

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on April 17, 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. Steve Hinebauch (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Gordon Vance (R)

Members Excused: 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: HJ 31, 4/15/2019; HJ 36, 4/15/2019; HJ 43, 4/15/2019

Executive Action: HJ 31 BE CONCURRED IN; HJ 36 BE CONCURRED IN; HJ 43
BE CONCURRED IN

HEARING ON HJ 31

Opening Statement by Sponsor:

09:02:57 Rep. Bill Mercer (R), HD 46, opened the hearing on HJ 31, Interim study of the Montana board of crime control.

Proponents' Testimony:

09:06:04 Dave Galt, Montana Sheriffs and Peace Officers Association
09:06:54 Nanette Gilbertson, Montana County Attorneys Association; also speaking on behalf of the Montana Association of Counties
09:08:36 Mark Murphy, Montana Association of Chiefs of Police (MACOP); also speaking on behalf of the Montana Police Protective Association

Opponents' Testimony: None

Informational Testimony:

09:11:23 Peter Ohman, Board of Crime Control
09:11:36 Cynthia Wolken, Department of Corrections (DOC)

Questions from Committee Members and Responses:

09:11:53 Sen. MacDonald
09:12:20 Ms. Wolken, DOC
09:12:23 Sen. MacDonald
09:12:40 Ms. Wolken
09:13:56 Sen. MacDonald
09:14:06 Ms. Wolken
09:14:41 Sen. MacDonald
09:15:10 Ms. Wolken
09:15:39 Sen. Sands
09:16:11 Mr. Murphy, MACOP
09:17:04 Sen. Sands
09:17:17 Ms. Wolken

Closing by Sponsor:

09:17:57 Rep. Mercer

HEARING ON HJ 43

Opening Statement by Sponsor:

09:19:30 Rep. Gordon Pierson (D), HD 78, opened the hearing on HJ 43, Interim study of post-conviction hearing procedure and DNA evidence.

Proponents' Testimony:

09:20:14 Francis Meagher, self
09:27:51 Cody Marble, self
09:29:13 Frank Knaack, Montana Innocence Project (MIP)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None**Closing by Sponsor:**

09:30:04 Rep. Pierson

HEARING ON HJ 36**Opening Statement by Sponsor:**

09:30:43 Rep. Joel Krautter (R), HD 35, opened the hearing on HJ 36, Interim study on compensation for wrongly convicted persons.

Proponents' Testimony:

09:34:22 Cody Marble, self

09:35:39 Jerry Marble, self

09:38:02 Patrick Webb, Americans for Prosperity

09:38:47 Beth Brennehan, Disability Rights Montana

09:39:56 Frank Knaack, Montana Innocence Project (MIP)

[EXHIBIT\(jus81a01\)](#)**Opponents' Testimony:** None**Informational Testimony:** None**Questions from Committee Members and Responses:**

09:41:26 Sen. Fielder

09:42:04 Mr. Knaack, MIP

09:42:50 Sen. Fielder

09:43:07 Mr. Knaack

09:43:18 Sen. Fielder

09:43:33 Chair Regier

09:43:43 Mr. Knaack

09:43:48 Sen. Sands

09:44:27 Rep. Krautter

09:45:42 Sen. Sands

09:46:40 Rep. Krautter

09:47:33 Sen. Sands

09:48:30 Chair Regier

09:48:48 Mr. Marble, self

09:48:51 Chair Regier

09:48:54 Mr. Marbles

09:48:57 Chair Regier

09:49:03 Mr. Marble

09:49:33 Sen. Fielder

09:49:42 Mr. Marble

09:50:24 Sen. Sands

Closing by Sponsor:

09:50:42 Rep. Krautter

09:52:18 Recess
10:02:46 Reconvened

Sen. Sands did not return from recess.

EXECUTIVE ACTION ON HJ 31

10:03:03 **Motion:** Sen. Fielder moved that **HJ 31 BE CONCURRED IN.**

Discussion:

10:03:15 Chair Regier
10:03:38 Sen. MacDonald
10:04:19 Chair Regier

10:04:37 **Vote:** Motion carried 7-3 by roll call vote with Sen. Bennett, Sen. Gross and Sen. MacDonald voting no. Sen. Gross, Sen. S. Sales and Sen. Sands voted by proxy. Sen. Regier will carry the bill.

EXECUTIVE ACTION ON HJ 43

10:05:33 **Motion/Vote:** Sen. Fielder moved that **HJ 43 BE CONCURRED IN.** Motion carried 8-2 by roll call vote with Sen. S. Sales and Sen. Vance voting no. Sen. Gross, Sen. S. Sales and Sen. Sands voted by proxy. Sen. MacDonald will carry the bill.

EXECUTIVE ACTION ON HJ 36

10:07:05 **Motion:** Sen. Fielder moved that **HJ 36 BE CONCURRED IN.**

Discussion:

10:07:31 Sen. Fielder
10:09:20 Chair Regier
10:09:36 Sen. Hinebauch

10:10:05 **Vote:** Motion carried 7-3 by roll call vote with Sen. Esp, Sen. S. Sales and Sen. Vance voting no. Sen. Gross, Sen. S. Sales and Sen. Sands voted by proxy. Sen. Fielder will carry the bill.

Committee Business:

10:11:23 Sen. Fielder
10:11:33 Chair Regier
10:11:57 Sen. MacDonald
10:12:42 Chair Regier
10:12:55 Sen. Hinebauch
10:13:10 Chair Regier

ADJOURNMENT

Adjournment: 10:14 AM

Noah Horan, Secretary

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Additional Documents:

EXHIBIT([jus81aad.pdf](#))