

## MINUTES

### MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Scott Sales, on March 13, 2015 at 9:00 AM, in Room 303 Capitol

#### ROLL CALL

**Members Present:**

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

**Members Excused:** Sen. Kris Hansen (R)  
Sen. Chas Vincent (R)  
Sen. Mary McNally (D)

**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: HB 444, 3/6/2015; HB 445, 3/6/2015; HB 463, 3/6/2015; HB 468, 3/6/2015; HB 482, 3/6/2015

Executive Action: HB 482-Be Concurred In

**HEARING ON HB 482****Opening Statement by Sponsor:**

00:01:09 Rep. Chuck Hunter (D), HD 83, opened the hearing on HB 482, Revise laws related to who must register as a sex offender.

**Proponents' Testimony:**

00:04:38 Ole Olson, prosecutor, assistant attorney general, Department of Justice (DOJ)

00:05:01 Esther Suhr, self, Townsend

00:06:43 Bill Waldron, self, Townsend

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:10:47 Sen. Hinkle

00:11:17 Ms. Suhr, self

00:12:02 Sen. Fielder

00:12:24 Mr. Olson, DOJ

00:14:14 Sen. Moe

00:14:48 Mr. Olson

00:15:46 Sen. Hinkle

00:16:06 Mr. Olson

**Closing by Sponsor:**

00:16:30 Rep. Hunter

**EXECUTIVE ACTION ON HB 482**

00:17:48 **Motion/Vote:** Sen. Swandal moved that **HB 482 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Hansen, Sen. McNally and Sen. Vincent voted by proxy. Sen. Larsen will carry the bill.

(Sen. McNally entered the hearing room)

**HEARING ON HB 468****Opening Statement by Sponsor:**

00:18:39 Rep. Gordon Pierson (D), HD 78, opened the hearing on HB 468, Revising laws on period of commitment or treatment of developmentally disabled.

**Proponents' Testimony:**

00:20:00 Beth Brenneman, staff attorney, Disability Rights Montana (DRM)  
00:22:38 Niki Zupanic, American Civil Liberties Union (ACLU)

**Opponents' Testimony:**

None

**Informational Testimony:**

00:23:09 Paula Kohman, special assistant, Department of Public Health and Human Services (DPHHS)

[EXHIBIT\(jus52a01\)](#)

**Questions from Committee Members and Responses:**

00:24:01 Sen. Swandal  
00:24:19 Ms. Brenneman (DRM)

**Closing by Sponsor:**

00:25:21 Rep. Pierson

**HEARING ON HB 444****Opening Statement by Sponsor:**

00:26:00 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 444, Generally revising laws related to electronic communications.

[EXHIBIT\(jus52a02\)](#)

[EXHIBIT\(jus52a03\)](#)

**Proponents' Testimony:**

00:34:50 Jake Brown, Montana Public Interest Research Group (MontPIRG)  
00:35:56 Niki Zupanic, American Civil Liberties Union (ACLU)  
00:39:53 Judy Hart, director, Lewis and Clark Library; chairperson, Government Affairs Committee, Montana Library Association (MLA)

**Opponents' Testimony:**

00:42:12 Ole Olson, prosecutor, assistant attorney general, Department of Justice (DOJ)  
00:44:37 Dan Yonkin, self; sheriff, Lake County, Kalispell  
00:50:05 Mark Murphy, Montana County Attorneys Association (MCAA)  
00:56:58 Geoff Feiss, general manager, Montana Telecommunications Association (MTA)  
00:59:32 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:00:35 Sen. Driscoll  
01:00:55 Mr. Murphy, MCAA  
01:02:50 Sen. Swandal  
01:03:26 Rep. Zolnikov  
01:05:47 Sen. Moe  
01:06:17 Ms. Zupanic, ACLU  
01:13:42 Sen. Hinkle  
01:14:07 Rep. Zolnikov  
01:15:08 Chairman Sales  
01:15:20 Rep. Zolnikov  
01:15:59 Chairman Sales  
01:16:30 Rep. Zolnikov

**EXHIBIT(jus52a04)**

01:18:41 Chairman Sales  
01:18:53 Mr. Olson, DOJ

**Closing by Sponsor:**

01:19:25 Rep. Zolnikov

**HEARING ON HB 445**

**Opening Statement by Sponsor:**

01:23:02 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 445, Requiring search warrant for gov access to electronic devices.

**Proponents' Testimony:**

01:27:57 Niki Zupanic, American Civil Liberties Union (ACLU)  
01:30:20 Jake Brown, Montana Public Interest Research Group (MontPIRG)

**Opponents' Testimony:**

01:31:23 Dan Yonkin, sheriff, Lake County, Kalispell  
01:33:43 Mark Murphy, Montana County Attorneys Association (MCAA)  
01:35:26 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:36:57 Sen. Fielder  
01:37:07 Mr. Murphy, MCAA  
01:42:34 Chairman Sales  
01:42:45 Rep. Zolnikov

**Closing by Sponsor:**

01:47:40 Rep. Zolnikov

**HEARING ON HB 463****Opening Statement by Sponsor:**

01:50:07 Rep. Kelly McCarthy (D), HD 49, opened the hearing on HB 463, Revise laws related to asset forfeiture.

**Proponents' Testimony:**

01:58:21 Niki Zupanic, American Civil Liberties Union (ACLU); also for Montana Organizing Project (MAP)  
02:03:35 John Quandt, Americans For Prosperity (AFP)  
02:06:58 Rep. Zolnikov HD 45, Billings  
02:11:07 Jake Brown, Montana Public Interest Research Group (MontPIRG)

**Opponents' Testimony:**

02:11:58 Jon Bennion, assistant attorney general, Department of Justice (DOJ)  
02:15:28 Jason Hildenstab, operations major, Montana Highway Patrol (MHP)  
[EXHIBIT\(jus52a05\)](#)  
02:22:01 Mark Long, executive director, Montana Narcotics Officers Association (MNOA)  
02:29:05 Victoria Callender, deputy county attorney, Yellowstone County (YC), Billings  
[EXHIBIT\(jus52a06\)](#)

(Sen. Vincent entered the hearing room)

02:36:59 Rich St. John, chief of police, Billings Police Department (BPD)  
02:40:58 Mark Murphy, Montana Association of Chiefs of Police (MACOP); Montana Police Protective Association (MPPA); Montana County Attorneys Association (MCAA)

**Informational Testimony:**

02:44:12 Wendy Johnson, contract manager, Office of the Public Defender (OPD), State of Montana

**Questions from Committee Members and Responses:**

02:44:38 Sen. Swandal  
02:45:05 Rep. McCarthy  
02:46:02 Sen. Fielder  
02:46:18 Rep. McCarthy  
02:46:56 Sen. Vincent  
02:47:43 Ms. Callender, YC  
02:49:45 Sen. Sands  
02:49:59 Ms. Callender  
02:50:54 Sen. Sands  
02:51:01 Ms. Zupanic, ACLU  
02:52:51 Sen. Moe  
02:53:40 Ms. Zupanic  
02:55:17 Sen. Moe  
02:55:41 Rep. McCarthy

**EXHIBIT(jus52a07)**

02:56:05 Sen. Swandal  
02:56:30 Rep. McCarthy  
02:56:42 Sen. Larsen  
02:57:03 Ms. Callender  
02:57:23 Mr. Larsen  
02:58:00 Mr. Hildenstab, MHP  
02:58:15 Sen. Larsen  
02:59:00 Rep. McCarthy  
03:00:25 Chairman Sales  
03:00:52 Rep. McCarthy

**Closing by Sponsor:**

03:05:55 Rep. McCarthy

**ADJOURNMENT**

Adjournment: 12:09 P.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT([jus52aad.pdf](#))**