

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on January 25, 2011 at 9:00 AM, in Room 303
Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Jim Peterson (R)

Members Excused: Sen. Lynda Moss (D)
Sen. Chas Vincent (R)

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 147, 1/17/2011

Executive Action: SB 40-Tabled, SB 42-Do Pass, Withdrew Motion

HEARING ON SB 147

Opening Statement by Sponsor:

00:00:54 Sen. Tom Facey (D), SD 48, opened the hearing on SB 147, Allow public defender access to jailed persons prior to court appointment.

Proponents' Testimony:

00:02:44 Niki Zupanic, American Civil Liberties Union (ACLU)

00:03:13 Ed Sheehy Jr., Office of Public Defender (OPD)

Opponents' Testimony:

00:04:52 Jim Cashell, Sheriff, Gallatin County, Montana Sheriffs and Peace Officers Association (MSPOA)

00:07:34 Mark Murphy, Montana County Attorneys (MCAA) Montana Chiefs of Police Association (MCPA), Montana Police Protective Association (MPPA)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:10:46 Sen. Shockley

00:11:02 Mr. Sheehy

00:13:31 Sen. Larsen

00:14:02 Mr. Casheel

00:14:17 Sen. Larsen

00:14:33 Sen. Facey

00:16:39 Sen. Shockley

00:16:55 Mr. Murphy

00:19:30 Sen. Shockley

00:19:47 Mr. Sheehy

00:22:49 Sen. Hinkle

00:23:03 Randi Hood, Director, OPD

Closing by Sponsor:

00:24:59 Sen. Facey

00:27:17 Sen. Murphy
00:28:38 Sen. Augare
00:28:50 Sen. Shockley

EXECUTIVE ACTION ON SB 40

00:29:44 **Motion/Vote:** Sen. Shockley moved that **SB 40 BE TABLED**. Motion carried unanimously by roll call vote. Sen. Moss, Sen. Peterson and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 42

00:31:25 **Motion:** Sen. Shockley moved that **SB 42 DO PASS**.

Discussion:

00:34:06 Sen. Blewett
00:35:05 Sen. Shockley
00:36:46 Sen. Hinkle
00:37:58 Sen. Shockley

(Committee Recess)

(Sen. Moss enters the room)

(Committee hearing resumes)

00:57:13 Sen. Shockley
00:57:36 Mr. Murphy
01:04:13 Sen. Hinkle
01:05:28 Sen. Augare
01:07:18 Sen. Blewett
01:08:03 Mr. Murphy
01:12:12 Sen. Shockley
01:12:23 Mr. Murphy
01:13:59 Sen. Murphy
01:14:19 Sen. Moss

(Sen. Vincent enters room)

01:15:11 Sen. Shockley
01:16:21 Sen. Murphy
01:18:27 Sen. Hutton
01:20:58 Sen. Jent

01:25:02 Sen. Murphy
01:26:46 Sen. Shockley
01:28:47 Sen. Murphy
01:29:43 Sen. Shockley
01:30:04 Sen. Augare

01:32:11 Sen. Shockley **WITHDREW MOTION DO PASS** on **SB 42**.

01:32:33 Sen. Murphy
01:32:43 Valencia Lane, Legislative Services Division (LSD)

EXHIBITS DISTRIBUTED TO COMMITTEE MEMBERS AFTER ADJOURNMENT:

EXHIBIT(jus19a01)

Relating to SB 114-heard in committee on January 21, 2011

EXHIBIT(jus19a02)

Relating to SB 15-heard in committee January 21, 2011, and relating to SB 42-heard in Committee January 20, 2011

EXHIBIT(jus19a03)

Relating to SB 114-heard in committee on January 21, 2011

ADJOURNMENT

Adjournment: 10:35 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus19aad.pdf](#))