

HOUSE COMMITTEE ON JUDICIARY

Subcommittee 1

April 14, 1981 1:30 p.m. 350 State Capitol

MEMBERS PRESENT: Tom Mason, Chairperson
Joyce Cohen (arrived 2:25 p.m.)
Peter Courtney
Kip Lombard (arrived 2:00 p.m.)
Bill Rutherford
Dick Springer

STAFF: Steve Griffith, Legal Counsel
Pamela Burke, Committee Assistant

WITNESSES: Bob Oliver, Governor's Office
John Bradley, Multnomah County District Attorney's Office
Jim Hennings, Metropolitan Public Defenders
Jim Sanderson, Department of Justice
Robert Wilkie, Campus Minister, O.C.E.
Evelyn Idzerda, Wilson High School student
Dave Frohnmayer, Attorney General
Jane Cease, District 18
Margie Hendriksen, District 40
Pina Williams-Bonner, Legislative Assistant to Rep. Cease
Carol Herzog, American Civil Liberties Union

MEASURES: HB 2479 - Relating to crime
HB 2702 - Relating to civil action for violence
HB 2703 - Relating to intimidation
HB 2772 - Relating to jury selection in criminal cases
HB 2798 - Relating to juries

TAPES: H-81-JUD-256 and H-81-JUD-257

TAPE H-81-JUD-256, SIDE A

015 CHAIRPERSON MASON convened the meeting at 1:35 p.m.

HB 2479 - Relating to crime

020 CHAIRPERSON MASON briefed the committee on the bill.

030 BOB OLIVER, Governor's office, submitted written testimony in favor of HB 2479 (Exhibit A, HB 2479).

070 STEVE GRIFFITH, Legal Counsel, submitted Fiscal Analysis of Proposed Legislation (Exhibit B, HB 2479).

090 DAVE FROHNMAYER, Attorney General, proposed that the existing assault, menacing, and criminal mischief statutes be elevated from a misdemeanor to a felony status if the additional element of proving a racial motive were established by the prosecution.

125 JIM SANDERSON, Department of Justice, submitted testimony (Exhibit C, HB 2479).

150 General discussion followed.

400 JOHN BRADLEY, Multnomah County District Attorney's office, submitted proposed amendments to HB 2479 (Exhibit D, HB 2479).

TAPE H-81-JUD-257, SIDE A

005 General discussion followed.

110 REP. JANE CEASE, District 18, supports the intent of HB 2479. She requests that if someone is harassed because of race, religion, etc. that they have the right to sue for mental anguish.

HB 2772 - Relating to jury selection in criminal cases

170 JANE CEASE, on behalf of a constituent, requests that more minorities be represented on juries (Exhibit A, HB 2772).

HB 2479 - Relating to crime

205 ROBERT WILKE, Campus Minister at O.C.E., testified in favor of HB 2449. He stated that HB 2479 would set a good example for the children in knowing that physical and mental abuse are not only wrong but against the law.

280 EVELYN IDZERDA, Wilson High School student, testified in opposition to HB 2479. She stated that if a white man harassed a black man he could be charged with a Class C felony but if a white man harassed a white man it would be a class B misdemeanor. This is reverse discrimination. It isn't fair to make it a stiffer penalty for racial harassment. The bill is too vague.

318 JIM HENNINGS, Metropolitan Public Defenders, testified in opposition to HB 2479. He stated that we should not create special citizens as far as classes of crimes. He then testified in opposition to HB 2479 as an individual (Exhibit E, HB 2479).

TAPE H-81-JUD-256, SIDE B

055 CAROL HERZOG, American Civil Liberties Union, submitted proposed amendments(Exhibit F, HB 2479).

HB 2702 - Relating to civil action for violence and
HB 2703 - Relating to intimidation

072 REP. MARGIE HENDRIKSEN, District 40, testified in favor of HB 2702 and HB 2703. She stated that certain classes of people cannot be singled out for protection.

HB 2772 - Relating to jury selection in criminal cases

305 JOHN BRADLEY, Multnomah County District Attorney's Office, testified in opposition of HB 2772. He submitted testimony from Judge Beatty, Jr. (Exhibit B, HB 2772).

TAPE H-81-JUD-257, SIDE B

010 PINA WILLIAMS-BONNER, Legislative Assistant to Rep. Cease, testified in behalf of Rep. Cease that this bill should not be limited to prosecutors but to attorneys also.

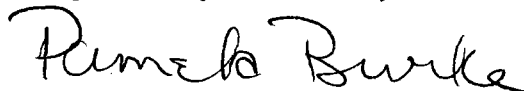
HB 2798 - Relating to juries

019 JOHN BRADLEY, Multnomah County District Attorney's Office, testified in opposition of HB 2798. He stated that the minorities are not being represented fairly.

025 General discussion followed.

245 CHAIRPERSON MASON adjourned the meeting at 3:25 p.m.

Respectfully submitted,



Pamela Burke
Committee Assistant