

MINUTES
MONTANA HOUSE OF REPRESENTATIVES
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (H) JUDICIARY

Call to Order: Chair Amy Regier-R, on February 23, 2023 at 7:01 AM, in 137

ROLL CALL

Members Present: Rep. Amy Regier, Chair (R)
Rep. Laurie Bishop, Vice Chair (D)
Rep. Kim Abbott (D)
Rep. Lee Deming (R)
Rep. Neil Duram (R)
Rep. Tom France (D)
Rep. Donavon Hawk (D)
Rep. Caleb Hinkle (R)
Rep. Jedediah Hinkle (R)
Rep. SJ Howell (D)
Rep. Greg Kmetz (R)
Rep. Wayne Rusk (R)
Rep. Zooey Zephyr (D)

Members Excused: Rep. Jennifer Carlson (R)
Rep. Jodee Etchart (R)
Rep. Casey Knudsen (R)
Rep. Brandon Ler (R)
Rep. Braxton Mitchell (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Laura Smith (D)

Staff Present: Jamie Van Valkenburg, Secretary
Rachel Weiss, Research Analyst

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 575 02/20/2023
HB 589 02/20/2023
HB 605 02/20/2023
HB 614 02/20/2023

HB 629 02/20/2023
HB 631 02/20/2023
HB 654 02/20/2023
HB 703 02/21/2023
HB 704 02/21/2023
HB 705 02/21/2023

Executive Action:

HB 516 TO TABLE
HB 518 DO PASS
HB 544 DO PASS
HB 552 TO TABLE
HB 565 TO TABLE
HB 570 TO TABLE
HB 639 DO PASS

HEARING ON HB 614 - Generally revise youth court laws

Opening Statement:

07:03:04 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 614, Generally revise youth court laws.

Discussion:

[EXHIBIT\(230223JUH1\)](#)

07:06:04 Rep. Lola Sheldon-Galloway joined the meeting.

Proponent Testimony:

07:07:55 Scott Twito, Yellowstone County Attorney

07:08:26 Rep. Jodee Etchart joined the meeting.

07:11:07 Vice Chair Brandon Ler joined the meeting.

07:12:27 Rep. Laura Smith joined the meeting.

07:12:33 Hallie Bishop, Yellowstone County Attorney's Office

07:14:03 Rep. Jennifer Carlson joined the meeting.

07:15:09 Rep. Jedediah Hinkle left the meeting.

07:15:19 Rep. Casey Knudsen joined the meeting.

Opponent Testimony:

07:17:21 Maggie Bornstein, American Civil Liberties Union of Montana

07:20:37 Hannah Pate, Montana Women Vote

07:21:25 Rep. Zooey Zephyr left the meeting.

07:22:41 Shawn Reagor, Montana Human Rights Network

Informational Witness Testimony:

07:23:37 Tom Billteen, Bureau Chief for Youth Court Services

Questions from Committee:

07:24:15 Rep. Tom France
07:24:55 Scott Twito
07:27:14 Rep. Laura Smith
07:31:49 Tom Billteen
07:32:01 Rep. SJ Howell
07:32:37 Rep. Zooey Zephyr joined the meeting.
07:34:43 Maggie Bornstein ACLU
07:35:48 Rep. Jennifer Carlson
07:36:49 Rep. Casey Knudsen left the meeting.
07:37:14 Scott Twito
07:39:11 Rep. Jennifer Carlson
07:39:43 Scott Twito
07:40:34 Rep. Donavon Hawk left the meeting.

Closing Statement:

07:41:31 Rep. Bill Mercer (R), HD 46, closed the hearing on HB 614.

Discussion:

07:44:38 Rep. Donavon Hawk joined the meeting.

HEARING ON HB 703 - Revise housing laws related to emotional support animals

Opening Statement:

07:46:59 Rep. Denley Loge (R), HD 14, opened the hearing on HB 703, Revise housing laws related to emotional support animals.

Proponent Testimony:

07:51:46 Johnn Sinrud, Montana Landlord Association

07:52:47 Rep. Jodee Etchart left the meeting.
07:54:05 Lola Sheldon-Galloway, Self
07:56:10 Steve Skinner, Self
07:59:02 Donna Elford, Self
08:00:31 Lisa Bennett, Self

Questions from Committee:

08:02:29 Rep. Zooey Zephyr
08:04:46 Rep. Denley Loge-R
08:05:11 Rep. Caleb Hinkle
08:05:49 Rep. Denley Loge-R
08:06:23 Rep. Jennifer Carlson
08:08:23 Vice Chair Laurie Bishop left the meeting.
08:09:14 John Sinrud MLA
08:10:24 Rep. Jennifer Carlson
08:10:30 John Sinrud MLA
08:10:58 Rep. Neil Duram
08:12:06 John Sinrud MLA

Opponent Testimony:

None

Closing Statement:

08:12:54 Rep. Denley Loge (R), HD 14, closed the hearing on HB 703.

HEARING ON HB 629 - Provide for attorney fees and costs in certain justifiable use of force cases

Opening Statement:

08:14:17 Vice Chair Brandon Ler (R), HD 35, opened the hearing on HB 629,
Provide for attorney fees and costs in certain justifiable use of force cases.

Proponent Testimony:

08:15:16 Gary Marbut, Shooting Sports Association

08:16:51 Erik Smart, Western Montana Fish and Game Association

08:18:07 Chelsea Culpon, Self

Opponent Testimony:

08:19:22 Brian Thompson, Montana County Attorney Association

Questions from Committee:

None

Closing Statement:

08:22:37 Vice Chair Brandon Ler (R), HD 35, closed the hearing on HB 629.

HEARING ON HB 605 - Revise statutory construction for agency decisions

Opening Statement:

08:23:27 Rep. Jennifer Carlson (R), HD 69, opened the hearing on HB 605, Revise
statutory construction for agency decisions.

Discussion:

08:25:37 Rep. Caleb Hinkle left the meeting.

08:25:44 Vice Chair Brandon Ler left the meeting.

Proponent Testimony:

08:26:03 Henry Kriegel, Americans For Prosperity

08:26:44 Daniel Dew, Pacific Legal Foundatioin

08:29:19 Rep. Caleb Hinkle joined the meeting.

08:30:00 Christopher Isaacs, Frontier Institute

08:30:19 Rep. Zooey Zephyr left the meeting.

Opponent Testimony:

08:32:01 Kristen Juras, Lieutenant Governor

[EXHIBIT\(230223JUH2\)](#)

08:33:40 Rep. Jedediah Hinkle joined the meeting.

Questions from Committee:

08:35:56 Rep. Greg Kmetz

08:36:11 Rep. Neil Duram left the meeting.

08:36:19 Henry Kriegel

08:36:53 Rep. Donavon Hawk left the meeting.

08:37:00 Daniel Dew

08:38:40 Rep. Greg Kmetz

08:38:53 Kristen Juras Lieutenant Governor

08:40:28 Rep. Lee Deming

08:40:52 Kristen Juras Lieutenant Governor

08:42:00 Rep. Lee Deming

08:42:13 Rep. Tom France

08:42:33 Vice Chair Laurie Bishop joined the meeting.

08:44:02 Kristen Juras Lieutenant Governor

Closing Statement:

08:44:38 Rep. Jennifer Carlson (R), HD 69, closed the hearing on HB 605.

HEARING ON HB 575 - Prohibit abortion of unborn viable children

Opening Statement:

08:49:51 Rep. Lola Sheldon-Galloway (R), HD 22, opened the hearing on HB 575, Prohibit abortion of unborn viable children.

Discussion:

08:49:53 Vice Chair Brandon Ler joined the meeting.
08:52:24 Rep. Caleb Hinkle left the meeting.
08:53:16 Rep. Casey Knudsen joined the meeting.
08:53:23 Rep. Tom France left the meeting.

Proponent Testimony:

08:55:07 Gail Asbury, Self
08:56:58 Chair Amy Regier left the meeting.
08:57:29 Bob Leach, Self
08:58:12 Bart Crabtree, Self
08:58:55 Ed Halland, Self
08:59:45 Jeff Laszloffy, Montana Family Foundation
09:02:26 Rep. Zooey Zephyr joined the meeting.
09:32:21 Ingrid Skop, Charlotte Lozier Institute

Questions from Committee:

09:02:51 Rep. Jedediah Hinkle
09:02:59 Rep. Neil Duram joined the meeting.
09:03:31 Rep. Caleb Hinkle joined the meeting.
09:03:45 Jeff Laszloffy MFF

Opponent Testimony:

09:29:13 Robyn Morrison, League of Women Voters

Informational Witness Testimony:

09:30:45 Lauren Wilson, Montana Medical Association

Questions from Committee:

09:34:26 Rep. Neil Duram

09:34:44 Ingrid Skop
09:35:06 Rep. Neil Duram
09:35:19 Ingrid Skop
09:35:46 Vice Chair Laurie Bishop
09:36:24 Timothy Mitchell. MD
09:37:06 Rep. Caleb Hinkle joined the meeting.
09:38:53 Rep. Neil Duram
09:39:27 Timothy Mitchell, MD
09:40:26 Rep. Tom France joined the meeting.
09:42:00 Rep. Neil Duram
09:42:14 Timothy Mitchell, MD
09:42:52 Rep. Lee Deming
09:43:14 Rep. Zooey Zephyr joined the meeting.
09:43:37 Robin Turner ACLU

Closing Statement:

09:44:09 Rep. Lola Sheldon-Galloway (R), HD 22, closed the hearing on HB 575.

HEARING ON HB 589 - Provide for electors of a county to petition for a grand jury

Opening Statement:

09:44:52 Rep. Lola Sheldon-Galloway (R), HD 22, opened the hearing on HB 589, Provide for electors of a county to petition for a grand jury.

Discussion:

09:45:09 Rep. Jennifer Carlson joined the meeting.

09:45:13 Chair Amy Regier left the meeting.

Proponent Testimony:

09:46:02 Rep. Jedediah Hinkle left the meeting.

09:46:14 Bart Crabtree, Montana Citizens Counsel
[EXHIBIT\(230223JUH3\)](#)

09:48:25 Rep. Jedediah Hinkle joined the meeting.

09:49:00 Lisa Bennett, Self

09:51:25 Gary Marbut, Self
[EXHIBIT\(230223JUH4\)](#)

09:51:56 Vice Chair Laurie Bishop left the meeting.

09:53:14 Barbra Callahan, Self

09:54:18 Vice Chair Laurie Bishop joined the meeting.

09:55:24 Bob Leach, Self

09:56:14 Elizabeth Peterson, Self

09:58:06 Rep. Casey Knudsen left the meeting.

09:58:33 Chelsea Culpon, Self

09:58:59 Gregory Huffard, Self

10:01:44 Ed Halland, Self

10:08:47 Randy Adams, Self

10:09:20 Rep. Jedediah Hinkle joined the meeting.

10:09:37 Rep. Caleb Hinkle joined the meeting.

10:10:10 Glen Fowler, Self

Opponent Testimony:

10:03:19 Brian Thompson, Montana County Attorney Association

10:05:58 Travis McAdam, Montana Human Rights Network

10:07:29 Rep. Jedediah Hinkle left the meeting.

10:07:35 Rep. Caleb Hinkle left the meeting.

Informational Witness Testimony:

None

Questions from Committee:

10:11:22 Rep. Neil Duram
10:11:26 Chair Amy Regier joined the meeting.
10:11:42 Brian Thompson MPPA
10:12:24 Rep. Neil Duram
10:12:36 Brian Thompson MPPA
10:13:43 Rep. SJ Howell
10:14:15 Rep. Zooey Zephyr left the meeting.
10:14:35 Rep. Lola Sheldon-Galloway-R
10:14:52 Rep. SJ Howell
10:15:30 Rep. Lola Sheldon-Galloway-R
10:16:28 Bart Crabtree
10:17:01 Rep. SJ Howell
10:17:30 Bart Crabtree
10:17:40 Rep. Laura Smith
10:18:39 Brian Thompson MPPA
10:19:32 Rep. Jennifer Carlson
10:21:45 Brian Thompson MPPA
10:22:32 Rep. Greg Kmetz
10:23:10 Rep. Donavon Hawk left the meeting.
10:24:34 Bart Crabtree
10:24:54 Rep. SJ Howell left the meeting.

10:25:53 Rep. Tom France
10:26:27 Brian Thompson MPPA
10:27:02 Rep. Tom France
10:27:27 Brian Thompson MPPA
10:28:11 Rep. Lee Deming
10:28:28 Rep. SJ Howell joined the meeting.
10:28:59 Brian Thompson MPPA
10:29:31 Rep. Jedediah Hinkle
10:31:58 Rep. Kim Abbott left the meeting.
10:32:25 Bart Crabtree

Closing Statement:

10:32:39 Rep. Lola Sheldon-Galloway (R), HD 22, closed the hearing on HB 589.

Discussion:

10:32:47 Rep. Casey Knudsen joined the meeting.

HEARING ON HB 631 - Bill for gun owners access to justice act

Opening Statement:

10:33:37 Rep. Jedediah Hinkle (R), HD 67, opened the hearing on HB 631, Bill for gun owners access to justice act.

Discussion:

10:33:53 Vice Chair Brandon Ler left the meeting.
10:33:59 Rep. Lola Sheldon-Galloway left the meeting.
10:35:15 Rep. Lee Deming left the meeting.
10:35:44 Rep. Casey Knudsen left the meeting.

Proponent Testimony:

10:36:35 Gary Marbut, Montana Shooting Sports Association

10:38:43 Eric Smart, Western Montana Fish and Game Association

Opponent Testimony:

10:39:39 Brian Thompson, Montana Chamber of Commerce

10:41:26 Rep. Jodee Etchart left the meeting.

10:41:40 Alan Olson, Montana Petroleum Association

10:41:54 Rep. Casey Knudsen joined the meeting.

10:42:08 Kerry Hegreberg, Montana Bankers Association

10:44:17 Robin Turner, Montana Coalition Against Domestic and Sexual Violence

Questions from Committee:

None

Closing Statement:

10:46:40 Rep. Jedediah Hinkle (R), HD 67, closed the hearing on HB 631.

HEARING ON HB 704 - Revise laws related to expungement of dui

Opening Statement:

10:47:15 Rep. Scot Kerns (R), HD 23, opened the hearing on HB 704, Revise laws related to expungement of dui.

Discussion:

10:47:40 Vice Chair Brandon Ler joined the meeting.

10:47:54 Rep. Jedediah Hinkle left the meeting.

10:48:19 Vice Chair Laurie Bishop left the meeting.

10:48:26 Rep. Lee Deming joined the meeting.

Proponent Testimony:

10:49:59 Maggie Bornstein, American Civil Liberties Union of Montana

10:50:23 Rep. Lola Sheldon-Galloway joined the meeting.

10:50:27 Rep. Zooey Zephyr joined the meeting.

Opponent Testimony:

10:50:41 Dan Smith, Montana Police Protective Association

10:50:59 Rep. Braxton Mitchell joined the meeting.

10:51:09 Rep. Donavon Hawk joined the meeting.

10:51:32 Jessie Luther, Association of Montana Troopers

10:52:27 Vice Chair Laurie Bishop joined the meeting.

10:53:04 Brian Thompson, Montana Sheriffs and Peace Officers Association

Informational Witness Testimony:

None

Questions from Committee:

10:55:36 Rep. Tom France

10:56:04 Brian Thompson MPPA

10:56:31 Rep. Lola Sheldon-Galloway

10:57:04 Dan Smith MPPA

10:57:57 Rep. Laura Smith

10:58:27 Brian Thompson MPPA

10:58:43 Rep. Laura Smith

10:59:02 Brian Thompson MPPA

10:59:44 Rep. Neil Duram

10:59:49 Rep. Jedediah Hinkle joined the meeting.

11:01:32 Rep. Scot Kerns-R

11:01:55 Rep. Neil Duram

11:02:14 Rep. Tom France left the meeting.

11:02:28 Rep. Scot Kerns-R
11:02:41 Rep. Laura Smith
11:04:26 Rep. Scot Kerns-R
11:05:10 Rep. Laura Smith
11:05:35 Rep. Scot Kerns-R
11:05:39 Rep. Neil Duram
11:05:57 Brian Thompson MPPA

Closing Statement:

11:06:43 Rep. Scot Kerns (R), HD 23, closed the hearing on HB 704.

HEARING ON HB 705 - Revise laws related to coroner's inquests

Opening Statement:

11:09:13 Rep. Scot Kerns (R), HD 23, opened the hearing on HB 705, Revise laws related to coroner's inquests.

Discussion:

11:10:26 Rep. Jodee Etchart joined the meeting.

Proponent Testimony:

11:13:10 Lee Johnson, Montana Division of Criminal Investigation
11:15:10 Alan Doane, Montana Department of Justice
11:15:31 Dan Smith, Montana Police Protective Association
11:16:08 Rep. Caleb Hinkle left the meeting.
11:16:20 Brian Thompson, Montana Sheriffs and Peace Officers Association
11:16:41 Ed Zink, Yellowstone County Attorney's Office

Opponent Testimony:

11:18:15 Maggie Bornstein, American Civil Liberties of Montana

Questions from Committee:

11:19:45 Rep. Neil Duram

11:20:11 Lee Johnson

Closing Statement:

11:20:55 Rep. Scot Kerns (R), HD 23, closed the hearing on HB 705.

HEARING ON HB 654 - Revise laws related to court recordings

Opening Statement:

11:21:34 Rep. Lola Sheldon-Galloway (R), HD 22, opened the hearing on HB 654, Revise laws related to court recordings.

Discussion:

11:21:58 Rep. Caleb Hinkle joined the meeting.

11:22:53 Rep. Jennifer Carlson left the meeting.

11:23:01 Rep. Jennifer Carlson joined the meeting.

Proponent Testimony:

11:23:11 Bart Crabtree, Montana Citizens Counsel on Accountability

11:24:09 Greg Huffard, Self

Opponent Testimony:

None

Questions from Committee:

11:27:22 Rep. Laura Smith

11:28:09 Rep. Neil Duram left the meeting.

11:29:09 Rep. Lola Sheldon-Galloway-R

Closing Statement:

11:29:55 Rep. Lola Sheldon-Galloway (R), HD 22, closed the hearing on HB 654.

11:31:23 **Recessed**

11:55:48 **Reconvened**

EXECUTIVE ACTION ON HB 516 - Generally revise criminal laws related to hazing

11:56:03 **Motion:** Rep. Brandon Ler moved that **HB 516 DO PASS.**

Discussion:

11:30:47 committee Discussion

11:56:10 Rachel Weiss

11:56:03 **Vote:** Motion failed 15 - 4 by roll call vote with Rep. Bishop, Rep. Hinkle, Rep. Sheldon-Galloway, Rep. Smith, voting yes.
Rep. Hinkle, Rep. Sheldon-Galloway, Rep. Smith, By Proxy

11:58:17 **Motion:** Rep. Brandon Ler moved that **HB 516 TO TABLE.**

11:58:17 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 518 - Authorize standing for legislature to bring lawsuit

11:58:31 **Motion:** Rep. Brandon Ler moved that **HB 518 DO PASS.**

Discussion:

11:58:38 Rachel Weiss

11:58:45 Vice Chair Laurie Bishop

11:58:46 Rep. Caleb Hinkle left the meeting.

11:58:53 Rep. Jedediah Hinkle left the meeting.

11:59:00 Rep. Lee Deming left the meeting.

11:59:03 Vice Chair Brandon Ler joined the meeting.

11:59:05 Rep. Braxton Mitchell joined the meeting.

11:59:07 Rep. Lola Sheldon-Galloway joined the meeting.

11:59:09 Rep. Laura Smith joined the meeting.

11:59:11 Rep. Casey Knudsen joined the meeting.

11:59:13 Rep. Jennifer Carlson joined the meeting.

11:59:15 Rep. Jodee Etchart joined the meeting.

11:59:39 Rep. Greg Kmetz left the meeting.

11:59:45 Rep. Zoey Zephyr
12:00:11 Rep. Wayne Rusk
11:58:31 **Vote:** Motion carried 13 - 6 by roll call vote with Rep. Bishop, Rep. France, Rep. Hawk, Rep. Howell, Rep. Smith, Rep. Zephyr, voting no.

EXECUTIVE ACTION ON HB 544 - Provide requirements for coverage of abortion under Medicaid and CHIP

12:01:45 **Motion:** Rep. Brandon Ler moved that **HB 544 DO PASS.**
Discussion:
12:01:50 Rachel Weiss
12:01:59 Vice Chair Laurie Bishop
12:01:45 **Vote:** Motion carried 13 - 6 by roll call vote with Rep. Bishop, Rep. France, Rep. Hawk, Rep. Howell, Rep. Smith, Rep. Zephyr, voting no.

EXECUTIVE ACTION ON HB 552 - Prohibit panic defense in criminal proceedings

12:04:01 **Motion:** Rep. Brandon Ler moved that **HB 552 DO PASS.**
Discussion:
12:04:06 Rachel Weiss
12:04:21 Rep. Zoey Zephyr
12:04:59 Rep. Neil Duram
12:05:56 Rep. SJ Howell
12:04:01 **Vote:** Motion failed 11 - 8 by roll call vote with Rep. Bishop, Rep. Etchart, Rep. France, Rep. Hawk, Rep. Howell, Rep. Knudsen, Rep. Smith, Rep. Zephyr, voting yes.
12:07:38 **Motion:** Rep. Brandon Ler moved that **HB 552 TO TABLE.**
12:07:38 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 565 - Creating the offense of dissemination of false election information

12:07:51 **Motion:** Rep. Brandon Ler moved that **HB 565 DO PASS.**
Discussion:
12:07:56 Rachel Weiss

- 12:07:51 **Vote:** Motion failed 14 - 5 by roll call vote with Rep. Bishop, Rep. Duram, Rep. France, Rep. Howell, Rep. Smith, voting yes.
- 12:09:13 **Motion:** Rep. Brandon Ler moved that **HB 565 TO TABLE.**
- 12:09:13 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 570 - Provide civil penalty for interfering with abortion access

- 12:09:26 **Motion:** Rep. Brandon Ler moved that **HB 570 DO PASS.**
- Discussion:**
- 12:09:31 Rachel Weiss
- 12:09:26 **Vote:** Motion failed 13 - 6 by roll call vote with Rep. Bishop, Rep. France, Rep. Hawk, Rep. Howell, Rep. Smith, Rep. Zephyr, voting yes.
- 12:23:59 **Motion:** Rep. Brandon Ler moved that **HB 570 TO TABLE.**
- 12:23:59 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 639 - Establish reduction of recidivism as purpose of department of corrections

- 12:11:18 **Motion:** Rep. Brandon Ler moved that **HB 639 DO PASS.**
- Discussion:**
- 12:11:23 Rachel Weiss
- 12:11:18 **Vote:** Motion carried unanimously by roll call vote.

ADJOURNMENT

Adjournment: 12:13:21

Additional Documents: [EXHIBIT\(230223JUHaad\)](#)