

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 27, 2021 at 11:00 AM, in Room 303 Capitol

ROLL CALL

Members Present in the Committee Room:

Sen. Keith Regier, Chair (R)
Sen. Tom McGillvray, Vice Chair (R)
Sen. Bryce Bennett (D)
Sen. Bob Brown (R)
Sen. John Esp (R)
Sen. Chris Friedel (R)
Sen. Jen Gross (D)
Sen. Steve Hinebaugh (R)
Sen. Theresa Manzella (R)

Members Present by Zoom Video Conference:

Sen. Diane Sands, Vice Chair (D)
Sen. Susan Webber (D)

Members Excused: None

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Taylor Tyson, Remote Meeting Coordinator
Jacelyn Sterling, 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 361, 2/25/2021; SB 366, 2/25/2021; SB 344, 2/25/2021; SB 365, 2/25/2021; SB 370, 2/25/2021; SB 353, 2/25/2021

Executive Action: SB 365 Do Pass; SB 353 Do Pass; SB 361 Do Pass, SB 344 Be Tabled, SB 366 Be Tabled; SB 370 Do Pass - will report out of committee when the fiscal note is received.

11:00:53 Chair Regier

HEARING ON SB 361

Opening Statement by Sponsor:

11:01:21 Sen. Brian Hoven (R), SD 13, opened the hearing on SB361, Generally revise laws to establish certificate of rehabilitation.

11:01:41 Sen. Webber joined the meeting.

Proponents' Testimony:

11:02:22 Patrick Webb, Americans for Prosperity Montana (AFP)

11:03:03 Sen. Sands joined the meeting.

11:06:56 Steve Cape, Montana Coalition of Safety and Justice (MTCSJ)

11:10:57 Bridger Mahlum, Montana Chamber of Commerce

11:13:06 SK Rossi, Montana Innocence Project (MTIP)

11:14:13 Sam Forstag, American Civil Liberties Union (ACLU)

11:14:52 Keaton Sunchild, Western Native Voice

11:15:22 Beth Brennenman, Disabilities Rights Montana

11:16:02 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

11:16:53 SJ Howell, Montana Women Vote

Opponents' Testimony:

[EXHIBIT\(jus42a01\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

11:18:34 Chair Regier

11:19:26 Mr. Webb, AFP

11:19:56 Mr. Cape, MTCSJ

11:20:52 Chair Regier

11:20:58 Mr. Cape

11:21:04 Sen. Hinebauch

11:21:22 Mr. Webb

11:21:33 Sen. Sands

11:22:06 Sen. Hoven

11:22:30 Sen. Sands

11:23:46 Ms. Young, MCADSV

11:24:19 Sen. Sands

11:24:43 Chair Regier

11:24:51 Sen. Sands

11:25:04 Sen. Webber

11:25:11 Sen. Manzella

11:26:30 Mr. Cape

11:28:17 Sen. Webber

11:29:10 Mr. Cape

11:30:32 Sen. Brown
 11:31:07 Mr. Cape
 11:32:57 Sen. Brown
 11:33:31 Mr. Cape
 11:34:51 Sen. Webber
 11:35:45 Mr. Forstag, ACLU
 11:36:00 Ms. Rossi, MTIP
 11:37:04 Sen. Friedel
 11:37:48 Mr. Cape
 11:39:28 Sen. Friedel
 11:40:26 Mr. Cape
 11:41:01 Sen. Friedel
 11:41:22 Mr. Cape
 11:42:38 Sen. McGillvray
 11:42:55 Mr. Cape
 11:43:34 Sen. McGillvray
 11:43:59 Mr. Cape

Closing by Sponsor:

11:45:45 Sen. Hoven

HEARING ON SB 366

Opening Statement by Sponsor:

11:47:26 Sen. Carl Glimm (R), SD 2, opened the hearing on SB366, Revise judicial standards commission complaint process.

Proponents' Testimony:

11:51:39 Laurie Little Dog, Bozeman
 11:53:13 Clemente Arciga, Missoula

[EXHIBIT\(jus42a02\)](#)

11:54:09 Josh Butterfly, Opening Doors, Great Falls
 11:55:40 Marcos Bullchild, Great Falls

Opponents' Testimony:

11:56:10 Mike Menahan, district court judge, 1st Judicial District Court
 12:07:08 Mike Swingley, justice of the peace, Lewis and Clark County
 12:11:39 Bruce Spencer, State Bar of Montana
 12:17:14 Randal Spaulding, district court judge, 14th Judicial District Court

[EXHIBIT\(jus42a03\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

12:20:31 Sen. Manzella
 12:22:31 Mr. Spencer, State Bar
 12:22:53 Sen. Manzella
 12:23:28 Mr. Menahan, 1st Judicial District Court
 12:23:38 Sen. Manzella

12:23:43 Mr. Menahan
 12:23:57 Sen. McGillvray
 12:24:16 Sen. Glimm
 12:24:40 Sen. Brown
 12:25:43 Sen. McGillvray
 12:26:34 Sen. Glimm
 12:26:47 Sen. McGillvray
 12:26:53 Sen. Brown
 12:30:28 Mr. Menahan
 12:30:47 Chair Regier
 12:31:58 Mr. Menahan
 12:34:10 Sen. McGillvray
 12:34:41 Mr. Menahan

Closing by Sponsor:

12:35:45 Sen. Glimm

HEARING ON SB 344

Opening Statement by Sponsor:

12:36:26 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB344, Allow for adult inmates at Pine Hills Youth Correctional Facility.

Proponents' Testimony:

12:39:33 Brian Gootkin, director, Department of Corrections (COR)

Opponents' Testimony:

12:40:02 Beth Brennenman, Disability Rights Montana
 12:43:49 Sam Forstag, American Civil Liberties Union (ACLU)
 12:45:25 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
 12:46:50 Josh Butterfly, Opening Doors, Great Falls

[EXHIBIT\(jus42a04\)](#)

12:48:58 SJ Howell, Montana Women Vote

12:49:53 Clemente Arciga, Missoula

[EXHIBIT\(jus42a05\)](#)

12:52:03 Laurie Little Dog, Bozeman

[EXHIBIT\(jus42a06\)](#)

Informational Testimony:

12:52:43 Kimberly Timm, Financial Services Bureau chief, COR
 12:53:06 Steve Ray, superintendent, Pine Hills Youth Correctional Facility, COR
 12:53:24 Cynthia Wolken, deputy director, COR
 12:53:40 Colleen Ambrose, chief legal council, COR

Questions from Committee Members and Responses:

12:53:58 Sen. Hinebauch
 12:54:22 Mr. Gootkin, COR

12:54:32 Chair Regier
 12:54:56 Mr. Gootkin
 12:55:11 Ms. Ambrose, COR
 12:57:13 Sen. Sands
 12:57:28 Ms. Wolken, COR
 12:58:59 Sen. Sands
 12:59:33 Ms. Wolken
 13:00:29 Sen. Sands
 13:00:34 Sen. Manzella
 13:00:58 Mr. Gootkin
 13:01:11 Ms. Wolken
 13:02:26 Sen. Brown
 13:04:31 Mr. Ray, COR
 13:04:50 Chair Regier
 13:05:01 Mr. Ray
 13:05:33 Chair Regier

Closing by Sponsor:

13:05:43 Sen. Bogner

13:06:04 Vice Chair McGillvray assumed the duties of the chair.

HEARING ON SB 365

Opening Statement by Sponsor:

13:06:20 Sen. Keith Regier (R), SD 3, opened the hearing on SB365, Generally revise and reorganize driving under the influence laws.

Proponents' Testimony:

13:07:33 Cory Swanson, Montana County Attorneys' Association (MCAA)
 13:14:45 Derek Oestreicher, general counsel, Attorney General's Office, Department of Justice (DOJ)
 13:15:30 Brain Thompson, Montana Sheriffs and Peace Officers Association
 13:16:09 Jesse Luther, Association of Montana Troopers
 13:17:07 Shelby DeMars, Montana Police Protective Association
 13:17:58 Laurie Little Dog, Bozeman

Opponents' Testimony:

13:18:18 Sam Forstag, American Civil Liberties Union

Informational Testimony: None

Questions from Committee Members and Responses:

13:19:22 Sen. Friedel
 13:20:56 Mr. Oestreicher, DOJ
 13:21:19 Sen. Friedel
 13:21:55 Mr. Oestreicher
 13:22:16 Sen. Esp
 13:22:29 Chair Regier
 13:22:41 Sen. Manzella

13:23:01 Mr. Swanson, MCAA

Closing by Sponsor:

13:24:37 Sen. Regier

13:24:58 Sen. Regier resumed the duties of the chair.

HEARING ON SB 370

Opening Statement by Sponsor:

13:25:41 Sen. Jason Ellsworth (R), SD 43, opened the hearing on SB370, Protecting constitutional rights during an emergency.

Proponents' Testimony:

13:30:55 Cathy Carlson, Helena

Additional Testimony Received:

[EXHIBIT\(jus42a07\)](#)

Opponents' Testimony:

[EXHIBIT\(jus42a08\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

13:32:59 Sen. Esp
13:33:52 Sen. Ellsworth
13:35:43 Sen. McGillvray
13:36:34 Sen. Ellsworth
13:37:04 Sen. McGillvray
13:38:07 Sen. Ellsworth
13:39:07 Sen. Esp
13:39:27 Sen. Ellsworth
13:39:46 Sen. Esp
13:39:51 Sen. Regier
13:39:59 Sen. Ellsworth

Closing by Sponsor:

13:40:12 Sen. Ellsworth

HEARING ON SB 353

Opening Statement by Sponsor:

13:41:40 Sen. Jen Gross (D), SD 25, opened the hearing on SB353, Require probation/parole officers to inform re: restoration of rights.

Proponents' Testimony:

13:52:05 Patrick Webb, Americans for Prosperity Montana
13:52:37 Sam Forstag, American Civil Liberties Union
13:53:46 Jim Lochrie, citizen

13:59:38 Sen. Regier

13:59:51 Mr. Lochrie

Opponents' Testimony: None

Informational Testimony:

14:01:38 Brian Gootkin, director, Department of Corrections (COR)

Questions from Committee Members and Responses:

14:02:02 Sen. Friedel

14:02:57 Mr. Gootkin, COR

14:03:08 Sen. Sands

14:03:27 Mr. Gootkin

14:03:37 Chair Regier

Closing by Sponsor:

14:03:53 Sen. Gross

Committee Business:

14:05:43 Chair Regier

14:05:51 Sen. Sands

14:05:57 Recess

14:16:04 Reconvene

EXECUTIVE ACTION ON SB 361

14:16:23 **Motion:** Sen. McGillvray moved that **SB 361 DO PASS.**

Discussion:

14:16:32 Sen. Friedel

14:16:59 **Vote:** Motion carried unanimously by roll call vote.

EXECUTIVE ACTION ON SB 366

14:17:36 **Motion/Vote:** Sen. McGillvray moved that **SB 366 BE TABLED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 344

14:18:16 **Motion:** Sen. McGillvray moved that **SB 344 DO PASS.**

Discussion:

14:18:24 Sen. Sands

14:19:08 Sen. Esp

14:19:28 Sen. Webber

14:20:58 Chair Regier

14:21:25 **Vote:** Motion failed 5-6 by roll call vote with Sen. Esp, Sen. Hinebauch, Sen. McGillvray, Sen. K. Regier and Sen. Sands voting aye.

14:21:58 **Motion/Vote:** Sen. McGillvray moved that **SB 344 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 365

14:22:26 **Motion:** Sen. McGillvray moved that **SB 365 DO PASS**.

Discussion:

14:22:37 Sen. Friedel

14:22:52 Sen. Webber

14:23:16 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 370

14:23:42 **Motion:** Sen. McGillvray moved that **SB 370 DO PASS**.

Discussion:

14:23:50 Sen. Esp

14:24:15 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. (bill not reported out of committee pending receipt of the fiscal note)

EXECUTIVE ACTION ON SB 353

14:25:18 **Motion:** Sen. Gross moved that **SB 353 DO PASS**.

Discussion:

14:25:29 Sen. Webber

14:26:45 Sen. Manzella

14:27:01 Sen. McGillvray

14:27:37 Sen. Hinebauch

14:28:07 **Vote:** Motion carried 8-3 by roll call vote with Sen. Esp, Sen. Hinebauch and Sen. K. Regier voting no.

14:28:43 Chair Regier

ADJOURNMENT

Adjournment: 2:29 PM

Jacelyn Sterling, Secretary

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Additional Documents:

EXHIBIT([jus42aad.pdf](#))