

## **HOUSE COMMITTEE ON JUDICIARY**

**April 21, 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 2682 - Work Session**
- HB 3402 - Public Hearing**
- HB 2290 - Public Hearing and Work Session**
- HB 3051 - Public Hearing and Work Session**
- HB 3191 - Work Session**
- HB 2738 - Work Session**
- HB 2665 - Work Session**
- HB 2502 - Work Session**
- HB 2306 - Work Session**

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

**HJUD**

**4/21/2009 12:15:37 PM**

**12:15:38 PM** Meeting Called to Order  
**12:15:55 PM** HB 2682 - Work Session  
**12:15:56 PM** Shannon Sivell, Committee Counsel  
**12:16:05 PM** {Exhibit} 1: Sivell  
**12:16:31 PM** Paul Romain, American Bail Coalition  
**12:18:05 PM** The following written testimony was submitted for the record  
without public testimony:  
**12:18:14 PM** {Exhibit} 2: Teresa Miller, Acting Administrator, Department of  
Consumer & Business Services  
**12:19:34 PM** Jim Gardner, TwoGen Incorporated  
**12:20:34 PM** Chair Barker  
**12:20:49 PM** Jim Hennings, Oregon Criminal Defense Lawyers Association  
**12:21:58 PM** {Exhibit} 3: Hennings  
**12:26:36 PM** Chair Barker  
**12:26:38 PM** John Powell, Oregon State Sheriffs Association  
**12:27:31 PM** Chair Barker  
**12:27:33 PM** Vice-Chair Whisnant  
**12:28:04 PM** Hennings  
**12:28:49 PM** Vice-Chair Whisnant  
**12:29:01 PM** Chair Barker  
**12:29:04 PM** Rep. Smith J.  
**12:29:28 PM** Hennings  
**12:30:13 PM** Chair Barker  
**12:30:15 PM** Powell  
**12:30:31 PM** MOTION: Vice-Chair Whisnant moves -2 amendments  
**12:30:35 PM** Chair Barker  
**12:30:42 PM** VOTE: 10-0-0  
**12:30:43 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith,  
Stiegler, Whisnant, Barker  
**12:30:49 PM** Chair Barker  
**12:31:02 PM** HB 3402 - Public Hearing  
**12:31:28 PM** Rep. Matt Wingard, House District 26  
**12:35:12 PM** Matt Minnahan, Dads America  
**12:37:29 PM** Teresa O'Hollaren, Children Rights Council  
**12:45:39 PM** Nitin Rai, resident, Portland, OR  
**12:45:55 PM** {Exhibit} 4: Rai  
**12:48:10 PM** Chair Barker  
**12:48:15 PM** Dr. William Fabricius, Arizona State University  
**12:55:21 PM** Chair Barker

**12:56:10 PM** Fabricius  
**12:57:04 PM** Rep. Olson  
**12:57:29 PM** Fabricius  
**12:57:33 PM** Chair Barker  
**12:57:34 PM** Rep. Krieger  
**12:58:54 PM** Chair Barker  
**1:00:24 PM** Russ Lipetzky Attorney, Oregon State Bar  
**1:03:18 PM** {Exhibit} 5: Lipetzky  
**1:03:39 PM** {Exhibit} 6: Lipetzky  
**1:04:17 PM** Lauren MacNeil, Legislative Committee, Oregon Association of Family Court Services  
**1:07:00 PM** Chair Barker  
**1:07:11 PM** Linda Scher, Family Mediator & Facilitator  
**1:07:13 PM** {Exhibit} 7: Scher  
**1:09:57 PM** Chair Barker  
**1:10:05 PM** Linda Ashe, Director of Family Court Services, Multnomah County  
**1:10:06 PM** {Exhibit} 8: Ashe  
**1:10:54 PM** The following written testimony was submitted for the record without public testimony  
**1:11:13 PM** {Exhibit} 9: Maureen McKnight, Family Court Judge, Multnomah County  
**1:11:46 PM** {Exhibit} 10: William Howe, Attorney, Gevurtz, Menashe, Larson & Howe  
**1:12:20 PM** {Exhibit} 11: Donna Austin, Manager, Lane County Family Mediation Program  
**1:15:06 PM** Phillip Cook, National Family Violence Research Center  
**1:21:02 PM** Chair Barker  
**1:21:09 PM** Scher  
**1:21:23 PM** Ashe  
**1:21:44 PM** Chair Barker  
**1:21:48 PM** Rep. Krieger  
**1:23:17 PM** Chair Barker  
**1:23:54 PM** HB 2290 - Public Hearing  
**1:24:02 PM** Shannon Sivell, Committee Counsel  
**1:24:33 PM** {Exhibit} 12: Sivell  
**1:24:36 PM** {Exhibit} 13: Sivell  
**1:24:39 PM** {Exhibit} 14: Sivell  
**1:25:11 PM** Chair Barker  
**1:25:35 PM** Al Elkins, Oregon Hunters Association  
**1:25:36 PM** {Exhibit} 15: Elkins  
**1:27:21 PM** Steven Lane, Lieutenant, Oregon State Police  
**1:28:23 PM** Rep. Olson  
**1:28:28 PM** Rep. Krieger  
**1:28:45 PM** Chair Barker  
**1:29:23 PM** Elizabeth Cushwa, Oregon District Attorneys Association  
**1:29:52 PM** Paul Smith, Assistant Attorney in Charge of Criminal Appeals,

Department of Justice  
**1:29:53 PM** {Exhibit} 16: Smith  
**1:34:43 PM** Rep. Garrett  
**1:35:06 PM** Smith  
**1:35:15 PM** Rep. Garrett  
**1:35:23 PM** Smith  
**1:35:37 PM** Rep. Garrett  
**1:35:47 PM** Smith  
**1:35:57 PM** Sivell  
**1:36:24 PM** Smith  
**1:36:50 PM** Sivell  
**1:37:08 PM** Smith  
**1:37:26 PM** Randy Wampler, Forensics Director, Oregon State Police  
**1:40:12 PM** Chair Barker  
**1:40:23 PM** Rep. Shields  
**1:40:35 PM** Smith  
**1:41:06 PM** Wampler  
**1:41:45 PM** Chair Barker  
**1:41:47 PM** Vice-Chair Stiegler  
**1:42:02 PM** Smith  
**1:42:03 PM** Vice-Chair Stiegler  
**1:42:26 PM** Smith  
**1:42:33 PM** Vice-Chair Stiegler  
**1:42:44 PM** Smith  
**1:42:46 PM** Vice-Chair Stiegler  
**1:42:53 PM** Smith  
**1:43:11 PM** Vice-Chair Stiegler  
**1:43:22 PM** Rep. Shields  
**1:43:28 PM** Smith  
**1:43:50 PM** Rep. Shields  
**1:43:59 PM** Smith  
**1:44:06 PM** Chair Barker  
**1:44:22 PM** Gail Meyer, Oregon Criminal Defense Lawyers Association  
**1:46:38 PM** Rep. Garrett  
**1:47:01 PM** Meyer  
**1:48:23 PM** Rep. Garrett  
**1:48:46 PM** Meyer  
**1:49:25 PM** Rep. Garrett  
**1:49:39 PM** Meyer  
**1:49:46 PM** Vice-Chair Stiegler  
**1:50:32 PM** Meyer  
**1:52:13 PM** Vice-Chair Stiegler  
**1:53:19 PM** Meyer  
**1:53:43 PM** Chair Barker  
**1:53:44 PM** Rep. Barton  
**1:54:37 PM** Vice-Chair Whisnant

**1:55:17 PM** Meyer  
**1:55:59 PM** Vice-Chair Whisnant  
**1:56:23 PM** Meyer  
**1:56:42 PM** Chair Barker  
**1:56:49 PM** Meyer  
**1:59:29 PM** Chair Barker  
**1:59:37 PM** Meyer  
**1:59:47 PM** Chair Barker  
**2:00:30 PM** Meyer  
**2:00:41 PM** Chair Barker  
**2:00:48 PM** Rep. Barton  
**2:01:52 PM** Vice-Chair Stiegler  
**2:02:33 PM** Rep. Garrett  
**2:03:05 PM** Rep. Barton  
**2:03:19 PM** Chair Barker  
**2:03:22 PM** Rep. Barton  
**2:04:02 PM** Chair Barker  
**2:04:12 PM** Rep. Garrett  
**2:04:20 PM** Rep. Shields  
**2:04:25 PM** Rep. Garrett  
**2:04:29 PM** Rep. Shields  
**2:05:19 PM** Sivell  
**2:06:55 PM** Rep. Shields  
**2:07:17 PM** Sivell  
**2:07:26 PM** Chair Barker  
**2:07:37 PM** HB 2290 - Work Session  
**2:07:41 PM** Shannon Sivell, Committee Counsel  
**2:07:50 PM** MOTION: Rep. Garrett moves -1 amendments  
**2:08:08 PM** VOTE: 9-0-1  
**2:08:09 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Smith, Stiegler, Whisnant, Barker; Nays: Shields  
**2:08:11 PM** MOTION: Rep. Garrett moves -3 amendments  
**2:08:16 PM** Chair Barker  
**2:08:23 PM** Rep. Barton  
**2:08:54 PM** VOTE: 9-0-1  
**2:08:55 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Smith, Stiegler, Whisnant, Barker; Nays: Shields  
**2:09:09 PM** Chair Barker  
**2:09:10 PM** MOTION: Rep. Cameron moves -4 amendments  
**2:09:16 PM** Chair Barker  
**2:09:19 PM** VOTE: 9-0-1  
**2:09:20 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Smith, Stiegler, Whisnant, Barker; Nays: Shields  
**2:09:21 PM** MOTION: Vice-Chair Whisnant moves HB 2290 DO PASS as AMENDED  
**2:09:35 PM** Chair Barker

**2:09:44 PM** VOTE: 9-0-1  
**2:09:45 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Smith, Stiegler, Whisnant, Barker; Nays: Shields  
**2:10:06 PM** Chair Barker  
**2:10:08 PM** Rep. Garrett  
**2:10:11 PM** CARRIER: REP. GARRETT will lead discussion on the floor  
**2:10:18 PM** Rep. Shields  
**2:10:20 PM** Chair Barker  
**2:10:37 PM** HB 3051 - Public Hearing  
**2:10:41 PM** Shannon Sivell, Committee Counsel  
**2:11:19 PM** Vice-Chair Whisnant  
**2:11:36 PM** Elizabeth Cushwa, Oregon District Attorneys Association  
**2:11:37 PM** {Exhibit} 17: Cushwa  
**2:11:40 PM** Deena Ryerson, Assistant Attorney General, Department of Justice  
**2:11:41 PM** {Exhibit} 18: Ryerson  
**2:13:59 PM** Lynn Howard, Oregon State Police Forensics  
**2:17:28 PM** Chair Barker  
**2:17:30 PM** Randy Wampler, Forensics Director, Oregon State Police  
**2:17:45 PM** Chair Barker  
**2:17:50 PM** Rep. Barton  
**2:18:14 PM** Ryerson  
**2:18:47 PM** Rep. Barton  
**2:19:08 PM** Ryerson  
**2:19:14 PM** Chair Barker  
**2:19:34 PM** Gail Meyer, Oregon Criminal Defense Lawyers Association  
**2:20:42 PM** Rep. Garrett  
**2:20:53 PM** Meyer  
**2:20:58 PM** Rep. Shields  
**2:21:34 PM** Meyer  
**2:21:50 PM** Wampler  
**2:23:09 PM** Rep. Shields  
**2:23:25 PM** Wampler  
**2:24:20 PM** Chair Barker  
**2:24:46 PM** Wampler  
**2:24:55 PM** Chair Barker  
**2:25:04 PM** HB 3051 - Work Session  
**2:25:06 PM** MOTION: Rep. Olson moves -1 amendments  
**2:25:11 PM** Chair Barker  
**2:25:17 PM** VOTE: 10-0-0  
**2:25:18 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith, Stiegler, Whisnant, Barker  
**2:25:19 PM** MOTION: Rep. Olson moves HB 3051 DO PASS as AMENDED  
**2:25:26 PM** Chair Barker  
**2:25:35 PM** VOTE: 10-0-0  
**2:25:36 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith, Stiegler, Whisnant, Barker

**2:25:52 PM** Chair Barker  
**2:25:55 PM** CARRIER: REP. OLSON will lead discussion on the floor  
**2:26:04 PM** HB 3191 - Work Session  
**2:26:15 PM** Shannon Sivell, Committee Counsel  
**2:26:44 PM** Chair Barker  
**2:26:53 PM** Sivell  
**2:27:01 PM** Rep. Krieger  
**2:27:25 PM** Chair Barker  
**2:27:39 PM** MOTION: Vice-Chair Whisnant moves HB 3191 DO PASS as AMENDED & REFER to Ways & Means  
**2:27:46 PM** Chair Barker  
**2:27:53 PM** VOTE: 10-0-0  
**2:27:54 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith, Stiegler, Whisnant, Barker  
**2:28:13 PM** Chair Barker  
**2:28:23 PM** HB 2738 - Work Session  
**2:28:36 PM** Shannon Sivell, Committee Counsel  
**2:28:46 PM** MOTION: Vice-Chair Stiegler moves HB 2738 DO PASS as AMENDED  
**2:28:52 PM** Chair Barker  
**2:28:59 PM** Rep. Smith J.  
**2:29:25 PM** Chair Barker  
**2:29:38 PM** Rep. Smith J.  
**2:29:45 PM** Chair Barker  
**2:29:48 PM** Rep. Barton  
**2:30:48 PM** Sivell  
**2:31:01 PM** Rep. Smith J.  
**2:31:11 PM** Rep. Olson  
**2:31:52 PM** Rep. Smith J.  
**2:32:12 PM** Sivell  
**2:32:43 PM** Rep. Smith J.  
**2:32:49 PM** Chair Barker  
**2:33:16 PM** VOTE: 10-0-0  
**2:33:17 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith, Stiegler, Whisnant, Barker  
**2:33:36 PM** Chair Barker  
**2:33:38 PM** CARRIER: REP. OLSON will lead discussion on the floor  
**2:33:53 PM** Chair Barker  
**2:34:46 PM** HB 2665 - Work Session  
**2:34:48 PM** Bill Taylor, Committee Counsel  
**2:35:06 PM** {Exhibit} 19: Taylor  
**2:35:58 PM** MOTION: Vice-Chair Whisnant moves -1 amendments  
**2:36:05 PM** Chair Barker  
**2:36:11 PM** VOTE: 10-0-0  
**2:36:12 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith, Stiegler, Whisnant, Barker

**2:36:14 PM** MOTION: Vice-Chair Whisnant moves HB 2665 DO PASS as AMENDED & REFER to Ways & Means

**2:36:24 PM** Chair Barker

**2:36:30 PM** VOTE: 10-0-0

**2:36:31 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith, Stiegler, Whisnant, Barker

**2:36:49 PM** Chair Barker

**2:37:56 PM** HB 2502 - Work Session

**2:37:59 PM** Shannon Sivell, Committee Counsel

**2:38:29 PM** {Exhibit} 20: Sivell

**2:38:49 PM** Rep. Olson

**2:38:52 PM** Chair Barker

**2:39:04 PM** Sivell

**2:39:07 PM** Rep. Barton

**2:40:00 PM** Chair Barker

**2:40:03 PM** MOTION: Vice-Chair Whisnant moves HB 2502 DO PASS as AMENDED

**2:40:26 PM** Chair Barker

**2:40:32 PM** VOTE: 10-0-0

**2:40:33 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith, Stiegler, Whisnant, Barker

**2:40:51 PM** Chair Barker

**2:40:55 PM** CARRIER: REP. OLSON will lead discussion on the floor

**2:41:00 PM** HB 2306 - Work Session

**2:41:02 PM** Shannon Sivell, Committee Counsel

**2:41:21 PM** Rep. Krieger

**2:41:23 PM** Sivell

**2:41:28 PM** Chair Barker

**2:41:32 PM** MOTION: Vice-Chair Whisnant moves HB 2306 DO PASS as AMENDED

**2:41:47 PM** Chair Barker

**2:41:53 PM** Vice-Chair Whisnant

**2:42:02 PM** Rep. Shields

**2:42:11 PM** Rep. Olson

**2:42:14 PM** Sivell

**2:42:16 PM** David Nebel, Oregon State Bar

**2:42:39 PM** Chair Barker

**2:42:42 PM** VOTE: 10-0-0

**2:42:43 PM** Ayes: Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith, Stiegler, Whisnant, Barker

**2:43:01 PM** Chair Barker

**2:43:06 PM** CARRIER: REP. KRIEGER will lead discussion on the floor

**2:43:15 PM** Meeting Adjourned

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**HJUD**

**4/21/2009 12:15:37 PM**

- 12:16:05 PM** {Exhibit} 1: HB 2682, -2 amendments, staff, 2 pp
  - 12:18:14 PM** {Exhibit} 2: HB 2682, written testimony, Teresa Miller, 2 pp
  - 12:21:58 PM** {Exhibit} 3: HB 2682, written testimony, Jim Hennings, 5 pp
  - 12:45:55 PM** {Exhibit} 4: HB 3402, written testimony, Nitin Rai, 4 pp
  - 1:03:18 PM** {Exhibit} 5: HB 3402, -1 amendments, Russ Lipetzky, 8 pp
  - 1:03:39 PM** {Exhibit} 6: HB 3402, written testimony, Russ Lipetzky, 7 pp
  - 1:07:13 PM** {Exhibit} 7: HB 3402, written testimony, Linda Scher, 12 pp
  - 1:10:06 PM** {Exhibit} 8: HB 3402, written testimony, Linda Ashe, 11 pp
  - 1:11:13 PM** {Exhibit} 9: HB 3402, written testimony, Maureen McKnight, 4 pp
  - 1:11:46 PM** {Exhibit} 10: HB 3402, written testimony, William Howe, 2 pp
  - 1:12:20 PM** {Exhibit} 11: HB 3402, written testimony, Donna Austin, 4 pp
  - 1:24:33 PM** {Exhibit} 12: HB 2290, -1 amendments, staff, 2 pp
  - 1:24:36 PM** {Exhibit} 13: HB 2290, -3 amendments, staff, 7 pp
  - 1:24:39 PM** {Exhibit} 14: HB 2290, -4 amendments, staff, 15 pp
  - 1:25:36 PM** {Exhibit} 15: HB 2290, written testimony, Al Elkins, 2 pp
  - 1:29:53 PM** {Exhibit} 16: HB 2290, written testimony, Paul Smith, 2 pp
  - 2:11:37 PM** {Exhibit} 17: HB 3051, -1 amendments, Elizabeth Cushwa, 2 pp
  - 2:11:41 PM** {Exhibit} 18: HB 3051, written testimony, Deena Ryerson, 2 pp
  - 2:35:06 PM** {Exhibit} 19: HB 2665, -1 amendments, staff, 1 p
  - 2:38:29 PM** {Exhibit} 20: HB 2502, -3 amendments, staff, 10 pp
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