

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on April 27, 2021 at 8:30 A.M., in Room 303 Capitol

ROLL CALL

Members Present in the Committee Room:

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

Members Present by Zoom Video Conference:

Sen. Susan Webber (D)

Members Excused: None

Members Absent: None

Staff Present: Joe Carroll, 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: HJ 31, 4/26/2021; HJ 34, 4/26/2021; HJ 40, 4/26/2021; HJ 43, 4/26/2021

Executive Action: HJ 43 Be Tabled; HJ 31 Be Concurred In; HJ 34 Be Concurred In; HJ 40 Be Concurred In

08:30:19 Sen. Gross entered the meeting.

08:30:25 Chair Regier

HEARING ON HJ 34

Opening Statement by Sponsor:

08:31:06 Rep. Barry Usher (R), HD 40, opened the hearing on HJ34, Study of pretrial and presentence diversion programs.

Proponents' Testimony:

08:32:39 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA);
Montana County Attorneys' Association (MCAA)
08:34:01 SK Rossi, Montana Innocence Project
08:34:13 Sam Forstag, American Civil Liberties Union
08:34:45 SJ Howell, Montana Women Vote
08:35:08 Zuri Moreno, Montana Budget and Policy Center

[EXHIBIT\(jus80a01\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:35:48 Sen. Friedel
08:36:27 Ms. Gilbertson, MSPOA; MCAA
08:38:03 Sen. Friedel
08:38:10 Ms. Gilbertson

Closing by Sponsor:

08:39:04 Rep. Usher

HEARING ON HJ 31

Opening Statement by Sponsor:

08:39:43 Rep. Frank Fleming (R), HD 51, opened the hearing on HJ31, Interim study of criminal-justice system data in Montana.

Proponents' Testimony:

08:41:44 Henry Kriegel, Americans For Prosperity Montana

[EXHIBIT\(jus80a02\)](#)

08:43:14 SK Rossi, Montana Coalition for Public Safety
08:44:40 Sam Forstag, American Civil Liberties Union
08:45:19 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association; Montana
County Attorneys' Association
08:47:07 Beth Brennehan, Disability Rights Montana
08:47:53 SJ Howell, Montana Women Vote
08:48:37 Zuri Moreno, Montana Budget and Policy Center

[EXHIBIT\(jus80a03\)](#)

08:49:10 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
08:50:31 Cynthia Wolken, deputy director, Department of Corrections

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

08:51:23 Rep. Fleming

HEARING ON HJ 40

Opening Statement by Sponsor:

08:51:59 Rep. Bill Mercer (R), HD 46, opened the hearing on HJ40, Judicial Standards Commission study and audit request.

Proponents' Testimony:

08:57:09 Bruce Spencer, State Bar of Montana; Montana Judges Association

Opponents' Testimony: None

Informational Testimony:

08:59:39 Angus Maciver, Legislative Audit Division (LAD)

Questions from Committee Members and Responses:

09:00:03 Sen. Manzella
09:00:37 Mr. Maciver, LAD
09:03:36 Sen. Sands
09:03:54 Mr. Spencer, State Bar
09:04:25 Sen. Sands
09:05:02 Mr. Spencer
09:05:13 Sen. Esp
09:05:39 Mr. Maciver

Closing by Sponsor:

09:05:53 Rep. Mercer

HEARING ON HJ 43

Opening Statement by Sponsor:

09:06:20 Rep. Bill Mercer (R), HD 46, opened the hearing on HJ43, Interim study bill to examine judicial security.

Proponents' Testimony:

09:09:45 Bruce Spencer, Montana State Bar; also speaking on behalf of Ed Bartlett, Montana Judges Association

09:12:08 Nanette Gilbertson, Montana County Attorneys' Association; Montana Sheriffs and Peace Officers Association; also speaking on behalf of Jessie Luther, Montana Clerk of District Courts

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:13:53 Sen. Hinebauch
09:14:26 Mr. Spencer, State Bar
09:15:07 Sen. Hinebauch
09:15:37 Mr. Spencer
09:16:14 Sen. Hinebauch
09:16:30 Mr. Spencer
09:16:44 Sen. Sands
09:17:35 Rep. Mercer
09:18:42 Chair Regier
09:19:07 Rep. Mercer
09:19:40 Chair Regier

Closing by Sponsor:

09:19:48 Rep. Mercer

EXECUTIVE ACTION ON HJ 34

09:21:31 **Motion/Vote:** Sen. McGillvray moved that **HJ 34 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Sands will carry the bill.

EXECUTIVE ACTION ON HJ 31

09:22:26 **Motion:** Sen. McGillvray moved that **HJ 31 BE CONCURRED IN**.

Discussion:

09:22:34 Sen. Gross

09:23:24 **Vote:** Motion carried unanimously by voice vote. Sen. Gross will carry the bill.

EXECUTIVE ACTION ON HJ 40

09:24:01 **Motion:** Sen. McGillvray moved that **HJ 40 BE CONCURRED IN**.

Discussion:

09:24:10 Sen. Sands
09:24:54 Sen. Manzella

09:25:43 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Manzella will carry the bill.

EXECUTIVE ACTION ON HJ 43

09:26:35 **Motion:** Sen. McGillvray moved that **HJ 43 BE CONCURRED IN.**

Discussion:

09:26:44 Sen. Hinebauch

09:27:05 Sen. Sands

09:27:41 Chair Regier

09:27:55 Sen. Gross

09:28:13 Sen. Esp

09:28:42 **Vote:** Motion failed 5-6 by roll call vote with Sen. Bennett, Sen. Esp, Sen. Friedel, Sen. Gross and Sen. K. Regier voting aye.

Discussion:

09:29:19 Chair Regier

09:29:46 Sen. Sands

09:29:48 Chair Regier

09:30:15 Joe Carroll, Legislative Services Division

09:30:26 Chair Regier

09:30:32 **Motion/Vote:** Sen. McGillvray moved that **HJ 43 BE TABLED.** Motion carried unanimously by voice vote.

09:30:54 Chair Regier

ADJOURNMENT

Adjournment: 9:31 AM

Jacelyn Sterling, Secretary

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Additional Documents:

EXHIBIT([jus80aad.pdf](#))