:26:47 PM** {Exhibit} 11: HB 3348, written testimony, Bonnie Helzer, 1 p  
**1:28:31 PM** {Exhibit} 12: HB 3348, written testimony, Kris Otteman, 2 pp  
**1:33:55 PM** {Exhibit} 13: HB 3394, written testimony, Brian Henson, 3 pp  
**1:37:39 PM** {Exhibit} 14: HB 3394, written testimony, Jeff Martin, 1 p  
**1:42:30 PM** {Exhibit} 15: HB 3394, written testimony, Derek Bliss, 2 pp  
**1:50:42 PM** {Exhibit} 16: HB 2335, -5 amendments, staff, 13 pp  
**2:41:36 PM** {Exhibit} 17: HB 2713, -1 amendments, staff, 1 p  
**2:41:39 PM** {Exhibit} 18: HB 2713, -2 amendments, staff, 1 p  
**2:54:04 PM** {Exhibit} 19: HB 2313, -4 amendments, staff, 40 pp  
**2:55:46 PM** {Exhibit} 20: HB 2738, -2 amendments, staff, 2 pp  
**3:01:12 PM** {Exhibit} 21: HB 3271, -2 amendments, staff, 1 p

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