

## MINUTES

### MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Scott Sales, on January 14, 2015 at 9:00 A.M., in Room 303  
Capitol

#### ROLL CALL

**Members Present:**

Sen. Scott Sales, Chair (R)  
Sen. Jennifer Fielder, Vice Chair (R)  
Sen. Robyn Driscoll (D)  
Sen. Kris Hansen (R)  
Sen. Jedediah Hinkle (R)  
Sen. Douglas (Doug) Kary (R)  
Sen. Cliff Larsen (D)  
Sen. Mary McNally (D)  
Sen. Mary Sheehy Moe (D)  
Sen. Diane Sands (D)  
Sen. Nels Swandal (R)  
Sen. Chas Vincent (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Julianne Burkhardt, 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 26, 1/6/2015; SB 50, 1/6/2015; SB 60, 1/6/2015; SB 67,  
1/6/2015

**HEARING ON SB 26**

**Opening Statement by Sponsor:**

00:00:58 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 26, Clarifying laws regarding electronic submitting of search warrants.

**Proponents' Testimony:**

00:02:32 Jon Bennion, assistant attorney general, Department of Justice (DOJ)  
[EXHIBIT\(jus08a01\)](#)

00:04:02 Mark Long, bureau chief, Montana Narcotics Bureau, Department of Justice (DOJ), Montana Narcotics Officers Association (MNOA)

00:08:11 Jason Hildenstab, operations major, Montana Highway Patrol, Department of Justice (DOJ)

00:09:39 Luke Berger, deputy county attorney, Lewis and Clark County, Helena, Montana

00:10:27 Erin Inman, self, former county attorney, consultant-Law Enforcement/Judges

00:11:12 Larry Epstein, Montana County Attorneys Association (MCAA), Montana Police Protective Association (MPPA), Montana Association of Chiefs of Police (MACOP)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:13:04 Sen. Fielder

00:13:39 Sen. Swandal

00:14:26 Sen. Fielder

00:14:32 Sen. Moe

00:14:50 Sen. Swandal

**Closing by Sponsor:**

00:15:49 Sen. Swandal (waived his closing)

**HEARING ON SB 60**

**Opening Statement by Sponsor:**

00:16:14 Sen. Robyn Driscoll (D), SD 25, opened the hearing on SB 60, Revising indecent exposure laws.

**Proponents' Testimony:**

00:18:28 Jon Bennion, assistant attorney general, Department of Justice (DOJ)  
00:22:55 Larry Epstein, Montana County Attorneys Association (MCAA)  
00:23:26 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:24:04 Sen. Sands  
00:24:57 Ms. Young, MCADSV  
00:26:22 Mr. Bennion, DOJ  
00:28:26 Mary Cochenour, prosecutor, assistant attorney general, Department of Justice (DOJ)  
00:29:27 Sen. Vincent  
00:30:13 Ms. Cochenour, DOJ  
00:32:17 Sen. Swandal  
00:32:36 Mr. Benion, DOJ  
00:33:13 Sen. Moe  
00:33:52 Ms. Cochenour

**Closing by Sponsor:**

00:36:58 Sen. Driscoll

**HEARING ON SB 67**

**Opening Statement by Sponsor:**

00:37:46 Sen. Cliff Larsen (D), SD 47, opened the hearing on SB 67, Generally revise laws regarding missing persons.

**Proponents' Testimony:**

00:39:48 Jon Bennion, assistant attorney general, Department of Justice (DOJ)  
[EXHIBIT\(jus08a02\)](#)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:43:19 Sen. Kary  
00:44:08 Sen. Larsen  
00:44:47 Mr. Bennion, DOJ

**Closing by Sponsor:**

00:46:43 Sen. Larsen

**HEARING ON SB 50**

**Opening Statement by Sponsor:**

00:48:19 Sen. Jennifer Fielder (R), SD 7, opened the hearing on SB 50, Update laws on surreptitious viewing.

**Proponents' Testimony:**

00:50:41 Jon Bennion, assistant attorney general, Department of Justice (DOJ)  
00:55:35 Luke Berger, deputy county attorney, Lewis and Clark County, Helena, Montana  
00:57:41 Larry Epstein, Montana County Attorneys Association (MCCA)  
00:58:30 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)  
00:59:42 Amanda Bjerke, self, Helena, Montana

**Opponents' Testimony:**

01:01:45 John MacDonald, Montana Newspaper Association (MNA)  
01:06:46 Dewey Bruce, president/CEO, Montana Broadcasters Association (MBA)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:08:47 Sen. Sands  
01:09:30 Mr. Bennion, DOJ  
01:12:07 Sen. Moe  
01:13:06 Mr. Bennion  
01:13:45 Sen. Kary  
01:14:25 Mr. Bennion  
01:15:17 Sen. Hinkle  
01:15:40 Mr. Bennion  
01:17:10 Sen. Swandal  
01:17:33 Mr. Bennion  
01:18:20 Mary Cochenour, prosecutor, assistant attorney general, Department of Justice (DOJ)  
01:19:02 Sen. Swandal  
01:19:13 Mr. Bennion  
01:21:00 Sen. Sands  
01:21:42 Mr. Bennion  
01:22:22 Sen. Hinkle  
01:22:46 Mr. Bennion

**Closing by Sponsor:**

01:23:28 Sen. Fielder

**ADJOURNMENT**

Adjournment: 10:25 A.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT([jus08aad.pdf](#))**