

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on April 9, 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. Zac Perry (D)
Rep. Derek Skees (R)

Members Excused:

Rep. Laurie Bishop (D)
Rep. Dennis R. Lenz (R)
Rep. David Dunn (R)
Rep. Shane A. Morigeau (D)
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: HJ 30, 4/1/2019; HJ 31, 4/1/2019; HJ 36, 4/1/2019; HJ 37,
4/1/2019; HJ 43, 4/3/2019
Executive Action: HJ 30, HJ 31, HJ 36, HJ 37, HJ 43

08:01:51 Chair Doane

HEARING ON HJ 31

Opening Statement by Sponsor:

08:02:36 Rep. Bill Mercer (R), HD 46, opened the hearing on HJ 31, Interim study of the Montana board of crime control.

Proponents' Testimony:

08:06:21 Leo Dutton, Sheriff-Coroner, Lewis and Clark County, Montana Sheriffs and Peace Officers Association (MSPOA)
08:07:00 Rep. C. Knudsen entered the meeting.
08:08:12 Brian Gootkin, Sheriff, Gallatin County, Montana Sheriffs and Peace Officers Association (MSPOA)
08:08:46 Laura Obert, Commissioner, Broadwater County
08:11:40 Mark Murphy, Montana Association of Chiefs of Police (MACOP), Montana Police Protective Association (MPPA)
08:13:16 Eric Bryson, Montana Association of Counties (MACo)
08:15:08 Nanette Gilbertson, Montana County Attorneys Association (MCAA)

Opponents' Testimony:

None

Informational Testimony:

08:16:10 John Daugherty, Department of Corrections (COR)

Questions from Committee Members and Responses:

08:16:39 Vice Chair Kelker
08:17:09 Rep. Mercer
08:17:30 Mark Murphy, MACOP, MPPA
08:17:36 Vice Chair Kelker
08:17:52 Mark Murphy, MACOP, MPPA

Closing by Sponsor:

08:18:22 Rep. Mercer

HEARING ON HJ 36

Opening Statement by Sponsor:

08:18:52 Rep. Joel Krautter (R), HD 35, opened the hearing on HJ 36, Interim study on compensation for wrongly convicted persons.

Proponents' Testimony:

08:21:44 David Herbst, Americans for Prosperity-Montana (AFP)
08:23:42 Cody Marble, self
08:25:37 Rep. Morigeau entered the meeting.
08:25:41 Jerry Marble, self

08:27:25 Frank Knaack, Montana Innocence Project
[EXHIBIT\(juh74a01\)](#)

08:28:42 Zuri Moreno, American Civil Liberties Union of Montana (ACLU)

Opponents' Testimony:

None

Informational Testimony:

08:29:51 John Daugherty, Department of Corrections (COR)

Questions from Committee Members and Responses:

08:30:12 Vice Chair Usher
08:30:34 Rep. Krautter
08:30:58 Frank Knaack, Montana Innocence Project
08:31:13 Vice Chair Usher
08:31:36 Cody Marble, self
08:32:00 Rep. Skees
08:32:19 Cody Marble, self
08:32:32 Rep. Skees
08:32:47 Rep. Krautter
08:33:28 Rep. Skees
08:34:03 Rep. Krautter
08:34:21 Rep. Skees
08:34:44 Frank Knaack, Montana Innocence Project
08:34:59 Rep. Farris-Olsen
08:35:16 Rep. Krautter

Closing by Sponsor:

08:35:59 Rep. Krautter

HEARING ON HJ 30

Opening Statement by Sponsor:

08:36:49 Rep. Mary Ann Dunwell (D), HD 84, opened the hearing on HJ 30, Interim study of exemption in privacy in communication statute for abuse victims.

[EXHIBIT\(juh74a02\)](#)

Proponents' Testimony:

08:41:09 Darci Harrison, self

Opponents' Testimony:

None

Informational Testimony:

09:01:18 Jaime Gabrielli, Friendship Center

Questions from Committee Members and Responses:

09:02:03 Vice Chair Kelker
09:02:49 Jaime Gabrielli, Friendship Center

Closing by Sponsor:

09:04:20 Rep. Dunwell

HEARING ON HJ 37

Opening Statement by Sponsor:

09:05:39 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HJ 37, Study of services to children with an incarcerated parent.

Proponents' Testimony:

09:10:15 Nanette Gilbertson, Montana Advocates for Children (MAC); Montana Head Start Association; Montana Association for the Education of Young Children; Healthy Mothers, Healthy Babies (HMHB); Montana Childcare Association; Montana Child Care Resource and Referral Network

09:12:00 Sydney Barry, Montana Coalition Against Domestic and Sexual Violence (MCADSV), Disability Rights Montana

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

09:13:20 Rep. Dudik

09:14:35 Recessed

09:20:39 Reconvened

HEARING ON HJ 43

Opening Statement by Sponsor:

09:20:44 Rep. Gordon Pierson (D), HD 78, opened the hearing on HJ 43, Interim study of post-conviction hearing procedure and DNA evidence.

Proponents' Testimony:

09:21:21 Rep. Lenz entered the meeting.

09:21:56 Francis Meagher, self

09:29:10 Frank Knaak, Montana Innocence Project

09:30:14 Cody Marble, self

09:33:16 Zuri Moreno, American Civil Liberties Union of Montana (ACLU), Americans for Prosperity-Montana (AFP)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

09:33:52 Vice Chair Kelker
09:34:22 Frank Knaak, Montana Innocence Project
09:35:00 Vice Chair Kelker
09:35:10 Frank Knaak, Montana Innocence Project

Closing by Sponsor:

09:35:41 Rep. Pierson

09:36:09 Chair Doane
09:36:42 Rachel Weiss, Legislative Services Division (LSD)
09:37:12 Chair Doane

09:37:37 Recessed
10:14:15 Reconvened with Rep. Dunn present.

10:14:15 Rep. Lenz left the meeting.

EXECUTIVE ACTION ON HJ 30

10:14:26 **Motion:** Vice Chair Usher moved that **HJ 30 DO PASS.**

Discussion:

10:14:43 Rep. B. Brown
10:15:17 Chair Doane
10:15:24 Rep. Skees

10:16:06 **Vote:** Motion failed 8-11 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 aye. Rep. Bishop and Rep. Lenz voted by proxy.

10:16:57 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HJ 30.** Motion passed.

10:17:06 Chair Doane
10:17:31 Rachel Weiss, Legislative Services Division (LSD)

EXECUTIVE ACTION ON HJ 31

10:17:44 **Motion:** Vice Chair Usher moved that **HJ 31 DO PASS.**

Discussion:

10:17:56 Vice Chair Kelker
10:18:19 Rep. Skees

10:19:03 **Vote:** Motion carried unanimously by roll call vote. Rep. Bishop and Rep. Lenz voted by proxy.

EXECUTIVE ACTION ON HJ 36

10:20:20 **Motion:** Vice Chair Usher moved that **HJ 36 DO PASS.**

10:20:21 Rep. Farris-Olsen left the meeting.

10:20:34 **Motion:** Vice Chair Kelker moved that **HJ 36 BE AMENDED.**
EXHIBIT(juh74a03)

Discussion:

10:20:49 Rep. Skees

10:21:59 **Vote:** Motion carried unanimously by voice vote. Rep. Bishop, Rep. Farris-Olsen and Rep. Lenz voted by proxy.

10:22:24 **Motion/Vote:** Vice Chair Usher moved that **HJ 36 DO PASS AS AMENDED.**
Motion carried 17-2 by roll call vote with Rep. DeVries and Rep. Dunn voting no.
Rep. Bishop, Rep. Farris-Olsen and Rep. Lenz voted by proxy.

EXECUTIVE ACTION ON HJ 37

10:23:34 **Motion:** Vice Chair Usher moved that **HJ 37 DO PASS.**

Discussion:

10:23:49 Vice Chair Kelker

10:24:31 Rep. Krotkov

10:24:55 Rep. Skees

10:25:42 Vice Chair Kelker

10:26:36 **Vote:** Motion failed 8-11 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 aye. Rep. Bishop, Rep. Farris-Olsen and Rep. Lenz voted by proxy.

10:27:26 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HJ 37.**
Motion passed.

EXECUTIVE ACTION ON HJ 43

10:27:41 **Motion:** Vice Chair Usher moved that **HJ 43 DO PASS.**

Discussion:

10:27:52 Vice Chair Kelker

10:28:47 **Vote:** Motion carried 15-4 by roll call vote with Rep. B. Brown, Rep. DeVries, Chair Doane and Rep. Lenz voting no. Rep. Bishop, Rep. Farris-Olsen and Rep. Lenz voted by proxy.

10:29:49 Chair Doane

ADJOURNMENT

Adjournment: 10:30:25

Abigail Konen, Clerk

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Additional Documents:

EXHIBIT([juh74aad.pdf](#))