

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on January 23, 2019 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Diane Sands, Vice Chair (D)
Sen. Bryce Bennett (D)
Sen. John Esp (R)
Sen. Jen Gross (D)
Sen. Steve Hinebauch (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Scott Sales (R)
Sen. Gordon Vance (R)

Members Excused: Sen. Jennifer Fielder, Vice Chair (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Noah Horan, 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: SB 95, 1/18/2019; SB 114, 1/18/2019

Executive Action: SB 37 DO PASS AS AMENDED; SB 84 DO PASS; SB 86 BE
TABLED

HEARING ON SB 95**Opening Statement by Sponsor:**

09:01:48 Sen. Sue Malek (D), SD 46, opened the hearing on SB 95, Revise gun laws related to people convicted of stalking or domestic violence.

Proponents' Testimony: None

Opponents' Testimony:

09:05:36 Cindi Hamilton, self

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

09:09:03 Sen. Malek

HEARING ON SB 114**Opening Statement by Sponsor:**

09:14:34 Sen. Jen Gross (D), SD 25, opened the hearing on SB 114, Generally revise stalking and orders of protection laws.

EXHIBIT(jus13a01)

Proponents' Testimony:

09:16:55 Anna Saverud, Attorney General's Office (AG)
09:23:51 Ben Halverson, City of Billings
09:29:13 Joan Eliel, director, Office of Consumer Protection and Victim Services, Montana Department of Justice (DOJ)
09:32:01 Michael Toppen, Montana Public Interest Research Group (MontPIRG)
09:33:03 Rachel Spint, self
09:35:23 Judy Robertson, self
09:36:38 Nanette Gilbertson, Montana County Attorneys Association (MCAA)
09:37:35 Angela Miller, self
09:41:46 Nancy Henriksson, self

09:48:16 Sen. MacDonald entered the hearing.

09:48:47 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
09:49:26 Cindi Hamilton, self

Opponents' Testimony:

09:50:22 Dan O'Neill, self

EXHIBIT(jus13a02)

EXHIBIT(jus13a03)

EXHIBIT(jus13a04)

10:04:51 Zuri Moreno, American Civil Liberties Union of Montana (ACLU)

Informational Testimony:

10:08:37 Peter Ohman, Office of the Public Defender (OPD)

Questions from Committee Members and Responses:

10:09:04 Sen. Sands
10:09:27 Mr. Halverson, City of Billings
10:10:54 Sen. Sands
10:11:11 Mr. Halverson
10:11:45 Sen. Sands
10:12:20 Ms. Eliel, DOJ
10:12:40 Sen. Sands
10:13:04 Ms. Eliel

EXHIBIT(jus13a05)

10:13:25 Sen. Sands
10:13:41 Chair Regier
10:13:46 Ms. Eliel
10:14:02 Chair Regier
10:14:37 Ms. Saverud, AG
10:16:36 Chair Regier
10:16:52 Ms. Saverud
10:17:32 Chair Regier
10:17:50 Ms. Saverud
10:18:12 Chair Regier
10:18:24 Ms. Saverud
10:18:57 Chair Regier
10:19:00 Ms. Saverud
10:19:07 Sen. Sands
10:19:35 Ms. Saverud
10:20:20 Sen. Sands
10:21:54 Ms. Saverud
10:23:50 Sen. Sands
10:24:09 Ms. Saverud

Closing by Sponsor:

10:24:42 Sen. Gross

10:27:12 Recess
10:35:44 Reconvened

EXECUTIVE ACTION ON SB 37

10:36:48 **Motion:** Sen. Sands moved that **SB 37 DO PASS.**

Discussion:

10:37:04 Sen. MacDonald

10:37:29 **Motion:** Sen. MacDonald moved that **SB 37 BE AMENDED.**

EXHIBIT(jus13a06)

Discussion:

- 10:38:18 Sen. MacDonald
10:38:24 Julianne Burkhardt, Legislative Services Division (LSD)
10:41:18 Sen. MacDonald
10:42:14 Chair Regier
- 10:42:35 **Vote:** Motion carried unanimously by voice vote. Sen. Fielder voted by proxy.
- 10:42:53 **Motion:** Sen. Sands moved that **SB 37 DO PASS AS AMENDED.**

Discussion:

- 10:43:01 Chair Regier
10:43:13 Sen. MacDonald
10:43:55 Chair Regier
10:43:59 Sen. Sands
10:44:17 Sen. MacDonald
10:44:24 Ms. Burkhardt, LSD
10:44:37 Chair Regier
- 10:44:54 **Vote:** Motion carried unanimously by voice vote. Sen. Fielder voted by proxy.

EXECUTIVE ACTION ON SB 84

- 10:45:39 **Motion:** Sen. Sands moved that **SB 84 DO PASS.**

Discussion:

- 10:46:15 Sen. Sands
- 10:48:15 **Vote:** Motion carried 8-2 by roll call vote with Sen. S. Sales and Sen. Vance voting no. Sen. Fielder voted by proxy.

EXECUTIVE ACTION ON SB 86

- 10:50:02 **Motion:** Sen. Sands moved that **SB 86 DO PASS.**

Discussion:

- 10:50:18 Ms. Burkhardt
- 10:52:20 **Motion/Vote:** Sen. Sands moved that **SB 86 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Fielder voted by proxy.

EXHIBIT(jus13a07)

- 10:52:52 **Motion:** Sen. Sands moved that **SB 86 DO PASS AS AMENDED.**

Discussion:

- 10:53:08 Sen. Bennett
10:53:53 Ms. Burkhardt
10:54:34 Chair Regier
10:54:58 Sen. Sands

- 10:55:34 **Vote:** Motion failed 4-6 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye. Sen. Fielder voted by proxy.
- 10:56:16 **Motion/Vote:** Sen. Sands moved that **SB 86 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Sen. Fielder voted by proxy.
- 10:56:49 Chair Regier
10:57:09 Sen. Sands

ADJOURNMENT

Adjournment: 10:58 AM

Noah Horan, Secretary

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Additional Documents:

EXHIBIT([jus13aad.pdf](#))