

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on March 12, 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. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Greg DeVries (R)
Rep. Robert Farris-Olsen (D)
Rep. Connie Keogh (D)
Rep. Casey Knudsen (R)
Rep. Jasmine Krotkov (D)
Rep. Terry Moore (R)
Rep. Zac Perry (D)

Members Excused:

Rep. Dennis R. Lenz (R)
Rep. Derek Skees (R)
Rep. Theresa Manzella (R)
Rep. David Dunn (R)
Rep. Shane A. Morigeau (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 477, 2/21/2019; HB 480, 2/21/2019; HB 534, 2/28/2019;
HB 641, 3/1/2019

08:01:01 Chair Doane
08:01:02 Rep. Morigeau entered the meeting.
08:01:33 Chair Doane ceded the gavel to Vice Chair Usher.

HEARING ON HB 477

Opening Statement by Sponsor:

08:01:57 Rep. Moffie Funk (D), HD 82, opened the hearing on HB 477, Enact child access prevention and education laws.

[EXHIBIT\(juh50a01\)](#)

[EXHIBIT\(juh50a02\)](#)

[EXHIBIT\(juh50a03\)](#)

[EXHIBIT\(juh50a04\)](#)

[EXHIBIT\(juh50a05\)](#)

Proponents' Testimony:

08:04:00 Rep. Manzella entered the meeting.

08:07:21 Amanda Penley, self

[EXHIBIT\(juh50a06\)](#)

08:08:01 Rep. Doane left the meeting.

08:13:04 Clara McRae, Helena Youth Against Gun Violence (HYAGV)

[EXHIBIT\(juh50a07\)](#)

08:16:10 Francie Tupper, self

08:17:07 Jamie Starke, self

08:18:01 Hannah Muszkiewicz, Helena Youth Against Gun Violence (HYAGV)

[EXHIBIT\(juh50a08\)](#)

08:20:31 Camille Wood-Foucar, Helena Youth Against Gun Violence (HYAGV)

08:21:35 Thomas Penley, self

08:23:10 Aase Hahn, Helena Youth Against Gun Violence (HYAGV)

08:23:43 Hannah Simonson, Helena Youth Against Gun Violence (HYAGV)

08:25:07 Chair Usher

08:25:29 Eddy Manning, self

08:26:09 Tyler Penley, self

08:27:28 Reese Sheldahl, self

08:27:42 Seth Lang, self

08:28:13 Tim Penley, self

08:29:28 Rebecca Leaphart, self

08:31:49 Paulette Kohman, self

[EXHIBIT\(juh50a09\)](#)

08:33:16 Karen Ogden, self

[EXHIBIT\(juh50a10\)](#)

08:34:35 Rep. C. Knudsen left the meeting.

08:37:00 Jennifer Buscher, Shodair Children's Hospital

08:39:11 Quint Nyman, Montana Federation of Public Employees (MFPE)
08:39:32 Rep. Dunwell, HD 84
08:39:50 John Mott, self

Opponents' Testimony:

08:40:16 Gary Marbut, Montana Shooting Sports Association (MSSA)
[EXHIBIT\(juh50a11\)](#)
[EXHIBIT\(juh50a12\)](#)
[EXHIBIT\(juh50a13\)](#)
[EXHIBIT\(juh50a14\)](#)
[EXHIBIT\(juh50a15\)](#)
[EXHIBIT\(juh50a16\)](#)

08:44:42 Rep. Doane reentered the meeting.
08:48:29 Brian Judy, National Rifle Association (NRA)
08:56:03 Randy Vannoy, self
08:58:08 Mark French, self
08:59:41 Garrett Bacon, self

Informational Testimony:

09:01:07 Ken Bailey, Office of Public instruction (OPI)
09:01:36 Rep. Skees entered the meeting.

Questions from Committee Members and Responses:

09:01:39 Rep. Farris-Olsen
09:01:57 Amanda Penley, self
09:02:15 Rep. Farris-Olsen
09:02:27 Amanda Penley, self
09:03:08 Rep. Manzella
09:04:30 Rep. Funk
09:05:41 Rep. Manzella
09:05:55 Rep. Funk
09:06:44 Rep. Manzella
09:06:53 Gary Marbut, MSSA
09:09:04 Vice Chair Kelker
09:11:18 Clara McRae, HYAGV
09:11:29 Rep. Berglee
09:12:06 Paulette Kohman, self
09:12:47 Rep. Berglee
09:13:02 Gary Marbut, MSSA
09:13:24 Rep. B. Brown
09:17:18 Rep. Funk
09:18:05 Rep. B. Brown
09:18:17 Gary Marbut, MSSA
09:18:47 Rep. B. Brown
09:19:11 Gary Marbut, MSSA

Closing by Sponsor:

09:20:14 Rep. Funk
[EXHIBIT\(juh50a17\)](#)

09:22:08 Recessed
09:30:44 Reconvened

HEARING ON HB 480

Opening Statement by Sponsor:

09:31:25 Rep. Mary Ann Dunwell (D), HD 84, opened the hearing on HB 480, Revise gun laws to provide for safe gun storage.

[EXHIBIT\(juh50a18\)](#)

[EXHIBIT\(juh50a19\)](#)

Proponents' Testimony:

09:37:28 Rebecca Squires, self

[EXHIBIT\(juh50a20\)](#)

09:40:46 John Mott, self

[EXHIBIT\(juh50a21\)](#)

09:46:45 Paulette Kohman, self

[EXHIBIT\(juh50a22\)](#)

09:47:01 Rep. C. Knudsen reentered the meeting.

09:47:54 Karen Ogden, self

Opponents' Testimony:

09:49:18 Gary Marbut, Montana Shooting Sports Association (MSSA)

[EXHIBIT\(juh50a23\)](#)

[EXHIBIT\(juh50a24\)](#)

09:53:32 Brian Judy, National Rifle Association (NRA)

09:58:32 Mark French, self

09:58:40 Garrett Bacon, self

09:58:48 Randy Vannoy, self

Informational Testimony:

None

Questions from Committee Members and Responses:

09:59:16 Rep. Skees

10:01:19 Rep. Dunwell

10:01:33 Vice Chair Kelker

10:02:38 John Mott, self

10:03:42 Vice Chair Kelker

10:03:53 John Mott, self

10:05:28 Rep. Berglee

10:06:21 Rep. Dunwell

Closing by Sponsor:

10:07:14 Rep. Dunwell

HEARING ON HB 534**Opening Statement by Sponsor:**

10:11:04 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 534, Increase penalties for 5th and subsequent DUI.

Proponents' Testimony:

10:16:24 Scott Twito, County Attorney, Yellowstone County, Montana County Attorneys Association (MCAA)
10:27:02 Rep. Dunn entered the meeting.
10:30:45 Jed Fitch, County Attorney, Beaverhead County, Montana County Attorneys Association (MCAA)
10:34:37 Mardell Ployhar, Montana Department of Justice (DOJ)
10:35:00 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)

Opponents' Testimony:

10:35:27 SK Rossi, American Civil Liberties Union of Montana (ACLU)
10:38:12 Rep. Doane resumed as the Chair.

Informational Testimony:

10:40:17 Gayle Butler, Department of Corrections (DOC)
10:40:46 Chair Doane ceded the gavel to Vice Chair Usher.

Questions from Committee Members and Responses:

None

Closing by Sponsor:

10:41:16 Rep. Mercer

HEARING ON HB 641**Opening Statement by Sponsor:**

10:45:13 Rep. Joe Read (R), HD 93, opened the hearing on HB 641, Revise laws related to false arrest and imprisonment.

[EXHIBIT\(juh50a25\)](#)

Proponents' Testimony:

10:47:12 Mark French, self

[EXHIBIT\(juh50a26\)](#)

[EXHIBIT\(juh50a27\)](#)

10:54:26 Rep. T. Moore left the meeting.

11:00:41 Randy Vannoy, self

Opponents' Testimony:

11:02:00 Greg Mohr, Montana Magistrates Association
11:10:12 Mark Murphy, Montana Association of Chiefs of Police (MACOP), Montana Police Protective Association (MPPA)
11:13:33 Jed Fitch, County Attorney, Beaverhead County, Montana County Attorneys Association (MCAA)

11:14:44 John MacDonald, City of Missoula
11:15:45 Mardell Ployhar, Department of Justice (DOJ)
11:16:27 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)
11:17:06 Ben Halverson, City of Billings Attorney's Office

[EXHIBIT\(juh50a28\)](#)

Informational Testimony:

11:17:53 Joan Eliel, Department of Justice (DOJ)

Questions from Committee Members and Responses:

11:18:46 Rep. B. Brown

11:19:39 Mark French, self

Closing by Sponsor:

11:21:52 Rep. Read

11:23:52 Rep. Doane resumed as the Chair.

ADJOURNMENT

Adjournment: 11:24:06

Abigail Konen, Clerk

ak

Additional Documents:

EXHIBIT([juh50aad.pdf](#))