

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Barry Usher, on January 6, 2021 at 8:00 AM, in Room 137 Capitol

#### ROLL CALL

**Members Present:**

Rep. Barry Usher, Chair (R)  
Rep. Kathy Kelker, Vice Chair (D)  
Rep. Amy Regier, Vice Chair (R)  
Rep. Seth Berglee (R)  
Rep. Laurie Bishop (D)  
Rep. Jennifer Carlson (R)  
Rep. Robert Farris-Olsen (D)  
Rep. Frank Fleming (R)  
Rep. Tom France (D)  
Rep. Jane Gillette (R)  
Rep. Donavon Hawk (D)  
Rep. Jedediah Hinkle (R)  
Rep. Dennis R. Lenz (R)  
Rep. Brandon Ler (R)  
Rep. Bob Phalen (R)  
Rep. Derek Skees (R)  
Rep. Ed Stafman (D)  
Rep. Mallerie Stromswold (R)  
Rep. Danny Tenenbaum (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Lydia Balian, Committee Secretary  
Rachel Weiss, Legislative Branch  
Jesse Tack, Remote Meeting Coordinator

**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 28, 1/4/2021; HB 92, 1/4/2021; HB 102, 1/4/2021

08:01:49 Chair Usher

### **HEARING ON HB 28**

#### **Opening Statement by Sponsor:**

08:05:34 Rep. Frank Fleming (R), HD 51, opened the hearing on HB 28, Revise Board of Crime Control laws to remove duty to hear POST Council appeals.

08:07:30 Chair Usher

#### **Proponents' Testimony:**

08:08:08 Perry Johnson, Public Safety Officer Standards Council (POST)

08:10:16 Chair Usher

08:10:18 Alan Doane, Department of Justice (DOJ)

08:10:33 Jesse Slaughter, Montana Sheriffs and Peace Officers Association (MSPOA)

08:10:53 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA),  
Montana County Attorneys Association (MCAA)

08:12:03 Mark Murphy, Montana Association of Chiefs of Police (MACOP), Montana  
Protective Police Association (MPPA)

#### **Opponents' Testimony:**

None

#### **Informational Testimony:**

08:14:21 Brian Gootkin, Department of Corrections (DOC)

#### **Questions from Committee Members and Responses:**

08:15:08 Rep. Hinkle

08:15:28 Perry Johnson, POST

08:16:23 Chair Usher

08:16:38 Vice Chair Kelker

08:17:07 Chair Usher

#### **Closing by Sponsor:**

08:17:33 Rep. Fleming

08:17:54 Chair Usher

### **HEARING ON HB 102**

#### **Opening Statement by Sponsor:**

08:18:59 Rep. Seth Berglee (R), HD 58, opened the hearing on HB 102, Generally revise gun laws.

08:29:45 Jesse Tack, Remote Meeting Coordinator (RMC)

08:30:05 Chair Usher

08:31:33 Jesse Tack, RMC

08:31:52 Rachel Weiss, Legislative Services Division (LSD)  
08:32:34 Chair Usher  
08:32:46 Rachel Weiss, LSD

**Proponents' Testimony:**

08:33:16 Gary Marbut, Montana Shooting Sports Association (MSSA)  
  
08:38:43 Rep. Skees  
  
08:39:08 Brian Gosch, National Rifle Association (NRA)  
08:41:40 Alan Olson, Montana Petroleum Association (MPA)  
08:43:54 Garrett Bacon, self  
08:44:31 Tim Sowa, self  
08:45:48 Brenden Boudreau, National Association for Gun Rights (NAGR)

**EXHIBIT(juh03a01)**

08:47:56 Nephi Cole, National Shooting Sports Foundation (NSSF)  
08:50:54 Chair Usher  
  
08:51:58 Jesse Slaughter, Cascade County Sheriffs Office  
08:52:25 Rep. Skees  
  
08:55:56 Attorney General Austin Knudsen, Department of Justice (DOJ)  
08:58:30 Chair Usher  
  
08:59:33 Brian Thompson, Montana County Attorneys Association (MCAA)  
**EXHIBIT(juh03a02)**

**Opponents' Testimony:**

09:01:36 John MacDonald, City of Missoula  
  
09:03:50 Chair Usher  
  
09:04:35 Kevin McRae, Montana University System (MUS)  
09:09:53 Chair Usher  
  
09:10:44 Kelly Lynch, Montana League of Cities and Towns  
09:12:00 Jesse Tack, RMC  
09:12:21 Cary Hegreberg, Montana Bankers Association (MBA), Montana Independent Bankers (MIB), Montana Credit Union  
  
09:17:09 Ruthie Barbour, Forward Montana  
09:20:24 Quint Nyman, Montana Federation of Public Employees (MFPE)  
09:23:00 Dylan Yonce, self  
09:24:51 Mindi Hogan, self  
09:27:47 Curt Drake, self

**Informational Testimony:**

09:32:45 Helen Thigpen, Montana University System (MUS)

09:33:15 Chair Usher  
09:34:17 Vice Chair Kelker

**EXHIBIT(juh03a03)**

09:36:09 Chair Usher

**Questions from Committee Members and Responses:**

09:37:01 Rep. Phalen  
09:38:09 Ruthie Barbour, Forward Montana  
09:38:57 Rep. Lenz

**EXHIBIT(juh03a04)**

09:39:59 Rep. Skees  
09:41:37 Cary Hegreberg, MBA; MIB; Montana Credit Union  
09:42:40 Rep. Skees  
09:44:35 Gary Marbut, MSSA  
09:45:22 Rep. France  
09:45:43 Rep. Berglee  
09:46:54 Rep. France  
09:47:22 Chair Usher  
09:47:50 Rep. Berglee  
09:48:23 Rep. France  
09:48:36 Rep. Berglee  
09:48:58 Rep. Bishop  
09:49:59 Kevin McRae, MUS  
09:52:00 Chair Usher  
09:52:25 Rep. Gillette  
09:54:50 Rep. Berglee  
09:55:17 Rep. Stafman  
10:01:19 Rep. Berglee  
10:02:21 Rep. Hinkle  
10:04:27 Gary Marbut, MSSA  
10:05:21 Rep. Hinkle  
10:07:10 Nephi Cole, NSSE  
10:07:24 Rep. Tenenbaum  
10:08:20 Rep. Berglee  
10:10:01 Rep. Carlson  
10:13:44 Rep. Berglee  
10:14:42 Rep. Farris-Olsen  
10:16:44 Rep. Berglee  
10:17:10 Rep. Farris-Olsen  
10:17:38 Joe Carroll, Legislative Services Division (LSD)  
10:17:48 Chair Usher  
10:18:06 Rep. Skees  
10:19:04 Kevin McRae, MUS  
10:19:21 Rep. Lenz  
10:20:01 Rep. Berglee  
10:21:43 Rep. Lenz  
10:21:53 Rep. Hinkle  
10:25:41 Kevin McRae, MUS

10:26:19 Rep. Hinkle  
10:28:20 Jesse Slaughter, Cascade County Sheriffs Office  
10:32:09 Chair Usher  
10:33:40 Quint Nyman, MFPE  
10:34:20 Chair Usher  
10:35:09 Kevin McRae, MUS  
10:35:19 Chair Usher  
10:35:34 Rep. Stromswold  
10:37:39 Helen Thigpen, MUS  
10:38:11 Rep. Bishop  
10:38:49 Helen Thigpen, MUS

**Closing by Sponsor:**

10:39:57 Rep. Berglee  
  
10:44:09 Rachel Weiss, LSD  
10:44:28 Chair Usher  
  
10:45:20 Brief Recess  
10:56:40 Reconvened  
  
10:57:22 Chair Usher

**HEARING ON HB 92**

**Opening Statement by Sponsor:**

10:57:30 Rep. Kathy Kelker (D), HD 47, opened the hearing on HB 92, Establish compensation program for wrongfully convicted individuals.

**EXHIBIT(juh03a05)**

11:10:04 Chair Usher

**Proponents' Testimony:**

11:10:56 Patrick Webb, Americans for Prosperity Montana  
11:15:58 SK Rossi, Montana Innocence Project (MTIP), Montana Coalition against Domestic and Sexual Violence (MCADSV)  
11:17:04 Amy Sings In The Timber, Montana Innocence Project (MTIP)  
11:19:39 Cody Marble, self  
11:22:21 Janee Weber, Montana State Council on Judicial Accountability  
11:24:43 Chair Usher  
11:24:58 Janee Weber, Montana State Council on Judicial Accountability

**Opponents' Testimony:**

None

**Informational Testimony:**

11:27:19 Al Smith, Montana Trial Lawyers Association (MTLA)

**Questions from Committee Members and Responses:**

11:28:16 Rep. Hinkle  
11:33:44 Rep. Kelker  
11:34:02 Rep. Skees  
11:35:33 Al Smith, MTLA  
11:36:00 Rep. Skees  
11:36:54 Chair Usher  
11:37:06 Rep. Kelker

**Closing by Sponsor:**

11:37:22 Rep. Kelker  
  
11:40:39 Chair Usher  
11:42:22 Rep. Stafman  
11:43:03 Rep. Bishop  
11:43:13 Chair Usher  
11:43:50 Rep. Bishop  
11:44:26 Rep. France  
11:45:13 Rep. Carlson  
11:45:45 Chair Usher  
11:46:15 Rep. Carlson  
11:46:26 Chair Usher  
11:46:54 Rep. Skees  
11:49:01 Rachel Weiss, LSD  
11:53:11 Chair Usher  
11:53:14 Rachel Weiss, LSD  
11:53:50 Chair Usher  
11:55:24 Rep. Berglee  
11:55:53 Chair Usher

**ADJOURNMENT**

Adjournment: 11:56:37

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Lydia Balian, Secretary

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Additional Documents:

**EXHIBIT**([juh03aad.pdf](#))