

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

Call to Order: Chair Brandon Ler-R, on February 24, 2023 at 7:10 AM, in 137

ROLL CALL

Members Present: Rep. Amy Regier, Chair (R)
Rep. Laurie Bishop, Vice Chair (D)
Rep. Jennifer Carlson (R)
Rep. Lee Deming (R)
Rep. Neil Duram (R)
Rep. Jodee Etchart (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. Casey Knudsen (R)
Rep. Braxton Mitchell (R)
Rep. Wayne Rusk (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Laura Smith (D)
Rep. Zooley Zephyr (D)

Members Excused: Rep. Kim Abbott (D)
Rep. Brandon Ler (R)

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 594 02/16/2023
HB 604 02/20/2023
HB 661 02/20/2023
HB 680 02/21/2023

HB 681 02/21/2023
HB 682 02/21/2023
HB 683 02/21/2023
HB 684 02/21/2023
HB 692 02/21/2023
HB 693 02/21/2023
HB 725 02/22/2023
HB 741 02/22/2023
HB 742 02/22/2023
HB 743 02/22/2023
HB 746 02/22/2023

Executive Action:

HB 575 DO PASS
HB 589 TO TABLE
HB 605 TO TABLE
HB 614 DO PASS AS AMENDED
HB 644 TO TABLE
HB 654 DO PASS
HB 659 DO PASS
HB 703 DO PASS
HB 704 DO PASS
HB 705 DO PASS
HB 727 TO TABLE
HB 731 DO PASS
HB 563 DO PASS
HB 564 TO TABLE
HB 584 DO PASS
HB 541 DO PASS AS AMENDED

07:30:39 Rep. Hinkle has arrived

07:31:02 Vice Chair Ler has arrived

HEARING ON HB 692 - Revising laws related to appointment of counsel

Opening Statement:

07:10:47 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 692, Revising laws related to appointment of counsel.

Discussion:

07:17:12 Rep. Caleb Hinkle left the meeting.

Proponent Testimony:

None

Opponent Testimony:

07:18:48 Thomas Jodoin, Montana League of Cities and Towns

Informational Witness Testimony:

07:21:15 Brent Schandelson, Office of the State Public Defender

Closing Statement:

07:38:16 Rep. Bill Mercer (R), HD 46, closed the hearing on HB 692.

07:53:00 Rep. Abbott has arrived

HEARING ON HB 693 - Clarify disclosure of public information that may be involved in litigation

Opening Statement:

07:40:53 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 693, Clarify disclosure of public information that may be involved in litigation.

Proponent Testimony:

07:43:06 Derf Johnson, Montana Environmental Information Center

Opponent Testimony:

07:45:29 Angie Colamaria, Montana Department of Environmental Quality

Closing Statement:

08:09:42 Rep. Bill Mercer (R), HD 46, closed the hearing on HB 693.

HEARING ON HB 741 - Revise the youth court act

Opening Statement:

08:12:11 Rep. Laura Smith (D), HD 79, opened the hearing on HB 741, Revise the youth court act.

Proponent Testimony:

08:14:30 Michelle Lyday

08:16:39 Maggie Bornstein, American Civil Liberties Union of Montana

08:17:15 Shawn Reagor, Montana Human Rights Network

08:18:28 Amy Sings In The Timber, Montana Innocence Project

08:21:34 Nicole Gomez, Montana Women Vote

Informational Witness Testimony:

08:22:08 Tom Billteen, Judicial Branch

08:22:21 Brett Schandelson, Office of the Public Defender

Closing Statement:

08:32:42 Rep. Laura Smith (D), HD 79, closed the hearing on HB 741.

HEARING ON HB 742 - Restrict use of restraints on youth

Opening Statement:

08:33:41 Rep. Laura Smith (D), HD 79, opened the hearing on HB 742, Restrict use of restraints on youth.

Proponent Testimony:

08:37:23 Michelle Lyday, Avitium Partners
08:39:06 Maggie Bornstein, American Civil Liberties Union of Montana
08:39:43 Shawn Reagor, Montana Human Rights Network
08:40:15 Nicole Gomez, Montana Women Vote

Opponent Testimony:

None

Closing Statement:

08:43:49 Rep. Laura Smith (D), HD 79, closed the hearing on HB 742.

HEARING ON HB 743 - Revising laws related to incest

Opening Statement:

08:44:37 Rep. Laura Smith (D), HD 79, opened the hearing on HB 743, Revising laws related to incest.

Discussion:

08:44:52 Chair Amy Regier left the meeting.

Proponent Testimony:

08:46:22 James Reavis, Self

Opponent Testimony:

None

Closing Statement:

08:48:32 Rep. Laura Smith (D), HD 79, closed the hearing on HB 743.

HEARING ON HB 604 - Sheriffs first bill

Opening Statement:

08:49:36 Rep. Jennifer Carlson (R), HD 69, opened the hearing on HB 604, Sheriffs first bill.

Discussion:

[EXHIBIT\(230224JUH1\)](#)

08:51:11 Chair Amy Regier joined the meeting.

Proponent Testimony:

08:52:30 Jesse Slaughter, Cascade County Sheriff
08:57:36 Gary Marbut, Montana Shooting Sports Association
08:59:59 Daren Gaub, Restore Liberty
09:00:35 Tim McKenrick, Self
09:00:46 Eric Smart, Western Montana Fish and Game
09:01:35 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association

Opponent Testimony:

09:04:16 Shelby DeMars, Montana Police Protective Association
09:08:14 Travis McAdam, Montana Human Rights Network
09:10:00 Mark Kraft, Sidney Police Department
09:12:21 Mary McCord, Institute for Constitutional Advocacy and Protection

Closing Statement:

09:33:51 Rep. Jennifer Carlson (R), HD 69, closed the hearing on HB 604.

HEARING ON HB 594 - Prohibit sales and use of certain autonomous robots

Opening Statement:

09:35:54 Rep. Kelly Kortum (D), HD 65, opened the hearing on HB 594, Prohibit sales and use of certain autonomous robots.

Proponent Testimony:

09:38:22 Maggie Bornstein, American Civil Liberties Union of Montana

Opponent Testimony:

09:40:30 Tim McKenrick, Montana Trappers Association

Closing Statement:

09:47:08 Rep. Kelly Kortum (D), HD 65, closed the hearing on HB 594.

HEARING ON HB 684 - Prohibit use of vaccination status in certain administrative/legal proceedings

Opening Statement:

09:48:22 Rep. Caleb Hinkle (R), HD 68, opened the hearing on HB 684, Prohibit use of vaccination status in certain administrative/legal proceedings.

Proponent Testimony:

09:49:31 Rebecca Schwartz, Self

09:51:12 Chelsea Culpon, Self

09:56:10 Jessica Kirkendall, Self

Opponent Testimony:

None

Closing Statement:

09:57:09 Rep. Caleb Hinkle (R), HD 68, closed the hearing on HB 684.

HEARING ON HB 682 - Revise laws related to collection of genetic material for newborn screenings

Opening Statement:

09:58:11 Rep. Katie Zolnikov (R), HD 45, opened the hearing on HB 682, Revise laws related to collection of genetic material for newborn screenings.

Proponent Testimony:

None

Informational Witness Testimony:

None

Closing Statement:

10:02:48 Rep. Katie Zolnikov (R), HD 45, closed the hearing on HB 682.

HEARING ON HB 681 - Revise laws related to sample collection to test for driver intoxication

Opening Statement:

10:03:24 Rep. Michael Yakawich (R), HD 51, opened the hearing on HB 681, Revise laws related to sample collection to test for driver intoxication.

Proponent Testimony:

10:05:26 Doug Samuelson, Montana Highway Patrol

10:06:30 Melissa Dunn, Self

Informational Witness Testimony:

None

Opponent Testimony:

None

Closing Statement:

10:19:45 Rep. Michael Yakawich (R), HD 51, closed the hearing on HB 681.

HEARING ON HB 725 - Create contempt of constitution law

Opening Statement:

10:20:58 Rep. Joe Read (R), HD 93, opened the hearing on HB 725, Create contempt of constitution law.

Proponent Testimony:

None

Opponent Testimony:

10:23:07 Maggie Bornstein, American Civil Liberties Union of Montana

Informational Witness Testimony:

None

Closing Statement:

10:24:15 Rep. Joe Read (R), HD 93, closed the hearing on HB 725.

HEARING ON HB 746 - Create a conviction integrity unit

Opening Statement:

10:26:19 Rep. Lola Sheldon-Galloway (R), HD 22, opened the hearing on HB 746, Create a conviction integrity unit.

Proponent Testimony:

10:27:52 Bart Crabtree, Montana Citizens Council on Judicial Accountability

Opponent Testimony:

None

Closing Statement:

10:32:47 Rep. Lola Sheldon-Galloway (R), HD 22, closed the hearing on HB 746.

HEARING ON HB 683 - Revise laws relating to homeowners' associations

Opening Statement:

10:33:28 Rep. Steve Gunderson (R), HD 1, opened the hearing on HB 683, Revise laws relating to homeowners' associations.

Proponent Testimony:

10:38:31 Stephanie Baucus, Self

10:40:22 Robin Hogan, Self

Opponent Testimony:

10:42:21 Bill Gallen, Montana Land Title Association

10:47:31 James Bowditch, Self

10:50:44 Robert Sewell, Montana Land Title Association

Closing Statement:

11:06:25 Rep. Steve Gunderson (R), HD 1, closed the hearing on HB 683.

HEARING ON HB 680 - Generally revise laws related to criminal acts

Opening Statement:

11:09:24 Rep. Kerri Seekins-Crowe (R), HD 43, opened the hearing on HB 680, Generally revise laws related to criminal acts.

Proponent Testimony:

11:10:28 Patrick Moody, Attorney General's Office

11:13:28 Rep Frazer, HD78

11:15:24 Nanette Gilbertson, Montana County Attorney Association

11:16:19 Jim Anderson, Montana Department of Corrections

Opponent Testimony:

11:17:07 Maggie Bornstein, American Civil Liberties Union of Montana

11:18:38 Nicole Gomez, Montana Women Vote

Closing Statement:

11:24:31 Rep. Kerri Seekins-Crowe (R), HD 43, closed the hearing on HB 680.

HEARING ON HB 661 - Allowing court to consider dangerousness/lethality assessment

Opening Statement:

11:26:52 Rep. Kerri Seekins-Crowe (R), HD 43, opened the hearing on HB 661, Allowing court to consider dangerousness/lethality assessment.

Proponent Testimony:

11:27:42 Ben Halverson, Domestic Violence Prosecutor

[EXHIBIT\(230224JUH2\)](#)

[EXHIBIT\(230224JUH3\)](#)

11:29:43 Erin Lambert, YWCA Billings

11:30:54 Katie Nash, Self

Opponent Testimony:

11:33:06 Robin Turner, Coalition Against Domestic and Sexual Violence

11:34:59 Maggie Bornstein, American Civil Liberties Union of Montana

Closing Statement:

11:36:46 Rep. Kerri Seekins-Crowe (R), HD 43, closed the hearing on HB 661.

11:37:46 **Recessed**

12:10:05 **Reconvened**

EXECUTIVE ACTION ON HB 575 - Prohibit abortion of unborn viable children

12:19:26 **Motion:** Rep. Brandon Ler moved that **HB 575 DO PASS.**

12:19:26 **Vote:** Motion carried 13 - 6 by roll call vote with Rep. Bishop, Rep. France, Rep. Hawk, Rep. Howell, Rep. Smith, Rep. Zephyr, voting no.

12:19:51 Rep. Deming has left

12:20:02 Rep. Kmetz has left

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

12:24:31 **Motion:** Rep. Brandon Ler moved that **HB 589 DO PASS.**

12:24:31 **Vote:** Motion failed 12 - 7 by roll call vote with Rep. Deming, Rep. Hinkle, Rep. Hinkle, Rep. Kmetz, Rep. Ler, Rep. Mitchell, Rep. Sheldon-Galloway, voting yes.

Rep. Deming, Rep. Hinkle, Rep. Kmetz, Rep. Ler, By Proxy

12:26:27 **Motion:** Rep. Brandon Ler moved that **HB 589 TO TABLE.**

12:26:27 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 605 - Revise statutory construction for agency decisions

- 12:26:40 **Motion:** Rep. Brandon Ler moved that **HB 605 DO PASS.**
- 12:26:40 **Vote:** Motion failed 11 - 8 by roll call vote with Rep. Carlson, Rep. Deming, Rep. Hinkle, Rep. Hinkle, Rep. Kmetz, Rep. Ler, Rep. Mitchell, Rep. Regier, voting yes.
Rep. Carlson, Rep. Deming, Rep. Hinkle, Rep. Kmetz, Rep. Ler, By Proxy
- 12:28:45 **Motion:** Rep. Brandon Ler moved that **HB 605 TO TABLE.**
- 12:28:45 **Vote:** Motion carried unanimously by voice vote.
- 12:26:50 Rep. Hinkle has left
- 12:26:58 Rep. Carlson has left

EXECUTIVE ACTION ON HB 614 - Generally revise youth court laws

- 12:29:00 **Motion:** Rep. Brandon Ler moved that **HB 614 DO PASS.**
- 12:29:12 **Motion:** Rep. Brandon Ler moved that **HB 614 BE AMENDED.**
- 12:29:12 **Vote:** Motion carried 13 - 6 by roll call vote with Rep. Bishop, Rep. France, Rep. Hawk, Rep. Howell, Rep. Smith, Rep. Zephyr, voting no.
- 12:33:18 **Motion:** Rep. Brandon Ler moved that **HB 614 DO PASS AS AMENDED.**
- 12:33:18 **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 644 - Provide for dismissal of certain criminal charges against health care provider

- 12:35:59 **Motion:** Rep. Brandon Ler moved that **HB 644 DO PASS.**
- 12:35:59 **Vote:** Motion failed 11 - 8 by roll call vote with Rep. Bishop, Rep. Duram, Rep. France, Rep. Hawk, Rep. Howell, Rep. Knudsen, Rep. Smith, Rep. Zephyr, voting yes.
- 12:37:52 **Motion:** Rep. Brandon Ler moved that **HB 644 TO TABLE.**
- 12:37:52 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 654 - Revise laws related to court recordings

- 12:38:06 **Motion:** Rep. Brandon Ler moved that **HB 654 DO PASS.**
- 12:38:06 **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 659 - Provide for grace period for lapsed renewals of concealed carry permits

- 12:40:08 **Motion:** Rep. Brandon Ler moved that **HB 659 DO PASS.**
- 12:40:08 **Vote:** Motion carried 18 - 1 by voice vote with Rep. Hinkle, voting no.
Rep. Hinkle, By Proxy

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

- 12:41:19 **Motion:** Rep. Brandon Ler moved that **HB 703 DO PASS.**
- 12:41:19 **Vote:** Motion carried 12 - 7 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. France, Rep. Hawk, Rep. Howell, Rep. Smith, Rep. Zephyr, voting no.
Rep. Carlson, Rep. Hawk, By Proxy

EXECUTIVE ACTION ON HB 704 - Revise laws related to expungement of dui

- 12:46:24 **Motion:** Rep. Brandon Ler moved that **HB 704 DO PASS.**
- Discussion:**
- 12:46:36 Rep. Donavon Hawk left the meeting.
- 12:46:24 **Vote:** Motion carried 10 - 9 by roll call vote with Rep. Carlson, Rep. Deming, Rep. Hinkle, Rep. Hinkle, Rep. Kmetz, Rep. Knudsen, Rep. Ler, Rep. Regier, Rep. Rusk, voting no.
Rep. Carlson, Rep. Deming, Rep. Hinkle, Rep. Kmetz, Rep. Ler, By Proxy

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

- 12:49:00 **Motion:** Rep. Brandon Ler moved that **HB 705 DO PASS.**
- 12:49:00 **Vote:** Motion carried 12 - 7 by roll call vote with Rep. Bishop, Rep. France, Rep. Hawk, Rep. Hinkle, Rep. Howell, Rep. Smith, Rep. Zephyr, voting no.
Rep. Hawk, Rep. Hinkle, By Proxy

EXECUTIVE ACTION ON HB 727 - Prohibit emotional support animal misrepresentation in housing law

- 12:51:27 **Motion:** Rep. Brandon Ler moved that **HB 727 DO PASS.**
- 12:51:27 **Vote:** Motion failed 12 - 7 by roll call vote with Rep. Deming, Rep. Hinkle, Rep. Kmetz, Rep. Ler, Rep. Mitchell, Rep. Regier, Rep. Sheldon-Galloway, voting yes.
Rep. Deming, Rep. Kmetz, Rep. Ler, By Proxy
- 12:53:14 **Motion:** Rep. Brandon Ler moved that **HB 727 TO TABLE.**

12:53:14 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 731 - Generally revise landlord tenant law

12:53:40 **Motion:** Rep. Brandon Ler moved that **HB 731 DO PASS.**

12:53:40 **Vote:** Motion carried 11 - 8 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. France, Rep. Hawk, Rep. Howell, Rep. Knudsen, Rep. Smith, Rep. Zephyr, voting no.
Rep. Carlson, Rep. Hawk, By Proxy

EXECUTIVE ACTION ON HB 563 - Prohibit unauthorized exercise of law enforcement authority

12:59:04 **Motion:** Rep. Brandon Ler moved that **HB 563 DO PASS.**

12:59:04 **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 564 - Create offense of interference with government functions

12:59:39 **Motion:** Rep. Brandon Ler moved that **HB 564 DO PASS.**

12:59:39 **Vote:** Motion failed 13 - 6 by voice vote with Rep. Bishop, Rep. France, Rep. Hawk, Rep. Howell, Rep. Smith, Rep. Zephyr, voting yes.

13:01:43 **Motion:** Rep. Brandon Ler moved that **HB 564 TO TABLE.**

13:01:43 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 584 - Revise government lawsuit laws relating to firearms and ammunition

13:02:03 **Motion:** Rep. Brandon Ler moved that **HB 584 DO PASS.**

13:02:03 **Vote:** Motion carried 12 - 7 by roll call vote with Rep. Duram, Rep. Etchart, Rep. France, Rep. Hawk, Rep. Howell, Rep. Smith, Rep. Zephyr, voting no.

EXECUTIVE ACTION ON HB 541 - Require interest on criminal restitution and fines

13:54:46 **Motion:** Rep. Brandon Ler moved that **HB 541 DO PASS.**

13:54:57 **Motion:** Rep. Brandon Ler moved that **HB 541 BE AMENDED.**

13:54:57 **Vote:** Motion carried unanimously by voice vote.

13:55:13 **Motion:** Rep. Brandon Ler moved that **HB 541 DO PASS AS AMENDED.**

13:55:13 **Vote:** Motion carried 13 - 6 by voice vote with Rep. Bishop, Rep. France,
Rep. Hawk, Rep. Howell, Rep. Smith, Rep. Zephyr, voting no.

ADJOURNMENT

Adjournment: 12:58:39

Jamie Van Valkenburg, Secretary

Additional Documents: [EXHIBIT\(230224JUHaad\)](#)