

## SENATE COMMITTEE ON JUDICIARY

April 20, 2011  
8:30AM

Hearing Room 343

**MEMBERS PRESENT:** Sen. Floyd Prozanski, Chair  
Sen. Jeff Kruse, Vice-Chair  
Sen. Suzanne Bonamici  
Sen. Jackie Dingfelder  
Sen. Doug Whitsett

**STAFF PRESENT:** Bill Taylor, Committee Counsel  
Cheyenne Ross, Committee Counsel  
Aaron Knott, Committee Counsel  
Katie Hoesly, Committee Assistant

**MEASURES/ISSUES HEARD:** SB 393 - Public Hearing  
SB 394 - Public Hearing  
SB 432 - Public Hearing  
SB 868 - Public Hearing  
SB 875 - Public Hearing  
SB 369 - Work Session  
SB 395 - Work Session  
SB 416 - Work Session  
SB 420 - Work Session  
SB 678 - Work Session  
SB 729 - Work Session  
SB 730 - Work Session  
SB 961 - Work Session  
SB 963 - Work Session  
SB 608 - Work Session  
SB 819 - Work Session  
SB 186 - Work Session  
SB 346 - Work Session  
SB 378 - Work Session  
SB 408 - Work Session  
SB 616 - Work Session  
SB 783 - Work Session  
SB 926 - Work Session  
SB 934 - Work Session  
SB 69A - Work Session

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### Recording Log

8:38:25 AM Meeting Called to Order by Chair Prozanski

8:39:17 AM **SB 393 & SB 394 - Public Hearing**

8:39:22 AM Bill Taylor, Committee Counsel

8:39:44 AM Chair Prozanski

8:39:51 AM Taylor

8:40:06 AM Chair Prozanski

8:41:07 AM {Exhibit} 1: Ken Steckler, father of a youth convicted under measure 11  
8:44:13 AM {Exhibit} 2-3: Will Merkel, Attorney, Portland, Oregon  
8:46:07 AM Chair Prozanski  
8:46:11 AM Shannon Wight, Associate Director, Partnership for Safety and Justice  
8:47:22 AM Chair Prozanski  
8:48:28 AM Doug Harcleroad, Senior Policy Advisor, Oregon Anti-Crime Alliance  
8:49:23 AM Chair Prozanski  
8:49:29 AM Harcleroad  
8:49:47 AM Chair Prozanski  
8:49:55 AM Harcleroad  
8:51:50 AM Chair Prozanski  
8:51:58 AM Walt Beglau, Marion County District Attorney  
8:51:59 AM Chair Prozanski  
8:52:03 AM {Exhibit} 4: Steve Doell, President, Crime Victims United  
8:52:06 AM Chair Prozanski  
8:52:09 AM Beglau  
8:53:37 AM Chair Prozanski  
8:53:40 AM Doell  
8:55:51 AM Chair Prozanski  
8:55:56 AM Sen. Whitsett  
8:56:18 AM Beglau  
8:56:21 AM Sen. Whitsett  
8:56:24 AM Beglau  
8:56:42 AM Chair Prozanski  
8:56:43 AM The following written testimony was submitted for the record without public testimony:  
8:56:44 AM {Exhibit} 5-6: Colette S. Peters, Director, Oregon Youth Authority  
8:56:45 AM {Exhibit} 7: Mark McKechnie, Executive Director, Youth, Rights & Justice  
  
8:56:55 AM **SB 432 - Public Hearing**  
8:56:58 AM {Exhibit} 8: Bill Taylor, Committee Counsel  
8:57:23 AM Chair Prozanski  
8:57:51 AM {Exhibit} 9: Bob Joondeph, Executive Director, Disability Rights Oregon  
9:01:53 AM Chair Prozanski  
9:02:09 AM Mark Nystrom, Policy Analyst, Association of Oregon Counties  
9:02:46 AM Chair Prozanski  
  
9:03:06 AM **SB 868 - Public Hearing**  
9:03:08 AM Bill Taylor, Committee Counsel  
9:03:40 AM Chair Prozanski  
9:04:29 AM Bronson James, Attorney, Oregon Criminal Defense Lawyers Association  
9:07:16 AM Chair Prozanski  
9:07:18 AM Walt Beglau, Marion County District Attorney  
9:08:11 AM Chair Prozanski  
9:08:52 AM The following written testimony was submitted for the record without public testimony:  
9:08:54 AM {Exhibit} 10: Mark McKechnie, Executive Director, Youth, Rights & Justice  
  
9:09:00 AM **SB 875 - Public Hearing**  
9:09:03 AM Bill Taylor, Committee Counsel  
9:09:05 AM Chair Prozanski

9:09:30 AM {Exhibit} 11: Marc Abrams, President, Oregon Association of Justice Attorneys  
9:12:10 AM Chair Prozanski  
9:12:14 AM Joel Blaeser  
9:12:22 AM Chair Prozanski  
9:12:26 AM Sen. Whitsett  
9:12:38 AM Abrams  
9:12:42 AM Chair Prozanski  
9:12:58 AM The following written testimony was submitted for the record without public testimony:  
9:12:59 AM {Exhibit} 12: Kenneth Sherman, Jr. Oregon Bankers Association

9:13:56 AM **SB 369 - Work Session**  
9:13:57 AM {Exhibit} 13: Bill Taylor, Committee Counsel  
9:15:07 AM Chair Prozanski  
9:15:13 AM Taylor  
9:15:16 AM Chair Prozanski  
9:15:18 AM Vice-Chair Kruse  
9:15:25 AM Taylor  
9:15:26 AM Vice-Chair Kruse  
9:15:29 AM Sen. Bonamici  
9:15:32 AM Chair Prozanski  
9:15:34 AM Taylor  
9:15:38 AM MOTION: Vice-Chair Kruse moves -2 amendment Be Adopted  
9:15:45 AM Chair Prozanski  
9:15:50 AM VOTE: 5-0-0  
9:15:52 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski  
9:16:13 AM Sen. Dingfelder  
9:16:19 AM Chair Prozanski

9:16:36 AM **SB 395 - Work Session**  
9:16:39 AM {Exhibit} 14: Bill Taylor, Committee Counsel  
9:17:44 AM Taylor  
9:17:58 AM Chair Prozanski  
9:18:01 AM Taylor  
9:18:06 AM Chair Prozanski  
9:18:16 AM Taylor  
9:18:39 AM Vice-Chair Kruse  
9:18:55 AM Chair Prozanski  
9:18:56 AM Vice-Chair Kruse  
9:18:58 AM Chair Prozanski  
9:18:59 AM Taylor  
9:19:03 AM Chair Prozanski  
9:19:06 AM Taylor  
9:19:27 AM Chair Prozanski  
9:19:50 AM Vice-Chair Kruse  
9:20:00 AM MOTION: Vice-Chair Kruse moves -1 amendment Be Adopted  
9:20:02 AM Chair Prozanski  
9:20:14 AM VOTE: 5-0-0  
9:20:16 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski  
9:20:19 AM Chair Prozanski

**9:20:23 AM**    **SB 416 - Work Session**  
**9:20:25 AM**    {Exhibit} 15: Bill Taylor, Committee Counsel  
**9:21:04 AM**    Vice-Chair Kruse  
**9:21:06 AM**    Taylor  
**9:21:35 AM**    Chair Prozanski  
**9:21:46 AM**    MOTION: Vice-Chair Kruse moves -2 amendment Be Adopted  
**9:21:51 AM**    Chair Prozanski  
**9:21:52 AM**    VOTE: 5-0-0  
**9:21:53 AM**    AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski  
**9:21:54 AM**    Taylor  
**9:22:02 AM**    Chair Prozanski  
**9:22:22 AM**    MOTION: Vice-Chair Kruse moves SB 416 Do Pass as Amended and Request  
Subsequent Referral to Ways and Means  
**9:22:37 AM**    Chair Prozanski  
**9:22:44 AM**    Vice-Chair Kruse  
**9:22:47 AM**    Chair Prozanski  
**9:23:08 AM**    VOTE: 5-0-0  
**9:23:14 AM**    AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski  
  
**9:23:20 AM**    **SB 420 - Work Session**  
**9:23:24 AM**    {Exhibit} 16: Bill Taylor, Committee Counsel  
**9:24:01 AM**    Chair Prozanski  
  
**9:24:28 AM**    **SB 678 - Work Session**  
**9:24:29 AM**    Bill Taylor, Committee Counsel  
**9:25:17 AM**    Chair Prozanski  
**9:25:19 AM**    Taylor  
**9:25:23 AM**    Chair Prozanski  
**9:25:24 AM**    Taylor  
**9:25:34 AM**    Chair Prozanski  
  
**9:26:04 AM**    **SB 729 - Work Session**  
**9:26:12 AM**    Bill Taylor, Committee Counsel  
**9:26:24 AM**    Chair Prozanski  
**9:26:31 AM**    {Exhibit} 17: Taylor  
**9:26:53 AM**    Chair Prozanski  
**9:26:57 AM**    Taylor  
**9:27:03 AM**    Chair Prozanski  
**9:27:07 AM**    MOTION: Vice-Chair Kruse moves -1 amendment Be Adopted  
**9:27:11 AM**    Chair Prozanski  
**9:27:17 AM**    VOTE: 5-0-0  
**9:27:19 AM**    AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski  
**9:27:22 AM**    Taylor  
**9:27:28 AM**    Vice-Chair Kruse  
**9:27:38 AM**    Taylor  
**9:27:40 AM**    Vice-Chair Kruse  
**9:27:41 AM**    Chair Prozanski  
  
**9:28:01 AM**    **SB 730 - Work Session**  
**9:28:01 AM**    Bill Taylor, Committee Counsel  
**9:28:18 AM**    Chair Prozanski

9:28:21 AM Taylor  
9:28:23 AM Chair Prozanski

**9:28:50 AM SB 961 - Work Session**  
9:28:51 AM {Exhibit} 18: Bill Taylor, Committee Counsel  
9:29:25 AM Chair Prozanski  
9:30:02 AM Sen. Dingfelder  
9:30:15 AM Chair Prozanski  
9:30:29 AM Taylor  
9:30:47 AM Chair Prozanski

**9:31:11 AM SB 963 - Work Session**  
9:31:12 AM {Exhibit} 19: Bill Taylor, Committee Counsel  
9:31:30 AM Chair Prozanski  
9:31:35 AM MOTION: Vice-Chair Kruse moves -1 amendment Be Adopted  
9:31:39 AM Chair Prozanski  
9:31:46 AM Sen. Bonamici  
9:31:58 AM Taylor  
9:32:20 AM Sen. Bonamici  
9:32:23 AM Taylor  
9:32:28 AM Chair Prozanski  
9:32:45 AM Paul Cosgrove, National Association of Settlement Purchasers  
9:32:54 AM Chair Prozanski  
9:32:55 AM Cosgrove  
9:33:04 AM Chair Prozanski  
9:33:11 AM Cosgrove  
9:33:28 AM Chair Prozanski  
9:33:35 AM VOTE: 5-0-0  
9:33:37 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski  
9:33:55 AM Chair Prozanski

**9:34:05 AM SB 608 - Work Session**  
9:34:09 AM Chair Prozanski  
9:34:26 AM Cheyenne Ross, Committee Counsel  
9:34:29 AM Chair Prozanski  
9:34:46 AM Vice-Chair Kruse  
9:34:48 AM Chair Prozanski  
9:34:50 AM Vice-Chair Kruse  
9:34:54 AM Chair Prozanski

**9:35:06 AM SB 819 - Work Session**  
9:35:11 AM Cheyenne Ross, Committee Counsel  
9:35:13 AM Chair Prozanski

**9:35:47 AM SB 186 - Work Session**  
9:35:48 AM Chair Prozanski

**9:36:20 AM SB 346 - Work Session**  
9:36:24 AM {Exhibit} 20-21: Cheyenne Ross, Committee Counsel  
9:37:20 AM Chair Prozanski  
9:37:22 AM MOTION: Vice-Chair Kruse moves -1 amendment Be Adopted

9:37:29 AM Chair Prozanski  
9:37:34 AM VOTE: 5-0-0  
9:37:36 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski  
9:38:36 AM Sen. Bonamici  
9:38:42 AM Chair Prozanski  
9:39:05 AM Sen. Whitsett  
9:39:12 AM Chair Prozanski  
9:39:18 AM Sen. Dingfelder  
9:39:24 AM Vice-Chair Kruse  
9:39:30 AM Chair Prozanski  
9:39:39 AM Vice-Chair Kruse  
9:39:44 AM Chair Prozanski  
9:40:04 AM Vice-Chair Kruse  
9:40:10 AM Chair Prozanski  
  
9:40:29 AM **SB 378 - Work Session**  
9:40:33 AM {Exhibit} 22: Cheyenne Ross, Committee Counsel  
9:40:40 AM Chair Prozanski  
9:40:42 AM Ross  
9:40:45 AM Chair Prozanski  
9:40:47 AM Ross  
9:40:58 AM Chair Prozanski  
9:41:08 AM Vice-Chair Kruse  
9:41:13 AM Chair Prozanski  
9:41:20 AM Sen. Bonamici  
9:41:49 AM Ross  
9:41:54 AM Chair Prozanski  
9:42:04 AM Sen. Bonamici  
9:42:04 AM Sen. Dingfelder  
9:42:07 AM Sen. Whitsett  
9:42:10 AM Sen. Bonamici  
9:42:12 AM Sen. Dingfelder  
9:42:13 AM Vice-Chair Kruse  
9:42:16 AM Ross  
9:42:18 AM Chair Prozanski  
9:42:19 AM Meeting Recessed  
9:44:20 AM Meeting Reconvened  
9:44:25 AM Chair Prozanski  
9:44:48 AM Gail Meyer, Legislative Representative, Criminal Defense Lawyers Association  
9:45:07 AM Elizabeth Cushwa, Oregon District Attorneys Association  
9:45:20 AM Chair Prozanski  
9:45:24 AM MOTION: Vice-Chair Kruse moves -3 amendment Be Adopted  
9:45:27 AM Chair Prozanski  
9:45:32 AM VOTE: 5-0-0  
9:45:34 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski  
9:45:41 AM Chair Prozanski  
  
9:45:54 AM **SB 408 - Work Session**  
9:45:55 AM {Exhibit} 23: Cheyenne Ross, Committee Counsel  
9:46:03 AM Chair Prozanski  
9:46:05 AM Ross

9:46:08 AM Chair Prozanski  
9:46:09 AM Sen. Dingfelder  
9:46:15 AM Chair Prozanski  
9:46:17 AM Ross  
9:46:22 AM Chair Prozanski  
9:47:03 AM Vice-Chair Kruse  
9:47:08 AM Chair Prozanski

9:47:27 AM **SB 616 - Work Session**  
9:47:29 AM {Exhibit} 24-25: Cheyenne Ross, Committee Counsel  
9:48:19 AM Chair Prozanski  
9:48:22 AM Ross  
9:48:29 AM Chair Prozanski  
9:48:48 AM Ross  
9:48:55 AM MOTION: Vice-Chair Kruse moves -4 amendment Be Adopted  
9:48:59 AM Chair Prozanski  
9:49:08 AM VOTE: 5-0-0  
9:49:10 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski  
9:49:12 AM MOTION: Vice-Chair Kruse moves SB 616 Do Pass as Amended  
9:49:16 AM Chair Prozanski  
9:49:26 AM VOTE: 5-0-0  
9:49:28 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski  
9:49:29 AM CARRIER: SEN. DINGFELDER will lead discussion on the floor  
9:49:34 AM Chair Prozanski

9:50:21 AM **SB 783 - Work Session**  
9:50:32 AM Chair Prozanski

9:50:50 AM **SB 926 - Work Session**  
9:50:51 AM {Exhibit} 26: Cheyenne Ross, Committee Counsel  
9:51:10 AM Chair Prozanski  
9:51:21 AM Vice-Chair Kruse  
9:51:25 AM Ross  
9:51:34 AM Vice-Chair Kruse  
9:51:35 AM Chair Prozanski

9:51:46 AM **SB 934 - Work Session**  
9:51:53 AM Chair Prozanski

9:52:04 AM **SB 69A - Work Session**  
9:52:18 AM {Exhibit} 27: Aaron Knott, Committee Counsel  
9:52:57 AM Chair Prozanski  
9:53:02 AM Aaron Knott  
9:53:05 AM Chair Prozanski  
9:53:14 AM Donna Disch, Senior Policy Analyst, Office of State Fire Marshal  
9:53:29 AM Chair Prozanski  
9:53:29 AM Disch  
9:55:12 AM Chair Prozanski  
9:55:21 AM Disch  
9:55:29 AM Chair Prozanski  
9:55:30 AM Disch

9:55:32 AM Chair Prozanski  
9:55:33 AM Co-Vice Chair Kruse  
9:55:49 AM Chair Prozanski  
9:55:57 AM Co-Vice Chair Kruse  
9:55:59 AM Chair Prozanski  
10:00:18 AM Meeting Adjourned by Chair Prozanski

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### Exhibit Summary

8:41:07 AM {Exhibit} 1: SB 393, written testimony, Ken Steckler, 3 pp  
8:44:13 AM {Exhibit} 2: SB 393, written testimony, Will Merkel, 2 pp  
8:44:13 AM {Exhibit} 3: SB 394, written testimony, Will Merkel, 2 pp  
8:52:03 AM {Exhibit} 4: SB 393, graphs, Steve Doell, 11 pp  
8:56:44 AM {Exhibit} 5: SB 393, written testimony, Colette S. Peters, 1 p  
8:56:44 AM {Exhibit} 6: SB 394, written testimony, Colette S. Peters, 1 p  
8:56:45 AM {Exhibit} 7: SB 393, written testimony, Mark Mckechnie, 2 pp  
8:56:58 AM {Exhibit} 8: SB 432, -1 amendment, staff, 5 pp  
8:57:51 AM {Exhibit} 9: SB 432, written testimony, Bob Joondeph, 1p  
9:08:54 AM {Exhibit} 10: SB 868, written testimony, Mark Mckechnie, 2 pp  
9:09:30 AM {Exhibit} 11: SB 875, written testimony, Marc Abrams, 4 pp  
9:12:59 AM {Exhibit} 12: SB 414, written testimony, Kenneth Sherman, Jr., 2 pp  
9:13:57 AM {Exhibit} 13: SB 369, -2 amendment, staff, 7 pp  
9:16:39 AM {Exhibit} 14: SB 395, -1 amendment, staff, 2 p  
9:20:25 AM {Exhibit} 15: SB 416, -2 amendment, staff, 15 pp  
9:23:24 AM {Exhibit} 16: SB 420, -2 amendment, staff, 47 pp  
9:26:31 AM {Exhibit} 17: SB 729, -1 amendment, staff, 2 pp  
9:28:51 AM {Exhibit} 18: SB 961, -1 amendment, staff, 2 pp  
9:31:12 AM {Exhibit} 19: SB 963, -1 amendment, staff, 1 p  
9:36:24 AM {Exhibit} 20: SB 346, -1 amendment, staff, 1 p  
9:36:24 AM {Exhibit} 21: SB 346, -2 amendment, staff, 3 pp  
9:40:33 AM {Exhibit} 22: SB 378, -3 amendment, staff, 1 p  
9:45:55 AM {Exhibit} 23: SB 408, -3 amendment, staff, 16 pp  
9:47:29 AM {Exhibit} 24: SB 616, -2 amendment, staff, 1 p  
9:47:29 AM {Exhibit} 25: SB 616, -4 amendment, staff, 1 p  
9:50:51 AM {Exhibit} 26: SB 926, -1 amendment, staff, 26 pp  
9:52:18 AM {Exhibit} 27: SB 69, -A2 amendment, staff, 21 pp

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