

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on January 23, 2019 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Kathy Kelker, Vice Chair (D)
Rep. Barry Usher, Vice Chair (R)
Rep. Barbara Bessette (D)
Rep. Bob Brown (R)
Rep. Greg DeVries (R)
Rep. David Dunn (R)
Rep. Connie Keogh (D)
Rep. Casey Knudsen (R)
Rep. Jasmine Krotkov (D)
Rep. Dennis R. Lenz (R)
Rep. Theresa Manzella (R)
Rep. Terry Moore (R)
Rep. Shane A. Morigeau (D)
Rep. Zac Perry (D)
Rep. Derek Skees (R)

Members Excused:

Rep. Seth Berglee (R)
Rep. Laurie Bishop (D)
Rep. Robert Farris-Olsen (D)

Members Absent: None

Staff Present: Abigail Konen, Committee Clerk
Rachel Weiss, 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: HB 215, 1/18/2019; HB 228, 1/18/2019; HB 233, 1/18/2019; HJ 5, 1/18/2019
Executive Action: HB 23, HB 111, HB 136, HB 138, HB 198

08:02:15 Chair Doane

HEARING ON HB 233

Opening Statement by Sponsor:

08:02:48 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 233, Revise plea of guilty laws.

[EXHIBIT\(juh13a01\)](#)

08:03:00 Rep. Lenz left the meeting.

08:04:15 Rep. Bishop entered the meeting.

Proponents' Testimony:

08:07:36 Mike McGrath, Chief Justice, Montana Supreme Court

[EXHIBIT\(juh13a02\)](#)

08:10:30 Rep. Farris-Olsen entered the meeting.

08:17:18 Roy Brown, Attorney General's Office (AGO), Montana Department of Justice (DOJ)

08:17:43 Greg Mohr, Montana Magistrates Association

Opponents' Testimony:

08:22:54 Abigail St. Lawrence, Innocence Project

[EXHIBIT\(juh13a03\)](#)

08:24:48 SK Rossi, American Civil Liberties Union of Montana (ACLU)

Informational Testimony:

None

Questions from Committee Members and Responses:

08:25:48 Rep. Farris-Olsen

08:26:14 SK Rossi, ACLU

08:26:35 Chair Doane

08:26:49 Chief Justice Mike McGrath, Montana Supreme Court

08:27:23 Roy Brown, DOJ

Closing by Sponsor:

08:27:59 Rep. Mercer

08:30:02 Rep. Morigeau left the meeting.

08:30:30 Chair Doane ceded the gavel to Vice Chair Usher.

HEARING ON HB 228

Opening Statement by Sponsor:

08:30:42 Rep. Forrest Mandeville (R), HD 57, opened the hearing on HB 228, Revise privacy in communication law to reflect MT Supreme Court decision.

[EXHIBIT\(juh13a04\)](#)

Proponents' Testimony:

08:32:41 SK Rossi, American Civil Liberties Union of Montana (ACLU)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:34:23 Rep. Manzella
08:34:47 Rep. Lenz reentered the meeting.
08:34:50 Rep. Mandeville

Closing by Sponsor:

08:35:32 Rep. Mandeville

HEARING ON HB 215

Opening Statement by Sponsor:

08:36:28 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 215, Prohibit incarceration of juveniles in adult prisons.

Proponents' Testimony:

08:40:18 Matt Brower, Montana Catholic Conference, Roman Catholic Bishops of Montana, Montana Association of Christians (MAC)

[EXHIBIT\(juh13a05\)](#)

08:43:06 Cynthia Wolken, Montana Department of Corrections (DOC)
08:43:45 SK Rossi, American Civil Liberties Union of Montana (ACLU), Disability Rights Montana

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:44:33 Vice Chair Kelker
08:45:06 Rep. Dudik
08:45:40 Chair Doane
08:47:07 Rep. Dudik
08:48:02 Cynthia Wolken, DOC
08:48:35 Chair Doane
08:48:42 Cynthia Wolken, DOC
08:48:54 Rep. Dudik

Closing by Sponsor:

08:49:36 Rep. Dudik

HEARING ON HJ 5

Opening Statement by Sponsor:

08:50:32 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HJ 5, Study of deferred prosecution programs.

[EXHIBIT\(juh13a06\)](#)

[EXHIBIT\(juh13a07\)](#)

Proponents' Testimony:

08:55:49 Nanette Gilbertson, Montana County Attorneys Association (MCAA)

08:57:57 SK Rossi, American Civil Liberties Union of Montana (ACLU)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:58:51 Rep. Keogh

08:59:21 Rep. Dudik

08:59:53 Rep. Keogh

09:00:10 Rep. Dudik

09:00:49 Vice Chair Usher

09:01:09 Rep. Dudik

09:02:28 Vice Chair Usher

09:02:43 Rep. Dudik

Closing by Sponsor:

09:03:25 Rep. Dudik

09:03:52 Rep. Doane resumed as the Chair.

09:04:01 Recessed

09:17:02 Reconvened

09:17:02 Rep. Berglee left the meeting.

EXECUTIVE ACTION ON HB 23

09:17:07 **Motion:** Vice Chair Usher moved that **HB 23 DO PASS.**

Discussion:

09:17:21 Chair Doane

09:17:27 Rachel Weiss, Legislative Services Division (LSD)

09:17:53 Vice Chair Kelker

09:18:51 Vice Chair Usher

09:19:35 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. Kelker, Rep. Keogh, Rep. Krotkov, Rep. Morigeau and Rep. Perry voting no. Rep. Berglee voted by proxy.

EXECUTIVE ACTION ON HB 138

09:21:03 **Motion:** Vice Chair Usher moved that **HB 138 DO PASS**.

Discussion:

09:21:15 Rachel Weiss, LSD

EXHIBIT(juh13a08)

09:23:18 Rep. Farris-Olsen

09:23:57 Rep. C. Knudsen

09:24:43 Rep. Skees

09:25:16 Vice Chair Kelker

09:26:27 **Vote:** Motion failed 1-18 by roll call vote with Rep. Morigeau voting aye. Rep. Berglee voted by proxy.

09:27:29 **Motion/Vote:** Rep. B. Brown moved that **HB 138 BE TABLED**. Motion carried 18-0 by voice vote. Rep. Berglee was excused.

EXECUTIVE ACTION ON HB 111

09:28:14 **Motion:** Vice Chair Usher moved that **HB 111 DO PASS**.

Discussion:

09:28:24 Vice Chair Kelker

09:28:42 Chair Doane

09:29:20 Rep. Bishop

09:30:16 Vice Chair Kelker

09:30:51 Chair Doane

09:31:30 Vice Chair Kelker

09:31:55 Chair Doane

09:32:10 Rep. C. Knudsen

09:32:33 Rep. Morigeau

09:33:58 Rep. Bishop

09:35:03 **Substitute Motion/Vote:** Rep. Skees moved that **HB 111 BE TABLED**. Motion carried 15-4 by roll call vote with Rep. Bishop, Rep. Krotkov, Rep. Morigeau and Rep. Perry voting no. Rep. Berglee voted by proxy.

EXECUTIVE ACTION ON HB 136

09:36:46 **Motion:** Vice Chair Usher moved that **HB 136 DO PASS**.

Discussion:

09:36:55 Rachel Weiss, LSD

09:37:11 Chair Doane

09:37:31 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee voted by proxy.

EXECUTIVE ACTION ON HB 198

09:38:20 **Motion:** Vice Chair Usher moved that **HB 198 DO PASS**.

Discussion:

09:38:28 Chair Doane

09:38:38 Rep. Morigeau

09:39:03 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee voted by proxy.

09:39:20 Chair Doane

09:40:20 Rachel Weiss, LSD

09:40:36 Vice Chair Usher

09:40:45 Chair Doane

ADJOURNMENT

Adjournment: 09:41:02

Abigail Konen, Clerk

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Additional Documents:

EXHIBIT([juh13aad.pdf](#))