

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order:

CHAIRMAN RON STOKER, on January 15, 2009 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Ken Peterson, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. David Howard (R)
Rep. Krayton Kerns (R)
Rep. Margaret MacDonald (D)
Rep. Edith (Edie) McClafferty (D)
Rep. Mike Menahan (D)
Rep. Michael More (R)
Rep. Keith Regier (R)
Rep. Diane Sands (D)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Deborah Kottel, Vice Chairman (D).

Members Absent: None.

Staff Present: Jennifer Eck, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 36, 1/12/2009

HEARING ON HB 36

Opening Statement by Sponsor:

00:00:52 REP. KENDALL VAN DYK (D), HD 49, opened the hearing on
HB 36, Revise law on use of force and self-defense.
[EXHIBIT\(juh09a01\)](#)

00:09:03 Chairman Stoker
00:09:07 Rep. Van Dyk
00:09:09 Chairman Stoker

Proponents' Testimony:

00:09:14 Rep. Chas Vincent (R), HD 2
00:10:20 Chairman Stoker
00:10:28 Hal Harper, Governor Schweitzer's Office
00:11:13 Chairman Stoker
00:11:28 Mark Murphy, Yellowstone County Attorney's Office
[EXHIBIT\(juh09a02\)](#)

00:12:26 Chairman Stoker
00:12:36 Mr. Murphy
00:15:08 Chairman Stoker
00:15:14 Jim Cashell, Gallatin County Sheriff
00:18:08 Chairman Stoker
00:18:21 Pam Bucy, Montana Association of Chiefs of Police,
Montana Police Protective Association
00:19:28 Chairman Stoker
00:19:40 Brent Light, Assistant Attorney General
00:20:06 Chairman Stoker
00:20:18 Jim Smith, Montana County Attorney's Association and
the Montana Sheriffs and Peace Officers Association
00:21:13 Chairman Stoker
00:21:22 Sheriff David Castle, Cascade County
00:21:50 Chairman Stoker

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:22:26 Rep. Howard
00:22:46 Mr. Murphy
00:22:48 Rep. Howard
00:23:19 Mr. Murphy
00:24:21 Rep. Howard

00:24:23 Chairman Stoker
00:24:24 Rep. Howard
00:24:30 Chairman Stoker
00:24:37 Rep. Howard
00:24:56 Rep. Van Dyk
00:26:06 Rep. Howard
00:26:08 Rep. Kerns
00:26:17 Sheriff Cashell
00:26:21 Rep. Kerns
00:26:30 Sheriff Cashell
00:26:34 Rep. Kerns
00:26:47 Sheriff Cashell
00:27:18 Rep. Kerns
00:27:36 Sheriff Cashell
00:27:49 Chairman Stoker
00:28:01 Rep. Peterson
00:28:17 Mr. Murphy
00:28:19 Rep. Peterson
00:28:47 Mr. Murphy
00:29:50 Rep. Peterson
00:30:41 Mr. Murphy
00:31:53 Rep. Peterson
00:32:07 Mr. Murphy
00:32:40 Rep. Peterson
00:32:49 Mr. Murphy
00:33:25 Rep. Peterson
00:33:39 Mr. Murphy
00:34:04 Rep. Peterson
00:34:07 Mr. Murphy
00:34:10 Rep. Peterson
00:34:20 Mr. Murphy
00:34:21 Rep. Peterson
00:34:23 Chairman Stoker
00:34:33 Rep. Menahan
00:34:44 Mr. Murphy
00:34:45 Rep. Menahan
00:35:24 Mr. Murphy
00:35:27 Chairman Stoker
00:35:43 Mr. Murphy
00:35:45 Chairman Stoker
00:35:54 Rep. Menahan
00:35:57 Mr. Murphy
00:35:58 Rep. Menahan
00:36:42 Mr. Murphy
00:38:01 Rep. Menahan
00:38:09 Chairman Stoker
00:38:11 Rep. Menahan
00:38:57 Mr. Murphy
00:41:17 Rep. Menahan
00:41:21 Chairman Stoker

00:41:26 Rep. Menahan
00:41:51 Mr. Murphy
00:42:03 Chairman Stoker
00:42:07 Rep. Menahan
00:42:45 Mr. Murphy
00:42:47 Rep. Menahan
00:43:44 Mr. Murphy
00:43:45 Rep. Menahan
00:44:28 Mr. Murphy
00:45:28 Chairman Stoker
00:45:32 Rep. Menahan
00:45:35 Chairman Stoker
00:45:38 Rep. Sands
00:46:07 Mr. Murphy
00:47:08 Rep. Sands
00:47:22 Mr. Murphy
00:48:05 Chairman Stoker
00:48:09 Rep. Menahan
00:48:26 Mr. Light
00:48:33 Rep. Menahan
00:49:05 Mr. Light
00:49:34 Rep. Menahan
00:49:47 Mr. Light
00:49:50 Rep. Menahan
00:50:04 Mr. Light
00:50:14 Rep. Menahan
00:50:16 Chairman Stoker
00:50:22 Rep. Peterson
00:50:54 Mr. Light
00:50:58 Chairman Stoker
00:51:32 Mr. Light
00:51:46 Chairman Stoker
00:52:04 Mr. Light
00:52:25 Chairman Stoker
00:52:57 Mr. Light
00:53:15 Chairman Stoker
00:53:25 Mr. Light
00:53:34 Chairman Stoker

Closing by Sponsor:

00:53:49 Rep. Van Dyk

Additional Business:

00:59:17 Chairman Stoker
00:59:21 Rep. Van Dyk
00:59:30 Chairman Stoker
01:00:57 Rep. Howard
01:01:12 Chairman Stoker

01:01:41 Rep. Howard
01:01:45 Chairman Stoker
01:02:16 Rep. Driscoll

ADJOURNMENT

01:02:19 Adjournment

JENNIFER ECK, Secretary

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Additional Documents:

EXHIBIT ([juh09aad.pdf](#))