

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on March 9, 2011 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Krayton Kerns, Vice Chairman (R)
Rep. Diane Sands, Vice Chairman (D)
Rep. Liz Bangerter (R)
Rep. Robyn Driscoll (D)
Rep. Bill Harris (R)
Rep. Ellie Boldman Hill (D)
Rep. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Michael (Mike) More (R)
Rep. Jesse O'Hara (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Bob Wagner (R)

Members Excused: Rep. Kris Hansen (R)

Members Absent: Rep. Mike Menahan (D)
Rep. Wendy Warburton (R)

Staff Present: Karen Armstrong, 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 58, 3/4/2011; SB 149, 3/4/2011; SB 279, 3/4/2011;
SB 151, 3/4/2011

Executive Action: None

HEARING ON SB 149

Opening Statement by Sponsor:

00:01:29 Sen. Jeff Essmann (R), SD 28, opened the hearing on SB 149, Provide for a crime of predatory loitering for previously convicted sex offender.

00:02:31 Rep. Menahan arrived.

00:02:52 Rep. Warburton arrived.

Proponents' Testimony:

00:05:39 David M. Staton, self

00:09:59 Ed Bartlett, City of Billings

00:10:41 Bob Vogel, Montana School Boards Association, self

00:11:46 Bruce MacIntyre, Billings Chamber of Commerce

00:12:19 AnnMarie McKittrick, Yellowstone County Attorney's Office

00:14:41 Rep. Regier exited.

00:16:22 Rep. Regier returned.

00:17:55 John MacDonald, City of Missoula and Police Chief Mark Muir

00:19:11 Mary Phippen, self

00:19:38 Mark Murphy, Montana County Attorneys' Association

00:20:24 Vice Chairwoman Sands exited.

00:21:04 Rep. Hill entered.

Opponents' Testimony:

00:23:54 Andy Hudak, Montana Sex Offender Treatment Association

00:33:49 Niki Zupanic, American Civil Liberties Union of Montana (ACLU)

Informational Testimony:

00:35:08 Pat Keim, Alternatives, Inc.

Questions from Committee Members and Responses:

00:36:20 Rep. Menahan

00:38:15 Sen. Essmann

00:38:31 Rep. Menahan

00:39:27 Sen. Essmann

00:40:33 Rep. Menahan

00:41:27 Sen. Essmann

00:42:09 Rep. Regier

00:42:43 Sen. Essmann

00:42:55 Rep. Regier

00:43:09 Sen. Essmann

00:43:49 Vice Chairwoman Sands returned.

00:44:08 Rep. Regier

00:44:31 Sen. Essmann

00:45:02 Rep. Harris

00:46:04 Sen. Essmann

00:46:39 Rep. Harris

00:47:27 Sen. Essmann

00:48:15 Rep. Harris
00:48:55 Sen. Essmann
00:49:19 Rep. Wagner
00:50:09 Sen. Essmann
00:50:18 Rep. Wagner
00:51:01 Sen. Essmann
00:51:37 Rep. Wagner
00:51:59 Sen. Essmann
00:52:21 Rep. Wagner
00:52:40 Sen. Essmann
00:53:08 Ms McKittrick
00:54:48 Rep. Harris
00:56:15 Rep. Menahan exited.
00:56:32 Ms McKittrick
00:57:57 Rep. MacDonald exited.
00:58:11 Rep. Warburton
00:58:27 Ms McKittrick
00:58:39 Rep. Pease-Lopez exited.
00:58:53 Vice Chairman Kerns exited.
01:00:30 Rep. Warburton
01:01:10 Rep. MacDonald returned.
01:01:37 Ms McKittrick
01:02:06 Sen. Essmann
01:02:13 Rep. Warburton
01:02:42 Sen. Essmann
01:03:14 Rep. Hill
01:04:08 Sen. Essmann
01:04:43 Rep. O'Hara exited.
01:05:00 Rep. Bangerter
01:05:30 Sen. Essmann
01:06:00 Rep. Bangerter
01:06:18 Rep. Pease-Lopez returned.
01:07:01 Rep. Wagner
01:07:37 Mr. Hudak
01:08:53 Rep. O'Hara returned.
01:10:44 Rep. Wagner
01:11:42 Ms McKittrick
01:13:41 Rep. Wagner
01:14:03 Rep. Driscoll exited.
01:15:31 Ms McKittrick
01:15:57 Rep. Harris
01:17:10 Ms McKittrick
01:17:37 Chairman Peterson
01:19:27 Sen. Essmann
01:19:55 Chairman Peterson
01:20:04 Sen. Essmann

Closing by Sponsor:

01:20:17 Sen. Essmann

01:22:28 Rep. Regier exited.

HEARING ON SB 58

Opening Statement by Sponsor:

01:22:36 Sen. Lynda Moss (D), SD 26, opened the hearing on SB 58, Lengthen time DNA evidence must be preserved in certain cases.
(The Legislative Interim Committee Report on Law and Justice as well as all the committee's meeting agendas and minutes are available at the following website: <http://leg.mt.gov/css/default.asp>)

01:22:52 Rep. Bangerter exited.
01:22:59 Rep. Driscoll returned.
01:23:10 Rep. Bangerter returned.
01:24:10 Rep. Regier returned.
01:25:38 Rep. Wagner exited.

Proponents' Testimony:

01:32:27 Jessie McQuillan, Director, Montana Innocence Project
EXHIBIT(juh53a01)
01:34:18 Rep. Wagner returned.
01:39:36 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
01:41:57 Rep. More exited.
01:46:01 Kirk Bloodsworth
01:52:22 Niki Zupanic, ACLU
01:53:16 Rep. Howard exited.

Opponents' Testimony:

01:54:01 Mark Murphy, Montana County Attorneys Associaton (MCAA) Montana Association of Chiefs of Police (MACOP), Montana Police Protective Association (MPPA)
01:56:11 Rep. Howard returned.
01:56:18 Rep. More returned.
02:00:01 Harold Blattie, Executive Director, Montana Association of Counties (MACo)
02:06:34 Rep. Menahan returned.
02:09:07 Bob Gilbert, Rosebud County, Dawson County, Musselshell County
02:11:25 Jim Smith, Montana Sheriffs and Peace Officers Association.
02:14:21 Rep. O'Hara exited.
02:14:37 Michael Sehestedt, self
02:16:09 Rep. Read exited.

Informational Testimony:

02:16:39 Phil Kinsey, Supervisor and DNA Technical Leader, Forensic Biology Section, State Crime Lab, Department of Justice (DOJ)

Questions from Committee Members and Responses:

02:17:04 Rep. Loney
02:17:26 Mr. Kinsey, DOJ
02:17:33 Rep. Loney
02:17:39 Rep. Harris

02:18:28 Mr. Kinsey
02:19:24 Rep. Harris
02:19:43 Mr. Kinsey
02:19:52 Rep. Read and Rep. O'Hara returned.
02:20:03 Rep. Harris
02:20:25 Mr. Kinsey
02:20:28 Rep. Harris
02:20:57 Mr. Kinsey
02:21:34 Rep. Harris
02:22:25 Mr. Kinsey
02:22:28 Rep. Howard exited.
02:22:53 Vice Chairman Kerns returned.
02:23:28 Rep. Wagner
02:24:03 Mr. Kinsey
02:24:50 Rep. Wagner
02:25:18 Rep. Kinsey
02:26:31 Rep. Howard returned.
02:26:53 Rep. Wagner
02:27:45 Mr. Murphy, MCAA
02:27 52 Rep. Wagner
02:28:18 Mr. Murphy
02:29:28 Rep. Hill
02:31:13 Mr. Blattie, MACo
02:32:31 Rep. Hill
02:33:02 Mr. Blattie
02:34:13 Rep. Hill
02:35:02 Sen. Moss
02:37:04 Rep. MacDonald
02:38:04 Ms McQuillan
02:40:32 Rep. MacDonald
02:41:03 Ms McQuillan
02:42:02 Rep. Harris
02:43:10 Mr. Murphy
02:43:47 Rep. Harris
02:44:18 Mr. Kinsey
02:44:51 Rep. Harris
02:45:18 Mr. Kinsey
02:45:36 Rep. Loney
02:45:42 Rep. Pease-Lopez exited.
02:46:05 Mr. Murphy
02:46:27 Rep. Loney
02:46:47 Mr. Murphy
02:46:54 Rep. Loney
02:46:58 Mr. Murphy

Closing by Sponsor:

02:48:36 Sen. Moss

02:49:17 Rep. Pease-Lopez returned.
02:51:15 Rep. O'Hara exited.

HEARING ON SB 151**Opening Statement by Sponsor:**

02:54:49 Taylor Brown (R), SD 22, opened the hearing on SB 151, Provide a court surcharge to fund Montana Crime Prevention Association.

EXHIBIT(juh53a02)

02:55:24 Rep. Howard and Rep. Loney exited.
03:01:48 Rep. MacDonald exited.
03:05:07 Rep. MacDonald returned.
03:05:19 Rep. Howard returned.
03:06:06 Rep. Loney returned.

Proponents' Testimony:

03:07:04 Robert Putzke, Police Chief, MSU Bozeman, President of Montana Crime Prevention Association (MCPA)

EXHIBIT(juh53a03)

03:07:28 Rep. Regier exited.
03:08:51 Rep. Driscoll exited.
03:12:07 Rep. Howard exited.
03:12:15 Dan Haffey, self

EXHIBIT(juh53a04)

03:13:06 Chairman Peterson exited.
03:13:52 Rep. Driscoll returned.
03:14:50 Gina Evans, self
03:16:30 Chairman Peterson returned.
03:17:18 James Mariska, MCPA
03:18:06 Rep. Bangerter is exited.
03:20:26 Sharmon Brougham, MCPA
03:20:52 Rep. Bangerter returned.
03:22:02 Alex Ward, self

EXHIBIT(juh53a05)

03:24:10 Warren Hiebert, self

EXHIBIT(juh53a06)**Opponents' Testimony:**

03:24:38 Mary Phippen on behalf of Judge Larry Carver, Montana Magistrates Association

EXHIBIT(juh53a07)

03:27:08 Rep. Regier returned.
03:28:02 Rep. Hill exited.
03:28:17 Tim Ravndal, taxpayer, Broadwater County

Informational Testimony:

03:30:03 Mark Thatcher, Public Safety Bureau Chief, Montana Board of Crime Control

Questions from Committee Members and Responses:

03:30:35 Vice Chairwoman Sands
03:31:38 Mr. Thatcher

03:32:12 Rep. Hill returned.
03:33:12 Rep. MacDonald
03:33:32 Rep. Howard returned.
03:34:09 Mr. Thatcher
03:35:15 Rep. Harris exited.
03:35:32 Rep. Menahan
03:36:38 Ms Phippen
03:36:43 Rep. Menahan
03:36:58 Rep. O'Hara exited.
03:37:10 Ms Phippen
03:37:35 Rep. Wagner
03:37:57 Mr. Thatcher

Closing by Sponsor:

03:38:26 Sen. Brown

03:39:14 Mr. Putzke
03:39:32 Rep. Harris returned.

03:39:55 Sen. Brown

03:41:38 Rep. O'Hara returned.

HEARING ON SB 279**Opening Statement by Sponsor:**

03:44:28 Sen. Verdell Jackson (R), SD 5, opened the hearing on SB 279, Allow legislative security personnel w/permit to carry weapon into Capitol.

EXHIBIT(juh53a08)

03:44:43 Vice Chairwoman Sands exited.
03:46:36 Rep. More exited.
03:47:08 Rep. Read exited.
03:48:30 Rep. More returned.
03:52:25 Rep. Read returned.

Proponents' Testimony:

03:55:45 Tim Ravndal, Lewis and Clark Conservative Tea Party, Montana Tenth Amendment Center.
03:56:48 Vice Chairwoman Sands returned.

Opponents' Testimony:

04:08:38 Bob Gilbert, self

Informational Testimony: None**Questions from Committee Members and Responses:** None**Closing by Sponsor:**

04:12:39 Sen. Jackson

04:14:25 Harold Blattie

[EXHIBIT\(juh53a09\)](#)

04:14:46 Rep. Menahan

04:15:17 Chairman Peterson

ADJOURNMENT

04:15:32 Adjournment:

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh53aad.pdf](#))