

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on February 15, 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. Seth Berglee (R)
Rep. Barbara Bessette (D)
Rep. Bob Brown (R)
Rep. Greg DeVries (R)
Rep. Robert Farris-Olsen (D)
Rep. Connie Keogh (D)
Rep. Jasmine Krotkov (D)\
Rep. Theresa Manzella (R)
Rep. Terry Moore (R)
Rep. Shane A. Morigeau (D)
Rep. Zac Perry (D)
Rep. Derek Skees (R)

Members Excused:

Rep. Laurie Bishop (D)
Rep. Dennis R. Lenz (R)
Rep. David Dunn (R)
Rep. Casey Knudsen (R)

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 429, 2/8/2019
Executive Action: HB 238, HB 325, HB 357, HB 192, HB 384, HB 95

08:01:42 Chair Doane

HEARING ON HB 429

Opening Statement by Sponsor:

08:02:12 Rep. Zach Brown (D), HD 63, opened the hearing on HB 429, Revise criminal sentencing laws for youth offenders.

Proponents' Testimony:

08:02:20 Rep. Dunn entered the meeting.
08:05:30 Eric Alexander, Campaign for the Fair Sentencing of Youth (CFSY), Incarcerated Children's Advocacy Network (ICAN)
08:07:03 Rep. Bishop entered the meeting.
08:08:15 Rep. C. Knudsen entered the meeting.
08:10:21 Rep. Lenz entered the meeting.
08:17:03 Jackie Jones, Montana County Attorneys Association (MCAA)
08:19:42 Annette Carter, Montana Board of Pardons and Parole (BOPP)
08:20:48 Nikola Nable-Juris, Campaign for the Fair Sentencing of Youth (CFSY)
08:29:57 Patrick Webb, Americans for Prosperity-Montana (AFP-MT)
08:32:18 Peter Ohman, Office of State Public Defender (OPD)
08:36:04 Matt Brower, Montana Catholic Conference, Roman Catholic Bishops of Montana, Montana Association of Christians (MAC)

EXHIBIT(juh32a01)

08:38:49 Rep. Bahr, HD 50
08:41:34 Zuri Moreno, American Civil Liberties Union of Montana (ACLU)
08:42:49 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
08:43:20 Beth Brennehan, Disability Rights Montana

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:45:49 Rep. Skees
08:47:16 Rep. Z. Brown
08:48:54 Rep. Skees
08:49:38 Rep. Z. Brown
08:50:24 Rep. Skees
08:51:28 Peter Ohman, OPD
08:53:29 Chair Doane
08:53:53 Rep. Skees
08:53:59 Peter Ohman, OPD
08:55:58 Rep. Skees
08:56:45 Peter Ohman, OPD
08:57:15 Rep. Skees
08:58:17 Kelsen Young, MCADSV

08:58:38 Rep. Skees
08:59:00 Kelsen Young, MCADSV
08:59:12 Rep. DeVries
09:00:06 Rep. Z. Brown
09:01:44 Rep. DeVries
09:02:05 Rep. Z. Brown
09:03:06 Vice Chair Kelker
09:03:40 Peter Ohman, OPD
09:04:59 Vice Chair Usher
09:05:23 Rep. Z. Brown
09:05:40 Annette Carter, BOPP
09:06:01 Vice Chair Usher
09:06:12 Annette Carter, BOPP
09:07:34 Vice Chair Usher
09:08:25 Peter Ohman, OPD
09:09:50 Vice Chair Usher
09:10:03 Peter Ohman, OPD
09:10:10 Rep. Bishop
09:10:31 Peter Ohman, OPD
09:11:09 Rep. Bishop
09:11:37 Peter Ohman, OPD
09:12:33 Rep. Bishop
09:13:12 Nikola Nable-Juris, CFSY
09:16:13 Rep. Bishop
09:17:01 Beth Brennehan, Disability Rights Montana
09:18:18 Rep. Berglee
09:19:26 Eric Alexander, CFSY, ICAN
09:20:42 Rep. Berglee
09:21:15 Rep. Z. Brown
09:22:03 Annette Carter, BOPP
09:23:00 Rep. B. Brown
09:24:15 Eric Alexander, CFSY, ICAN
09:25:17 Rep. Lenz
09:26:05 Rep. Z. Brown
09:26:49 Rep. Lenz
09:27:53 Rep. Z. Brown
09:30:06 Rep. Lenz
09:31:16 Rep. Z. Brown
09:32:10 Rep. Skees
09:34:13 Peter Ohman, OPD
09:34:23 Rep. Skees
09:35:16 Peter Ohman, OPD
09:36:25 Rep. Skees
09:37:31 Eric Alexander, CFSY, ICAN
09:38:29 Rep. T. Moore
09:40:44 Peter Ohman, OPD
09:41:45 Vice Chair Kelker
09:42:37 Peter Ohman, OPD
09:43:15 Vice Chair Kelker
09:43:34 Peter Ohman, OPD

09:43:41 Rep. Lenz
09:44:05 Peter Ohman, OPD
09:44:33 Chair Doane
09:45:52 Rep. Z. Brown
09:46:05 Chair Doane
09:46:12 Rachel Weiss, Legislative Services Division (LSD)
09:46:38 Chair Doane
09:46:49 Rep. Z. Brown
09:47:12 Chair Doane
09:47:18 Peter Ohman, OPD

Closing by Sponsor:

09:47:55 Rep. Z. Brown

09:50:36 Chair Doane
09:51:18 Rep. Z. Brown

09:51:46 Recessed
10:36:20 Reconvened

Committee Business:

10:36:25 Rep. Lenz
10:37:22 Chair Doane
10:38:22 Vice Chair Kelker
10:39:57 Rep. Skees
10:41:01 Rep. Lenz
10:41:51 Rep. Bishop
10:44:18 Rep. Morigeau
10:45:45 Rep. B. Brown
10:46:33 Rep. T. Moore
10:47:22 Vice Chair Usher
10:49:22 Chair Doane
10:50:24 Rep. Keogh
10:50:58 Chair Doane
10:51:26 Rep. Keogh
10:51:35 Chair Doane

EXECUTIVE ACTION ON HB 238

10:51:59 **Motion:** Vice Chair Usher moved that **HB 238 DO PASS.**

10:52:49 **Motion:** Rep. Manzella moved that **HB 238 BE AMENDED.**
[EXHIBIT\(juh32a02\)](#)

Discussion:

10:53:26 Rep. Manzella
10:53:59 Rep. C. Knudsen
10:54:22 Rep. Manzella
10:54:29 Rachel Weiss, Legislative Services Division (LSD)

10:54:53 **Vote:** Motion carried unanimously by voice vote.

10:55:10 **Motion:** Vice Chair Usher moved that **HB 238 DO PASS AS AMENDED.**

10:55:20 **Motion:** Vice Chair Usher moved that **HB 238 BE AMENDED.**

[EXHIBIT\(juh32a03\)](#)

Discussion:

10:55:30 Rachel Weiss, LSD

10:56:34 Vice Chair Kelker

10:56:59 Rachel Weiss, LSD

10:57:47 Vice Chair Kelker

10:57:54 Chair Doane

10:58:09 Vice Chair Usher

10:58:36 Rachel Weiss, LSD

10:58:56 Chair Doane

10:59:24 **Vote:** Motion carried 18-1 by voice vote with Rep. Bishop voting no.

10:59:47 **Motion:** Vice Chair Usher moved that **HB 238 DO PASS AS AMENDED.**

Discussion:

11:00:01 Rep. Farris-Olsen

11:01:26 Rep. C. Knudsen

11:02:08 Chair Doane

11:02:46 Vice Chair Usher

11:03:12 Rep. Farris-Olsen

11:04:06 Rep. Manzella

11:06:12 Rep. Morigeau

11:07:35 Rep. Krotkov

11:09:18 Rep. Morigeau

11:09:46 Chair Doane

11:10:02 Rep. Morigeau

11:10:15 Rep. Manzella

11:10:26 **Motion:** Rep. Manzella moved that **HB 238 BE AMENDED CONCEPTUALLY TO CHANGE "SHALL" TO "MAY" ON LINE 17.**

Discussion:

11:10:40 Rachel Weiss, LSD

11:11:00 **Vote:** Motion carried unanimously by voice vote.

11:11:17 **Motion/Vote:** Vice Chair Usher moved that **HB 238 DO PASS AS AMENDED.** Motion carried 14-5 by roll call vote with Rep. Bessette, Rep. Bishop, Rep. Farris-Olsen, Rep. Keogh and Rep. Krotkov voting no.

EXECUTIVE ACTION ON HB 325

11:13:01 **Motion:** Vice Chair Usher moved that **HB 325 DO PASS.**

11:13:14 **Motion:** Vice Chair Usher moved that **HB 325 BE AMENDED.**
[EXHIBIT\(juh32a04\)](#)

Discussion:

11:13:29 Rachel Weiss, LSD

11:14:05 Chair Doane

11:14:15 Rep. Berglee

11:14:35 **Vote:** Motion carried unanimously by voice vote.

11:14:50 **Motion:** Vice Chair Usher moved that **HB 325 DO PASS AS AMENDED.**

Discussion:

11:15:02 Vice Chair Kelker

11:15:11 Rachel Weiss, LSD

11:15:54 Rep. Skees

11:16:09 Rachel Weiss, LSD

11:16:48 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bessette, Rep. Bishop, Rep. Farris-Olsen, Vice Chair Kelker, Rep. Keogh, Rep. Krotkov, Rep. Morigeau and Rep. Perry voting no.

EXECUTIVE ACTION ON HB 357

11:18:15 **Motion:** Vice Chair Usher moved that **HB 357 DO PASS.**

11:18:20 **Motion:** Vice Chair Usher moved that **HB 357 BE AMENDED.**
[EXHIBIT\(juh32a05\)](#)

Discussion:

11:18:30 Rachel Weiss, LSD

11:19:01 **Vote:** Motion carried unanimously by voice vote.

11:19:16 **Motion:** Vice Chair Usher moved that **HB 357 DO PASS AS AMENDED.**

Discussion:

11:19:27 Rep. Berglee

11:20:52 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bessette, Rep. Bishop, Rep. Farris-Olsen, Vice Chair Kelker, Rep. Keogh, Rep. Krotkov, Rep. Morigeau and Rep. Perry voting no.

EXECUTIVE ACTION ON HB 192

11:21:55 **Motion:** Vice Chair Usher moved that **HB 192 DO PASS.**

11:22:09 **Motion:** Vice Chair Kelker moved that **HB 192 BE AMENDED.**

Discussion:

11:22:38 Rachel Weiss, LSD
11:25:22 Vice Chair Kelker
11:28:08 Chair Doane

11:28:25 **Vote:** Motion carried unanimously by voice vote.

11:28:33 **Motion:** Vice Chair Usher moved that **HB 192 DO PASS AS AMENDED.**

Discussion:

11:28:42 Chair Doane
11:29:07 Rachel Weiss, LSD
11:29:30 Rep. Manzella
11:29:50 Rachel Weiss, LSD
11:30:36 Vice Chair Kelker
11:30:51 Rachel Weiss, LSD
11:32:16 Vice Chair Kelker
11:33:08 Chair Doane
11:33:59 Vice Chair Kelker
11:35:30 Vice Chair Usher
11:36:55 Vice Chair Kelker
11:37:31 Rep. Berglee

11:38:32 **Vote:** Motion carried 14-5 by roll call vote with Rep. DeVries, Chair Doane, Rep. C. Knudsen, Rep. Lenz and Vice Chair Usher voting no.

EXECUTIVE ACTION ON HB 384

11:39:38 **Motion:** Vice Chair Usher moved that **HB 384 DO PASS.**

Discussion:

11:39:48 Rachel Weiss, LSD
11:40:00 Rep. Skees
11:40:37 Rep. Dunn

11:40:50 **Substitute Motion/Vote:** Rep. Skees made a substitute motion that **HB 384 BE TABLED.** Substitute Motion carried 16-3 by roll call vote with Rep. Farris-Olsen, Rep. Krotkov and Rep. Morigeau voting no.

EXECUTIVE ACTION ON HB 95

11:42:14 Rachel Weiss, LSD
11:42:39 Rep. Skees left the meeting.

11:42:56 **Motion:** Vice Chair Usher moved that **HB 95 DO PASS.**

Discussion:

11:43:05 Vice Chair Kelker
11:43:58 Rep. B. Brown

- 11:44:40 **Vote:** Motion failed 1-18 by voice vote with Rep. Morigeau voting aye. Rep. Skees voted by proxy.
- 11:45:10 Rep. Skees reentered the meeting.
- 11:45:22 **Motion/Vote:** Without objection, Rep. Berglee moved **TO TABLE HB 95**. Motion carried.
- 11:45:41 Chair Doane

ADJOURNMENT

Adjournment: 11:45:57

Abigail Konen, Clerk

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Additional Documents:

EXHIBIT([juh32aad.pdf](#))