

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: CHAIRMAN GARY L. PERRY, on January 13, 2009 at 9:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

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 157, SB 159, SB 171, 1/15/2009

Executive Action: SB 140-Do Pass, SB 35-Do Pass As Amended

HEARING ON SB 159

Opening Statement by Sponsor:

00:03:46 SEN. JIM SHOCKLEY (R), SD 45, opened the hearing on SB 159, Revise consent provision for statutory rape.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

00:07:21 Kelsen Young, Executive Director, Montana Coalition
Against Domestic and Sexual Violence

00:07:45 Stacey Anderson, Planned Parenthood of Montana

Questions from Committee Members and Responses:

00:09:04 Sen. Laslovich

00:09:35 Sen. Shockley

00:11:05 Sen. Moss

00:11:27 Sen. Shockley

00:12:06 Sen. Perry

00:12:41 Sen. Shockley

Closing by Sponsor:

00:14:08 Sen. Shockley

HEARING ON SB 157

Opening Statement by Sponsor:

00:15:19 SEN. JIM SHOCKLEY (R), SD 45, opened the hearing on SB 157, Audio-video hearings for certain mental health00

Proponents' Testimony:

00:22:00 Jim Smith, Montana Sheriffs and Peace Officers
Association, Montana County Attorneys Association

Opponents' Testimony:

00:25:19 Anita Roessmann, Disability Rights of Montana

EXHIBIT(jus07a01)

00:31:47 Nikki Zupanic, ACLU of Montana

Informational Testimony:

None

Questions from Committee Members and Responses:

00:33:26 Sen. McGee

00:34:14 Sen. Shockley

00:40:59 Sen. Esp

Closing by Sponsor:

00:43:01 Sen. Shockley

00:43:43 Break

HEARING ON SB 171

Opening Statement by Sponsor:

00:55:30 **SEN. GREGORY BARKUS (R), SD 4**, opened the hearing on **SB 171**, Criminal damage to rental property.

Proponents' Testimony:

01:00:29 Roger Halver, Montana Association of Landlords

Opponents' Testimony:

01:05:20 Kelsen Young, Executive Director, Montana Coalition against Domestic and Sexual Violence

Informational Testimony:

01:06:47 Jim Smith, Montana County Attorneys Association

Questions from Committee Members and Responses:

01:08:36 Sen. Jent

Proponents' Testimony:

01:10:20 Kits Smith, Landlord, Kalispell
(Mr. Smith arrived after initial Proponents' Testimony closed and
Questions from Committee were in progress)

Questions from Committee, Continued:

01:16:58 Sen. Larsen
01:17:37 Sen. Barkus
01:18:34 Sen. McGee
01:19:11 Sen. Barkus
01:20:02 Sen. Shockley
01:21:08 Mr. Smith
01:23:12 Sen. Moss
01:23:44 Ms. Young
01:24:18 Sen. Perry
01:25:26 Ms. Young
01:26:22 Sen. McGee
01:27:35 Sen. Barkus

Closing by Sponsor:

01:28:38 Sen. Barkus
01:29:47 Break

EXECUTIVE ACTION ON SB 140

01:34:48 **Motion:** SEN. MCGEE moved that **SB 140 DO PASS.**

Discussion:

01:35:13 Sen. McGee
01:35:47 Sen. Perry
01:37:20 Sen. McGee
01:38:40 Sen. Perry
01:39:03 Sen. Shockley
01:41:38 Sen. Larsen
01:42:33 Sen. Juneau
01:43:55 Sen. Esp
01:44:55 Sen. McGee
01:45:32 Kelsen Young, Executive Director, Montana Coalition
Against Domestic and Sexual Violence
01:46:58 Sen. Perry
01:48:27 Sen. McGee

01:48:39 **Vote:** Motion that **SB 140 DO PASS** carried 9-3 by roll call vote with SEN. HINKLE, SEN. McGEE, and SEN. SHOCKLEY voting no. SEN. JUNEAU and SEN. LASLOVICH voted by proxy.

EXECUTIVE ACTION ON SB 159

01:49:05 **Motion:** SEN. SHOCKLEY moved that **SB 159 DO PASS.**

Discussion:

01:50:03 Sen. Shockley

01:51:21 **Motion:** SEN. SHOCKLEY moved that **SB 159 BE AMENDED.**

01:51:31 Sen. Perry

01:51:35 SEN. SHOCKLEY (without objection) **WITHDREW MOTION THAT SB 159 BE AMENDED AND DO PASS.**

Discussion:

01:52:33 Sen. Esp

01:52:41 Sen. Jent

01:53:12 Sen. Esp

01:53:33 Sen. Jent

EXECUTIVE ACTION ON SB 35

01:55:45 **Motion:** SEN. JENT moved that **SB 35 DO PASS.**

01:56:04 **Motion:** SEN. ESP moved that **SB 35 BE AMENDED.**

[**EXHIBIT\(jus07a02\)**](#)

[**EXHIBIT\(jus07a03\)**](#)

[**EXHIBIT\(jus07a04\)**](#)

[**EXHIBIT\(jus07a05\)**](#)

[**EXHIBIT\(jus07a06\)**](#)

Discussion:

01:56:35 Sen. Esp

01:57:24 Sen. Jent

01:58:00 Sen. McGee

01:58:37 Sen. Jent

01:59:16 Sen. McGee

02:00:00 Sen. Perry

02:00:52 Sen. Esp

02:01:01 Sen. Jent

02:01:41 **Vote:** Motion that **SB 35 BE AMENDED** carried unanimously by voice vote. SEN. JUNEAU and SEN. LASLOVICH voted by proxy.

02:02:06 **Motion:** SEN. JENT moved that **SB 35 DO PASS AS AMENDED.**

Discussion:

02:03:15 Sen Perry

02:03:25 **Vote:** Motion that **SB 35 DO PASS AS AMENDED** carried unanimously by voice vote. SEN. JUNEAU and SEN. LASLOVICH voted by proxy.

Committee Business:

02:03:44 Valencia Lane, Legislative Services Division
(regarding SB 171 heard today)

02:05:53 Sen. Perry

ADJOURNMENT

Adjournment: 11:08 A.M.

PAM SCHINDLER, Secretary

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Additional Exhibits:

EXHIBIT ([jus07aad.pdf](#))