

## HOUSE COMMITTEE ON JUDICIARY

April 11, 2013  
1:00 PM

Hearing Room 343

**MEMBERS PRESENT:** Rep. Jeff Barker, Chair  
Rep. Chris Garrett, Vice-Chair  
Rep. Wayne Krieger, Vice-Chair  
Rep. Brent Barton  
Rep. Kevin Cameron  
Rep. Wally Hicks  
Rep. Andy Olson  
Rep. Carolyn Tomei  
Rep. Jennifer Williamson

**STAFF PRESENT:** Michael Schmidt, Committee Counsel  
Samantha Briggs, Committee Assistant

**MEASURES/ISSUES HEARD:** HB 2115 – Work Session  
HB 2601 – Work Session  
HB 2962 – Work Session  
HB 3277 – Work Session  
HB 2204 – Public Hearing  
HB 2362 – Public Hearing  
HB 2408 – Public Hearing and Work Session  
HB 2549 – Public Hearing  
HB 3467 – Public Hearing

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### Recording Log

1:12:00 PM Meeting Called to Order by Chair Barker  
1:12:09 PM Chair Barker  
  
1:12:31 PM **HB 2115 - Work Session**  
1:12:33 PM {Exhibit} 1-2: Michael Schmidt, Committee Counsel  
1:13:18 PM Chair Barker  
1:13:31 PM MOTION: VICE-CHAIR GARRETT MOVES TO ADOPT THE -11  
AMENDMENTS  
1:13:44 PM VOTE: 7-0-2  
1:13:45 PM AYES: BARTON, CAMERON, HICKS, OLSON, WILLIAMSON,  
GARRETT, BARKER  
1:13:48 PM EXCUSED: TOMEI, KRIEGER  
1:13:54 PM MOTION: VICE-CHAIR GARRETT MOVES HB 2115 DO PASS AS  
AMENDED AND BE REFERRED TO JOINT COMMITTEE ON WAYS  
AND MEANS  
1:14:04 PM Chair Barker  
1:14:14 PM Rep. Hicks  
1:14:16 PM Vice-Chair Garrett

1:14:31 PM VOTE: 7-0-2  
1:14:32 PM AYES: BARTON, CAMERON, HICKS, OLSON, WILLIAMSON,  
GARRETT, BARKER  
1:14:36 PM EXCUSED: TOMEI, KRIEGER

1:14:44 PM **HB 2601 - Work Session**  
1:14:46 PM {Exhibit} 3: Michael Schmidt, Committee Counsel  
1:15:21 PM MOTION: VICE-CHAIR GARRETT MOVES TO ADOPT THE -3  
AMENDMENTS  
1:15:29 PM Rep. Barton  
1:16:39 PM Chair Barker  
1:16:42 PM VOTE: 8-0-1  
1:16:44 PM AYES: BARTON, CAMERON, HICKS, OLSON, WILLIAMSON,  
GARRETT, KRIEGER, BARKER  
1:16:46 PM EXCUSED: TOMEI  
1:16:54 PM MOTION: VICE-CHAIR GARRETT MOVES HB 2601 DO PASS AS  
AMENDED  
1:16:59 PM VOTE: 8-0-1  
1:17:01 PM AYES: BARTON, CAMERON, HICKS, OLSON, WILLIAMSON,  
GARRETT, KRIEGER, BARKER  
1:17:05 PM EXCUSED: TOMEI  
1:17:06 PM CARRIER: REP. OLSON WILL LEAD DISCUSSION ON THE FLOOR

1:17:10 PM **HB 2962 - Work Session**  
1:17:21 PM {Exhibit} 4: Michael Schmidt, Committee Counsel  
1:18:16 PM MOTION: VICE-CHAIR KRIEGER MOVES TO ADOPT THE -1  
AMENDMENTS  
1:18:20 PM VOTE: 8-0-1  
1:18:21 PM AYES: BARTON, CAMERON, HICKS, OLSON, WILLIAMSON,  
GARRETT, KRIEGER, BARKER  
1:18:24 PM EXCUSED: TOMEI  
1:18:29 PM MOTION: VICE-CHAIR KRIEGER MOVES HB 2962 DO PASS AS  
AMENDED  
1:18:36 PM Vice-Chair Garrett  
1:19:13 PM Chair Barker  
1:19:18 PM Rep. Williamson  
1:19:29 PM Chair Barker  
1:19:57 PM VOTE: 7-1-1  
1:19:59 PM AYES: BARTON, CAMERON, HICKS, OLSON, GARRETT, KRIEGER,  
BARKER  
1:20:00 PM NAYS: WILLIAMSON  
1:20:02 PM EXCUSED: TOMEI  
1:20:05 PM CARRIER: REP. HICKS WILL LEAD DISCUSSION ON THE FLOOR

1:20:12 PM **HB 3277 - Work Session**  
1:20:16 PM {Exhibit} 5-6: Michael Schmidt, Committee Counsel

1:21:18 PM Chair Barker  
1:21:26 PM MOTION: VICE-CHAIR KRIEGER MOVES TO ADOPT THE -2 AMENDMENTS  
1:21:33 PM VOTE: 8-0-1  
1:21:34 PM AYES: BARTON, CAMERON, HICKS, OLSON, WILLIAMSON, GARRETT, KRIEGER, BARKER  
1:21:36 PM EXCUSED: TOMEI  
1:21:40 PM MOTION: VICE-CHAIR KRIEGER MOVES TO ADOPT THE -3 AMENDMENTS  
1:21:47 PM VOTE: 8-0-1  
1:21:48 PM AYES: BARTON, CAMERON, HICKS, OLSON, WILLIAMSON, GARRETT, KRIEGER, BARKER  
1:21:50 PM EXCUSED: TOMEI  
1:21:55 PM MOTION: VICE-CHAIR KRIEGER MOVES HB 3277 DO PASS AS AMENDED  
1:22:04 PM VOTE: 8-0-1  
1:22:05 PM AYES: BARTON, CAMERON, HICKS, OLSON, WILLIAMSON, GARRETT, KRIEGER, BARKER  
1:22:07 PM EXCUSED: TOMEI  
1:22:16 PM CARRIER: REP. HICKS WILL LEAD DISCUSSION ON THE FLOOR  
  
1:22:24 PM **HB 2204 - Public Hearing**  
1:22:30 PM {Exhibit} 7: Michael Schmidt, Committee Counsel  
1:23:07 PM Chair Barker  
1:23:23 PM Steve Mygrant, District Attorney, Clackamas County  
1:27:40 PM Chair Barker  
1:27:45 PM {Exhibit} 8: Rob Bovett, District Attorney, Lincoln County  
1:29:54 PM Chair Barker  
1:30:01 PM Schmidt  
1:30:29 PM Bovett  
1:30:56 PM Chair Barker  
1:30:57 PM {Exhibit} 9: witness registration  
  
1:31:05 PM **HB 2362 - Public Hearing**  
1:31:07 PM Michael Schmidt, Committee Counsel  
1:31:21 PM Chair Barker  
1:31:52 PM Meeting Recessed  
1:33:07 PM Meeting Reconvened  
1:33:22 PM Lindsay Soto, Salem, Oregon  
1:37:00 PM Chair Barker  
1:37:08 PM Schmidt  
  
1:37:26 PM **HB 2408 - Public Hearing**  
1:37:30 PM {Exhibit} 10: Michael Schmidt, Committee Counsel  
1:37:57 PM Chair Barker  
1:38:09 PM Steve Mygrant, District Attorney, Clackamas County

1:40:40 PM Chair Barker  
1:40:43 PM Rep. Barton  
1:41:00 PM Mygrant  
1:41:30 PM Rep. Barton  
1:41:41 PM Mygrant  
1:42:17 PM Schmidt  
1:43:13 PM Chair Barker  
1:43:25 PM Schmidt  
1:43:59 PM Chair Barker  
1:44:03 PM {Exhibit} 11: witness registration

1:44:10 PM **HB 2408 - Work Session**  
1:44:11 PM MOTION: VICE-CHAIR KRIEGER MOVES TO ADOPT THE -1  
AMENDMENT  
1:44:21 PM VOTE: 9-0-0  
1:44:24 PM AYES: BARTON, CAMERON, HICKS, OLSON, TOMEI, WILLIAMSON,  
GARRETT, KRIEGER, BARKER  
1:44:37 PM MOTION: VICE-CHAIR KRIEGER MOVES HB 2408 DO PASS AS  
AMENDED AND BE REFERRED TO JOINT COMMITTEE ON WAYS  
AND MEANS  
1:44:43 PM VOTE: 9-0-0  
1:44:44 PM AYES: BARTON, CAMERON, HICKS, OLSON, TOMEI, WILLIAMSON,  
GARRETT, KRIEGER, BARKER

1:45:00 PM **HB 2549 - Public Hearing**  
1:45:02 PM {Exhibit} 12-14: Michael Schmidt, Committee Counsel  
1:46:24 PM Vice-Chair Garrett  
1:46:26 PM Schmidt  
1:47:43 PM Chair Barker  
1:48:09 PM Gail Meyer, Oregon Criminal Defense Lawyers Association  
1:55:13 PM Jeff Wood, Captain, Marion County Sheriff's Office  
1:58:19 PM Chair Barker  
1:58:23 PM Rep. Barton  
1:59:07 PM Wood  
2:00:15 PM Meyer  
2:02:59 PM Chair Barker  
2:03:02 PM Vice-Chair Krieger  
2:03:54 PM Rep. Hicks  
2:04:22 PM Chair Barker  
2:04:46 PM Jeff Howes, Multnomah County District Attorney; Oregon District Attorneys  
Association  
2:10:56 PM Chair Barker  
2:11:03 PM Scott Healy, District Attorney, Clackamas County; Oregon District  
Attorneys Association  
2:17:18 PM Rep. Hicks  
2:18:16 PM Vice-Chair Garrett

2:18:25 PM Chair Barker  
2:18:26 PM Vice-Chair Garrett  
2:18:38 PM Rep. Hicks  
2:18:48 PM Chair Barker  
2:18:51 PM Vice-Chair Krieger  
2:19:16 PM Howes  
2:19:41 PM Chair Barker  
2:21:22 PM Rep. Tomei  
2:21:33 PM Healy  
2:22:04 PM Rep. Tomei  
2:22:18 PM Chair Barker  
2:22:24 PM Healy  
2:22:47 PM Rep. Tomei  
2:23:08 PM Chair Barker  
2:23:09 PM {Exhibit} 15: witness registration  
  
2:23:42 PM **HB 3467 - Public Hearing**  
2:23:43 PM {Exhibit} 16: Michael Schmidt, Committee Counsel  
2:24:16 PM Chair Barker  
2:25:52 PM {Exhibit} 17: Ryan Anfuso, attorney  
2:30:58 PM Chair Barker  
2:31:02 PM Anfuso  
2:31:30 PM Chair Barker  
2:31:42 PM {Exhibit} 18: Peter Oberdorf, Darius Capital Company  
2:35:19 PM Chair Barker  
2:35:38 PM Martha Duncan-Perez, Washington County Reentry Council  
2:40:58 PM Anfuso  
2:41:15 PM {Exhibit} 19: Rep. Williamson  
2:41:36 PM Joan Ayala, Washington County Reentry Council  
2:43:10 PM Chair Barker  
2:43:45 PM {Exhibit} 20: Patrick McCreery, Oregon Association of Broadcasters  
2:45:45 PM Chair Barker  
2:45:46 PM Rep. Olson  
2:46:02 PM Rep. Williamson  
2:47:10 PM Chair Barker  
2:47:18 PM Rep. Williamson  
2:47:19 PM Chair Barker  
2:47:25 PM Shawn Jillions, Citizens Information Associates  
2:48:51 PM Chair Barker  
2:49:03 PM {Exhibit} 21: witness registration  
2:49:05 PM The following written testimony is submitted for the record without public testimony:  
2:49:05 PM {Exhibit} 22: Judith Armatta, attorney, Portland, Oregon  
2:49:06 PM {Exhibit} 23: Faye & Errin Creed, Eugene, Oregon  
2:49:07 PM {Exhibit} 24: James Hansen, Portland, Oregon  
2:49:08 PM {Exhibit} 25: Jil Heimensen

2:49:09 PM {Exhibit} 26: Neil Mahoney, Portland, Oregon  
2:49:10 PM {Exhibit} 27: Ken Nolley, Salem, Oregon  
2:49:41 PM Meeting Recessed  
2:55:45 PM Meeting Reconvened

2:55:57 PM **HB 2115 - Work Session**  
2:56:05 PM MOTION: VICE-CHAIR KRIEGER MOVES THAT THE RULES BE SUSPENDED FOR THE PURPOSE OF RECONSIDERING THE VOTE ON HB 2115  
2:56:08 PM VOTE: 8-0-1  
2:56:10 PM AYES: BARTON, HICKS, OLSON, TOMEI, WILLIAMSON, GARRETT, KRIEGER, BARKER  
2:56:13 PM EXCUSED: CAMERON  
2:56:18 PM MOTION: VICE-CHAIR KRIEGER MOVES TO RECONSIDER THE VOTE BY WHICH HB 2115 WAS MOVED WITH A DO PASS RECOMMENDATION AND REFERRED TO WAYS AND MEANS  
2:56:23 PM VOTE: 8-0-1  
2:56:29 PM AYES: BARTON, HICKS, OLSON, TOMEI, WILLIAMSON, GARRETT, KRIEGER, BARKER  
2:56:31 PM EXCUSED: CAMERON  
2:56:44 PM MOTION: VICE-CHAIR KRIEGER MOVES HB 2115 DO PASS AS AMENDED  
2:56:48 PM VOTE: 8-0-1  
2:56:54 PM AYES: BARTON, HICKS, OLSON, TOMEI, WILLIAMSON, GARRETT, KRIEGER, BARKER  
2:57:00 PM EXCUSED: CAMERON  
2:57:05 PM CARRIER: REP. OLSON WILL LEAD DISCUSSION ON THE FLOOR  
2:57:38 PM Chair Barker  
2:57:45 PM Meeting Adjourned by Chair Barker

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### **Exhibit Summary**

1:12:33 PM {Exhibit} 1: HB 2115, -10 amendments, staff, 47 pp  
1:12:33 PM {Exhibit} 2: HB 2115, -11 amendments, staff, 47 pp  
1:14:46 PM {Exhibit} 3: HB 2601, -3 amendments, staff, 1 p  
1:17:21 PM {Exhibit} 4: HB 2962, -1 amendments, staff, 1 p  
1:20:16 PM {Exhibit} 5: HB 3277, -2 amendments, staff, 1 p  
1:20:16 PM {Exhibit} 6: HB 3277, -3 amendments, staff, 1 p  
1:22:30 PM {Exhibit} 7: HB 2204, -1 amendments, staff, 9 pp  
1:27:45 PM {Exhibit} 8: HB 2204, written information, Rob Bovett, 1 p  
1:30:57 PM {Exhibit} 9: HB 2204, witness registration, staff, 1 p  
1:37:30 PM {Exhibit} 10: HB 2408, -1 amendments, staff, 1 p  
1:44:03 PM {Exhibit} 11: HB 2408, witness registration, staff, 1 p  
1:45:02 PM {Exhibit} 12: HB 2549, -1 amendments, staff, 5 pp

**1:45:02 PM** {Exhibit} 13: HB 2549, -2 amendments, staff, 5 pp  
**1:45:02 PM** {Exhibit} 14: HB 2549, -3 amendments, staff, 5 pp  
**2:23:09 PM** {Exhibit} 15: HB 2549, witness registration, staff, 1 p  
**2:23:43 PM** {Exhibit} 16: HB 3467, -2 amendments, staff, 7 pp  
**2:25:52 PM** {Exhibit} 17: HB 3467, written testimony, Ryan Anfuso, 6 pp  
**2:31:42 PM** {Exhibit} 18: HB 3467, written testimony, Peter Oberdorf, 2 pp  
**2:41:15 PM** {Exhibit} 19: HB 3467, written testimony, Rep. Williamson, 4 pp  
**2:43:45 PM** {Exhibit} 20: HB 3467, written testimony, Patrick McCreery, 1 p  
**2:49:03 PM** {Exhibit} 21: HB 3467, witness registration, staff, 1 p  
**2:49:05 PM** {Exhibit} 22: HB 3467, written testimony, Judith Armatta, 1 p  
**2:49:06 PM** {Exhibit} 23: HB 3467, written testimony, Faye & Errin Creed, 1 p  
**2:49:07 PM** {Exhibit} 24: HB 3467, written testimony, James Hansen, 1 p  
**2:49:08 PM** {Exhibit} 25: HB 3467, written testimony, Jil Heimensen, 1 p  
**2:49:09 PM** {Exhibit} 26: HB 3467, written testimony, Neil Mahoney, 2 pp  
**2:49:10 PM** {Exhibit} 27: HB 3467, written testimony, Ken Nolley, 1 p