

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on March 25, 2009 at 8:03
A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Deborah Kottel, Vice Chairman (D)
Rep. Ken Peterson, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Gerald Bennett (R)
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. Anders Blewett (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: SB 236, 3/20/2009

Executive Action: None

HEARING ON SB 236

Opening Statement by Sponsor:

00:01:14 Sen. David Wanzenried (D), SD 49, opened the hearing on
SB 236, Abolish death penalty.

EXHIBIT(juh66a01)

00:12:36 Chairman Stoker

Proponents' Testimony:

00:14:29 Jacqueline Lenmark, Montana Abolition Coalition

EXHIBIT(juh66a02)

00:19:43 Sen. Roy Brown, SD 25, Billings

EXHIBIT(juh66a03)

00:24:57 Jim Bromgard

EXHIBIT(juh66a04)

00:29:10 Randy Steidl

EXHIBIT(juh66a05)

00:34:59 Carol Madplume

EXHIBIT(juh66a06)

00:41:13 Linda Wetzel

EXHIBIT(juh66a07)

00:47:14 Mariam Thimm Kelle

EXHIBIT(juh66a08)

EXHIBIT(juh66a09)

00:49:44 Tony Poelman

EXHIBIT(juh66a10)

00:55:06 J.A. "Ziggy" Ziegler, Montana Catholic Conference and
Montana Social Service Commission

EXHIBIT(juh66a11)

00:57:30 Sandy Heaton, mental health therapist

EXHIBIT(juh66a12)

01:06:11 Ron McAndrew

EXHIBIT(juh66a13)

01:10:41 Tom Biglen

EXHIBIT(juh66a14)

01:17:08 John Connor

EXHIBIT(juh66a15)

01:22:58 Karla Gray, former Montana Supreme Court justice

EXHIBIT(juh66a16)

01:28:44 Rita Blouke, State Board, League of Women Voters

01:29:35 Rep. Kottel exited meeting.

01:30:32 Father Kevin O'Neill, on behalf of Bishop George
Thomas, State Catholic Conference

EXHIBIT(juh66a17)

01:37:31 Chairman Stoker

01:38:01 John Sheehy, former Montana Supreme Court justice;
former Montana state legislator

[EXHIBIT\(juh66a18\)](#)

01:40:32 Tony Belcourt, HD 32, Box Elder; American Indian Caucus

[EXHIBIT\(juh66a19\)](#)

01:41:57 Marietta Jager Lane

[EXHIBIT\(juh66a20\)](#)

01:49:18 Matt Kuntz, Executive Director, National Alliance on
Mental Illness for Montana (NAMI Montana)

[EXHIBIT\(juh66a21\)](#)

01:50:20 Jessica Crist, Bishop, Montana Synod, Evangelical
Lutheran Church in America

[EXHIBIT\(juh66a22\)](#)

01:51:21 Michael DesRosier

[EXHIBIT\(juh66a23\)](#)

01:52:54 Erin Butts

01:53:33 Richard Meeker

[EXHIBIT\(juh66a24\)](#)

01:54:10 Jeffrey Renz

[EXHIBIT\(juh66a25\)](#)

01:54:46 Sen. Cliff Larsen, SD 50, Missoula

01:55:31 Eric Gilbaugh

01:58:57 Beth Brenneman, Disability Rights Montana

02:00:22 Ray Peck, retired psychologist, Montana Association of
Churches

[EXHIBIT\(juh66a26\)](#)

02:01:37 Karen Pfaehler

02:01:59 Chairman Stoker

02:02:24 Recess

02:21:24 Reconvene

02:21:24 Rep. Blewett joined the meeting.

02:21:28 Chairman Stoker

Opponents' Testimony:

02:22:55 Rep. Roy Hollandsworth, HD 28, Brady

02:27:27 Jeff Laszloffy, Montana Family Foundation

02:33:45 B.G. Stumburg, pastor, Canyon Ferry Road Baptist Church

[EXHIBIT\(juh66a27\)](#)

02:42:24 Rep. Janna Taylor, HD 11, Dayton

[EXHIBIT\(juh66a28\)](#)

02:48:00 Harris Himes, pastor, Big Sky Christian Center

[EXHIBIT\(juh66a29\)](#)

[EXHIBIT\(juh66a30\)](#)

03:00:51 Mikeal "Mikie" Hajek

[EXHIBIT\(juh66a31\)](#)

03:02:20 Marty Lambert, Gallatin County Attorney

03:08:41 Mike Kecskes

[EXHIBIT\(juh66a32\)](#)

03:16:31 Stephanie Hoskinson-Brandt

[EXHIBIT\(juh66a33\)](#)

03:19:26 Sen. Daniel McGee, SD 29, Laurel

[EXHIBIT\(juh66a34\)](#)

03:26:05 Sen. John Esp, SD 31, Big Timber

03:29:58 Rep. Tom Berry, HD 45, Roundup

03:35:51 Dallas Erickson, Montana Citizens for Decency Through
Law

[EXHIBIT\(juh66a35\)](#)

Informational Testimony:

03:37:39 Jessie McQuillan, Executive Director, Montana Innocence
Project

03:41:10 Chairman Stoker

03:41:29 Ms. McQuillan

Questions from Committee Members and Responses:

03:42:16 Rep. Sands

03:42:44 Mr. Connor

03:42:45 Rep. Sands

03:43:14 Mr. Connor

03:44:01 Rep. MacDonald

03:44:54 Mr. McAndrew

03:46:02 Rep. MacDonald

03:46:45 Mr. Connor

03:50:22 Rep. Regier

03:50:35 Sen. Wanzenried

03:50:43 Rep. Regier

03:50:50 Sen. Wanzenried

03:51:34 Rep. Regier

03:51:42 Sen. Wanzenried

03:52:18 Rep. Regier

03:52:28 Sen. Wanzenried

03:52:55 Rep. Regier

03:52:59 Rep. Blewett

03:53:29 Sen. Wanzenried

03:53:42 Chairman Stoker

03:53:54 Mr. Renz

03:53:58 Rep. Blewett

03:54:22 Mr. Renz

03:56:02 Rep. Driscoll

03:56:19 Ms. McQuillan

03:56:20 Rep. Driscoll

03:56:27 Ms. McQuillan

03:56:44 Rep. Driscoll
03:56:45 Ms. McQuillan
03:56:46 Rep. Driscoll
03:57:06 Ms. McQuillan
03:57:54 Rep. Driscoll
03:58:22 Mr. O'Neill
03:58:36 Rep. Driscoll
03:58:41 Mr. O'Neill
03:59:25 Rep. Driscoll
03:59:34 Rep. Peterson
03:59:38 Sen. Wanzenried
03:59:38 Rep. Peterson
04:00:27 Sen. Wanzenried
04:00:45 Rep. Peterson
04:00:48 Sen. Wanzenried
04:00:49 Rep. Peterson
04:02:39 Sen. Wanzenried
04:03:30 Rep. Peterson
04:03:48 Ms. Gray
04:03:50 Rep. Peterson
04:04:22 Ms. Gray
04:04:50 Chairman Stoker
04:05:04 Ms. Gray
04:05:20 Rep. Peterson
04:05:43 Ms. Gray
04:07:05 Rep. Peterson
04:07:36 Ms. Gray
04:08:44 Rep. Peterson
04:09:07 Chairman Stoker
04:09:25 Rep. Menahan
04:09:36 Ms. Hood
04:09:37 Rep. Menahan
04:09:52 Ms. Hood
04:09:53 Rep. Menahan
04:10:36 Ms. Hood
04:12:22 Rep. Menahan
04:13:11 Ms. Hood
04:13:44 Rep. Menahan
04:14:04 Ms. Hood
04:14:23 Chairman Stoker
04:14:27 Rep. Menahan
04:14:49 Ms. Hood
04:14:50 Rep. Menahan
04:14:52 Ms. Hood
04:14:57 Rep. Peterson
04:15:01 Chairman Stoker
04:15:39 Ms. Hood
04:16:24 Chairman Stoker
04:16:29 Rep. Wagner
04:17:09 Chairman Stoker

04:17:24 Rep. Wagner
04:17:28 Chairman Stoker
04:17:37 Ms. McQuillan
04:17:59 Chairman Stoker
04:18:07 Rep. Wagner
04:18:16 Ms. McQuillan
04:18:27 Rep. Wagner
04:18:35 Sen. Wanzenried
04:18:40 Rep. Wagner
04:19:54 Sen. Wanzenried
04:20:03 Rep. Wagner
04:20:18 Sen. Wanzenried
04:21:24 Rep. Becker
04:22:08 Sen. Wanzenried
04:22:12 Rep. Becker
04:22:38 Chairman Stoker
04:22:43 Rep. Becker
04:23:02 Sen. Wanzenried
04:23:15 Chairman Stoker
04:23:32 Ms. Lenmark
04:24:21 Rep. Becker
04:24:42 Ms. Gray
04:25:33 Rep. Becker
04:25:37 Chairman Stoker
04:25:43 Rep. Warburton
04:25:59 Mr. Lambert
04:26:01 Rep. Warburton
04:26:34 Mr. Lambert
04:26:46 Rep. Warburton
04:27:18 Mr. Lambert
04:27:35 Rep. Warburton
04:27:44 Chairman Stoker
04:27:53 Mr. Himes
04:27:58 Rep. Warburton
04:28:42 Mr. Himes
04:28:49 Chairman Stoker

Closing by Sponsor:

04:29:00 Sen. Wanzenried
04:41:01 Chairman Stoker

ADJOURNMENT

04:41:15 Adjournment

Jennifer Eck, Secretary

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Additional Exhibits:

- EXHIBIT (juh66a36)** Letter from Lynette Brown in opposition to SB 236
- EXHIBIT (juh66a37)** Written testimony from Ronald F. Waterman in support of SB 236
- EXHIBIT (juh66a38)** Letter from Jon Salmonson in support of SB 236
- EXHIBIT (juh66a39)** Email from Dudley Sharp in opposition to SB 236
- EXHIBIT (juh66a40)** Letter from Bob Filipovich regarding the fiscal note associated with SB 236
- EXHIBIT (juh66a41)** Letter from Herbert Joseph Pins in support of SB 236
- EXHIBIT (juh66a42)** "Death Penalty and Sentencing Information" packet, submitted by Dudley Sharp in opposition to SB 236
- EXHIBIT (juh66a43)** Letter from Bob Shaw in opposition to SB 236
- EXHIBIT (juh66a44)** Copies of newspaper articles in the Great Falls Tribune regarding SB 236
- EXHIBIT (juh66a45)** Letter from Josh Schott in support of SB 236
- EXHIBIT (juh66a46)** Letter from Kathleen Stachowski in support of SB 236
- EXHIBIT (juh66a47)** Written testimony from Peter Neufeld in favor of

SB 236

Additional Documents:

EXHIBIT ([juh66aad.pdf](#))