

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 21, 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 Hinebauch (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Scott Sales (R)
Sen. Gordon Vance (R)

Members Excused: None

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: HB 198, 2/15/2019; HB 334, 2/15/2019; SB 261, 2/15/2019; SB 262, 2/15/2019; SB 273, 2/15/2019

Executive Action: SB 254 DO PASS; SB 255 DO PASS AS AMENDED; SR 29 BE ADOPTED; SB 202 BE TABLED

Voted to send a letter to Legislative Council regarding SB 202

09:01:27 Sen. Vance entered the meeting.

HEARING ON HB 198

Opening Statement by Sponsor:

09:01:41 Rep. Neil Duram (R), HD 2, opened the hearing on HB 198, Revise laws related to "blue alert" criteria.

Proponents' Testimony:

09:04:11 Steve Lavin, major, Montana Highway Patrol (MHP)
09:04:42 Dave Galt, Montana Sheriffs and Peace Officers Association (MSPOA)
09:05:04 Jennifer Viets, Department of Justice (DOJ)
09:07:18 Jessie Luther, Association of Montana Troopers

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:08:03 Sen. Fielder
09:08:30 Rep. Duram
09:08:58 Sen. Fielder
09:09:17 Ms. Viets, DOJ
09:09:27 Rep. Duram
09:10:17 Sen. Fielder
09:10:52 Sen. Esp
09:11:22 Sen. Sands
09:11:52 Ms. Viets
09:12:20 Sen. Sands
09:12:25 Ms. Viets
09:12:33 Chair Regier
09:12:42 Ms. Viets
09:13:37 Chair Regier

Closing by Sponsor:

09:13:47 Rep. Duram

HEARING ON HB 334

Opening Statement by Sponsor:

09:15:39 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 334, Revise criminal intent laws regarding exploitation.

Proponents' Testimony:

09:18:48 Chris McConnell, Attorney General's Office (AG)
09:20:16 Barbara Smith, Department of Public Health and Human Services (DPHHS)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:21:06 Sen. Gross
09:22:07 Rep. Mercer
09:23:15 Sen. Sands
09:23:35 Rep. Mercer
09:24:14 Sen. Sands
09:24:25 Rep. Mercer

Closing by Sponsor:

09:24:41 Rep. Mercer

HEARING ON SB 262

Opening Statement by Sponsor:

09:25:30 Sen. Jill Cohenour (D), SD 42, opened the hearing on SB 262, Generally revise DNA evidence laws regarding minors.

[EXHIBIT\(jus37a01\)](#)

[EXHIBIT\(jus37a02\)](#)

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:31:52 Chair Regier
09:32:14 Sen. Cohenour
09:32:32 Chair Regier
09:33:00 Sen. Cohenour
09:33:17 Sen. Sands
09:33:30 Sen. Cohenour
09:33:45 Sen. Fielder
09:34:05 Sen. Cohenour
09:34:19 Sen. Fielder
09:34:27 Sen. Cohenour
09:34:38 Sen. Fielder
09:34:59 Sen. Cohenour

Closing by Sponsor:

09:35:30 Sen. Cohenour

HEARING ON SB 261

Opening Statement by Sponsor:

09:36:23 Sen. Diane Sands (D), SD 49, opened the hearing on SB 261, Generally revise laws regarding sexual consent.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

09:39:58 Sen. Sands

HEARING ON SB 273

Opening Statement by Sponsor:

09:40:15 Sen. Diane Sands (D), SD 49, opened the hearing on SB 273, Generally revise laws regarding bail bonds.

Proponents' Testimony:

09:43:48 Jason Marks, chief deputy county attorney, Missoula County

09:46:29 David Conway, captain, Missoula County Sheriff's Office

09:48:47 SK Rossi, American Civil Liberties Union of Montana

Opponents' Testimony:

09:50:00 Scott Restvedt, surety bail agent

09:56:51 John Willoughby, Bad Boy Bail Bonds, Helena

10:01:04 Kelly Reisbeck, bail agent, Helena

10:01:44 Ken Sargent, bail agent

10:09:11 Bradley Aipperspach, bail agent, Missoula

10:10:09 Joel McGlynn, bail agent, Missoula

10:11:18 Jeff Carter, bail bond agent, Ravalli County

10:12:53 Rod Young

10:15:31 Kimball Reisbeck, licensed bail bondsman

Informational Testimony: None

Questions from Committee Members and Responses:

10:16:09 Sen. MacDonald

10:16:50 Mr. K. Reisbeck, bail bondsman

10:17:14 Sen. MacDonald

10:17:25 Mr. K. Reisbeck

10:17:56 Sen. Gross

10:18:39 Sen. Sands

10:18:50 Sen. Gross

10:19:04 Mr. Restvedt

10:20:20 Sen. Gross

10:20:45 Mr. Restvedt, bail agent

10:22:06 Sen. Gross

10:22:40 Mr. Restvedt

10:23:46 Sen. MacDonald

10:24:47 Mr. Marks, Missoula County

10:25:24 Sen. Hinebauch entered the hearing.

10:25:57 Sen. MacDonald
10:26:50 Mr. Marks

10:28:06 Sen. Vance left the hearing.

10:28:39 Sen. MacDonald
10:29:04 Mr. Marks
10:29:41 Chair Regier
10:29:49 Mr. Marks
10:29:56 Chair Regier
10:29:58 Mr. Marks
10:30:06 Chair Regier
10:30:10 Mr. Marks
10:30:27 Chair Regier
10:31:13 Sen. Sands
10:31:35 Sen. Gross
10:32:06 Sen. Sands

Closing by Sponsor:

10:32:42 Sen. Sands

10:34:59 Recess
10:45:29 Reconvened

EXECUTIVE ACTION ON SB 254

10:45:46 **Motion:** Sen. Sands moved that **SB 254 DO PASS.**

Discussion:

10:46:01 Sen. Sands
10:46:29 Chair Regier
10:46:34 Sen. Sands

10:46:50 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales and Sen. Vance voted by proxy.

EXECUTIVE ACTION ON SB 255

10:47:18 **Motion:** Sen. Fielder moved that **SB 255 DO PASS.**

Discussion:

10:47:46 Julianne Burkhardt, Legislative Services Division (LSD)

10:48:03 **Motion:** Sen. Sands moved that **SB 255 BE AMENDED.**
[EXHIBIT\(jus37a03\)](#)

Discussion:

10:48:26 Sen. Gross
10:48:45 Ms. Burkhardt, LSD

10:49:27 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales and Sen. Vance voted by proxy.

10:49:43 **Motion/Vote:** Sen. Fielder moved that **SB 255 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Sen. S. Sales and Sen. Vance voted by proxy.

EXECUTIVE ACTION ON SR 29

10:50:36 **Motion:** Sen. Sands moved that **SR 29 BE ADOPTED**.

Discussion:

10:50:52 Sen. Sands

10:51:07 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales and Sen. Vance voted by proxy.

EXECUTIVE ACTION ON SB 202

10:52:02 Ms. Burkhardt

10:52:59 **Motion:** Sen. Fielder moved that **SB 202 DO PASS**.

10:53:17 **Motion:** Sen. Sands moved that **SB 202 BE AMENDED**.
[EXHIBIT\(jus37a04\)](#)

Discussion:

10:54:07 Ms. Burkhardt

10:54:34 Sen. MacDonald

10:54:42 Sen. Sands

10:54:52 Chair Regier

10:55:03 **Substitute Motion:** Sen. Sands made a substitute motion to **SEGREGATE OUT ITEMS CONTAINING CONFLICT OF INTEREST AND ADOPT ONLY THE ITEMS SEGREGATED**.

Discussion:

10:55:37 Ms. Burkhardt

10:56:13 Sen. Sands

10:57:06 Sen. Fielder

10:57:21 Sen. Sands

10:57:39 Sen. Fielder

10:57:51 Ms. Burkhardt

10:58:12 Sen. Fielder

10:58:32 Sen. Sands

10:58:43 Sen. Fielder

10:59:48 Without objection, Sen. Sands withdrew both motions.

11:00:06 Chair Regier

11:00:14 Sen. Fielder
11:00:38 Sen. MacDonald
11:01:59 Sen. Fielder

11:02:55 **Substitute Motion/Vote:** Sen. Esp made a Substitute Motion that **SB 202 BE TABLED**. Substitute 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.

11:03:41 **Motion:** Sen. Fielder moved **TO SEND A LETTER TO LEGISLATIVE COUNCIL REQUESTING THAT THE COUNCIL LOOK INTO SB 202 DURING THE INTERIM.**

Discussion:

11:04:13 Sen. Sands

11:05:06 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

11:06:08 Sen. Hinebauch
11:06:20 Chair Regier
11:06:25 Sen. Hinebauch
11:06:29 Chair Regier

ADJOURNMENT

Adjournment: 11:06 AM

Noah Horan, Secretary

nh

Additional Documents:

Additional Documents:

EXHIBIT([jus37aad.pdf](#))