

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on January 29, 2019 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

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

Members Excused: Sen. Scott Sales (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 156, 1/25/2019; SB 172, 1/25/2019; HB 117, 1/25/2019

Executive Action: SB 21 TABLED; SB 23 DO PASS AS AMENDED

HEARING ON SB 172

Opening Statement by Sponsor:

09:01:31 Sen. Margaret (Margie) MacDonald (D), SD 26, opened the hearing on SB 172, Generally revise post conviction relief laws.

Proponents' Testimony:

09:06:02 Toby Cook, Montana Innocence Project
 09:07:41 Cody Marble, self
 09:09:19 David Herbst, Americans for Prosperity
 09:13:16 Zuri Moreno, American Civil Liberties Union of Montana (ACLU)

Opponents' Testimony:

09:13:53 Roy Brown, assistant attorney general, Attorney General's Office (AG)

 09:16:02 Sen. Gross entered the hearing.

 09:19:34 Mark Murphy, Montana Association of Chiefs of Police (MACOP)
 09:23:00 Marty Lambert, Montana County Attorneys Association (MCAA)
 09:27:33 Brian Gootkin, Montana Sheriffs and Peace Officers Association (MSPOA)

Informational Testimony: None

Questions from Committee Members and Responses:

09:28:34 Sen. Fielder
 09:29:04 Mr. Murphy, MACOP
 09:30:10 Sen. Fielder
 09:30:32 Mr. Cook, Montana Innocence Project
 09:33:29 Sen. Fielder
 09:33:52 Sen. MacDonald
 09:34:16 Sen. Fielder
 09:34:28 Sen. MacDonald
 09:34:32 Sen. Sands
 09:34:55 Mr. Cook
 09:35:40 Sen. Sands
 09:35:48 Mr. Cook
 09:36:02 Sen. Sands
 09:36:13 Mr. Cook
 09:36:22 Sen. Sands
 09:36:42 Mr. Cook
 09:37:23 Sen. Sands
 09:37:41 Sen. MacDonald
 09:38:55 Sen. Esp
 09:39:21 Mr. Brown, AG
 09:39:53 Sen. Esp
 09:40:08 Mr. Brown
 09:40:39 Sen. Sands
 09:41:00 Sen. MacDonald
 09:42:38 Sen. Sands
 09:43:07 Mr. Brown

09:44:00 Chair Regier
 09:44:11 Mr. Brown
 09:44:40 Chair Regier
 09:44:20 Sen. MacDonald
 09:45:58 Sen. Fielder
 09:46:37 Mr. Brown

Closing by Sponsor:

09:47:39 Sen. MacDonald

HEARING ON SB 156

Opening Statement by Sponsor:

09:50:52 Sen. Roger Webb (R), SD 23, opened the hearing on SB 156, Generally revise laws to incentivize witnesses.

[**EXHIBIT\(jus17a01\)**](#)

Proponents' Testimony:

09:53:14 Cody Marble, self
 09:55:49 Richard Burkhardt, self
 09:59:59 Michelle Feldman, Montana Innocence Project

[**EXHIBIT\(jus17a02\)**](#)

[**EXHIBIT\(jus17a03\)**](#)

10:00:35 Sen. Sales entered the hearing.

10:05:37 Rudy Stock, self
 10:06:54 David Herbst, Americans for Prosperity

[**EXHIBIT\(jus17a04\)**](#)

10:09:55 Zuri Moreno, American Civil Liberties Union of Montana (ACLU)

Opponents' Testimony:

10:10:25 Dave Galt, Montana Sheriffs and Peace Officers Association (MSPOA)
 10:11:40 Brad Gremaux, Criminal Investigation Division, Montana Department of Justice (DOJ)
 10:13:49 Scott Vongehr, detective, Missouri River Drug Task Force
 10:19:37 Brandon Wooley, lieutenant, Billings Police Department
 10:22:21 Ryan Stratman, captain, Gallatin County Sheriff's Office
 10:24:03 Patrick McDuffie, deputy, Lewis and Clark County Sheriff's Office
 10:25:06 Mike Van Meter, detective, Gallatin County Sheriff's Office
 10:26:05 Justin Jagers, sergeant, Billings Police Department
 10:30:07 Brian Gootkin, sheriff, Gallatin County
 10:31:51 Marty Lambert, Montana County Attorneys Association (MCAA)

Informational Testimony: None

Questions from Committee Members and Responses:

10:49:50 Sen. MacDonald
 10:50:40 Ms. Feldman, Montana Innocence Project

10:55:03 Sen. MacDonald
 10:55:36 Ms. Feldman
 10:56:26 Sen. Fielder
 10:57:10 Mr. Gremaux, DOJ
 10:57:33 Sen. Fielder
 10:58:21 Mr. Jagers, Billings Police Department
 11:00:56 Sen. Fielder
 11:01:14 Sen. Esp
 11:02:10 Mr. Gremaux
 11:02:48 Sen. Esp
 11:03:04 Sen. MacDonald
 11:03:37 Mr. Gootkin, Gallatin County

Closing by Sponsor:

11:03:47 Sen. Webb

11:06:31 Sen. Sales left the hearing.

HEARING ON HB 117

Opening Statement by Sponsor:

11:06:59 Rep. Kenneth Holmlund (R), HD 38, opened the hearing on HB 117, Revise laws relating to eligibility for public defender services.

Proponents' Testimony:

11:08:45 Rhonda Schaffer, director, Office of the Public Defender

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

11:10:08 Rep. Holmlund

11:10:59 Chair Regier

11:11:15 Recess

11:20:28 Reconvened

EXECUTIVE ACTION ON SB 21

11:20:58 **Motion:** Sen. Fielder moved that **SB 21 DO PASS.**

Discussion:

11:21:14 Julianne Burkhardt, Legislative Services Division (LSD)

11:21:22 **Motion:** Sen. Sands moved that **SB 21 BE AMENDED.**

[EXHIBIT\(jus17a05\)](#)

Discussion:

11:22:06 Sen. Sands
 11:22:45 Ms. Burkhardt, LSD
 11:25:49 Sen. Bennett
 11:26:16 Ms. Burkhardt
 11:26:50 Sen. Bennett
 11:27:04 Chair Regier
 11:27:23 Ms. Burkhardt

11:27:46 **Substitute Motion:** Sen. Bennett made a substitute motion that **SB 21 BE CONCEPTUALLY AMENDED TO ADD ADDITIONAL LANGUAGE REQUIRING DATE OF BIRTH ON ACCEPTABLE FORMS OF PHOTO ID.**

Discussion:

11:27:58 Sen. Esp
 11:28:30 Sen. Sands
 11:28:50 Sen. Bennett
 11:29:14 Sen. Fielder

11:29:27 **Vote:** Substitute Motion failed 4-6 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye. Sen. S. Sales voted by proxy.

Discussion:

11:30:22 Sen. Sands
 11:30:57 Chair Regier
 11:31:03 Sen. Gross
 11:31:26 Chair Regier

11:31:31 **Vote:** Motion carried unanimously by roll call vote. Sen. S. Sales voted by proxy.

11:32:08 **Motion:** Sen. Fielder moved that **SB 21 DO PASS AS AMENDED.**

Discussion:

11:32:15 Chair Regier
 11:32:24 Sen. Gross

11:33:03 **Vote:** Motion failed 4-6 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye. Sen. S. Sales voted by proxy.

11:33:42 **Motion/Vote:** Sen. Fielder moved that **SB 21 BE TABLED AND THE VOTE REVERSED.** Motion carried 9-0 by voice vote. Sen. S. Sales was excused.

EXECUTIVE ACTION ON SB 23

11:34:43 **Motion:** Sen. Fielder moved that **SB 23 DO PASS.**

11:35:36 **Motion:** Sen. Fielder moved that **SB 23 BE AMENDED.**

[**EXHIBIT\(jus17a06\)**](#)

Discussion:

11:36:13 Chair Regier
 11:37:16 Sen. Sands
 11:37:38 Chair Regier
 11:37:48 Sen. Sands
 11:38:22 Sen. Esp
 11:38:42 Sen. Sands
 11:39:06 Chair Regier
 11:39:13 Sen. Fielder
 11:39:38 Chair Regier
 11:39:52 Sen. Fielder

11:40:17 **Substitute Motion:** Sen. Fielder made a substitute motion **TO STRIKE PARAGRAPH TWO FROM THE AMENDMENT.**

Discussion:

11:41:07 Sen. Bennett
 11:41:27 Sen. Fielder

11:41:38 **Vote:** Substitute Motion failed 4-6 by roll call vote with Sen. Fielder, Sen. Hinebauch, Sen. S. Sales and Sen. Vance voting aye. Sen. S. Sales voted by proxy.

Discussion:

11:42:30 Sen. Sands
 11:43:03 Chair Regier
 11:43:29 Sen. Sands
 11:43:35 Chair Regier
 11:43:55 Sen. Sands
 11:45:28 Chair Regier
 11:46:30 Sen. Sands

11:47:49 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. S. Sales voted by proxy.

11:48:28 **Motion:** Sen. Fielder moved that **SB 23 DO PASS AS AMENDED.**

Discussion:

11:48:54 Sen. Esp
 11:49:07 Ms. Burkhardt
 11:49:42 Chair Regier
 11:49:57 Sen. Bennett

11:51:17 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. S. Sales voted by proxy.

11:52:21 Chair Regier

ADJOURNMENT

Adjournment: 11:53 AM

Noah Horan, Secretary

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Additional Documents:

EXHIBIT([jus17aad.pdf](#))