

## MINUTES

### MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Keith Regier, on March 20, 2019 at 9:03 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. 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: HB 233, 3/15/2019; HB 257, 3/15/2019; HB 369, 3/15/2019; SJ 18, 3/15/2019; SJ 19, 3/15/2019; SB 324, 3/15/2019

Executive Action: HB 268 BE CONCURRED IN AS AMENDED; HB 274 BE CONCURRED IN; HB 282 BE CONCURRED IN; HB 325 BE CONCURRED IN; HB 357 BE CONCURRED IN; HB 296 BE TABLED; HJ 5 BE TABLED; HJ 6 BE TABLED

**HEARING ON HB 369****Opening Statement by Sponsor:**

09:03:26 Rep. Ryan Lynch (D), HD 76, opened the hearing on HB 369, Generally revise criminal justice laws.

[EXHIBIT\(jus57a01\)](#)

**Proponents' Testimony:**

09:05:37 Marty Lambert, Montana County Attorneys Association (MCAA)

09:07:23 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)

09:08:32 SK Rossi, American Civil Liberties Union of Montana (ACLU)

09:09:03 Erin McGowan, Montana Community Corrections Association (MCCA)

**Opponents' Testimony:** None

**Informational Testimony:**

09:09:56 Cynthia Wolken, Department of Corrections (DOC)

**Questions from Committee Members and Responses:**

09:10:14 Sen. Gross

09:10:46 Rep. Lynch

09:11:01 Sen. Gross

09:11:20 Rep. Lynch

09:12:13 Sen. Gross

09:12:21 Sen. Vance

09:12:24 Sen. Sands

09:12:56 Ms. Wolken, DOC

09:14:14 Sen. Sands

09:14:23 Ms. Wolken

09:14:56 Sen. Sands

09:15:01 Ms. Wolken

09:15:29 Sen. Sands

09:15:34 Ms. Wolken

09:15:39 Sen. Sands

09:15:44 Ms. Wolken

09:16:02 Sen. Sands

09:16:13 Rep. Lynch

**Closing by Sponsor:**

09:16:36 Rep. Lynch

**HEARING ON HB 233****Opening Statement by Sponsor:**

09:18:10 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 233, Revise plea of guilty laws.

[EXHIBIT\(jus57a02\)](#)

**Proponents' Testimony:**

09:22:02 Mike McGrath, chief justice, Montana Supreme Court

[EXHIBIT\(jus57a03\)](#)

09:32:01 Greg Mohr, Montana Magistrates Association (MMA)

[EXHIBIT\(jus57a04\)](#)

09:37:52 Marty Lambert, Montana County Attorneys Association (MCAA)

09:38:08 Ole Olson, Attorney General's Office (AG)

**Opponents' Testimony:**

09:38:30 SK Rossi, Innocence Project

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:38:58 Sen. Fielder

09:39:23 Rep. Mercer

09:40:05 Mr. McGrath, Supreme Court

09:41:04 Sen. Gross

09:41:20 Rep. Mercer

09:41:30 Sen. Gross

09:41:53 Rep. Mercer

09:44:14 Sen. Gross

09:44:28 Sen. Sands

09:44:42 Ms. Rossi, Innocence Project, also representing American Civil Liberties Union of Montana (ACLU)

**Closing by Sponsor:**

09:45:48 Rep. Mercer

**HEARING ON HB 257****Opening Statement by Sponsor:**

09:46:17 Rep. Willis Curdy (D), HD 98, opened the hearing on HB 257, Allow certain UAV information to be admissible.

**Proponents' Testimony:**

09:47:00 Tom Butler, Montana Highway Patrol (MHP)

09:47:26 Shawn Hazelton, Montana Highway Patrol

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:50:25 Sen. Sands

09:50:53 Mr. Butler, MHP

09:51:44 Sen. Sands

09:51:52 Mr. Butler

09:52:05 Sen. Bennett  
09:52:50 Mr. Butler  
09:54:31 Sen. Sands  
09:55:01 Mr. Butler  
09:55:28 Sen. Sands  
09:55:47 Mr. Butler  
09:56:31 Sen. Sands  
09:56:42 Mr. Butler  
09:56:46 Chair Regier  
09:57:02 Mr. Butler

**Closing by Sponsor:**

09:57:10 Rep. Curdy

**HEARING ON SJ 18**

**Opening Statement by Sponsor:**

09:58:44 Sen. Diane Sands (D), SD 49, opened the hearing on SJ 18, Interim study of occupational licensing barriers for criminal conviction.

**Proponents' Testimony:**

10:00:05 SK Rossi, American Civil Liberties Union of Montana (ACLU)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

10:00:27 Chair Regier  
10:00:46 Sen. Sands

**Closing by Sponsor:**

10:01:44 Sen. Sands

**HEARING ON SJ 19**

**Opening Statement by Sponsor:**

10:02:00 Sen. Diane Sands (D), SD 49, opened the hearing on SJ 19, Interim study on sex offender and violent offender registries.

**Proponents' Testimony:**

10:03:42 SK Rossi, American Civil Liberties Union of Montana (ACLU)  
10:05:05 Nanette Gilbertson, Montana County Attorneys Association (MCAA)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

10:06:07 Chair Regier

10:06:23 Sen. Sands  
10:06:58 Chair Regier  
10:07:02 Sen. Sands  
10:07:43 Sen. Gross  
10:08:45 Sen. Sands

**Closing by Sponsor:**

10:09:47 Sen. Sands

**HEARING ON SB 324****Opening Statement by Sponsor:**

10:10:18 Sen. Tom Jacobson (D), SD 11, opened the hearing on SB 324, Revise definition of elder abuse.

[EXHIBIT\(jus57a05\)](#)

[EXHIBIT\(jus57a06\)](#)

**Proponents' Testimony:**

10:15:03 Chris McConnell, Attorney General's Office (AG)

**Opponents' Testimony:**

10:16:44 Rose Hughes, Montana Health Care Association (MHA)  
10:22:59 John MacDonald, Montana Newspaper Association (MNA)  
10:26:40 SK Rossi, American Civil Liberties Union of Montana (ACLU)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

10:27:04 Sen. Fielder  
10:27:21 Ms. Rossi, ACLU  
10:27:28 Sen. Fielder  
10:27:39 Mr. MacDonald, MNA  
10:28:21 Sen. Fielder  
10:28:33 Sen. Jacobson  
10:29:58 Sen. Fielder  
10:30:32 Mr. McConnell, AG  
10:31:16 Sen. Fielder  
10:32:09 Sen. Jacobson  
10:33:45 Sen. Fielder  
10:34:02 Sen. Jacobson  
10:35:08 Sen. Fielder  
10:35:23 Chair Regier  
10:35:31 Ms. Rossi  
10:36:07 Chair Regier  
10:36:35 Mr. McConnell  
10:37:24 Sen. Gross  
10:38:25 Sen. Jacobson  
10:39:52 Sen. Gross  
10:42:14 Mr. McConnell  
10:43:36 Sen. Gross

10:44:08 Mr. McConnell  
10:44:13 Sen. Gross  
10:46:05 Mr. McConnell  
10:46:30 Sen. Sands  
10:47:00 Mr. McConnell  
10:47:05 Sen. Sands  
10:47:25 Sen. Jacobson  
10:48:18 Sen. Sands

**Closing by Sponsor:**

10:48:39 Sen. Jacobson

10:50:31 Recess

11:02:33 Reconvened

**EXECUTIVE ACTION ON HB 268**

11:03:02 **Motion:** Sen. Fielder moved that **HB 268 BE CONCURRED IN.**

**Discussion:**

11:03:21 Julianne Burkhardt, Legislative Services Division (LSD)

11:03:31 **Motion:** Sen. Fielder moved that **HB 268 BE AMENDED.**

**EXHIBIT(jus57a07)**

**Discussion:**

11:04:52 Sen. Fielder

11:05:11 Sen. Gross

11:05:21 Sen. Fielder

11:05:31 Sen. Gross

11:05:43 Sen. Fielder

11:05:50 Sen. Sands

11:06:01 **Vote:** Motion carried unanimously by voice vote. Sen. MacDonald, Sen. S. Sales and Sen. Vance voted by proxy.

11:06:18 **Motion:** Sen. Fielder moved that **HB 268 BE CONCURRED IN AS AMENDED.**

11:06:27 **Motion/Vote:** Sen. Sands moved that **HB 268 BE AMENDED.** Motion carried unanimously by voice vote. Sen. MacDonald, Sen. S. Sales and Sen. Vance voted by proxy.

**EXHIBIT(jus57a08)**

11:07:40 **Motion/Vote:** Sen. Fielder moved that **HB 268 BE CONCURRED IN AS AMENDED.** Motion carried 9-1 by voice vote with Sen. Vance voting no. Sen. MacDonald, Sen. S. Sales and Sen. Vance voted by proxy. Sen. Esp will carry the bill.

**EXECUTIVE ACTION ON HB 274**

11:09:14 **Motion:** Sen. Fielder moved that **HB 274 BE CONCURRED IN.**

**Discussion:**

11:09:38 Sen. Sands

11:09:51 Sen. Gross

11:10:17 **Vote:** Motion carried 9-1 by voice vote with Sen. Hinebauch voting no. Sen. MacDonald, Sen. S. Sales and Sen. Vance voted by proxy. Sen. Gross will carry the bill.

**EXECUTIVE ACTION ON HB 282**

11:11:11 **Motion:** Sen. Fielder moved that **HB 282 BE CONCURRED IN.**

**Discussion:**

11:11:37 Sen. Sands

11:12:33 Sen. Gross

11:12:40 Sen. Vance entered the meeting.

11:13:09 Ms. Burkhardt, LSD

11:14:03 Sen. Gross

11:14:23 Ms. Burkhardt

11:15:20 Sen. Sands

11:16:31 **Vote:** Motion carried unanimously by roll call vote. Sen. MacDonald and Sen. S. Sales voted by proxy. Sen. Sands will carry the bill.

**EXECUTIVE ACTION ON HB 325**

11:17:55 **Motion:** Sen. Fielder moved that **HB 325 BE CONCURRED IN.**

**Discussion:**

11:18:44 Sen. Sands

11:20:27 Chair Regier

11:20:33 Sen. Sands

11:20:49 Sen. Hinebauch

11:21:33 Sen. Gross

11:23:17 Sen. Esp

11:24:03 Sen. Bennett

11:26:20 Chair Regier

11:26:39 Sen. Fielder

11:27:53 Sen. Sands

11:28:38 Chair Regier

11:28:56 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. MacDonald and Sen. S. Sales voted by proxy. Sen. Hinebauch will carry the bill.

**EXECUTIVE ACTION ON HB 357**

11:30:08 **Motion:** Sen. Fielder moved that **HB 357 BE CONCURRED IN.**

11:30:17 Sen. MacDonald entered the meeting.

**Discussion:**

11:30:24 Sen. Sands  
11:30:59 Sen. Fielder  
11:31:17 Sen. Hinebauch

11:31:34 **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. Sen. Hinebauch will carry the bill.

**EXECUTIVE ACTION ON HB 296**

11:32:48 **Motion:** Sen. Fielder moved that **HB 296 BE CONCURRED IN.**

**Discussion:**

11:33:20 Sen. Fielder  
11:34:18 Sen. Hinebauch  
11:34:48 Chair Regier  
11:34:57 Sen. MacDonald  
11:35:51 Chair Regier  
11:36:23 Sen. Gross  
11:37:39 Sen. Sands

11:38:22 **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. S. Sales voted by proxy.

11:38:57 **Motion/Vote:** Sen. Sands moved that **HB 296 BE TABLED.** Motion carried 9-0 by voice vote. Sen. S. Sales was excused.

11:39:41 Sen. MacDonald  
11:39:55 Ms. Burkhardt  
11:41:13 Sen. Sands  
11:41:55 Chair Regier  
11:42:06 Sen. MacDonald

**EXECUTIVE ACTION ON HJ 5**

11:42:15 **Motion:** Sen. Fielder moved that **HJ 5 BE CONCURRED IN.**

**Discussion:**

11:42:33 Ms. Burkhardt

11:42:44 Chair Regier

11:43:50 **Motion:** Sen. Fielder moved that **HJ 5 BE AMENDED.**  
[EXHIBIT\(jus57a09\)](#)

**Discussion:**

11:44:17 Chair Regier

11:44:47 Sen. Sands

11:44:54 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

11:45:07 **Motion:** Sen. Fielder moved that **HJ 5 BE CONCURRED IN AS AMENDED.**

11:45:15 **Motion/Vote:** Sen. MacDonald moved that **HJ 5 BE AMENDED.** Motion carried 9-0 by voice vote. Sen. S. Sales was excused.

[EXHIBIT\(jus57a10\)](#)

11:46:34 **Motion:** Sen. Fielder moved that **HJ 5 BE CONCURRED IN AS AMENDED.**

**Discussion:**

11:46:44 Sen. Sands

11:47:32 **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.

11:48:10 **Motion/Vote:** Sen. Fielder moved that **HJ 5 BE TABLED.** Motion carried 9-0 by voice vote. Sen. S. Sales was excused.

**EXECUTIVE ACTION ON HJ 6**

11:48:42 **Motion:** Sen. Fielder moved that **HJ 6 BE CONCURRED IN.**

**Discussion:**

11:48:56 Chair Regier

11:49:02 Sen. Sands

11:49:27 Chair Regier

11:49:41 **Vote:** Motion failed 5-5 by roll call vote with Sen. Bennett, Sen. Esp, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye. Sen. S. Sales voted by proxy.

11:50:19 **Motion/Vote:** Sen. Fielder moved that **HJ 6 BE TABLED.** Motion carried 9-0 by voice vote. Sen. S. Sales was excused.

11:50:51 Sen. Sands

11:51:46 Chair Regier

**ADJOURNMENT**

Adjournment: 11:52 AM

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Noah Horan, Secretary

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**Additional Documents:**

Additional Documents:

**EXHIBIT([jus57aad.pdf](#))**