

**MINUTES**  
**MONTANA SENATE**  
**68th LEGISLATURE - REGULAR SESSION**  
**COMMITTEE ON (S) JUDICIARY**

**Call to Order:** Chair Sen. Keith Regier-R, on January 06, 2023 at 9:01 AM, in 303

**ROLL CALL**

**Members Present:** Sen. Keith Regier, Chair (R)  
Sen. Jen Gross, Vice Chair (D)  
Sen. Barry Usher, Vice Chair (R)  
Sen. Bob Brown (R)  
Sen. Daniel Emrich (R)  
Sen. Chris Friedel (R)  
Sen. Steve Hinebauch (R)  
Sen. Kathy Kelker (D)  
Sen. Theresa Manzella (R)  
Sen. Andrea Olsen (D)  
Sen. Susan Webber (D)

**Staff Present:** Julianne Burkhardt, Attorney  
Grace Gibney, 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 68 01/02/2023  
SB 79 01/02/2023  
SB 89 01/02/2023  
SB 91 01/02/2023

Executive Action:

SB 2 TO TABLE  
SB 6 DO PASS  
SB 7 DO PASS  
SB 44 TO TABLE  
SB 91 DO PASS

**HEARING ON SB 79 - Revise laws relating to peace officer status**

**Opening Statement:**

09:03:00 Sen. Ryan Lynch (D), SD 76, opened the hearing on SB 79, Revise laws relating to peace officer status.

**Proponent Testimony:**

09:04:05 Jim Anderson, Montana Department of Corrections (MT DOC)

09:05:17 Brian Gootkin, Montana Department of Corrections (MT DOC)

**Opponent Testimony:**

None

**Informational Witness Testimony:**

09:05:50 Bryan Lockerby, Montana Department of Criminal Investigation (MT DCI)

**Questions from Committee:**

09:06:44 Sen. Steve Hinebauch

09:07:38 Lee Johnson, MT DCI

09:09:04 Sen. Barry Usher

09:09:23 Lee Johnson, MT DCI

09:10:09 Sen. Barry Usher

09:10:26 Timothy Allred, Director of Public Safety Officer Standards and Training Council (POST)

**Closing Statement:**

09:11:00 Sen. Ryan Lynch (D), SD 76, closed the hearing on SB 79.

**HEARING ON SB 89 - Create pretrial diversion pilot program**

**Opening Statement:**

09:11:29 Sen. Ryan Lynch (D), SD 76, opened the hearing on SB 89, Create pretrial diversion pilot program.

**Discussion:**

[EXHIBIT\(230106JUSa1\)](#)

**Proponent Testimony:**

09:16:38 Brian Gootkin, Montana Department of Corrections (MT DOC)  
09:17:07 Henry Kriegel, Americans For Prosperity - Montana  
09:17:51 Scott Twito, Criminal Justice Oversight Council (CJOC)  
09:23:40 Brian Thompson, Montana Sheriffs and Peace Officers Association (MSPOA)  
09:24:24 Erin McGowan, Montana Community Corrections Association

**Opponent Testimony:**

09:25:59 Maggie Bornstein, American Civil Liberties Union of Montana (ACLU MT)

**Informational Witness Testimony:**

None

**Questions from Committee:**

09:28:05 Sen. Kathy Kelker  
09:28:58 Brian Thompson, MSPOA  
09:29:59 Sen. Kathy Kelker  
09:30:37 Scott Twito, CJOC  
09:32:40 Sen. Kathy Kelker  
09:32:55 Sen. Chris Friedel  
09:33:31 Scott Twito, CJOC  
09:34:58 Sen. Susan Webber  
09:35:30 Sen. Ryan Lynch-D  
09:37:10 Sen. Keith Regier  
09:37:52 Sen. Ryan Lynch-D  
09:39:05 Sen. Keith Regier  
09:39:17 Scott Twito, CJOC

09:40:23 Sen. Theresa Manzella  
09:40:50 Scott Twito, CJOC  
09:43:56 Sen. Barry Usher  
09:44:26 Sen. Ryan Lynch-D  
09:46:07 Sen. Jen Gross  
09:46:34 Sen. Ryan Lynch-D  
09:48:16 Sen. Jen Gross  
09:48:21 Scott Twito, CJOC  
09:49:36 Sen. Jen Gross  
09:49:57 Maggie Bornstein America Civil Liberties Union of Montana  
09:50:50 Sen. Daniel Emrich  
09:51:22 Sen. Ryan Lynch-D  
09:52:41 Sen. Daniel Emrich  
09:52:57 Scott Twito, CJOC  
09:56:22 Sen. Chris Friedel  
09:57:06 Scott Twito, CJOC  
09:58:14 Sen. Andrea Olsen  
09:59:26 Scott Twito, CJOC

**Closing Statement:**

10:03:47 Sen. Ryan Lynch (D), SD 76, closed the hearing on SB 89.

**HEARING ON SB 91 - Eliminate jail penalties for littering**

**Opening Statement:**

10:07:02 Sen. Daniel Emrich (R), SD 11, opened the hearing on SB 91, Eliminate jail penalties for littering.

**Proponent Testimony:**

10:08:12 Maggie Bornstein, American Civil Liberties Union of Montana (ACLU MT)

10:08:50 Brian Smith, Office of the Public Defender (OPD)

**Opponent Testimony:**

None

**Informational Witness Testimony:**

None

**Questions from Committee:**

10:10:00 Sen. Andrea Olsen

10:10:52 Sen. Daniel Emrich-R

10:11:24 Sen. Keith Regier

10:11:41 Brian Smith, OPD

10:11:58 Sen. Jen Gross

10:12:44 Brian Smith, OPD

10:13:30 Sen. Chris Friedel

10:14:11 Brian Smith, OPD

10:14:45 Sen. Keith Regier

**Closing Statement:**

10:15:01 Sen. Daniel Emrich (R), SD 11, closed the hearing on SB 91.

**HEARING ON SB 68 - Revise laws related to coroner inquests for DOC facilities**

**Opening Statement:**

10:15:57 Sen. Barry Usher (R), SD 40, opened the hearing on SB 68, Revise laws related to coroner inquests for DOC facilities.

**Proponent Testimony:**

10:16:48 Brian Thompson, Montana Sheriffs and Peace Officers Association (MSPOA)

10:18:35 Jim Anderson, Montana Department of Corrections (MT DOC)

**Opponent Testimony:**

10:19:31 Maggie Bornstein, American Civil Liberties Union of Montana

**Informational Witness Testimony:**

None

**Questions from Committee:**

10:20:31 Sen. Kathy Kelker

10:21:07 Brian Gootkin, Montana Department of Corrections (MT DOC)

10:21:57 Jim Anderson, MT DOC

10:24:20 Sen. Andrea Olsen

10:25:10 Jim Anderson, MT DOC

10:27:34 Sen. Chris Friedel

10:27:50 Jim Anderson, MT DOC

**Closing Statement:**

10:30:10 Sen. Barry Usher (R), SD 40, closed the hearing on SB 68.

10:32:55 Recessed

10:51:53 Reconvened

**EXECUTIVE ACTION ON SB 2 - Revise criminal intelligence information advisory council**

10:54:41 **Motion:** Sen. Andrea Olsen moved that **SB 2 BE AMENDED.**

**Discussion:**

10:54:53 Sen. Andrea Olsen

10:54:41 **Vote:** Motion carried unanimously by voice vote.

10:57:02 Sen. Andrea Olsen

10:58:27 **Motion:** Sen. Susan Webber moved that **SB 2 BE AMENDED.**

**Discussion:**

10:58:47 Sen. Susan Webber

10:58:27 **Vote:** Motion carried unanimously by voice vote.

11:00:01 Sen. Kathy Kelker

11:00:17 Julianne Burkhardt

11:00:47 Sen. Barry Usher

11:01:22 **Motion:** Sen. Barry Usher moved that **SB 2 DO PASS AS AMENDED.**

**Discussion:**

11:01:22 Sen. Barry Usher

11:01:22 **Vote:** Motion failed 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting yes.

11:04:38 Sen. Jen Gross

11:06:32 **Motion:** Sen. Barry Usher moved that **SB 2 TO TABLE.**

11:06:32 **Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 6 - Gen. revise laws related to conditional release of crim. commitment defendant**

11:07:27 **Motion:** Sen. Jen Gross moved that **SB 6 DO PASS.**

**Discussion:**

11:07:25 Sen. Jen Gross

11:07:27 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Emrich, Sen. Friedel, Sen. Hinebauch, Sen. Manzella, voting no.

11:09:02 Sen. Keith Regier

**EXECUTIVE ACTION ON SB 7 - Revising laws related state prisons and county detention center telecommunication**

11:12:01 **Motion:** Sen. Barry Usher moved that **SB 7 DO PASS.**

11:12:01 **Vote:** Motion carried unanimously by roll call vote.

**Discussion:**

11:12:15 Sen. Andrea Olsen

11:13:06 Julianne Burkhardt

11:13:32 Sen. Chris Friedel

**EXECUTIVE ACTION ON SB 44 - Revise laws pertaining to court administration of certain civil cases**

11:16:49 **Motion:** Sen. Barry Usher moved that **SB 44 TO TABLE.**

11:16:49 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.

**EXECUTIVE ACTION ON SB 91 - Eliminate jail penalties for littering**

11:16:06 **Motion:** Sen. Daniel Emrich moved that **SB 91 DO PASS.**

11:16:06 **Vote:** Motion carried unanimously by voice vote.

**ADJOURNMENT**

Adjournment: 11:20:33

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Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230106JUSaad\)](#)