

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 8, 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. Steve Hinebauch (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Gordon Vance (R)

Members Excused: Sen. John Esp (R)
Sen. Jen Gross (D)
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 155, 2/1/2019; HB 110, 2/1/2019; HB 136, 2/1/2019

Executive Action: SB 172 TABLED; SR 20 BE ADOPTED; HB 47 BE
CONCURRED; SB 184 TABLED

HEARING ON HB 110**Opening Statement by Sponsor:**

09:02:51 Rep. Ryan Lynch (D), HD 76, opened the hearing on HB 110, Generally revise pretrial diversion laws.

Proponents' Testimony:

09:04:52 Beth McLaughlin, administrator, Montana Supreme Court

[EXHIBIT\(jus26a01\)](#)

[EXHIBIT\(jus26a02\)](#)

09:09:01 Leo Gallagher, county attorney, Lewis and Clark County (LCC)

09:13:41 Suzanne Seburn, Office of the Public Defender (OPD)

09:15:31 Patrick Webb, Americans for Prosperity Montana (AFP)

09:16:26 Zuri Moreno, American Civil Liberties Union of Montana (ACLU)

Opponents' Testimony: None**Informational Testimony:**

09:16:58 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Questions from Committee Members and Responses:

09:17:22 Chair Regier

09:17:38 Rep. Lynch

09:17:47 Sen. Sands

09:18:10 Ms. Young, MCADSV

09:18:52 Sen. Sands

09:19:14 Ms. Young

09:19:58 Sen. Sands

09:20:00 Rep. Lynch

09:20:17 Sen. Sands

09:20:41 Rep. Lynch

09:21:11 Sen. Sands

09:21:20 Mr. Gallagher, LCC

09:22:39 Sen. Sands

09:23:06 Ms. McLaughlin, Supreme Court

09:23:41 Sen. MacDonald

09:24:16 Mr. Gallagher

09:24:51 Sen. MacDonald

09:25:02 Mr. Gallagher

09:25:28 Sen. MacDonald

09:25:33 Mr. Gallagher

Closing by Sponsor:

09:25:44 Rep. Lynch

HEARING ON SB 155**Opening Statement by Sponsor:**

09:26:38 Sen. Roger Webb (R), SD 23, opened the hearing on SB 155, Revising mandatory minimums for certain sexual offenses.

Proponents' Testimony:

09:28:13 Bill Fulbright, county attorney, Ravalli County
09:36:51 Dan Guzynski, assistant attorney general, Montana Attorney General's Office (AG)
09:46:30 Jed Fitch, county attorney, Beaverhead County
09:47:49 Jesse Slaughter, sheriff, Cascade County
09:51:16 Mark Murphy, Montana Association of Chiefs of Police (MACOP)
09:52:00 Mayre Flowers, self

EXHIBIT(jus26a03)

10:02:27 Eric Gilbertson, sergeant, Lewis and Clark County Sheriff's Office

Opponents' Testimony:

10:04:48 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Informational Testimony:

10:08:52 Suzanne Seburn, Office of the Public Defender (OPD)

Questions from Committee Members and Responses:

10:09:14 Sen. Fielder
10:11:05 Julianne Burkhardt, Legislative Services Division (LSD)
10:11:12 Sen. Fielder
10:11:50 Ms. Burkhardt, LSD
10:12:18 Sen. Fielder
10:13:38 Sen. Webb
10:13:53 Ms. Burkhardt
10:14:49 Sen. Fielder
10:15:09 Mr. Fulbright, Ravalli County
10:17:43 Sen. Fielder
10:18:11 Ms. Flowers, self
10:18:20 Chair Regier
10:18:36 Mr. Fulbright
10:21:08 Chair Regier
10:21:16 Mr. Fulbright
10:21:22 Sen. Fielder
10:21:46 Mr. Fulbright
10:22:31 Sen. Fielder
10:22:54 Mr. Fulbright
10:23:41 Sen. Fielder
10:24:04 Mr. Fulbright
10:24:11 Sen. MacDonald
10:25:22 Mr. Guzynski, AG
10:28:52 Sen. MacDonald

10:29:19 Mr. Guzynski
10:29:25 Sen. MacDonald
10:30:04 Mr. Guzynski

Closing by Sponsor:

10:30:44 Sen. Webb

HEARING ON HB 136

Opening Statement by Sponsor:

10:31:56 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 136, Abolish premarital blood test for women.

Proponents' Testimony:

10:34:28 Jessie Luther, Montana Association of Clerks of District Court

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

10:35:38 Sen. Hinebauch
10:36:10 Rep. Dudik

Closing by Sponsor:

10:37:29 Rep. Dudik

10:37:54 Recess
10:50:19 Reconvened

EXECUTIVE ACTION ON SB 172

10:51:54 **Motion:** Sen. MacDonald moved that **SB 172 DO PASS.**

Discussion:

10:52:56 Sen. Fielder
10:53:09 Chair Regier
10:53:22 Ms. Burkhardt
10:53:37 Sen. Fielder
10:54:10 Chair Regier
10:54:43 Sen. Fielder
10:54:56 Ms. Burkhardt
10:55:52 Sen. MacDonald
10:56:05 Sen. Fielder

10:56:21 **Vote:** Motion failed 2-8 by roll call vote with Sen. Gross and Sen. MacDonald voting aye. Sen. Esp, Sen. Gross and Sen. S. Sales voted by proxy.

10:57:18 **Motion/Vote:** Sen. Fielder moved that **SB 172 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Sen. Esp, Sen. Gross and Sen. S. Sales voted by proxy.

10:57:32 Sen. MacDonald

EXECUTIVE ACTION ON SR 20

10:58:56 **Motion/Vote:** Sen. Fielder moved that **SR 20 BE ADOPTED**. Motion carried unanimously by voice vote. Sen. Esp, Sen. Gross and Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON HB 47

11:00:24 **Motion/Vote:** Sen. Fielder moved that **HB 47 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Esp, Sen. Gross and Sen. S. Sales voted by proxy. Sen. MacDonald will carry the bill.

11:01:40 Sen. Sands

EXECUTIVE ACTION ON SB 184

11:02:48 **Motion:** Sen. Fielder moved that **SB 184 DO PASS**.

11:03:28 **Motion/Vote:** Sen. Fielder moved that **SB 184 BE AMENDED**. Motion carried unanimously by voice vote. Sen. Esp, Sen. Gross and Sen. S. Sales voted by proxy.

EXHIBIT(jus26a04)

11:04:22 **Motion:** Sen. Fielder moved that **SB 184 DO PASS AS AMENDED**.

Discussion:

11:04:35 Sen. Bennett

11:07:14 Chair Regier

11:07:48 Sen. Hinebauch

11:08:23 Sen. Bennett

11:10:02 Sen. Hinebauch

11:10:35 Sen. Fielder

11:11:02 **Vote:** Motion failed 5-5 by roll call vote with Sen. Esp, Sen. Hinebauch, Sen. K. Regier, Sen. S. Sales and Sen. Vance voting aye. Sen. Esp, Sen. Gross and Sen. S. Sales voted by proxy.

11:12:24 **Motion/Vote:** Sen. Fielder moved that **SB 184 BE TABLED**. Motion carried unanimously by voice vote. Sen. Esp, Sen. Gross and Sen. S. Sales voted by proxy.

ADJOURNMENT

Adjournment: 11:15 AM

Noah Horan, Secretary

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Additional Documents:

EXHIBIT([jus26aad.pdf](#))